



**Minutes of Ordinary Meeting
Held Wednesday 10 April 2019**

*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 J Bradshaw | (Chief Executive Officer) |
| Mr M McGoldrick | (Director Corporate and Community Services) |
| Mr A Johnson | (Director Operations) |
| Mr P Tabulo | (Director Planning and Development) |
| Mr G Smith | (Director Finance) |
| Mrs K Jones | (Director HR and Customer Service) |
| Mrs H Golinski | (Minute Secretary) |
| Ms M Maeseele | (Communications and Marketing Manager) |

CONTENTS

| | | | |
|--|-----|---|-----|
| 2019 Yellow Ribbon National Road Safety Week | 134 | Centre, Somerset Civic Centre and Kay Avery Place | 107 |
| Business arising out of minutes of previous meeting | 4 | Financial reports | 103 |
| Child Protection Week Gala Ball Request for Financial Support..... | 125 | Into closed session | 147 |
| Closed Session - Agenda Items 19, 36, 37 and 38 | 146 | Items for reports for future meetings ... | 151 |
| Closure of Meeting | 151 | Kilcoy Racecourse Development tenders | 107 |
| Combined Development Application 18335 - 8 Sandy Creek Road, Sandy Creek..... | 5 | Kilcoy racecourse development tenders – recommendation following close of tenders on 4 April 2019..... | 149 |
| Community Assistance Grants – Somerset Excellence Bursary 2018 – 2019 – Letitia Gregory | 137 | Leave of Absence | 4 |
| Community Assistance Grants – Somerset Excellence Bursary 2018 – 2019 – Isaak Gregory..... | 136 | Lowood Sport and Recreation Maintenance Program | 126 |
| Community Assistance Grants – Somerset Excellence Bursary 2018 – 2019 – Jorja Pinton | 135 | Matters of Public Interest | 4 |
| Community Assistance Grants 2018 – 19 Kilcoy Pastoral, Agricultural and Industrial Society Inc..... | 139 | Mayor's and Councillors' Reports..... | 150 |
| Confirmation of Minutes | 4 | Meetings authorised by Council | 150 |
| Conflict of Interest | 5 | Opening of Meeting..... | 4 |
| Conflict of Interest - Community Assistance Grants 2018 – 19 Kilcoy Pastoral, Agricultural and Industrial Society Inc..... | 137 | Operations Report for March 2019..... | 130 |
| Conflict of Interest – Item 13 | 60 | Out of closed session..... | 147 |
| Conflict of Interest – Item 19 | 146 | Pest Management Working Group Meeting – Biosecurity Plan Development | 60 |
| Consideration of notified motions | 151 | Planning and Environment Court Appeals- No 157 and 165 of 2019 | 148 |
| Coronation Hall Somerset Dam trial key agreement | 108 | Planning and Building Services Monthly Report – March 2019 | 67 |
| Council Covenantee request - 1 School Street, Moore..... | 72 | Queensland Urban Utilities March 2019 Board Update | 148 |
| Development Application 18368 - 7164 Brisbane Valley Highway, Toogoolawah | 44 | Receipt of Petition..... | 151 |
| Development Application 18244 - Mary Street, Kilcoy | 30 | Reception of notices of motion for next meeting..... | 151 |
| Development Application 18331 - 4 Corella Street, Lowood | 19 | Report on Federal Budget 2019/2020 . | 113 |
| Development Application 18350 - 196 Banks Creek Road, Fernvale | 73 | Sale of land for overdue rates or charges – 45 parcels totalling \$321,472 owed. 91 Shared Path Toogoolawah – Additional Plantings..... | 127 |
| Election hire fees – Kilcoy Information | | Sheep Station Creek Hall..... | 149 |
| | | Somerset Libraries Conditions of Entry policy | 120 |
| | | Sport and Recreation report – March 2019 | 114 |

State Government Waste Levy report for
March 2019..... 105

Temporary Entertainment Event – ANZAC
Day at Bottletree..... 61

Tenders for the Indoor Sports Facilities -
Kilcoy (Including Toogoolawah Gym)
and Fernvale and Swimming Pools –
Lowood, Esk, Toogoolawah and Kilcoy
..... 148

Tourism and Promotions Report March
..... 140

Town Entry Treatments and Speed Limit
Review..... 128

Vacancy on the Ministerial Advisory
Council – Flood Mitigation Manuals for
Wivenhoe, Somerset and North Pine
Dams..... 145

Opening of Meeting

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

Leave of Absence

Nil

Confirmation of Minutes**Resolution**

Moved – Cr Choat

Seconded – Cr Hall

“THAT the Minutes of the Ordinary Meeting held 27 March 2019 as circulated to all Members of Council be confirmed”.

