



**Minutes of Ordinary Meeting  
Held Wednesday 28 June 2017**

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*Held in the Simeon Lord Room  
Library / Museum Building  
Redbank Street, Esk*

**Present**

Cr G D Lehmann	(Mayor)
Cr D Hall	(Deputy Mayor)
Cr H Brieschke	(Councillor)
Cr S Choat	(Councillor)
Cr C Gaedtke	(Councillor)
Cr B Whalley	(Councillor)
Mr R Bain	(Chief Executive Officer)
Mr C Payne	(Director Corporate and Community Services)
Mr A Johnson	(Works Manager)
Mr B Sully	(Director Planning and Development)
Mr G Smith	(Director Finance)
Mrs K Jones	(Director HR and Customer Service)
Mrs S Pitkin	(Minute Secretary)
Ms M Maeselee	(Communications and Marketing Manager)

**Apology**

Cr M Ogg	(Councillor)
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**Opening of Meeting**

The Mayor, Cr Graeme Lehmann, opened the meeting at 9am.

**Leave of Absence**

**Decision** Moved – Cr Whalley Seconded – Cr Brieschke

“THAT Cr Ogg be granted leave of absence from today’s Council meeting.”

Carried

**Confirmation of Minutes**

**Decision** Moved – Cr Hall Seconded – Cr Brieschke

“THAT the Minutes of the Ordinary Meeting held on 12 April 2017 as circulated to all Members of Council be confirmed”.

Carried

**Business arising out of minutes of previous meeting**

Nil

**Matters of Public Interest****Cr Gaedtke – Matters of Public Interest**

30 June Lowood Lions Change Over Dinner  
 01 July Esk Races  
 02 July Fernvale Lions Change Over Dinner  
 09 July Somerset Rail Trail Fun Run and Bicycle Event

**Cr Whalley – Matters of Public Interest**

Cr Whalley noted that the Esk Races are on this Saturday.

Cr Whalley noted the release of the video clip by Brisbane Valley Rail Trail User Group, which he thought was fantastic. Cr Whalley asked that council present a media release on behalf of all Councillors thanking the BVRT Users Group for producing a quality video which promotes the rail trail and the Somerset Region. Cr Whalley thanked all the businesses who funded the production of the video for their continued investment in the region.

**Decision** Moved – Cr Whalley Seconded – Cr Choat

“THAT a media release be presented by Council on behalf of all Councillors thanking the BVRT Users Group for producing a quality video which promotes the rail trail and the Somerset Region. Cr Whalley thanked all the businesses who funded the production of the video for their continued investment in the region.”

Carried

**Cr Brieschke – Matters of Public Interest**

A reminder that Council's holiday program now running, offering free to low cost activities for children during the school holidays. Program flyers are available at Council libraries, service centres and Councils website.

Thurs 29 June            LJ Hooker and Nash Gallery Biggest Morning Tea at Nash Gallery  
                                 10 am Tickets - \$10  
Sat 1 July                Esk Races

**Cr Hall – Matters of Public Interest**

Cr Hall noted that NAIDOC Day will take place on 2 July 2017 at Yowie Park Kilcoy.

<b>Subject:</b>	<b>Flying Fox Policy OP10 - Review</b>
<b>File Ref:</b>	<b>Environmental Management - Programs - Wildlife Conservation and Management</b>
<b>Action Officer:</b>	<b>NRMO</b>

**Background/Summary**

As part of program of continual improvement, Council regularly undertakes a review of existing policies to ensure that the content remains relevant, and reflects current best practice and circumstances. Accordingly, a revision for the Flying Fox policy OP10 is presented for Council review.

The Flying Fox policy OP10 and its application over the current period has been largely effective in addressing issues pertaining to Flying Foxes, and therefore the revision is largely presented with only minor editorial changes. However, please note the addition of the following:

1. Additional text relating to Council staff and Contractors

- In no instance are Somerset Regional Council staff permitted to come into direct physical contact with flying fox individuals (alive or deceased) **unless suitably trained and immunised.**

The addition of the emboldened text "unless suitably trained and immunised" provides for Council staff to "opt-in" and assist with Flying Fox response/s, subject to appropriate training, and a course of vaccinations to achieve required immunisation per State guidelines

2. New dot point relating to Council staff and Contractors:

- Where isolated incidences of deceased flying fox occur in public areas, Council will utilise standing (appropriately qualified) contractor arrangements to facilitate cleanup and disposal.

This insertion reflects negotiated arrangements for the disposal of incidental dead Flying Foxes (isolated instances) in the Somerset Region by suitably qualified local contractors.

**Attachments**

Attachment 1 – Draft for review - Flying Fox Policy OP10

<b>Recommendation</b>
-----------------------

THAT the revised Flying Fox Policy OP10 set out below is endorsed as presented -

*Policy Subject/Title:* Flying Fox Management  
*Policy Number:* OP010

Responsible Officer: Natural Resource Management Officer  
 Legislative or Regulatory Reference: Nature Conservation Act 1992  
 Related Policies / Procedures:  
 Application: Somerset Regional Council  
 Authorised by: Somerset Regional Council  
 Considered at: 28 June 2017  
 Authorised on:  
 Implemented from:  
 Last Reviewed: 26 August 2015  
 Review History: 22 May 2013, 26 August 2015

### 1. OBJECTIVE

To ensure ecologically sustainable management and welfare of flying fox species and; Ensure human health and amenity is maintained.

### 2. BACKGROUND

The management of flying fox species has become increasing topical in recent years as a number of factors align, including:

- Local Government/s granted “as of right” powers under the Nature Conservation Act 1992 to manage flying foxes.
- Increased research and public awareness relating to flying fox borne diseases, and potential health implications.
- Broad-scale flying fox habitat reduction due to increasing urbanisation.
- Protection status in government legislation.
- Proximity and potential conflict arising from flying fox roosts located in urban contexts.
- Publicised mass flying fox mortality events (usually from heat stress).

Whilst the primary responsibility to manage flying foxes is retained by the Queensland government (in respect of federal legislation), local government is deemed as the appropriate respondent to various flying fox issues, and has been afforded “as of right” powers under the Nature Conservation Act 1992 to address this.

This document takes account of the aforementioned issues to define how Somerset Regional Council will respond to the management of flying foxes within this region, and within the parameters of the relevant legislation and codes.

### 3. PURPOSE

To guide appropriate and proportionate management of flying fox species in the Somerset Regional Council area.

### 4. SCOPE

The sustainable management of flying fox population across the region, subject to ‘as of right’ authority.

### 5. POLICY

#### General

#### Council Delegation

- The Queensland Government has primary delegation under the *Nature Conservation*

Act 1992 to manage flying fox species in the Somerset Region, and Council will only participate in flying fox management activities in close partnership with, and by approval of, the state.

- Council's ability to assist and undertake flying fox management activities on private land will be dependent upon individual circumstances and permissions.
- Council will direct queries regarding flying fox diseases to the Queensland Health Department.
- Council's Natural Resource Management Officer (NRMO) will be the delegated point of contact for flying fox management, related issues and response, with specific specialist advice delegated to the Department of Environment and Heritage Protection as required.

#### *Flying Fox Roost Management*

- Council has no influence over the foraging activities of flying foxes, and as such actions to manage populations will not be undertaken in response to this issue.
- Flying foxes are not constrained to the use of current or known roosts. If new roost locations are utilised, these same principles will be applied in initial assessments, with ongoing management subject to expert advice, legislative policy, and council requirements.
- Where a flying fox roost location is not constraining surrounding land use/s, no actions to move or disperse resident flying foxes will be facilitated.
- Where an established flying fox roost location does not conflict with surrounding land uses, Council will investigate opportunities to improve roost characteristics to enhance long term roost sustainability, and enhance flying fox resilience to stressors.
- Where a flying fox roost is contextual to land use of potential conflict, Council will investigate opportunity to manage landscape favourability characteristics (ie vegetation) to limit roost creep/relocation, and buffer sensitive land uses.
- Where a direct conflict between a flying fox roost and a land use is evident, Council will attempt to facilitate an amicable agreement with impacted parties to address the issue (consultation will include EHP and a flying fox expert).
- Council will only consider roost dispersal activities in exceptional circumstances, and would be subject to significant public consultation and extensive prior mitigation (consultation will include EHP and a flying fox expert).
- If required, flying fox roost modification works will only be undertaken during periods where it can be assured actions will not impact flying fox dependant and fledgling young.
- Council reserves the right to apply all components of the *Ecologically sustainable management of flying-fox roosts*, and *Low impact activities affecting flying-fox roosts* Codes of Practice, *Nature Conservation Act 1992*.

#### *Public Health and Amenity*

- Council will provide educational materials to Somerset residents to improve community understanding of flying fox ecology and health considerations.
- Council will provide interpretive/temporary signage where public interaction with flying foxes is a probable (known roost locations), allowing the public to make an informed decision regarding their level of interaction.

#### *Council Staff and Contractors*

- In no instance are Somerset Regional Council staff permitted to come into direct physical contact with flying fox individuals (alive or deceased) unless suitably trained and immunised.
- Incidental Council activities adjacent to flying fox colonies are to be referred to Council's NRMO for compliance with the relevant codes of practice, state approval as required, and guidance on adaptive work practices. This also includes authorised third party use of Council managed land/s (events).

- Where isolated incidences of deceased flying fox occur in public areas, Council will utilise standing (appropriately qualified) contractor arrangements to facilitate cleanup and disposal.

#### *Volunteers, Collaboration and Support*

- Council will actively participate in regional forums relating to flying fox management.
- Council will seek to engage and support suitably qualified and immunised volunteers to ensure standby protocols and mechanisms are in place to quickly and efficiently address flying fox stress events, including flying fox rescue where possible, and the clean-up of deceased individuals.
- Council will seek to collaborate with volunteer groups that service flying fox colonies in the Somerset region, and facilitate improved communication and support activities.
- Council will provide relevant flying fox information in conjunction with volunteers and community groups to relevant coordinated regional flying fox databases, to better inform future strategy and response.

### **6. EFFECTIVE FROM**

Ordinary Council meeting held 28 June 2017.

### **7. DATE OF RESOLUTION**

This policy was approved by the Chief Executive Office and adopted by the Somerset Regional Council at the Ordinary Meeting of 28 June 2017.

<b>Decision:</b>	Moved - Cr Gaedtke	Seconded - Cr Brieschke
	"THAT the revised Flying Fox Policy OP10 set out below is endorsed as presented -	
	<i>Policy Subject/Title:</i>	<i>Flying Fox Management</i>
	<i>Policy Number:</i>	<i>OP010</i>
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	To ensure ecologically sustainable management and welfare of flying fox species and;	
	Ensure human health and amenity is maintained.	
	<b>2. BACKGROUND</b>	
	The management of flying fox species has become increasing topical in recent years as a number of factors align, including:	
	<ul style="list-style-type: none"> <li>• Local Government/s granted "as of right" powers under the Nature Conservation Act 1992 to manage flying foxes.</li> <li>• Increased research and public awareness relating to flying fox</li> </ul>	

- borne diseases, and potential health implications.
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#### **6. EFFECTIVE FROM**

Ordinary Council meeting held 28 June 2017.

#### **7. DATE OF RESOLUTION**

This policy was approved by the Chief Executive Office and adopted by the Somerset Regional Council at the Ordinary Meeting of 28 June 2017.”

Carried

<b>Subject:</b>	<b>Free Tree Day Events 2017</b>
<b>File Ref:</b>	<b>Environmental Management - Programs - Free Trees</b>
<b>Action Officer:</b>	<b>WM</b>

#### **Background/Summary**

Council resolved at a meeting held on Wednesday 12 October 2016 to again distribute free trees to residents, schools and Land for Wildlife participants utilising the same delivery model arrangement for the Free Tree Program in 2016.

Arrangements have been made to distribute free trees to residents at three consecutive weekends in October from 9am to 12pm on a Saturday in parks across the region, as has been undertaken in previous years.

It was noted at all the free tree day events held in 2016 that residents and Land for Wildlife participants were already queuing up to obtain their free trees at 8am (with only minimal patronage between 11am to 12pm).

In light of this trend, Council may want to consider changing the time for the Free Tree Day events from 8am to 11am; or alternatively from 8am to 12pm.

The proposed dates and locations for the distribution events for this year are as follows:

1. Fernvale Memorial Park, Fernvale – 7 October 2017
2. Aston Park, Kilcoy - 14 October 2017
3. Pipeliner Park, Esk – 21 October 2017

The above dates have again been selected to align with the anticipated delivery Council's Newsletter (Spring Edition) in September, which will have a voucher attached to enable residents to redeem 2 free trees at the abovementioned events.

Land for Wildlife participants and residents with property over 20 acres will also be entitled to an additional 8 trees under Council's Free Tree Program, the same number of additional plants as delivered last year at the free tree events.

Land for Wildlife members may also be able access additional free trees (over and above the 10 free trees provided under this program) available through Council's partnership with Save Our Waterways Now (SOWN) nursery; and the Arthur Gorrie Correctional Centre, where trees are propagated and grown by inmates for community use.

Council may recall that the trees supplied by SOWN and the Arthur Gorrie Correctional Centre are provided at no cost to Council.

Plants available for residents at the free tree day events will be suitable for residential gardens with a focus on flowering and bird attracting species, and will again include Council's floral emblem plants (Weeping Bottlebrush and Native Frangipani).

Plants provided to Land for Wildlife and residents with properties over 20 acres will be more suitable for larger properties including endemic native trees and shrubs appropriate for revegetation and habitat plantings, with a particular focus on koala trees.

Residents and Land for Wildlife participants at each of the free tree day events will again be invited to complete a voluntary koala survey, to complement Council's ongoing data collection of koala records and locations throughout the region.

#### Attachments

Decision of the Ordinary Meeting - Wednesday 12 October 2016.

#### Recommendation

THAT the report be received and the contents noted, and that the dates and times for the Free Tree Program 2017 be endorsed.

<b>Decision:</b>	Moved - Cr Whalley	Seconded - Cr Hall
	<p>"THAT the report be received and the contents noted, and that the dates and times for the Free Tree Program 2017 be endorsed from 8am to 11am."</p>	
	<u>Carried</u>	

<b>Subject:</b>	<b>Regulatory Services Monthly Report - May 2017</b>
<b>File No:</b>	<b>Governance - Reporting - Officers Report 2016</b>
<b>Action Officer Ref:</b>	<b>LLO</b>

#### Background/Summary

In delivering on the Themes identified in Council's current Operational Plan, it is with pleasure that I submit a synopsis of the Section's activities during the month of May 2017.

#### VIBRANT SOMERSET

*Conduct an ongoing compliance program for dogs/cats, breaches of local laws and kennels across the region:*

Focus continued on patrols in the regions townships after hours identifying wandering animals, unregistered/wrecked vehicles left on roads and road reserves. Four (4) vehicles have been towed to the Esk Landfill impoundment compound and three dogs were impounded for wandering in the Lowood Township.

Seventy-eight (78) Somerset dog owners have registered on the Puppy Breeders Data Base.

Two (2) infringement notices were issued during the May period, namely failing to attend to an overgrown notice and dogs wandering at large.

Animal Owners	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
	3094	3142	3184	3211	3244	3269	3308	3336	3370	3394	3418	
Outstanding registration renewals	627	456	432	406	353	327	173	78	53	0	0	
54 Kennel Inspections	53	0	0	0	0	0	0	0	23	31	0	

- *Encourage responsible pet ownership*

Responsible Pet Ownership Brochures are located at various organisations including vets and boarding kennels.

Brochures are included in new resident kits – mailed out when residents move in to a new premise.

Information flyer with registration renewals provided in the mail.

Media Releases on topical issues are placed in local newspapers, information signage and our website.

New Fact Sheets have been added to the Council web site in relation to the new Puppy Breeders Legislation that came into effect as of 26 May 2017.

- *Investigate and take action on animal/local law complaints*

A total of two hundred and forty eight (248) complaints and compliance tasks were received and actioned for the month of May. Of note was a large increase in barking dog complaints during this period.

### Small Animal Control Statistics

Month	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Dogs Impounded	14	14	12	7	21	17	3	13	12	12	23	
Cats Impounded	9	7	4	18	1	8	4	5	4	5	8	

#### *Dog Registration -*

Number of dogs currently recorded - 4113

#### *Large Animal Control -*

Large Stock Impounded - 0

Large Stock Auctioned - 0

#### *Customer Service Requests Actioned*

Dogs Wandering at Large -	27
Barking Dogs -	19
Dog attack on Another Animal -	7
Dog Attack on a Person -	7
After Hours Emergency call out Dogs -	4
Miscellaneous Dog Issues –	8
Miscellaneous Animal Issues -	81

Livestock Wandering at Large -	8
After Hours Emergency call Out Stock -	3
Request to Impound Animals -	31
Hire of Council Animal Traps -	18
Request to Impound Abandoned Motor Vehicle -	4
Engage in prohibited / restricted activity – Selling Vehicles	4
Overgrown Allotments -	7
Litter and Illegal Dumping of Rubbish less than 200 litres	2
Illegal Camping	1
Unlawful Materials on Footpath	0
Nuisance Complaints -	2
Visual Pollution -	1
Request to Impound Live Stock -	1
Local Law Investigations - miscellaneous -	6
Infringement Notice Issued -	2
Registration Compliance activities -	5
<b>TOTAL</b>	<b>248</b>

### *Training*

Continuation of training for the new Puppy Breeders Legislation.

### **Attachments**

Nil

### **Recommendation**

THAT the report be received and the contents noted.

<b>Decision:</b>	Moved - Cr Brieschke	Seconded - Cr Hall
	“THAT the report be received and the contents noted.”	
		<u>Carried</u>

<b>Subject:</b>	<b>Environmental Health Monthly Report - May 2017</b>
<b>File:</b>	<b>Environmental Management - Reports - Environmental Health Reports</b>
<b>Action Officer:</b>	<b>SEHO</b>

### **Background/Summary**

In delivering on the themes identified in Council's current Operational Plan, it is with pleasure that we submit a synopsis of the section's activities during the month of May 2017.

### **NATURAL SOMERSET**

*The pest management program is implemented.*

- *Continue public awareness programme to educate the community on invasive plant and animal impacts, identification and control.*
- *Implement actions listed in the Biosecurity Plan.*

### **Invasive Animal Control**

The following is a summary of pest animal control activities for the month:

#### **Wild dogs**

- **1080 Baits injected:** 731 Wild Dog baits, 0 Feral Pig baits. The next advertised

1080 baiting program day will be held on the July 10 2017.

### Rabbits

- Officers have been working with landholders to control rabbit infestations in the following areas; Hazeldean and Toogoolawah.
- Pest Management Officers are continuing to work closely with Seqwater controlling rabbits around Somerset Dam. There have been no rabbits sighted in the Kirkleagh area this month.

### Feral Pigs

- Feral pig impacts and sightings have been reported in the Moore and Jimna areas. Officers have been assisting landholders in both locations, with the provision of trapping services, through the use of trail cameras, pre-feeders and Council's large panel pig trap.

### Feral Cats

- Feral cats have been reported to be impacting on domestic homes at Mt Beppo and Esk. Officers have been assisting landholders with the provision of trapping services.

### Invasive Plant Control

The table below illustrates the times of the year inspection and treatment programs are critical for the control of specific restricted invasive plants. The table also differentiates when regular and minimal control is required.

