



**Minutes of Ordinary Meeting
Held Wednesday 9 August 2017**

*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 M Ogg	(Councillor)
Cr B Whalley	(Councillor)
Mr R Bain	(Chief Executive Officer)
Mr C Payne	(Director Corporate and Community Services)
Mr T Jacobs	(Director Operations)
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 Maesele	(Communications and Marketing Manager)

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Opening of Meeting

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

Leave of Absence

Nil

Confirmation of Minutes

Decision	Moved – Cr Gaedtke	Seconded – Cr Brieschke
	<p>“THAT the Minutes of the Ordinary Meeting held on 26 July 2017 as circulated to all Members of Council be confirmed”.</p> <p style="text-align: right;"><u>Carried</u></p>	

Business arising out of minutes of previous meeting

Nil

Matters of Public Interest**Cr Brieschke – Matters of Public Interest**

9 Aug	Somerset Community Men's Shed AGM, 6.30pm Toogoolawah
10	Brisbane Valley Interagency meeting 10am Esk VIC
	Tie Dye workshop at Toogoolawah Community Connection Point
12	Lowood Kindergarten Fete, 10am
15	Toogoolawah High School Open Day and Careers Expo, 4 - 7pm
18	Youth Leadership Forum, Somerset Civic Centre, 10 - 2pm
19/20	Gathering of Eagles Air Show, Watts Bridge Airfield, Toogoolawah
21	Marks the beginning of Seniors Week around the region with celebrations being held around the region.
15 August	7pm Lowood and District Resident's meeting
13	Kilcoy Art Society Exhibition

Council libraries continue to host NDIS information sessions during August and September and people are encouraged to take advantage of this free service.

Cr Choat – Matters of Public Interest

Cr Choat reminded everyone of the upcoming Somerset Garden Competition. Entries are now open and close on 8 October 2017. There is a great judging panel and it will be a great event for Somerset.

Cr Gaedtke – Matters of Public Interest

09 August	Somerset Community Men's Shed Inc AGM - Lowood
09 August	Somerset Art Society Inc AGM - Esk

13 August	Kilcoy Art Society Inc Exhibition Opening and Fifth Birthday Party
15 August	Toogoolawah State High School Open Day and Careers Expo
16 August	Kilcoy District Cultural Village Committee Public Meeting
19 August	Kilcoy State School's 125 th Anniversary Book Launch
19/20 August	Gathering of the Eagles – Watts Bridge Memorial Airfield
21 August	Lowood Seniors Week Celebrations
22 August	Citizenship Ceremony - Esk
23 August	Kilcoy Seniors Week Celebrations
24 August	Esk and Toogoolawah Meals on Wheels AGM and Lunch
25 August	Somerset Seniors Week Celebrations

A new online tool will make organ and tissue donation easier as Queenslanders are more willing than most to become organ and tissue donors, but they are lagging behind the rest of Australia in registering their decision, according to DonateLife Queensland. Now you can sign up instantly on your mobile phone, tablet or computer in less than two minutes at www.donatelife.gov.au. According to research conducted by DonateLife, 74 per cent of Queenslanders are willing to save lives by donating their organs and tissues, compared with the national average of 67 per cent.

Mayor Lehmann – Matters of public interest

The Mayor noted that Fireants have been found at the bottom end of the region, and encouraged everyone to be vigilant and keep an eye out.

Subject:	Adoption of Local Government Infrastructure Plan (LGIP)
File Ref:	Officer's Reports
Action Officer:	DPAD

Background/Summary

As part of the Somerset Planning Scheme a Priority Infrastructure Plan (PIP) was prepared. Subsequently the *Sustainable Planning Act 2009* (SPA) was amended and the requirement for a PIP was replaced by a requirement for Council to prepare a Local Government Infrastructure Plan (LGIP).

An LGIP is similar to a PIP and forms the part of a planning scheme that identifies the Council's plans for trunk infrastructure that are necessary to service urban development at the desired standard of service (DSS) in a coordinated efficient and financially sustainable way

The purpose of an LGIP is to:

- integrate infrastructure planning with the land use planning identified in the planning scheme;
- provide transparency regarding a local government's intentions for the provision of trunk infrastructure;
- enable a local government to estimate the cost of infrastructure provision to assist its long term financial planning;
- ensure that trunk infrastructure is planned and provided in an efficient and orderly manner; and

- provide a basis for the imposition of conditions about infrastructure on development approvals.

The incorporation of the LGIP into Council's planning scheme involves a major amendment to a planning scheme as identified by the Statutory Guideline: Making and amending Local Planning Instrument (MALPI).

Section 2.4B.1 of MALPI identifies that the first stage of the process is for the local government to decide to make a LGIP. This action was undertaken by Council at its Ordinary Meeting on the 12 August 2015. Subsequently public consultation of the LGIP and a Planning Scheme Policy-Design Standards was carried out from 24 May 2017 to Monday 17 July 2017.

On submission was received (refer Attachment 1) from Queensland Urban Utilities (QUU). As you will note the submission is generally supportive of Council's initiative and accordingly no further action is required by Council other than a general noting and subsequent advice to QUU.

If of a mind, Council must now engage an appointed reviewer to conduct a second compliance check.

Attachments

Attachment 1 - Submission from QUU

Recommendation

THAT Council engage an appointed reviewer to conduct a second compliance check of Council's draft Local Government Infrastructure Plan (LGIP).

Decision:	Moved - Cr Choat	Seconded - Cr Ogg
	"THAT Council engage an appointed reviewer to conduct a second compliance check of Council's draft Local Government Infrastructure Plan (LGIP)."	
		<u>Carried</u>

Subject:	Natural Resource Management Monthly Report June/July 2017
File:	Governance - Reporting - Officer Reports
Action Officer Ref:	NRMO

Background/Summary

In delivering on the themes identified in Council's current Operational Plan, it is with pleasure that I provide a synopsis of my activities for the months of June/July 2017.

NATURAL SOMERSET

- Ongoing maintenance arrangements for the Koala fodder (EHP partnership) and offset plantings at Shines Road and Fielding Road reserves.
- A Land for Wildlife Workshop about the ecological function, associations and identification of Fungi was held at Crossdale on Saturday 1 July.

- Undertaking preparations for a 1.5 hectare Koala habitat planting at Seib Street, Kilcoy in association with Brisbane Valley Kilcoy Landcare, Queensland Department of Education Training and Employment, SEQ Water and Healthy Land and Water. Fencing for Stock exclusion has been completed and layout is underway. A community planting is anticipated in the coming months when the risk of frost decreases.
- Facilitated materials for an article in the Land for Wildlife Newsletter about Rathburnie Nature Refuge, Avoca Vale.
- Ongoing collaboration with Brisbane Valley Kilcoy Landcare to implement a Koala corridor planting around the southern outskirts of Toogoolawah township. Council will be partnering in the implementation of this corridor, including the installation of Koala trees in the grounds of the Toogoolawah Condensery Art Gallery at the eastern end of the corridor.
- Engaged Contractors to provide follow up maintenance for clearing undertaken along Kilcoy Creek, Kilcoy in association with previous Flying Fox management. Contractors have completed an initial treatment of the site during this period with good results.

VIBRANT SOMERSET

- Facilitated a Somerset Regional Council stall at the Esk Garden and Lifestyle fair, with materials provided in support of Natural Resource Management. Free Koala Trees were also provided to residents in attendance with thanks to the Save Our Waterways Now (SOWN) and the Arthur Gorrie Correctional Centre partnership with Council.

PROSPEROUS SOMERSET

- Ongoing arrangements with Save Our Waterways Now (SOWN) and the Arthur Gorrie Correctional Centre regarding the provision of Koala habitat trees species in support of Koala Tree provision to Somerset residents. Additional tree species were provided on 13 June in support of our ongoing program of Koala tree provision.
- A Koala tree day was held on the Saturday 24 June at Kilcoy Information Centre, Kilcoy in association with the Yowie Markets. Approximately 1000 trees were provided to residents.

WELL PLANNED SOMERSET

- Drafting of options regarding vegetation management in the Somerset Region in respect of existing planning scheme provisions, and new planning legislation (Planning Act 2016) effective 3 July 2017.
- Ongoing liaison with SEQ Water to discuss a proposal to support awareness and compliance regarding on-site septic systems, to align with the Catchment Action Plan actions regarding water quality in the Mid Brisbane Catchment. This project is currently being considered as a possible pilot project under the Mid Brisbane Catchment Action Plan, subject to stakeholder approvals.
- Participant in the consideration of DA applications and pre-lodgement enquiries as they pertain to the Natural Resource Management Officer role and expertise.

- Attended Department of Infrastructure, Local Government and Planning training associated with the rollout and implementation of the new planning legislation 15 June 2017 at Ipswich.
- Provision of advice to residents regarding vegetation management activities throughout the region, and undertaking inspections and preparation of formal permissions regarding vegetation management requests received.
- Provided representation at the SEQ Water Mid Brisbane Partnership Committee, providing oversight to SEQW led NRM investment in the Mid Brisbane Catchment.

UNITED SOMERSET

- Ongoing coordination with the Queensland Fire and Emergency Service (QFES) to improve/streamline the approval procedures related to third party burn applications on Council managed lands, and current investigation regarding the use of the State fire application (online web portal) "Redi-Portal" to assess Somerset Region fire risk profile, and develop appropriate response strategies.
- Processing of third party burn applications on Council managed land, and processing requests for Council assistance for burn facilitation from the Queensland Rural Fire brigade.
- Attended Land for Wildlife Officer Training 27 July 2017.
- Attended Expert Panel for Brush Tailed Rock Wallaby Habitat Mapping - 26 June 2017.

Attachments

Nil

Recommendation

THAT the Natural Resource Management Monthly Report for June/July 2017 be received and the contents noted.

Decision:	Moved – Cr Gaedtke	Seconded - Cr Brieschke
	"THAT the Natural Resource Management Monthly Report for June/July 2017 be received and the contents noted."	
		<i><u>Carried</u></i>

Subject:	Planning and Building Services Monthly Report - July 2017
File:	Governance - Reporting - Officer Reports
Action Officer:	DPAD, SP, BS, PI

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 Sections' activities during the month of July 2017.

NATURAL SOMERSET

Nil

VIBRANT SOMERSET

Council's parkland and recreation strategies are progressively implemented as part of the development assessment and delivery process.

WELL PLANNED SOMERSET

The new State Planning legislation is now in force and proving to be a little challenging as familiarity grows.

Planning Development Applications -

During the month thirteen (13) Development Applications were received, one (1) above the number of applications during the same month in the previous year. Details form part of the attachments.

Building Development Approvals -

A total of twenty-seven (27) building approvals were issued in the region for June. This is down on the May total of forty-four (44). The percentage of 'Council approved' building applications is 29.6% of all building approvals for the month of June.

Plumbing Compliance Permits and Inspections -

The number of plumbing and drainage approvals for July 2017 was 23; this figure is a 155% increase on the figure of 9 for July 2016. The number of treatment plants on Council's register is 1740 of which 51 or 2.93% are currently overdue for servicing. Letters have been sent to the owners of these systems to ensure compliance. Penalty infringement notices have been issued to repeat offenders.

UNITED SOMERSET

Information pamphlets, development application kits and website information for most aspects of development continue to be available and updated on a regular basis. Statistics for Planning Development Applications, Plan Sealing, Town Planning Certificates and Property Searches conducted for the month of July 2017 and 2016 are provided -

Development Applications	2017	2016
No Received	13	12
No Not Properly Made	0	0
No Accepted	13	12
Reconfiguration of a Lot	1	1
Subdivision (one into three lots)	1	-
Realignment of Boundaries (two into two lots)	-	1
Material Change of Use	9	7
Food and Drink Outlet Intensification	1	-
Dwelling house affected by the Catchment Management overlay	1	-
Dwelling house affected by the Flood Hazard overlay	1	-
Secondary Dwelling	1	1
Dwelling house (siting relaxation)	2	-
Extensions to a Dwelling House	1	-

Dwelling house affected by the Extractive Resources overlay	1	-
Dwelling house and Secondary Dwelling	1	-
Dwelling	-	3
Intensification of use (Tourist park)	-	1
Emergency Services (Fire shed)	-	1
Telecommunications Facility	-	1
Operational Works	1	0
Associated with service station	1	-
Building Works assess against Planning Scheme	2	4
Domestic Outbuilding (Siting Relaxation)	2	-
Outbuilding	-	1
Outbuilding on vacant land	-	1
Siting Relaxation	-	2
Combined Development	0	0
Approved under Delegated Authority	8	6
DP or PA Material Change of Use	3	3
Dwelling house affected by the Biodiversity and Bushfire Hazard overlays	1	-
Dwelling house affected by the Biodiversity and Landslide Hazard overlays	1	-
Dwelling house (siting relaxation)	1	-
Dwelling	-	3
DP or PA Reconfiguring a Lot	2	1
Boundary Realignment (two into two lots)	1	1
Creation of three (3) Access Easements	1	-
DP or PA Operation Works	0	0
DP or PA Building Works assessable against Planning Scheme	3	2
Domestic Outbuilding (siting relaxation)	2	-
Siting Relaxation (within 15m of side boundary setback)	1	-
Outbuilding	-	1
Outbuilding on vacant land	-	1
DP or PA Combined Development	0	0
DP for Permissible Change	0	0
No Approved by Council	7	7
DP for Material Change of Use	4	4
DP for Reconfiguring a Lot	-	2
DP for Operational Works	-	-
DP for Combined Development	2	-
DP for Negotiated Decision	1	1
Generally in accordance with approval	-	-
Permissible Change to an Existing Approval	-	-
Preliminary Approval for MCU	-	-
Extension of Time to Approval Period	-	-
Building Works Assessable against the Planning Scheme	-	-
Cancel existing approval	-	-

No Refused	0	0
DP or PA Material Change of Use	-	-
DP or PA Reconfiguration of a Lot	-	-
DP or PA Operation Works	-	-
DP or PA Combined Development	-	-
Extension of Time to Approval Period	-	-
Requests for Compliance	-	-
Requests for Negotiated Decision	2	-
Requests to Change an Existing Approval	-	-
Notice of Appeal	3	6
DA14049 – Appeal No. 1448/14 – MBPI (Kilcoy) vs Somerset Regional Council		
DA15072 – Appeal No. 2412 of 2016 – Stacey Nicole Ebert and Dale William Jones ATF The Jones Family Trust vs Somerset Regional Council		
DA16494 – Appeal No. BD1297 of 2017 – Douglas and Colleen Phipps, Rhett and Christina Phipps and Julia Phipps vs Department of Infrastructure, Local Government and Planning, Department of Agriculture and Fisheries, Department of Transport and Main Roads and Somerset Regional Council		-
Show Cause Notices Issued	0	0
Enforcement Notices Issued	0	0
Linen Plans Endorsed	0	1
Town Planning Certificates	3	1

Attachments

Spreadsheets and Graphs

Recommendation

THAT the report be received and the contents noted.

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

Subject:	Development Application No 16944 - Application for a Development Permit for a Material Change of Use for a Dwelling house (Secondary dwelling)
File No:	DA16944
Assessment No:	04517-00000-000
Action Officer:	PO-MO

Subject Land

Location	388 Langtons Lane Esk
Real Property Description	6 RP177894
Area	16.66 Hectares
Current land use	Dwelling house and associated outbuildings

Easements and Encumbrances Nil

Somerset Region Planning Scheme Version Two

Zone Rural zone

SEQ Regional Plan

Category Regional Landscape and Rural Production Area

Application

Level of Assessment	Code
Applicant/s	Jenny M and Peter I Harris
Applicants contact details	PO Box 222 Esk Qld 4312
Date application received	12 July 2017
Date properly made	12 July 2017

Referral Agencies Nil

Public Notification Not Required

Attachments

1. Site Plan, proposed dwelling for P Harris at 388 Langtons Lane Esk, drawn by Contract Design Staff Pty Ltd, reference HAR-001, drawing sheet 1 of 7, dated 9 June 2017
2. Proposed Floor Plan, proposed dwelling for P Harris at 388 Langtons Lane Esk, drawn by Contract Design Staff Pty Ltd, reference HAR-001, drawing sheet 2 of 7, dated 9 June 2017
3. Elevations, proposed dwelling for P Harris at 388 Langtons Lane Esk, drawn by Contract Design Staff Pty Ltd, reference HAR-001, drawing sheet 3 of 7, dated 9 June 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 3, section 51 of the *Planning Act 2016 (PA)*, 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 Dwelling house (Secondary dwelling).

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

The site is located in the Rural zone.

An application is required because 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 60 of the *Planning Act 2016*.

2.0 PROPOSAL

The applicant is proposing to construct a secondary dwelling on the property to provide for

accommodation for members of the applicant's family. The secondary dwelling will be a removal dwelling and will contain three bedrooms, one bathroom, a kitchen, dining and lounge room and a deck. It will be sited approximately 100 metres from the existing dwelling house, closer to the road frontage. It will be approximately 200 metres from the road and 70 metres from the nearest boundary. A site plan and elevations have been provided at Attachment 1 to 3.

3.0 SITE DETAILS

The property is described as Lot 6 on RP177894 and is situated at 388 Langtons Lane, Esk. The site contains an area of 16.66 hectares and has been improved with a dwelling house, outbuildings, dams and animal enclosures. Its boundaries are defined to the south east by Langtons Lane and to similar rural properties on all other boundaries. The lot is regular in shape.

The site is not known to be prone to slip, subsidence, erosion or flooding. No vegetation is to be removed from the property as a result of the construction of the secondary dwelling.

4.0 SURROUNDING LAND USES

The property is surrounded by similar sized rural properties that typically contain detached dwellings and associated out buildings. The property is not located in proximity to any known extractive resource activities or intensive animal industries.

5.0 ASSESSMENT STATE LEGISLATION

This application is made under the provisions of the *Planning Act 2016*. As such it is subject to the requirements of the Act, other relevant Acts, the *Planning Regulation 2017*, the State Planning Policy, and the South East Queensland Regional Plan.

5.1. STATE PLANNING POLICY

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 'assessment benchmarks'.

5.2. SOUTH EAST QUEENSLAND REGIONAL PLAN

The proposed development is located within the Regional Landscape and Rural Production Area of the South East Queensland Regional Plan. The proposed use but did not require assessment or referral under the provisions of Schedule 10, Part 16 of the *Planning Regulation 2017*.

5.3 VEGETATION MANAGEMENT ACT 1999

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

5.4 ENVIRONMENTAL PROTECTION ACT 1994

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

6.0 ASSESSMENT 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	Acceptable Outcome Compliance
Rural zone code	Yes	Yes
Dwelling house code	Yes	Alternative Solution Required
Transport, access and parking code	Yes	Alternative Solution Required
Applicable Overlay Code	Performance Outcome Compliance	Acceptable Outcome Compliance
None applicable	Not applicable	Not applicable

The proposed development complies with all the relevant performance outcomes of the above codes, however the following alternative solutions are provided.

Dwelling house code

<i>Secondary dwellings</i>	
PO5 The <i>secondary dwelling</i> is small-scale, low-key, and subordinate to the <i>dwelling house</i> .	AO5.1 The total maximum <i>gross floor area</i> of the <i>secondary dwelling</i> shall not exceed 60percent of the gross floor area of the <i>dwelling house</i> on the same <i>site</i> .
Alternative Solution	
The gross floor area of the secondary dwelling is approximately 73% of the gross floor area of the dwelling house.	
Planning Comment	
The existing dwelling has a gross floor area of 108 square metres, excluding decks and external covered areas. The proposed secondary dwelling has a gross floor area of 79 square metres, excluding the proposed deck. However, when including the deck and enclosed areas of the both houses, the secondary dwelling will appear substantially smaller than the primary dwelling. Further, as the proposed houses are not constructed within immediate proximity to each other, and with the closer being approximately 200 metres from the road frontage, the relative scale of the dwellings when viewed from the street will not create an unacceptable impact on the amenity of the locality. Further, the establishment of dwellings of this scale is consistent with the Rural character of the Somerset Region.	
Therefore, it is considered that the alternate solution complies with the performance outcome PO5, and advances the purpose and overall outcomes of the dwelling house code.	

Dwelling house code

<i>Secondary dwellings</i>	
PO7 Secondary dwellings:	AO7.1 The <i>secondary dwelling</i> is no closer to the front boundary of the <i>premises</i> than the principal <i>dwelling house</i> .
(a) are designed and sited to maintain local character and amenity;	AO7.3 The <i>secondary dwelling</i> is provided with at least one covered parking space.
(b) are visually compatible with the existing dwelling house; and	
(c) are located in proximity to the principal dwelling.	

Alternative Solution
The proposed secondary dwelling will be located in front of the existing dwelling to achieve better siting. The siting also allows for easier delivery of the removal dwelling to the site. Following the establishment of the house, a garage shed will be constructed. This shed cannot be constructed until after the house is sited, for the ease of the removal dwelling delivery.
Planning Comment
As detailed above, the chosen siting provides for a simplified delivery process for the removal dwelling. Given that the proposed dwelling is visually similar to other dwellings in the locality, the proposed location and design on the house are consistent with the character and amenity of the locality and the wider Rural zone. The house is also consistent with the design of the existing house when viewed from the road.
The proposed secondary dwelling does not currently include a covered parking space, however, the applicant has advised they intend to construct a shed to provide covered protection for two vehicles. Council officer's note that a domestic outbuilding is accepted development subject to requirements in the Rural zone, and therefore could be constructed without making application to Council. As such the domestic outbuilding was not included in this application. In the short term, there is appropriate space surrounding the house for the parking of vehicles until such time as the shed can be constructed.
The alternative solution proposed is considered to comply with the performance outcome PO7 of the dwelling house code, and advances the purpose and overall outcomes of the Dwelling house code in respect to its application in a rural setting.

Transport, access and parking code

<i>Vehicle standing and manoeuvring areas</i>	
PO10 Vehicle standing and manoeuvring areas are of suitable standard for the intended use and the areas are constructed to a standard that avoids <i>environmental nuisance</i> .	AO10.2 Internal manoeuvring and standing areas of the <i>site</i> are sealed.
PO11 Long driveways are designed and treated to soften their visual appearance when viewed from the street frontage.	AO11.1 Internal driveways do not exceed 50 metres in length.
Alternative Solution	
The proposal is for a secondary dwelling and an all-weather driveway will be provided.	
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 primary house is approximately 360 metres long, with the new driveway being approximately 300 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 of the Transport, access and parking code in respect to its application in the Rural zone.	

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 subject land is not located within an area serviced by a reticulated water supply network, 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 subject land is not located within an area serviced by a reticulated sewerage network, and so a condition will be included requiring the installation of an onsite sewerage treatment system.

7.3 Stormwater/Drainage

The proposed development is not considered to have any adverse impacts upon stormwater and drainage. However, the land owner must ensure that stormwater is connected to a legal point of discharge and designed in accordance with the Queensland Urban Drainage Manual.

As the subject land is not located within the Urban Footprint, Stormwater Network Infrastructure Charges are not applicable.

7.4 Roads

The proposed development is not considered to unreasonably burden upon local transport networks. There is no associated infrastructure charge for dwellings of this type within the region.

7.5 Services

All infrastructure and services including the provision of underground 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

As described above, there are no Infrastructure Charges applicable to this Secondary dwelling under Council's current Charges Resolution.

8.0 STATE AGENCY REFERRALS

The application did not involve any referrals.

RECOMMENDED DECISION

THAT Council approve the Development Application for a Development Permit for a Material Change of Use for a Dwelling house (Secondary dwelling) on land described as Lot 6 on RP177894 and situated at 388 Langtons Lane, Esk subject to the requirements and conditions contained in the Schedules and Attachments.

SCHEDULE 1 – GENERAL CONDITIONS*Assessment Manager*

No	Condition	Timing
1.1	Carry out the development generally 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 Plan, proposed dwelling for P Harris at 388 Langtons Lane Esk, drawn by Contract Design Staff Pty Ltd, reference HAR-001, drawing sheet 1 of 7, dated 9 June 2017	
	Proposed Floor Plan, proposed dwelling for P Harris at 388 Langtons Lane Esk, drawn by Contract Design Staff Pty Ltd, reference HAR-001, drawing sheet 2 of 7, dated 9 June 2017	
	Elevations, proposed dwelling for P Harris at 388 Langtons Lane Esk, drawn by Contract Design Staff Pty Ltd, reference HAR-001, drawing sheet 3 of 7, dated 9 June 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
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Before the change happens
1.5	Building works and plumbing and drainage works approvals must be gained.	Prior to the commencement of use.
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 of the "Secondary Dwelling".	Prior to commencement of the use
1.8	On-site effluent disposal is to be compliant with the relevant standards	Prior to commencement of the use
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	Before the change happens

2.2	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
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Before the change happens
Vehicular Access		
2.4	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
Stormwater		
2.5	Ensure stormwater drainage is directed to a lawful point of discharge.	At all times
2.6	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
Erosion and Sediment Control		
2.7	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"> • Be required to install additional measures. • Be responsible for the restoration work. 	At all times
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No	Condition	Timing
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
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> ▪ Burn or bury waste generated in association with this development approval at or on the development site; nor ▪ Allow waste generated in association with this development approval to burn or be burnt or buried at 	At all times

	<ul style="list-style-type: none"> or on the development site; nor Stockpile any waste on the development site. 	
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> 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 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. 	During construction phase
SCHEDULE 4 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being six (6) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicants appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
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.		
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</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.		

Attachments for the Decision Notice include:

- Site Plan, proposed dwelling for P Harris at 388 Langtons Lane Esk, drawn by Contract Design Staff Pty Ltd, reference HAR-001, drawing sheet 1 of 7, dated 9 June 2017
- Proposed Floor Plan, proposed dwelling for P Harris at 388 Langtons Lane Esk, drawn by

Contract Design Staff Pty Ltd, reference HAR-001, drawing sheet 2 of 7, dated 9 June 2017

- Elevations, proposed dwelling for P Harris at 388 Langtons Lane Esk, drawn by Contract Design Staff Pty Ltd, reference HAR-001, drawing sheet 3 of 7, dated 9 June 2017

Decision:	Moved - Cr Whalley	Seconded - Cr Gaedtke
<p>“THAT Council approve the Development Application for a Development Permit for a Material Change of Use for a Dwelling house (Secondary dwelling) on land described as Lot 6 on RP177894 and situated at 388 Langtons Lane, Esk subject to the requirements and conditions contained in the Schedules and Attachments.</p>		

SCHEDULE 1 – GENERAL CONDITIONS

Assessment Manager

No	Condition	Timing
1.1	Carry out the development generally 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. Site Plan, proposed dwelling for P Harris at 388 Langtons Lane Esk, drawn by Contract Design Staff Pty Ltd, reference HAR-001, drawing sheet 1 of 7, dated 9 June 2017 Proposed Floor Plan, proposed dwelling for P Harris at 388 Langtons Lane Esk, drawn by Contract Design Staff Pty Ltd, reference HAR-001, drawing sheet 2 of 7, dated 9 June 2017 Elevations, proposed dwelling for P Harris at 388 Langtons Lane Esk, drawn by Contract Design Staff Pty Ltd, reference HAR-001, drawing sheet 3 of 7, dated 9 June 2017	At all times
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
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Before the change happens
1.5	Building works and plumbing and drainage works approvals must be gained.	Prior to the commencement of use
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 of the “Secondary Dwelling”.	Prior to commencement of the use

1.8	On-site effluent disposal is to be compliant with the relevant standards	Prior to commencement of the use
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	Before the change happens
2.2	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
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Before the change happens
Vehicular Access		
2.4	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
Stormwater		
2.5	Ensure stormwater drainage is directed to a lawful point of discharge.	At all times
2.6	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
Erosion and Sediment Control		
2.7	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"> • Be required to install additional measures. • Be responsible for the restoration work. 	At all times
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No	Condition	Timing
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	Before the change happens

	facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	
3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> ▪ Burn or bury waste generated in association with this development approval at or on the development site; nor ▪ Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor ▪ Stockpile any waste on the development site. 	At all times
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> ▪ 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 ▪ 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. 	During construction phase

SCHEDULE 4 – ADVICE

Assessment Manager

This approval has effect in accordance with the provisions of section 71 of the *Planning Act 2016*, and development may commence in accordance with section 72.

Currency Period - Pursuant to section 85 of the *Planning Act 2016* the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being six (6) years starting the day the approval takes effect.

The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the *Planning Act 2016*.

The *Planning Act 2016* provides for a person to make a change to this development application outside the applicants appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.

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.

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an

application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

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."

Carried

Subject:	Request to waive the requirement for a Development Application – Building works assessable against the Planning Scheme (Code) for a Domestic outbuilding where exceeding two Domestic outbuildings within the General residential zone.
File Ref:	Planning and Development / Planning / Correspondence / Correspondence to be Registered
Action Officer:	PO-RC

Background/Summary

Council on the 20 July 2017 received a representation from Merv and Dianne Collins to request Council to waive the requirement for a Development Application for a proposed Domestic outbuilding on land described as Lot 87 on RP40754 and situated at 53 Fulham Street, Toogoolawah.

The applicants have proposed to construct a Domestic outbuilding (shade shelter) on their land. The land is currently zoned as General residential zone and is improved by an existing Dwelling house and two Domestic outbuildings (garden shed and carport).

Preliminary review of the proposed development against the Somerset Region Planning Scheme Version Two has indicated that the applicants are required to submit a development application – Building works assessable against the planning scheme Code assessable due to non-compliance with the Acceptable outcome (AO) 3.1 of the Dwelling house code.

AO3.1 of the Dwelling house code states that:

A maximum of two domestic outbuildings are constructed on the premises in the General residential zone.

If constructed, the proposed shade shelter will increase the total number of domestic outbuildings on the property from two to three.

In support of their request, the applicants have raised the following matters for consideration:

- The proposed domestic outbuilding is a transportable shade shelter. The applicants wish to install the shade shelter to provide cover for their caravan. The structure has no walls or floors, and is designed in such a way that the structure could be removed easily;
- The existing two domestic outbuildings are a garden shed and a carport structure. The garden shed is approximately 5m x 2.5m, and the carport has no walls or floor, just a simple six timber posts with a metal roof sheet;
- The proposed shade shelter would be constructed in the rear of the property, and would not have any impact on the existing streetscape. There would be no

unacceptable visual impacts when viewed from the street; and

- The applicable fee is beyond the applicants' capacity to pay. The applicants are pensioners and are unable to afford the planning fees. On top of the \$1,051.00 planning fees, they were required to pay \$620.00 Building application fees.

The applicant has therefore requested Council to waive the development approval application requirement.

OFFICER COMMENTS

Under sections 44 and 45 of the *Planning Act 2016*, any development not requiring a development approval is categorised as Accepted development. Any development requiring a development approval is categorised as Assessable development.

Table 5.7.1 – Building work of the Somerset Region Planning Scheme sets out Categories of development and assessment levels for Domestic outbuildings. A proposed Domestic outbuilding is Accepted development if the development complies with all the Acceptable outcomes in the Dwelling house code. However, if a proposed Domestic outbuilding is not categorised as an Accepted development, then the development is therefore Code Assessable development, requiring an application for Building works assessable against the planning scheme.

Due to the proposed Domestic outbuilding not complying with AO3.1 of the Dwelling house code, the proposed development is Assessable development.

In accordance with the *Planning Act 2016*, Council cannot waive the requirement for a development application to be lodged when a local categorising instrument makes the development Assessable development.

Council may give consideration in reducing the application fee. Currently, the application fee for a Building Work assessable against the Planning Scheme (Code) under Council's Schedule of Fees and Charges (2017-2018) is \$1,051.00. It is recommended that the application fee be reduced to the category of Building work assessable against the planning scheme – for a siting variation only (Code) – \$297.00. It is considered that the reduction in fees will cover the cost for Council officers' time to assess and determine the application.

Attachments

Attachment 1 – Applicants' letter to Council requesting the application to be waived
Attachment 2 – Sketched site plan by the applicants

Recommendation

THAT Council does not waive the requirement for the applicants to make a development application for the proposed Domestic outbuilding on land described as Lot 87 on RP40754, situated at 53 Fulham Street, Toogoolawah.

THAT Council set the development application fee for the proposed development application involving Building Work assessable against the Planning Scheme (Code) on land described as Lot 87 on RP40754, situated at 53 Fulham Street, Toogoolawah at \$297.

Decision:	Moved - Cr Hall	Seconded - Cr Whalley
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"THAT Council does not waive the requirement for the applicants to make a development application for the proposed Domestic outbuilding on land described as Lot 87 on RP40754, situated at 53

Fulham Street, Toogoolawah.

THAT Council set the development application fee for the proposed development application involving Building Work assessable against the Planning Scheme (Code) on land described as Lot 87 on RP40754, situated at 53 Fulham Street, Toogoolawah at \$297."

Carried

Subject:	Request to change the property's land use zone and designate property as Constrained Areas on land described as Lot 380 on CG6201, situated at D'Aguilar Highway, Winya
File Ref:	Planning and Development - Planning - Correspondence - Correspondence to be Registered
Action Officer:	PO-RC

Background/Summary

Council on the 31 July 2017 received a representation from Terrence and Carolyn Dredge to request Council to give consideration to an amendment of the Somerset Region Planning Scheme 'Kilcoy Zone Map' by removing the southern portion of Lot 380 on CG6201, situated at D'Aguilar Highway, Winya from the Industry zone to Emerging Community zone and designate said property as Constrained Areas on the 'Desired Settlement Pattern Map for Emerging Community Areas in Kilcoy'.

The reason for their request is that their property has been subject to varying degrees of extreme levels of flooding over the years. By amending the Planning Scheme's 'Kilcoy Zone Map' changing the zoning of the property, and amending the 'Desired Settlement Pattern Map for Emerging Community Areas in Kilcoy' to include the property in the Constrained Areas, the applicants hope to restrain/avoid future development and reducing the risk to life and property from flooding over this property. They wish the property will continue its current function as a natural buffer area for the Town of Kilcoy and its two main industries, KPC and CSR Sellers.