Carried

Business arising out of minutes of previous meeting

Nil

Matters of Public Interest**Cr Gaedtke - Matters of public interest**

- 13 April Toogoolawah Charity Rodeo
- 13 April Community Sing for your Super - Esk
- 18 April Coffee with a Cop - Old Fernvale Bakery
- 20 April Somerset Dam and District Progress Assn. Annual General Meeting
- 21 April Esk Community Choir – Sings Easter Sunday Service - Esk

I would like to acknowledge the achievement of veteran shooter Daryl Stevens (Toogoolawah club) as top shot scorer (Veterans) for the Australian Clay Target shoot held in Roma on Sunday 7 April.

Well done to the Amazon Netball Team and the hundreds of girls and their supporters who packed the Fernvale netball courts on Saturday 6 April, at the first netball carnival held by the club.

Congratulations to Kilcoy Axeman, Gerald Youles for winning the Wood Chopping World Championship held at the 2019 Toowoomba Royal Show.

Cr Choat - Matters of public interest

On Saturday it was my pleasure to present awards at the Kilcoy Show Poultry Section. Being a regular sponsor of this section, exhibitors and stewards were pleased to see me. I was however shocked and disappointed to see that the Poultry Pavilion has deteriorated further and although the Show Society has secured funding to replace the structure the project is caught in with Council planning requirements.

We need to do better than this and I will work with the CEO, Planning Director and Show Society to ensure the new structure is delivered for the community and the betterment of the

local show movement.

This past week we have seen the worst in social behaviours through activism and bigotry on the part of irresponsible groups and individuals.

As a region based on agriculture we must be vigilant and stand with our producers to condemn the behaviours of these unscrupulous people.

Cr Brieschke - Matters of public interest

Toogoolawah Rodeo being held on 13 April 2019. There are a large number of Youth Week activities planned for the coming week. The rock climbing event held on Sunday, 7 April 2019 was very well received.

Mayor Lehmann - Matters of public interest

Book launch of "Racing in the Brisbane Valley". A copy of the book was tabled by the Mayor. Council gratefully received the donation of copies for its libraries. The Brisbane River Strategic Flood Plan release took place on 8 April 2019.

Conflict of Interest

Following training delivered by Local Government Association of Queensland on 3 April 2019, Cr Whalley noted a perceived conflict of interest in item 19 – Kilcoy Racecourse Redevelopment.

Cr Whalley advised that he currently has part ownership of horses that race interstate and they have not raced at Kilcoy and are not intended to race at the Kilcoy Race Track. Cr Whalley is making this declaration to seek clarity on whether or not a conflict of interest arises in this matter.

The Chief Executive Officer advised Cr Whalley that the matter would be noted and would be further addressed when the item on the agenda was to be discussed later in the meeting.

No further declarations of Conflict of Interest in the agenda items were notified at this time.

| | |
|------------------------|---|
| Subject: | Combined Development Application No 18335 - Application for a Development Permit for Material Change of Use for a Dwelling House (secondary dwelling); and |
| | Development Permit for Building Works assessable against the Planning Scheme for a Domestic Outbuilding (siting relaxation) |
| File No: | DA18335 |
| Action Officer: | PO - RC |

1.0 APPLICATION SUMMARY

Subject Land

| | |
|---------------------------|---|
| Location | 8 Sandy Creek Road, Sandy Creek |
| Real Property Description | Lot 1 on SP261622 |
| Area | 17.210 hectares |
| Current land use | Residential – Dwelling house and Domestic outbuilding |