Restricted Invasive Plant – Biosecurity Act 2015	Summer (Dec—Feb)	Autumn (Mar—May)	Winter (Jun—Aug)	Spring (Sep—Nov)
Honey Locust				
Annual Ragweed				
Fireweed				
Parramatta Grass spp				
Giant Rat's Tail Grass				
Groundsel Bush				
Mother of Millions				
African Boxthorn				
Parthenium				
Water hyacinth				
Water Lettuce				
Hymenachne				

### LEGEND:

Critical control/Intensive Inspection Period (Pre-flowing/Severe Growth period)



Regular Control/Routine Inspection Conducted (Regular plant growth)



Minimal Control/No inspection conducted (Minimal at no plant growth)



A summary of pest plant treatment activities for the month is as follows:

- **Fireweed** – Sandy Creek, Fernvale, Lowood and Fernvale.
- **Annual ragweed** – Colinton, Harlin, Toogoolawah, Kilcoy, Neurum, Biarra, Fernvale, Lowood, Moore, Harlin, Linville, Colinton and Mt Beppo.
- **Groundsel** – Toogoolawah and Colinton.
- **Giant rat's tail grass** – Mt Kilcoy, Fernvale, Wivenhoe Pocket, Coominya, Atkinson Dam Road, Colinton, Moore, Harlin and Scrub Creek.
- **Honey locust** – Toogoolawah.
- **Mother of Millions** – Neurum, Coominya, Tarampa and Glamorganvale.
- **Element 5 – Department of Transport and Main Road work was conducted on** – Brisbane Valley Highway, Gatton Esk Road and D'Aguilar Highway East and West.
- **Main Roads Guide Post Spraying-**  
The following is a summary of Vegetation control activities for the month:
- **Council managed land** - Vegetation control was carried out on the Brisbane Valley Rail Trail at Fernvale and on all bridges across the Region.
- **Herbicide applied: 6 895L**

#### **Compliance under the *Biosecurity Act 2015***

- Information letters issued: 13

#### **VIBRANT SOMERSET**

##### ***Swimming pool water quality meets health standards***

Swimming pool water sampling was not conducted during the month as pools in the region are not currently open. Sampling will recommence in conjunction with the swimming season which is expected to commence in the middle of September.

##### ***Immunisation clinics are conducted in line with the service provider agreement with Queensland Health***

Council delivers a school based vaccination program at the Lowood and Toogoolawah High Schools under a service provider agreement with the State of Queensland. The second of three clinics was delivered on 3 May 2017 for year 7 students. Planning has commenced for the third round of clinics to be conducted in September which will include programmed vaccinations for year 7 students and the introduction of the Year 10 Meningococcal ACWY Vaccination Program.

##### ***The annual inspection and licensing program is implemented.***

- *Ensure that food businesses prepare and sell food that is safe and suitable.*
- *Inspections are conducted of premises required to hold licences.*
- *Ensure that businesses are compliant with licensing requirements.*

In delivering the annual inspection program, a total of **seven** food business inspections and three poultry farm inspection were conducted during the month.

A summary of licences and approvals issued during the month includes:

- **Two** public place activity approvals.
- **Three** food business licences.
- **Six** temporary food business licences and
- **One** food business design approval.
- **One** personal appearance service (tattoo parlour) licence.

***Food businesses, community groups and the general public are better informed about food safety***

Council subscribes to the I'm ALERT food safety training package which offers food businesses, community groups, schools and the general public access to free online interactive food safety training. Just go to [www.somerset.imalert.com.au](http://www.somerset.imalert.com.au)

Since subscribing in June 2012, **989** users have utilised the site including **20** for the month of April.

***Community is better informed about mosquito management. Mosquito management program is implemented***

Council continues to provide information regarding mosquito management methods to the community through officer advice, Council's website and the Local Government Toolbox.

Council is currently planning a mosquito survey program in conjunction with Queensland Health in various towns and villages in the region from November 2017 to March 2018.

The main aim of the annual surveillance program is to establish the level of confidence in –

- the assumption that mosquitoes *Aedes aegypti* or *Aedes albopictus* are **not** present in the Somerset Region, and
- the likelihood of early detection – to facilitate eradication.

In addition to the Queensland Dengue Management Plan 2015 – 2020; Queensland Health is currently working with local governments in SEQ to establish an emergency response framework that will be triggered on confirmation of positive *Aedes aegypti* or *Aedes albopictus* identification in SEQ.

**Compliance and other activities**

Staff received and investigated a total of **37** customer service requests during the month relating to issues such as food safety, smoke and noise nuisance, illegal dumping, and invasive plants and animal investigations. During the month the following compliance actions were taken:

- **Four** advisory letters and **one** direction notice issued under the *Environmental Protection Act 1994* in relation to nuisance.

Officers also undertook water sampling of **two** private water supplies to check compliance with the *Australian Drinking Water Guidelines 2011*.

<b>Attachment</b>
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Nil

<b>Recommendation</b>
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THAT the report be received and the contents noted.



**Decision:** Moved - Cr Hall Seconded - Cr Gaedtke

“THAT the report be received and the contents noted.”

Carried

<b>Subject:</b>	<b>Illegal Residential Use of Unapproved Structure - 35 David Street Linville - 01000-10000-000 - Lot 43 RP15015</b>
<b>File Ref:</b>	<b>Governance - Reporting - Officer Reports</b>
<b>Action Officer Ref:</b>	<b>DPAD BS</b>

**Decision:** Moved - Cr Whalley Seconded - Cr Hall

“THAT if no submission is received or one without merit is received from Law Rights in respect of Client A by the end of June 2017 Council endorse its officers initiating Enforcement Action against Client A.”

Carried

<b>Subject:</b>	<b>Alignment amendment to the Somerset Region Planning Scheme</b>
<b>File Ref:</b>	<b>Somerset Region Planning Scheme Amendments</b>
<b>Action Officer:</b>	<b>DPAD</b>

#### **Background/Summary**

As Councillors are aware the new *Planning Act 2016 (Planning Act)* will commence on 3 July 2017 and will establish a new planning system for the state and replace the *Sustainable Planning Act 2009*.

The *Planning Act* includes new concepts and terminology to support changes in the Act when compared with SPA (eg to the names of categories of assessment). While the *Planning Act* provides for the legal transition of instruments and terminology, the legislation has developed an alignment amendment and associated alignment amendment rules (the rules), which can be utilised by local governments to amend their planning schemes to ensure a seamless transition to and interpretation of the new terminology.

At its Ordinary Meeting on 22 March 2017 Council undertook the first step in the process by deciding to make an alignment amendment namely:

*“THAT as per section 2.1 of the Alignment amendment rules - Minister’s rules under section 293 of the Planning Act 2016, Council decide to make an alignment amendment under these rules to the Somerset Region Planning Scheme.”*

The second step in the process and the purpose of this report is to advise that the Alignment Amendment has actually been made and is now ready for adoption. Once the alignment amendment is made and adopted the local government must publish a notice in the government gazette, a local newspaper and on its website. Given the minor nature of the changes permitted under an alignment amendment, public notification is not required.

While the *Planning Act* has been enacted it is not due to commence until 3 July 2017. Accordingly local governments need to undertake the alignment amendment in preparation for commencement on day one of the *Planning Act*, with the alignment amendment taking affect when the Act commences (3 July 2017).

### Attachments

Attachment 1 - Somerset Alignment Amendment-Somerset Region Planning Scheme - to be tabled at the meeting  
Attachment 2 - Public Notice

### Recommendation

THAT Council adopt the Alignment Amendment to Council's Planning Scheme for the Somerset Region.

THAT the Alignment Amendment will commence upon the commencement of the Planning Act 2016.

THAT Council publish a notice in the government gazette, a local newspaper and on its website.

THAT Council give the Chief Executive of the Department of Local Government, Infrastructure and Planning a copy of the public notice and a copy of the alignment amendment.

<b>Decision:</b>	Moved - Cr Gaedtke	Seconded - Cr Brieschke
	<p>"THAT Council adopt the Alignment Amendment to Council's Planning Scheme for the Somerset Region.</p> <p>THAT the Alignment Amendment will commence upon the commencement of the Planning Act 2016.</p> <p>THAT Council publish a notice in the government gazette, a local newspaper and on its website.</p> <p>THAT Council give the Chief Executive of the Department of Local Government, Infrastructure and Planning a copy of the public notice and a copy of the alignment amendment."</p>	
	<u>Carried</u>	

<b>Subject:</b>	<b>Schedule of Fees and Charges 1 July 2017 to 30 June 2018 – minor amendments to reflect new Planning Legislation</b>
<b>File Ref:</b>	<b>Financial Management - Fees and Charges - Setting of Cost Recovery Fees</b>
<b>Action Officer:</b>	<b>Senior Planner</b>

### Background/Summary

As Council would be aware, on 3 July 2017 the *Sustainable Planning Act 2009* (SPA) will be replaced with new Planning Legislation. This means that a new development assessment system, established under the *Planning Act*, will replace IDAS for development assessment in Queensland.

In terms of the effect on Council's adopted Schedule of Fees and Charges effective 1 July 2017 to 30 June 2018, a comparison between the SPA and the new Planning Legislation terminology has been undertaken and the recommended changes are detailed below in Column 2.

<b>Schedule of Fees and Charges 1 July 2017 to 30 June 2018</b>	
<b>Development Application – Fee Schedule</b>	
<i>Column 1 - SPA Legislation</i>	<i>Column 2 - Planning Legislation Actions required</i>
<p>3. Refund of Fees – withdrawn applications.</p> <p>If an application is withdrawn, a refund of application fees is applicable as follows:</p> <p>(a) Application stage – 75%</p> <p>(b) Information and Referral stage – 50%</p> <p>(c) Notification Stage – 25%</p> <p>(d) Decision Stage - Nil</p>	<p><del>delete</del> existing terminology</p> <p>3. Refund of Fees – withdrawn applications.</p> <p>If an application is withdrawn, a refund of application fees is applicable as follows:</p> <p><b>Insert:</b> Development Assessment Rules</p> <p>(a) Part 1: Application – Confirmation Notice – 75%</p> <p>(b) Part 2: Referral – 50%</p> <p>(c) Part 3: Information request – 50%</p> <p>(d) Part 4: Public notification – 25%</p> <p>(e) Part 5: Decision – Nil</p> <p><i>Note:</i> If an application lapses during the development assessment process no refund of fees is applicable.</p>
<p>4. Request for Application to be considered under a superseded Planning Scheme.</p>	<p><b>Citation</b> <i>Sustainable Planning Act 2009/Planning Act 2016 (former Esk Shire and Kilcoy Shire Planning Schemes).</i></p> <p><b>Delete</b> Sustainable Planning Act 2009/ <b>Delete</b> (former Esk Shire and Kilcoy Shire Planning Schemes)</p>
<p><b>Major Project</b> Resubmission of an Expired Approval:</p> <p>Where the relevant period .....</p>	<p><b>Major Project</b> Resubmission of an Expired Approval:</p> <p><b>Delete</b> the words 'relevant period' and <b>insert</b> 'currency period'....</p>
<p>Applications involving implied Material Change of Use of Premises:</p> <p>Any application for development which pursuant to Section 265 of the Sustainable Planning Act 2009 implies that the application is to be taken as an application for material change of use of premises must pay, in addition to the fee for this application, the fee for the material change of use of premises.</p>	<p><b>Delete</b> terminology – This provision has not been carried forward in either the DA Rules or the <i>Planning Act</i>.</p>

<b>B. Material Change of Use (MCU) Application fees – Somerset Region Planning Scheme for new applications made after new Planning Scheme adopted</b>	
Preliminary Approval Overriding a Local Planning Instrument (Section 242 of SPA) – All MCU types below as applicable).  125% of applicable fee	<b>Delete</b> terminology  <b>‘Insert’</b> – Variation Approval  Preliminary Approval including a Variation Request (Section 50 of Planning Act) – All MCU types below as applicable. 125% of applicable fee.  <b>Citation</b> <b>Delete</b> Sustainable Planning Act 2009
Preliminary Approval (Section 241 of SPA) – All MCU types below as applicable. 100% of applicable fee	<b>Delete</b> terminology  <b>‘Insert’</b> – Preliminary Approval (Section 49 of Planning Act) – All MCU types below as applicable.  100% of applicable fee.  <b>Citation</b> <b>Delete</b> <i>Sustainable Planning Act 2009</i>
Development Permit following Preliminary Approval – All MCU types below as applicable.  80% of applicable fee	<b>Citation</b> <b>Delete</b> <i>Sustainable Planning Act 2009</i>
<b>C. Reconfiguring a Lot</b>	
Compliance Assessment	<b>Delete</b> terminology – Compliance Assessment  <b>‘Insert’</b> – Development Permit Approving Plans of Subdivision – Schedule 18 Planning Regulation 2017
Compliance Assessment of Subdivision Plans – request for compliance certificate – plan endorsement/operational work – Base fee	<b>Delete</b> terminology  <b>Insert:</b> Approving Plans of Subdivision – Development Permit – Plan endorsement/operational work – Base fee
Compliance Assessment of Subdivision Plans – request for compliance certificate – plan endorsement/operational work – Plus per lot	<b>Delete</b> terminology  <b>Insert:</b> Approving Plans of Subdivision – Development Permit – Plan endorsement/operational work – Plus per lot
Compliance Assessment – request for compliance permit – work associated with material change of use (MCU) approval	<b>Delete</b> terminology  <b>Insert:</b> Development Permit – work associated with material change of use (MCU) approval
Acceleration of Compliance Assessment –	<b>Delete</b> terminology

1 into 2 lots – residential and industrial zones	This provision has not been carried forward in either the DA Rules or the <i>Planning Act</i> .
<b>Planning Miscellaneous</b>	<b>Planning Miscellaneous</b>
Issuing of a 'Not Properly Made Notice' in regard to a development application where the development application relates to a development which has not been carried out.  Fee: \$205	<b>'Insert'</b> new heading: Processing Fee  <b>'Insert'</b> new wording  If the applicant does not comply with an 'Action Notice' in accordance with section 3.2, and the assessment manager has not accepted the application under section 3.5 of the DA Rules, the application is taken to have not been made. (Development Assessment Rules Section 3.7)  Processing Fee: \$205.00
Issuing of a 'Not Properly Made Notice' in regard to a development application where the development application relates to a development which has been carried out notwithstanding that no development approval has been given.  Fee: 100% of the development application fees received.	<b>'Insert'</b> heading Processing Fee  <b>'Insert'</b> new wording  Issuing of an 'Action Notice' in accordance with section 3.2, and the assessment manager has not accepted the application under section 3.5 of the DA Rules in regard to a development application where the development application relates to a development which has been carried out notwithstanding that no development approval has been given.  Processing Fee: 100% of the development application fees received.
Request for 'Negotiated Decision Notice'	<b>'Delete'</b> wording - Request for 'Negotiated Decision Notice'.  <b>'Insert'</b> new wording – Making Change Representations' (Section 75 Planning Act)  Processing Fee: 25% of the initial application fee paid.
Request to Change or Cancel Conditions - price on application depending on conditions subject to minimum charges - per condition plus \$104 per condition, plus 20% of the initial application fee paid.	<b>'Delete'</b> wording - Request to Change or Cancel Conditions - price on application depending on conditions subject to minimum charges - per condition plus  <b>'Insert'</b> new wording - Making Change Application after Appeal Period' to change a development approval - Minor Change (Section 78 - 81 of Planning Act).  Processing Fee: 20% of the initial application fee paid; plus \$104 per condition.

Request to Change a Development Approval (other than a condition).  Fee: 25% of the initial application fee paid	<b>'Delete</b> Wording and Fee' - Request to Change a Development Approval (other than a condition).  Fee: 25% of the initial application fee paid.  <b>'Insert</b> new wording and processing fee': Making Application for Other Changes to a development approval, other than for a minor change (Section 82 of Planning Act).  Processing Fee: 100% of initial application fees.
Request to change an application – if change restarts the IDAS process Fee: 25% of the initial application fee paid	<b>'Delete</b> Wording and Fee'.  Addressed previously under Section 82 of Planning Act (refer above).
Extension of a Period of Approval	<b>'Delete</b> Wording' - Extension of a Period of Approval  <b>'Insert</b> new wording'  Making an Extension Application (Part 86 of Planning Act).
Planning and Development Certificates – Limited	<b>'Insert'</b> Schedule 23 Planning Regulation 2017
Planning and Development Certificates – Standard	<b>'Insert'</b> Schedule 23 Planning Regulation 2017
Planning and Development Certificates - Full	<b>'Insert'</b> Schedule 23 Planning Regulation 2017
Request for Application to be considered under a superseded Planning Scheme	<b>'Delete</b> Wording' as this wording is reflected twice in the Fees and Charges Schedule.

### Attachments

Nil

### Recommendation

THAT Council's Register of Cost-Recovery Fees/Schedule of Fees and Charges 1 July 2017 to 30 June 2018 be amended to reflect the actions outlined in Column 2 of this report.

### Decision:

Moved - Cr Whalley

Seconded - Cr Choat

"THAT Council's Register of Cost-Recovery Fees/Schedule of Fees and Charges 1 July 2017 to 30 June 2018 be amended to reflect the actions outlined in Column 2 of this report."

Carried

<b>Subject:</b>	<b>Harvest Angels Inc - Carrying out assessable development without an effective permit</b>
<b>File Ref:</b>	<b>Laws and enforcement - infringements - Breaches under Sustainable Planning Act 2009</b>
<b>Action Officer:</b>	<b>PO-MO</b>

### Background/Summary

As Councillors may be aware, a non-for-profit group, the Harvest Angels Inc., who provide discounted food hampers, have been operating out of a warehouse at 18 Kleinhans Court, Lowood. Council has been monitoring their operation, following both the environmental health and town planning requirements. Council officers met with a member/volunteer of the Harvest Angels Inc. on 30 May 2017 at the Esk Administration Centre.

During the meeting, the volunteer outlined the process in which the hampers are distributed, summarised as follows:

1. Customers enter through the front doors into a waiting area. In this waiting area, the customers purchase their hamper from a front counter, and are given an order 'ticket'. The customer is advised to wait to be called.
2. The customer waits for their number to be called, either in this waiting area or outside the front of the building.
3. When the customer's ticket is called, they drive their vehicle to the side door to collect their hamper.
4. The hamper comes in three parts: Cold Foods, Dry Foods, and Fruits and Vegetables.
5. A volunteer loads the hamper into the car, and then the customer leaves the property.

The volunteer explained that currently the repacking of foods is being completed at the Lowood State High School, and that the group are providing approximately 100 hampers per week.

The volunteer also explained that Thrift Shop and Giveaway Sales are occurring whilst the customers are waiting in the front of the shop, as food and products are on display in this area.

Council officers advised the volunteer that the sale of hampers and products from the Thrift Shop constituted a "shop", quoting the definition from the planning scheme could not be supported in the Industrial zone. He was advised that the shop is better suited to premises in the Centre zone and to stop the sale of goods immediately until such time as they relocate to an alternate site with land use approval for the use.

The meeting concluded with a mutual understanding between the volunteer and Council officers that the Harvest Angels Inc. must discontinue immediately the sale of hampers and products from the Thrift Shop. Further any continuation would be considered undertaking assessable development without an effective permit.

It is proposed that the situation will be monitored and if the sale of goods continues in any form, the activity will be considered as undertaking assessable development without an effective permit and enforcement actions implemented.

**Attachments**

Nil

**Recommendation**

THAT Council note the action taken by its officers in investigating the activities of Harvest Angels Inc.

<b>Decision:</b>	Moved - Cr Brieschke	Seconded - Cr Choat
	"THAT Council Officers continue to work with Harvest Angels Inc to ensure compliance."	
		<u>Carried</u>

<b>Subject:</b>	<b>Development Application No 16793 - Application for a Development Permit for a Reconfiguration of a Lot by subdivision 1 into 2 lots</b>
<b>File No:</b>	<b>DA16793</b>
<b>Assessment No:</b>	<b>03105-30000-000</b>
<b>Action Officer:</b>	<b>PO - MO</b>

**Subject Land**

Location	78 Zabels Road North, Minden
Real Property Description	997 RP912601
Area	4.9650 Hectares
Current land use	Dwelling house and outbuildings
Easements and Encumbrances	Nil

**Somerset Region Planning Scheme 2016**

Zone	Rural residential zone
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**SEQ Regional Plan 2009-2031**

Category	Rural Living Area
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**Application**

Level of Assessment	CODE
Applicant/s	Perry and Joyce Evans c/- Baird and Hayes
Applicants contact details	PO Box 867 Ipswich QLD 4305
Land Owner/s	Perry and Joyce Evans
Date application received	10 May 2017
Date properly made	10 May 2017

**Referral Agencies**

Concurrence Agencies	Nil
Advice Agencies	Nil
Third Party Advice Agencies	Nil

**Attachments**

1. Proposed reconfiguration of a lot (1 into 2), reference number 12570-P07-01a, drawn by Baird and Hayes, for P & J Evans, dated 4 May 2017, as amended in RED by Council.