The applicant has therefore requested Council to amend its planning scheme maps to reflect their request.

OFFICER COMMENTS

Currently, the Planning Scheme 'Flood Hazard Overlay Map for Kilcoy' identifies the entire property as affected by the Extreme Flood Hazard Level. A copy of the 'Flood Hazard Overlay Map' has been provided at Attachment 1.

The purpose and overall outcomes of the Flood Hazard Overlay Code states that development in the Extreme Flood Hazard Area is limited to recreational and rural activities; that there is no increase to the number of people at risk of flood and that development reduces existing or potential risks to life and property. Amending the zoning of the property in the Planning Scheme's 'Kilcoy Zone Map' to Emerging Community zone and amending the 'Desired Settlement Pattern Map for Emerging Community Areas in Kilcoy' to include the property as a 'Constrained Areas' will restrict further development on the property, thereby complying with the purpose and overall outcomes of the Code.

As such, it is considered that the request to change the land use zone of the property from Industry zone to Emerging Community zone on the 'Kilcoy Zone Map' and designate the

property as Constrained Areas on the 'Desired Settlement Pattern Map for Emerging Community Areas in Kilcoy' should be supported by Council.

Attachments

Attachment 1 – Flood Hazard Overlay Map for Kilcoy
 Attachment 2 – Kilcoy Zone Map and Desired Settlement Pattern Map for Emerging Community Areas in Kilcoy
 Attachment 3 – Applicants' letter to Council requesting the change

Recommendation

THAT Council support applicants' request to change the property's land use zone on the 'Kilcoy Zone Map' from Industry zone to Emerging Community zone and designate the property as Constrained Areas on the 'Desired Settlement Pattern Map for Emerging Community Areas in Kilcoy'.

Decision: Moved - Cr Gaedtke Seconded - Cr Ogg

"THAT Council support applicants' request to change the property's land use zone on the 'Kilcoy Zone Map' from Industry zone to Emerging Community zone and designate the property as Constrained Areas on the 'Desired Settlement Pattern Map for Emerging Community Areas in Kilcoy'."

Carried

Subject: Development Application No 6188 - Request to extend Currency Period – s.86 of *Planning Act*
File No: DA6188
Assessment No: 02327-00000-000
Action Officer: SP - Senior Planner

Subject Land

Location	1296 Brisbane Valley Highway, Fernvale
Real Property Description	Lot 1 RP180891
Local government area:	Somerset Regional Council
State Legislation:	<i>Planning Act 2016</i>

Current land use approval:

Development Permit for a MCU for Service Station and associated outdoor area;

Development Permit for a RAL for the subdivision of 1 lot into 2 lots and access easements;

Development Permit for Operational Works for Advertising Signage – Structure Sign (x 2 pylon signs);

Development Permit for MCU and Certificate of Registration for 2 Environmental Authorities involving:

- ERA 15(h) Sewage Treatment Plant – Operating Level 1 threshold: 21 or more equivalent persons; and
- ERA 11(a) Crude Oil Storing or Petroleum Product Storing, Level 2 Threshold: 10,000L or more but less than 500,000L.

Planning Scheme: Somerset Region Planning Scheme Version Two
 Zone: Emerging Community
 Desired Settlement Pattern Emerging
 Community Areas Fernvale: Future Park Residential

SEQ Regional Plan 2009-2031

Designation: Urban Footprint

Application

Initial level of assessment: IMPACT
 Submissions received: NIL

Applicant

Who is making the request? Diane Kerr on behalf of Vision Two Realty Pty Ltd
 PO Box 5370
 BRASSALL QLD 4305
 Fernvale Qld Pty Ltd as Trustee

Landowners

Referrals

Concurrence: Department of Infrastructure, Local Government and Planning (SARA)

Attachments

1. Approved Site Plan (service station) drawing no. DA-03.02C, dated 20/12/2007 and prepared by Elevation Architecture Studio.
2. Approved Service Station Floor Plan (stage 01) drawing no. DA-05.01B dated 20/12/2007 and prepared by Elevation Architecture Studio.
3. Approved Cut and Fill Plan (stage 01) drawing no. DA-03.03B dated 20/12/2007 and prepared by Elevation Architecture Studio.
4. Approved Fuel Storage and Contaminant Layout drawing no. DA-03.14B dated 20/12/2007 and prepared by Elevation Architecture Studio.
5. Referral Agency response from DILGP dated 30 March 2016, referenced SPD-0316-025838
6. Infrastructure Charges Notice No: 48B dated 30 November 2012.

RECOMMENDED DECISION

THAT Council approve the request for an Extension Application to extend the currency period of Development Application No. 6188 up to and including **29 October 2019** for a:

- Development Permit for a MCU for Service Station and associated outdoor area;
- Development Permit for a RAL for the subdivision of 1 lot into 2 lots and access easements;
- Development Permit for Operational Works for Advertising Signage – Structure Sign (x 2 pylon signs);
- Development Permit for MCU and Certificate of Registration for 2 Environmental Authorities involving:
 - ERA 15(h) Sewage Treatment Plant – Operating Level 1 threshold: 21 or more equivalent persons; and
 - ERA 11(a) Crude Oil Storing or Petroleum Product Storing, Level 2 Threshold: 10,000L or more but less than 500,000L

on land described as Lot 1 on RP180891, situated at 1296 Brisbane Valley Highway, Fernvale and subject to the requirements and conditions contained in Council's Decision Notice dated 31 October 2008; and Infrastructure Charges Notice No: 48B dated 30

November 2012; and the Department of Infrastructure Local Government and Planning referral agency response dated 30 March 2016, referenced SPD-0316-025838.

1.0 BACKGROUND

The existing approval relates to the former Budgeons Service Station, which has been demolished. Redevelopment of the site will consist of a modern service station constituting 580m² of internal GFA with an outdoor dining area (roofed) comprising 290m². The proposed design is reflected in the approved drawings referenced at Attachments 1 to 4 and consists of 52 parking spaces, 4 articulated vehicle parking bays, car refuelling areas, truck refuelling area, customer service area, cafe, three fast food outlets, indoor and outdoor dining areas.

Connection to town water supply and sewerage infrastructure will not form part of this component of the overall planned project. Council at the Ordinary Meeting of 25 July 2007 resolved to allow Stage 1 of this project without connection to water and sewer infrastructure. However, any future development of the balance area will be connected to water and sewer infrastructure and no credits will be allowed against infrastructure unless Council's Infrastructure Plan and Schedules are adopted prior to approvals and provides for such a mechanism.

Potable water supply will be sourced from rainwater tanks. The sizing of the tanks will ensure both adequate quality treatment and detention of roof water flow. Overflow from one of the tanks will be discharged onto the grassed swales to provide for further treatment. The grassed swales will be designed to convey stormwater. Runoff from the pavement and landscaped areas will also be discharged into the swales. Council has approved a Site Based Stormwater Management Plan that was prepared by certified Environmental Consultants.

The proposed Sewage Treatment Plant and treated wastewater land application effluent disposal area are to be constructed towards the north left of the proposed buildings. The land application area is to be reshaped and constructed over an old disused catchment, which is dry and filled with soil materials from the site. The land application area will utilize subsurface irrigation disposal and use multiple irrigation beds to disburse the treated wastewater evenly over the effluent disposal field. The approved Site Assessment and Waste Water Disposal Design Report must be read in conjunction with the approved Site Based Management Plan for details of the onsite sewerage facility plan, proposed land application area site location and construction details.

The external works associated with the project will be designed in accordance with Transport and Main Roads standards. These works include left turn deceleration lanes and a protected right turn lane at the primary access driveway. The primary access driveway will operate at an acceptable level of service for a 10-year design horizon.

2.0 APPLICANT'S REQUEST

Pursuant to section 86 of the *Planning Act 2016 (PA)* the applicant has made an application for an Extension Application to extend the currency period of a development approval before the approval lapses.

The approval involves a Development Permit for a MCU for Service Station and associated outdoor area; a Development Permit for a RAL for the subdivision of 1 lot into 2 lots and access easements; a Development Permit for Operational Works for Advertising Signage – Structure Sign (x 2 pylon signs); a Development Permit for MCU and Certificate of Registration for 2 Environmental Authorities involving:

- ERA 15(h) Sewage Treatment Plant – Operating Level 1 threshold: 21 or more equivalent persons; and
- ERA 11(a) Crude Oil Storing or Petroleum Product Storing, Level 2 Threshold: 10,000L or more but less than 500,000L.

The approval relates to land described as Lot 1 on RP180891, situated at 1296 Brisbane Valley Highway, Fernvale.

Prior progress on this project has been held up as the project manager had been experiencing a number of serious health issues. The applicant therefore engaged the services of Vision 2 Reality Pty Ltd to complete the project. The Operational Works application for the project was recently lodged with Council on 7 July 2017. The applicant intends to commence preparation work on the site within the next two months.

It is requested that an extended currency period of 18 months be granted up to and including 29 October 2019, in accordance with Section 86 (Extension Applications) under the Planning Act 2016. The purpose of the request is to allow the new landowner/s / developer's sufficient time to deliver the development as approved and in accordance with the approved design.

3.0 REFERRAL

Pursuant to s.86 of the new *Planning Act*, the applicant is required to only provide the Extension Application to the Assessment Manager and not to any referral agencies.

However, the Assessment Manager must, within 5 business days after deciding the extension application, give a decision notice to any referral agency that was involved in the original assessment of the development application.

In this instance, the Department of Infrastructure Local Government and Planning acted as a concurrence agency in the original assessment and former two requests to extend the currency period. A copy of Council's decision of the extension application will be provided to the Department for their information.

4.0 PLANNING COMMENTS

The *Planning Act 2016* provides the opportunity for applicants/landowners to make an extension application to the assessment manager to extend a currency period of a development approval before the approval lapses.

The Act provides that if the request to extend the approval period is received prior to the approval lapsing, the approval does not lapse until the assessment manager decides the request. The 'Act' is silent as to the number of extensions a Local Government may grant for an approval period. This request is the applicant's third request.

In terms of deciding the request under section 87 of the Planning Act 2016, Council as the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.

In assessing the Extension Application request it is considered that regard should be given to –

- (a) The consistency of the approval, including its conditions, with the current laws and policies applying to the development,
- (b) The amount and type of infrastructure contributions, or charges payable and whether

a charge applies because of the extension; or whether an amended infrastructure charges notice is required under s119(5) and (6) of the Planning Act 2016;

- (c) The communities current awareness of the development approval; and
- (d) Whether if the request were refused –
 - a. Further rights to make a submission may be available for a further development application; and
 - b. The likely extent to which those rights may be exercised.

4.1 Consistency of Approval with current laws and policies

In terms of Council's planning intentions for the region, the approved development (service station component) is consistent with the planning intent expressed in section 3.6.4.1 of the Strategic Framework of Council's Somerset Region Planning Scheme Version Two.

The request to extend the approval period is considered acceptable when regard is had to the following:

- The consistency of the approval and its conditions are in accordance with the current laws and policies;
- The approved development is replacing an existing lawful use of the same components;
- The site is well located adjoining the Brisbane Valley Highway for its intended purposes;
- The Department of Infrastructure, Local Government and Planning in assessing the application support the development subject to the imposition of reasonable and relevant conditions;
- The approval remains consistent with the current State Planning Policy;
- The approval involves an urban activity in an area which is intended to be developed for urban purposes; and
- Council Officers have reviewed the conditions of the approval and are satisfied that the conditions are consistent with the current laws and policies.

4.2 Infrastructure Charges

As part of the first request to extend the approval period, the applicant requested that the approval be amended to include an Infrastructure Charges Notice for charges towards the stormwater network and transport network. A copy of Council's Infrastructure Charges Notice is provided at Attachment 6.

4.3 Community's current awareness

The application was originally Impact Assessable development and required public notification. No submissions were received during the notification period. Details including the current status of the approval and a copy of the decision notices are available on Council's website as part of its eServices.

4.3 Whether, if refused, further rights for submissions would be available and the likelihood they may be exercised

The Somerset Region Planning Scheme and associated mapping identifies the subject land as being within the Emerging Community zone. The approved development is defined as Service Station under the Planning Scheme Version Two. Should the request to extend the relevant period be refused, an application for a Service Station under the Planning Scheme would be impact assessable and so it would be possible for a member of the community to make a properly made submission.

RECOMMENDED DECISION

THAT Council approve the request for an Extension Application to extend the currency period of Development Application No. 6188 up to and including 29 October 2019 for a:

- Development Permit for a MCU for Service Station and associated outdoor area;
- Development Permit for a RAL for the subdivision of 1 lot into 2 lots and access easements;
- Development Permit for Operational Works for Advertising Signage – Structure Sign (x 2 pylon signs);
- Development Permit for MCU and Certificate of Registration for 2 Environmental Authorities involving:
 - ERA 15(h) Sewage Treatment Plant – Operating Level 1 threshold: 21 or more equivalent persons; and
 - ERA 11(a) Crude Oil Storing or Petroleum Product Storing, Level 2 Threshold: 10,000L or more but less than 500,000L

on land described as Lot 1 on RP180891, situated at 1296 Brisbane Valley Highway, Fernvale and subject to the requirements and conditions contained in Council's Decision Notice dated 31 October 2008; and Infrastructure Charges Notice No: 48B dated 30 November 2012; and the Department of Infrastructure Local Government and Planning referral agency response dated 30 March 2016, referenced SPD-0316-025838.

Decision:	Moved - Cr Hall	Seconded - Cr Brieschke
<p>“THAT Council approve the request for an Extension Application to extend the currency period of Development Application No. 6188 up to and including 29 October 2019 for a:</p> <ul style="list-style-type: none"> – Development Permit for a MCU for Service Station and associated outdoor area; – Development Permit for a RAL for the subdivision of 1 lot into 2 lots and access easements; – Development Permit for Operational Works for Advertising Signage – Structure Sign (x 2 pylon signs); – Development Permit for MCU and Certificate of Registration for 2 Environmental Authorities involving: <ul style="list-style-type: none"> - ERA 15(h) Sewage Treatment Plant – Operating Level 1 threshold: 21 or more equivalent persons; and - ERA 11(a) Crude Oil Storing or Petroleum Product Storing, Level 2 Threshold: 10,000L or more but less than 500,000L <p>on land described as Lot 1 on RP180891, situated at 1296 Brisbane Valley Highway, Fernvale and subject to the requirements and conditions contained in Council's Decision Notice dated 31 October 2008; and Infrastructure Charges Notice No: 48B dated 30 November 2012; and the Department of Infrastructure Local Government and Planning referral agency response dated 30 March 2016, referenced SPD-0316-025838.”</p>		
<u><i>Carried</i></u>		

Subject:	Development Application No 5665 and DA8022 - Request to extend Currency Period – s.86 of <i>Planning Act 2016</i>
File No:	DA5665 and DA8022
Assessment No:	01446-00000-000
Action Officer:	SP - Senior Planner

Subject Land

Location 82 Prospect Street, Lowood
 Real Property Description Lot 12 on RP140450
 Local government area: Somerset Regional Council
 State Legislation: *Planning Act 2016*

Current land use approval:

Development Permit for Reconfiguring a Lot for the subdivision of one lot into 120 lots
 Planning Scheme: Somerset Region Planning Scheme Version Two
 Zone: General Residential

SEQ Regional Plan 2009-2031

Designation: Urban Footprint

Application

Initial level of assessment: Code

Applicant

Who is making the request? Philip Usher Constructions
 PO Box 1536
 Browns Plains Qld 4118

Referrals

Concurrence Department of Transport and Main Roads

Attachments

1. Approved plan: Drawing No. 22147-03C, dated 04/06/07 and drawn by PMM Brisbane Pty Ltd.
2. Department of Transport and Main Roads concurrence agency response – Reference TMR13-006754 and dated 21 May 2015.
3. SRC Infrastructure Charges Notice Number 86 dated 16 June 2015.

RECOMMENDED DECISION

THAT Council approve the request for an Extension Application to extend the currency period of Development Application No. 5665 and DA8022 up to and including 2 July 2019 for a Development Permit for Reconfiguring a Lot for the subdivision of one lot into 120 lots and associated Operational Works application on land described as Lot 12 on RP140450 and situated at 82 Prospect Street, Lowood subject to the requirements and conditions contained in the Schedules and Attachments of Council's Negotiated Decision Notice dated 15 January 2008; Operational Works Decision Notice dated 23 September 2015; Infrastructure Charges Notice Number 86 dated 16 June 2015; and the Department of Transport and Main Roads concurrence agency response referenced TMR 13-006754 and dated 12 July 2007.

1.0 BACKGROUND

Council approved the application and issued a negotiated decision notice on 15 January 2008. Prior to the application lapsing on 15 January 2012, the applicant requested an extension of the relevant period to 15 January 2016 which Council considered at its Ordinary Meeting of 11 January 2012. Council at that meeting resolved to grant an extension only until 02 July 2013, which was the date that an associated operational works application for

the first stage (DA8022), was due to lapse.

The applicant made their second request to extend the relevant period on 29 May 2013. At the time of their request, the application did not satisfactorily demonstrate compliance with the then SPP4/10 – Healthy Waters (now single SPP July 2016) and Council had a requirement for stormwater infrastructure contributions which did not apply at the time of the original approval. The applicant was advised of these issues, and requested time to appropriately assess and revise the proposed stormwater treatment options in order to ensure compliance with the SPP requirements. They further requested that infrastructure charges for the stormwater network be applied to the application.

In November 2014, the applicant supplied information which confirmed that the proposed development is capable of complying with the Interim Development Assessment criteria of the SPP July 2014 and the Department of Transport and Main Roads provided their concurrence agency response on 25 May 2015.

Council at the Ordinary Meeting of 10 June 2015 supported the request to extend the relevant period up to and including 02 July 2017 for DA5665 and DA8022 (associated Operational Works) subject to the requirements and conditions contained in the Schedules and Attachments of Council's negotiated decision notice dated 15 June 2008 together with the inclusion of an Infrastructure Charges Notice.

2.0 APPLICANT'S REQUEST

Pursuant to section 86 of the *Planning Act 2016 (PA)* the applicant has made an application for an Extension Application to extend the currency period of a development approval before the approval lapses.

The approval involves a Development Permit for Reconfiguring a Lot for the subdivision of one lot into 120 lots and associated Operational Works on land described as Lot 12 on RP140450 and situated at 82 Prospect Street, Lowood. The applicant requests an extended two year period up to and including 02 July 2019.

The purpose of the request is to allow the developer's adequate time to deliver the development as approved and in accordance with the approved design.

3.0 REFERRAL

Pursuant to s.86 of the new Planning Act, the applicant is required to only provide the Extension Application to the Assessment Manager and not to any referral agencies.

However, the Assessment Manager must, within 5 business days after deciding the extension application, give a decision notice to any referral agency that was involved in the original assessment of the development application.

In this instance, the Department of Transport and Main Roads acted as a concurrence agency in the original assessment and a copy of Council's decision of the extension application will be provided to the Department for their information.

4.0 PLANNING COMMENTS

The *Planning Act 2016* provides the opportunity for applicants/landowners to make an extension application to the assessment manager to extend a currency period of a development approval before the approval lapses.

The Act provides that if the request to extend the approval period is received prior to the approval lapsing, the approval does not lapse until the assessment manager decides the

request. The 'Act' is silent as to the number of extensions a Local Government may grant for an approval period. This application is the applicant's third request.

In terms of deciding the request under section 87 of the *Planning Act 2016*, Council as the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.

In assessing the Extension Application request it is considered that regard should be given to –

- (a) The consistency of the approval, including its conditions, with the current laws and policies applying to the development,
- (b) The amount and type of infrastructure contributions, or charges payable and whether a charge applies because of the extension; or whether an amended infrastructure charges notice is required under s119(5) and (6) of the *Planning Act 2016*;
- (c) The communities current awareness of the development approval; and
- (d) Whether if the request were refused –
 - a. Further rights to make a submission may be available for a further development application; and
 - b. The likely extent to which those rights may be exercised.

4.1 Consistency of Approval with current laws and policies

The request to extend the currency period is considered acceptable when regard is had to the following:

- The consistency of the approval and its conditions are in accordance with the current laws and policies, in particular the Somerset Region Planning Scheme Version Two;
- The site is designated within the General Residential zone;
- Council Officers have reviewed the conditions of the approval for DA5665 and associated Operational Works under DA8022 and are satisfied that the conditions are consistent with the current laws and policies;
- The Department of Transport and Main Roads in assessing the application support the development subject to the imposition of reasonable and relevant conditions;
- The approval remains consistent with the current State Planning Policy;
- The approval involves reconfiguration in the Urban Footprint on land which is intended to be developed for residential development, in accordance with the SEQ Regional Plan Regulatory Provisions 2009-2031.

4.2 Infrastructure Charges

As part of the second request to extend the relevant period, the applicant agreed to the approval being amended to include an Infrastructure Charges Notice for charges towards the Public Parks and Community Land Network and Stormwater network. A copy of Council's Infrastructure Charges Notice is provided at Attachment 3.

4.3 Communities current awareness

The application was originally code assessable, and so did not require public notification. It is difficult to comment with any accuracy as to how code assessable applications are considered by the community, but the current status of the approval and a copy of the decision notices are available on Council's website as part of its eServices.

4.3 Whether, if refused, further rights for submissions would be available and the likelihood they may be exercised

The Somerset Region Planning Scheme and associated mapping identifies the subject land as being within the General Residential zone. The original application was code assessable, and did not require public notification. It is not known whether the approval is well known to the local community, but given the time which has elapsed since it was originally approved and the fact it was not publicly notified it could be inferred that community awareness would be low. However, as a new application would also be code assessable, it is considered that there would be no benefit to any community members which may have concerns if the application were to be refused and a new application lodged under the Somerset Region Planning Scheme Version Two and the Planning Act 2016.

RECOMMENDED DECISION

THAT Council approve the request for an Extension Application to extend the currency period of Development Application No. 5665 and DA8022 up to and including 2 July 2019 for a Development Permit for Reconfiguring a Lot for the subdivision of one lot into 120 lots and associated Operational Works application on land described as Lot 12 on RP140450 and situated at 82 Prospect Street, Lowood subject to the requirements and conditions contained in the Schedules and Attachments of Council's Negotiated Decision Notice dated 15 January 2008; Operational Works Decision Notice dated 23 September 2015; Infrastructure Charges Notice Number 86 and dated 16 June 2015; and the Department of Transport and Main Roads concurrence agency response referenced TMR 13-006754 and dated 12 July 2007.

Decision:

Moved - Cr Ogg

Seconded - Cr Hall

"THAT Council approve the request for an Extension Application to extend the currency period of Development Application No. 5665 and DA8022 up to and including 2 July 2019 for a Development Permit for Reconfiguring a Lot for the subdivision of one lot into 120 lots and associated Operational Works application on land described as Lot 12 on RP140450 and situated at 82 Prospect Street, Lowood subject to the requirements and conditions contained in the Schedules and Attachments of Council's Negotiated Decision Notice dated 15 January 2008; Operational Works Decision Notice dated 23 September 2015; Infrastructure Charges Notice Number 86 and dated 16 June 2015; and the Department of Transport and Main Roads concurrence agency response referenced TMR 13-006754 and dated 12 July 2007."

Carried

Subject:	Development Application No 9080 - Request to Change Development Approval - Permissible Change under Section 369 of the <i>Sustainable Planning Act 2009</i>
File No:	DA9080
Assessment No:	03831-00000-000
Action Officer:	SP

Previous approval DA9080 for a Material Change of Use for a Service Station and ancillary Commercial Centre and a Material Change of Use for an Environmentally Relevant Activity (ERA) No. 8 – Chemical Storage

Date approved 14 March 2012

Subject Land

Location 29 Coominya Connection Road, Coominya

Real Property Description Lot 10 on SP280893

Area 25.18 Hectares

Easement and Encumbrances M SP224056

Former Esk Planning Scheme 2005 (as amended)

Zone Rural

Precinct Catchment

Structure Plan Rural

South East Queensland (SEQ) Regional Plan 2009-2031

Designation Regional Landscape and rural Protection Area

State Agency Referrals

Concurrence Department of Infrastructure, Local Government and Planning (DILGP) on behalf of State Assessment Referral Agency (SARA) (former Department of Transport and Main Roads)

DILGP on behalf of SARA (former Department of Environment and Resource Management)

DILGP on behalf of SARA (former Department of Local Government and Planning)

Third Party Advice Seqwater

Application

Level of Initial Assessment Impact

Who is making the request? Brisbane Valley Protein Precinct Pty Ltd
C/- TJ Kelly Surveys

Developer Brisbane Valley Protein Precinct Pty Ltd

Land Owner Brisbane Valley Protein Precinct Pty Ltd

ATTACHMENTS

1. Site and Floor Plans - prepared by Gall Architects, dated on 29 June 2017.
2. Roof and Elevation Plans - prepared by Gall Architects, dated on 29 June 2017.
3. Department of Infrastructure, Local Government and Planning Concurrence Agency response, reference No SDA-0717-037677 and dated 14 July 2017.
4. Draft SRC Infrastructure Charge Notice – Transport Network.

RECOMMENDATION:

THAT Council approve the request to change the development approval for Development Application 9080 subject to the amended conditions and requirements contained in the Schedules.

1.0 BACKGROUND TO APPROVAL

Somerset Regional Council on 14 March 2012 conditionally approved a Development Permit for a Material Change of Use for a Service Station and ancillary Commercial Centre and a Material Change of Use for an Environmentally Relevant Activity (ERA) No. 8.

2.0 REPRESENTATIONS

Pursuant to section 376 of the Sustainable planning act 2009 the applicant has made a request to Change the Approval issued under DA9080. In summary, the changes involve revising Condition 1.1 and removing Condition 3.5 in the approved Schedule to include revised plans reflecting the change.

3.0 REQUESTED CHANGE

It is proposed to change the application in order to down-size the Service Station and ancillary Commercial Centre to reflect the character of the locality. The changes to the application are as follows:

- The gross floor area is reduced from 450m² to 310m²;
- The number of fuel bowzers reduced to three;
- Redesign the parking area to reflect the reduced scale of development; and
- Remove the Access/slip lane from the Brisbane Valley Highway. Access to the site will be gained from Coominya Connection Road.

In order to implement these proposed changes a number of conditions from the approval will need to be amended. Revised site, floor and elevation plans are provided as Attachments 1 and 2.

4.0 PLANNING COMMENTS

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
 - o 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; the State Planning Policy or the South East Queensland Regional Plan 2009-2031.

It is considered that the revised design of the Service Station and ancillary Commercial Centre will not result in a “substantially different development: having regard to the following:

- The revised design is not known to increase the severity of known impacts;

- The revised design is not adding a new defined use to what the original approval involved;
- The revised design does not apply to any new parcels of land; and
- The revised design does not compromise the provision, location or demand of infrastructure.

The proposed change will not require referral to additional concurrence agencies. In addition, the Level of Assessment would remain unchanged as Impact Assessment. As part of the original development application process, public notification was required for the development. During the public notification stage, Council received three submissions, one from Seqwater, one from the operator of the general store at Coominya and the one from the Coominya Post Office.

The submission submitted by Seqwater concerns the development's lack of compliance with the Seqwater Development Guidelines. As part of the original approval, Council included conditions in the Schedules of Approval to address Seqwater's concern. These conditions are to remain unchanged and will stay current with the development under the Permissible change application.

Submissions submitted by the Coominya general store and Post Office relate to the proposed development resulting in a loss of economic income and services in the nearby township of Coominya. Council at the time considered possible impacts that would be caused by the development and decided that as the development's intention is to provide fuel service to passing traffic, and will derive vast majority of its business from passing traffic, any impacts to Coominya Township would be minimal. It is considered that the change development will retain this original intention.

The approved development is defined as Service Station under the Planning Scheme Version Two. Should the request to extend the relevant period be refused, an application for a Service Station under the Planning Scheme would be impact assessable and so it would be possible for a member of the community to make a properly made submission.

5.0 CHANGES TO THE DECISION NOTICE

It is requested by the applicant that the following conditions of the Decision Notice be amended:

Condition 1.1 – The approved application material will need to be changed to reflect the revised design.

Delete – 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.

- Drawing No. DA-1000 issue Q, dated 10.10.11 and drawn by The Buchanan Group
- Drawing No. DA-1003 issue A, dated 05.10.11 and drawn by The Buchanan Group
- Drawings No. A-DA-2000 issue C dated 05/04/10 and A-DA-2001 issue C dated 05/04/10, drawn by The Buchanan Group

Insert - 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.

- Site Plan. Drawn by Gall Architects. Dated 29 June 2017.
- Floor Plan. Drawn by Gall Architects. Dated 29 June 2017.

- Roof Plan. Drawn by Gall Architects. Dated 29 June 2017.
- Section Plan. Drawn by Gall Architects. Dated 29 June 2017.
- Elevation Plan. Drawn by Gall Architects. Dated 29 June 2017.

Condition 3.5 – The condition relates to the construction of the access slip lane from Brisbane Valley Highway. As the revised design removes the access slip lane from the development, this condition is no longer required and will be removed.

Delete – The proposed access from the Brisbane Valley Highway must be constructed with suitable horizontal and vertical geometry, tapers, and flares to accommodate the required turning paths of a class 10 B double articulated vehicles generally in accordance with GHD drawing 41-22866 Issue B dated August 2010.

Other conditions have also been added, removed or revised to reflect Council's current standards and policies and the proposed revised change. These conditions are defined in the Schedules of Approval listed in the recommendation.

6.0 REFERRAL AGENCIES

The Department of Infrastructure, Local Government and Planning has provided a response to the request change and has indicated that they have no objection to the change being made. A copy of the response is provided at Attachment 3.

7.0 RECOMMENDED DECISION

That Council approve the Request to Change a Development Approval under section 369 of the *Sustainable Planning Act 2009* for DA9080 for a Development Permit for a Material Change of Use for a Service Station and Ancillary Commercial Centre including an Environmentally Relevant activity (ERA) No. 8 – chemical Storage, over land described as Lot 10 on SP280893, and situated at 29 Coominya Connection Road, Coominya subject to the conditions contained in the Schedules and Attachments:

SCHEDULES

SCHEDULE 1 – GENERAL CONDITIONS

No.	Condition	Timing
1.1	<p>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:</p> <ul style="list-style-type: none"> • Drawing No. DA-1000 issue Q, dated 10.10.11 and drawn by The Buchanan Group • Drawing No. DA-1003 issue A, dated 05.10.11 and drawn by The Buchanan Group • Drawings No. A-DA-2000 issue C dated 05/04/10 and A-DA-2001 issue C dated 05/04/10, drawn by The Buchanan Group 	At all times.
1.1	<p>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.</p> <p>Site Plan. Drawn by Gall Architects. Dated 29 June 2017.</p> <p>Floor Plan. Drawn by Gall Architects. Dated 29 June 2017.</p> <p>Roof Plan. Drawn by Gall Architects. Dated 29 June 2017.</p> <p>Section Plan. Drawn by Gall Architects. Dated 29 June 2017.</p>	At all times.

	Elevation Plan. Drawn by Gall Architects. Dated 29 June 2017.	
1.2	Comply with relevant provisions of the former Esk Shire's Planning Scheme 2005 (as amended), 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	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Prior to commencement of the use.
1.5	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.	Prior to commencement of the use.
1.6	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Prior to commencement of the use.
1.6	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 commencement of the use.
1.7	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.
1.7	Unless otherwise approved in writing by the Manager, Planning and Development, hours of construction shall be: Monday to Saturday: 6.30 am to 6:30 pm Construction work shall not occur on the premises outside the above hours.	At all times.
1.8	All trade materials; products and plant shall be neatly stored within the confines of the building and/or approved storage areas.	At all times
Schedule 2 – Planning		
	Amenity	
2.1	The approved use shall not cause any adverse impact on the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, glare, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	At all times.