Somerset Region Planning Scheme Version Three

| | |
|----------------------------|--|
| Zone | Rural |
| ShapingSEQ | |
| Land Use Category | Regional Landscape and Rural Production Area |
| Application | |
| Proposed Development | Secondary Dwelling and Carport |
| Category of Assessment | Code |
| Applicant/s | Oly Homes |
| Applicants contact details | C/- Building Approvals United QLD PO Box 654 Buddina QLD 4575 Email: info@bauq.com.au |
| Date application received | 1 February 2019 |
| Date properly made | 1 February 2019 |
| Referral Agencies | |
| Concurrence Agencies | Not required |
| Public Notification | Not required |

RECOMMENDED DECISION

Approve the Combined Development Application No. 18335 subject to the requirements and conditions contained in the Schedules and Attachments.

2.0 PROPOSAL

The applicant proposes to establish a Secondary dwelling in the south-western region of the site, 22m north of the existing Dwelling house. The applicant proposes the new Secondary dwelling will be occupied by the relatives of the Principal dwelling, which will continue be occupied by the landowner.

The proposed Secondary dwelling will be setback 13m from the front boundary and in excess of 15m from remaining boundaries. The Secondary dwelling will be single storey, slightly raised above ground and reaching a maximum height of 3.004m above the ground level. The proposed Secondary dwelling will use the existing access at Sandy Creek Road.

The applicant has proposed a carport associated to the Secondary dwelling. The carport will be attached and has a proposed setback of 10m from the street frontage boundary. The carport will be opened to all sides and will not reach the maximum height of 8.5m above the ground level.

The proposed Secondary dwelling will be approximately 43.69% gross floor area of the existing Principal dwelling. This complies with the acceptable outcome stipulated by the Dwelling house code. The site, proposed floor and elevation plans have been provided at Attachments 1, 2 and 3.

3.0 SITE DETAILS AND SURROUNDING USES

The subject site is an irregular shape rural property. The site is currently improved by an existing dwelling and a shed. The site boundaries are defined by D'Aguilar Highway to the south, Sandy Creek Road to the west and other neighbouring properties to the remaining directions. The proposed development footprint is relatively flat, cleared of significant vegetation and is not known to be prone to subsidence and erosion. Sandy Creek transverses the property.

The surrounding land uses are predominately rural and rural residential in nature, consisting of mixed size lots. The site is not located close to any known extractive resource activities or intensive animal industries.

4.0 STATE ASSESSMENT

4.1 Vegetation Management Act 1999

As per the Department of State Development, Manufacturing, Infrastructure and Planning's Development Assessment Mapping System, the proposed development footprint does not contain regulated vegetation.

4.2 Environmental Protection Act 1994

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

4.3 Planning Regulation 2017

The site fronts onto a State controlled road. However, as the development complies with the excluded material change of use definition stipulated in the *Planning Regulation 2017*, referral to the State Department is not required.

5.0 COUNCIL ASSESSMENT

An assessment against the relevant parts of the planning scheme is set out below.

5.1 Strategic Framework

An assessment against the Strategic Framework was not required as the proposed development is not an impact assessable development.

5.2 Code Compliance Summary

| Applicable Code | Compliance with Overall Outcomes | Performance Outcomes |
|------------------------------------|----------------------------------|----------------------|
| Rural zone code | Yes | PO1 |
| Dwelling house code | Yes | PO1 |
| Transport, access and parking code | Yes | Yes |
| Flood hazard overlay code | Yes | PO13 |

Rural zone code

| Performance outcome | Example |
|---|---|
| Building setbacks | |
| PO2 Building setbacks: (a) contribute to the maintenance of the rural character of the zone; and (b) manage potential amenity impacts on <i>sensitive land uses on adjoining premises</i> . | AO2 Buildings and structures are setback a minimum 15 metres from the <i>primary street frontage</i> of the site. |
| Performance Outcome Assessment | |
| The proposed Secondary dwelling and associated carport are setback 13m and 10m respectively from the primary street frontage of the site. | |
| The proposed Secondary dwelling and carport have a similar setback to the existing | |

Principal dwelling. The development will also not create amenity impacts to adjoining neighbours and will maintain the existing character of the Rural zone.