**RECOMMENDED DECISION**

Approve the Development Application subject to the requirements and conditions contained in the Schedules and Attachments.

**1.0 APPLICATION**

Pursuant to Chapter 6 Section 260(1) and (3) of the *Sustainable Planning Act 2009 (SPA)*, the applicant has made a properly made development application and is seeking approval for a Development Permit for a Reconfiguration of a Lot by subdivision 1 into 2 lots.

The application is made under the Somerset Region Planning Scheme.

The site is located within the Rural residential zone, and the assessment criteria involves the Reconfiguring a lot code; Services, works and infrastructure code; Transport, access and parking code; Catchment management overlay code; South East Queensland Regional Plan 2009-2031 and Regulatory Provisions, and the State Planning Policy.

An application is required because reconfiguring a lot within the Rural residential zone when complying with the minimum lot sizes and frontages is Code Assessable development.

The application will be assessed against the relevant matters set out in section 313 of *Sustainable Planning Act 2009*.

**2.0 PROPOSAL**

The proposal involves the subdivision of land located at 78 Zabels Road, Minden into two lots, so that the existing dwelling and associated infrastructure are located within the proposed Lot 101, and an additional vacant lot created (proposed Lot 100) for future development opportunity.

Proposed Lot 100 will have an area of 7094m<sup>2</sup>, with the balance of the lot, being approximately 4.255 hectares, forming proposed Lot 101. The proposed subdivision will be made in accordance with the Plan of Development provided at *Attachment 1*.

Proposed Lot 100 will be encumbered by two new easements benefiting Lot 101. These easements are for the purpose of providing services (namely electricity) and follow the existing powerlines on the properties. These easements are identified on *Attachment 1*.

Proposed Lot 101 will be encumbered by two new easements to form part of the wider stormwater drainage network. These new easements have been conditioned as part of the schedules of approval.

The proposed subdivision plan also identifies a suitable building envelope above Council's identified flooding areas that demonstrates a dwelling house could be accommodated on the proposed Lot 100.

**3.0 SITE DETAILS**

Lot 997 is currently used as a farm and is improved by a Dwelling house and multiple outbuildings. The site is subjected to overland flow paths, and as shown on Attachment 1, the site is within Council's modelled 1% AEP Flood Lines and the Highest Known Flood Event mapping areas. The existing dwelling house and most existing outbuildings are outside these identified areas.

**4.0 SURROUNDING LAND USES**

The subject site is surrounded by rural residential allotments forming part of the Minden Village estate. The Minden Village Park is located immediately to the east of proposed Lot 100.

## 5.0 ASSESSMENT STATE LEGISLATION

This application is made under the provisions of the *Sustainable Planning Act 2009*. As such it is subject to the requirements of the Regulatory Provisions of the South East Queensland Regional Plan 2009-2031 (SEQRP), relevant Acts and State Planning Policies. The site is located within the Rural Living Area under the SEQRP. The proposed reconfiguration does not require assessment against the SEQRP Regulatory Provisions and the application did not require referral to the Department of Infrastructure, Local Government and Planning (DILGP) regarding the Regional Plan.

### 5.1 VEGETATION MANAGEMENT ACT 1999

There is no vegetation of significance as per the Department of Environment and Resource Management mapping.

### 5.2 ENVIRONMENTAL PROTECTION ACT 1994

The site is not listed on the Contaminated Land Register or the Environmental Management Register.

### 5.3 STATE PLANNING POLICY

In accordance with section 2.1 of the Somerset Region Planning Scheme, the Minister has identified that the State Planning Policy is adequately reflected in the Planning Scheme, and as such, the SPP's 'Interim Development Assessment Requirements.

## 6.0 ASSESSMENT LOCAL GOVERNMENT LEGISLATION

The Somerset Region Planning Scheme identifies relevant codes and overlays against which the development is to be assessed with proposed solutions measured against the performance outcomes proposed by the Code. In instances where alternative solutions are provided in lieu of the acceptable outcomes they are discussed below.

Applicable Code	Performance Outcome Compliance	Is Alternative Solution Provided?
Reconfiguring a lot	Yes	Yes
Services, infrastructure and works code	Yes	Yes
Transport, access and parking code	Yes	Not required
Applicable Overlay Code	Performance Outcome Compliance	Is Alternative Solution Provided?
Catchment management overlay code	Yes	Not required

The development as proposed complies with the provisions of the relevant codes identified in the Somerset Region Planning Scheme with the exception of the following.

#### Reconfiguring a lot code

Lot size and subdivision design	
<b>PO2</b> Lot frontage width and access driveways for irregularly shaped allotments provide a safe vehicle entry and exit.	<b>AO2.1</b> Irregularly shaped allotments have: <ul style="list-style-type: none"> <li>(a) an average width not less than the minimum frontage for a rectangular allotment; and</li> <li>(b) the minimum frontage of the allotment is not less than one half the minimum frontage for a</li> </ul>

<p><b>P03</b> Reconfiguration retains and protects significant features, including, but not limited to:</p> <ul style="list-style-type: none"> <li>(a) significant vegetation and habitat links/corridors;</li> <li>(b) wetlands, waterbodies and watercourses;</li> <li>(c) cultural features; and</li> <li>(d) natural contours of the land</li> </ul>	<p>rectangular allotment.</p> <p><b>AO3.1</b> No acceptable outcome provided.</p>
<b>Applicant's Alternative Solution</b>	
<p>"The proposed reconfiguration follows the natural progression of development on Zabels Road North and maintains the rural residential character of the area.</p> <p>Both lots are provided with regular shaped frontages, ensuring that safe vehicle access can be provided. The irregular shaped boundary between the proposed lots is due to adopting the existing gully as the boundary. This should not impede the future rural residential development pattern of the subject site.</p> <p>Adopting the existing gully as the shared boundary also ensures that this natural feature can be retained."</p>	
<b>Planning Comment</b>	
<p>The proposed lots are considered irregular in shape as the proposed boundary between the lots follows the natural watercourse. Despite this, both proposed allotments have sufficient width at the road frontage to provide safe entry and exit.</p> <p>Therefore it is considered that the proposed subdivision layout complies with PO2 and PO3.</p>	

### Reconfiguring a lot code

<b>Lot layout</b>	
<p><b>P05</b> Reconfiguring a lot integrates with existing and planned development on adjoining land and the broader locality, having regard to:</p> <ul style="list-style-type: none"> <li>(a) road connections;</li> <li>(b) infrastructure;</li> <li>(c) pedestrian paths and bikeways; and</li> <li>(d) open space networks.</li> </ul>	<p><b>AO5.1</b> No acceptable outcome provided.</p>
<b>Applicant's Alternative Solution</b>	
<p>"The proposed layout and larger lots allows for streetscape and layout variations in an otherwise regular development pattern. It provides an interim development pattern, which works with the site constraints and will not affect the future development pattern of the site."</p>	
<b>Planning Comment</b>	
The proposed subdivision plan appropriately integrates into the neighbouring subdivision	

pattern, and protects the land's future ability to be subdivided further into rural residential allotments.

There are no identified potential road, path/bikeways, open space connections available for the subdivision to connect to, however the proposed subdivision does incorporate appropriate stormwater drainage connections that contribute to the overall network of the locality.

It is therefore considered that the proposed subdivision plan complies with PO5.

### Services, works and infrastructure code

#### Protection of Infrastructure

##### PO9

Development near utility services does not:

- (a) adversely affect the function of the service;
- (b) protects the infrastructure from physical damage; and
- (c) allows ongoing necessary access for maintenance purposes.

##### AO9.1

No acceptable outcome provided.

#### Applicant's Alternative Solution

"The proposed reconfiguration of a lot will not affect the function of utility services."

#### Planning Comment

The proposed subdivision incorporates appropriate easements to ensure that electricity connections and stormwater drainage paths are protected. Other infrastructure connections are noted on the subdivision plan, and can appropriately be avoided when future development on proposed Lot 100 commences.

As such, it the proposed development satisfactorily meets PO9.

### Services, works and infrastructure code

#### Stormwater Quantity

##### PO10

Drainage and stormwater management systems:

- (a) are designed and constructed to ensure all lots are free draining;
- (b) do not adversely impact on the flooding or drainage performance of downstream properties;
- (c) direct stormwater to a point of lawful discharge;
- (d) protect the design flood immunity levels of infrastructure and other *development*;
- (e) provide security of tenure for rights to convey and/or discharge stormwater through easements; and

##### AO10.1

No acceptable outcome provided.

(f) protects the downstream built or natural environment.	
<b>Applicant's Alternative Solution</b>	
<p>"The proposed subdivision is not expected to create an adverse affect on the existing and natural drainage systems or affect downstream properties. The subject site is affected by Council's 1% AEP Flood Line, but there is sufficient space on Proposed Lot 100 to ensure a future dwelling is located out of the flood affected area.</p> <p>Both the existing dwelling and any future dwelling can discharge Roofwater to the existing gully."</p>	
<b>Planning Comment</b>	
<p>The additional stormwater demand created by an additional residential lot is considered minor and is not anticipated to have an adverse impact on the capacity of the surrounding drainage system. The proposed lots are divided by a naturally occurring gully, and as such the stormwater demand can be appropriately dispersed through a natural drainage system.</p> <p>The proposed Lot 100 includes a building limitation envelope that provides for a future dwelling house to be constructed above councils expected (1% AEP) and highest known flooding events.</p> <p>The proposed subdivision plan is therefore compliant with PO10.</p>	

## 7.0 OTHER PLANNING CONSIDERATIONS

### Trunk Infrastructure and Services

The following items of trunk infrastructure and services applicable to the proposed development are individually addressed below.

#### 7.1 Water Supply

The proposed additional lot will be connected to reticulated water networks currently available along Zabels Road North.

#### 7.2 Sewerage

The existing dwelling house on proposed Lot 101 is serviced by an existing onsite sewerage treatment system. As there are no available reticulated sewerage networks available, the proposed Lot 100 will require a new and separate on site sewerage treatment system.

#### 7.3 Stormwater/Drainage

The proposed development is not considered to have any adverse impacts upon stormwater. However, the landowners must ensure that stormwater is connected to a legal point of discharge. As the subject land is located outside the Urban Footprint, no infrastructure charges are payable under Council's current Infrastructure Charges Resolution for stormwater networks.

#### 7.4 Parks and Open Space

The proposed development is not expected to cause an unreasonable increase in demand for parks and open spaces within the Region. As the subject property is not located within the Parks Service Catchment, no infrastructure charges are payable under Council's current Infrastructure Charges Resolution for stormwater networks.

#### 7.5 Roads

The proposed additional lot is not expected to have any adverse impacts on local transport networks. Infrastructure charges are not payable for this development as Council's current Infrastructure Charges Resolution does not prescribe an amount for transport networks when

the use is residential.

## 7.6 Services

All infrastructure and services including the provision of electricity and telecommunication services are available to the site.

## 7.7 Environment

The proposed development will not result in environmental degradation.

## 7.8 Heritage

The site neither adjoins nor contains a heritage feature listed in either the State Queensland Heritage Register or Council's Local Heritage Register.

## 8.0 STATE AGENCY REFERRALS

### 8.1 Concurrence Agencies

There are no Concurrence Agencies relating to this application.

### 8.2 Advice Agencies

There are no Advice Agencies relating to this application.

### 8.3 Third Party Advice Agency

There are no Third Party Advice Agencies relating to this application.

## RECOMMENDED DECISION

THAT Council approve the Development Application for a Development Permit for a Reconfiguration of a Lot by subdivision One into Two lots on land described as Lot 997 on RP912601 and situated at 78 Zabels Road North, Minden subject to the requirements and conditions contained in the Schedules and Attachments.

SCHEDULE 1 – GENERAL CONDITIONS		
No	Condition	Timing
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Proposed reconfiguration of a lot (1 into 2), reference number 12570-P07-01a, drawn by Baird and Hayes, for P and J Evans, dated 4 May 2017, as amended in RED by Council.	
1.2	Comply with relevant provisions of the Somerset Region Planning Scheme Planning Scheme Policies and Local Laws.	Before the change happens
1.3	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Prior to Compliance Assessment Request
1.4	Pay to Council the amount of \$34.00 per lot for the issue of new valuations by the Department of Environment and Resource Management, being \$68 in this instance.	Prior to Compliance Assessment Request
1.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to commencement of use

<b>SCHEDULE 2 – Engineering</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Development Manual</i> and <i>Standard Drawings</i> .	At all times
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to Compliance Assessment Request
<b>BUILDING ABOVE FLOOD LEVEL</b>		
2.3	Floor heights for habitable areas shall be a minimum of 300mm above the existing Defined Flood Level (DFL).	Prior to occupation of the dwelling
2.4	Any filling below the Defined Flood Level (DFL) will be in accordance with an approved flood study.	Prior to the commencement of works
2.5	Future dwelling houses and associated infrastructure are to be constructed within the Building Limitation Envelope (BLE) as shown on plan reference number 12570-P07-01a, drawn by Baird and Hayes, for P and J Evans, dated 4 May 2017, as amended in RED by Council.	At all times
<b>VEHICLE ACCESS</b>		
2.6	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Development Manual</i> and <i>Standard Drawings</i> .	Prior to Compliance Assessment Request
2.7	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times
2.8	The Applicant is to construct a vehicle access for proposed lot 100 in accordance with Council's standard drawing SRC-ROAD-016. The access is to be sealed with a minimum of a two-coat bitumen seal.	Prior to Compliance Assessment Request
<b>RURAL PROPERTY NUMBERING</b>		
2.9	Pay to Council at the rate applicable at the time of payment, the current rate of \$28 per allotment for the supply and erection of property numbers on each new created allotment.  In this instance an amount of \$28 is payable.	Prior to Compliance Assessment Request
<b>EASEMENTS</b>		
2.10	Provide an easement over stormwater drainage located within private property in general accordance with drawing 12570-P07-01a, Proposed Reconfiguration of a Lot (1 into 2), dated 04 May 2017, as amended by Council. The easement is to be dedicated at no cost to Council	Prior to Compliance Assessment Request

	All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.	
	<b>STORMWATER</b>	
2.11	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.12	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.13	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul>	At all times
2.14	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project, and to prevent dust nuisance.	At all times
	<b>ELECTRICITY/COMMUNICATIONS</b>	
2.15	Submit development applications to Energex and Telstra's Smart Community to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required at the cost of a normal house connection.	Prior to Compliance Assessment Request
<b>SCHEDULE 3</b>		
<b>ADVISORY NOTES</b>		
This approval has effect in accordance with the provisions of <i>Division 5 Section 339</i> of the <i>Sustainable Planning Act 2009</i> . [A copy of Section 339 will be enclosed with the Decision Notice].		
<p><b>Relevant Period</b> - Pursuant to <i>Section 341 (2)</i> of the 'Act' to the extent a development approval is for reconfiguring a lot, the approval lapses if a plan for the reconfiguration is not given to the Local Government (Somerset Regional Council) within the following period –</p> <p>(a) For reconfiguration not requiring operational works – 2 years starting the day the approval takes effect;</p> <p>(b) For reconfiguration requiring operational works – 4 years starting the day the approval takes effect;</p> <p>(c) If the approval states a different period from when the approval takes effect – the stated period.</p> <p>Refer to Section 341 of the Act for further clarification.</p>		
This approval requires 'Compliance Assessment' by Somerset Regional Council as the		



'Compliance Assessor – the nominated entity', pursuant to Part 10, Section 398 of the *Sustainable Planning Act 2009*.

The mandatory form *IDAS for Compliance Assessment – form 32 [Sustainable Planning Act 2009 version 1.0 effective 18 December 2009]* must be completed by the person requesting compliance assessment of this conditional approval. The form must be submitted to Council as the Compliance Assessor and must be accompanied by any fees required by the compliance assessor. If there is insufficient space on the form, the person must attach extra pages outlining compliance. *[A copy of Form 32 will be enclosed with the Decision Notice]*.

Pursuant to Division 8 Section 461 of the *Sustainable Planning Act 2009*, the Applicant has the Right of Appeal to the Planning and Environment Court regarding any condition of this approval; another matter stated in the development approval and the identification or inclusion of a code under section 242 of the 'Act'. *[A copy of the Right of Appeal will be enclosed with the Decision Notice]*.

Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.

The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.

The completion of relevant documentation and a pre start meeting with Council's Technical Officer, supervising Engineer and the Contractor is required prior to any works starting at the site.

**Attachments for the Decision Notice include:**

1. Proposed reconfiguration of a lot (1 into 2), reference number 12570-P07-01a, drawn by Baird and Hayes, for P and J Evans, dated 4 May 2017, as amended in RED by Council.

<b>Decision:</b>	Moved - Cr Whalley	Seconded - Cr Choat
<p>"THAT Council approve the Development Application for a Development Permit for a Reconfiguration of a Lot by subdivision One into Two lots on land described as Lot 997 on RP912601 and situated at 78 Zabels Road North, Minden subject to the requirements and conditions contained in the Schedules and Attachments.</p>		

**SCHEDULE 1 – GENERAL CONDITIONS**

No	Condition	Timing
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Proposed reconfiguration of a lot (1 into 2), reference number 12570-P07-01a, drawn by Baird and Hayes, for P and J Evans, dated 4 May 2017, as amended in RED by Council.	
1.2	Comply with relevant provisions of the Somerset Region Planning Scheme Planning Scheme Policies and Local Laws.	Before the change happens

1.3	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Prior to Compliance Assessment Request
1.4	Pay to Council the amount of \$34.00 per lot for the issue of new valuations by the Department of Environment and Resource Management, being \$68 in this instance.	Prior to Compliance Assessment Request
1.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to commencement of use
<b>SCHEDULE 2 – Engineering</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Development Manual</i> and <i>Standard Drawings</i> .	At all times
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to Compliance Assessment Request
	<b>BUILDING ABOVE FLOOD LEVEL</b>	
2.3	Floor heights for habitable areas shall be a minimum of 300mm above the existing Defined Flood Level (DFL).	Prior to occupation of the dwelling
2.4	Any filling below the Defined Flood Level (DFL) will be in accordance with an approved flood study.	Prior to the commencement of works
2.5	Future dwelling houses and associated infrastructure are to be constructed within the Building Limitation Envelope (BLE) as shown on plan reference number 12570-P07-01a, drawn by Baird and Hayes, for P and J Evans, dated 4 May 2017, as amended in RED by Council.	At all times
	<b>VEHICLE ACCESS</b>	
2.6	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Development Manual</i> and <i>Standard Drawings</i> .	Prior to Compliance Assessment Request
2.7	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times
2.8	The Applicant is to construct a vehicle access for proposed lot 100 in accordance with Council's standard drawing SRC-ROAD-016. The access is to be sealed with a minimum of a two-coat bitumen seal.	Prior to Compliance Assessment Request
	<b>RURAL PROPERTY NUMBERING</b>	
2.9	Pay to Council at the rate applicable at the time of payment, the current rate of \$28 per allotment for the supply and	Prior to Compliance Assessment Request

	erection of property numbers on each new created allotment.  In this instance an amount of \$28 is payable.	
	<b>EASEMENTS</b>	
2.10	Provide an easement over stormwater drainage located within private property in general accordance with drawing 12570-P07-01a, Proposed Reconfiguration of a Lot (1 into 2), dated 04 May 2017, as amended by Council. The easement is to be dedicated at no cost to Council  All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.	Prior to Compliance Assessment Request
	<b>STORMWATER</b>	
2.11	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.12	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.13	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul>	At all times
2.14	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project, and to prevent dust nuisance.	At all times
	<b>ELECTRICITY/COMMUNICATIONS</b>	
2.15	Submit development applications to Energex and Telstra's Smart Community to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required at the cost of a normal house connection.	Prior to Compliance Assessment Request
<b>SCHEDULE 3</b>		
<b>ADVISORY NOTES</b>		
This approval has effect in accordance with the provisions of <i>Division 5 Section 339</i> of the <i>Sustainable Planning Act 2009</i> . [A copy of Section 339 will be enclosed with the Decision Notice].		
<b>Relevant Period</b> - Pursuant to <i>Section 341 (2)</i> of the 'Act' to the extent a development approval is for reconfiguring a lot, the approval lapses if a plan for the reconfiguration is not given to the Local Government (Somerset Regional Council) within the following period –		
(a) For reconfiguration not requiring operational works – 2 years starting the day the		

approval takes effect;	
(b)	For reconfiguration requiring operational works – 4 years starting the day the approval takes effect;
(c)	If the approval states a different period from when the approval takes effect – the stated period.
Refer to Section 341 of the Act for further clarification.	
This approval requires ‘ <i>Compliance Assessment</i> ’ by Somerset Regional Council as the ‘ <i>Compliance Assessor – the nominated entity</i> ’, pursuant to Part 10, Section 398 of the <i>Sustainable Planning Act 2009</i> .	
The mandatory form <i>IDAS for Compliance Assessment – form 32 [Sustainable Planning Act 2009 version 1.0 effective 18 December 2009]</i> must be completed by the person requesting compliance assessment of this conditional approval. The form must be submitted to Council as the Compliance Assessor and must be accompanied by any fees required by the compliance assessor. If there is insufficient space on the form, the person must attach extra pages outlining compliance. <i>[A copy of Form 32 will be enclosed with the Decision Notice]</i> .	
Pursuant to Division 8 Section 461 of the <i>Sustainable Planning Act 2009</i> , the Applicant has the Right of Appeal to the Planning and Environment Court regarding any condition of this approval; another matter stated in the development approval and the identification or inclusion of a code under section 242 of the ‘Act’. <i>[A copy of the Right of Appeal will be enclosed with the Decision Notice]</i> .	
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council’s standards.	
The Plan of Subdivision will not be released until all works are completed to Council’s satisfaction or uncompleted works are suitably bonded.	
The completion of relevant documentation and a pre start meeting with Council’s Technical Officer, supervising Engineer and the Contractor is required prior to any works starting at the site.”	
<u>Carried</u>	