2.2	Existing vegetation within the road reserve of the Brisbane Valley Highway and Coominya Connection Road between the accesses as depicted on Drawing No. DA-1000 issue Q, dated 10.10.11 and drawn by The Buchanan Group is to be maintained as far as possible to assist with the visual screening of the proposed development.	During construction and at all times thereafter.
2.2	Existing vegetation within the road reserve of the Brisbane Valley Highway and Coominya Connection Road is to be maintained as far as possible to assist with the visual screening of the proposed development.	During construction and at all times thereafter.
2.3	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times
2.4	Any graffiti within the proposed development must be removed immediately.	At all times
SCHEDULE 3 - Engineering		
3.1	Make an operational works application to Council and pay the required fees where an application involves any of the following, bulk earthworks, road works, water supply, sewerage connections and stormwater drainage.	Prior to the commencement of Operational Work.
3.1	Make an operational works application to Council and pay the required fees where an application involves any of the following, bulk earthworks, road works and stormwater drainage.	Prior to the commencement of Operational Work.
3.2	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
3.3	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> Plans and specifications must be prepared and certified with the Operational Work application. Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.	Prior to commencement of the use.
Internal Access roads, External, Carparking, and Pedestrian Areas		
3.2	All parking, aisle widths, circulation areas, and pavement markings to be in accordance with AS2890 Off Street Parking and the Manual of Uniform traffic control devices. Further, all surfaces must be asphaltic concrete or concrete with minimum longitudinal gradients and minimum crossfall in accordance	Prior to commencement of the use.

	with AS2890.	
3.4	Provide on-site car parking for minimum of nineteen (19) vehicles, including one (1) space for disabled persons in accordance with Council Planning Scheme. All parking, aisle widths, circulation areas, and pavement markings to be in accordance with AS2890 Off Street Parking, and the Manual of Uniform Traffic Control Devices (MUTCD) and <i>Somerset Regional Council Development Manual</i> . Further, all surfaces must be asphaltic concrete or concrete with minimum longitudinal gradients and minimum crossfall in accordance with AS2890.	Prior to commencement of the use.
3.5	The minimum width of all car parks is to be 2.8 metres.	Prior to commencement of the use.
3.3	Provide articulated vehicle parking and circulation areas. Turning and swept vehicle paths to be in accordance with Austroads (2006) Turning path templates.	Prior to commencement of the use.
3.6	Provide vehicle parking and circulation areas for a B double articulated vehicles. Turning and swept vehicle paths to be in accordance with Austroads Turning path templates.	Prior to commencement of the use.
3.7	The sealed perimeter of all trafficable areas is to be barrier kerb or barrier kerb and channel to prevent vehicles traversing on landscaped areas.	Prior to commencement of the use.
3.5	The proposed access from the Brisbane Valley Highway must be constructed with suitable horizontal and vertical geometry, tapers, and flares to accommodate the required turning paths of a class 10 B double articulated vehicle generally in accordance with GHD drawing 41-22866 Issue B dated August 2010.	Prior to commencement of the use
3.6	The proposed access to Coominya Connection Road shall be constructed as a Basic Right Hand Turn (BAR) and Basic Left Hand Turn (BAL) with suitable horizontal and vertical geometry, tapers, and flares to accommodate the required turning paths of a Class 10 B double articulated vehicle generally in accordance with TMR Road Planning and Design Manual, and the Manual of Uniform traffic Control Devices.	Prior to commencement of the use.
3.7 3.8	Perambulator ramps must be provided within the development for pedestrians transitioning between fuelling apron and retail areas generally in accordance with AS1428 (Design for Access and Mobility).	Prior to commencement of the use.
	Site Works and Earthworks	
3.8 3.9	All earthworks to be constructed in accordance with AS3798. Fill material that is required to support a structure is to be placed, compacted, and tested by a suitably qualified	Prior to commencement of and during the

	geotechnical inspection and testing organization.	construction of the works.
3.10	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times
	Stormwater Management	
3.11	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Development Manual</i> .	As part of Operational Works
3.9	Convey stormwater flows through the development from the upstream catchment. Further, the design and construction of all stormwater drainage works must comply with the relevant section/s of AS/NZS 3500.3.2:1998 and Queensland Urban Drainage Manual (QUDM) and other relevant development standards used by Council.	Prior to commencement of the use.
3.12	Convey stormwater flows through the development from the upstream catchment.	Prior to commencement of the use.
3.10	The system must be designed taking into account surface and underground stormwater drainage structures and appurtenances to cater for all stormwater runoff, including surcharge flows, to a storm return frequency period of once in 100 years. The stormwater drainage system must collect all runoff falling on and coming to the proposed development site, and convey it to a point of legal discharge. Further, permission from adjacent property owners may be required to convey stormwater flows to a legal point of discharge.	Prior to commencement of the use.
3.13	The stormwater drainage system must collect all runoff falling on and coming to the proposed development site, and convey it to a point of legal discharge. Further, permission from adjacent property owners may be required to convey stormwater flows to a legal point of discharge.	Prior to commencement of the use.
3.14	<p>Submit a Site Based Stormwater Management Plan (prepared by a qualified engineer), which generally conforms to the approved development plan/s.</p> <p>The SBSMP should include the following:</p> <ul style="list-style-type: none"> • Quantity and quality of stormwater to be released from the development; • All sources of potential contamination (including but not limited to the actual and potential release of all contaminants; • The potential impact of these sources; • Impact of the release of stormwater from the development on the quality and integrity of the receiving 	As part of the lodgement of the Operational Works application

	<ul style="list-style-type: none"> environment; Measures to be implemented to prevent the likelihood of stormwater contamination; and Maintenance schedule. <p>The SBSMP to be undertaken in accordance with Section 19 of the <i>Environment Protection Policy (Water)</i>.</p>	
3.44 3.15	Stormwater Drainage and flows are not to have a worsening effect on adjoining and downstream landholders.	Prior to commencement of the use.
3.12	Applicant is to attenuate the difference between pre and post developed flows for all standard average recurrence intervals as defined in Australian Rainfall and Runoff (2003) in accordance with Queensland Urban Drainage Manual (2007)	Prior to commencement of the use.
3.16	Applicant is to attenuate the difference between pre and post developed flows for all standard average recurrence intervals as defined in Australian Rainfall and Runoff in accordance with Queensland Urban Drainage Manual (QUDM) and <i>Somerset Regional Council Development Manual</i> .	Prior to commencement of the use.
3.43 3.17	Adjoining properties and roadways to the development are to be protected from ponding or nuisance flows from stormwater as a result of any site works undertaken as part of the proposed development.	While construction is occurring and following development.
3.14	Achieve the design objectives for Urban Stormwater management in accordance with the Environmental Protection (Water) Policy 1997 and the South East Queensland Regional Plan 2009-2031	Prior to commencement of the use.
	Stormwater Re-use	
3.45 3.18	The development must incorporate a stormwater re-use system utilising stormwater detention structures and/or tanks to ensure water is reused throughout the site to supply amenities, facilities and landscaping areas and the like.	Prior to commencement of the use.
	Water Conservation – Commercial Buildings	
3.46 3.19	The proposed development is to be provided with rainwater storage tank devices designed in accordance with the Queensland Development Code – Mandatory Part 4.3 Alternative Water Sources – Commercial Buildings.	Prior to commencement of the use.
	Indoor and Outdoor Lighting for Safety and Security	
3.47 3.20	<p>Outdoor security lighting must ensure safety of users of the development by:</p> <ul style="list-style-type: none"> – Providing outdoor lighting in accordance with Australian Standard AS 1158.3.1 – Road Lighting –Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements; and 	Prior to making Operational Works application.

	– The use of vandal resistant lighting in public or publicly accessible areas.	
3.18	All lighting provided with the proposed development must not involve lighting that shines light above the horizontal, or coloured or flashing lights, or sodium lights, or flare plumes.	Prior to making Operational Works application.
3.21	<p>The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:</p> <ul style="list-style-type: none"> • Providing Lighting that is designed, installed and regulated in accordance with the parameters outlined in <i>Australian Standard AS 1158</i>. • Not causing nuisance by way of light spill or glare at adjacent properties and roadways. • Providing graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land. • Directing lighting onto the subject land and away from neighbouring properties. • Using shrouding devices to preclude light overspill onto surrounding properties where necessary. • Not operating lighting that uses sodium lights or flare plumes. 	Prior to making Operational Works application.
3.19 3.22	<p>Lighting must be provided to the following areas of the site:</p> <ul style="list-style-type: none"> – The entries and exits of the approved building; – The pathways between the parking areas and the entrances/exits of the building/s; – Throughout car parking areas 	Prior to the commencement of the use and during and following development.
	Landscaping	
3.20	<p>Submit to the Manager Operations, for endorsement, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced landscape architect, horticulturalist or other person experienced in landscape design and construction.</p> <p>The Landscape Plan must address the performance criteria listed below:</p> <ul style="list-style-type: none"> — proposed landscaping must comply with Planning Scheme Policy - Landscaping; and — proposed landscaping must enhance the appearance of the development internally and externally; and — proposed landscaping must make a positive contribution to the streetscape; and — proposed landscaping must screen unsightly objects from public view; and — proposed landscaping must contribute to an environment by providing shade to reduce glare, heat absorption and radiation; and 	Prior to the commencement of the use.

	<ul style="list-style-type: none"> — proposed landscaping must provide long term erosion protection; and — proposed landscaping must contribute to the visual screening of the development from along both road frontages between the two accesses; and — proposed landscaping must provide adequate vehicle sightlines and road safety; and — proposed landscaping must utilise a combination of advanced (mature) and fast growing vegetation to achieve visual screening of the proposed development. <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> — the typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site; and — the number and size of plants; and — the typical planting detail including preparation, backfill, staking and mulching. 	
3.23	<p>The developer must submit to the Planning Manager for endorsement, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below:</p> <ul style="list-style-type: none"> • Comply with the <i>Somerset Development Manual</i>. • To enhance the appearance of the development internally and externally. • To make a positive contribution to the streetscape; • To screen unsightly objects from public view; • To contribute to an environment by providing shade to reduce glare, heat absorption and radiation; • To ensure common areas are useable; • To provide long term erosion protection; • To integrate with existing vegetation and other natural features of the site and adjoining lands; and • To provide adequate vehicle sightlines and road safety. <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> • The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site; • The number and size of plants; • The typical planting detail including preparation, backfill, staking and mulching. • The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing by the Planning Manager. Any amendments approved by the Planning Manager 	Prior to commencement of use

	<ul style="list-style-type: none"> are taken to be a part of the approved Landscape Plan. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period. Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work. Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by: <ul style="list-style-type: none"> Using trees which have a clean trunk height of at least 1.8 metres (at maturity); Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines; A minimum of 70% of landscaped areas must be retained as a permeable surface. <p>Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times.</p>	
3.21	The site must be prepared and landscaped in accordance with the approved Landscape Plan, or as otherwise approved in writing by the Manager Operations. Any amendments approved by the Manager Operations are taken to be part of the approved Landscape Plan.	Prior to the commencement of the use.
3.22	Landscaped areas must be maintained, and the site must remain in a clean and tidy state.	At all times.
3.23	All declared weeds and pests must be removed from the subject land and kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period.	During construction and thereafter at all times.
	Water	
3.24	Sizing of water supply system components is to be in accordance with Department of Environment and Resource Management's Planning Guidelines for Water Supply and Sewerage (2010).	Prior to making Operational Works application.
3.25	The development is to be designed to have a fire fighting flow provision of 30l/s for 4 hours with a minimum residual pressure head of 12m in accordance with Planning Guidelines for Water Supply and Sewerage (2010). Further, the applicant is to submit a revised water reticulation analysis/system design demonstrating compliance with Condition 3.24.	Prior to making Operational Works application.
	Wastewater	

3.26	The onsite wastewater treatment and disposal system is to comply with AS3500 Plumbing and Drainage (2003), AS1547 On Site Domestic Wastewater Management, Plumbing and Drainage Act (2002), and the Queensland Plumbing and Wastewater Code (2009).	Prior to making Operational Works application.
	Electricity/Telecommunications	
3.27	Submit development applications to Energex/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.	Prior to commencement of the use.
	Erosion and Sediment Control	
3.28	The contractor shall implement all relevant sediment and erosion control measures and temporary fencing as required. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	During construction and the establishment period of the landscaping or areas disturbed during construction.
3.29	Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ). Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	As part of the lodgement of the Operational Works application
3.30	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> i) Milling; ii) Chipping and/or mulching iii) Disposal at an approved waste disposal facility. iv) Burning provided fire permits are in place. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.	At all times
	Refuse Storage Area	
3.29 3.31	Refuse bin storage areas must be provided on the premises within a building, outbuilding or other enclosed structure so that it is screened from public view with a minimum 1.5m high solid fence or wall.	Prior to the commencement of the use and following development.
	Waste Management	
3.30	All waste generated from construction of the premises must be effectively controlled on site before disposal. All waste must be disposed of in accordance with the Environmental Protection	Prior to the commencement of the use and

	(Waste Management) Regulation 2000.	following development.
3.32	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	Prior to the commencement of the use and following development.
SCHEDULE 4 - Environmental		
4.1	All buildings, structures, fittings, fixtures and grounds used in the carrying out of the activity to which this development approval relates must be maintained at all times – <ul style="list-style-type: none"> • in a serviceable condition; • in a state of good repair and efficient action; • in a clean, sanitary condition; • free of accumulated waste and disused materials; and • free of vermin and pest infestations. 	At all times.
4.2	All construction / demolition or other waste, to be removed from the development site, is to be deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	At all times.
4.3	The holder of this development approval must not: <ul style="list-style-type: none"> (i) burn or bury waste generated in association with this development approval at or on the development site; nor (ii) allow waste generated in association with this development approval to burn, or be burnt or buried, at or on the development site. 	At all times.
4.2	There is to be no unreasonable release of air-borne contaminants, associated with the construction or on-going operations of this approved development, to the air environment. The terms “unreasonable release” must have the same meaning as assigned to it under the <i>Environmental Protection (Air) Policy 2008</i> .	At all times.
4.3	Noise levels associated with the on-going operations of the commercial premises must not be intrusive in a habitable room of an affected noise sensitive place. The terms “intrusive”; “habitable room”; and “noise sensitive place” must have the same meaning as assigned to them under the <i>Environmental Protection (Noise) Policy 2008</i> .	At all times.
4.4	All complaints received by the development permittee relating to environmental nuisance or harm associated with the operations of the approved development must be recorded and kept in a log book with the following details:	At all times.

	<ul style="list-style-type: none"> (i) time, date and nature of complaint; (ii) type of communication (telephone, letter, personal etc); (iii) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not Identified" is to be recorded); (iv) response and investigation undertaken as a result of the complaint; (v) name of person responsible for investigating complaint; and (vi) action taken as a result of the complaint investigation and signature of responsible person. 	
4.5	Any record of complaint made in accordance with the above condition must not be disposed of within five (5) years of the date the record was made.	At all times.
4.8	<p>The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:</p> <ul style="list-style-type: none"> — providing outdoor lighting that is designed, installed and regulated in accordance with the parameters outlined in Australian Standard AS 1158.1.1 – Control of Obtrusive Effects of Outdoor Lighting; and — installing outdoor lighting that: <ul style="list-style-type: none"> ▪ Provides graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land; ▪ Is directed onto the subject land and away from neighbouring properties; and ▪ Uses shrouding devices to preclude light overspill onto surrounding properties where necessary. 	Prior to the commencement of the use and during and following development.
4.6	<p>A potable water supply must be supplied to the site to all fixtures and fittings designed for human contact and the preparation of food.</p> <p>For this condition, potable water means water that is acceptable for human consumption; the Australian Drinking Water Guidelines 2011, as amended, of the National Health and Medical Research Council may be used for guidance concerning what constitutes acceptable water.</p>	At all times.
4.7	<p>A Water Supply Management Plan is to be submitted to Council that outlines:</p> <ul style="list-style-type: none"> – Commitment; – Assessment of the water supply system including risk assessment and safety and quality of supply; – Preventative measures for water quality management (environmental conditions, protection of water source, safety of supply, barriers appropriate to the level of 	Prior to commencement of use.

	<p>potential contamination etc);</p> <ul style="list-style-type: none">– Operational Procedures;– Monitoring and Treatment;– Incident Management and Emergencies;– Staff training;– Documentation and reporting; and– Review and Continual Improvement. <p>All determinations of the quality of the potable water supply must be undertaken by a suitably qualified person and assessed in a NATA accredited laboratory.</p>	
4.8	The on-site effluent disposal system shall not exceed a total daily peak design capacity of 21 EP (as defined by the <i>Environmental Protection Regulation 2008</i>)	At all times.
4.9	Written evidence from Queensland Bulk Water Supply Authority (trading as Seqwater) is to be provided that any on-site effluent disposal system complies with the <i>Seqwater Guidelines for Development in Drinking Water Catchments 2010</i> .	Prior to issue of Plumbing Approval.
4.10	Submit a Site-Based Stormwater Management Plan (SMP), prepared by a suitably qualified person, which demonstrates compliance with Conditions 2.8-2.15 and Element 5 of the <i>Seqwater Guidelines for Development in Drinking Water Catchments 2010</i> .	Prior to making Operational Works application.
4.11	Provide written evidence from Queensland Bulk Water Supply Authority (trading as Seqwater) that the SMP required in Condition 4.10 complies with Element 5 of the <i>Seqwater Guidelines for Development in Drinking Water Catchments 2010</i> .	Prior to making Operational Works application.
SCHEDULE 5 – REFERRAL AGENCY DEPARTMENT OF TRANSPORT AND MAIN ROADS <i>Concurrence Agency Status</i> <i>Agency Response: Recommend Conditions Apply</i>		
5.1	The Department of Transport and Main Roads is a concurrence agency under the Sustainable Planning Act 2009 for the purposes of the <i>Transport Infrastructure Act 1994</i> . The DTMR has assessed the impact of the proposed development on the State-controlled road network and requires Council to include the 'conditions of development' in the Schedules of Approval as indicated on the attached Statement of Reasons. Ref.: E78181 830/472 E77276 DCT 4658, dated 19.10.10.	
5.2	The Department of Transport and Main Roads' Agency Response (Conditions and Statement of Reasons) will be attached to Council's Decision Notice for DA9080.	
SCHEDULE 6 – REFERRAL AGENCY DEPARTMENT OF LOCAL GOVERNMENT and PLANNING <i>Concurrence Agency Status</i> <i>Agency Response: Recommend Conditions Apply</i>		
6.1	The Department of Local Government and Planning is a concurrence agency under the <i>Integrated Planning Regulation 1998</i> for the purposes of the South East	

	Queensland Regional Plan 2009-2031. The DLGP has assessed the proposed impact on the Regional Landscape and Rural Production Area and requires Council to include a 'condition of development' as indicated in their response. Ref.: T7467, dated 17.11.11.	
6.2	The Department of Local Government and Planning referral response will be attached to Council's Decision Notice for DA9080.	
SCHEDULE 7 – REFERRAL AGENCY SOMERSET REGIONAL COUNCIL (ENVIRONMENTAL HEALTH SECTION) <i>Concurrence Agency Status</i> Agency Response: Recommend Conditions Apply		
7.1	The Somerset Region Council is a concurrence agency under the Integrated Planning Regulation 1998 for the purposes of the Environmental Protection Act 1994. Council's Environmental Health Section has assessed the proposed application for an Environmentally Relevant Activity and requires Council (as the Assessment Manager) to include the 'conditions of development' in the Schedules of Approval, which are included below.	
CONDITIONS FOR OPERATING AN ENVIRONMENTALLY RELEVANT ACTIVITY 8(1)(c) - CHEMICAL STORAGE: 10m3 to 500m3 Class 3 Dangerous Goods or Class 1 or 2 Combustible Liquids		
	SCHEDULE A - General Environmental Conditions	
A1	<p>The holder of this development approval must:-</p> <ul style="list-style-type: none">(i) install all plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and(ii) maintain such plant and equipment in a proper and efficient condition; and(iii) operate such plant and equipment in a proper and efficient manner. <p>In this condition, "plant and equipment" includes:-</p> <ul style="list-style-type: none">(i) plant and equipment used to prevent and/or minimise the likelihood of environmental harm being caused;(ii) devices and structures to contain foreseeable escapes of contaminants and waste;(iii) devices and structures used to store, handle, treat and dispose of waste;(iv) monitoring equipment and associated alarms; and(v) backup systems that act in the event of failure of a primary system.	At all times.
	Records	
A2	Any record or document required to be kept by a condition of this environmental authority must be kept at the approved place for a period of at least five (5) years and be available for examination by an authorised person.	At all times.
	Alterations	
A3	No change, replacement or operation of any plant or	At all times.

	<p>equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this development approval.</p> <p>An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quantity of the contaminant to be released into the environment.</p>	
	Calibration	
A4	All instruments and devices used for the measurement or monitoring of any parameter under any condition of this development approval must be calibrated, and appropriately operated and maintained.	At all times.
	Nuisance	
A5	Notwithstanding any other condition of this development approval, this approval does not authorise any release of contaminants which causes or is likely to cause an environmental nuisance beyond the boundaries of the approved place.	At all times.
	Design	
A6	<p>The new underground petroleum storage system must not be commissioned unless:</p> <ul style="list-style-type: none"> (a) it has been designed by a suitably qualified and experienced person, and (b) the person by whom it has been designed has provided the operator with: <ul style="list-style-type: none"> (i) a list of the industry standards that have been followed in connection with the design of the system; (ii) a copy of the design specifications for the system, and (c) a copy of the design certification has been provided to Council. 	At all times.
	Installation	
A7	<p>The new underground petroleum storage system must not be commissioned unless:</p> <ul style="list-style-type: none"> (a) it has been installed by a suitably qualified and experienced person, and (b) the person by whom it has been installed has provided the operator with: <ul style="list-style-type: none"> (i) a list of the industry standards that have been followed in connection with the installation of the system; and 	At all times.

	<ul style="list-style-type: none"> (ii) a copy of the installation specifications for the system; and (iii) current “as-built” drawings for the system. 	
	(c) a copy of the installation certification has been provided to Council.	
	Mandatory Pollution Protection Equipment	
A8	<p>The new underground petroleum storage system must not be commissioned unless the system includes the following mandatory pollution protection equipment:</p> <ul style="list-style-type: none"> (a) non-corrodible tank/s and non-corrodible piping; (b) secondary containment for tank/s and piping; (c) dispenser sump/s; (d) fill point spill containment equipment; (e) overfill protection equipment; (f) tank pit observation well/s; and (g) equipment that earths a storage system. 	At all times.
	Equipment Integrity Testing	
A9	<p>The new underground petroleum storage system must not be commissioned unless:</p> <ul style="list-style-type: none"> (a) an equipment integrity test of the system has been carried out in accordance with the written directions of a suitably qualified and experienced person; (b) the system has been certified, by the person by whom the test was carried out, as having satisfied the test; and (c) a copy of the test certification has been provided to Council. 	At all times.
	End of Conditions for Schedule A	
	SCHEDULE B - AIR	
	Release of Contaminants to the Atmosphere	
B1	Except as otherwise provided by the conditions of this Schedule B, the development approval must be carried out by such practicable means necessary to prevent the release or likelihood of release of contaminants to the atmosphere.	At all times.
B2	A stage 1 vapour (VR1) recovery system that complies with AS4897 for loading and unloading trucks must be installed and utilised to minimise the release of volatile organic compounds.	At all times.
B3	Notwithstanding any other condition of this development approval, no release of contaminants from the approved	At all times

	place is to cause a noxious or offensive odour to any “odour sensitive place” located beyond the boundaries of the approved place.	
	End of Conditions for Schedule B	
	SCHEDULE C - WATER	
	Release of Contaminants to Waters	
C1	Contaminants must not be directly or indirectly released from the approved place to any waters or the bed and banks of any waters except: (i) as permitted under the stormwater management schedule; or (ii) to a sewer as permitted or otherwise agreed from time to time by the relevant Local Government.	At all times.
	End of Conditions for Schedule C	
	SCHEDULE D - STORMWATER MANAGEMENT	
	Contaminant Release To Stormwater	
D1	The environmentally relevant activity must be carried out by such practicable means necessary to prevent the release or likelihood of release of contaminants to stormwater exiting the approved place.	At all times.
D2	In any case where it is not practicable to prevent any such release of contaminants as required by condition D1, the environmentally relevant activity must be carried out by such practicable means necessary to minimise the release or likelihood of release of contaminants to stormwater exiting the approved place.	At all times.
	Vehicle/Equipment Maintenance	
D3	The maintenance and cleaning of vehicles and any other equipment or plant must be carried out in areas where contaminants cannot be released into any waters, roadside gutter or stormwater drainage system.	At all times.
	End of Conditions for Schedule D	
	SCHEDULE E - LAND APPLICATION	
	Release of Contaminants to Land	
E1	The environmentally relevant activity must be carried out by such practicable means necessary to prevent the release or likelihood of release of contaminants to land which may cause such land to become contaminated land.	At all times.
E2	Where it is not practicable to prevent any release of contaminants to land as required by condition E1, the environmentally relevant activity must be carried out by such practicable means necessary to minimise the release or likelihood of release of any such contaminants to land.	At all times.
	End of Conditions for Schedule E	

	SCHEDULE F - NOISE	
F1	Noise levels associated with the on-going operations of the commercial premises must not be intrusive in a habitable room of an affected noise sensitive place. The terms "intrusive"; "habitable room"; and "noise sensitive place" must have the same meaning as assigned to them under the <i>Environmental Protection (Noise) Policy 2008</i> .	At all times.
	End of conditions for Schedule F	
	SCHEDULE G - WASTE MANAGEMENT	
G1	Waste must not be released to the environment, stored, transferred or disposed contrary to any condition of this environmental authority.	At all times.
G2	The holder of this environmental authority must not:- (i) burn waste at or on the licensed place; nor (ii) allow waste to burn or be burned at or on the licensed place; nor (iii) remove waste from the licensed place and burn such waste elsewhere.	At all times.
G3	Records of trade waste agreements must be made available to an authorised person for inspection on request.	At all times.
G4	An adequate waste collection service shall be provided to the premises.	At all times.
G5	Provision shall be made for the storage of and disposal of recyclable waste.	At all times.
G6	The area on which the bins are to be accessed by waste collection vehicles shall be screened, level, concreted and constructed in conjunction with the driveway surface with no intervening step, ledge, kerb or other obstruction.	At all times.
G7	The waste storage and collection areas allow servicing vehicle forward motion entry to the waste containers and forward motion entry and exit to and from the site.	At all times.
G8	Waste collection shall occur no less than weekly.	At all times.
	Off Site Movement	
G9	Where regulated waste is removed from the approved place other than by a release as permitted under another schedule of this development approval, the holder of this development approval must monitor and record the following:- (a) the date, quantity and type of waste removed; and (b) name of the waste transporter and/or disposal	At all times.

	operator that removed the waste; and (c) the intended treatment/disposal destination of the waste. NOTE: Records of documents maintained in compliance with a waste tracking system established under the <i>Environmental Protection Act 1994</i> or any other law for regulated waste will be deemed to satisfy this condition.	
	Records	
G10	Records required under this schedule must be stored and maintained for a period of not less than five (5) years after the taking of any such record.	At all times.
	End of Conditions for Schedule G	
	SCHEDULE H - SELF MONITORING AND REPORTING	
	Complaint Recording	
	Notification of Emergencies and Incidents	
H1	As soon as practicable after becoming aware of any emergency or incident that results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the operator of this activity must notify the administering authority of the release by telephone or facsimile.	At all times.
	Noise Monitoring	
H2	The holder of this development approval must monitor and record the noise levels as often as is necessary to check compliance with the conditions of this authority and to investigate any complaint of noise annoyance upon receipt of a request from the administering authority to carry out such monitoring.	Upon receipt of request from Administering Authority.
H3	A person or body possessing appropriate experience and qualifications to perform the required measurements must undertake the measurement and reporting of noise levels.	Upon receipt of request from Administering Authority.
H4	The method of measurement and reporting of noise levels must comply with the Environmental Protection (Noise) Policy 2008 and the most recent edition of the Queensland Noise Management Manual.	Upon receipt of request from Administering Authority.
H5	Any record of the results of noise monitoring made in accordance with the above conditions must not be disposed of within five (5) years of the date the record was made.	At all times.
H6	Monitoring of Contaminant Release to Groundwater The operator of this activity is responsible for ensuring a groundwater contamination prevention program is developed and implemented. Such a program shall include provisions for the collection and analysis of subsurface	Prior to the commencement of the use for the program development, and at all times thereafter for its

	<p>waters and/or leaching surface waters or contaminants from around the underground tank installation.</p> <p>Such a program shall include the following requirements:-</p> <ul style="list-style-type: none"> (a) all determinations of the quality of contaminants released to waters must be made in accordance with methods prescribed in the Department of Environment and Resource Management Water Quality Sampling Manual 2009, or more recent editions or supplements to that document as such become available; (b) all on-site or in-situ measurements or analyses must be made for a contaminant or characteristic if so recommended in the document referred to in paragraph (a) of this condition; (c) all determinations of the quality of contaminants released must be performed by a person or body possessing appropriate experience and qualifications to perform the required measurements; (d) a plan of the underground tank installations, showing the mechanics and workings of the system (including monitoring spear locations) for the groundwater contamination prevention program in and around these installations, must be supplied to the administering authority prior to commencement of the activity; and (e) samples of subsurface water must be taken from each of these spears every six (6) months or when liquids are present. <p>The samples obtained in accordance with paragraph (e) of this condition must be analysed for:</p> <ul style="list-style-type: none"> (i) petroleum hydrocarbons by fraction, C6-C36; (ii) benzene; (iii) toluene; (iv) ethyl benzene; (v) xylene; (vi) lead; and (vii) phenols. 	implementation.
H7	<p>Details of the groundwater contamination prevention program shall be forwarded to the administering authority for comment. Any comments made by the administering authority must be considered for inclusion in the program.</p>	Prior to the commencement of the use.

H8	Any record made of the results of any monitoring made in accordance with the above conditions must not be disposed of within fifteen (15) years of the date the record was made.	At all times.
End of Conditions for Schedule H		
SCHEDULE I – OPERATIONAL CONDITIONS		
I1	<p><i>UPSS Management Plan</i></p> <p>Develop and implement a management plan for the operation and maintenance of the underground petroleum storage system that includes both tanks and piping. The underground petroleum storage system management plan shall include systems and procedures for preventing and monitoring for spills and leaks and response plans in the event of a spill or leakage in accordance with obligations under the <i>Environmental Protection Act 1994</i>. The management system shall incorporate the following components:</p> <ul style="list-style-type: none"> (a) objectives and targets to comply with all relevant legislation; (b) hazard identification and risk assessment; (c) details of the underground petroleum storage system design and installation details (tank sizes, contents, location of all relevant infrastructure); (d) list of industry standards compiled for the design, installation and operation of the system; (e) current as-built drawings for the system and plans of the storage site; (f) leak prevention measures; (g) loss monitoring procedures; (h) system maintenance procedures; (i) Emergency Spillage Response Plan; (j) loss investigation and notification procedures; (k) record keeping; (l) training requirements and records; and (m) information on ownership and occupation of both the site and the underground storage systems, including specific contractual/ franchise arrangements, defined responsibilities and relevant contact details. <p>The management plan shall be fully documented and made available onsite for audit.</p>	Upon commencement of the use.

12	<p>EMERGENCY SPILLAGE RESPONSE PLAN</p> <p>A documented Emergency Spillage Response Plan (ESRP) for spilt fuels and other hazardous materials shall be developed as part of the underground petroleum storage system management plan and implemented on-site. The ESRP will establish procedures to respond to identified hazards and to contain and dispose of spilt chemicals. All spilt materials must be contained to prevent the spread of the material, the affected area cleaned, and the material recycled, reused or disposed in a manner which prevents further contamination of surface, ground waters, or soil. The ESRP should include, but not be limited to the following matters:</p> <ul style="list-style-type: none"> (a) all actions to be taken by staff upon discovery of an incident; (b) activation of emergency shut-off systems; (c) use of spill clean-up kits; (d) covering of drain entrances and bunding of impacted waterways; (e) notification of emergency services where necessary; (f) an accurate set of drainage plans which identify all containment and treatment systems and all potential points of access to Council stormwater infrastructure. Drainage plans shall clearly trace the flow of any potential spillage and shall identify the location of the outlet point (eg creek, river, etc.). A copy of the drainage plan shall be placed in the HAZMAT Box for the use of emergency responders; (g) a flow chart providing an overview of actions to be taken in the event of a spill shall be prepared and posted in a clearly visible location. It shall include a list of emergency telephone numbers; and (h) notification of Council as soon as practicable where a spill presents actual or potential environmental harm (eg. a spill that leaves the site and enters stormwater or natural drainage systems). <p>Appropriately trained staff must be available at all times, including on-call after hours, to respond to and implement the ESRP.</p>	Upon commencement of the use.
13	<p>DUTY TO NOTIFY</p> <p>Immediately notify Council of any event where serious or material environmental harm is caused or threatened such as a spill, leak or other unauthorised release of</p>	At all times.

	contaminants to the environment. The notification to Council must include the following information; the site address, site manager, telephone and other contact details, the nature of the unauthorised release, incident or emergency including the nature of the contaminants involved, the expected time to the event or since the event, the suspected cause, the possible effects on the environment and the actions taken to address the occurrence.	
14	TRAINING All employees must be trained upon hiring, and regularly updated as necessary, on their legislative responsibilities in relation to the <i>Environmental Protection Act 1994</i> and their relevant procedures and processes documented in the underground petroleum storage system management plan. Records shall be kept of all training and made available for audit.	At all times.
	Dispensing Areas and Forecourts	
15	FORECOURT - FDA TO BE IMPERVIOUS All ground surfaces within fuel dispensing areas shall be made of impervious material such as concrete or equivalent (note: asphalt is not suitable) and shall be maintained free of gaps or cracks.	At all times.
16	FORECOURT - NON-FDA TO BE IMPERVIOUS All non-fuel dispensing forecourt surfaces not under canopy shall be constructed of concrete or equivalent (asphalt is considered suitable for non-dispensing areas) and shall be maintained free of gaps and cracks.	At all times.
17	FORECOURT - DEMARCATION Fuel dispensing areas must be clearly delineated from other areas such as remote air/water supply areas, uncovered forecourt areas, access roads, general parking bays, etc. by methods such as a painted line on the ground, roll-over bunds, different coloured concrete etc. Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the delineated areas.	At all times.
18	FORECOURT - SIGNAGE FOR DRAINS Drainage inlets located in the vicinity of the general forecourt area shall be provided with signage indicating the fate of flow such as "flows to treatment system" or "flows to containment sump".	At all times.
19	FORECOURT - CONTAINMENT VESSEL The fuel dispensing area shall be graded to a suitable underground containment vessel (i.e. sump/tank) compatible with petroleum products and other likely chemicals. The tank shall have no connections to stormwater or sewer.	At all times.
110	FORECOURT - BLIND SUMP ONLY - MAINTENANCE OF CAPACITY	At all times.