Dwelling house code

| <i>Performance outcome</i> | <i>Example</i> |
|--|---|
| General | |
| PO1 The scale, intensity, and siting of <i>dwelling houses</i> maintains the character and amenity of the locality. | AO1.5 The <i>dwelling house</i> is set back no less than 15 metres from the street frontage boundary in the Rural zone. |
| Performance Outcome Assessment | |
| The proposed Secondary dwelling and associated carport are setback 13m and 10m respectively from the street frontage boundary. | |
| The proposed scale and intensity of the Secondary dwelling is similar to other dwellings found in the locality and therefore will not create adverse impact to the existing character and amenity of the area. | |
| It is considered the development proposed satisfies PO1 of the Dwelling house code. | |

Flood hazard overlay code

| <i>Performance outcome</i> | <i>Example</i> |
|---|--|
| Significant flood hazard area, Low flood hazard area or Potential flood hazard area | |
| PO13 Development is located and designed to: <ul style="list-style-type: none"> (a) maintain hydrological function of the premises; (b) not increase the number of people calculated to be at risk from flooding; (c) minimises the flood impact on adjoining premises; (d) ensure the safety of all persons by ensuring that a proportion of <i>buildings</i> are set above the <i>defined flood level</i>; (e) reduce the carriage of debris in flood waters; (f) reduce property damage; and (g) provide road access to <i>buildings</i> above the level of the 1% AEP flood level. <p><i>Note</i> - where the development is located in a Potential flood hazard area as identified on Flood Hazard Overlay Map OM-007, and there is no <i>defined flood level</i>, a hydraulic (flood hazard assessment) report prepared by a RPEQ is required in substantiation of a Performance Solution. Alternatively, the <i>defined flood level</i> from an adjacent representative hazard area may be used if</p> | Where for Material Change of Use or Building Work AO13.1 <i>Buildings</i> , including extensions to existing <i>buildings</i> are: <ul style="list-style-type: none"> (a) elevated above the <i>defined flood level</i>; and (b) and the <i>defined flood event</i> does not exceed a depth of 600mm. AO13.3 Where the <i>defined flood level</i> is known, new <i>buildings</i> are: <ul style="list-style-type: none"> (a) located on the highest part of the site to minimise entrance of floodwaters; and (b) provided with pedestrian and vehicle evacuation access between the <i>building</i> and a road that is above the 1% AEP flood level. AO13.5 Where for <i>accommodation</i> activities, the design and layout of buildings minimises |

| | |
|---|---|
| deemed appropriate by Council | risk from flooding to an acceptable or tolerable level by providing parking and other non-habitable uses at ground level. |
| Performance Outcome Assessment | |
| The proposed siting of the Secondary dwelling is affected by areas identified as Potential flood hazard area. | |
| The applicant has provided a floor level survey of the highest known flood level of the lot. Should Council supports the proposed development, a condition has been included requiring the proposed Secondary dwelling to be constructed to or above the Defined Flood Level. | |
| A flood free access will also be provided for the Secondary dwelling. | |

6.0 OTHER PLANNING CONSIDERATIONS

6.1 Trunk Infrastructure and Services

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

6.2 Water Supply and Sewerage

The subject land is not located within an area serviced by a reticulated water supply network or a reticulated sewer network, and so conditions will be included requiring the development to be provided with a water tanks for potable and drinking uses and a HSTP system compliant with the relevant Australian standard.

6.3 Stormwater/Drainage

The proposed development is not considered to have any adverse impacts upon stormwater and drainage.

A condition requiring the land owner to ensure that stormwater is delivered to a legal point of discharge and designed in accordance with the Queensland Urban Drainage Manual has been included in the Schedules of Conditions. There is no associated infrastructure charge for this development as the site is located outside the Urban Footprint.

6.4 Transport network

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.

6.5 Parks and Open space

The proposed development is not considered to have any adverse impacts upon the Parks and open space network. There is no associated infrastructure charge for this development as the site is located outside the identified Public Parks and Community Land Services Catchment.

6.6 Infrastructure charges

As discussed above, there are no Infrastructure Charges applicable to this Dwelling house under Council's current Charges Resolution.

6.7 Environment

The proposed development will not result in environmental degradation.

6.8 Heritage

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

7.0 STATE AGENCY REFERRALS

There were no applicable referral agencies to this application, in accordance with the provisions of the *Planning Regulation 2017*.