<b>Subject:</b>	<b>Development Application No 16838 - Application for a Development Permit for a Material Change of Use for a Secondary Dwelling</b>
<b>File No:</b>	<b>DA16838</b>
<b>Assessment No:</b>	<b>05047-00000-000</b>
<b>Action Officer:</b>	<b>PO-MO</b>

**Subject Land**

Location	44 Angledale Lane, Toogoolawah
Real Property Description	Lot 1 on RP158855
Area	15.73 Hectares
Current land use	Dwelling house
Easements and Encumbrances	Nil

**Somerset Region Planning Scheme 2016**

Zone	Rural zone
<b>SEQ Regional Plan 2009-2031</b>	
Category	Regional Landscape and Rural Production Area
<b>Application</b>	
Level of Assessment	Code
Applicant/s	Stephen and Leanne Maher
Applicants contact details	c/- Dianne Kerr & Associates 19 Frobisher Street Springwood QLD 4127
Date application received	30 May 2017
Date properly made	5 June 2017
<b>Referral Agencies</b>	
Concurrence Agencies	Nil
Advice Agencies	Nil
Third Party Advice Agencies	Nil

### Attachments

1. Site layout plan, reference SK01A, supplied by applicant, dated May 2017.
2. Secondary dwelling floor plan and specifications, reference SK02A, supplied by applicant, dated May 2017
3. Secondary dwelling north and south elevations, reference SK03A, supplied by applicant, dated May 2017
4. Secondary dwelling east and west elevations, reference SK04A supplied by applicant, dated May 2017

### RECOMMENDED DECISION

Approve the Development Application subject to the requirements and conditions contained in the Schedules and Attachments.

#### 1.0 APPLICATION

Pursuant to Chapter 6 Section 260(1) and (3) of the *Sustainable Planning Act 2009 (SPA)*, the applicant has made a properly made development application and is seeking approval for a Development Permit for a Material Change of Use for a Secondary Dwelling.

The application is made under the Somerset Region Planning Scheme (the planning scheme).

The site is located in the Rural zone.

An application is required because the development of a Secondary Dwelling within the above zone is Code Assessable development under the planning scheme.

The application will be assessed against the relevant matters set out in section 313 of *SPA*.

#### 2.0 PROPOSAL

The applicant proposes to erect a new primary residence on the property, which will be occupied by the property owners, and use the existing dwelling as a secondary dwelling, for the purpose of a relative's apartment. The new (primary) dwelling house will contain three bedrooms, two bathrooms, a lounge, kitchen, dining and laundry and will have a total GFA of 174m<sup>2</sup>. It will be sited approximately 230m from the rear of the property (southern boundary). The new (primary) dwelling house will also be sited approximately 25m from the eastern boundary and setback 312m from the street frontage (northern) boundary. The existing house has an area of approximately 73m<sup>2</sup>, and will be occupied by the property

owner's son. Refer to the site layout at *Attachment 1*.

### 3.0 SITE DETAILS

The property is described as Lot 1 on RP158855 and is situated at 44 Angledale Lane, Toogoolawah. The site contains an area of 15.73 hectares and has been improved with a dwelling house and outbuildings. Its boundaries are defined to the east and south by adjoining properties, to the west by Brisbane Valley Highway and to the north by Angledale Lane (the primary road frontage). The site is not known to be prone to slip, subsidence, erosion or flooding. No vegetation will be removed from the property as a result of the construction of the second dwelling.

### 4.0 SURROUNDING LAND USES

The property is surrounded by similar sized rural properties that typically contain detached dwellings and associated out buildings.

### 5.0 ASSESSMENT STATE LEGISLATION

This application is made under the provisions of the *Sustainable Planning Act 2009*. As such it is subject to the requirements of the Regulatory Provisions of the South East Queensland Regional Plan 2009-2031 (SEQRP), relevant Acts and State Planning Policies. The site is located within the Regional Landscape and Rural Production Area under the SEQRP. The proposed development does not require assessment against the SEQRP Regulatory Provisions and did not require referral to the Department of Infrastructure, Local Government and Planning (DILGP).

#### 5.1 VEGETATION MANAGEMENT ACT 1999

There is no vegetation of significance as per the Department of Environment and Resource Management mapping.

#### 5.2 ENVIRONMENTAL PROTECTION ACT 1994

The site is not listed on the Contaminated Land Register or the Environmental Management Register.

#### 5.3 STATE PLANNING POLICIES

As the Minister has identified that the State Planning Policy (SPP) has been reflected in the Somerset Region Planning Scheme (per section 2.1 of the planning scheme), the proposed development does not require assessment against the SPP's 'interim development assessment provisions'.

### 6.0 LOCAL GOVERNMENT LEGISLATION

The Somerset Region Planning Scheme identifies assessment benchmarks which development is to be assessed with proposed solutions measured against the performance outcome proposed by the Code. In instances where alternative solutions are in lieu of the acceptable outcomes they are discussed below.

Applicable Code	Performance Outcome Compliance	Is Alternative Solution Provided?
Rural zone code	Yes	Not required
Dwelling house code	Yes	Yes
Transport, access and parking code	Yes	Yes
Applicable Overlay Code	Performance Outcome Compliance	Is Alternative Solution Provided?
Scenic amenity overlay	Yes	Not required
Stock route management overlay	Yes	Not required

The development as proposed complies with the provisions of the relevant codes identified in

the Somerset Region Planning Scheme with the exception of the following.

### Dwelling house code

#### Secondary dwellings

##### PO7

Secondary dwellings:

- (a) are designed and sited to maintain local character and amenity;
- (b) are visually compatible with the existing dwelling house; and
- (c) are located in proximity to the principal dwelling.

##### A07.1

The secondary dwelling is no closer to the front boundary of the premises than the principal dwelling house.

#### Applicant's Alternative Solution

"In this case the secondary dwelling is located closer to the Angledale Lane frontage. A performance outcome is requested on the following grounds:

- It is proposed to construct a new principal residence on site and use the existing dwelling as the secondary dwelling, as it is a relatively small dwelling.
- The existing dwelling has a long established visual presence along the Angledale Lane streetscape which forms part of the local character and amenity. This will be retained.
- The new principal dwelling will be located approximately 312m from the Angledale Lane street frontage and as such will have a minimal impact on the visual character and amenity of the Angledale Lane streetscape."

#### Planning Comment

For the applicant to comply with the acceptable outcome AO7.1, the applicant would be required to construct the new (primary) dwelling house in front of the existing (proposed secondary) dwelling house, closer to Angledale Road. As the existing house is long established on the land, the introduction of a new dwelling house in front of the existing house would alter the visual appearance of the road. By constructing the new dwelling house at the rear of the lot, the existing visual appearance of the road is maintained, which results in no net loss of character or amenity.

It is therefore considered that the proposed siting is consistent with the performance outcome PO7.

### Transport, access and parking code

##### PO10

Vehicle standing and manoeuvring areas are of suitable standard for the intended use and the areas are constructed to a standard that avoids environmental nuisance.

##### A010.2

Internal manoeuvring and standing areas of the site are sealed.

##### PO11

Long driveways are designed and treated to soften their visual appearance when viewed from the street frontage.

##### A011.1

Internal driveways do not exceed 50 metres in length.

#### Applicant's Alternative Solution

"The proposal is for a secondary dwelling and an all-weather driveway will be provided.

This criterion is applicable to urban and not rural environments. The proposed secondary

dwelling is however located within 20m of the street frontage.”

### **Planning Comment**

The site is located within the Rural zone, where dwelling houses are expected to be serviced by non-sealed driveways. As such, it is considered that the driveway is a suitable standard of the intended use in its location.

The driveway to the existing house (proposed secondary dwelling) is approximately 20m long, whilst the driveway to the new primary house is approximately 312 metres long. The design of the driveway as a rural driveway is consistent with the surrounding land uses and is anticipated in the Rural zone.

As such, the proposed driveway design is consistent with PO10 and PO11.

## **7.0 OTHER PLANNING CONSIDERATIONS**

### **Trunk Infrastructure and Services**

The following items of trunk infrastructure and services applicable to the proposed development are individually addressed below.

#### **7.1 Water Supply**

The site is not located in an area served by a reticulated water supply, and so a condition will be included requiring the installation of 45,000L of water storage capacity for potable and general use.

#### **7.2 Sewerage**

The site is not located in an area served by a reticulated sewerage network, and so the applicant will be required to install an onsite waste water treatment system. This system will be assessed by Council at a later date.

#### **7.3 Stormwater/Drainage**

The proposed development is not considered to have any adverse impacts upon stormwater. However, the landowners must ensure that stormwater is connected to a legal point of discharge.

#### **7.4 Roads**

The proposed development is not considered to have any adverse impacts upon local road networks. However, the landowners must ensure that access is provided in accordance with Council's Policy and Standards.

#### **7.5 Services**

All infrastructure and services including the provision of electricity and telecommunication services are available to the site.

#### **7.6 Environment**

The proposed development will not result in environmental degradation.

#### **7.7 Heritage**

The site neither adjoins nor contains a heritage feature listed in either the State Queensland Heritage Register or Council's Local Heritage Register.

#### **7.8 Infrastructure Charges**

The proposed development will not incur Infrastructure Charges as the site is located outside the Urban Footprint and is not located within the Parks Service Catchment. The proposed development is considered residential under the current Infrastructure Charges resolution, for which there is no prescribed fee for the transport network charge.



**8.0 STATE AGENCY REFERRALS****8.1 Concurrence Agencies**

There are no Concurrence Agencies relating to this application.

**8.2 Advice Agencies**

There are no Advice Agencies relating to this application.

**8.3 Third Party Advice Agency**

There are no Third Party Advice Agencies relating to this application.

**RECOMMENDED DECISION**

THAT Council approve the Development Application for a Development Permit for a Material Change of Use for a Secondary Dwelling on land described as Lot 1 on RP158855 and situated at 44 Angledale Lane, Toogoolawah, subject to the requirements and conditions contained in the Schedules and Attachments.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Site layout plan, reference SK01A, supplied by applicant, dated May 2017.	
	Secondary dwelling floor plan and specifications, reference SK02A, supplied by applicant, dated May 2017	
	Secondary dwelling north and south elevations, reference SK03A, supplied by applicant, dated May 2017	
	Secondary dwelling east and west elevations, reference SK04A supplied by applicant, dated May 2017	
1.2	Comply with relevant provisions of the Somerset Region Planning Scheme; Planning Scheme Policies and Local Laws.	At all times
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	During Building Works and Plumbing/ Drainage Stages
1.6	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Before the change happens
1.7	Provide a minimum storage capacity of 45,000-litre rain water tank supply capable of capturing roof run-off and connected to service all domestic water consumption needs.	Prior to commencement of the use
1.8	On-site effluent disposal is to be provided, and compliant with the relevant standards	Prior to commencement of the use

**SCHEDULE 2 – Engineering***Assessment Manager*

<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	Ensure stormwater drainage is directed to a lawful point of discharge.	Before the change happens
2.2	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	Before the change happens
2.4	Building Works and Plumbing and Drainage Works approval must be gained.	Before the Certificate of Classification for the building work is issued
2.5	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Before the change happens
2.6	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	Before the change happens
2.7	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Development Manual</i> and <i>Standard Drawings</i> .	At all times
2.8	The landowner is responsible for maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times

**SCHEDULE 3 – Environmental***Assessment Manager*

<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	Before the change happens

**SCHEDULE 4 – Advice***Assessment Manager*

This approval has effect in accordance with the provisions of *Division 5 Section 339* of the *Sustainable Planning Act 2009*. [A copy of Section 339 will be enclosed with the Decision Notice].

**Relevant Period** - Pursuant to *Section 341* of the 'Act' the approval will lapse if the first change of the use under the approval does not start within the 'relevant period' – being four

(4) years starting the day the approval takes effect.
The <i>Sustainable Planning Act 2009 (SPA)</i> states that any change to the use or the scale or intensity of the approved use requires the submission of a new development application and subsequent development approval.
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Manager of Operations if in his opinion a dust nuisance exists.
Pursuant to Division 8 Section 461 of the <i>Sustainable Planning Act 2009</i> , the Applicant has the Right of Appeal to the <i>Planning and Environment Court</i> regarding any condition of this approval; another matter stated in the development approval and the identification or inclusion of a code under <i>section 242</i> of the 'Act'. [A copy of the Right of Appeal will be enclosed with the Decision Notice].
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.

**Attachments for the Decision Notice include:**

- Site layout plan, reference SK01A, supplied by applicant, dated May 2017.
- Secondary dwelling floor plan and specifications, reference SK02A, supplied by applicant, dated May 2017
- Secondary dwelling north and south elevations, reference SK03A, supplied by applicant, dated May 2017
- Secondary dwelling east and west elevations, reference SK04a supplied by applicant, dated May 2017

<b>Decision:</b>	Moved – Cr Gaedtker	Seconded - Cr Choat
<p>“THAT Council approve the Development Application for a Development Permit for a Material Change of Use for a Secondary Dwelling on land described as Lot 1 on RP158855 and situated at 44 Angledale Lane, Toogoolawah, subject to the requirements and conditions contained in the Schedules and Attachments.</p>		

**SCHEDULE 1 – GENERAL CONDITIONS**

No	Condition	Timing
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Site layout plan, reference SK01A, supplied by applicant, dated May 2017.	
	Secondary dwelling floor plan and specifications, reference SK02A, supplied by applicant, dated May 2017	
	Secondary dwelling north and south elevations, reference SK03A, supplied by applicant, dated May 2017	

	Secondary dwelling east and west elevations, reference SK04A supplied by applicant, dated May 2017	
1.2	Comply with relevant provisions of the Somerset Region Planning Scheme; Planning Scheme Policies and Local Laws.	At all times
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	During Building Works and Plumbing/ Drainage Stages
1.6	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Before the change happens
1.7	Provide a minimum storage capacity of 45,000-litre rain water tank supply capable of capturing roof run-off and connected to service all domestic water consumption needs.	Prior to commencement of the use
1.8	On-site effluent disposal is to be provided, and compliant with the relevant standards	Prior to commencement of the use
<b>SCHEDULE 2 – Engineering</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	Ensure stormwater drainage is directed to a lawful point of discharge.	Before the change happens
2.2	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	Before the change happens
2.4	Building Works and Plumbing and Drainage Works approval must be gained.	Before the Certificate of Classification for the building work is issued
2.5	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Before the change happens
2.6	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	Before the change happens
2.7	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Development Manual</i> and <i>Standard Drawings</i> .	At all times
2.8	The landowner is responsible for maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and	At all times

	Standards.	
<b>SCHEDULE 3 – Environmental</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	Before the change happens
<b>SCHEDULE 4 – Advice</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of <i>Division 5 Section 339</i> of the <i>Sustainable Planning Act 2009</i> . [A copy of Section 339 will be enclosed with the Decision Notice].		
<b>Relevant Period</b> - Pursuant to <i>Section 341</i> of the 'Act' the approval will lapse if the first change of the use under the approval does not start within the 'relevant period' – being four (4) years starting the day the approval takes effect.		
The <i>Sustainable Planning Act 2009 (SPA)</i> states that any change to the use or the scale or intensity of the approved use requires the submission of a new development application and subsequent development approval.		
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.		
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Manager of Operations if in his opinion a dust nuisance exists.		
Pursuant to Division 8 Section 461 of the <i>Sustainable Planning Act 2009</i> , the Applicant has the Right of Appeal to the <i>Planning and Environment Court</i> regarding any condition of this approval; another matter stated in the development approval and the identification or inclusion of a code under <i>section 242</i> of the 'Act'. [A copy of the Right of Appeal will be enclosed with the Decision Notice].		
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards."		
<i>Carried</i>		

<b>Subject:</b>	<b>Development Application No 8756 - Request to Change Development Approval - Permissible Change under Section 369 of the Sustainable Planning Act 2009</b>
<b>File No:</b>	<b>DA8756</b>
<b>Assessment No:</b>	<b>05977-00000-000</b>
<b>Action Officer:</b>	<b>PO-MO</b>

Previous approval                      Development Permit for Material Change of Use for a House on Unformed Road  
Date approved                          22 July 2009

### **Subject Land**

Location                                  Goffeys Road, Dundas  
Real Property Description              Lot 60 on SP238874, formerly Lot 60 on CPS312287  
Area                                        42.1196 Hectares  
Easements and Encumbrances        Nil

### **Somerset Region Planning Scheme 2016**

Zone                                        Rural

### **South East Queensland (SEQ) Regional Plan 2009-2031**

Designation                              Regional Landscape and Rural Production Area

### **State Agency Referrals**

Concurrence                              Department of Environment and Resource Management  
Advice                                        Nil  
Third Party Advice                        Nil

### **Application**

Level of Initial Assessment              Code  
Who is making the request?              Darren McPherson  
Land Owner                                  Darren McPherson

### **ATTACHMENTS**

1. Site Plan – Drawing No: 2009-01, Dated: 04/2009
2. Relevant Entity Response, Department of Infrastructure, Local Government and Planning, reference SPD-0517-036684, dated 6 June 2017.

### **RECOMMENDATION:**

Approve the request to change the development approval for Development Application 8756 subject to the amended conditions and requirements contained in the Schedules.

### **1. BACKGROUND TO APPROVAL**

By way of background, Council approved Development Application 8756 on 22 July 2009 for a Development Permit for Material Change of Use for a House on Unformed Road on land described as Lot 60 on CPS312287 (now described as Lot 60 on SP238874), situated at Goffey's Road, Dundas. The house has subsequently been built and is currently occupied by the applicant. Following the introduction of the Somerset Region Planning Scheme, the subject land, particularly the dwelling house and driveway, are no longer within assessable development areas under the new Bushfire hazard overlay code. The applicant is currently conditioned to provide fire management practices in accordance with the previous hazard level mapping on the site.

In correspondence to Council dated 8 June 2016 (Doc ID: 889453), the applicant advised that he currently employs additional bushfire management practices beyond those imposed

by the development conditions, including, but not limited to, a dedicated fire fighting pump assembly and additional water tank, current and prepared fire plans, a subscription to extreme weather early warning services, and maintains undergrowth within 20 metres of the dwelling house. The applicant was subsequently advised by Council officers that should he wish to have the condition altered or removed, he should make a formal representation to Council regarding the matter.