	The blind sump containment vessel for the fuel dispensing area shall be dipped at least once per fortnight or after any significant spill or rain event. Wastewater shall be removed at a frequency which ensures the required capacity for spillage is maintained.	
I11	FORECOURT - REGULATED WASTE REMOVAL AND DISPOSAL All Regulated Waste (this includes wastewater collected from any blind sump draining the under-canopy dispensing area) must only be removed from the premises by a licensed waste transport contractor and disposed of at a licensed waste treatment facility. Dockets/ receipts/ records for the transport and disposal of the waste must be retained on site and made available to any authorised officer upon request.	At all times.
I12	FORECOURT - CANOPY DESIGN Fuel dispensing areas shall be covered by a roof or canopy to minimise stormwater entering the dispensing area. The roof or canopy shall overhang by a horizontal distance of $\frac{1}{4}$ of the roof height out from the vertical above the boundary of the demarcated fuel dispensing area.	At all times.
I13	FORECOURT - FUEL DELIVERY UNDER CANOPY ONLY (OPTION A) All spills and leaks from bulk fuel transfer activities (i.e. fuel tanker trucks delivering to bulk fuel storages on site) must be contained on-site. Fuel deliveries carried out under the canopy area shall ensure that Tanker Delivery Standing Areas are graded and drained to the underground containment vessel.	At all times.
I14	FORECOURT - FUEL DELIVERY OUTSIDE OF CANOPY ONLY (OPTION B) All spills and leaks from bulk fuel transfer activities (i.e. fuel tanker trucks delivering to bulk fuel storages on site) must be contained on-site. Tanker Delivery Standing Areas outside of the canopy shall be modified so that run-off is automatically diverted to the underground containment vessel.	At all times.
I15	FORECOURT - MAINTENANCE OF STORMWATER TREATMENT SYSTEMS Stormwater treatment systems, including stormwater quality improvement devices and drains shall be inspected and maintained in accordance with the manufacturer's recommendations. Records of regular inspections, oil/ sediment checks and contractor receipts shall be maintained for audit purposes.	At all times.
I16	FORECOURT - CLEANING OF FORECOURT AREAS Forecourts are not to be hosed down or cleaned with the use of emulsifying detergents. Dry cleaning methods	At all times.

	<p>appropriate for forecourt areas include:</p> <ul style="list-style-type: none"> - industrial class brooming - mechanical or powered sweepers - industrial vacuum units - industrial absorbents. 	
I17	<p>FORECOURT - CLEANUP OF SPILLS AND LEAKS</p> <p>Leakage and spills of oil and/or other fluids from cars entering forecourt areas shall be cleaned up as soon as practicable to prevent access of contaminants to stormwater drains.</p>	At all times.
I18	<p>FORECOURT - SPILL KITS</p> <p>Spill kits shall be provided and maintained in strategic locations. They shall be appropriate in size, type and equipment to the identified hazards. Kits shall consist of, but not be limited to, the following:</p> <ul style="list-style-type: none"> - oil absorbent materials - impervious drain covers - drip trays - spades, funnels - hydrocarbon compatible containers - appropriate PPE. 	At all times.
	Leak Detection	
I19	<p><i>Performance Criteria</i></p> <p>As a minimum standard, all underground petroleum storage systems are required to be monitored using a system that:</p> <ul style="list-style-type: none"> (a) can detect a leak from any portion of the underground storage system; (b) uses equipment that has been installed, calibrated and commissioned in accordance with the manufacturer's instructions; (c) is capable of detecting a leak at a rate of 0.76 litres per hour or more with at least 95% accuracy and a probability of false detection of 0.05 or less (United States Environmental Protection Agency (USEPA)); (d) has been certified by an independent third party, consistent with the current USEPA protocols and system of verification (USEPA 1990); (e) reports with a frequency of not less than monthly; and (f) is operated by a suitably trained person. 	At all times.
I20	<p>LEAK DETECTION – EIT</p> <p>An Equipment Integrity Test must be carried out at the</p>	At all times.

	<p>following times:</p> <ul style="list-style-type: none"> (a) immediately before commissioning a new underground petroleum storage system; (b) immediately following any underground petroleum storage system modification or upgrade; (c) immediately before installing a cathodic protection system on an existing tank; (d) immediately following installation of re-used equipment; (e) immediately before the reuse of a temporarily decommissioned tank; (f) immediately following any equipment retrofit; and (g) immediately following any repairs to equipment; (h) any additional EIT shall be performed at the request of administering authorities. <p>The system being tested shall not be commissioned unless:</p> <ul style="list-style-type: none"> (a) the Equipment Integrity Test of the system has been carried out in accordance with the written directions of a suitably qualified and experienced person; and (b) the system has been certified, by the person by whom the test was carried out, as having satisfied the test. 	
I21	<p>LEAK DETECTION – EIT - U/G WASTE OIL TANK ONLY</p> <p>All underground tanks and associated pipework used for the storage of waste oil must be integrity tested to confirm the “liquid tightness” of the system by a competent Equipment Integrity Test specialist on an annual basis.</p>	At all times.
I22	<p>LEAK DETECTION – RECORDING EIT RESULTS.</p> <p>Records of Equipment Integrity Tests shall be kept on site by the owner/occupier of the UPSS for the life of the system and shall contain the following minimum information:</p> <ul style="list-style-type: none"> (a) equipment identification number; (b) location of the test; (c) date of the test; (d) results of the tests; (e) test method; (f) certification by testing company or individual; and 	At all times.

	(g) details of testing company or individual.	
123	<p>LEAK DETECTION - LOSS DETECTION PROCEDURES</p> <p>The underground petroleum storage system shall have appropriate procedures documented and in place to identify and investigate any discrepancy indicated by the approved loss monitoring procedure. As soon as practicable after becoming aware of any discrepancy detected by the loss monitoring procedure for a storage system, action must be taken:</p> <ul style="list-style-type: none"> (a) to investigate the discrepancy, and (b) if the discrepancy cannot be attributed to anything other than a leak, to confirm the existence of a leak, and (c) if the existence of a leak is confirmed, to identify the source of the leak and to fix the leak. 	At all times.
124	<p>LEAK DETECTION – NOTIFICATION</p> <p>Where a leak or spill from an underground petroleum storage system is causing or is likely to cause material harm to the environment or human health, the person responsible must notify Council as soon as practicable. Failure to report such a pollution incident is an offence under <i>The Environmental Protection Act 1994</i>. Incidents which must be notified include but are not limited to:</p> <ul style="list-style-type: none"> (a) a leak or spill verified in accordance with loss detection or incident management procedures that is causing or threatens material harm to human health or the environment (b) evidence on the site of free-phase hydrocarbons in surface water or groundwater (c) evidence that offsite migration of hydrocarbons could occur, is occurring or has occurred. 	At all times.
	Decommissioning of UPSS	
125	<p>DECOMMISSIONING - PERMANENT</p> <p>Underground petroleum storage systems to be permanently decommissioned shall be removed for disposal off-site in compliance with the following:</p> <ul style="list-style-type: none"> • <i>AS4976 The removal and disposal of underground petroleum storage tanks</i> • <i>AS1940 The storage and handling of flammable and combustible liquids, and</i> • relevant occupational health and safety measures required by the <i>Workplace Health and Safety Act 1995</i>. 	At the time.

	Council must be notified when tanks are to be permanently decommissioned so that adjustments can be made to records. Certification shall be provided to Council that the tank/s were decommissioned, transported and disposed of in accordance with the above standards and legislation.	
126	<p>DECOMMISSIONING - PERMANENT - SITE INVESTIGATION</p> <p>At the time of the abandonment of any underground petroleum storage system, the site shall be investigated for contamination. An assessment report shall be prepared by a suitably qualified and experienced person to verify the site has either met remediation criteria or is suitable for continued and future use. The assessment report shall be submitted to Council no later than 60 days of -</p> <ul style="list-style-type: none"> the decommissioning of an underground petroleum storage system if no soil or groundwater remediation is required, or the completion of any remediation associated with the decommissioning of an underground petroleum storage system if remediation is required. 	As per timeframes indicated in Condition G26.
127	<p>DECOMMISSIONING - DOCUMENT RETENTION</p> <p>All records associated with the decommissioning of underground petroleum storage systems must be maintained for a minimum of seven years after removal of underground storage systems. These records must be provided to future owners/operators of underground storage systems as part of ensuring all practicable measures have been implemented to prevent site contamination.</p>	At all times.
	SCHEDULE J - DEFINITIONS	
<p>For the purposes of this environmental authority the following definitions apply:-</p> <ul style="list-style-type: none"> – “Act” means the <i>Environmental Protection Act 1994</i>. – “administering authority” means the Somerset Regional Council. – “land” in the “Land Schedule” of this environmental authority means land excluding waters and the atmosphere. – “point source” means any stack, chimney, vent, infrastructure, or device which is designed to cause to allow the release of contaminants to the atmosphere. – “$L_{(Amax\ adj, T)}$” means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using Fast response. – “background noise level” means either: <ul style="list-style-type: none"> - $L_{(A90, T)}$ being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than 15 minutes, using Fast response; or - $L_{(Abg, T)}$ being the arithmetic average of the minimum readings measured in the absence of the noise under investigation during a representative time period of not less than 15 minutes, using Fast response. – “$MaxL_{(pA, T)}$” means the maximum A-weighted sound pressure level measured over a 		

–	time period of not less than 15 minutes, using Fast response.
–	“noise sensitive place” means -
	(a) a dwelling, mobile home or caravan park, residential marina or other residential premises; or
	(b) a motel, hotel or hostel; or
	(c) a kindergarten, school, university or other educational institution; or
	(d) a medical centre or hospital; or
	(e) a protected area; or
	(f) a park or gardens.
–	“unreasonable noise” means noise that causes unlawful environmental harm.
–	“intrusive noise” means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration that is
	(a) clearly audible to, or can be felt by, an individual; and annoys the individual.

End of Schedule J

SCHEDULE 8 – ADVISORY NOTES

No.	Advice
8.1	This approval has effect in accordance with the provisions of Section 3.5.19 of the <i>Integrated Planning Act 1997</i> .
8.2	All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act 1995 (as amended)</i> and the <i>workplace Health and Safety Regulation 1997 (as amended)</i> .
8.3	All Operational Work is to comply with relevant codes for design and construction.
8.4	Construction work is to be carried out only between the hours of 7:00am to 6:00pm 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>.
8.4	Construction work is to be carried out only between the hours of 6:30am to 6:30pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Work or business which causes audible noise shall not be conducted from or on the site outside the above hours
8.5	The Sustainable Planning Act 2009 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.
8.6	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> .
8.7	Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.
8.8	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.
8.9	All plumbing and drainage work is to comply with the provisions contained in the <i>Queensland Sewerage and Water Supply Act; 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.

Attachments for the Permissible Change Decision Notice include:

- Site and Floor Plans. Prepared by Gall Architects. Dated on 29 June 2017.
- Roof and Elevation Plans. Prepared by Gall Architects. Dated on 29 June 2017.
- Department of Infrastructure, Local Government and Planning Concurrence Agency response. Reference No. SDA-0717-037677. Dated 14 July 2017.

Decision:	Moved - Cr Choat	Seconded - Cr Ogg
<p>“THAT Council approve the Request to Change a Development Approval under section 369 of the <i>Sustainable Planning Act 2009</i> for DA9080 for a Development Permit for a Material Change of Use for a Service Station and Ancillary Commercial Centre including an Environmentally Relevant activity (ERA) No. 8 – chemical Storage, over land described as Lot 10 on SP280893, and situated at 29 Coominya Connection Road, Coominya subject to the conditions contained in the Schedules and Attachments:</p>		
SCHEDULES		

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. Site Plan. Drawn by Gall Architects. Dated 29 June 2017. Floor Plan. Drawn by Gall Architects. Dated 29 June 2017. Roof Plan. Drawn by Gall Architects. Dated 29 June 2017. Section Plan. Drawn by Gall Architects. Dated 29 June 2017. Elevation Plan. Drawn by Gall Architects. Dated 29 June 2017.	At all times.
1.2	Comply with relevant provisions of the former Esk Shire's Planning Scheme 2005 (as amended), 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	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Prior to commencement of the use.
1.5	Meet the cost of all works carried out to infrastructure, services	Prior to

	and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	commencement of the use.
1.6	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 commencement of the use.
1.7	Unless otherwise approved in writing by the Manager, Planning and Development, hours of construction shall be: Monday to Saturday: 6.30 am to 6:30 pm Construction work shall not occur on the premises outside the above hours.	At all times.
1.8	All trade materials; products and plant shall be neatly stored within the confines of the building and/or approved storage areas.	At all times
Schedule 2 – Planning		
	Amenity	
2.1	The approved use shall not cause any adverse impact on the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, glare, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	At all times.
2.2	Existing vegetation within the road reserve of the Brisbane Valley Highway and Coominya Connection Road is to be maintained as far as possible to assist with the visual screening of the proposed development.	During construction and at all times thereafter.
2.3	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times
2.4	Any graffiti within the proposed development must be removed immediately.	At all times
SCHEDULE 3 - Engineering		
3.1	Make an operational works application to Council and pay the required fees where an application involves any of the following, bulk earthworks, road works and stormwater drainage.	Prior to the commencement of Operational Work.
3.2	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
3.3	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ),	Prior to commencement of the use.

	<p>including:</p> <ul style="list-style-type: none"> Plans and specifications must be prepared and certified with the Operational Work application. <p>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</p>	
	Internal Access roads, External, Carparking, and Pedestrian Areas	
3.4	<p>Provide on-site car parking for minimum of nineteen (19) vehicles, including one (1) space for disabled persons in accordance with Council Planning Scheme.</p> <p>All parking, aisle widths, circulation areas, and pavement markings to be in accordance with AS2890 Off Street Parking, and the Manual of Uniform Traffic Control Devices (MUTCD) and <i>Somerset Regional Council Development Manual</i>. Further, all surfaces must be asphaltic concrete or concrete with minimum longitudinal gradients and minimum crossfall in accordance with AS2890.</p>	Prior to commencement of the use.
3.5	The minimum width of all car parks is to be 2.8 metres.	Prior to commencement of the use.
3.6	Provide vehicle parking and circulation areas for a B double articulated vehicles. Turning and swept vehicle paths to be in accordance with Austroads Turning path templates.	Prior to commencement of the use.
3.7	The sealed perimeter of all trafficable areas is to be barrier kerb or barrier kerb and channel to prevent vehicles traversing on landscaped areas.	Prior to commencement of the use.
3.8	Perambulator ramps must be provided within the development for pedestrians transitioning between fuelling apron and retail areas generally in accordance with AS1428 (Design for Access and Mobility).	Prior to commencement of the use.
	Site Works and Earthworks	
3.9	All earthworks to be constructed in accordance with AS3798. Fill material that is required to support a structure is to be placed, compacted, and tested by a suitably qualified geotechnical inspection and testing organization.	Prior to commencement of and during the construction of the works.
3.10	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times
	Stormwater Management	
3.11	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council</i>	As part of Operational Works

	<i>Development Manual.</i>	
3.12	Convey stormwater flows through the development from the upstream catchment.	Prior to commencement of the use.
3.13	The stormwater drainage system must collect all runoff falling on and coming to the proposed development site, and convey it to a point of legal discharge. Further, permission from adjacent property owners may be required to convey stormwater flows to a legal point of discharge.	Prior to commencement of the use.
3.14	<p>Submit a Site Based Stormwater Management Plan (prepared by a qualified engineer), which generally conforms to the approved development plan/s.</p> <p>The SBSMP should include the following:</p> <ul style="list-style-type: none"> • Quantity and quality of stormwater to be released from the development; • All sources of potential contamination (including but not limited to the actual and potential release of all contaminants; • The potential impact of these sources; • Impact of the release of stormwater from the development on the quality and integrity of the receiving environment; • Measures to be implemented to prevent the likelihood of stormwater contamination; and • Maintenance schedule. <p>The SBSMP to be undertaken in accordance with Section 19 of the <i>Environment Protection Policy (Water)</i>.</p>	As part of the lodgement of the Operational Works application
3.15	Stormwater Drainage and flows are not to have a worsening effect on adjoining and downstream landholders.	Prior to commencement of the use.
3.16	Applicant is to attenuate the difference between pre and post developed flows for all standard average recurrence intervals as defined in Australian Rainfall and Runoff in accordance with Queensland Urban Drainage Manual (QUDM) and <i>Somerset Regional Council Development Manual</i> .	Prior to commencement of the use.
3.17	Adjoining properties and roadways to the development are to be protected from ponding or nuisance flows from stormwater as a result of any site works undertaken as part of the proposed development.	While construction is occurring and following development.
	Stormwater Re-use	
3.18	The development must incorporate a stormwater re-use system utilising stormwater detention structures and/or tanks to ensure water is reused throughout the site to supply amenities,	Prior to commencement of the use.

	facilities and landscaping areas and the like.	
	Water Conservation – Commercial Buildings	
3.19	The proposed development is to be provided with rainwater storage tank devices designed in accordance with the Queensland Development Code – Mandatory Part 4.3 Alternative Water Sources – Commercial Buildings.	Prior to commencement of the use.
	Indoor and Outdoor Lighting for Safety and Security	
3.20	Outdoor security lighting must ensure safety of users of the development by: <ul style="list-style-type: none"> – Providing outdoor lighting in accordance with Australian Standard AS 1158.3.1 – Road Lighting –Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements; and – The use of vandal resistant lighting in public or publicly accessible areas. 	Prior to making Operational Works application.
3.21	The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by: <ul style="list-style-type: none"> • Providing Lighting that is designed, installed and regulated in accordance with the parameters outlined in <i>Australian Standard AS 1158</i>. • Not causing nuisance by way of light spill or glare at adjacent properties and roadways. • Providing graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land. • Directing lighting onto the subject land and away from neighbouring properties. • Using shrouding devices to preclude light overspill onto surrounding properties where necessary. • Not operating lighting that uses sodium lights or flare plumes. 	Prior to making Operational Works application.
3.22	Lighting must be provided to the following areas of the site: <ul style="list-style-type: none"> – The entries and exits of the approved building; – The pathways between the parking areas and the entrances/exits of the building/s; – Throughout car parking areas 	Prior to the commencement of the use and during and following development.
	Landscaping	
3.23	The developer must submit to the Planning Manager for endorsement, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below:	Prior to commencement of use

	<ul style="list-style-type: none"> • Comply with the <i>Somerset Development Manual</i>. • To enhance the appearance of the development internally and externally. • To make a positive contribution to the streetscape; • To screen unsightly objects from public view; • To contribute to an environment by providing shade to reduce glare, heat absorption and radiation; • To ensure common areas are useable; • To provide long term erosion protection; • To integrate with existing vegetation and other natural features of the site and adjoining lands; and • To provide adequate vehicle sightlines and road safety. <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> • The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site; • The number and size of plants; • The typical planting detail including preparation, backfill, staking and mulching. • The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing by the Planning Manager. Any amendments approved by the Planning Manager are taken to be a part of the approved Landscape Plan. • All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period. • Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work. • Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by: <ul style="list-style-type: none"> ○ Using trees which have a clean trunk height of at least 1.8 metres (at maturity); ○ Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines; • A minimum of 70% of landscaped areas must be retained as a permeable surface. <p>Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times.</p>	
	Water	
3.24	Sizing of water supply system components is to be in accordance with Department of Environment and Resource	Prior to making Operational Works

	Management's Planning Guidelines for Water Supply and Sewerage (2010).	application.
3.25	The development is to be designed to have a fire fighting flow provision of 30l/s for 4 hours with a minimum residual pressure head of 12m in accordance with Planning Guidelines for Water Supply and Sewerage (2010). Further, the applicant is to submit a revised water reticulation analysis/system design demonstrating compliance with Condition 3.24.	Prior to making Operational Works application.
	Wastewater	
3.26	The onsite wastewater treatment and disposal system is to comply with AS3500 Plumbing and Drainage (2003), AS1547 On Site Domestic Wastewater Management, Plumbing and Drainage Act (2002), and the Queensland Plumbing and Wastewater Code (2009).	Prior to making Operational Works application.
	Electricity/Telecommunications	
3.27	Submit development applications to Energex/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.	Prior to commencement of the use.
	Erosion and Sediment Control	
3.28	The contractor shall implement all relevant sediment and erosion control measures and temporary fencing as required. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	During construction and the establishment period of the landscaping or areas disturbed during construction.
3.29	Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ). Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	As part of the lodgement of the Operational Works application
3.30	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> i) Milling; ii) Chipping and/or mulching iii) Disposal at an approved waste disposal facility. iv) Burning provided fire permits are in place. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.	At all times

	Refuse Storage Area	
3.31	Refuse bin storage areas must be provided on the premises within a building, outbuilding or other enclosed structure so that it is screened from public view with a minimum 1.5m high solid fence or wall.	Prior to the commencement of the use and following development.
	Waste Management	
3.32	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	Prior to the commencement of the use and following development.
	SCHEDULE 4 - Environmental	
4.1	<p>All buildings, structures, fittings, fixtures and grounds used in the carrying out of the activity to which this development approval relates must be maintained at all times –</p> <ul style="list-style-type: none"> • in a serviceable condition; • in a state of good repair and efficient action; • in a clean, sanitary condition; • free of accumulated waste and disused materials; and • free of vermin and pest infestations. 	At all times.
4.2	There is to be no unreasonable release of air-borne contaminants, associated with the construction or on-going operations of this approved development, to the air environment. The terms “unreasonable release” must have the same meaning as assigned to it under the <i>Environmental Protection (Air) Policy 2008</i> .	At all times.
4.3	Noise levels associated with the on-going operations of the commercial premises must not be intrusive in a habitable room of an affected noise sensitive place. The terms “intrusive”; “habitable room”; and “noise sensitive place” must have the same meaning as assigned to them under the <i>Environmental Protection (Noise) Policy 2008</i> .	At all times.
4.4	<p>All complaints received by the development permittee relating to environmental nuisance or harm associated with the operations of the approved development must be recorded and kept in a log book with the following details:</p> <ul style="list-style-type: none"> (i) time, date and nature of complaint; (ii) type of communication (telephone, letter, personal etc); (iii) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then “Not Identified” is to be recorded); (iv) response and investigation undertaken as a result of the complaint; (v) name of person responsible for investigating complaint; and 	At all times.

	(vi) action taken as a result of the complaint investigation and signature of responsible person.	
4.5	Any record of complaint made in accordance with the above condition must not be disposed of within five (5) years of the date the record was made.	At all times.
4.6	<p>A potable water supply must be supplied to the site to all fixtures and fittings designed for human contact and the preparation of food.</p> <p>For this condition, potable water means water that is acceptable for human consumption; the Australian Drinking Water Guidelines 2011, as amended, of the National Health and Medical Research Council may be used for guidance concerning what constitutes acceptable water.</p>	At all times.
4.7	<p>A Water Supply Management Plan is to be submitted to Council that outlines:</p> <ul style="list-style-type: none"> – Commitment; – Assessment of the water supply system including risk assessment and safety and quality of supply; – Preventative measures for water quality management (environmental conditions, protection of water source, safety of supply, barriers appropriate to the level of potential contamination etc); – Operational Procedures; – Monitoring and Treatment; – Incident Management and Emergencies; – Staff training; – Documentation and reporting; and – Review and Continual Improvement. <p>All determinations of the quality of the potable water supply must be undertaken by a suitably qualified person and assessed in a NATA accredited laboratory.</p>	Prior to commencement of use.
4.8	The on-site effluent disposal system shall not exceed a total daily peak design capacity of 21 EP (as defined by the <i>Environmental Protection Regulation 2008</i>)	At all times.
4.9	Written evidence from Queensland Bulk Water Supply Authority (trading as Seqwater) is to be provided that any on-site effluent disposal system complies with the <i>Seqwater Guidelines for Development in Drinking Water Catchments 2010</i> .	Prior to issue of Plumbing Approval.
4.10	Submit a Site-Based Stormwater Management Plan (SMP), prepared by a suitably qualified person, which demonstrates compliance with Conditions 2.8-2.15 and Element 5 of the <i>Seqwater Guidelines for Development in Drinking Water Catchments 2010</i> .	Prior to making Operational Works application.

4.11	Provide written evidence from Queensland Bulk Water Supply Authority (trading as Seqwater) that the SMP required in Condition 4.10 complies with Element 5 of the <i>Seqwater Guidelines for Development in Drinking Water Catchments 2010</i> .	Prior to making Operational Works application.
SCHEDULE 5 – REFERRAL AGENCY DEPARTMENT OF TRANSPORT AND MAIN ROADS <i>Concurrence Agency Status</i> <i>Agency Response: Recommend Conditions Apply</i>		
5.1	The Department of Transport and Main Roads is a concurrence agency under the Sustainable Planning Act 2009 for the purposes of the <i>Transport Infrastructure Act 1994</i> . The DTMR has assessed the impact of the proposed development on the State-controlled road network and requires Council to include the 'conditions of development' in the Schedules of Approval as indicated on the attached Statement of Reasons. Ref.: E78181 830/472 E77276 DCT 4658, dated 19.10.10.	
5.2	The Department of Transport and Main Roads' Agency Response (Conditions and Statement of Reasons) will be attached to Council's Decision Notice for DA9080.	
SCHEDULE 6 – REFERRAL AGENCY DEPARTMENT OF LOCAL GOVERNMENT and PLANNING <i>Concurrence Agency Status</i> <i>Agency Response: Recommend Conditions Apply</i>		
6.1	The Department of Local Government and Planning is a concurrence agency under the <i>Integrated Planning Regulation 1998</i> for the purposes of the South East Queensland Regional Plan 2009-2031. The DLGP has assessed the proposed impact on the Regional Landscape and Rural Production Area and requires Council to include a 'condition of development' as indicated in their response. Ref.: T7467, dated 17.11.11.	
6.2	The Department of Local Government and Planning referral response will be attached to Council's Decision Notice for DA9080.	
SCHEDULE 7 – REFERRAL AGENCY SOMERSET REGIONAL COUNCIL (ENVIRONMENTAL HEALTH SECTION) <i>Concurrence Agency Status</i> <i>Agency Response: Recommend Conditions Apply</i>		
7.1	The Somerset Region Council is a concurrence agency under the Integrated Planning Regulation 1998 for the purposes of the Environmental Protection Act 1994. Council's Environmental Health Section has assessed the proposed application for an Environmentally Relevant Activity and requires Council (as the Assessment Manager) to include the 'conditions of development' in the Schedules of Approval, which are included below.	
CONDITIONS FOR OPERATING AN ENVIRONMENTALLY RELEVANT ACTIVITY 8(1)(c) - CHEMICAL STORAGE: 10m3 to 500m3 Class 3 Dangerous Goods or Class 1 or 2 Combustible Liquids		
SCHEDULE A - General Environmental Conditions		
A1	The holder of this development approval must: (i) install all plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and	At all times.

	<p>(ii) maintain such plant and equipment in a proper and efficient condition; and</p> <p>(iii) operate such plant and equipment in a proper and efficient manner.</p> <p>In this condition, “plant and equipment” includes:-</p> <p>(i) plant and equipment used to prevent and/or minimise the likelihood of environmental harm being caused;</p> <p>(ii) devices and structures to contain foreseeable escapes of contaminants and waste;</p> <p>(iii) devices and structures used to store, handle, treat and dispose of waste;</p> <p>(iv) monitoring equipment and associated alarms; and</p> <p>(v) backup systems that act in the event of failure of a primary system.</p>	
	Records	
A2	Any record or document required to be kept by a condition of this environmental authority must be kept at the approved place for a period of at least five (5) years and be available for examination by an authorised person.	At all times.
	Alterations	
A3	<p>No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this development approval.</p> <p>An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quantity of the contaminant to be released into the environment.</p>	At all times.
	Calibration	
A4	All instruments and devices used for the measurement or monitoring of any parameter under any condition of this development approval must be calibrated, and appropriately operated and maintained.	At all times.
	Nuisance	
A5	Notwithstanding any other condition of this development approval, this approval does not authorise any release of contaminants which causes or is likely to cause an environmental nuisance beyond the boundaries of the approved place.	At all times.

	Design	
A6	<p>The new underground petroleum storage system must not be commissioned unless:</p> <ul style="list-style-type: none"> (a) it has been designed by a suitably qualified and experienced person, and (b) the person by whom it has been designed has provided the operator with: <ul style="list-style-type: none"> (i) a list of the industry standards that have been followed in connection with the design of the system; (ii) a copy of the design specifications for the system, and (c) a copy of the design certification has been provided to Council. 	At all times.
	Installation	
A7	<p>The new underground petroleum storage system must not be commissioned unless:</p> <ul style="list-style-type: none"> (a) it has been installed by a suitably qualified and experienced person, and (b) the person by whom it has been installed has provided the operator with: <ul style="list-style-type: none"> (i) a list of the industry standards that have been followed in connection with the installation of the system; and (ii) a copy of the installation specifications for the system; and (iii) current “as-built” drawings for the system. (c) a copy of the installation certification has been provided to Council. 	At all times.
	Mandatory Pollution Protection Equipment	
A8	<p>The new underground petroleum storage system must not be commissioned unless the system includes the following mandatory pollution protection equipment:</p> <ul style="list-style-type: none"> (a) non-corrodible tank/s and non-corrodible piping; (b) secondary containment for tank/s and piping; (c) dispenser sump/s; (d) fill point spill containment equipment; 	At all times.

	(e) overfill protection equipment; (f) tank pit observation well/s; and (g) equipment that earths a storage system.	
	Equipment Integrity Testing	
A9	The new underground petroleum storage system must not be commissioned unless: (a) an equipment integrity test of the system has been carried out in accordance with the written directions of a suitably qualified and experienced person; (b) the system has been certified, by the person by whom the test was carried out, as having satisfied the test; and (c) a copy of the test certification has been provided to Council.	At all times.
	End of Conditions for Schedule A	
	SCHEDULE B - AIR Release of Contaminants to the Atmosphere	
B1	Except as otherwise provided by the conditions of this Schedule B, the development approval must be carried out by such practicable means necessary to prevent the release or likelihood of release of contaminants to the atmosphere.	At all times.
B2	A stage 1 vapour (VR1) recovery system that complies with AS4897 for loading and unloading trucks must be installed and utilised to minimise the release of volatile organic compounds.	At all times.
B3	Notwithstanding any other condition of this development approval, no release of contaminants from the approved place is to cause a noxious or offensive odour to any "odour sensitive place" located beyond the boundaries of the approved place.	At all times
	End of Conditions for Schedule B	
	SCHEDULE C - WATER Release of Contaminants to Waters	
C1	Contaminants must not be directly or indirectly released from the approved place to any waters or the bed and banks of any waters except: (i) as permitted under the stormwater management schedule; or (ii) to a sewer as permitted or otherwise agreed from time to time by the relevant Local Government.	At all times.
	End of Conditions for Schedule C	

	SCHEDULE D - STORMWATER MANAGEMENT	
	Contaminant Release To Stormwater	
D1	The environmentally relevant activity must be carried out by such practicable means necessary to prevent the release or likelihood of release of contaminants to stormwater exiting the approved place.	At all times.
D2	In any case where it is not practicable to prevent any such release of contaminants as required by condition D1, the environmentally relevant activity must be carried out by such practicable means necessary to minimise the release or likelihood of release of contaminants to stormwater exiting the approved place.	At all times.
	Vehicle/Equipment Maintenance	
D3	The maintenance and cleaning of vehicles and any other equipment or plant must be carried out in areas where contaminants cannot be released into any waters, roadside gutter or stormwater drainage system.	At all times.
	End of Conditions for Schedule D	
	SCHEDULE E - LAND APPLICATION	
	Release of Contaminants to Land	
E1	The environmentally relevant activity must be carried out by such practicable means necessary to prevent the release or likelihood of release of contaminants to land which may cause such land to become contaminated land.	At all times.
E2	Where it is not practicable to prevent any release of contaminants to land as required by condition E1, the environmentally relevant activity must be carried out by such practicable means necessary to minimise the release or likelihood of release of any such contaminants to land.	At all times.
	End of Conditions for Schedule E	
	SCHEDULE F - NOISE	
F1	Noise levels associated with the on-going operations of the commercial premises must not be intrusive in a habitable room of an affected noise sensitive place. The terms "intrusive"; "habitable room"; and "noise sensitive place" must have the same meaning as assigned to them under the <i>Environmental Protection (Noise) Policy 2008</i> .	At all times.
	End of conditions for Schedule F	
	SCHEDULE G - WASTE MANAGEMENT	
G1	Waste must not be released to the environment, stored, transferred or disposed contrary to any condition of this environmental authority.	At all times.
G2	The holder of this environmental authority must not:- (i) burn waste at or on the licensed place; nor	At all times.

	(ii) allow waste to burn or be burned at or on the licensed place; nor	
	(iii) remove waste from the licensed place and burn such waste elsewhere.	
G3	Records of trade waste agreements must be made available to an authorised person for inspection on request.	At all times.
G4	An adequate waste collection service shall be provided to the premises.	At all times.
G5	Provision shall be made for the storage of and disposal of recyclable waste.	At all times.
G6	The area on which the bins are to be accessed by waste collection vehicles shall be screened, level, concreted and constructed in conjunction with the driveway surface with no intervening step, ledge, kerb or other obstruction.	At all times.
G7	The waste storage and collection areas allow servicing vehicle forward motion entry to the waste containers and forward motion entry and exit to and from the site.	At all times.
G8	Waste collection shall occur no less than weekly.	At all times.
	Off Site Movement	
G9	Where regulated waste is removed from the approved place other than by a release as permitted under another schedule of this development approval, the holder of this development approval must monitor and record the following:- (a) the date, quantity and type of waste removed; and (b) name of the waste transporter and/or disposal operator that removed the waste; and (c) the intended treatment/disposal destination of the waste. NOTE: Records of documents maintained in compliance with a waste tracking system established under the <i>Environmental Protection Act 1994</i> or any other law for regulated waste will be deemed to satisfy this condition.	At all times.
	Records	
G10	Records required under this schedule must be stored and maintained for a period of not less than five (5) years after the taking of any such record.	At all times.
	End of Conditions for Schedule G	
	SCHEDULE H - SELF MONITORING AND REPORTING	
	Complaint Recording	

	Notification of Emergencies and Incidents	
H1	As soon as practicable after becoming aware of any emergency or incident that results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the operator of this activity must notify the administering authority of the release by telephone or facsimile.	At all times.
	Noise Monitoring	
H2	The holder of this development approval must monitor and record the noise levels as often as is necessary to check compliance with the conditions of this authority and to investigate any complaint of noise annoyance upon receipt of a request from the administering authority to carry out such monitoring.	Upon receipt of request from Administering Authority.
H3	A person or body possessing appropriate experience and qualifications to perform the required measurements must undertake the measurement and reporting of noise levels.	Upon receipt of request from Administering Authority.
H4	The method of measurement and reporting of noise levels must comply with the Environmental Protection (Noise) Policy 2008 and the most recent edition of the Queensland Noise Management Manual.	Upon receipt of request from Administering Authority.
H5	Any record of the results of noise monitoring made in accordance with the above conditions must not be disposed of within five (5) years of the date the record was made.	At all times.
H6	<p>Monitoring of Contaminant Release to Groundwater</p> <p>The operator of this activity is responsible for ensuring a groundwater contamination prevention program is developed and implemented. Such a program shall include provisions for the collection and analysis of subsurface waters and/or leaching surface waters or contaminants from around the underground tank installation.</p> <p>Such a program shall include the following requirements:-</p> <ul style="list-style-type: none"> (a) all determinations of the quality of contaminants released to waters must be made in accordance with methods prescribed in the Department of Environment and Resource Management Water Quality Sampling Manual 2009, or more recent editions or supplements to that document as such become available; (b) all on-site or in-situ measurements or analyses must be made for a contaminant or characteristic if so recommended in the document referred to in paragraph (a) of this condition; (c) all determinations of the quality of contaminants 	Prior to the commencement of the use for the program development, and at all times thereafter for its implementation.