## **2. REQUESTED CHANGE**

The applicant wishes to alter or remove a condition of the approval regarding the bushfire management practices of the land that better reflect current bushfire hazard levels within the latest hazard mapping, and the additional measures implemented outside those conditioned by the development approval.

## **3. PLANNING COMMENTS**

Condition 1.5 of the original decision notice reads:

*“The landowner of Lot 60 on CPS312287, situated at Goffeys Road, Dundas is to ensure firebreaks are provided and maintained around the property to ensure sufficient width to both serve as an effective firebreak and allow continuous access for fire fighting vehicles.”*

The applicant has provided a single firebreak along the centre of the property following the driveway, which is constructed at a standard conditioned by Operational Works Application DA10368. This driveway is of an appropriate width and standard to provide continuous access for fire fighting vehicles. The area surrounding the dwelling house and outbuildings is cleared of undergrowth at a minimum distance of 20m. A few select trees still remain, consistent with the character of the site.

The applicant has also undertaken additional fire fighting measures to protect the dwelling house and outbuildings. This includes the installation of additional water tanks above the conditioned minimum capacity with access to a dedicated fire fighting pump with appropriate fittings. The applicant also has a current and up-to date bushfire management plan, and subscribes to extreme weather warning services.

Council has reviewed the lot and has determined that if an application was to be lodged for this development under our current planning scheme, the application would not be assessable against the Bushfire hazard overlay code. Furthermore, the tree type on the land is known to be of a rainforest ecotype, which is not prone to burning in usual circumstances.

As such, Council officers recommend the amendment of the condition to reflect the current bushfire hazard in the proposed location. The new condition 1.5 reads:

*“The landowner of Lot 60 on SP238874, situated at Goffey’s Road, Dundas is to provide additional water storage capacity beyond that of condition 1.6, a dedicated fire pump assembly and have a current bushfire plan”.*

This condition will be imposed at all times.

In accordance with the *Sustainable Planning Act 2009 (SPA)* the proposed changes are deemed to be permissible changes under s 367 as they would not:

- Result in a substantially different application; or
- If the application for the approval were remade including the change
  - o Require referral to additional concurrence agencies; or

- Be likely to cause a person to make a properly made submission objecting to the proposed change, if the circumstances allowed; or
- Cause development to which the approval relates to include any prohibited development.

In this instance, the requested change will not alter the approved development in any way which would result in non-compliance with the Somerset Region Planning Scheme, particularly the Bushfire hazard overlay code, or the South East Queensland Regional Plan 2009 - 2031.

#### 4. REFERRAL AGENCIES

The Department of Infrastructure, Local Government and Planning (the State Assessment and Referral Agency) has provided a response to the requested change and has indicated that they have no objections. A copy of the response is provided at **Attachment 2**.

#### 5. RECOMMENDED DECISION

THAT Council approve the Request to Change a Development Approval under section 369 of the *Sustainable Planning Act 2009* for DA8756 over land described as Lot 60 on SP238874 situated at Goffeys Road, Dundas subject to the conditions contained in the Schedules and Attachments:

<b>SCHEDULE 1 – Planning</b> <i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval: <ul style="list-style-type: none"> <li>• Site Plan – Drawing No: 2009-01, Dated: 04/09</li> <li>• Ground Floor Plan Drawing No: 2009-01 Dated:04/09</li> <li>• Upper Floor Plan Drawing No: 2009-01 Dated:04/09</li> <li>• Section AA Elevation Drawing No: 2009-01 Dated:04/09</li> <li>• Northern Elevation Drawing No: 2009-01 Dated:04/09</li> </ul>	At all times
1.2	Comply with relevant provisions of the former Esk Shire Planning Scheme 2005, Planning Scheme Policies and Local Laws	At all times
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction	At all times
1.4	Unless otherwise approved in writing by the Manager, Planning and Development, hours of construction shall be:  Monday to Saturday: 6.30 am to 6.00 pm  Construction work shall not occur on the premises outside the above hours.	At all times
1.5	<del>The landowner of Lot 60 on CPS312287, situated at Goffey's Road, Dundas is to ensure firebreaks are provided and maintained around and through the property to ensure sufficient width to both serve as an effective firebreak and allow continuous access for fire fighting vehicles.</del>	At all times
1.5	The landowner of Lot 60 on SP238874, situated at Goffey's	At all times



	Road, Dundas is to provide additional water storage capacity, a dedicated fire pump assembly and have a current bushfire plan.	
1.6	Rainwater storage tanks with a total minimum capacity of 45,000 litres are to be installed at the time of building construction.	Prior to occupation of the Dwelling
<b>SCHEDULE 2 – Environmental</b> <i>Assessment Manager</i>		
2.1	All buildings, structures, fittings, fixtures and grounds forming part of this development approval must be maintained – <ul style="list-style-type: none"> <li>▪ In a serviceable condition; and</li> <li>▪ In a state of good repair and efficient action; and</li> <li>▪ In a clean, sanitary condition; and</li> <li>▪ Free of accumulated disused materials; and</li> <li>▪ Free of vermin and pest infestations.</li> </ul>	At all times
2.2	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
2.3	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	At all times
2.4	The holder of this development approval must not: <ul style="list-style-type: none"> <li>▪ Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>▪ Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>▪ Stockpile any waste on the development site.</li> </ul>	At all times
2.5	The holder of this development approval must not: <ul style="list-style-type: none"> <li>▪ Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>▪ Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction of the dwelling house
<b>SCHEDULE 3 – Engineering</b> <i>Assessment Manager</i>		
3.1	The applicant will bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	Prior to commencement of use.

3.2	Road is to be constructed to Council's minimum standard to provide all weather access which consists of an 8 metre pavement with 4 metres of gravel.	Prior to commencement of use.
3.3	A surveyor is to be engaged to locate the road boundaries so that works are carried out on the road reserve and does not encroach onto private property.	Prior to commencement of use.
3.4	Approval is to be sought from Council prior to any works within the road reserve commencing. Approval will be provided based on both parties signing the application form for 'works on unformed roads' which will clearly outlines the nature and extent of the work to be performed.	Prior to commencement of use.
3.5	Following completion of the proposed works a Council officer will inspect the works and provide confirmation that the work has been completed to Council's satisfaction.	Prior to commencement of use.

**SCHEDULE 4 – REFERRAL AGENCY****DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT (CONCURRENCE)**

4.1	Clearing of vegetation authorised under this approval is limited to that necessary for the purposes of establishing a single residence and any reasonably associated building or structure on the lot.
4.2	This condition does not seek to constrain the ability of the landholder to clear vegetation for purposes described under Schedule 8 Part 1 Table 4 Item 1A of the <i>Integrated Planning Act 1997</i>

**SCHEDULE 5 – ADVICE**

No.	Advice
5.1	By accepting the above conditions, you indemnify Council against any claim, action or process for damages or injuries that might arise during the work.
5.2	As the work is to a lesser standard than Council's minimum requirements there is no obligation on Council to carry out maintenance works in the future.
5.3	This approval has effect in accordance with the provisions of Section 3.5.19 of the <i>Integrated Planning Act 1997</i> .
5.4	All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act 1995</i> (as amended) and the <i>Workplace Health and Safety Regulation 1997</i> (as amended).
5.5	All Operational Work is to comply with relevant codes for design and construction.
5.6	Construction work is to be carried out only between the hours of 7am to 6pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Noise levels from construction work shall at all times comply with the requirements of the <i>Environmental Protection Act 1994</i> .
5.7	The <i>Integrated Planning Act 1997 (IPA)</i> states that any change to the use or the scale or intensity of the approved use requires the submission of a new development application and subsequent development approval.

**Attachments to the decision notice include:**

- |                  |   |                       |
|------------------|---|-----------------------|
| <b>Decision:</b> | Moved - Cr Choat  | Seconded - Cr Whalley |
|                  | <p>“THAT Council approve the Request to Change a Development Approval under section 369 of the <i>Sustainable Planning Act 2009</i> for DA8756 over land described as Lot 60 on SP238874 situated at Goffeys Road, Dundas subject to the conditions contained in the Schedules and Attachments:</p> |                       |

## Assessment Manager



	and Development, hours of construction shall be:  Monday to Saturday: 6.30 am to 6.00 pm  Construction work shall not occur on the premises outside the above hours.	
1.5	The landowner of Lot 60 on SP238874, situated at Goffey's Road, Dundas is to provide additional water storage capacity beyond that of condition 1.6, a dedicated fire pump assembly and have a current bushfire plan.	At all times
1.6	Rainwater storage tanks with a total minimum capacity of 45,000 litres are to be installed at the time of building construction.	Prior to occupation of the Dwelling
<b>SCHEDULE 2 – Environmental</b> <i>Assessment Manager</i>		
2.1	All buildings, structures, fittings, fixtures and grounds forming part of this development approval must be maintained –  <ul style="list-style-type: none"> <li>▪ In a serviceable condition; and</li> <li>▪ In a state of good repair and efficient action; and</li> <li>▪ In a clean, sanitary condition; and</li> <li>▪ Free of accumulated disused materials; and</li> <li>▪ Free of vermin and pest infestations.</li> </ul>	At all times
2.2	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
2.3	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	At all times
2.4	The holder of this development approval must not:  <ul style="list-style-type: none"> <li>▪ Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>▪ Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>▪ Stockpile any waste on the development site.</li> </ul>	At all times
2.5	The holder of this development approval must not:  <ul style="list-style-type: none"> <li>▪ Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>▪ Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and</li> </ul>	During construction of the dwelling house

	result in a build-up of sand, silt or mud in the gutter, drain or water.	
<b>SCHEDULE 3 – Engineering</b> <i>Assessment Manager</i>		
3.1	The applicant will bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	Prior to commencement of use.
3.2	Road is to be constructed to Council's minimum standard to provide all weather access which consists of an 8 metre pavement with 4 metres of gravel.	Prior to commencement of use.
3.3	A surveyor is to be engaged to locate the road boundaries so that works are carried out on the road reserve and does not encroach onto private property.	Prior to commencement of use.
3.4	Approval is to be sought from Council prior to any works within the road reserve commencing. Approval will be provided based on both parties signing the application form for 'works on unformed roads' which will clearly outlines the nature and extent of the work to be performed.	Prior to commencement of use.
3.5	Following completion of the proposed works a Council officer will inspect the works and provide confirmation that the work has been completed to Council's satisfaction.	Prior to commencement of use.
<b>SCHEDULE 4 – REFERRAL AGENCY</b> <b>DEPARTMENT OF ENVIRONMENT &amp; RESOURCE MANAGEMENT (CONCURRENCE)</b>		
4.1	Clearing of vegetation authorised under this approval is limited to that necessary for the purposes of establishing a single residence and any reasonably associated building or structure on the lot.	
4.2	This condition does not seek to constrain the ability of the landholder to clear vegetation for purposes described under Schedule 8 Part 1 Table 4 Item 1A of the <i>Integrated Planning Act 1997</i>	
<b>SCHEDULE 5 – ADVICE</b>		
<b>No.</b>	<b>Advice</b>	
5.1	By accepting the above conditions, you indemnify Council against any claim, action or process for damages or injuries that might arise during the work.	
5.2	As the work is to a lesser standard than Council's minimum requirements there is no obligation on Council to carry out maintenance works in the future.	
5.3	This approval has effect in accordance with the provisions of Section 3.5.19 of the <i>Integrated Planning Act 1997</i> .	
5.4	All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act 1995</i> (as amended) and the Workplace Health and Safety Regulation 1997 (as amended).	
5.5	All Operational Work is to comply with relevant codes for design and construction.	

5.6	Construction work is to be carried out only between the hours of 7am to 6pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Noise levels from construction work shall at all times comply with the requirements of the <i>Environmental Protection Act 1994</i> .
5.7	The <i>Integrated Planning Act 1997 (IPA)</i> states that any change to the use or the scale or intensity of the approved use requires the submission of a new development application and subsequent development approval.
5.8	All building work is to comply with the provisions contained in the <i>Building Act</i> ; the <i>Building Regulation</i> , the <i>Building Code of Australia</i> , the <i>Queensland Development Code</i> and relevant <i>Australian Standards</i> .
5.9	Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.
5.10	The Applicant has the Right of Appeal to the Planning and Environment Court regarding the conditions of this approval.  Should the Applicant notify Council in writing that the conditions of approval are accepted without dispute and that the right of appeal to the Court will not be exercised, the Decision Notice may be taken to be the development permit.
5.11	All plumbing and drainage work is to comply with the provisions contained in the <i>Queensland Sewerage and Water Supply Act</i> ; <i>Standard Sewerage Law</i> and the <i>Standard Water Supply Law</i> ; the relevant Australian Standards including AS/NZS 3500 – 1998 – National Plumbing and Drainage Code and Council Policies and requirements.”  <div style="text-align: right;"><u>Carried</u></div>

<b>Subject:</b> Prior period waste charges <b>File Ref:</b> Financial management - budget <b>Action Officer:</b> DFIN
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### Background/Summary

Council's annual revenue statement has for many years included an outline of the process for charging for bin services from a period before the current rating period on a rate notice (refer attached – “R17.3 Adjustments to service charges made without issuing supplementary notices”).

Rating processes are currently being reviewed in response to upcoming resourcing changes.

Without seeking an amendment of the revenue statement, endorsement is sought of an interpretation of the R17.3 process to charge only whole months of waste services from previous periods where appropriate rather than the more exact process outlined.

Where applied, this simplification would work in the ratepayer's favour so that, for example, a property at which a bin service commenced on 15 May 2017 would effectively be charged for the month of June 2017 only.

This is a common type of adjustment and there might potentially be an impact on revenue from this change in process of up to \$4,000 per year.

The change however would facilitate the performance of a common adjustment by a greater

pool of Council officers and allow specialist rating officers to focus on complex adjustments relating to categorisation, valuations, developer discounts, credits and the like.

#### Attachment

Extract from 2017/2018 revenue statement (R17.3 Adjustments to service charges made without issuing supplementary notices)

#### Recommendation

THAT Council endorse the processing of prior period waste management charges where appropriate on a whole monthly basis rather than a daily basis.

<b>Decision:</b>	Moved – Cr Choat	Seconded - Cr Hall
	<p>“THAT Council endorse the processing of prior period waste management charges where appropriate on a whole monthly basis rather than a daily basis.”</p> <p style="text-align: right;"><u>Carried</u></p>	

<b>Subject:</b>	<b>Standing Offer Arrangement - Supply, Cartage, Heating and Spraying of Bituminous Products and Hire of Plant and Operators for Bitumen Sealing Works for a Twenty Four month (24) Period</b>
<b>File Ref:</b>	<b>Corporate management - tendering - tenders</b>
<b>Action Officer:</b>	<b>SPO</b>

#### Background/Summary

Quotation 1031 was called as a standing offer arrangement to replace the current agreement, Quotation 1031 was called under the auspices of Localbuy Contract #BUS 242-1013.

Six suppliers were invited to tender, two suppliers did not respond.

A price analysis was carried out that would represent a typical reseal program for Council including the Supply, Cartage, Heating and Spraying of Bituminous Products and the cost to spread, roll and sweep the road.

Colas NSW Pty Ltd made an alternate offer to substitute materials for multigrade binder, polymer modified binder and prime grade bituminous emulsion.

Works Manager Andrew Johnson has stated that these alternative materials may be of use to Council in future projects.

#### Attachments

Nil – The pricing supplied is “Commercial in Confidence” therefore a copy of the Tender Analysis Summary will be available at the meeting for Council’s perusal.

#### Recommendation

It is recommended THAT -

- Council accept both the conforming and non-conforming offers from Colas NSW Pty Ltd as Council's main supplier; and
- RPQ Spray Seal Pty Ltd is accepted as Council's number two or back-up supplier.

**Decision:** Moved - Cr Hall Seconded - Cr Gaedtke

“THAT -

- Council accept both the conforming and non-conforming offers from Colas NSW Pty Ltd as Council's main supplier; and
- RPQ Spray Seal Pty Ltd is accepted as Council's number two or back-up supplier.”

Carried

<b>Subject:</b>	<b>Audit committee policy</b>
<b>File Ref:</b>	<b>Financial management - external audit FY2017</b>
<b>Action Officer:</b>	<b>DFIN</b>

### Background/Summary

Audit issued an interim report on 14 June 2017 (extract attached) recommending an expansion in the role of Council's audit committee.

Council management views about this matter are included in the interim audit report.

The role, scope and composition of the audit committee is outlined in:

- Sections 208 to 211 of the Local Government Regulation 2012 (attached)
- Council's audit committee policy F/006 (attached)

Should Council wish to expand the involvement and oversight of the audit committee (as suggested by audit) Council may wish to amend the audit committee policy to:

- require additional meetings of the audit committee for example to review (as suggested by audit) asset valuation matters and shell financial statements and policy notes
- change the membership of the audit committee (while noting that there is a maximum of two elected members permitted), or
- make other changes

It is noted that Council's audit committee was first formed in 2010 when Council was legally required to have an audit committee. Most councils are required to have an audit committee.

### Attachment

- Extract from interim management letter issued by Crowe Horwath on behalf of Queensland Audit Office on 14 June 2017
- Sections 208 to 211 of the Local Government Regulation 2012
- Council's audit committee policy F/006

### Recommendation

THAT the words “Council is required to have an audit committee under the Local Government Act 2009” be removed from the audit committee policy.



**Decision:** Moved – Cr Whalley Seconded - Cr Choat

“THAT the words “Council is required to have an audit committee under the *Local Government Act 2009*” be removed from the audit committee policy.”

Carried

**Subject:** Substituted service for delivery of a notice of intention to sell land for overdue rates or charges  
**File Ref:** Rates - abandonment - sale of land program 2016/2017  
**Action Officer:** DFIN

#### Background/Summary

Authority is sought to serve a notice of intention to sell land for overdue rates or charges using the substituted service provisions of the *Local Government Act 2009*.

Council has not been able to effect delivery to the owner of L 1100 SP237386 (42 Noblewood Crescent Fernvale 00824-37150-000) whose last advised address was in Western Australia.

While using the substituted service method is expensive, Council has successfully recovered the costs on each occasion this method has been used in the past.

#### Attachment

Section 239 of the *Local Government Act 2009*

#### Recommendation

THAT Council endorse the use of s 239 of the *Local Government Act 2009* to effect delivery of a notice of intention to sell land for overdue rates or charges to the owner of lot 1100 SP237386.

**Decision:** Moved - Cr Whalley Seconded - Cr Choat

“THAT Council endorse the use of s 239 of the *Local Government Act 2009* to effect delivery of a notice of intention to sell land for overdue rates or charges to the owner of lot 1100 SP237386.”

Carried

**Subject:** Policy review dates  
**File Ref:** Financial management - external audit FY2017  
**Action Officer:** DFIN

#### Background/Summary

Audit issued an interim report on 14 June 2017 (extract attached) noting that Council has policies with review dates that have passed.

Audit has acknowledged that the review dates do not represent expiry dates.

Council is required to have certain financial management policies that are subject to annual review and Council has undertaken these reviews each budget including on 14 June 2017.

For other policies however, there is no legal requirement to have a review date flagged on each policy.

Council's policies are freely available for viewing by the community on Council's website. There are more than 70 policies.

In practice, Council policies are used in the normal course of Council's daily business.

Council officers have in the past brought issues about the currency of particular policies to Council's attention so that these might be reviewed by Council at the appropriate time.

For example, Council's investment policy refers to credit ratings which are subject to change at any time and these changes are unlikely to coincide with a nominated policy review date.

There is therefore already an ongoing review process for Council policies and it is considered that the audit concern about this matter is best addressed by not having set review dates in any policy.

#### Attachment

- Extract from interim management letter issued by Crowe Horwath on behalf of Queensland Audit Office on 14 June 2017
- List of policies

#### Recommendation

THAT all review dates in all Council policies including:

- the entire line commencing with the words "To be reviewed on" or similar wording and
- any other reference to review dates including words such as "This policy will be reviewed on" or similar wording

be removed from all policies and that no review dates be incorporated in any future recommendation about any policy.

<b>Decision:</b>	Moved - Cr Gaedtke	Seconded - Cr Hall
	<p>"THAT all review dates in all Council policies including:</p> <ul style="list-style-type: none"> <li>• the entire line commencing with the words "To be reviewed on" or similar wording and</li> <li>• any other reference to review dates including words such as "This policy will be reviewed on" or similar wording</li> </ul> <p>be removed from all policies and that no review dates be incorporated in any future recommendation about any policy."</p> <p style="text-align: right;"><u>Carried</u></p>	

<b>Subject:</b>	<b>Paddy Gully Road Glen Esk bin services</b>
<b>File Ref:</b>	<b>Rates - applications correspondence - 2017 - 2018 - garbage</b>
<b>Action Officer:</b>	<b>DFIN</b>

#### Background/Summary

Council's revenue statement outlines processes involved with new proposed garbage

services.

These processes have been in place for many years and aim to improve health and environmental outcomes.

Council has received a request from a property owner to commence garbage services along Paddy Gully Road south of Esk.

Council's waste contractor has confirmed that the area can be serviced.

Endorsement is sought for this proposed new service area before Council engages with relevant property owners about it.

#### Attachment

Extract from revenue statement (R7.2 waste management charges)

#### Recommendation

THAT the proposed waste service along Paddy Gully Road be endorsed.

<b>Decision:</b>	Moved - Cr Hall	Seconded - Cr Brieschke
	"THAT the proposed waste service along Paddy Gully Road be endorsed."	
		<u>Carried</u>

<b>Subject:</b>	<b>Kilcoy Indoor Sports Centre electricity reimbursement</b>
<b>File Ref:</b>	<b>Recreation and cultural services - service provision - recreation facilities</b>
<b>Action Officer:</b>	<b>DFIN</b>

#### Background/Summary

Council recently upgraded the electricity connection for the Kilcoy indoor sports centre and Kilcoy football fields and clubhouse.

The manager of the Kilcoy indoor sports centre previously was paying the entire electricity account for all of these areas.

The manager has written proposing that Council repay the manager \$2,880 of the total \$4,631.49 paid in respect of usage at the Kilcoy football fields and clubhouse. Evidence has been provided of the accounts paid.

Council has monitored the daily power usage at the Kilcoy indoor sports centre since the new meter was installed. The daily usage is consistent with the manager's claim.

#### Recommendation

THAT Council accept the offer of 5 June 2017 from the manager of the Kilcoy indoor sports centre for the payment of \$2,880 (GST inclusive) as settlement of the electricity issue raised on presentation of a tax invoice.

<b>Decision:</b>	Moved - Cr Whalley	Seconded - Cr Brieschke
	"THAT Council accept the offer of 5 June 2017 from the manager of the Kilcoy indoor sports centre for the payment of \$2,880 (GST	

inclusive) as settlement of the electricity issue raised on presentation of a tax invoice.”

Carried

<b>Subject:</b>	<b>General Consent - SEQ Water Lease SDL040</b>
<b>File Ref:</b>	<b>Council Properties - Leasing Out - Council Land and Buildings - Doc Id 909108</b>
<b>Action Officer:</b>	<b>DCORP</b>

#### Background/Summary

Council has received a request from SEQWater to provide a consent to the exercise of an option on a Somerset Dam lease. The lease originally commenced in 1991 for a fifteen (15) year period, with an option for a further thirty (30) years. The amendment form for the term of the option was lodged with Registrar of Titles, who has requisitioned on the basis that a lease of part of the land for a term exceeding ten years (including options) requires the approval of the local authority.

A search of the Kilcoy Shire Council minutes determined that Council authorised the Chairman and Clerk to sign the General Consent form for this lease, together with others, on 19 June 1991. It is this document that the Registrar of Titles does not have for SDL40.

#### Attachments

Kilcoy Shire Council – Minutes of Ordinary Meeting dated 19 June 1991

#### Recommendation

THAT –

- (i) Council note the decision of Kilcoy Shire Council of 19 June 1991 to authorise the signing of General Consents for various Somerset Dam leases.
- (ii) Based on the above decision, Council authorise the Mayor and Chief Executive Officer to sign a General Consent for the renewal of SDL040.

<b>Decision:</b>	Moved - Cr Hall	Seconded - Cr Brieschke
	“THAT -	
	(i) Council note the decision of Kilcoy Shire Council of 19 June 1991 to authorise the signing of General Consents for various Somerset Dam leases.	
	(ii) Based on the above decision, Council authorise the Mayor and Chief Executive Officer to sign a General Consent for the renewal of SDL040.”	
	<u>Carried</u>	

<b>Subject:</b>	<b>Delegations - Council to Chief Executive Officer</b>
<b>File Ref:</b>	<b>Governance - authorisations - Delegations by Council</b>
<b>Action Officer:</b>	<b>DCORP</b>

#### Background/Summary

The *Local Government Act 2009* provides a broad range of powers that may be delegated by

resolution.

Advice has been received from the Local Government Association of further delegations required to give effect to the new Planning legislation. This new legislation is effective from 3 July 2017.

Proposed changes have been categorised as either:

- amendments to existing delegations; or
- new delegations.

<b>Attachments</b>
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Attachment A - Amendment to Existing Delegations  
Attachment B - New Delegations

<b>Recommendation</b>
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THAT:

- (i) Council approve the amendments to the existing delegations to the Chief Executive Officer as they appear in Attachment A;
- (ii) Council approve the new delegations to the Chief Executive Officer as they appear in Attachment B.

<b>Decision:</b>	Moved - Cr Whalley	Seconded - Cr Hall
	"THAT:	
	(i) Council approve the amendments to the existing delegations to the Chief Executive Officer as they appear in Attachment A;	
	(ii) Council approve the new delegations to the Chief Executive Officer as they appear in Attachment B."	
	<u>Carried</u>	

**ATTACHMENT A**  
**AMENDMENT TO EXISTING DELEGATIONS - COUNCIL TO CEO**  
*Planning Act 2016 – Effective from 3 July 2017*

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
1.	Chief Executive Officer	Power to act as the “assessment manager” for all development applications, change representations, cancellation applications and extension applications received by Council under Chapter 3 of the <i>Planning Act 2016</i> . For avoidance of doubt, the power delegated includes the power to take all actions of an assessment manager and consider all matters as detailed in sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109 of the <i>Planning Act 2016</i> .	Sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109 <i>Planning Act 2016</i>	28 June 2017	
2.	Chief Executive Officer	Power to act as a “referral agency” for all development applications and cancellation applications received by Council as a referral agency under Chapter 3 of the <i>Planning Act 2016</i> . For avoidance of doubt, the power delegated includes the power to take all actions of a referral agency and consider all matters as detailed in sections 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109 of the <i>Planning Act 2016</i> .	Sections 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109 <i>Planning Act 2016</i>	28 June 2017	
3.	Chief Executive Officer	Power, as a participating local government for a distributor-retailer, to enter a break-up agreement about the charges break-up and publish a copy of the agreement on the local government’s website.	Section 115 <i>Planning Act 2016</i>	28 June 2017	

**ATTACHMENT B****NEW DELEGATIONS - COUNCIL TO CEO*****Development Assessment Rules – Effective from 3 July 2017***

<b>NO.</b>	<b>DELEGATE</b>	<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LEGISLATION</b>	<b>DATE OF RESOLUTION</b>	<b>CONDITIONS TO WHICH THE DELEGATION IS SUBJECT</b>
1.	Chief Executive Officer	Power, as an assessment manager, to determine if the application is a properly made application.	Section 1.2 <i>Development Assessment Rules</i>	28 June 2017	
2.	Chief Executive Officer	Power, as an assessment manager, to give a confirmation notice.	Section 2.3 <i>Development Assessment Rules</i>	28 June 2017	
3.	Chief Executive Officer	Power, as an assessment manager, to give an action notice.	Section 3.1 <i>Development Assessment Rules</i>	28 June 2017	
4.	Chief Executive Officer	Power, as an assessment manager, to agree to a further period for the applicant to comply with all actions in the action notice and give notice to the assessment manager that it has complied.	Section 3.2 <i>Development Assessment Rules</i>	28 June 2017	
5.	Chief Executive Officer	Power, as an assessment manager, to give a confirmation notice if the applicant has complied with the action notice.	Section 3.4 <i>Development Assessment Rules</i>	28 June 2017	
6.	Chief Executive Officer	Power, as an assessment manager, to accept the application as a properly made application after giving an action notice.	Section 3.5 <i>Development Assessment Rules</i>	28 June 2017	

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
7.	Chief Executive Officer	Power, as an assessment manager, to agree on a further period for giving a confirmation notice.	Section 3.6(b) <i>Development Assessment Rules</i>	28 June 2017	
8.	Chief Executive Officer	Power, as an assessment manager, to agree to a further period for the applicant to give a copy of the application to a referral agency.	Section 5.1 <i>Development Assessment Rules</i>	28 June 2017	
9.	Chief Executive Officer	Power, as a referral agency, to determine if the application is a properly referred application.	Section 6.2 <i>Development Assessment Rules</i>	28 June 2017	
10.	Chief Executive Officer	Power, as a referral agency, to give a confirmation notice.	Section 7.1 <i>Development Assessment Rules</i>	28 June 2017	
11.	Chief Executive Officer	Power, as a referral agency, to give the applicant an action notice	Section 8.1(a) <i>Development Assessment Rules</i>	28 June 2017	
12.	Chief Executive Officer	Power, as a referral agency, to give a copy of the action notice to the assessment manager.	Section 8.1(b) <i>Development Assessment Rules</i>	28 June 2017	
13.	Chief Executive Officer	Power, as a referral agency, to agree to a further period for the applicant to comply with all the actions in the action notice.	Section 8.2 <i>Development Assessment Rules</i>	28 June 2017	
14.	Chief Executive Officer	Power, as a referral agency, where the applicant has complied with all the actions in the action notice, to give a referral confirmation notice to the applicant and a copy to the assessment manager.	Section 8.2(b) <i>Development Assessment Rules</i>	28 June 2017	



NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
15.	Chief Executive Officer	Power, as a referral agency, to give the assessment manager notice that the application is taken to have not been referred.	Section 8.3(b) <i>Development Assessment Rules</i>	28 June 2017	
16.	Chief Executive Officer	Power, as a referral agency, to agree to a further period for the referral agency assessment period.	Sections 9.2(a) and (b) <i>Development Assessment Rules</i>	28 June 2017	
17.	Chief Executive Officer	Power, as an assessing authority, to agree to receive further information from the applicant during the development assessment process.	Section 11.2 <i>Development Assessment Rules</i>	28 June 2017	
18.	Chief Executive Officer	Power, as an assessing authority, to make an information request.	Section 12.1 <i>Development Assessment Rules</i>	28 June 2017	
19.	Chief Executive Officer	Power, as an assessment manager, to agree to a further period in which to make the information request.	Section 12.2 <i>Development Assessment Rules</i>	28 June 2017	
20.	Chief Executive Officer	Power, as a referral agency, to agree to a further period in which to make the information request.	Section 12.4 <i>Development Assessment Rules</i>	28 June 2017	
21.	Chief Executive Officer	Power, as an assessing authority, to give the applicant advice about an information request or any other matter, including how the applicant may change the application.	Section 12.5 <i>Development Assessment Rules</i>	28 June 2017	
22.	Chief Executive Officer	Power, as an assessing authority, to agree to a further period for the applicant to respond to the information request.	Section 13.1 <i>Development Assessment Rules</i>	28 June 2017	

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
23.	Chief Executive Officer	Power, as an assessment manager acting under section 53(10) of the Act to comply with the public notice requirements.	Sections 17.1, 17.3 and 17.4 <i>Development Assessment Rules</i>	28 June 2017	
24.	Chief Executive Officer	Power, as an assessment manager, to agree to a further period for the applicant to give notice of compliance with the public notice requirements.	Section 18.1 <i>Development Assessment Rules</i>	28 June 2017	
25.	Chief Executive Officer	Power, as an assessment manager, to accept properly made submissions and not properly made submissions.	Section 19.1 <i>Development Assessment Rules</i>	28 June 2017	
26.	Chief Executive Officer	Power, as the assessment manager, to agree to a further period to assess and decide the application.	Section 22.1(a) <i>Development Assessment Rules</i>	28 June 2017	
27.	Chief Executive Officer	Power, as the assessment manager, to:  (a) give a copy of the notice to each referral agency for the original application and any other referral agency required to be given referral; and  (b) advise each referral agency, with a copy to the applicant, of the effect of the change on the development assessment process.	Section 25.1 <i>Development Assessment Rules</i>	28 June 2017	
28.	Chief Executive Officer	Power, as the assessment manager, to determine whether the change:  (a) only deals with a matter raised in a properly made submission for the	Section 26.1 <i>Development Assessment Rules</i>	28 June 2017	

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		<p>application; or</p> <p>(b) is in response to an information request for the application; or</p> <p>(c) is in response to further advice provided by an assessing authority about the application.</p> <p>(d)</p>			
29.	Chief Executive Officer	Power, as the assessment manager, to give the applicant a confirmation notice where part 4 applies to the changed application and part 4 did not apply to the original application.	Section 26.2(a)(i) <i>Development Assessment Rules</i>	28 June 2017	
30.	Chief Executive Officer	<p>Power, as the assessment manager, to determine whether the change:</p> <p>(a) would be likely to attract a submission objecting to the thing comprising the change if public notification were to apply to the change;</p> <p>(b) only addresses a matter raised in a properly made submission.</p>	Section 26.2(b) <i>Development Assessment Rules</i>	28 June 2017	
31.	Chief Executive Officer	Power, as the assessment manager, to give notice to the applicant that public notification is required under section 26.2(b) and that it must be carried out in accordance with section 16.4.	Section 26.2(c) <i>Development Assessment Rules</i>	28 June 2017	
32.	Chief Executive Officer	Power, as a referral agency, despite section 11.1, to make an information request as a result of a referral under section 26.	Section 26.5 <i>Development Assessment Rules</i>	28 June 2017	
33.	Chief Executive Officer	Power, as an assessing authority, despite section 11.1, to make an information request	Section 27.2 <i>Development</i>	28 June 2017	

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		about the change.	<i>Assessment Rules</i>		
34.	Chief Executive Officer	Power, as the assessment manager, to determine whether the change would be likely to attract a submission objecting to the thing comprising the change, if public notification were to apply to the change.	Section 27.3 <i>Development Assessment Rules</i>	28 June 2017	
35.	Chief Executive Officer	Power, as a concurrence agency, after the referral agency assessment period and any further periods has ended, to change its referral agency response or give a late referral agency response before the application is decided.	Section 28.1 <i>Development Assessment Rules</i>	28 June 2017	
36.	Chief Executive Officer	Power, as a concurrence agency, to give notice of its intention to change its referral agency response to the assessment manager and the applicant.	Section 28.4(a) <i>Development Assessment Rules</i>	28 June 2017	
37.	Chief Executive Officer	Power, as a concurrence agency, to agree to a further period for the giving of an amended referral agency response.	Section 28.4(b) <i>Development Assessment Rules</i>	28 June 2017	
38.	Chief Executive Officer	Power, as a party to the application, to give notice to each other party that the applicant has not referred the application in accordance with section 54(1) of the Act.	Section 29.2 <i>Development Assessment Rules</i>	28 June 2017	
39.	Chief Executive Officer	Power, as a referral agency, despite section 11.1, to make an information request as a result of a referral under section 29.	Section 29.6 <i>Development Assessment Rules</i>	28 June 2017	
40.	Chief Executive Officer	Power, as a party who initiated an extension under the DA rules, to give a copy of the agreement to any other party to the application.	Section 33.1 <i>Development Assessment Rules</i>	28 June 2017	

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
41.	Chief Executive Officer	Power, as an assessment manager or as a concurrence agency for the application, to ask any third party for third party advice.	Section 34.1 <i>Development Assessment Rules</i>	28 June 2017	
42.	Chief Executive Officer	Power, as an assessment manager or as a concurrence agency for the application, to give further advice about the application to the applicant, including how the applicant may change the application.	Sections 35.1 and 35.2 <i>Development Assessment Rules</i>	28 June 2017	

**Planning Regulation 2017 – Effective from 3 July 2017**

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
1.	Chief Executive Officer	Power to extend the period mentioned in subparagraph (a).	Section 12(b) <i>Planning Regulation 2017</i>	28 June 2017	
2.	Chief Executive Officer	Power, as an assessment manager, to make the requested decision.	Schedule 11, Section 10(1) <i>Planning Regulation 2017</i>	28 June 2017	
3.	Chief Executive Officer	Power, as an assessment manager, to give notice of the decision.	Schedule 11, Section 10(2) <i>Planning Regulation 2017</i>	28 June 2017	
4.	Chief Executive Officer	Power, as an assessment manager, to give notice of the decision, including the reasons for the decision.	Schedule 11, Section 10(3) <i>Planning Regulation 2017</i>	28 June 2017	
5.	Chief Executive Officer	Power, where the request complies with the criteria stated in section 2, to approve the request.	Schedule 18, Section 3(1) <i>Planning Regulation 2017</i>	28 June 2017	
6.	Chief Executive Officer	Power to give notice of the approval to the person making the request.	Schedule 18, Section 3(2) <i>Planning Regulation 2017</i>	28 June 2017	
7.	Chief Executive Officer	Power to keep the documents listed in subsection (1) available for inspection and purchase.	Schedule 22, Section 1 <i>Planning Regulation 2017</i>	28 June 2017	
8.	Chief Executive Officer	Power to keep the documents listed in subsection (1) available for inspection only.	Schedule 22, Section 2 <i>Planning Regulation 2017</i>	28 June 2017	

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
9.	Chief Executive Officer	Power to publish the documents listed in subsections (1) and (4) on Council's website.	Schedule 22, Section 3 <i>Planning Regulation 2017</i>	28 June 2017	
10.	Chief Executive Officer	Power, as an assessment manager, to keep the documents listed in subsections (1) and (2) available for inspection and purchase.	Schedule 22, Section 5 <i>Planning Regulation 2017</i>	28 June 2017	
11.	Chief Executive Officer	Power, as an assessment manager, to keep the documents listed in subsection (1) available for inspection only.	Schedule 22, Section 6 <i>Planning Regulation 2017</i>	28 June 2017	
12.	Chief Executive Officer	Power, as an assessment manager, to publish the documents listed in subsections (1) and (4) on Council's website.	Schedule 22, Section 7 <i>Planning Regulation 2017</i>	28 June 2017	
13.	Chief Executive Officer	Power, as a referral agency, to keep the documents listed in subsections (a) to (d) available for inspection and purchase.	Schedule 22, Section 8 <i>Planning Regulation 2017</i>	28 June 2017	
14.	Chief Executive Officer	Power, as a referral agency, to keep a register for all development applications and change applications given to the referral agency under section 54 of the Act and to make it available for inspection only.	Schedule 22, Section 9 <i>Planning Regulation 2017</i>	28 June 2017	
15.	Chief Executive Officer	Power, as a referral agency, to publish the documents listed in subsections (a) to (d) on Council's website.	Schedule 22, Section 10 <i>Planning Regulation 2017</i>	28 June 2017	

**Planning Act 2016 – Effective from 3 July 2017**

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
1.	Chief Executive Officer	Power, as an affected party, to make submissions about the proposal to the Minister.	Section 37(4) <i>Planning Act 2016</i>	28 June 2017	
2.	Chief Executive Officer	Power, as an owner of an interest in designated premises, to request a designator to repeal a designation made by the designator on the basis that the designation is causing the owner hardship.	Section 41(1) <i>Planning Act 2016</i>	28 June 2017	
3.	Chief Executive Officer	Power, as the owner of premises, to give written consent to the making of the development application.	Section 51(2)	28 June 2017	
4.	Chief Executive Officer	Power to consult with the Minister about making or amending the instrument mentioned in subsection (8)(c).	Section 64(9)	28 June 2017	
5.	Chief Executive Officer	Power, as the owner of land, to give written consent to the cancellation application.	Section 84(3)(b)(i) <i>Planning Act 2016</i>	28 June 2017	
6.	Chief Executive Officer	Power, as a public utility, to give written consent to the cancellation application.	Section 84(3)(b)(iii) <i>Planning Act 2016</i>	28 June 2017	
7.	Chief Executive Officer	Power, as the owner of land, to give written consent to the extension application.	Section 86(2)(b)(ii) <i>Planning Act 2016</i>	28 June 2017	
8.	Chief Executive Officer	Power to comply with a direction given by the Minister.	Section 93(2) <i>Planning Act 2016</i>	28 June 2017	
9.	Chief Executive Officer	Power, as the decision-maker, to give the Minister reasonable help.	Section 105(3) <i>Planning Act</i>	28 June 2017	



NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
			<i>2016</i>		
10.	Chief Executive Officer	Power to consent to proceedings being brought on behalf of the corporation.	Section 175(1)(a) <i>Planning Act 2016</i>	28 June 2017	
11.	Chief Executive Officer	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.	Section 181(4) <i>Planning Act 2016</i>	28 June 2017	
12.	Chief Executive Officer	Power, where an appeal is only about a referral agency's response, to apply to the tribunal or P&E Court to withdraw from the appeal.	Section 229(5) <i>Planning Act 2016</i>	28 June 2017	

<b>Subject:</b>	<b>Somerset Region Neighbourhood Centre Service Report for the period 1 May - 31 May 2017</b>
<b>File Ref:</b>	<b>Community services - service provision - Community Development</b>
<b>Action Officer:</b>	<b>CDC</b>

### Background/Summary

#### *Activities throughout the month included:*

- The Cuppa and Chat at Esk included a talk by Don McLaughlin from the NDIS. Ten residents including one new attended.
- Friendly Crafters continued with 14 and 13 attending two sessions, including one new attendee.
- Friendly Games had 7 and 10 attendees, including 2 new.
- The Toogoolawah Positive Peers Mental Health Support Group continues with no new members this month. The group is struggling to maintain momentum.
- The final Kilcoy Community Share Meal was held on 30 May. It may get reinvented in the future but at the moment is not meeting its desired outcomes.
- The Lowood Women's Group continues to be supported. The ladies enjoyed an informative talk about fire safety.
- Toogoolawah Women's Group continues to be supported. The month saw informative talks on Hearing Issues and a bus trip.
- There were three mobile hubs scheduled for this month, being Eagle Rise, Toogoolawah and Kilcoy. Numbers at the hubs are limited but included some very positive enquiries about the NDIS which is now available in Somerset.