	<p>released must be performed by a person or body possessing appropriate experience and qualifications to perform the required measurements;</p> <p>(d) a plan of the underground tank installations, showing the mechanics and workings of the system (including monitoring spear locations) for the groundwater contamination prevention program in and around these installations, must be supplied to the administering authority prior to commencement of the activity; and</p> <p>(e) samples of subsurface water must be taken from each of these spears every six (6) months or when liquids are present.</p> <p>The samples obtained in accordance with paragraph (e) of this condition must be analysed for:</p> <p>(i) petroleum hydrocarbons by fraction, C6-C36;</p> <p>(ii) benzene;</p> <p>(iii) toluene;</p> <p>(iv) ethyl benzene;</p> <p>(v) xylene;</p> <p>(vi) lead; and</p> <p>(vii) phenols.</p>	
H7	Details of the groundwater contamination prevention program shall be forwarded to the administering authority for comment. Any comments made by the administering authority must be considered for inclusion in the program.	Prior to the commencement of the use.
H8	Any record made of the results of any monitoring made in accordance with the above conditions must not be disposed of within fifteen (15) years of the date the record was made.	At all times.
End of Conditions for Schedule H		
SCHEDULE I – OPERATIONAL CONDITIONS		
I1	<p><i>UPSS Management Plan</i></p> <p>Develop and implement a management plan for the operation and maintenance of the underground petroleum storage system that includes both tanks and piping. The underground petroleum storage system management plan shall include systems and procedures for preventing and monitoring for spills and leaks and response plans in the event of a spill or leakage in accordance with obligations under the <i>Environmental Protection Act 1994</i>. The management system shall incorporate the following components:</p> <p>(a) objectives and targets to comply with all relevant</p>	Upon commencement of the use.

	<p>legislation;</p> <p>(b) hazard identification and risk assessment;</p> <p>(c) details of the underground petroleum storage system design and installation details (tank sizes, contents, location of all relevant infrastructure);</p> <p>(d) list of industry standards compiled for the design, installation and operation of the system;</p> <p>(e) current as-built drawings for the system and plans of the storage site;</p> <p>(f) leak prevention measures;</p> <p>(g) loss monitoring procedures;</p> <p>(h) system maintenance procedures;</p> <p>(i) Emergency Spillage Response Plan;</p> <p>(j) loss investigation and notification procedures;</p> <p>(k) record keeping;</p> <p>(l) training requirements and records; and</p> <p>(m) information on ownership and occupation of both the site and the underground storage systems, including specific contractual/ franchise arrangements, defined responsibilities and relevant contact details.</p> <p>The management plan shall be fully documented and made available onsite for audit.</p>	
12	<p>EMERGENCY SPILLAGE RESPONSE PLAN</p> <p>A documented Emergency Spillage Response Plan (ESRP) for spilt fuels and other hazardous materials shall be developed as part of the underground petroleum storage system management plan and implemented on-site. The ESRP will establish procedures to respond to identified hazards and to contain and dispose of spilt chemicals. All spilt materials must be contained to prevent the spread of the material, the affected area cleaned, and the material recycled, reused or disposed in a manner which prevents further contamination of surface, ground waters, or soil. The ESRP should include, but not be limited to the following matters:</p> <p>(a) all actions to be taken by staff upon discovery of an incident;</p> <p>(b) activation of emergency shut-off systems;</p>	Upon commencement of the use.

	<p>(c) use of spill clean-up kits;</p> <p>(d) covering of drain entrances and bunding of impacted waterways;</p> <p>(e) notification of emergency services where necessary;</p> <p>(f) an accurate set of drainage plans which identify all containment and treatment systems and all potential points of access to Council stormwater infrastructure. Drainage plans shall clearly trace the flow of any potential spillage and shall identify the location of the outlet point (eg creek, river, etc.). A copy of the drainage plan shall be placed in the HAZMAT Box for the use of emergency responders;</p> <p>(g) a flow chart providing an overview of actions to be taken in the event of a spill shall be prepared and posted in a clearly visible location. It shall include a list of emergency telephone numbers; and</p> <p>(h) notification of Council as soon as practicable where a spill presents actual or potential environmental harm (eg. a spill that leaves the site and enters stormwater or natural drainage systems).</p> <p>Appropriately trained staff must be available at all times, including on-call after hours, to respond to and implement the ESRP.</p>	
13	<p>DUTY TO NOTIFY</p> <p>Immediately notify Council of any event where serious or material environmental harm is caused or threatened such as a spill, leak or other unauthorised release of contaminants to the environment. The notification to Council must include the following information; the site address, site manager, telephone and other contact details, the nature of the unauthorised release, incident or emergency including the nature of the contaminants involved, the expected time to the event or since the event, the suspected cause, the possible effects on the environment and the actions taken to address the occurrence.</p>	At all times.
14	<p>TRAINING</p> <p>All employees must be trained upon hiring, and regularly updated as necessary, on their legislative responsibilities in relation to the <i>Environmental Protection Act 1994</i> and their relevant procedures and processes documented in the underground petroleum storage system management plan. Records shall be kept of all training and made available for audit.</p>	At all times.
	Dispensing Areas and Forecourts	

15	FORECOURT - FDA TO BE IMPERVIOUS All ground surfaces within fuel dispensing areas shall be made of impervious material such as concrete or equivalent (note: asphalt is not suitable) and shall be maintained free of gaps or cracks.	At all times.
16	FORECOURT - NON-FDA TO BE IMPERVIOUS All non-fuel dispensing forecourt surfaces not under canopy shall be constructed of concrete or equivalent (asphalt is considered suitable for non-dispensing areas) and shall be maintained free of gaps and cracks.	At all times.
17	FORECOURT - DEMARCATION Fuel dispensing areas must be clearly delineated from other areas such as remote air/water supply areas, uncovered forecourt areas, access roads, general parking bays, etc. by methods such as a painted line on the ground, roll-over bunds, different coloured concrete etc. Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the delineated areas.	At all times.
18	FORECOURT - SIGNAGE FOR DRAINS Drainage inlets located in the vicinity of the general forecourt area shall be provided with signage indicating the fate of flow such as "flows to treatment system" or "flows to containment sump".	At all times.
19	FORECOURT - CONTAINMENT VESSEL The fuel dispensing area shall be graded to a suitable underground containment vessel (i.e. sump/tank) compatible with petroleum products and other likely chemicals. The tank shall have no connections to stormwater or sewer.	At all times.
110	FORECOURT - BLIND SUMP ONLY - MAINTENANCE OF CAPACITY The blind sump containment vessel for the fuel dispensing area shall be dipped at least once per fortnight or after any significant spill or rain event. Wastewater shall be removed at a frequency which ensures the required capacity for spillage is maintained.	At all times.
111	FORECOURT - REGULATED WASTE REMOVAL AND DISPOSAL All Regulated Waste (this includes wastewater collected from any blind sump draining the under-canopy dispensing area) must only be removed from the premises by a licensed waste transport contractor and disposed of at a licensed waste treatment facility. Dockets/ receipts/ records for the transport and disposal of the waste must be retained on site and made available to any authorised officer upon request.	At all times.
112	FORECOURT - CANOPY DESIGN Fuel dispensing areas shall be covered by a roof or canopy	At all times.

	to minimise stormwater entering the dispensing area. The roof or canopy shall overhang by a horizontal distance of $\frac{1}{4}$ of the roof height out from the vertical above the boundary of the demarcated fuel dispensing area.	
I13	FORECOURT - FUEL DELIVERY UNDER CANOPY ONLY (OPTION A) All spills and leaks from bulk fuel transfer activities (i.e. fuel tanker trucks delivering to bulk fuel storages on site) must be contained on-site. Fuel deliveries carried out under the canopy area shall ensure that Tanker Delivery Standing Areas are graded and drained to the underground containment vessel.	At all times.
I14	FORECOURT - FUEL DELIVERY OUTSIDE OF CANOPY ONLY (OPTION B) All spills and leaks from bulk fuel transfer activities (i.e. fuel tanker trucks delivering to bulk fuel storages on site) must be contained on-site. Tanker Delivery Standing Areas outside of the canopy shall be modified so that run-off is automatically diverted to the underground containment vessel.	At all times.
I15	FORECOURT - MAINTENANCE OF STORMWATER TREATMENT SYSTEMS Stormwater treatment systems, including stormwater quality improvement devices and drains shall be inspected and maintained in accordance with the manufacturer's recommendations. Records of regular inspections, oil/sediment checks and contractor receipts shall be maintained for audit purposes.	At all times.
I16	FORECOURT - CLEANING OF FORECOURT AREAS Forecourts are not to be hosed down or cleaned with the use of emulsifying detergents. Dry cleaning methods appropriate for forecourt areas include: <ul style="list-style-type: none"> - industrial class brooming - mechanical or powered sweepers - industrial vacuum units - industrial absorbents. 	At all times.
I17	FORECOURT - CLEANUP OF SPILLS AND LEAKS Leakage and spills of oil and/or other fluids from cars entering forecourt areas shall be cleaned up as soon as practicable to prevent access of contaminants to stormwater drains.	At all times.
I18	FORECOURT - SPILL KITS Spill kits shall be provided and maintained in strategic locations. They shall be appropriate in size, type and equipment to the identified hazards. Kits shall consist of, but not be limited to, the following:	At all times.

	<ul style="list-style-type: none"> - oil absorbent materials - impervious drain covers - drip trays - spades, funnels - hydrocarbon compatible containers - appropriate PPE. 	
	Leak Detection	
I19	<p><i>Performance Criteria</i></p> <p>As a minimum standard, all underground petroleum storage systems are required to be monitored using a system that:</p> <ul style="list-style-type: none"> (a) can detect a leak from any portion of the underground storage system; (b) uses equipment that has been installed, calibrated and commissioned in accordance with the manufacturer's instructions; (c) is capable of detecting a leak at a rate of 0.76 litres per hour or more with at least 95% accuracy and a probability of false detection of 0.05 or less (United States Environmental Protection Agency (USEPA)); (d) has been certified by an independent third party, consistent with the current USEPA protocols and system of verification (USEPA 1990); (e) reports with a frequency of not less than monthly; and (f) is operated by a suitably trained person. 	At all times.
I20	<p>LEAK DETECTION – EIT</p> <p>An Equipment Integrity Test must be carried out at the following times:</p> <ul style="list-style-type: none"> (a) immediately before commissioning a new underground petroleum storage system; (b) immediately following any underground petroleum storage system modification or upgrade; (c) immediately before installing a cathodic protection system on an existing tank; (d) immediately following installation of re-used equipment; (e) immediately before the reuse of a temporarily decommissioned tank; (f) immediately following any equipment retrofit; and 	At all times.

	<p>(g) immediately following any repairs to equipment;</p> <p>(h) any additional EIT shall be performed at the request of administering authorities.</p> <p>The system being tested shall not be commissioned unless:</p> <p>(a) the Equipment Integrity Test of the system has been carried out in accordance with the written directions of a suitably qualified and experienced person; and</p> <p>(b) the system has been certified, by the person by whom the test was carried out, as having satisfied the test.</p>	
I21	<p>LEAK DETECTION – EIT - U/G WASTE OIL TANK ONLY</p> <p>All underground tanks and associated pipework used for the storage of waste oil must be integrity tested to confirm the “liquid tightness” of the system by a competent Equipment Integrity Test specialist on an annual basis.</p>	At all times.
I22	<p>LEAK DETECTION – RECORDING EIT RESULTS.</p> <p>Records of Equipment Integrity Tests shall be kept on site by the owner/occupier of the UPSS for the life of the system and shall contain the following minimum information:</p> <p>(a) equipment identification number;</p> <p>(b) location of the test;</p> <p>(c) date of the test;</p> <p>(d) results of the tests;</p> <p>(e) test method;</p> <p>(f) certification by testing company or individual; and</p> <p>(g) details of testing company or individual.</p>	At all times.
I23	<p>LEAK DETECTION - LOSS DETECTION PROCEDURES</p> <p>The underground petroleum storage system shall have appropriate procedures documented and in place to identify and investigate any discrepancy indicated by the approved loss monitoring procedure. As soon as practicable after becoming aware of any discrepancy detected by the loss monitoring procedure for a storage system, action must be taken:</p> <p>(a) to investigate the discrepancy, and</p> <p>(b) if the discrepancy cannot be attributed to anything other than a leak, to confirm the existence of a leak, and</p> <p>(c) if the existence of a leak is confirmed, to identify the source of the leak and to fix the leak.</p>	At all times.

124	<p>LEAK DETECTION – NOTIFICATION</p> <p>Where a leak or spill from an underground petroleum storage system is causing or is likely to cause material harm to the environment or human health, the person responsible must notify Council as soon as practicable. Failure to report such a pollution incident is an offence under <i>The Environmental Protection Act 1994</i>. Incidents which must be notified include but are not limited to:</p> <ul style="list-style-type: none"> (a) a leak or spill verified in accordance with loss detection or incident management procedures that is causing or threatens material harm to human health or the environment (b) evidence on the site of free-phase hydrocarbons in surface water or groundwater (c) evidence that offsite migration of hydrocarbons could occur, is occurring or has occurred. 	At all times.
	Decommissioning of UPSS	
125	<p>DECOMMISSIONING - PERMANENT</p> <p>Underground petroleum storage systems to be permanently decommissioned shall be removed for disposal off-site in compliance with the following:</p> <ul style="list-style-type: none"> • AS4976 The removal and disposal of underground petroleum storage tanks • AS1940 The storage and handling of flammable and combustible liquids, and • relevant occupational health and safety measures required by the <i>Workplace Health and Safety Act 1995</i>. <p>Council must be notified when tanks are to be permanently decommissioned so that adjustments can be made to records. Certification shall be provided to Council that the tank/s were decommissioned, transported and disposed of in accordance with the above standards and legislation.</p>	At the time.
126	<p>DECOMMISSIONING - PERMANENT – SITE INVESTIGATION</p> <p>At the time of the abandonment of any underground petroleum storage system, the site shall be investigated for contamination. An assessment report shall be prepared by a suitably qualified and experienced person to verify the site has either met remediation criteria or is suitable for continued and future use. The assessment report shall be submitted to Council no later than 60 days of -</p> <ul style="list-style-type: none"> • the decommissioning of an underground petroleum storage system if no soil or groundwater remediation is required, or 	As per timeframes indicated in Condition G26.

	<ul style="list-style-type: none"> the completion of any remediation associated with the decommissioning of an underground petroleum storage system if remediation is required. 	
127	<p>DECOMMISSIONING - DOCUMENT RETENTION</p> <p>All records associated with the decommissioning of underground petroleum storage systems must be maintained for a minimum of seven years after removal of underground storage systems. These records must be provided to future owners/operators of underground storage systems as part of ensuring all practicable measures have been implemented to prevent site contamination.</p>	At all times.
	SCHEDULE J - DEFINITIONS	
<p>For the purposes of this environmental authority the following definitions apply:</p> <ul style="list-style-type: none"> – “Act” means the <i>Environmental Protection Act 1994</i>. – “administering authority” means the Somerset Regional Council. – “land” in the “Land Schedule” of this environmental authority means land excluding waters and the atmosphere. – “point source” means any stack, chimney, vent, infrastructure, or device which is designed to cause to allow the release of contaminants to the atmosphere. – “$L_{(Amax\ adj, T)}$” means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using Fast response. – “background noise level” means either: <ul style="list-style-type: none"> - $L_{(A90, T)}$ being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than 15 minutes, using Fast response; or - $L_{(Abg, T)}$ being the arithmetic average of the minimum readings measured in the absence of the noise under investigation during a representative time period of not less than 15 minutes, using Fast response. – “$MaxL_{(pA, T)}$” means the maximum A-weighted sound pressure level measured over a time period of not less than 15 minutes, using Fast response. – “noise sensitive place” means - <ul style="list-style-type: none"> (a) a dwelling, mobile home or caravan park, residential marina or other residential premises; or (b) a motel, hotel or hostel; or (c) a kindergarten, school, university or other educational institution; or (d) a medical centre or hospital; or (e) a protected area; or (f) a park or gardens. – “unreasonable noise” means noise that causes unlawful environmental harm. – “intrusive noise” means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration that is <ul style="list-style-type: none"> (b) clearly audible to, or can be felt by, an individual; and annoys the individual. 		
End of Schedule J		

SCHEDULE 8 – ADVISORY NOTES	
No.	Advice
8.1	This approval has effect in accordance with the provisions of Section 3.5.19 of the <i>Integrated Planning Act 1997</i> .
8.2	All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act 1995 (as amended)</i> and the <i>workplace Health and Safety Regulation 1997 (as amended)</i> .
8.3	All Operational Work is to comply with relevant codes for design and construction.
8.4	Construction work is to be carried out only between the hours of 6:30am to 6:30pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Work or business which causes audible noise shall not be conducted from or on the site outside the above hours.
8.5	The Sustainable Planning Act 2009 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.
8.6	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 and relevant Australian Standards</i> .
8.7	Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.
8.8	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.
8.9	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>

Subject:	DA16821 - Application for a Development Permit for a Material Change of Use for an Office and Health care services
File No:	DA16821
Assessment No:	000438-00000-000
Action Officer:	PO-RC

Subject Land

Location	197 Ipswich Street, Esk
Real Property Description	Lot 1 on RP20862
Area	857m ²

Current land use	Dwelling house
Easements and Encumbrances	N/A

Somerset Region Planning Scheme 2016

Zone	Centre zone
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SEQ Regional Plan 2009-2031

Category	Urban Footprint
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Application

Level of Assessment	Code
Applicant/s	Elite Fitout Solutions
	C/- Steffan Town Planning
Applicants contact details	Attn: Alexander Steffan
	PO Box 153
	Red Hill QLD 4059
Land Owner/s	Barry W and Maree M Rowe
Date properly made	8 June 2017

Referral Agencies

Concurrence Agencies	Department of Infrastructure, Local Government and Planning
Advice Agencies	Nil
Third Party Advice Agencies	Nil

Attachments

1. Proposed Site Plan and SRV turning Circles. Drawn and Prepared by B Jorgensen at Elite Fitout Solutions Pty Ltd. Project No: 17/06. No. D and E. Dated 7 July 2017.
2. Proposed Floor and Elevation Plans Drawn and Prepared by B Jorgensen at Elite Fitout Solutions Pty Ltd. Project No: 17/06. No. D. Dated 15 May 2017.
3. Department of Infrastructure, Local Government and Planning Concurrence Agency response. Reference No. SDA-0614-040157. Dated 28 July 2017.
4. Draft SRC Infrastructure Charges Notice. Stormwater and Transport Networks.
5. Supporting Submission in Respect of DA16821. Material Change of Use (Office and Health Care Services) at 197 Ipswich Street, Esk. Submitted by Leon de Wet at Elite Fitout Solutions. Dated 27 July 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 an Office and Health care services affected by the Infrastructure and Stock route management overlays.

The application is made under the **Somerset Region Planning Scheme**.

The site is located in the Centre zone and the assessment criteria is the Centre zone code; Business activities code, Community activities code, Service, works and infrastructure code, Transport, access and parking code, Infrastructure overlay code and Stock route management overlay code; South-East Queensland Regional Plan 2009-2031 and

Regulatory Provisions; and State Planning Policy.

An application is required because an Office and Health care services located within the Centre zone, and involving building work other than minor building work is considered Code assessable by the Centre zone code.

2.0 PROPOSAL

The applicant has lodged a Material Change of Use development application on land described as Lot 1 on RP20862, situated at 197 Ipswich Street, Esk.

The proposed application has two components, office and health care services (dental practice). Both components will be located within the same building, with the office component located in the front section of the building and the health care services component located in the rear section of the building.

The proposed building design incorporates a parapet, rendered blockwork and a 3.5m wide awning over the footpath. The building is single storey, reaching an apex height of 6.460m above the ground level and a total GFA of 273.240m²; with a site cover of 31.88%. The building will be built to the primary street frontage boundary and the south-eastern side boundary. A setback of 6.001m from the north-western side boundary and a minimum setback of 16.666m from the rear (north-east) boundary is also proposed.

Ten (10) car parks (including one disabled space) and a shared SRV/ambulance bay are proposed at the rear of the building. The service bay will allow all vehicles to enter and exit the site in forward gear. A disability toilet is provided to the rear of the building. Bins and plants are proposed to be located within an enclosed area, situated in the parking area. Both the Office and the Dental practice will be designed with disability access.

2.1 Component One – Office

The applicant seeks an approval for an Office with two separate tenancies. The office will have a combined GFA of 95.7m².

2.2 Component Two – Health care services (dental practice)

The applicant seeks an approval for Health care services (dental practice), located in the rear section of the proposed building. The dental practice has a proposed GFA of 139.66m² and comprises of four (4) surgery rooms, consultation room and storage rooms. The applicant has expressed that if the application is approved, two dentists will be operating from the practice and the operating hours are undefined but expected to be within 7am to 7pm, Monday to Saturday.

Site, elevation and building plans are provided as Attachments 1 and 2.

3.0 SITE DETAILS

The site is irregular in shape and is currently improved by a dwelling house, which will be removed prior to commencement of the development. The site boundaries are defined by Ipswich Street to the south-west, adjoining properties to the south-east and north-west and the Brisbane Valley Rail Trail to the north-east. The site is void of any significant vegetation and has a total area of 857m². Access to the site will be from Ipswich Street.

The site is relatively flat, sloping slightly downwards to the north-western (rear) direction. It is not known to be prone to slip, subsidence, erosion or inundation.

4.0 SURROUNDING LAND USES

The surrounding land uses are consistent with the proposed use within the Centre zone. A

community hall is located to the immediate south-east of the site and a milk depot is located to the immediate north-west.

5.0 ASSESSMENT

5.1 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.

5.2 SEQ REGIONAL PLAN 2009-2031

The site is located within the Urban Footprint under the SEQRP. The proposal is consistent with the State planning intentions for the area. As the proposed development is located within 25m of the State-controlled road, the application required referral to the Department of Infrastructure, Local Government and Planning (DILGP).

5.3 VEGETATION MANAGEMENT ACT 1999

The site does not contain mapped remnant vegetation.

5.4 ENVIRONMENTAL PROTECTION ACT 1994

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

5.5 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 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 probable solutions they are discussed below.

Applicable Code	Performance Outcome Compliance	Acceptable Outcome Compliance
Centre zone	Yes	No
Business activities code	Yes	No
Community activities code	Yes	Yes
Services, works and infrastructure code	Yes	Yes
Transport, access and parking code	Yes	No
Applicable Overlay Code	Performance Outcome Compliance	Acceptable Outcome compliance
Infrastructure overlay code	Yes	Yes
Stock route management code	Yes	No

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:

Centre zone code

Performance outcome	Acceptable outcome
Centre design	

<p>PO4 Development contributes to an attractive, vibrant and well-designed town centre where:</p> <ul style="list-style-type: none"> (a) development addresses the public realm; (b) building design, layout, and tenancy mix activates the street and pedestrian thoroughfares; (c) building services do not dominate the streetscape; and (d) conflict between pedestrians and vehicles is minimised. 	<p>AO4.6 Vehicle crossovers are provided as follows:</p> <ul style="list-style-type: none"> (a) common access is established with <i>adjoining premises</i> via access easements; or (b) access is taken from a minor street or rear lane; or (c) a single crossover is provided that is at least 3 metres from a crossover located on adjoining premises.
<p>Applicants' Alternative Solution</p>	
<p>The proposed crossover will be located on the northern property line and is located within 3m from a crossover located on the adjoining premises. Existing crossover will be removed.</p>	
<p>Planner's Comments</p>	
<p>As part of the application, the existing crossover will be removed. A new crossover is proposed on the north-western property line, which will be located within 3m from a crossover located on the adjoining premise.</p> <p>Due to the width of the site and the proposed building layout, it is not possible to reuse the existing access. Council's engineer has reviewed the proposed access and is satisfied with the proposed access arrangement.</p> <p>Therefore, it is considered the development as proposed complies with PO4 of the Centre zone code.</p>	

Business activities code

<i>Performance outcomes</i>	<i>Acceptable outcomes</i>
Main street awnings	
<p>PO3 Awnings contribute to the establishment of a 'main street' character and awnings are designed and located to:</p> <ul style="list-style-type: none"> (a) provide climatic protection; (b) contribute to the establishment of continuous shelter; (c) integrate with adjoining shelters; (d) ensure pedestrian safety while not causing <i>environmental nuisance</i> to surrounding residents; and (e) permit the establishment of street trees; and (f) prevent accidental damage from vehicles. 	<p>AO3.1 Development on main streets is provided with awnings that:</p> <ul style="list-style-type: none"> (a) abut pedestrian footpaths; (b) include under awning lighting; (c) protect the normal flow of pedestrians; (d) is continuous across the frontage/s of the <i>site</i> (except for vehicle access points); (e) align to provide continuity with shelter on <i>adjoining premises</i>; (f) extends from the face of the building or the property line; (g) do not extend past a vertical plane of 1.5 metres inside the kerb to enable street trees to be planted and grow or 0.6 metres inside the kerb where trees are established;

	<p>(h) have a 0.5 metre clearance to any tree trunk and main branches; and</p> <p>(i) are cantilevered from the main building with any posts within the footpath being non-load-bearing.</p> <p><i>Note - Main streets are identified in the Centre zone code.</i></p>
Applicants' Alternative Solution	
The proposed development will be providing a 3.5m awning over the pedestrian path, providing shelter for pedestrians and contribute to the establishment of the 'main street' character for Esk.	
Planner's Comments	
<p>The applicant has proposed a 3.5m wide awning along the street frontage, setback approximate 0.6m from the kerb, therefore not complying with the Acceptable outcome. If Council approves the proposed development, a condition will be included in the recommended Schedules of Approval stating that any posts installed for the awning will purely be for decorative only and are to be non-load-bearing.</p> <p>It is considered the proposed development satisfies the PO3 of the Business activities code.</p>	

Transport, access and parking code

<i>Performance outcomes</i>	<i>Acceptable outcomes</i>
<p>PO3</p> <p>The amount of <i>on-site</i> car parking and service vehicle loading/ unloading is consistent with:</p> <p>(a) the nature of the use;</p> <p>(b) the traffic generation of the use;</p> <p>(c) the loading/ unloading needs of the use;</p> <p>(d) the availability of street parking in the Centre zone; and</p> <p>(e) the impact of the <i>road</i> network.</p> <p>Car parks, service vehicle access, loading and manoeuvring areas are of suitable standard for the intended use.</p>	<p>AO3.1</p> <p>The minimum number of car parking spaces complies with Table 9.4.6.3.B– Minimum car parking requirements.</p>
Applicants' Alternative Solution	
<p>The proposed development will be providing on-site car parking for 10 vehicles, including 1 space for disabled persons and one (1) service/ambulance vehicle bay. The parking arrangement as proposed is not compliant with the Acceptable outcome of the Transport, access and parking code, being 4 spaces less than required. This is due to the excessive requirement of 5 car parking spaces per medical practitioner. We believe the current parking arrangement as proposed is adequate and is an alternative solution to PO3 of the Transport, access and parking code.</p> <p>We understand that any shortfall in car parking spaces is required by Council to provide a monetary contribution to offset the spaces.</p>	

A study to investigate similar requirements for car parking within the Local council regions surrounding the Somerset area including Ipswich, Lockyer Valley, Gympie, South Burnett and Sunshine Coast has been taken:

Council region/planning scheme	Acceptable Outcome	Total parking required as part of this application (incl. office use)
Ipswich	4 space per medical practitioner + 1 space per 2 admin staff	13 car parks required
Lockyer Valley	1 space per 30sqm (Gatton)	9 car parks required
Gympie	1 space per 30sqm + Ambulance bay	9 car parks required
South Burnett	1 space per 35sqm	8 car parks required
Sunshine Coast	1 space per 20sqm	11 car parks required
AVERAGE		10 car parks required.

It was discovered that the number of car parking proposed as part of this subject site would be compliant with the average number required surrounding the Somerset Region for a similar development.

Additionally, the application currently meets the square metre car parking rate applicable to commercially zoned properties. If the applicant purchased or leased an existing commercially zoned property it would have been able to convert it to a dental practice without having to comply with the more demanding car parking requirements for a Health care service.

The applicant's proposed development is also consistent with the strategic goals included in Council's Economic Development Plan. The proposed development will support the growth of Esk and the Somerset Region by providing a much needed dental health care service. Currently, there are no private dentists in Esk. The development will also provide local employment and attract new investment by providing office and commercial space for new businesses.

Requiring the applicant to operate its dental practice with only one dentist restricts the growth potential of the practice and arguably limits the extent of the dental services it can offer to Esk. Alternatively, requiring the applicant to pay a parking contribution to enable it to have more than one dentist makes its development less economically attractive and is arguably inconsistent with Council's desire to provide a pathway for new investment in the region.

As such, the proposed alternative solution to Performance outcome 3 should be supportable without any offset charges for car parking. A condition relating to offsets for car parking would be unreasonable and not relevant as no additional car parking spaces are required.

Planning Comments

A letter of submission by the applicant for the request to Council to be more lenient on its stance for minimum car parking requirement has been provided as Attachment 5.

Table 9.4.6.3B of the Transport, access and parking code stipulates how many car parking spaces are required for each development. For an Office, the minimum car parking requirement is One (1) space per 25m² GFA at ground floor. For Health care services, the minimum car parking requirement is five (5) spaces for each practitioner on the premises at any one time and an ambulance vehicle pick-up and set-down space.

The proposed Office will have a total GFA of 95.7m² and therefore requires four (4) spaces. Two practitioners are proposed to be working at the practice and therefore require ten (10) spaces. In total, the development as proposed by the applicant will require to provide a

total of 14 car parking spaces, four (4) spaces more than the applicants currently propose.

The purpose of the Transport, parking and access code is to ensure the safety and efficiency of the transport network, maintain appropriate transport and requiring new developments to provide end of trip facilities.

Currently, the residents of Esk and immediate surrounding areas rely heavily on vehicles to reach their destination. Therefore, providing adequate car parking spaces, especially in town centres is of utmost important. Any new developments will likely increase the demand of current street parking. The current car parking minimum requirement is considered by Council to meet the purpose and overall outcome of the Transport, parking and access code.

Currently, if a developer cannot meet the minimum car parking space requirement as set in the Transport, access and parking code, developers are required to provide a monetary contribution for each parking space shortfall. The intention for the monetary charge is to allow Council to facilitate car parking spaces in the immediate vicinity of the proposed development if said development's minimum parking requirement cannot be met.

Under the current financial year Schedule of Fees and Charges, the charge for each car parking space is \$8,903.00. For this application, the applicant will be required to contribute a monetary contribution of \$35,612.00 to offset the parking spaces shortfall.

To justify their performance solution, the applicant has cited that Council's Economic Development Plan encourages new commercial and community services to be provided in towns where it is currently not located. Strategically speaking, the proposed development of a dental practice will provide a much needed service for the residents of Esk, Toogoolawah and surrounding area. Currently, residents in these areas requiring private dental care will need to travel to Fernvale or Kilcoy. The Office will also provide economic boost for the town. The applicant also added that the requirement of monetary contribution will harm the viability of the dental practice.

Council officer has also conducted a similar study investigating similar requirements for car parking in the other local councils not included by the applicant:

Council region/planning scheme	Parking requirement for Health care service	Parking requirement for Office	Total parking required as part of this type of development
Lockyer Valley (Laidley)	1 space for every employee and 1 space for every 25m ² GFA	1 space for every employee and 1 space for each 25m ² GFA	19 car parks required
Brisbane	6 spaces per 100m ²	3 spaces per 100m ²	11 car parks required
Toowoomba	5 spaces for each practitioner	3.5 spaces per 100m ² GFA	13.5 car parks required
Moreton Bay	4 spaces per 100m ² GFA	3 spaces per 100m ² GFA	9 car parks required

When adding the minimum car parking required for a similar development in all eight surrounding local government areas, the average required is 12 car parks, roughly two less than the car parking minimum requirement required by the Planning Scheme code.

It is suggested that the parking spaces required for this development be set at 12 on-site parking spaces.

The reason being, although the proposed development will be creating extra demand on the current street carparking arrangement in town, the applicant is providing a much needed community service to Esk, satisfying Council's long-term strategic economic goal.