#### *Meetings throughout the month:*

- Chaired the West Moreton Mental Health Collaborative Meeting in Ipswich
- Attended public meeting at Lowood (Eagle Rise)
- Attended a public meeting held by Empowered to Care around employment opportunities due to the NDIS
- Chaired Brisbane Valley Transport meeting group, where opportunities for promoting public transport was discussed..
- Coordinated BV and Kilcoy Interagency meetings. The Kilcoy meeting continues to grow with new agency members attending and others becoming more regular attendees. The BV meeting was limited due to a fatality on the highway, reducing access to Esk.
- Attended a NDIS Network Group meeting in Fernvale. The NDIS rollout was brought forward to 1 June. This was a result of a lower than expected initial applications for access.
- Attended a disability working party group in Ipswich around employment opportunities and growing the sector in response to the NDIS roll out in the region.
- The CDC is working with the council's YEO and Mercy Services local level alliance community engagement officer (Caboolture) to bring more services to youth in Kilcoy. A meeting was held in Caboolture, to encourage participation and the initiative received a strong roll up, with a few new service providers attending. Hopefully, more of these agencies will regularly connect with the high school to support their students.
- Attended a Neighbourhood Centre meeting with a CD worker from the Qld Families and Communities Association.
- Attended a Community Development network meeting with other CD workers from SE Qld.

#### *Events*

- Worked with Somerset Vision to present two information mornings for seniors on topics

around My Aged Care, staying in their own home, residential care options and access, financial information around pensions, enduring powers of attorney and advanced health directives. Thirty six seniors attended over the two sessions.

- Held a stall at the DV prevention month activity in Clock Park. The stall created more stars for the Commonwealth Games and encouraged awareness of the One Million Stars Against Violence Movement.
- Held an information and discussion morning in Kilcoy around domestic violence for DV month. Four ladies attended what was a very informative session.
- The CDC is working with the Kilcoy and District Cultural Committee and the Aboriginal and Torres Strait Islander Health Unit to bring an event to Kilcoy. Up to \$1,500 will be provided from the Somerset Regional Neighbourhood Centre Service funding, along with \$2,000 from the Health Unit to create the event in Yowie Park on 2 July.

#### *Other details*

Two new volunteers to support the Community Connection Point in Esk were inducted.

#### *Future Planned/Proposed Events*

- Art Therapy for Women – Toogoolawah July/August
- NAIDOC – Kilcoy – July
- Community Garden Working Bee - Esk – July
- Seniors Week Event – Esk – August
- Teddy Bears Picnic – Toogoolawah - September

#### **Somerset Region Neighbourhood Centre Service usage Events**

<b>Group/event name</b>	<b>Date</b>	<b>Location</b>	<b>Topic</b>	<b>Number attendees</b>	<b>Number new attendees</b>
Cuppa and Chat	5 May	Esk	NDIS	11	1
Friendly Crafters	4 May	Toogoolawah	General craft	14	1
	18 May			13	0
Toogoolawah Women's Group	10 May	Toogoolawah	Aust Hearing	Around 20	0
	24 May		Planning Day	at each	0
	31 May		Bus trip		
Friendly Games	11 May	Toogoolawah	Various board and card games	7	2
	25 May			10	0
Mobile Hub	25 May	Eagle Rise	12 agencies	9 enquiries	9
Mobile Hub	25 May	Toogoolawah	2 agencies	2 enquiries	2
Mobile Hub	26 May	Kilcoy	2 agencies	2 enquiries	1
Share Meal	30 May	Kilcoy	Continue or postpone discussion	8	0

**Information and referrals**

Referring centre/role	Total number of people assisted	Any trends (including topic and location)	How enquirers heard about the service
Esk Community Connection Point	14	Emergency relief 2 Social isolation 7 Aged care 1 Form filling 1 Service enquiries 3	Repeat 6 Co-location 5 Referral council or other 3
Kilcoy Community Connection Point mobile	0		
Toogoolawah Community Connection Point	Not open for info/referral		
CDC	6	Home maintenance assistance 2 Health 1 NDIS 2 Family support 1	Referred by council 3 Self referral 1 Referral from agency 2

**Attachments**

Nil

**Recommendations**

THAT the contents of this report be noted.

**Decision:**

Moved - Cr Brieschke

Seconded - Cr Gaedtke

"THAT the contents of this report be noted."

Carried

**Subject:** Sport and Recreation report - May 2017  
**File Ref:** Governance - Reporting - Officer Reports  
**Action Officer:** SRO

**Background/Summary**

The following report contains an overview of current activities of the sport and recreation officer (SRO) and an update of projects in planning phase and future proposals as of the end of May 2017.

**Vibrant Somerset****1. Operate Indoor Sports Facilities**

Points to note and/or highlights from the April sports facility reports.

*Fernvale Indoor Sports Centre*

- There were 1,493 attendees at the centre in April. Attendances were lower than figures recorded in the previous month.

- Gym memberships for April were slightly lower than figures recorded in the previous month, and also lower than figures recorded during the same period last year.
- Internal marketing included a promotion during April continuing to encourage current members to bring their friends to try the centre with a free 5 day pass. A free week of membership was given to thank them if their friend became a member.
- External marketing included encouraging new (and existing) members to take advantage of having an exercise program written for them to make the most of their workouts and improve their health. Especially as the weather is getting cooler, it helps to keep people motivated.

#### *Toogoolawah Community Gym*

- There were 240 attendees at the Community Gym in April. Attendances were higher than figures recorded in the previous month.
- Gym memberships for April were higher than figures recorded in the previous month.
- Internal marketing initiatives included putting more posters around the centre, promotion of programs and classes, local events and activities on offer for the community and sponsoring of staff athletes.
- External marketing initiatives for January included the following:
  - Permanent space in the local newspaper.
  - Free passes have been left at various businesses in Toogoolawah.
  - Regular facebook updates.
  - Space in the local high school newsletter promoting the gym.
  - Posters have been placed around town.

#### *Kilcoy Indoor Sports Centre and Gym*

- There were 1,156 attendees at the centre in April. Attendances were higher than figures recorded in the previous month.
- Memberships increased in comparison to the previous month.
- Internal marketing initiatives included several internal promotions with challenges, new promotional banners, promoted programs and activities available for the community, friends in fitness newsletter, the member of the month displayed in the foyer, sponsored local athletes and free passes to classes were given to all netball teams.
- External marketing initiatives for March included the following:
  - Promotional activities in Woodford.
  - Promotion of first aid courses.
  - Sponsored several events around Kilcoy.
  - Corporate membership packages offered to local businesses.
  - Free passes given to allied health services to hand to their patients.
  - Regular facebook updates with an increase on members from the previous month.
  - Kilcoy Indoor Sports Centre team competed in a fund-raiser for the children's hospital.
  - Kilcoy Indoor Sports Centre hosted the Council funded Active Ageing program which was highly successful with an average of 25 people per session.

## **2. Swimming pools maintained in operating condition**

#### *Toogoolawah Pool*

- There were 110 attendances recorded for April; attendances were lower than the

- figures recorded in the previous month.
- All internal and external marketing is done through regular facebook and website updates along with the creation of flyers for all programs and events.
- Centre programs that are available to the community include aqua aerobics, squad training, learn to swim, beach volleyball and slip and slide Saturday.

#### *Kilcoy Aquatic Centre*

- There were 376 attendances recorded for April; attendances were lower than the figures recorded in the previous month.
- All internal and external marketing is done through regular facebook and website updates along with the creation of flyers for all programs and events.
- Centre programs that are available to the community include aqua aerobics, squad training, learn to swim bubble maker experience, try stars, junior dolphins and pool parties.

#### *Lowood Pool*

- There were 2,569 attendances recorded for March and April.
- Marketing and promotion initiatives included regular facebook updates and the creation of flyers for upcoming events and programs.
- Centre programs such as learn to swim, squad training, senior exercise time, Mum, Dad's and bubs class and aqua aerobics have continued throughout the month of February and are well received by community.

#### *Esk Pool*

- There were 676 attendances recorded for March and April.
- Marketing and promotional initiatives included regular facebook updates.
- Centre programs such as learn to swim, squad training and fitness have continued throughout the month of February and are well received by the community.

The SRO with assistance of the Facilities Maintenance Coordinator (FMC) has continued to work with facility operators on a variety of matters relating to the operation of the facilities and various maintenance issues that arise.

### **3. Increased awareness of sport, recreation and healthy lifestyle issues relevant in the region**

The SRO promoted various programs and events such as Active Ageing Winter School Holiday program and the Fun Run through facebook, LED town signs, the active and healthy website and Council media release.

The SRO ensured that the Somerset Rail Trail Fun Run and Active and Healthy Council website page was updated with relevant information.

The SRO provided information to community sporting groups on upcoming funding opportunities, referrals to free webinars and other educational opportunities.

### **4. Assessment of the needs of the community for the delivery of sport and recreation**

The SRO attended the LRCA monthly meeting. A number of matters were discussed and resolved at the meeting.

The SRO attended the Brisbane Valley Bulls Rugby League Club Annual General Meeting,

new members were elected and a number of matters were discussed. The election of new members sees the recommencement of operation for the club after a lengthy period of inactivity. The SRO will continue to provide assistance where needed.

## **5. Community participation in physical activity**

### *Somerset Rail Trail Fun Run*

The SRO continued working on relevant tasks required to ensure progress is maintained and event preparations are on track. In particular the SRO worked on various aspects to ensure the online registrations were able to go 'live' to the public by the set date.

### *LIFE – Workplace Wellness*

The SRO continued to encourage fellow Council staff to get involved in the free LIFE activities that are on offer on a weekly basis. A dodge ball night was organised for May, the night was well received by the staff who attended.

### *Get Active and Healthy in Somerset Directory 2017*

The SRO continued distributing the 2017-2018 Active and Healthy in Somerset Directory to various parts of the community.

### *2017 Somerset Schools Cup*

The SRO continued liaising with relevant High Schools in preparation for the 2017 Somerset Schools Cup set to be held Friday, 2 June. Council will be covering the cost of transport and trophies as per 2016 as well as assisting with the running of the day.

### *2017 Somerset Primary Schools Cup (winter and summer edition)*

The SRO continued to liaise with the relevant schools for the 2017 Somerset Primary Schools Cup. The first Primary Schools Cup for the year was postponed due to severe weather, it will now be held at a later date. The winter edition of the Primary Schools Cup will be held Friday, 23 June.

### *Active Ageing*

The SRO continued promoting the program with various clinics and activities receiving good attendance numbers to date.

### *Chappy Week Events*

The SRO and the YEO attended Harlin and Linville State School to conduct activities for Chappy Week. The children enjoyed the sessions and the schools were very appreciative of the support provided by Council.

### *Under 8's Week Events*

The SRO, Libraries and YEO attended Minden and Toogoolawah State School to provide activities for the children as part of their Under 8's Week celebrations. The activities were well received and the Schools were very appreciative of the support provided by Council.

## **6. Develop appropriate management strategies**

The SRO liaised with management at Somerset Sport and Aquatics, Aqua Antics, Somerset Health and Fitness and the facilities maintenance coordinator regarding various facilities. The SRO continued to liaise with user groups at the Fernvale Sports Park regarding various matters.

## **7. More community participation in physical activity through progressively**

### implementing Parkland Strategies and Recreation Framework

Recommendation 3.6.1 – the SRO continues to communicate with clubs and the community on matters relating to sport and recreation through email notices and information on the Active and Healthy Council website page kept up to date.

Recommendation 3.1.1 – the SRO continues to assist as needed on Council's successful round 2 application for upgrades to the Lowood Recreation Complex under the *Get Playing Plus* funding program.

#### 8. Multiple use of recreation reserves

The SRO liaised with the Esk Touch Football Association and provided advice regarding usage of the Esk Recreational Grounds for their scheduled Touch Football competition.

#### 9. More information is made available to clubs to enable the clubs to operate effectively

##### *Club Liaison*

- The SRO provided assistance to the Lowood Recreational Complex Association regarding strategic and master planning documents.
- The SRO provided assistance to the Moore Tennis Club regarding funding opportunities.
- Several emails were sent to Somerset clubs this month. These included reminders for upcoming events, the latest grant information and information on upcoming workshops and webinars.

#### 10. Grants approved

Nothing to report this month.

#### 11. Sports equipment library developed

##### *May*

Esk - 22 loans    Kilcoy - 3 loans    Lowood - 5 loans    Toogoolawah - 1 loan

There were a total of 31 loans from the Active and Healthy Resource Centre in the month of May.

#### Attachments

Centre Attendance figures for the month of April for the Fernvale Indoor Sports Centre, Kilcoy Indoor Sports Centre, Toogoolawah Community Gym, Toogoolawah Swimming Pool and Kilcoy Aquatic Centre

#### Recommendation

THAT the report be received.

<b>Decision:</b>	Moved - Cr Hall	Seconded - Cr Whalley
	"THAT the report be received."	
		<u>Carried</u>



<b>Subject:</b>	<b>Application for a permit to occupy over part of Western Branch Road, Mount Stanley</b>
<b>File Ref:</b>	<b>Rates and valuations - notifications - leases (road licence - permit to occupy - stock grazing permit) (960588)</b>
<b>Action Officer:</b>	<b>TO</b>

### Background/Summary

An application has been received requesting Council to consider a permit to occupy part of Western Branch Road for grazing purpose. The extent of the permit is the section of road adjoining the following land parcels, Lot 2 CSH2079, Lot 13 CSH773, Lot 14 CSH773 and Lot 15 CSH773. The total area is about 106ha.

The traffic volume along this section of Western Branch Road is very low at about 25 vehicles per day. All of the above land parcels are zoned as Rural.

Applicant also queried if any local non-indigenous or cultural heritage values over the area to be considered. Council Officers reviewed this matter and is not aware of any local non-indigenous or cultural heritage values.

### Attachments

Map - Proposed area

### Recommendation

THAT Council advises the applicant that with regards to the application for a permit to occupy part of Western Branch Road, it has no objection to the application and consider authorisation of the use of the land be dealt with under the *Land Act* by Department of Natural Resources and Mines and that Council is not aware of any non-indigenous cultural heritage values.

<b>Decision:</b>	Moved - Cr Hall	Seconded - Cr Choat
	<p>"THAT Council advises the applicant that with regards to the application for a permit to occupy part of Western Branch Road, it has no objection to the application and consider authorisation of the use of the land be dealt with under the <i>Land Act</i> by Department of Natural Resources and Mines and that Council is not aware of any non-indigenous cultural heritage values."</p> <p style="text-align: right;"><u>Carried</u></p>	

<b>Subject:</b>	<b>Community Assistance Grants - Somerset Excellence Bursary 2016 - 2017 - Thomas Brennan - Doc Id 961049</b>
<b>File Ref:</b>	<b>Community Relations - Sponsorships - Somerset Excellence Bursaries</b>
<b>Action Officer:</b>	<b>DHRCS</b>

### Background/Summary

Council has received an application for financial assistance from Karen Brennan, on behalf of her son Thomas from Lowood. Thomas has been selected to represent Queensland in the CFFA Queensland Christian Soccer Association Under 16 boys State Team for 2017

and has been invited to attend the National Titles being held at the Sydney Sports Academy, Narrabeen, NSW 24 - 28 September 2017.

Thomas was the recipient of a Regional Level grant in May of this year as he attended the QSCA State Titles held in Kawana.

This application is considered as part of the Community Assistance Grant Policy which provides for a payment of \$300 for State Level representation.

#### Attachments

Nil

#### Recommendation

THAT Council approve the application as summarised in this report and grant a State Level Sporting Excellence grant of \$300 to Karen Brennan, on behalf of her son Thomas Brennan who has been selected to represent Queensland in the CFFA Queensland Christian Soccer Association Under 16 boys State Team for 2017 and has been invited to attend the National Titles being held at the Sydney Sports Academy, Narrabeen, NSW 24 - 28 September 2017.

#### Decision:

Moved - Cr Choat

Seconded - Cr Brieschke

“THAT Council approve the application as summarised in this report and grant a State Level Sporting Excellence grant of \$300 to Karen Brennan, on behalf of her son Thomas Brennan who has been selected to represent Queensland in the CFFA Queensland Christian Soccer Association Under 16 boys State Team for 2017 and has been invited to attend the National Titles being held at the Sydney Sports Academy, Narrabeen, NSW 24 - 28 September 2017.”

Carried

<b>Subject:</b>	<b>Community Assistance Grants - Somerset Excellence Bursary 2016 - 2017 - Annette Dunstan - Doc Id 960844</b>
<b>File Ref:</b>	<b>Community Relations - Sponsorships - Somerset Excellence Bursaries</b>
<b>Action Officer:</b>	<b>DHRCS</b>

#### Background/Summary

Council has received an application for financial assistance from Annette Dunstan from Toogoolawah. Annette has been selected to represent Queensland as a member of the Australian Indoor Bias Bowls Team and has been invited to attend the Australian Indoor Bias Bowls Championships being held in Devonport, Tasmania 21- 26 August 2017.

Annette has been the recipient of six sporting bursaries from Council since 2010 totalling \$1,450, all being in support of selection in her chosen sporting field, Indoor Bias Bowls.

This application is considered as part of the Community Assistance Grant Policy which provides for a payment of \$300 for State Level representation.

#### Attachments

Nil

### Recommendation

THAT Council approve the application as summarised in this report and grant a State Level Sporting Excellence grant of \$300 to Annette Dunstan, who has been selected to represent Queensland as a member of the Australian Indoor Bias Bowls Team and has been invited to attend the Australian Indoor Bias Bowls Championships being held in Devonport, Tasmania 21- 26 August 2017.

**Decision:** Moved - Cr Hall Seconded - Cr Choat

“THAT Council approve the application as summarised in this report and grant a State Level Sporting Excellence grant of \$300 to Annette Dunstan, who has been selected to represent Queensland as a member of the Australian Indoor Bias Bowls Team and has been invited to attend the Australian Indoor Bias Bowls Championships being held in Devonport, Tasmania 21- 26 August 2017.”