As the developers can only provide ten car parking spaces on-site, the developers should provide a monetary contribution of \$17,806.00 to make up the shortfall of two car parking spaces.

PO5

Vehicular access points are positioned along the frontage where they do not impact on the safety, capacity and operation of the existing road network having regard to:

- (a) the amount and type of vehicular traffic;
- (b) the type of use and traffic generation;
- (c) the current and future on-street parking arrangements;
- (d) proximity to intersections; and
- (e) available sight distances.

AO5.2

Direct access is not provided to an arterial or higher order road.

Applicant's alternative solution

The subject site only has one frontage to Ipswich Street. No new access is proposed.

Planner's comment

The site will be accessed directly from Ipswich Street, a State-controlled road. Therefore, referral to the Department of Infrastructure, Local Government and Planning was required under s282 of the *Sustainable Planning Act 2009*. The State's Referral agency has reviewed the application and has approved the proposed access design with conditions, and deemed that the proposed design and road access location will not impact on the safety, capacity and operation of the existing State-controlled road. The Referral agency response has been provided as Attachment 3. Council's engineer has reviewed the Referral agency response and is satisfied with their response.

Therefore, the proposed development complies with PO5 of the Transport, access and parking code.

Stock route management overlay code

<i>Performance outcomes</i>	<i>Acceptable outcomes</i>
<p>PO1</p> <p><i>Development</i> does not result in a loss of extent, function or operational efficiency of the stock route as identified on Stock route management overlay maps OM0013a-b.</p>	<p>AO1.1</p> <p><i>Buildings, structures</i> and works are not located within a stock route buffer area as identified on Stock route management overlay maps OM0013a-b.</p>
<p>PO3</p> <p>The operation of stock routes as identified on Stock route management overlay maps OM0013a-b is:</p>	<p>AO3.1</p> <p><i>Sensitive land uses</i> are setback a minimum of 75 metres from a stock route as identified on Stock route management</p>

<p>(a) protected from encroachment by incompatible land use and <i>development</i>; and</p> <p>(b) land use and development is appropriately separated from the infrastructure to protect public health, and safety and appropriately manage amenity impacts.</p>	<p>overlay maps OM0013a-b.</p>
<p>Applicants' Alternative Solution</p>	
<p>The intent of the subject site is to have commercial development. As a result, it is impossible to achieve the overall outcomes of the zone without building within the Stock Route Management buffer.</p> <p>Nevertheless, the proposed uses are contained within sealed buildings with air-conditioning filtration systems.</p> <p>Additionally, the sensitive land use proposed (health care service) is located behind two proposed offices creating a barrier to separate the use from the Stock Route. As a result, the Stock Route will not have any impact upon the functionality of the proposed use and vice versa.</p>	
<p>Planner's Comments</p>	
<p>The proposed development is not anticipated to result in the loss of function or operational efficiency of the stock route as the building will not be located within the road reserve of the stock route.</p> <p>The operation of the stock route will also not be jeopardised by the proposed development as the development is located in the Central Business District, where commercial and community services are anticipated. Further, as stated by the applicant, filtration system will be installed to protect the public's health.</p> <p>Therefore, the proposed development complies with POs 1 and 3 of the Stock route management overlay code.</p>	

7.0 OTHER PLANNING CONSIDERATIONS

7.1 Trunk Infrastructure and Services

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

7.2 Water Supply

The proposed Office will be constructed within the reticulated water network service area, and as such the applicant is required to make application to the Central SEQ Distributor – Retailer Authority (QUU) to connect to the water network.

7.3 Sewerage

The proposed Office will be constructed within the reticulated sewerage network service area, and as such the applicant is required to make application to the Central SEQ Distributor – Retailer Authority (QUU) to connect to the sewerage network.

7.4 Stormwater/Drainage

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

discharge, and designed in accordance with the Queensland Urban Drainage Manual.

7.5 Infrastructure Charges

An Infrastructure Charges Notice for contribution towards the Stormwater Network and Transport Network has been prepared and a draft Notice is provided at Attachment 4.

7.6 Access

Access to the property will be from Ipswich Street, which is constructed to a sealed standard. Vehicle access is conditioned in the recommended schedules of approval.

7.7 Services

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

7.8 Environment

The proposed development will not result in environmental degradation.

7.9 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

8.1.1 Department of Infrastructure, Local Government and Planning (DILGP)

The Department of Infrastructure, Local Government and Planning, as a concurrence agency has assessed the impact of the proposed development on the State Controlled Road Network and requires Council to include the referral agency response in Council's Schedules of Approval for the development application. Refer to Attachment 3 and Schedule 4 of the recommend conditions for the agency response, reference number SDA-0617-040157, dated 28 July 2017.

RECOMMENDED DECISION

THAT Council approve the Development Application for a Material Change of Use for a Development Permit for an Office on land described as Lot 1 on RP20862 and situated at 197 Ipswich Street, Esk, 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
	Site and Proposed Parking Plans. Drawn and Prepared by B Jorgensen at Elite Fitout Solutions Pty Ltd. Project No: 14/06. No. D and E. Dated 15 May 2017.	
	Proposed Floor and Elevation Plans Drawn and Prepared by B Jorgensen at Elite Fitout Solutions Pty Ltd. Project No: 14/06. No. D. Dated 15 May 2017.	
	Department of Infrastructure, Local Government and Planning Concurrence Agency response. Reference No. SDA-0614-040157. Dated 28 July 2017.	
1.2	Comply with the relevant provisions of the Somerset Region	At all times

	Planning Scheme, Planning Scheme Policies and Local Laws.	
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 during the construction phase
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land.	Before the change happens
1.5	Provide screening to a height of 1.8 metres along the side boundaries of the site. The screening can include planted trees and shrubs, grassed and vegetated earth mounds, the erection of screen fences, or any combination of these. It will be constructed at no cost to the adjoining property owners.	Prior to commencement of use
1.6	The boundary fence is to be maintained in good repair.	At all times.
1.7	The hours of operation for the Health care service will be between: - 7am to 7pm Monday to Saturday	At all times.
1.8	The building's colour scheme is of traditional colours with respect and contributes to the existing built form character of the Esk town centre.	At all times
1.9	Awning posts are non-load-bearing and suitable for passenger vehicles parking along Ipswich Street.	Prior to commencement of use
SCHEDULE 2 – Engineering <i>Assessment Manager</i>		
No	Condition	Timing
	Engineering	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work
2.2	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
2.3	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 commencement of use
2.4	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ),	As part of Operational Works

	including: <ul style="list-style-type: none"> Plans and specifications must be prepared and certified with the Operational Work application. Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 	
2.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	As part of Operational Works
	General Services	
2.6	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	As part of Operational Works
	Earthworks	
2.7	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times
	Roadworks	
2.8	All works on or adjacent to roadways and footpaths must be adequately signed in accordance with the " <i>Manual for Uniform Traffic Control Devices – Part 3, Works on Roads</i> ". Any Road, footpath or lane closure must be applied for in writing to Council or Main Roads, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works
2.9	Provide verge and access in accordance with <i>Somerset Regional Council Development Manual</i> and <i>Standard Drawings</i> .	As part of Operational Works
2.10	Provide documentary evidence from the Department of Transport and Main Roads that works to Ipswich Street have been completed.	Prior to commencement of use
2.11	Provide written approval from the Department of Transport and Main Roads to carry out works on a state controlled road.	Prior to Operational Works
	Kerb and Channel	
2.12	Reinstate the kerb where permanent vehicular crossovers have become redundant.	As part of Operational Works
	Footpath	
2.13	Provide a concrete full width footpath, for the full frontage of the site of the development.	As part of Operational Works
	Vehicle Access	

2.14	All vehicular access for 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 commencement of use
2.15	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. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	As part of Operational Works
2.16	All vehicles shall enter and leave the site in a forward gear	At all times
2.17	All manoeuvring areas shall enable access to a single-unit truck / bus based on a 12.5 meter Design Vehicle in accordance with <i>Austroads</i> design manual.	As part of Operational Works
	Car Parking	
2.18	Provide on-site parking for ten (10) vehicles (inclusive of one (1) disabled space) and one (1) service/ambulance vehicle in accordance with Council Planning Scheme for Provision of Parking areas. All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and <i>Somerset Regional Council Development Manual</i> . Further, all surfaces must achieve minimum longitudinal gradients and minimum crossfall in accordance with AS2890.	As part of Operational Works
2.19	A financial contribution of \$17,806.00 is to be provided in lieu of the shortfall of two (2) car parking spaces not provided. In accordance with Council's Schedule of Fees and Charges at this time a contribution of \$8,903.00 per space is payable.	Prior to commencement of use
2.20	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	Prior to commencement of use
2.21	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, asphalt or bitumen in accordance with Australian Standards.	At all times
	Refuse Storage Area	
2.22	Refuse bin storage areas must be provided on the premises within a building, outbuilding or other enclosed structure so that it is screened from public view with a minimum 1.5 meter high solid fence or wall.	Prior to commencement of use
	Visual and General Amenity	
2.23	Any graffiti within the proposed development must be removed	At all times

	immediately.	
2.24	All plant and air conditioning is to be visually screened from the street.	At all times
	Indoor and Outdoor Lighting	
2.25	Lighting must be provided to the following areas of the site: <ul style="list-style-type: none"> • The entries and exits of the approved building. • The pathways between the parking areas and the entrances/exits of the building/s. • Throughout car parking areas. • Under the awning. 	
2.26	The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by: <ul style="list-style-type: none"> • Not causing nuisance by way of light spill or glare at adjacent properties and roadways. • Providing graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land. • Directing lighting onto the subject land and away from neighbouring properties. • Using shrouding devices to preclude light overspill onto surrounding properties where necessary. • Not operating lighting that uses sodium lights or flare plumes. 	Prior to commencement of use
	Stormwater	
2.27	Stormwater Drainage shall be constructed in general accordance with STORM Water Consulting Pty Ltd, 197 Ipswich Street Esk Stormwater Management Plan, and dated 23 May 2017.	As part of Operational Works
2.28	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Development Manual</i> .	As part of Operational Works
2.29	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	Prior to Compliance Assessment
	Erosion and Sediment Control	
2.30	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:	At all times

	<ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	
2.31	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
2.32	Prepare an Erosion and Sediment Control Plan. Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	As part of the lodgement of the Operational Works application
2.33	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	At all times
2.34	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> i) Milling; ii) Chipping and/or mulching iii) Disposal at an approved waste disposal facility. <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No.	Condition	Timing
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.	During construction phase

3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none">▪ Burn or bury waste generated in association with this development approval at or on the development site; nor▪ Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor▪ Stockpile any waste on the development site.	At all times
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none">▪ 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▪ 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.	During construction phase
SCHEDULE 4 – REFERRAL AGENCY DEPARTMENT OF INFRASTRUCTURE, LOCAL GOVERNMENT AND PLANNING <i>Concurrence Agency Status</i> <i>Agency Response: Recommend Conditions Apply</i>		
4.1	Pursuant to section 285 of the <i>Sustainable Planning Act 2009</i> , the Department of Infrastructure, Local government and Planning, as a <i>Concurrence Agency</i> , has assessed the impact of the proposed development having regard to land use and transport coordination and the state-controlled road network and have provided conditions to be included on the development.	
4.2	Concurrence Agency response dated 28 July 2017 and referenced SDA-0614-040157.	
4.3	Concurrence Agency response will be attached to Council’s Decision Notice for DA16821.	
SCHEDULE 5 - ADVICE		
This approval has effect in accordance with the provisions of <i>Division 5 Section 339</i> of the <i>Sustainable Planning Act 2009</i> . <i>[A copy of Section 339 will be enclosed with the Decision Notice]</i>		
Relevant Period - 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’ – four (4) years starting the day the approval takes effect.		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicants appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		

Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.
All building work is to comply with the provisions contained in the Building Act; the Building Regulation, the Building Code of Australia, the Queensland Development Code and relevant Australian Standards.
All plumbing and drainage work is to comply with the provisions contained in the Queensland Sewerage and Water Supply Act; Standard Sewerage Law and the Standard Water Supply Law; the relevant Australian Standards including AS/NZS 3500 – 1998 – National Plumbing and Drainage Code and Council Policies and requirements.
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.
All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act (as amended)</i> and the <i>workplace Health and Safety Regulation (as amended)</i> .
All Operational Work is to comply with relevant codes for design and construction.
Construction hours are 6:30 am to 6:30 pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Work or business which causes audible noise shall not be conducted from or on the site outside the above hours.
Upon receiving the certification by a RPEQ, Council will accept the footpath works as "On Maintenance".
The Developer is required to maintain all works for a period of 12 months for footpath works (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.
At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance".
Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.
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 Australian Standards.
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 section 242 of the 'Act'. <i>[A copy of the Right of Appeal will be enclosed with the Decision Notice]</i> .
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s)

occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.

It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.

The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants

Attachments for the Decision Notice include:

- Proposed Site Plan and SRV Turning Circles. Project No: 17/06. No D and E. Prepared by Elite Fitout Solutions. Dated 7 July 2017.
- Proposed Floor and Elevation Plans. Project No: 17/06. No D. Prepared by Elite Fitout Solutions. Dated 15 May 2017.
- Department of Infrastructure, Local Government and Planning Concurrence Agency response. Reference No SDA-0614-040157. Dated 28 July 2017.

Decision:

Moved - Cr Whalley

Seconded - Cr Choat

“THAT Council approve the Development Application for a Material Change of Use for a Development Permit for an Office on land described as Lot 1 on RP20862 and situated at 197 Ipswich Street, Esk, 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. Site and Proposed Parking Plans. Drawn and Prepared by B Jorgensen at Elite Fitout Solutions Pty Ltd. Project No: 14/06. No D and E. Dated 15 May 2017. Proposed Floor and Elevation Plans Drawn and Prepared by B Jorgensen at Elite Fitout Solutions Pty Ltd. Project No: 14/06. No. D. Dated 15 May 2017. Department of Infrastructure, Local Government and Planning Concurrence Agency response. Reference No SDA-0614-040157. Dated 28 July 2017.	At all times
1.2	Comply with the 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.	At all times during the construction phase
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land.	Before the change happens

1.5	Provide screening to a height of 1.8 metres along the side boundaries of the site. The screening can include planted trees and shrubs, grassed and vegetated earth mounds, the erection of screen fences, or any combination of these. It will be constructed at no cost to the adjoining property owners.	Prior to commencement of use
1.6	The boundary fence is to be maintained in good repair.	At all times.
1.7	The hours of operation for the Health care service will be between: - 7am to 7pm Monday to Saturday	At all times.
1.8	The building's colour scheme is of traditional colours with respect and contributes to the existing built form character of the Esk town centre.	At all times
1.9	Awning posts are non-load-bearing and suitable for passenger vehicles parking along Ipswich Street.	Prior to commencement of use
SCHEDULE 2 – Engineering <i>Assessment Manager</i>		
No	Condition	Timing
	Engineering	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work
2.2	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
2.3	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 commencement of use
2.4	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> Plans and specifications must be prepared and certified with the Operational Work application. Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 	As part of Operational Works
2.5	Obtain Council approval for the demolition or removal of any	As part of

	existing buildings on site necessary for the approved development to proceed.	Operational Works
	General Services	
2.6	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	As part of Operational Works
	Earthworks	
2.7	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times
	Roadworks	
2.8	All works on or adjacent to roadways and footpaths must be adequately signed in accordance with the “ <i>Manual for Uniform Traffic Control Devices – Part 3, Works on Roads</i> ”. Any Road, footpath or lane closure must be applied for in writing to Council or Main Roads, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works
2.9	Provide verge and access in accordance with <i>Somerset Regional Council Development Manual</i> and <i>Standard Drawings</i> .	As part of Operational Works
2.10	Provide documentary evidence from the Department of Transport and Main Roads that works to Ipswich Street have been completed.	Prior to commencement of use
2.11	Provide written approval from the Department of Transport and Main Roads to carry out works on a state controlled road.	Prior to Operational Works
	Kerb and Channel	
2.12	Reinstate the kerb where permanent vehicular crossovers have become redundant.	As part of Operational Works
	Footpath	
2.13	Provide a concrete full width footpath, for the full frontage of the site of the development.	As part of Operational Works
	Vehicle Access	
2.14	All vehicular access for 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 commencement of use
2.15	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. Approval is to be sought from	As part of Operational Works

	Council and the landowner must advise all potential purchasers accordingly.	
2.16	All vehicles shall enter and leave the site in a forward gear	At all times
2.17	All manoeuvring areas shall enable access to a single-unit truck / bus based on a 12.5 meter Design Vehicle in accordance with <i>Austroads</i> design manual.	As part of Operational Works
	Car Parking	
2.18	Provide on-site parking for ten (10) vehicles (inclusive of one (1) disabled space) and one (1) service/ambulance vehicle in accordance with Council Planning Scheme for Provision of Parking areas. All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and <i>Somerset Regional Council Development Manual</i> . Further, all surfaces must achieve minimum longitudinal gradients and minimum crossfall in accordance with AS2890.	As part of Operational Works
2.19	A financial contribution of \$17,806.00 is to be provided in lieu of the shortfall of two (2) car parking spaces not provided. In accordance with Council's Schedule of Fees and Charges at this time a contribution of \$8,903.00 per space is payable.	Prior to commencement of use
2.20	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	Prior to commencement of use
2.21	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, asphalt or bitumen in accordance with Australian Standards.	At all times
	Refuse Storage Area	
2.22	Refuse bin storage areas must be provided on the premises within a building, outbuilding or other enclosed structure so that it is screened from public view with a minimum 1.5 meter high solid fence or wall.	Prior to commencement of use
	Visual and General Amenity	
2.23	Any graffiti within the proposed development must be removed immediately.	At all times
2.24	All plant and air conditioning is to be visually screened from the street.	At all times
	Indoor and Outdoor Lighting	
2.25	Lighting must be provided to the following areas of the site: • The entries and exits of the approved building.	

	<ul style="list-style-type: none"> The pathways between the parking areas and the entrances/exits of the building/s. Throughout car parking areas. Under the awning. 	
2.26	<p>The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:</p> <ul style="list-style-type: none"> Not causing nuisance by way of light spill or glare at adjacent properties and roadways. Providing graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land. Directing lighting onto the subject land and away from neighbouring properties. Using shrouding devices to preclude light overspill onto surrounding properties where necessary. Not operating lighting that uses sodium lights or flare plumes. 	Prior to commencement of use
	Stormwater	
2.27	Stormwater Drainage shall be constructed in general accordance with STORM Water Consulting Pty Ltd, 197 Ipswich Street Esk Stormwater Management Plan, and dated 23 May 2017.	As part of Operational Works
2.28	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Development Manual</i> .	As part of Operational Works
2.29	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	Prior to Compliance Assessment
	Erosion and Sediment Control	
2.30	<p>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:</p> <ul style="list-style-type: none"> Be required to install additional measures. Be responsible for the restoration work. 	At all times

	Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.	
2.31	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
2.32	Prepare an Erosion and Sediment Control Plan. Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	As part of the lodgement of the Operational Works application
2.33	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	At all times
2.34	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> i) Milling; ii) Chipping and/or mulching iii) Disposal at an approved waste disposal facility. No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.	At all times
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No.	Condition	Timing
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.	During construction phase
3.3	The holder of this development approval must not:	At all times

	<ul style="list-style-type: none">▪ Burn or bury waste generated in association with this development approval at or on the development site; nor▪ Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor▪ Stockpile any waste on the development site.	
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none">▪ 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▪ 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.	During construction phase
SCHEDULE 4 – REFERRAL AGENCY DEPARTMENT OF INFRASTRUCTURE, LOCAL GOVERNMENT AND PLANNING <i>Concurrence Agency Status</i> <i>Agency Response: Recommend Conditions Apply</i>		
4.1	Pursuant to section 285 of the <i>Sustainable Planning Act 2009</i> , the Department of Infrastructure, Local government and Planning, as a <i>Concurrence Agency</i> , has assessed the impact of the proposed development having regard to land use and transport coordination and the state-controlled road network and have provided conditions to be included on the development.	
4.2	Concurrence Agency response dated 28 July 2017 and referenced SDA-0614-040157.	
4.3	Concurrence Agency response will be attached to Council’s Decision Notice for DA16821.	
SCHEDULE 5 - ADVICE		
This approval has effect in accordance with the provisions of <i>Division 5 Section 339</i> of the <i>Sustainable Planning Act 2009</i> . <i>[A copy of Section 339 will be enclosed with the Decision Notice].</i>		
Relevant Period - 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’ – four (4) years starting the day the approval takes effect.		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicants appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		

Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.

All building work is to comply with the provisions contained in the *Building Act*; the Building Regulation, the Building Code of Australia, the Queensland Development Code and relevant Australian Standards.

All plumbing and drainage work is to comply with the provisions contained in the *Queensland Sewerage and Water Supply Act*; Standard Sewerage Law and the Standard Water Supply Law; the relevant Australian Standards including AS/NZS 3500 – 1998 – National Plumbing and Drainage Code and Council Policies and requirements.

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.

All works shall be carried out in accordance with the *Workplace, Health and Safety Act (as amended)* and the *workplace Health and Safety Regulation (as amended)*.

All Operational Work is to comply with relevant codes for design and construction.

Construction hours are 6:30am to 6:30pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Work or business which causes audible noise shall not be conducted from or on the site outside the above hours.

Upon receiving the certification by a RPEQ, Council will accept the footpath works as "On Maintenance".

The Developer is required to maintain all works for a period of 12 months for footpath works (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.

At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance".

Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.

All building work is to comply with the provisions contained in the *Building Act*; the *Building Regulation*, the *Building Code of Australia*, the *Queensland Development Code* and relevant Australian Standards.

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 *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].

Biosecurity Queensland should be notified on 13 25 23 of proposed development(s)

occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.

It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.

The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants

Carried

Subject:	Development Application No 9763 - Request to Change Development Approval - Permissible Change under Section 369 of the Sustainable Planning Act 2009
File No:	DA9763
Assessment No:	03829-48900-000 03829-70000-000
Action Officer:	PO-RC

Previous approval

1. TP Consent 295 for General Industry (Meat processing)
2. DA9763 for a Combined Development Application for Development Permit for a Material Change of Use for a High Impact Industry and Reconfiguration of a Lot (Realignment of Boundaries)

Date approved

1. 23 October 1996
2. 9 June 2010

Subject Land

Location 26 Coominya Connection Road Coominya (Hamburger Pattie factory)

Real Property Description Lot 1 on RP867653
Lot 20 on SP238745

Area 35.396 Hectares

Current land use Abattoir and Meat processing facility

Encumbrances and Easements Easement B RP911288

Former Esk Planning Scheme 2005 (as amended)

Zone Rural

Precinct Catchment Precinct

South East Queensland (SEQ) Regional Plan 2009-2031

Designation Regional Landscape and Rural Production

State Agency Referrals

Concurrence Department of Infrastructure, Local Government and Planning on behalf of State Assessment Referral Agency (former Department of Transport and Main Roads)

Third Party Advice SEQWater
Department of Infrastructure, Local Government and Planning on behalf of State Assessment Referral Agency (former

Department of Environment and Resource Management)

Application

Level of Initial Assessment	Impact assessment
Who is making the request?	Keystone Foods Australia trading as Australian Food Corporation Pty Ltd C/- Clegg Town Planning Attn: Graham Clegg
Developer	Australian Food Corporation Pty Ltd
Land Owner	Australian Food Corporation Pty Ltd and Greenmountain Group Pty Ltd

ATTACHMENTS

1. Site Plans. Proposed Office included. Drawing No. WD01. Job No. 16.234. Issue 3. Drawn by HRCF at Caig Dinte Architect. Dated December 2016.
2. Proposed Floor and Elevation Plans for the proposed Office. Drawing No. WD02 and WD06 to 08. Job No. 16.234. Issue 1. Drawn by HRCF at Caig Dinte Architect. Dated December 2016.
3. Department of Infrastructure, Local Government and Planning Concurrence Agency response. Reference No. SDA-0617-040157. Dated 28 July 2017.
4. Draft SRC Infrastructure Charges Notice – Transport Network.

RECOMMENDATION

THAT Council approve the request to change the development approval for Development Application 9763 subject to the amended conditions and requirements contained in the Schedules.

1.0 BACKGROUND TO APPROVAL

The former Esk Shire Council on 23 October 1996 conditionally approved TP Consent 295 for establishing a General Industry (Meat processing plant) on the site, described as Lot 1 on RP867653 and Lot 20 on SP238745, situated at Coominya Connection Road, Coominya.

On the 9 June 2010, the Somerset Regional Council conditionally approved a Combined Development Application 9763 for a Development Permit for a Material Change of Use (Intensifying the use) for a High Impact Industry and Reconfiguration of a Lot (Realignment of Boundaries).

The proposed Permissible change application is changing the approved Development Application 9763.

2.0 REPRESENTATIONS

Pursuant to section 369 of the *Sustainable Planning Act 2009*, the applicant seeks Council support to change the approvals issued under DA9763. In summary, the changes involve updating Condition 1.1 in the approved Schedule to include plans for a new proposed Office.

3.0 REQUESTED CHANGE

The proposed Office will be an expansion to the existing Meat processing plant, currently operating by Australia Food Corporation. The Office will be wholly located within Lot 20 on SP238745 and will gain access from the existing access easement, currently burdening Lot 1 on RP867653.

As a result of the increase in production capacity at the factory, there is now a need to expand the current administration office space. The applicant, Clegg Town Planning, acting on behalf of Australia Food Corporation wishes to construct a new stand-alone Office in an

existing cleared area directly south of the existing facility. The current Office located within the existing building will be transformed into a training room, secured storage area and extension to the existing canteen.

The new Office will house the new boardroom, multi-purpose room, toilets and office space. The proposed Office is a single storey building, reaching a maximum height of 5m. The Office will have a GFA of 399m², with a site cover of 0.011%.

Site, floor and elevation plans are provided at Attachments 1 and 2.

4.0 PLANNING COMMENTS

In accordance with the *Sustainable Planning Act 2009 (SPA)* the proposed changes are deemed to be permissible changes under section 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
 - o 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 former Esk Shire Planning Scheme 2005 (as amended); the State Planning Policy or the South East Queensland Regional Plan 2009-2031.

It is considered that the proposed change will not result in a “substantially different development” having regard for the following:

- The proposed change is not known to increase the severity of known impacts;
- The proposed change does not apply to any new parcels of land;
- The proposed change does not compromise the provision, location or demand of infrastructure; and
- The proposed change is for an Office, which is considered a subordinate use to the existing Meat processing plant.

If the original application was to be resubmitted with the addition of the proposed Office, it would not require referral to additional concurrence agencies and the Level of Assessment would remain unchanged as Impact Assessment. Council received no submissions when DA9763 publicly advertised as part of the Impact assessment process. Council does not anticipate any submitters if the application was resubmitted with the addition of the proposed Office.

The proposed ancillary Office and revising of condition will not trigger a prohibited development.

In accordance with the Somerset Region Planning Scheme's Transport, access and parking code, the applicant is required to provide 8 additional car parking spaces for the proposed Office. In addition, as part of the conditions package of TP Consent 295, the applicant was required to provide 50 car parking spaces, upon commencement of use. As it stands, only 46 car parking spaces have been provided, with a total shortfall of 4 spaces. Therefore, a total of 12 additional parking spaces are required to be provided on-site by the applicant

should Council support this application.

A condition requiring the applicant to provide on-site car parking for 12 spaces (including 1 space for persons with disability) is included in the revised Schedule of Conditions.

Condition 1.1 has also been revised to include the plans of the proposed Office. Conditions 2.7 to 2.18 are new conditions, which reflect Council's current standards and policies.

5.0 REFERRAL AGENCIES

The Department of Infrastructure, Local Government and Planning has provided a response to the requested change and has indicated that they have no objection to the change being made. A copy of the response is provided at Attachment 3.

6.0 RECOMMENDED DECISION

THAT Council approve the Request to Change a Development Approval under section 369 of the *Sustainable Planning Act 2009* for DA9763 over land described as Lot 1 on RP867653 and Lot 20 on SP238745, situated at Coominya Connection Road, Coominya, subject to the conditions contained in the Schedules and Attachments:

SCHEDULES

SCHEDULE 1 – GENERAL CONDITIONS

No	Condition	Timing
1.1	<p>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.</p> <ul style="list-style-type: none"> Proposed Site Plan – Drawing # – 5201.1W.003 Rev 2 – drawn by The TVS Partnership – dated Dec 2009 Proposed Floor Plan – Drawing # – 5201.1W.005 – drawn by The TVS Partnership – dated Dec 2009 North and South Elevations – Drawing # – 5201.1W.008 – drawn by The TVS Partnership – dated Dec 2009. East and West Elevations – Drawing # – 5201.1W.009 – drawn by The TVS Partnership – dated Dec 2009. Proposed Realignment of Boundaries – Drawing # – 9720-01 – drawn by Cottrell Cameron and Steen Surveyors – dated 15.12.09 Environmental Report – Ref # 67005 – prepared by Johns Environmental – dated March 22 2010. Site Based Stormwater Management Plan – Ref # – 4867 – prepared by HCE Engineers – dated 1 April 2010. 	At all times
1.1	<p>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.</p> <ul style="list-style-type: none"> Site Plan, Job No 16.234, Issue 2, Drawn by HRCF at Craig Dinte Architect, Dated December 2016. Proposed Floor Plan – Drawing # - 5201.1W.005 – drawn by The TVS Partnership – dated Dec 2009 	At all times

	<ul style="list-style-type: none"> • North and South Elevations – Drawing # - 5201.1W.008 – drawn by The TVS Partnership – dated Dec 2009. • East and West Elevations – Drawing # - 5201.1W.009 – drawn by The TVS Partnership – dated Dec 2009. • Proposed Realignment of Boundaries – Drawing # - 9720-01 – drawn by Cottrell Cameron and Steen Surveyors – dated 15.12.09 • Environmental Report – Ref # 67005 – prepared by Johns Environmental – dated March 22 2010. • Site Based Stormwater Management Plan – Ref # - 4867 – prepared by HCE Engineers – dated 1 April 2010. • Site Plans. Proposed Office included. Drawing No. WD01. Job No. 16.234. Issue 3, Drawn by HRCF at Caig Dinte Architect. Dated December 2016. • Floor and Elevations Plans for the proposed Office. Drawing No. WD02 and WD06 to 08. Job No. 16.234. Issue 1. Drawn by HRCF at Craig Dinte Architect. Dated December 2016. 	
1.2	Comply with relevant provisions of the former Shire of Esk's 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	At all times
1.4	Pay to Council any outstanding charges or expenses levied by Council over the subject land	Prior to commencement of use
1.5	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.	Prior to commencement of use
1.6	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development	Prior to commencement of use
1.7	<p>Unless otherwise approved in writing by the Manager, Planning and Development, hours of construction shall be:</p> <p>Monday to Saturday: 6.30 am to 6.00 pm</p> <p>Construction work shall not occur on the premises outside the above hours.</p>	At all times
1.8	All trade materials; products and plant shall be neatly stored within the confines of the building and/or approved storage areas.	At all times
1.9	Provide an identification survey which indicates that all setbacks of buildings and structures have been correctly sited from property boundaries	Prior to commencement of use

1.10	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
Schedule 2 – Planning		
Amenity		
2.1	The approved use shall not cause any adverse impact on the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, glare, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	At all times
2.2	All buildings, structures, fittings, fixtures and grounds are maintained: <ul style="list-style-type: none"> • In a serviceable condition, and • In a state of good repair and efficient action, and • In a clean, sanitary condition, and • Free of accumulated disused materials, and • Free of vermin and pest infestations. 	At all times
Refuse Receptacles		
2.3	Refuse collection areas shall be located so that they do not impact on the amenity of residents or adjoining properties and so that they are accessible by Council's refuse collection service vehicle or other licensed contractor. The area on which the bin(s) is to be accessed by a refuse collection vehicle shall be level, concreted and constructed in conjunction with the driveway surface with no intervening step, ledge, kerb or other obstruction.	Prior to commencement of use
2.4	A dedicated screened waste storage area shall be provided that accommodates the refuse receptacle containers (ie bins).	Prior to commencement of use
2.5	Unless otherwise authorized in writing by the Manager, Planning and Development, a bin washdown facility shall be provided. The facility shall be designed such that all wash down waters are appropriately treated and discharged to sewer subject to a Trade Waste approval. No wash down waters shall flow to a roadway, gutter, stormwater drain or natural waterway.	Prior to commencement of use
Lighting		
2.6	Advertising, security and flood lighting shall be designed, constructed, installed and maintained in accordance with Australian Standard AS4282-1997 (Control of the obtrusive effects of outdoor lighting) and so as not to cause nuisance to the occupants of nearby properties or passing traffic.	Prior to commencement of use
Engineering		
2.7	All works are to be designed and constructed in accordance with	At all times

	the requirements of the <i>Somerset Regional Council Development Manual</i> and <i>Standard Drawings</i> .	
	Earthworks	
2.8	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times
2.9	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times
	Carparking	
2.10	Provide on-site car parking for an additional twelve (12) vehicles, including one (1) space for disabled persons in accordance with Council Planning Scheme Policy No 3 – Standards for Provision and Construction of Parking areas to meet the additional parking required for the proposed ancillary Office and to meet the TP Consent 295 car parking requirement. All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and Somerset Regional Council Development Manual. Further, all surfaces must achieve minimum longitudinal gradients and minimum crossfall in accordance with AS2890.	At all times
	Refuse Storage Area	
2.11	Refuse bin storage areas must be provided on the premises within a building, outbuilding or other enclosed structure so that it is screened from public view with a minimum 1.5 meter high solid fence or wall.	Prior to commencement of use
	Indoor and Outdoor Lighting	
2.12	The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by: <ul style="list-style-type: none"> • Not causing nuisance by way of light spill or glare at adjacent properties and roadways. • Providing graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land. • Directing lighting onto the subject land and away from neighbouring properties. • Using shrouding devices to preclude light overspill onto surrounding properties where necessary. • Not operating lighting that uses sodium lights or flare plumes. 	Prior to commencement of use
	Stormwater	
2.13	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM), Council Planning Scheme Policy No 6 – <i>Standards for Treatment of Stormwater Drainage</i> , and the	As part of Operational Works

	<i>Somerset Regional Council Development Manual.</i>	
2.14	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.15	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works
	Erosion and Sediment Control	
2.16	<p>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:</p> <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times
2.17	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
2.18	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	At all times
SCHEDULE 3 – ADVISORY NOTES		
No.	Advice	
3.1	This approval has effect in accordance with the provisions of Section 3.5.19 of the <i>Integrated Planning Act 1997</i> .	
3.2	All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act 1995 (as amended)</i> and the <i>workplace Health and Safety Regulation 1997 (as amended)</i> .	
3.3	All Operational Work is to comply with relevant codes for design and construction.	
3.4	Construction work is to be carried out only between the hours of 7:00am to 6:00pm 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> .	
3.5	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.
3.6	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> .
3.7	Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.
3.8	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.
3.9	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.

Attachments for the Permissible Change Decision Notice include:

- Site Plans. Proposed Office included. Drawing No. WD01. Job No. 16.234. Issue 3. Drawn by HRCF at Caig Dinte Architect. Dated December 2016.
- Proposed Floor and Elevation Plans for the proposed Office. Drawing No. WD02 and WD06 to 08. Job No. 16.234. Issue 1. Drawn by HRCF at Caig Dinte Architect. Dated December 2016.
- Department of Infrastructure, Local Government and Planning Concurrence Agency response. Reference No. SDA-0617-040157. Dated 28 July 2017.

Decision:

Moved - Cr Whalley

Seconded - Cr Ogg

“THAT Council approve the Request to Change a Development Approval under section 369 of the *Sustainable Planning Act 2009* for DA9763 over land described as Lot 1 on RP867653 and Lot 20 on SP238745, situated at Coominya Connection Road, Coominya, subject to the conditions contained in the Schedules and Attachments:

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1.9	Provide an identification survey which indicates that all setbacks of buildings and structures have been correctly sited from property boundaries	Prior to commencement of use
1.10	Obtain Council approval for the demolition or removal of any	Prior to

	existing buildings on site necessary for the approved development to proceed	commencement of use
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Amenity		
2.1	The approved use shall not cause any adverse impact on the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, glare, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	At all times
2.2	All buildings, structures, fittings, fixtures and grounds are maintained: <ul style="list-style-type: none"> • In a serviceable condition, and • In a state of good repair and efficient action, and • In a clean, sanitary condition, and • Free of accumulated disused materials, and • Free of vermin and pest infestations. 	At all times
Refuse Receptacles		
2.3	Refuse collection areas shall be located so that they do not impact on the amenity of residents or adjoining properties and so that they are accessible by Council's refuse collection service vehicle or other licensed contractor. The area on which the bin(s) is to be accessed by a refuse collection vehicle shall be level, concreted and constructed in conjunction with the driveway surface with no intervening step, ledge, kerb or other obstruction.	Prior to commencement of use
2.4	A dedicated screened waste storage area shall be provided that accommodates the refuse receptacle containers (ie bins).	Prior to commencement of use
2.5	Unless otherwise authorized in writing by the Manager, Planning and Development, a bin washdown facility shall be provided. The facility shall be designed such that all wash down waters are appropriately treated and discharged to sewer subject to a Trade Waste approval. No wash down waters shall flow to a roadway, gutter, stormwater drain or natural waterway.	Prior to commencement of use
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3.5	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.	

3.6	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 Australian Standards.
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3.9	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>

Subject:	Financial reports
File Ref:	Financial management - meetings - monthly financial statements
Action Officer:	DFIN

Background/Summary

Financial reports

Monthly financial reports for the period 1 July 2017 to 31 July 2017 are attached in accordance with section 204 of the Local Government Regulation 2012 including comments in respect of performance against budget.

A draft set of financial statements including all yearend adjustments will be provided to Council's audit committee and to Council's auditors for auditing after 6 September 2017.

Grants

Council is awaiting advice about:

- Council's Australian Government's Building Better Regions Fund Brisbane Valley Rail Trail application which was lodged on 27 February 2017.
- Council's Australian Government's Bridges Renewal Programme (BRP) round 3 submissions which were lodged in May 2017 for 12 bridges

Council officers are developing a grant application under the Australian Government's Heavy Vehicle Safety and Productivity Programme (HVSP) for a further Gregors Creek Road widening and strengthening upgrade. This program has not yet officially opened.

Rates

Rates are issued in six monthly cycles. Overdue rates have been contained as follows:

- \$1.33 million – 31 January 2017
- \$1.36 million – 31 July 2017

Council issued 29 notices of intention to sell land for overdue rates or charges totalling \$165,969 on 19 May 2017.

As at 31 July 2017, there were nine sale actions still current. These totalled \$41,358 in overdue rates and charges.

Contract matters

To assist compliance with section 237 of the Local Government Regulation 2012, Council has potentially entered into purchase contracts for a value greater than \$200,000 as indicated in the attached payments listing including as follows:

- A and M Civil Contracting Pty Ltd - \$188,604 - contract road, bridge and park construction and maintenance services/ materials - payment 35881

A full listing of payments is attached as per Council's previous request.

Road maintenance detail

Councillors have also previously requested additional information about road maintenance:

	Rural (\$000's)	Urban (\$000's)	Total (\$000's)
Bitumen road maintenance	148	2	150
Gravel road maintenance	102	12	114
Roadside drainage	23	10	33
Culvert maintenance	-	-	-
Vegetation maintenance	15	8	23
Traffic furniture	4	2	6
Linemarking	-	-	-
Total actual year to date	292	34	326
Expected pro-rata budget year to date	308	46	354

Council's 30 most costly road segments for ordinary maintenance this financial year were:

Toogoolawah Biarra Rd (bitumen) Ch4390-Ch9960	\$ 67,825
Crossdale Rd (bitumen) Ch1000-Ch7040	\$ 50,719
Wendts Rd (bitumen) Ch0-Ch3650	\$ 13,915
Spring Creek Rd (gravel) Ch60-Ch4210	\$ 11,573
Pine Mountain Rd CulvCh12.15	\$ 10,176
Bowdens La (gravel) Ch50-Ch2500	\$ 9,173
Kipper Creek Rd (gravel) Ch6360-Ch10710	\$ 8,957
Banks Creek Rd (gravel) Ch4670-Ch12870	\$ 8,398
Knox La South (gravel) Ch0-Ch710	\$ 7,866
Gregors Creek Rd (bitumen) Ch4950-Ch5530	\$ 7,557
Kipper Creek Rd (gravel) Ch5060-Ch5780	\$ 7,258
Wanora Rd (gravel) Ch1200-Ch3160	\$ 6,458
Kipper Creek Rd (gravel) Ch5780-Ch6360	\$ 5,809
Blind Gully Rd (gravel) Ch0-Ch1100	\$ 5,581
Wise La (gravel) Ch0-Ch1030	\$ 5,178
Spring Creek Rd (gravel) Ch4210-Ch7200	\$ 4,930

Klass Rd (gravel) Ch30-Ch560	\$ 4,878
Kangaroo Creek Rd (gravel) Ch3190-Ch7830	\$ 4,818
Chaille Rd (gravel) Ch0-Ch320	\$ 4,532
Watsons Rd (bitumen) Ch0-Ch4870	\$ 4,481
O'Learys La Harlin (gravel) Ch0-Ch1980	\$ 4,475
Kenman La (gravel) Ch45-Ch1500	\$ 4,260
Goan La (gravel) Ch0-Ch310	\$ 3,986
Adams Rd (gravel) Ch70-Ch1430	\$ 3,678
Steinhardt Rd Min (gravel) Ch50-Ch2130	\$ 3,578
Scrub Creek Rd (gravel) Ch3250-Ch5400	\$ 3,504
Rosentreter La (gravel) Ch0-Ch2280	\$ 3,473
Lowood Hills Rd (gravel) Ch1920-Ch2670	\$ 3,367
Scrub Creek Rd (gravel) Ch2250-Ch3100	\$ 3,303
Gregors Creek Rd (bitumen) Ch1350-Ch1630	<u>\$ 3,132</u>
Subtotal	\$286,838

Attachments

Operating reports, statement of balances, cash flows and equity movements, capital works report, summary of largest 70 payments to payees and detailed listing of payments

Recommendation

THAT the reports including payments presented totalling \$51,664,502.80 be received.

Decision:	Moved - Cr Hall	Seconded - Cr Brieschke
	"THAT the reports including payments presented totalling \$51,664,502.80 be received."	
		<u>Carried</u>

Subject:	Brisbane Valley Rail Trail incomplete section
File Ref:	Grants - programs - Building Our Regions
Action Officer:	DFIN

Background/Summary

Council applied in February 2017 for \$1.45 million Australian Government funding to complete the Toogoolawah to Moore section of the Brisbane Valley Rail Trail.

Council succeeded with this application (letters received 4 August 2017 attached)

Council had earlier been offered \$1.8 million by the State towards this project.

Council's application for Australian Government funding also included a Council funding commitment of \$0.104 million towards the project making a project total of \$3.354 million.

There is urgency with this project due to various government requirements:

- The Queensland Government has confirmed that its \$1.8 million funding commitment is only available until 30 June 2018
- The Australian Government requires that construction commence within 12 weeks of the \$1.45 million grant agreement being signed

- Completion of a new long-term sublease or a construction sub-lease with the Department of Transport and Main Roads (DTMR) is a pre-condition of DTMR to commencing work on the Toogoolawah to Moore section. No such agreement from DTMR exists.
- Designs submitted with the approved grant application will require the reopening of a temporarily closed road south of Harlin via the Department of Natural Resources and Mines (DNRM). Council understands that this process may take three months.

Attachments

- Letters received 4 August 2017 confirming successful Australian Government grant application
- DTMR letter of 1 December 2016
- DNRM statement confirming that sublease 709458601 covering rail corridor properties between Linville and the SRC boundary at Benarkin (2CSH474, 1CSH476, 2CSH476, 2CSH488, 2CSH713, 3CSH713, 111SP122433, 121SP122434, 141SP122435, 143SP122436 and 161SP122437) between DTMR and the Council of the Shire of Nanango (now South Burnett Regional Council) does not expire until 28 February 2036
- Access licence extract between DTMR and the Ambassadors of the Brisbane Valley Rail Trail Moore Linville Benarkin Blackbutt Inc of 1 August 2013 with a term of five years (ie expiring August 2018)
- GHD Pty Ltd BVRT concept designs 41-30508 of January 2017
- Current tenure search for lot 1 Crown Plan RL6200 of 7 August 2017
- Email from DNRM of 7 August 2017
- Appendix A - plan of lot 1 RL6200 detailing the portion of this road licence area that Council requires to be reopened

Recommendation

THAT Council confirm its non-negotiable requirements to the Department of Transport and Main Roads (DTMR) as follows:

- Approval to construct the Toogoolawah to Moore section of the Brisbane Valley Rail Trail (BVRT) via a completed sublease or other satisfactory document must be granted by DTMR by 31 August 2017 or Council will not undertake the construction project notwithstanding that Federal and State funding has been secured;
- DTMR must agree in writing by 31 August 2017 that it will grant subleases to Somerset Regional Council (SRC) over all of the BVRT within the SRC local government area to the extent that these sections have not previously been subleased to another entity as at 9 August 2017 or Council will not undertake the construction project notwithstanding that Federal and State funding has been secured;

- DTMR must agree in writing by 31 August 2017 to not extend or grant any access licence, sublease or similar agreement with any entity other than Somerset Regional Council over any part of the Brisbane Valley Rail Trail within the Somerset Regional Council area without the written authority of Somerset Regional Council or Council will not undertake the construction project notwithstanding that Federal and State funding has been secured;
- DTMR must agree in writing by 31 August 2017 that it will not require or expect Council to maintain any heritage-listed asset on the BVRT to the extent that permission from any authority is required for such maintenance and it will not object to Council closing these assets to public use if the assets are deemed unsafe or Council will not undertake the construction project notwithstanding that Federal and State funding has been secured;
- DTMR must agree in writing by 31 August 2017 that it endorses the construction project as set out in GHD Pty Ltd concept designs 41-30508 of January 2017 including any use of DTMR land or assets shown including State-controlled road corridors or Council will not undertake the construction project notwithstanding that Federal and State funding has been secured;

THAT Council endorses the Toogoolawah to Moore BVRT construction project as set out in GHD Pty Ltd concept designs 41-30508;

THAT Council seeks from the Department of Natural Resources and Mines the urgent cancellation of the part of road licence lot 1 RL6200 that is situated to the south of the former rail corridor and which is illustrated on the attached plan marked Appendix A as this road is required for transport purposes.

Decision:	Moved - Cr Hall	Seconded - Cr Ogg
	<p>“THAT Council confirm its non-negotiable requirements to the Department of Transport and Main Roads (DTMR) as follows:</p> <ul style="list-style-type: none"> • Approval to construct the Toogoolawah to Moore section of the Brisbane Valley Rail Trail (BVRT) via a completed sublease or other satisfactory document must be granted by DTMR by 31 August 2017 or Council will not undertake the construction project notwithstanding that Federal and State funding has been secured; • DTMR must agree in writing by 31 August 2017 that it will grant subleases to Somerset Regional Council (SRC) over all of the BVRT within the SRC local government area to the extent that these sections have not previously been subleased to another entity as at 9 August 2017 or Council will not undertake the construction project notwithstanding that Federal and State funding has been secured; • DTMR must agree in writing by 31 August 2017 to not extend or grant any access licence, sublease or similar agreement with any entity other than Somerset Regional Council over any part of the Brisbane Valley Rail Trail within the Somerset Regional Council area without the written authority of Somerset Regional Council or Council will not undertake the construction 	

project notwithstanding that Federal and State funding has been secured;

- DTMR must agree in writing by 31 August 2017 that it will not require or expect Council to maintain any heritage-listed asset on the BVRT to the extent that permission from any authority is required for such maintenance and it will not object to Council closing these assets to public use if the assets are deemed unsafe or Council will not undertake the construction project notwithstanding that Federal and State funding has been secured;
- DTMR must agree in writing by 31 August 2017 that it endorses the construction project as set out in GHD Pty Ltd concept designs 41-30508 of January 2017 including any use of DTMR land or assets shown including State-controlled road corridors or Council will not undertake the construction project notwithstanding that Federal and State funding has been secured;

THAT Council endorses the Toogoolawah to Moore BVRT construction project as set out in GHD Pty Ltd concept designs 41-30508;

THAT Council seeks from the Department of Natural Resources and Mines the urgent cancellation of the part of road licence lot 1 RL6200 that is situated to the south of the former rail corridor and which is illustrated on the attached plan marked **Appendix A** as this road is required for transport purposes.”

Carried

Subject:	Bridge official opening
File Ref:	Grants - programs - National Stronger Regions Fund
Action Officer:	DFIN

Background/Summary

Council has received funding for replacing the following bridges under the Australian Government's National Stronger Regions Fund and Bridges Renewal Programme:

- Harry Carey Bridge, Linville (NSRF) (this project is called Upper Brisbane Valley Heavy Vehicle Access Project)
- Crossdale Road bridges 1 and 2 (BRP)
- Larkhill Boundary Road bridge (BRP)
- Gallanani Bridge (BRP)
- Duffys Bridge (BRP)
- Dunlops Bridge (BRP)

Council is required to hold an official opening ceremony.

A single event is proposed as per the attached form.

Attachments

Draft event request form

Recommendation

THAT Council endorse the holding of a single bridge official opening event for Harry Carey Bridge, Crossdale Road bridges 1 and 2, Larkhill Boundary Road bridge, Gallanani Creek Bridge, Duffys Bridge and Dunlops Bridge to be held at Harry Carey Bridge Linville with preferred dates to be indicated as 27 September 2017, 11 October 2017 or 8 November 2017 in that order of preference.

Decision:

Moved - Cr Whalley

Seconded - Cr Gaedtke

“THAT Council endorse the holding of a single bridge official opening event for Harry Carey Bridge, Crossdale Road bridges 1 and 2, Larkhill Boundary Road bridge, Gallanani Creek Bridge, Duffys Bridge and Dunlops Bridge to be held at Harry Carey Bridge Linville with preferred dates to be indicated as 27 September 2017, 11 October 2017 or 8 November 2017 in that order of preference.”

Carried

Adjournment of Meeting

The meeting adjourned at 10am for morning tea, resuming at 10.25am.

Subject: Vandalism – July 2017
File Ref: Risk Management – risk assessment - Vandalism
Action Officer: DCORP

Background/Summary

Council has previously resolved to be informed of incidences of wilful damage and destruction of Council property.

The following incident occurred during July 2017:

Date	Location	Incident
04/07/2017	Railway Park, Railway Street, Coominya	Toilet paper and rubbish thrown all over garden and park
19/07/2017	Kilcoy Aquatic Centre	Break in canteen stock stolen

The Vandalism Repair Costs until 31 July 2017 are attached. There were no insurance claims relating to Vandalism for the month of July 2017.

Attachments

Table – Vandalism Repair Costs until 31 July 2017.

Recommendation

THAT the report be received and the contents noted.

Decision: Moved - Cr Hall Seconded - Cr Brieschke
"THAT the report be received and the contents noted."
Carried

Subject: Dedication of Part of Lot 752 CH3116 as Road
File Ref: Road Openings - Changes and Classifications Doc Id 966754, 967445, 968287, 971190
Action Officer: DCORP

Background/Summary

Council has received a request from the Department of Natural Resources and Mines to dedicate all or part of Lot 752 CH3116 as road.

Lot 752 is 2.482ha and currently has part of Glamorgan Vale Road passing through it. This parcel was shown as Reserve 398 on survey plans from the late 1890's, but now appears on titles as unallocated State land. The Department of Natural Resources advise that although the Reserve has been shown previously on the survey plan the reserve was never formally dedicated.

State Imagery records show that the road was in existence prior to 1 September 1948. Council records indicate that in the early 1960's Glamorgan Vale Road was being maintained by Moreton Shire Council.

Council's application to formally dedicate the hatched area of road shown on the attached map would fix this irregularity and would be determined by the Department of Natural Resources.

Attachments

Plan of Lot 752 CH3116 showing area to be dedicated as road

Recommendation

THAT Council make application to the Department of Natural Resources and Mines to formally dedicate as road the hatched area shown on the attached plan of Lot 752 CH3116.

Decision: Moved - Cr Whalley Seconded - Cr Choat
"THAT Council make application to the Department of Natural Resources and Mines to formally dedicate as road the hatched area shown on the attached plan of Lot 752 CH3116."
Carried

Subject: Road opening to deal with encroachments Lot 225 CH3117 and Lot 3 SP260663
File Ref: Encroachments Doc Id 969888,948872
Action Officer: DCORP

Background/Summary

Council has received a request from Cottrell Cameron and Steen on behalf of the property

owner to deal with the encroachments on to his land at Glamorgan Vale Road. The properties affected are Lot 225 on CH3117 and Lot 3 on SP260663.

The first area of encroachment is located between Lot 225 and Lot 3 and is approximately 440m². The second area is located at the intersection of Glamorgan Vale Road and Hannah Lane and is approximately 430m².

The property owner has proposed that the areas affected be dedicated as new road on the same survey plan he will submit as part of application for realignment of boundaries. He has also requested Council either waive or reimburse the application and plan sealing fees associated with the realignment and that Council bear the cost of the additional survey work to dedicate the new road.

As part of the normal process for a road opening it may be necessary for Council to offer some payment for the land to be opened as road. Also as part of that process Council would ordinarily bear the cost of any survey work. After further investigation it is felt that Councils costs usually incurred in such process together with compensation for the land purchase are comparable to the application fee for the realignment of boundaries. As such Council should offer to reimburse the cost of the application fees for the realignment of boundary for Lot 225 CH3117 and Lot 3 SP260663 and Council bear the cost of the additional survey work to open the parts of new road. The property owner would be responsible for the cost of plan sealing with Council and the cost of lodging the final plan of survey with the Department of Natural Resources.

Attachments

Images of encroachments
Drawings of proposed area of new road

Recommendation

THAT Council advise Cottrell Cameron and Steen acting on behalf of the property owner that Council will reimburse the Realignment of Boundary Application costs for Lot 225 CH3117 and Lot 3 SP260663 and will bear the costs of the additional survey work to dedicate the new parts road for Glamorgan Vale Road.

Decision:

Moved – Cr Choat

Seconded - Cr Gaedtker

“THAT Council advise Cottrell Cameron and Steen acting on behalf of the property owner that Council will reimburse the Realignment of Boundary Application costs for Lot 225 CH3117 and Lot 3 SP260663 and will bear the costs of the additional survey work to dedicate the new parts road for Glamorgan Vale Road.”

Carried

Subject:	Sport and Recreation report - June 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 June 2017.

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

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

Fernvale Indoor Sports Centre

- There were 1,499 attendees at the centre in May. Attendances were higher than figures recorded in the previous month.
- Gym memberships for May 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 'Members Month' with a free activity or class each week to help keep people active with the start of the cooler weather.
- External marketing included inviting people to come and work out with their friends. Existing members could bring their friends and family to work out with them and they received all of May for free. So the sooner they joined, the more weeks they got for free. On joining, they both then also went into a draw to win a \$250.00 travel voucher. There were 14 day free passes available as excellent Mothers Day gifts also.

Toogoolawah Community Gym

- There were 245 attendees at the Community Gym in May. Attendances were higher than figures recorded in the previous month.
- Gym memberships for May were higher than figures recorded in the previous month.
- Internal marketing initiatives included putting more posters around the centre, publishing a 4 page Newsletter 'Friends in Fitness' every month, promotion of programs and classes and local events and activities on offer for the community.
- External marketing initiatives for May included the following:
 - Permanent space in the local newspaper.
 - Leaflet drop promoting end of financial year special.
 - Promotion of programs, classes and local events and activities on offer to the community.
 - Donated \$150.00 to the Harlin Chaplaincy.
 - Sponsored several fundraisers in Somerset.
 - 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 1,201 attendees at the centre in May. 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, purchased new cardio equipment, the member of the month displayed in the foyer and redesigned the TV and coffee shop area.
- External marketing initiatives for May included the following:

- Weekly column for the local paper.
- Leaflet drop end of financial year special and new classes.
- 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.

2. Swimming pools maintained in operating condition

The Toogoolawah Swimming Pool, Kilcoy Aquatic Centre, Esk Swimming Pool and Lowood Swimming Pool are now closed for the season.

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.

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 were on track.

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. Emphasis was around getting involved with the Fun Run with free entry for staff and family.

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 and YEO attended the 2017 Somerset Schools Cup. The event saw Lowood, Toogoolawah and Kilcoy State High School compete against each other in a range of sports such as netball, soccer and touch football. The day was received very well by the students and teachers that were present. Kilcoy State High School was the joint overall winners after scores were tallied. Teachers vs. Police touch football match was also incorporated into the day, both the teachers and police enjoyed the game with the scores tied at the end.

Somerset Regional council supported this event by covering trophy/shield and transportation costs.

2017 Somerset Primary Schools Cup (winter edition)

The SRO and YEO attended the winter edition of the Somerset Primary Schools Cup held on Friday, 23 June at Toogoolawah State High School. Toogoolawah, Esk, Harlin and Linville State School attended the event with Toogoolawah State School taking the overall win after scores were tallied. Somerset Regional Council supported this event through covering trophies, transport costs, marquees and scoring for the day. The day was well received by the students and teachers involved.

Active Ageing

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

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 and Lowood Recreational Complex 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 Lowood Golf 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

June

Esk -19

Toogoolawah -10

Lowood - 2

Kilcoy - 13

There were a total of 44 loans from the Active and Healthy Resource Centre in the month of June.

Attachments

Centre Attendance figures for the month of May for the Fernvale Indoor Sports Centre, Kilcoy Indoor Sports Centre, and Toogoolawah Community Gym.

Recommendation

THAT the report be received.

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

Subject:	Council venue leasing - Toogoolawah Tennis Club
File Ref:	Council Properties - Usage
Action Officer:	SRO

Background/Summary

Currently the Toogoolawah Tennis Club pays an annual hire fee of \$2,200 for the usage of the Toogoolawah Tennis Courts.

In past years the fee has been quite manageable for the club to pay in order to maintain the lease. Over the past few years the club has experienced a considerable drop in member numbers and this has had an effect on the financial capacity of the club.

The Toogoolawah Tennis Club has approached Council and requested for the hire fee to be halved (\$1,100) in order for the club to maintain operation. Council has previously reduced the fee from \$3,300 to \$2,200 (2 June 2015).

Attachments

Email abstract from Toogoolawah Tennis Club

Recommendation

THAT Council reduce the annual hire fee from \$2,200 to \$1,100 for the Toogoolawah Tennis Club.

Decision:	Moved - Cr Hall	Seconded - Cr Ogg
	"THAT Council reduce the annual hire fee from \$2,200 to \$1,100 for	

the Toogoolawah Tennis Club.”

Carried

Subject:	Coominya Transfer Station – Change to Opening Hours
File Ref:	Waste management / contracting / Coominya – Harlin – Kilcoy Transfer Station (971945)
Action Officer:	CSSA

Background/Summary

Council has received a request from the operator of the Coominya Transfer Station to vary the opening hours in accordance with provision of their contract.

Clause 3.12.2 states:

“Should the operator choose to keep the Coominya Transfer Station closed for two days, the days are to be Monday and Tuesday and will not be varied without Council’s prior approval.”

The Coominya Transfer Station has operated on a seven day basis for some years, all other transfer stations are currently open on five days per week. The operator has given the reason for the request as the low customer numbers using the facility on these days.

The operator has been advised that the request to implement the changes from 7 August 2017 could not be approved as any change required Council approval and that the next Council meeting was not until 9 August 2017.

Should approval be given, Council may consider a longer notification period should be required.

Attachments

Document 971945

Recommendation

THAT Council approve the change in hours of operation for the Coominya Transfer Station to Wednesday to Sunday.

FURTHER THAT the operator is required to place a notification of the changes on the front fence of the Coominya Transfer Station for a minimum of 1 month before the changes are implemented.

Decision: Moved - Cr Gaedtke Seconded - Cr Ogg

“THAT Council approve the change in hours of operation for the Coominya Transfer Station to Wednesday to Sunday.

FURTHER THAT the operator is required to place a notification of the changes on the front fence of the Coominya Transfer Station for a minimum of 1 month before the changes are implemented.”

Carried

Subject:	Project Participation - Somerset Regional Council and Volunteering Queensland
File Ref:	Emergency services - planning - district disaster management group
Action Officer:	DMO

Background/Summary

In an effort to build local capacity in the region, Council has been working with Volunteering Queensland (VQ) to look at options with regards to the management of spontaneous volunteers (i.e. the mud army).

It was after these initial discussions that VQ was given funding to undertake two projects through the Natural Disaster Resilience Program (NDRP) administered through the Department of Infrastructure, Local Government and Planning. These projects are:

- Building local capability to manage spontaneous volunteers
- Disaster preparedness for older people

It was quite evident that the projects could have real benefit for the Somerset community and as such VQ have asked Council whether we would like to participate in one or both of these initiatives.

Dealing with spontaneous volunteers has been a problem in recent events and the new State Government's "Offers of Assistance Guidelines" place more responsibility on Council for the management of this issue.

Spontaneous Volunteers project

The initial idea is that Council would look to engage local Community Groups to help supervise volunteers should they be required. Actual volunteers will be sourced through VQ; it is the management that we are hoping to find a solution for.

In particular we will need to come up with solutions for training, insurance, inductions of all volunteers. At this time there is no clear direction or best practice in handling these issues. We will work with VQ to look at suitable frameworks to overcome issues that are identified.

Disaster preparedness for older people project

Project aims to ensure:

- Older people can access relevant disaster preparedness information;
- Older people have opportunities to participate in disaster preparedness planning and volunteering, and
- Agencies that support vulnerable older people in the community are aware of the need to develop evacuation and disaster preparedness plans for their clients.

VQ will hold forums/workshops within the local area, involving emergency services and the agencies that support vulnerable seniors in each location. VQ has asked Council to be involved in these events. The intent of the workshops is to develop a shared plan for the preparedness of seniors within the community. Council may be asked to provide in-kind support like providing venues free of charge for the forums.

VQ will engage key peak organisations to commit to supporting their member agencies to

establish plans to further ensure the safety of their clients at times of disasters.

Attachments

NIL

Recommendation

THAT Council authorise officers to participate in both projects being, Building local capability to manage spontaneous volunteers and Disaster preparedness for older people.

Decision:	Moved - Cr Whalley	Seconded - Cr Brieschke
	<p>“THAT Council authorise officers to participate in both projects being, Building local capability to manage spontaneous volunteers and Disaster preparedness for older people.”</p> <p style="text-align: right;"><u>Carried</u></p>	

Subject:	Policy OP013 - Community and Tourist Facility Direction Signs
File Ref:	Policy Development
Action Officer:	QAO / SES

Background/Summary

Council Policy 1.14 Signs (Facilities and Tourist Direction Type), originally developed in 1997, has been reviewed. A new Somerset Policy OP013 has been drafted for Council's consideration.

Attachments

Policy OP013 – Community and Tourist Facility Direction Signs (August 2017)

Recommendation

THAT Council's Policy 1.14 Signs (Facilities and Tourist Direction Type) be repealed.

THAT Council adopt Policy OP013 – Community and Tourist Facility Direction Signs dated August 2017 as follows -

Policy Subject/Title:	Community and Tourist Facility Direction Signs
Policy Number:	OP013

Responsible Officer:	Director Operations
Legislative or Regulatory Reference:	N/A
Related Policies / Procedures:	N/A
Application:	Somerset Regional Council
Authorised by:	Somerset Regional Council
Considered at:	Ordinary Council Meeting
Authorised on:	Ordinary Council Meeting

1. OBJECTIVE

The purpose of this Policy is to achieve a uniform approach to the provision and installation of direction signs* associated with community and tourist-related facilities.

(* on Council roads only)

2. BACKGROUND

Council receives requests from various sources including:

- local community-based organisations,
- business operators,
- government bodies and
- tourist facilities

These requests seek the provision of direction signs indicating the location of their facilities. Requests relate to facilities of general interest to the community (e.g. churches, halls, sporting facilities and clubs) or private businesses wanting to “advertise” their whereabouts to prospective customers.

Signs of this nature are currently in place throughout the Somerset region as a result of requests to Council from:

- local organisations and businesses involved in tourism development activities, these signs having been provided and installed at the respective organisation’s or business’ expense, and
- community service (non-profit) organisations, signs having been provided and installed with Council assistance

3. PURPOSE

To provide guidance to Council officers in relation to the provision, maintenance and removal of direction signs for various organisations within Somerset region.

4. SCOPE

This policy relates to all direction signage installed by Council on Council road reserves.

5. POLICY

Definitions

The facilities addressed in this Policy are defined below.

Community – including (but not restricted to) church buildings, not-for-profit club houses (e.g. Scout Dens), civic centres/town halls, showgrounds, sporting and recreational grounds and facilities, emergency services, airports, hospitals, municipal offices, depots and tips, post offices, railway stations, shopping centres, education institutions and other non-profit institutions.

Tourist – including (but not restricted to) arts & craft displays, antique shops, riding schools, special-interest farms, potteries and the like generally operating on a commercial basis.

Sports and services clubs – including (but not restricted to) bowls, golf and RSL facilities.

General

All activities associated with the procurement, installation and maintenance of signs will be carried out by Council.

Sign Format

The format (size, lettering, colours, etc.) and the installation of each sign shall be in accordance with Queensland Transport's "Manual of Uniform Traffic Control Devices" wherever applicable, and as finally determined by Council.

Colours shall be in a reflective medium as follows:

- Community, sport and club facilities – white text on blue background
- Tourist facility – white text on brown background,

Requests

Requests for the provision of a sign/s on a Council road must be received in writing (letter, facsimile or email) and include the following information so that the matter can be properly considered:

- the exact wording required on the sign (e.g. "Sports Centre", "Historical Museum"; and,
- the proposed location/s of the sign/s (e.g. "intersection of Jones Road and Smith Street").

Requests for signs on State controlled roads shall be referred to the relevant State-government department.

Approval

Approval shall be by resolution and at the discretion of Council with due regard for safety, visual amenity, existing signage and other aspects as appropriate. Such approval shall state the costs associated with the supply and installation of the sign/s, the initial period for which the approval applies and the process to be followed for any extension of the approved period.

Information signage may include the type of undertaking only, business names shall not be placed on information signage.

To avoid information overload a maximum of three (3) signs may be approved at any location. The street name signage or any other required signage will be counted as part of this number.

Community and Tourist Facility direction signage will not be approved on posts associated with regulatory signage.

Approval period

Approved signs will be installed for a period of five years. A request for an extension of approval can be made in the final year of the approved period. If no application is received by the end of that year, the sign may be removed by Council.

Replacement and removal of signs

If a sign becomes unserviceable (damaged / faded / defaced), Council may remove the unserviceable sign and notify the relevant organisation, requesting payment for the supply and installation of a replacement sign. If payment is not received, a replacement sign will not be installed.

Where it can be confirmed within an approved period that a sign is no longer applicable or relevant (e.g. the facility has been relocated, or an organisation is defunct), the sign will be removed by Council at the earliest opportunity.

Associated Costs

The applicant will cover all costs associated with the supply, installation and maintenance of approved signs.

Not for profit community groups may apply to Council for a Community Assistance Grant to assist with these costs.

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 .