*Carried*

**Subject:** Community Assistance Grants - Somerset Excellence Bursary  
2016 - 2017 - Mitchell Farlow - Doc Id 964255  
**File Ref:** Community Relations - Sponsorships - Somerset Excellence  
Bursaries  
**Action Officer:** DHRCS

### Background/Summary

Council has received an application for financial assistance from Kelsey Farlow, on behalf of her son Mitchell from Redbank Creek. Mitchell has been selected for the Regional U/16 Central Crows Representative Team to compete at the Queensland Rugby League Junior State Carnival being held at Kawana from 30 June to 2 July 2017.

Mitchell has been the recipient of two Regional Level grants recently to attend trials with TJRL Clydesdales and QRL South West Mustangs U/16 representative sides in Miles and Gladstone. This application is considered as part of the Community Assistance Grant Policy which provides for a payment of \$100 for Regional Level representation.

### Attachments

Nil

### Recommendation

THAT Council approve the application as summarised in this report and grant a Regional Level Sporting Excellence grant of \$100 to Kelsey Farlow, on behalf of her son Mitchell Farlow who has been selected for the Regional U/16 Central Crows Representative Team to compete at the Queensland Rugby League Junior State Carnival being held at Kawana from 30 June to 2 July 2017.

**Decision:** Moved - Cr Gaedtko Seconded - Cr Hall

“THAT Council approve the application as summarised in this report and grant a Regional Level Sporting Excellence grant of \$100 to Kelsey Farlow, on behalf of her son Mitchell Farlow who has been

Carried

*Carried*

<b>Subject:</b>	<b>2017 - 22 Corporate Plan for Queensland Urban Utilities</b>
<b>File Ref:</b>	<b>Government relations - utilities departments - liaison / 2016-2017-QUU - Queensland Urban Utilities [Doc 962333]</b>
<b>Action Officer:</b>	<b>CEO</b>

### Background/Summary

In accordance with the *Central SEQ Distributor-Retailer Participation Agreement (s.14.1)*, Queensland Urban Utilities is required by to prepare a five-year Corporate Plan each year which is to be approved by special majority of participants.

Queensland Urban Utilities' updated Corporate Plan ("the Plan") for 2017/18 to 2021/22 is attached for approval. The Plan provides the following information:

- Introductory information, including Chairman's message, overview of Queensland Urban Utilities, and challenges and opportunities considered;
- Strategic direction, represented through the strategic pillars;
- Financial forecasts;
- Strategic risks, the risks that will prevent the achievement of.

The Plan has been developed using a strategic planning framework endorsed by the Australian Institute of Company Directors. The framework commences with scanning of the internal and external strategic environment, which includes consideration of shareholders' aspirations gathered from strategic plans and related documents, and ongoing engagement with Shareholders.

The strategic direction is developed in consultation with the Board, executive management and managers across Queensland Urban Utilities.

### STRATEGIC DIRECTION

Queensland Urban Utilities' purpose and vision remain unchanged. The strategic pillars and strategic success measures, which provide focus to what Queensland Urban Utilities' needs to achieve and where it needs to improve, are also unchanged. The focus of each strategic pillar is summarised below:

- **Customers and Communities:** Stronger focus on improving customer and operational data to support increased engagement with customers and communities, as well as using digital to improve the services provided.
- **Shareholders and Strategic Stakeholders:** Working more closely with Shareholders and strategic stakeholders to deliver products and services that support customers and enhance communities.
- **Operational Excellence:** Continued improvement of the efficiency and effectiveness of day-to-day operations and infrastructure delivery. Building on core capabilities and growing innovation expertise to explore alternative ways to provide services and enhance the environment.
- **People:** Continued focus on building the preferred constructive culture and embedding safety as a personal commitment of all employees, as well as moving towards the future workforce required to support the strategic direction.

## FINANCIAL FORECASTS

Queensland Urban Utilities' five-year financial forecasts have been updated, based on updated assumptions and statistics, and planned capital investment. They also updated in consideration of the expected outcomes of the objectives and strategies within the strategic pillars.

The financial forecasts represent an improved outcome across the Corporate Plan, with underlying increases in financial outcomes at operational profit (EBITDA) and net profit levels.

Key aspects of Queensland Urban Utilities' five-year financial forecasts are:

- A forward investment program in excess of \$1.6 billion over the five years to maintain service standards, meet growth requirements;
- A continued focus on optimising capital and operational expenditure to minimise upward pressure on prices;
- A limited borrowing requirement over the five years, with key credit metrics remaining strong; and
- Returns to owners from tax payments and dividends of \$967M over the five years.

### Attachments

DRAFT 2017 – 22 Corporate Plan (provided separately)

### Recommendation

THAT Somerset Regional Council APPROVE the draft 2017-22 Corporate Plan for Queensland Urban Utilities.

<b>Decision:</b>	Moved - Cr Choat	Seconded - Cr Whalley
	"THAT Somerset Regional Council APPROVE the draft 2017-22 Corporate Plan for Queensland Urban Utilities."	
	<u>Carried</u>	

### Meetings authorised by Council

#### Bush Councils Convention, Charters Towers – 9 – 11 August 2017

Mayor Lehmann, Cr Hall and Cr Whalley sought authorisation to attend the Bush Councils Convention in Charters Towers from 9 – 11 August 2017.

<b>Decision:</b>	Moved - Cr Choat	Seconded - Cr Brieschke
	"THAT Mayor Lehmann, Cr Hall and Cr Whalley be authorised to attend the Bush Council's Convention to be held in Charters Towers in from 9 – 11 August 2017."	
	<u>Carried</u>	

**Queensland Pest Animal Symposium - 2017**

Cr Choat sought authorisation to attend the 2017 Queensland Pest Animal Symposium.

<b>Decision:</b>	Moved - Cr Hall	Seconded - Cr Whalley
	"THAT Cr Choat be authorised to attend the 2017 Queensland Pest Management Symposium."	
		<u>Carried</u>

<b>Mayor's and Councillors' Reports</b>
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<b>Cr Gaedtke – Councillor's report</b>
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15 June	Assistance offered to set up Civic Centre – SASI
16 June	SASI Gala Opening - Somerset Bendigo Bank Art Awards 2017
17 June	Valley of the Lakes Garden Club Inc. – "Esk Garden and Lifestyle Fair" (Assistance offered to welcome patrons through gate 3)
17 June	Annual "Kilcoy Cup" Race Day
22 June	Biggest Morning Tea – Esk State School
23 June	Somerset Region Community Support Assn Inc. Meeting
23 June	Winter Primary School Somerset Cup
27 June	Kilcoy Interagency Meeting

*Friday 16, Saturday 17 and Sunday 18 June – Somerset region's Events*

The morning's early showers on Saturday dissipated and the sun welcomed a busy day in the region, with at least five major events being held. Congratulations to every person who assisted in any way to bring together the events that took place over the weekend. I attended the Somerset Bendigo Bank Art Awards 2017, the Esk Garden and Lifestyle Fair and the Kilcoy Cup Races. The Somerset Bendigo Bank Art Awards 2017 was very professionally presented, and the standard of entries were unprecedented. I happily volunteered my time to SASI and Valley of the Lakes Garden Club to assist with the many tasks. The Esk Garden and Lifestyle Fair attracted approximately 3,000 visitors with 58% visiting from other areas in Queensland. The Lowood Show was officially opened by a special dignitary, His Excellency the Honourable Paul de Jersey, Governor of Queensland. The annual Kilcoy Cup race day was well supported by a massive crowd, who enjoyed a great day of country racing, pacing and mini trotting. Mrs Pauline Watson of Vernor, held the Australia's Biggest Morning Tea fundraiser on a picture-perfect day, and a total of \$1,821.25 was raised for the Cancer Council. Well done! This extremely successful weekend of events has shown that our community groups can work together to achieve their wildest dreams, with people travelling from far to sample our great region.

*Biggest Morning Tea – Esk State School*

The Year One/Two Teacher, Ms Susan Kitching is in her fifth-year post cancer treatment and diagnosis. Susan told us that prior to cancer she had hosted a few "Biggest Morning Tea" events not realising how important these events actually are. Susan feels that it is essential to continue to raise money to find a cure for cancer, and she believes that she will see this result in her lifetime. The Esk State School hosted its fourth "Biggest Morning Tea" and last year an incredible \$3,480 was raised. Susan explained that we are a small community with a massive heart. There were lots of decorated china and paper teapots on display in the school's hall, with plates of tasty morning tea served by the students. An amazing amount of \$5,600.40 was raised this year - well done Esk State School!

*Kilcoy Interagency Meeting*

Discussion took place around the Supporting Kilcoy Community (Youth Support) Initiative. This initiative grew from a well-supported meeting held in Caboolture on 18 May 2017. An area that had been identified as having gaps was youth, as there were supports around helping youth identify their problems, but no one to follow up with casework type services. The meeting was advised that there is now a couple of new services in this space and they are hoping to work collaboratively with members of the Interagency. Kilcoy Indoor Sports Centre manager, Ms Jayne McKenzie advised the May Interagency meeting of her interest in working with youth agencies. In reply, the youth agencies were interested in engaging with Jayne to create support for young people with providing appropriate activities. It was agreed that the attendees at the meeting would be added to the Interagency group and kept informed of developments.

*Appealing visual appearance of cemetery, parks and showground at Kilcoy*

I would like to take this opportunity to congratulate the parks and garden crew of Somerset Regional Council for the very appealing visual appearance of the cemetery, parks and showground at Kilcoy. All areas nominated are in a very neat condition and this appearance is very noticeable by locals and travellers. The proud image projected by this activity is very much appreciated.

**Cr Choat – Councillor's report**

**14/06/2017** Somerset Regional Council General Meeting and Workshop Council Chambers Esk

**16/06/2017** *Somerset Arts Awards*

The Arts Awards was a fantastic display of visual arts and no doubt the Somerset Region's absolute premier arts event. Nicky and I were so very impressed by the fine artworks on display. Jan and the Somerset Art Society's Committee have really taken this event to a stage where it rivals even large shows in Brisbane and interstate.

**17/06/2017** *Esk Garden and Lifestyle Fair*

The 2017 Fair was absolutely outstanding as an event in the Somerset. Nicky and I were blown away by just how fantastic it was and the many residents we bumped into all agreed and had a fantastic time. It was so great to see the entire Esk Township come alive and many other groups took the opportunity to show off their wares and great Somerset hospitality to welcome in locals and visitors alike. So very impressed – The Valley of the Lakes Garden Club have really done us proud.

**17/06/2017** *Lowood Show*

Congratulations to Noel and Elaine Kammholz and the committee for making the 2017 show a great success again this year. Nicky and I really enjoyed the warmth of spirit Lowood Show is renowned for as a true country show.

**18/06/2017** *Fernvale's Biggest Morning tea*

I was privileged to attend the beautiful home of Mrs Pauline Wilson and Family it is such a beautiful home with a wonderful Spanish style. The event was very well attended and raised over one thousand dollars. We all had a great time with many laughs and a sumptuous morning tea.

I was most impressed with local Indigenous Artist Sally Harrison who donated a beautiful



painting as a raffle prize. Sally and I have a special connection and she is a truly amazing Aboriginal Woman and Elder. I was thrilled when Sally presented me with a copy of the late Bill Hipkin's book *Myths and Memories – Bomaderry Children's Home*.

This was where Bill and Sally who were cousins grew up as children, placed in care by the Aboriginal Welfare Board in the 1950's. We hear about the horrors of the so called Stolen Generation, but at Bomaderry Children's home it was a much different story where the children were loved, cared for and protected. It is full of lovely pictures and artwork by Sally herself.

An impressive book that reassures the reader of good in the world.

### **3/06/2017** *Lowood Local Ambulance Committee Meeting*

I am really pleased to be a member of the Local Ambulance Committee. This group plays such an important role in supporting our local Ambulance Service with much needed equipment to ensure front line services in emergencies provide the very best care possible. I ask all residents to support the Ambulance Committee in their endeavours across the Region.

### **27/06/2017** *Harvest Angels Lowood*

I attended the Harvest Angels facility in Lowood with Mayor Lehmann and Councillors Brieschke and Ogg along with Council officers. The Harvest Angels provide low cost food hampers to people doing it tough. The visit was undertaken to identify what could be done to ensure the facility meets planning and health requirements. It was a worthwhile visit and will assist Council to better assist the Angels continue their operations.

## **Cr Brieschke – Councillor's report**

16 June	Somerset Bendigo Bank Art Awards
17	Esk Garden and Lifestyle Fair, Glen Rock Stitchers Exhibition, CWA Hall Craft Show
18	Somerset Bendigo Bank Art Awards BV Bulls Sign on Day, Esk
20	Toogoolawah History Group Meeting and book presentation of 'The Man on the Twenty Dollar Note' about John Flynn by Everal Compton Lowood Residents Group meeting
23	Somerset Region Community Support Assoc., meeting
26	Meeting with Valley FM
27	Visit to Harvest Angels Lowood

I attended the Lowood Residents Group meeting last week which was again well supported and constructive discussion was held on a variety of matters.

- The first feral cat program has been successful with owners found and cats fostered.
- The residents have expressed an interest in assisting with planting of trees in the proposed new park and playground when the time comes.
- The residents have inquired if the speed limit can be reviewed from Lowood Minden Road turn off as many experience difficulty exiting Sea Eagle Drive on to Forest Hill - Fernvale Road with the increase of traffic.

I believe the group will be writing to Council about these and other matters.

I would like to say a huge thank you and congratulations to the organizers of the events held in Esk last week-end. It is a credit to the four associations who worked to bring their functions together for one huge week-end.

- Somerset Art Society - Somerset Bendigo Bank Art Awards
- Valley of the Lakes Garden Club - Esk Garden and Lifestyle Fair
- Glen Rock Stitchers - Quilt Exhibition and CWA, Esk Branch - Craft Show

The town in general was buzzing and each venue busy with a steady stream of visitors.

The Somerset Art Awards was an outstanding exhibition of talent by local and visiting artists which never ceases to amaze me.

The Esk Garden and Lifestyle Fair has really hit the mark in all aspects as an annual 'Must Go To' event for the region.

The stall holders I spoke with gave wonderful feedback about the presentation of Pipeliner Park and how nice the venue was to work in which is a credit to the officers and staff of the Parks and Gardens team.

I would like to acknowledge the current and past members of the Brisbane Valley Lions Club, Toogoolawah. As of Friday 30 June they will close their branch and cease activity after nearly 50 years of service to the community. The Lions have completed many successful projects for our community probably the most notable is the Lions Park at Toogoolawah and the establishment of the Toogoolawah rodeo. The Lions Ladies will continue to operate and will still host the Lion's Youth of the Year and similar programs.

#### **Cr Hall – Councillor's report**

Cr Hall congratulated all the groups involved in the successful weekend of activities in Esk, noting it was a tremendous weekend.

#### *National General Assembly of Local Government – Canberra*

Cr Hall noted his attendance with the Mayor last week at the National General Assembly of Local Government held in Canberra. Topics included changing the date of Australia Day. No agreement was reached.

#### **Mayor's report**

The Mayor provided a written report of his activities from 24 May 2017 to 28 June 2017 as follows –

Wednesday 24 May 2017	5pm	Meeting with representatives from Minister Mark Bailey's Office re Water from Wivenhoe project with Mayor Milligan, Lockyer Valley Regional Council and representatives from the water users group.
Thursday 25 May 2017	10am	SEQCMA meeting, Mudgeeraba, Gold Coast
Friday 26 May 2017	10am	Radiation Health Meeting, Fernvale with Cr Whalley.

Saturday 27 May 2017	9am 10am 6.30pm	Attended Esk Show Official morning tea – Esk Show Society Attended Lowood Show Ball
Monday 29 May 2017	5.30pm 7pm	Networking evening at Eagle Forklifts, Glamorganvale Prenzlau Rural Fire Brigade Meeting
Thursday 1 June 2017	2pm	SEQ Regional Planning meeting, Queensland Room, Brisbane
Friday 2 June 2017	9am	Somerset School Sports Cup at Toogoolawah High School - presented trophies
Saturday 3 June 2017	7.30am 10.30am 6.30pm	Fernvale Sports Grounds – Brisbane Valley Rattlers Gala Day. This was a fantastic day with great attendance by the kids. Lowood Slimmers Biggest Morning Tea, Lowood Show Hall Toogoolawah Show Ball
Sunday 4 June 2017	10am 1pm	Opened Holden Muscle Car Day at Acacia Ridge Old Church Gallery at Moore Art Exhibition
Monday 5 June 2017	8.30am	Toogoolawah State High School – presented banner designed by the students as part of the Somerset Youth Forum
Tuesday 6 June 2017	1pm	DDMG Meeting, Yamanto Police Station
Wednesday 7 June 2017	11am	Able Australia first birthday celebrations at Park Street, Lowood
Thursday 8 June 2017	10am	Brisbane Valley Interagency meeting, Fernvale Futures
Friday 9 June 2017	6pm	Opening of the Kathy Ellam Exhibition at The Condensery
Saturday 10 June 2017	9am 10.30am	Attended Toogoolawah Show Official morning tea – Toogoolawah Show
Monday 12 June 2017	10am 7pm	SEQ Water survey – with CEO and Dr Robyn Stokes at Esk Lowood Lions meeting
Tuesday 13 June 2017	1.30pm	Met with David Matthews, Cr Hall, Cr Gaedtke and others at Kilcoy re proposed ring road
Wednesday 14 June 2017	8.30am 9am 3pm	Drew raffle winner for the Queensland Caravan and Camping Show Council meeting Economic Development Planning Committee meeting at Esk
Friday 16 June 2017	10.30am 6pm	Judge business scarecrows section for the Esk Garden and Lifestyle Fair Somerset Art Society – opening of Exhibition at the Somerset Civic Centre

Saturday 17 June 2017	8.30am	Lowood Show
	10.30am	Official morning tea – Lowood Show
	1.30pm	Official opening of Lowood Show by Governor de Jersey
Sunday 18 June 2017	10am	Biggest Morning Tea at Fernvale hosted by Pauline Watson
	3pm	To Canberra for the National General Assembly of Local Government with Cr Hall
Monday 19 June – Wednesday 21 June	Attended the National General Assembly of Local Government in Canberra. The main focus was on the digital economy and attended various addresses by Ministers. There were some very interesting and innovative speakers, and there was a lot of discussion regarding security of electronic records and data.	
Thursday 22 June 2017	10am	Met with Kerry Melville and Melanie Maesele for a debrief on the Esk Garden Fair, which was a very successful event
	11am	Esk State School Biggest Morning Tea fund raising event organised by Susan Kitching
	6.30pm	Lowood Ambulance Committee meeting
Friday 23 June 2017	10am	Meeting at Faith Lutheran College re western district school sports and requests for sponsorship.
	1.30pm	Meeting re proposed water pipeline at Lockyer Valley Regional Council with CEO and DPAD
Sunday 25 June 2017	12 noon	Attended and participated in Jammin in Esk at the Somerset Civic Centre
Monday 26 June 2017	7pm	Lowood Lions meeting
Tuesday 27 June 2017	10am	Meeting with Tanya Pritchard, Queensland Trust for Nature and CEO and DPAD re possible Glenrock acquisition
	11am	Meeting with Greg Banff, CEO and DPAD re water security issues for farmers
	12 noon	Meeting with John Lewis and DPAD regarding planning matters
	1pm	Staff service presentation to Sherryl Kuhn.
	2pm	Meeting with Harvest Angels, Kleinhans Court, Lowood with DPAD and others re planning issues

**Decision:**

Moved - Cr Choat

Seconded - Cr Hall

“THAT the verbal and written reports of the Mayor and Crs Gaedtke, Choat, Brieschke and Hall be received and the contents noted.”

Carried

**Receipt of Petition**

Nil

**Consideration of notified motions**

Nil

**Reception of notices of motion for next meeting**

Nil

**Items for reports for future meetings**

Nil

**Closure of Meeting*****Summary***

There being no further business, the Mayor, Cr Graeme Lehmann closed the meeting at 9.55am.