Decision:	Moved - Cr Gaedtke	Seconded - Cr Brieschke
	<p>"THAT Council's Policy 1.14 Signs (Facilities and Tourist Direction Type) be repealed.</p> <p>THAT Council adopt Policy OP013 – Community and Tourist Facility Direction Signs dated August 2017 as follows -</p>	
	Policy Subject/Title:	Community and Tourist Facility Direction Signs
	Policy Number:	OP013
	Responsible Officer:	Director Operations
	Authorised by:	Somerset Regional Council
	Considered at:	Ordinary Council Meeting 9 August 2017
	1. OBJECTIVE	
	<p>The purpose of this Policy is to achieve a uniform approach to the provision and installation of direction signs* associated with community and tourist-related facilities. (* on Council roads only)</p>	
	2. BACKGROUND	
	<p>Council receives requests from various sources including:</p> <ul style="list-style-type: none"> local community-based organisations, 	

- business operators,
- government bodies and
- tourist facilities

These requests seek the provision of direction signs indicating the location of their facilities. Requests relate to facilities of general interest to the community (e.g. churches, halls, sporting facilities and clubs) or private businesses wanting to “advertise” their whereabouts to prospective customers.

Signs of this nature are currently in place throughout the Somerset region as a result of requests to Council from:

- local organisations and businesses involved in tourism development activities, these signs having been provided and installed at the respective organisation’s or business’ expense, and
- community service (non-profit) organisations, signs having been provided and installed with Council assistance

3. PURPOSE

To provide guidance to Council officers in relation to the provision, maintenance and removal of direction signs for various organisations within Somerset region.

4. SCOPE

This policy relates to all direction signage installed by Council on Council road reserves.

5. POLICY

Definitions

The facilities addressed in this Policy are defined below.

Community – including (but not restricted to) church buildings, not-for-profit club houses (e.g. Scout Dens), civic centres/town halls, showgrounds, sporting and recreational grounds and facilities, emergency services, airports, hospitals, municipal offices, depots and tips, post offices, railway stations, shopping centres, education institutions and other non-profit institutions.

Tourist – including (but not restricted to) arts & craft displays, antique shops, riding schools, special-interest farms, potteries and the like generally operating on a commercial basis.

Sports and services clubs – including (but not restricted to) bowls, golf and RSL facilities.

General

All activities associated with the procurement, installation and

maintenance of signs will be carried out by Council.

Sign Format

The format (size, lettering, colours, etc.) and the installation of each sign shall be in accordance with Queensland Transport's "Manual of Uniform Traffic Control Devices" wherever applicable, and as finally determined by Council.

Colours shall be in a reflective medium as follows:

- Community, sport and club facilities – white text on blue background
- Tourist facility – white text on brown background,

Requests

Requests for the provision of a sign/s on a Council road must be received in writing (letter, facsimile or email) and include the following information so that the matter can be properly considered:

- the exact wording required on the sign (eg "Sports Centre", "Historical Museum"; and,
- the proposed location/s of the sign/s (eg "intersection of Jones Road and Smith Street").

Requests for signs on State controlled roads shall be referred to the relevant State-government department.

Approval

Approval shall be by resolution and at the discretion of Council with due regard for safety, visual amenity, existing signage and other aspects as appropriate. Such approval shall state the costs associated with the supply and installation of the sign/s, the initial period for which the approval applies and the process to be followed for any extension of the approved period.

Information signage may include the type of undertaking only, business names shall not be placed on information signage.

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Where it can be confirmed within an approved period that a sign is no longer applicable or relevant (e.g. the facility has been relocated, or an organisation is defunct), the sign will be removed by Council at the earliest opportunity.

Associated Costs

The applicant will cover all costs associated with the supply, installation and maintenance of approved signs.

Not for profit community groups may apply to Council for a Community Assistance Grant to assist with these costs.

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 9 August 2017."

Carried

Subject:	Operational Report for July 2017
File Ref:	Governance – Reporting – Officer Reports
Action Officer:	CSSA

Background/Summary – Technical Design Team (Michael Kinion)

This team continues to develop detailed designs for the 2017/18 capital works projects. They have provided support to the construction crews, on roadworks at Main Street and Lindemans Road intersection, Lowood, Wivenhoe Pocket Road, Wivenhoe Pocket, the construction of Ferny Gully Bridge, Fernvale and associated shared path and Gregors Creek Road. They have provided Traffic Guidance Schemes for the Parks and Gardens team. The Technical Design team continue to set out traffic counters within the region to update Council's information. The assets system is now updated to include road inspections and continues to be updated with the stormwater and cemeteries.

Permit	July-17	July-16
Property Searches	63	18
Land Access Permit	25	45
Property Access Applications	8	2
National Heavy Vehicle Regulator Permits - Dwellings	9	9

National Heavy Vehicle Regulator Permits - Other

9

15

Background/Summary – Works Department (Rob Bouchier)*Weather Conditions:*

Cool and generally fine conditions have prevailed, some lost time due to ongoing morning fog.

Gary Eastell - Foreman:*Northern Maintenance Crew (Greg Rolph)*

This crew has completed maintenance on Kipper Creek Road, Biarra, Scrub Creek Road, Bowdens Lane and Challie Road. The crew has now commenced work on the widening project on Wivenhoe Pocket Road. This will be ongoing for the next few weeks.

Excavator crew (Dave Bandit)

There have been eight burials during July. This crew has continued with ongoing drainage maintenance and clean up of illegal dumping sites, including 305 tyres on a TMR site near Geoff Fisher Bridge, Brisbane Valley Highway, Fernvale. Police were notified.

Landfill (Rob Hester)

The waste operations are continuing as normal at Esk Landfill.

Wayne Kohler - Foreman:*Southern Maintenance Crew (Thomas Varney)*

This crew has now completed maintenance on Goan Lane, Harris Road, Klass Road, Lowood Hills Road, Wendts Road, Pakleppa Road, Blind Gully Road, shoulders on Wirraway Lane and Nunns Road. The crew will be continued with maintenance over the next few weeks in the Lowood and Coominya areas.

Esk Concrete Crew (Ron Ratcliff)

This crew is working on the Main Street and Lindemans Road intersection upgrade at Lowood. Works include underground storm water placement and preparation for kerb and channel.

Doug Freeman - Foreman:*Kilcoy 1 Grader Crew (Stuart Gardner)*

This crew is continuing with maintenance grading on Toogoolawah Biarra Road shoulders and Gregors Creek Road shoulders. It has now commenced works on Gregors Creek Road widening and overlay project. This will be ongoing for a number of weeks.

Kilcoy 2 Grader Crew (Lyle Crawford)

This crew has completed maintenance works on pavement repairs on Crossdale Road with a Prima seal placed on 28 July 2017. It has now made a start at Mary Smokes Creek Road on D'Aguilar Highway for TMR. This work is expected to be completed by mid/late August.

Bob Peters – Foreman:*Austroroads Patching Crew 1 (Clinton McLeod)*

This crew has continued with ongoing patrols for potholes, spray sealing of minor works and repairs as required. This crew has also assisted other crews as required.

Austroroads Patching Crew 2 (Craig Thompson)

This crew is assisting other crews as required due to a hydraulic pump failure in this truck. The truck should be back in action in the coming week.

Bitumen Crew (James Rolph)

This crew has undertaken a number of pavement repairs and drain cleaning activities on Gregors Creek Road, Watsons Road, Crossdale Road and drains in Fernvale. It also has asphalted the new footpath at Somerset Dam and has also completed a couple of QUU road crossing repairs. This crew now has their new Skid steer and profiler in operation. The new skid steer trailer is still under construction and is expected to arrive in 3-4 weeks.

Bruce Zinn - Foreman:***Bridge Crew: (Kerry Kubler)***

The bridge crew has completed the abutment construction at the footbridge in Fernvale. The bridge is expected to be placed on Monday 31 July. It has commenced the construction of the new concrete footpath from Clive Street to the Fernvale Sports ground. The crew is also continuing with ongoing Bridge inspections as time permits.

Kilcoy Concrete Crew: (Nigel Valentine)

This crew is working on replacing a number of concrete pipes on the Gregors Creek Road widening and overlay project.

Nelson Handyside – Senior Foreman:***Repair Crew: (Jim Walker)***

This crew has completed the signage scheme on Glamorgan Vale Road and is continuing with ongoing sign repairs and customer service requests. It has also continued with asphalt crack sealing in the Fernvale area, line marking in a number of locations and culvert reconstruction on Rollmans Estate Road.

Town Maintenance Crew: (Steve Nutley Acting Ganger)

This crew is continuing with ongoing customer service requests and pro active repairs. It is also continuing with crack sealing streets and roads within the Fernvale area.

Charlene Meehan – Foreman:***Esk Gardeners:***

This crew is continuing to undertake general garden and tree maintenance, undertaking grounds maintenance in preparation for park/community events. Also arrangements are also being made for annual leave during the off-peak period (winter).

Esk and Lowood Mowing Crew:

The mowing crew is completing the final mowing round for the current season and undertaking grounds maintenance preparation for park/community events. It is also delivering event and residential bins. This crew will soon commence taking annual leave during the off-peak period (winter).

Kilcoy Mowing Crew and Gardeners

This crew is continuing with mowing rounds, garden and grounds maintenance and grounds maintenance in preparation for park/community events including delivery of event bins. It has commenced taking annual leave during the off-peak period (winter).

SRC Slasher Operators:

The slasher operators have commenced the winter flail mowing round and operators have been assisting parks and gardens staff. Also they are making plans for taking annual leave during off-peak period (winter).

Town Stewards:

Town stewards are continuing their usual cleansing duties as well as general mowing, grounds, asset and facility maintenance activities. Arrangements are also being made for

annual leave during off-peak period (winter).

Peter Heath – Workshop Foreman:

Mechanics:

The mechanics have continued with ongoing servicing and maintenance of Council fleet along with services and repairs to floating plant items. The workshop has carried out quarterly servicing and inspection on all Council and SES trailers.

P.587 Ausroads unit - removed the hydraulic pumps and they are currently away being reconditioned. It has also had the passenger seat repaired.

P.676 Walker - replaced blower assemblies for grass catcher system. Replaced due to normal wear.

New four post truck hoist for Esk workshop has been installed and is in service.

New bobcat skid steer loader for bitumen crew arrived and is in service.

New trailer for excavator truck combo is currently being fitted out by workshop.

Four repairs carried out on IWS trucks.

Four new lease vehicles arrived in July.

Monthly check and start test on emergency gensets were carried out at Esk office, Fernvale Futures and Kilcoy Depot. Quarterly electrical test and tag carried out on all Council portable equipment.

Welding Crew:

This crew has carried out various repairs to Council assets including parks, gardens and buildings around the Region. It has installed hand rails at both Short Street, Somerset Dam and Simpson Street, Fernvale. The crew has also installed bike safe hand rails at Prospect Street, Lowood.

It has carried out quarterly operational inspections on all Council playground equipment and completed the fabrication of rack for new skid steer trailer to carry bucket and broom.

Hire Plant:

Trucks, excavators, water trucks, rollers have been hired as needed. Council's bitumen contractor, COLAS, has completed new work on various construction jobs.

Background/Summary – Customer Service Requests (Debbie Chandler)

Council received 539 customer service requests for the month of July 2017. Copies of the reports are attached for your information.

Month	No. of CSR's Received	For Comparison Month	No of CSR's Received
Jul-17	539	Jul-16	462
Aug-17		Aug-16	529
Sept-17		Sept-16	590
Oct-17		Oct-16	541

Nov-17		Nov-16	557
Dec-17		Dec-16	423
Jan-18		Jan-17	584
Feb-18		Feb-17	633
Mar-18		Mar-17	686
Apr-18		Apr-17	578
May-18		May-17	679
June-18		June-17	594
Total	539	Total	6856

The top five requests received from customers during the month of July 2017:

- Roads/Bridges/Drainage – Gravel Roads - 37
- Roads/Bridges/Drainage – Vegetation - 36
- Roads/Bridges/Drainage – Bitumen Roads - 35
- Request to Impound Dogs, Cats – 33
- Dogs Wandering at Large - 28

Recommendation

THAT the report be received.

Decision: Moved - Cr Oqq Seconded - Cr Brieschke

“THAT the report be received.”

Carried

Subject:	Kilcoy Race Club Inc - Permission to install proposed underground irrigation pipelines
File Ref:	Community relations - liaison - community groups [Doc 966287]
Action Officer:	WM

Background/Summary

The Kilcoy Race Club Inc has written to Council seeking permission to install a new underground irrigation pipelines from the Queensland Urban Utilities Wastewater Treatment Plant to the race circuit.

The Kilcoy Race Club has been successful with receiving funding from Racing Queensland to install proposed new underground irrigation pipelines. It is advised that Racing Queensland has approved expenditure to complete this project which will be managed by them under their Infrastructure Protocols. Kilcoy Race Club has provided a sketch of the preferred location of the irrigation pipelines (refer to attached).

Racing Queensland has advised that they are currently scoping the project with the aim of calling tenders by 16 August 2017, with a closing date of 31 August 2017. Kilcoy Race Club has advised that they have contacted Queensland Urban Utilities regarding this matter and are supportive of the irrigation pipelines subject to it being installed underground.

A Council Engineer met with a representative of the Kilcoy Race Club on-site on the 7 August 2017 to review the planned alignment for the proposed underground irrigation

pipelines. It is suggested the proposed irrigation line is low risk to Council provided the following conditions are observed:

- That the irrigation line is installed in a manner that meets the requirements of Queensland Urban Utilities associated with the quality and/or class of reclaimed water provided. That written confirmation from Queensland Urban Utilities is provided advising that they are satisfied with the proposed installation of the irrigation pipelines and construction methodologies.
- That the irrigation line is installed in a manner which meets Racing Queensland Infrastructure Protocols and all construction works performed in accordance with the Workplace Health and Safety Act.
- That the successful contractor is responsible for locating existing underground infrastructure and resolving any conflicts with existing underground services should they become apparent.
- THAT advice be provided to the existing lessee of the parcel of land where the proposed underground irrigation is to be laid prior to works commencing.
- That the Kilcoy Race Club advise other applicable users of the Kilcoy Showground precinct of any expected inconveniences during construction of works.

Attachments

Sketch showing the proposed layout

Recommendation

THAT Council as trustee grants approval to Kilcoy Race Club installing underground irrigation pipelines from the Queensland Urban Utilities Wastewater Treatment Plant to the Kilcoy Race Club Circuit subject to the following conditions:-

- That the irrigation line is installed in a manner that meets the requirements of Queensland Urban Utilities associated with the quality and/or class of reclaimed water provided. That written confirmation from Queensland Urban Utilities is provided advising that they are satisfied with the proposed installation of the irrigation pipelines and construction methodologies.
- That the irrigation line is installed in a manner which meets Racing Queensland Infrastructure Protocols and all construction works performed in accordance with the *Workplace Health and Safety Act*.
- That the successful contractor is responsible for locating existing underground infrastructure and resolving any conflicts with existing underground services should they become apparent.
- That the Kilcoy Race Club advise other applicable users of the Kilcoy Showground precinct of any expected inconveniences during construction of works.

THAT council provide advice to the current lessee of the area regarding this approval.

Decision:	Moved - Cr Hall	Seconded - Cr Gaedtke
	"THAT Council as trustee grants approval to Kilcoy Race Club	

installing underground irrigation pipelines from the Queensland Urban Utilities Wastewater Treatment Plant to the Kilcoy Race Club Circuit subject to the following conditions:

- THAT the irrigation line is installed in a manner that meets the requirements of Queensland Urban Utilities associated with the quality and/or class of reclaimed water provided. That written confirmation from Queensland Urban Utilities is provided advising that they are satisfied with the proposed installation of the irrigation pipelines and construction methodologies.
- THAT the irrigation line is installed in a manner which meets Racing Queensland Infrastructure Protocols and all construction works performed in accordance with the *Workplace Health and Safety Act*.
- THAT the successful contractor is responsible for locating existing underground infrastructure and resolving any conflicts with existing underground services should they become apparent.
- THAT the Kilcoy Race Club advise other applicable users of the Kilcoy Showground precinct of any expected inconveniences during construction of works.

THAT council provide advice to the current lessee of the area regarding this approval."

Carried

Subject:	Community Assistance Grants 2017-2018 Esk Country Golf Club Inc Doc Id 967179
File Ref:	Community Relations – Sponsorships – Donations
Action Officer:	DHRCS

Background/Summary

To assist with the costs of holding the Esk 1000 being held on the 12 and 13 August 2017:

Amount requested:	\$	1,500
Total cost of project:	\$	N/A
Amount recommended to be granted:	\$	500

Assessor's Summary

The applicant has requested in writing that this application be considered by Council outside of the specified funding rounds due to the timelines of the event.

Esk Country Golf Club annually hosts a two day event known as the Esk 1000. The event is a 36-hole competition and attracts players from clubs around the region with prizes given over the two days totalling \$1,000. The club would like to grow the event to the Esk 1500 with \$1,500 in prizes.

The golf club anticipates that this event will:

Attract new members

Increase community awareness of the club and its amenities and attractions

Raise money for the club to maintain the course and machinery which is an ongoing concern.

The applicant states that all prizes and catering for the weekend will be purchased from local businesses and that benefits for the community include:

- Promoting golf as a sport for all ages and conditions
- People visiting for the weekend will visit local businesses and attractions
- Overall this event is aimed at promoting healthy and social benefits for the community.

Attachments

Nil

Recommendation

THAT the application as summarised in this report be approved for funding and \$500 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist with costs associated with holding the Esk 1000 being held 12-13 August 2017.

Decision:	Moved - Cr Hall	Seconded - Cr Brieschke
<p>“THAT the application as summarised in this report be approved for funding and \$500 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist with costs associated with holding the Esk 1000 being held 12-13 August 2017.”</p> <p style="text-align: right;"><u>Carried</u></p>		

Subject:	Tourism and Promotions Report July 2017
File Ref:	Tourism – Promotions
Action Officer:	CMM

The following is the end of monthly summary of activities relating to the three visitor information centres in Somerset (Esk, Fernvale and Kilcoy) and the Somerset Regional Art Gallery – The Condensery (Toogoolawah) for July.

Visitor Statistics

	Somerset	Brisbane	Other SEQ	Rest of Qld	Interstate	International	Total
Esk VIC	74	174	163	49	200	25	685
Kilcoy VIC	87	170	150	80	246	55	788
Fernvale VIC	196	116	48	19	41	2	422
SRAG - The Condensery	165	88	50	9	32	1	345

Visitor Motivators

The top three reasons visitors attended each respective centre.

	First	Second	Third
Esk VIC	Tourist drives	Arts and culture	Caravanning and camping
Kilcoy VIC	Caravan and Camping	Tourist drives	Environmental Centre
Fernvale VIC	Meetings	Trails and Walks	Food and Wine / Heritage
SRAG - The Condensery	Gallery Exhibition	Art and Culture	Workshops

Merchandise Sold

The top three merchandise items sold at each centre.

	First	Second	Third	Total \$ Value
Esk VIC	Postcard	Magnet	Water bottle/ bumper sticker	\$11
Kilcoy VIC	Water Bottle	Postcard	Magnet/ Stubby cooler	\$78
Fernvale VIC	Postcard	Water Bottle	Stubby Cooler	\$28

NB: No merchandise is currently sold at the Somerset Regional Art Gallery – The Condensery.

Volunteers

	Active Volunteers	Non Active Volunteers	Total	Resignations	New Volunteers
Esk VIC	11	3	14		
Kilcoy VIC	14	2	16	1	
Fernvale VIC	18	1	19	1	
SRAG - The Condensery	8	4	12	1	
	51	10	61	3	

Other

The next volunteer family will be held on Tuesday, 19 September.

Room Bookings

	Number of Room bookings/hires	Total \$ value from Room bookings/hires
Esk VIC	0	\$0

Kilcoy VIC	3	\$80
Fernvale VIC	29	\$1320
SRAG - The Condensery	2	\$0 (workshops)
Fernvale Community Hall	21	\$576
Fernvale Showgrounds	1	\$0 (Cancelled booking)

Trade Shows

Gold Coast Midyear Caravan and Camping Expo plus home and outdoor living ideas
28-30 July – Gold Coast Turf Club, Bundall.

Council was offered a free booth/stand to attend this expo in return for a prize and three 15-20 minute presentations daily promoting the region.

A prize to the value of \$500 has been offered by Council with Esk Caravan Park donating a \$100 accommodation voucher and Ottaba Llamas donating two Llama walks, other prizes are being sourced.

Note: Council has never had a presence at this trade show before. This trade show is organised by the same company that organised the Nambour and Toowoomba trade shows. Numbers through the gates were about 4% down (estimated 10,000 people) over the three days of the event. No operators attended the trade show.

Outdoor Adventure and Motoring Expo plus Hunting Expo
4-6 August at the Toowoomba Showgrounds

One operator attending – Esk Caravan Park and 11 operators provided brochures for the promotional bags. Competition with donated prizes from operators will be offered.

Exhibition

Somerset Regional Art Gallery – The Condensery has had a Kathy Ellem artist exhibit, *Diverse Passions*, on display at Toogoolawah from Saturday, 10 June 2017 until 6 August. Three weekend workshops have been held throughout the region to coincide with this exhibit as well as casual cafe art workshops. This exhibit formed part of a RADF application by Council. All workshops have been well attended with about 20 participants each time.

Events

Somerset Garden Competition

Further feedback from Valley of the Lakes Garden Club was received regarding the planned timeframes for the competition. Feedback was taken on board by Council and resulted in the competition being extended from September to Sunday, 8 October 2017. Open garden viewing will now occur on the last two weekends of October.

Promotional material has been approved and distributed accordingly in preparation for the event.

Major event sponsor: Searles Garden Products – Kilcoy.

Mayoral Gala Charity Ball

Saturday, 9 September 2017

Council will be holding a mayoral gala charity ball event with profits from the event to be held in trust by Council to assist people suffering from disability, homelessness, trauma, abuse or neglect in Somerset. Sponsorship for the event has resulted in four event sponsors coming on board, two gold sponsors, and three silver sponsors. Advertising of the event started in June.

Somerset Seniors Week

Friday, 25 August 2017

Council is again hosting the regional seniors week event at the Somerset Civic Centre in Esk.

Christmas Lights Competition

Planning has started on this project. Further design and advertising will be completed early August. Entrants encouraged from late September 2017.

Australia Day Awards Ceremony

Friday, 26 January 2018

Morning Tea and Awards Ceremony

Nomination forms are available online and have been emailed to bursary recipients and tourism volunteers. Community groups have been contacted.

Queen's Baton Relay

27 March 2018

Council nominated Batonbearer submission has been submitted, traffic plan is completed as a working document.

GOLDOC will visit Kilcoy on Sunday, 27 August for relay and stop timings.

The next local working group meeting is to be confirmed for September.

Community celebrations are to be organised for after the relay.

Reel Wivenhoe Classic

Has been postponed until July 2018. New date to be confirmed. Fishing Competition to be held at Logan Inlet in conjunction with Garry Fitzgerald and support from Seqwater.

Dedication Ceremony – Norman sculpture and plaque

The Queensland Governor has confirmed his attendance at the Somerset Regional Art Gallery – The Condensery on Saturday, 30 September 2017. Mr de Jersey will be officially unveiling the Norman red deer sculpture and plaque. This event marks the 144th anniversary of the introduction of red deer into Queensland and Somerset. The community will be invited. An exhibit by artists Susan McConnel and Bodo Muche will be on display at the same time as too will displays from students at both schools in Toogoolawah.

Kilcoy BBQ and Beer Festival (non Council event)

Saturday, 16 September 2017

Event promotion has been offered via social media, Experience Somerset website events listing, Visit Brisbane, ATDW, and messages on the electronic sign in Kilcoy once Council approvals have been provided.

Promotions

Events have been uploaded to the Visit Brisbane website for the Mayoral Gala Charity Ball.

Content and photographs have been provided for the Visit Brisbane spring/summer visitor

guide.

Creating online content for free listings with ATDW. This will increase online presence for tourism in Somerset.

Events are continually updated on the Experience Somerset website.

Electronic signs – events placed on signs throughout the region.

Graphic design and promotional material/merchandise to support all events is created by the tourism team on an ongoing basis.

Social Media

Social Media: Facebook

Current page likes for Experience Somerset as at Monday, 31 July: 1775

Breakdown of the page visits per the below.

Date	Page Visits	Page likes	Total Reach	People Engaged	Total Page Likes
3-9 July	23	8	3827	441	1769
10-16 July	20	4	1948	295	1772
17-23 July	32	6	3036	469	1773
24-31 July	19	7	3314	502	1775

Instagram

Current followers as at Monday, 31 July: 466

Social Media Promotions/Campaigns

A social media competition will be run at the Outdoor Adventure and Motoring Expo in Toowoomba in August.

Operator Relationship Building

Detail of activities that have occurred to engage tourism operators.

All Somerset operators were contacted and given the opportunity to participate in the Gold Coast Midyear caravan and camping expo plus home and outdoor living ideas and the Queensland Outdoor Adventure and Motoring Expo. One operator is attending the Queensland Outdoor Adventure and Motoring Expo (Esk Caravan Park). Some operators have providing brochures or prizes in the competition.

Attachments

Nil

Recommendations

THAT the report be received.

Decision:	Moved – Cr Whalley	Seconded - Cr Ogg
	“THAT the report be received.	
	THAT council investigate the commissioning of a Queensland artist to	

record the dedication ceremony by Governor de Jersey of “Norman” the red deer at The Condensery.”

Carried

Closed session

Subject:	Offer of Lease / purchase – Enterprise Centre, Lowood
Reference:	Council properties
Action Officer:	DCORP

Decision: Moved – Cr Hall Seconded - Cr Whalley

“THAT Council move into a closed session to consider a confidential contractual matter.”

Carried

Decision: Moved – Cr Whalley Seconded - Cr Hall

“THAT Council move out of the closed session and that the meeting be once again open to the public.”

Carried

Decision: Moved – Cr Whalley Seconded - Cr Hall

“THAT –

- (i) The offer dated 1 August 2017 of Peter Johnson, on behalf of Comfort Zone Insulation, for the lease and/or purchase of council’s property at 2 Kleinhans Court, Lowood not be accepted;
- (ii) The Chief Executive Officer be authorised to negotiate with the proponent to determine a long term lease or sale for the property.”

Carried

Meetings authorised by Council

LGAQ Annual Conference – Gladstone – 16 – 18 October 2017

Decision: Moved – Cr Ogg Seconded - Cr Choat

“THAT the Mayor, Deputy Mayor, Cr Gaedtke and Cr Whalley be authorised to attend the 2017 LGAQ Annual Conference in Gladstone from 16 – 18 October 2017.”

Carried

Mayor's and Councillors' Reports

Cr Brieschke – Councillor's report

28 July	Meeting with Somerset Dam Residents and Ratepayers group
29	Opening of the two day Kathy Ellem workshop at The Condensery ARROW AGM
2 Aug	Opening of Lowood Recreational Grounds extension
5	BV Rail Trail 'End2End Ride check point, Toogoolawah Railway Station BV Bulls Home Games, Esk Recreation Grounds BV Apex Club Annual Change Over dinner, Esk
8	Tourism Advisory Committee meeting

I attended the opening of the Kathy Ellem charcoal workshop held at The Condensery last week-end. 20 artists attended this successful workshop and from all accounts participants were pleased with skills learnt and I have seen some wonderful results.

I would like to congratulate Toogoolawah State High School students Taylor Williams, John and Olivia Delaforce on being awarded first in the Interschool Young Judging cattle competition at the Ekka. This is an outstanding achievement for Toogoolawah High Schools agricultural program on their second year back competing at the Ekka.

They beat 27 other school teams with Downlands College, Toowoomba, placed second and St Joseph's High School, Aberdeen, third.

Cr Choat – Councillor's report

26/07/2017 Somerset Regional Council General Meeting and Workshop - Council Chambers Esk

27/07/2017 Glamorgan Vale QCWA Celebration

The Glamorgan Vale QCWA celebrated 87 years since they were formed and took the opportunity for holding a Christmas in July celebration also. Nicky is a member of the Glamorgan Vale QCWA Branch and I had the honour of donning my Santa suit to add a little colour to the day. We all had a terrific time with a full hall and a wonderful lunch. I very much enjoyed being Santa and some laughs were had by all particularly Mrs Desley Vogler who was happy to sit on Santa's knee.

2/08/2017 Esk 50 and Better Club Annual General Meeting

It was an honour to be invited to preside over the election of office bearers at the Esk 50 and Better Club. They are a fun-loving bunch who really enjoy each other's company, have some laughs and share fellowship and mutual support of each other. I congratulate all past and incoming office bearers and thank them for their efforts.

2/08/2017 Lowood Recreation Park Official Opening

Was great to be in attendance at the Lowood Recreation Grounds to see the new playing field and three sealed netball courts opened. Once again A&M Civil has done an outstanding job on the works. I am sure our local clubs will enjoy the new facilities. The Lowood Stags made me feel most welcome presenting me with a team polo which I will wear with pride.

8/08/2017 Valley of the Lakes Garden Club General Meeting

As a member of the Garden Club it is always a pleasure to attend their meetings and events. The Club has a great membership and we always share a wonderful morning together. This month I was asked to talk about Somerset Regional Council's inaugural Garden Competition. This event will provide great opportunity for the club's members and other keen gardeners across the region to showcase their talents in the garden. I am grateful to Di McAuley whose inspiration led to this event and I thank Beth McGrath for her assistance of Council and Searles who as an Australian renowned company will be supporting the event. I look forward to touring the participating gardens.

Cr Ogg – Councillor's report

Cr Ogg noted his attendance at the Lowood Recreation ground opening of the new field and would like to congratulate Council for having the foresight to provide this very valuable field to the very busy local recreation grounds.

Cr Gaedtke – Councillor's report

31 July	Somerset Seniors Week Committee Meeting
01 August	"Beyond School Expo 2017" Kilcoy State High School
02 August	Lowood Recreational Complex Extension Opening
02 August	Gatton University Community Advisory Meeting - cancelled
03 August	Brisbane Valley Heritage Trail Committee Meeting
08 August	Somerset Tourism Advisory Committee Meeting
09 August	WISE Meeting – Hazeldean

Beyond School Expo 2017 – Kilcoy State High School

The evening was well supported with the Kilcoy Memorial Hall overflowing with students, parents, community members, carers and many stall holders. The stall holders provided very valuable information and advice to very inquisitive minds. Well done Kilcoy State High School.

Lowood Recreational Complex Extension Opening

Users of the Lowood Recreational Complex will benefit greatly from the extension of the existing playing fields. It was a gratifying experience to watch the children arrive for their chosen choice of sports. The vision of the previous Council and the availability of funding has made this much-needed sports facility grow to meet the expectations of the Lowood community. A lovely afternoon shared with fellow Councillors, Jim Madden MP, funding officers, council officers and community members.

Brisbane Valley Heritage Trails Committee Meeting

The monthly meeting was held at Heritage House Yarraman and committee member Elizabeth DeLacy presented to the membership the "Early History of Racing in the Brisbane River Valley". The recollection begins with the history of Nanango, Esk and Wivenhoe Race Clubs. Ms DeLacy will complete the record by inclusion of other race clubs located between Fernvale and Nanango at a later date. The committee also discussed a proposed heritage (tourism based) route from Brisbane through Caboolture, Kilcoy and onto Nanango with a corresponding heritage route identified from Ipswich, through Esk and again onto Nanango. This proposed tourism based route will utilise part of Queensland's Highway 17 tourism route identified many years ago by local authorities. Highway 17 (Burnett Highway) was advertised as "The Alternative Route" and covered Ipswich in the South to Rockhampton in the North, and offered 700kms of relaxing travelling for all tastes. Highway 17 provided

tourist and other travellers an alternative to travelling the main highway. The committee also expressed a desire for South Burnett Regional Council to partner with Somerset Regional Council to organise a fishing competition utilising dams located in both local authority areas.

Small Schools Carnival and Linville/Harlin Sports Carnival

Congratulations to Harlin State School for achieving the Highest Aggregate Trophy award at the Small Schools Carnival held at Cooyar State School. The Harlin State School was also successful at the Linville/Harlin Sports Carnival by winning the Ball Games Trophy and the carnival overall.

Somerset Regional Council Dry July Team 2017

The team of nine members raised approximately \$1,600 to Dry July Foundation (Supporting Qld). A total of 1979 supporters raised approximately \$308,000 has been raised state wide through this initiative, which can make a difference to people affected by cancer. I would like to thank all those wonderful and caring people who donated to my fund-raising page, and I am pleased to report that approximately \$550 was generously donated.

Brisbane Valley Rail Trail – Successful Australian Government’s Building Better Regions Funding Submission

Congratulations to all those concerned who have championed this project. From the assistance given by State and Federal Government Members, local community groups, local residents, and of course the very descriptive and factual funding submission made on 27 February 2017 by Council’s Director of Finance, Mr Geoffrey Smith. Well done, and with this standard of teamwork and ongoing support, Brisbane Valley Rail Trail will now become reality, and the fruition of a great tourism and economic asset for Somerset.

Toogoolawah State High School – First place ribbon from the Interschool Team Young Judging event at the Ekka

Toogoolawah State High School students Taylor Williams and John and Olivia Delaforce beat 27 other school judging teams to be named first in the Interschool Young Judging competition by judge James Dockrill, Casino, NSW. A great achievement and it’s only the school’s second year back competing at the Ekka after their agriculture program began to lose momentum. While the school has about 270 students, only 12 are committed to their cattle club. A great achievement!

Building Better Regions funding – great to see with teamwork we can achieve such wonderful things for our region.

Decision:	Moved - Cr Choat	Seconded - Cr Ogg
	“THAT the written and verbal reports of Crs Brieschke, Choat, Ogg and Gaedtke be received and the contents noted.”	
		<u>Carried</u>

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 11.15am.

APPENDIX A

**Appendix A - Somerset Regional Council
Brisbane Valley Rail Trail construction completion**

♦BRISBANE RIVER