8.0 CONCLUSION

The proposed combined development is for an additional dwelling house on the subject site. The additional dwelling will be occupied by the relatives of the landowner. The proposed building footprint is identified to be affected by Potential flood hazard area. The applicant has provided a flood level survey prepared by a registered surveyor providing information on the highest known flood level of the lot to support the development. Conditions have been included requiring the proposed Secondary dwelling to be constructed to or above the Defined Flood Level and reducing flood risk to neighbouring properties.

9.0 ATTACHMENT

1. Site Plan, Drawn and Prepared by RP at Oly Homes, Page No: WD-02, Revision 4, Dated 23 January 2019.
2. Floor Plan, Drawn and Prepared by RP at Oly Homes, Page No: WD-03, Revision 4, Dated 23 January 2019.
3. Elevations, Drawn and Prepared by RP at Oly Homes, Page No: WD-04, Revision 4, Dated 23 January 2019.

RECOMMENDED DECISION

That Council approve the Combined Development Application No. 18335 for a Development Permit for a Material Change of Use for a Dwelling House (secondary dwelling) and a Building Works assessable against the Planning Scheme for a Domestic Outbuilding (siting relaxation) on land described as Lot 1 on SP267622 and situated at 8 Sandy Creek Road, Sandy Creek subject to the requirements and conditions contained in the Schedules and Attachments.

That the Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

| SCHEDULE 1 – GENERAL CONDITIONS | | |
|--|--|---------------------|
| <i>Assessment Manager</i> | | |
| 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, Drawn and Prepared by RP at Oly Homes, Page No: WD-02, Revision 4, Dated 23 January 2019. | |
| | Floor Plan, Drawn and Prepared by RP at Oly Homes, Page No: WD-03, Revision 4, Dated 23 January 2019. | |
| | Elevations, Drawn and Prepared by RP at Oly Homes, Page No: WD-04, Revision 4, Dated 23 January 2019. | |
| 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 | At all times during |

| | | |
|---------------------------------|---|--------------------------------|
| | available on the premises at all times during construction. | the construction phase |
| 1.4 | Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land. | Before the change happens |
| 1.5 | <p>Unless connected to a reticulated water supply network, Before the change provide a minimum water supply storage capacity of 45,000 Litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development.</p> <p>Or</p> <p>Unless connected to a reticulated water supply network, provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 Litres connected to service all domestic water consumption needs of the development.</p> <p><i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i></p> | Before the change happens |
| 1.6 | Unless connected to a reticulated sewerage network, provide an on-site effluent disposal system that is compliant with the relevant Australian standards. | Before the change happens |
| 1.7 | Building works and plumbing and drainage works approvals must be gained. | Before the commencement of use |
| | Carport | |
| 1.8 | Unless otherwise approved by Council, the domestic outbuilding is never to be occupied by persons on a permanent, semi-permanent or intermittent basis, or any other residential use associated with a Class 1 building as defined by the Building Codes of Australia. | At all times. |
| SCHEDULE 2 – ENGINEERING | | |
| <i>Assessment Manager</i> | | |
| No | Condition | Timing |
| | Public Utilities/Infrastructure | |
| 2.1 | Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval. | At all times |
| 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. | At all times |

| | | |
|------|---|---------------|
| 2.3 | Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development. | At all times |
| | | |
| | Building above flood level | |
| 2.4 | Floor heights for habitable areas for the proposed development shall be a minimum of 300mm above the Defined Flood Level (DFL) (Include level only with MCU's). The current DFL plus 300mm for Lot 1 on SP261622 is 115.61m AHD. | At all times |
| | | |
| 2.5 | Buildings are located to avoid significant flood flows or velocities. | At all times |
| | | |
| 2.6 | The development does not increase the flood hazard for other properties. | At all times |
| | | |
| | Stormwater drainage | |
| 2.7 | Ensure Stormwater drainage is delivered to a lawful point of discharge | At all times |
| | | |
| 2.8 | Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders. | At all times. |
| | | |
| | Vehicle access | |
| 2.9 | <p>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, and to an all-weather standard.</p> <p><i>NOTE: All-weather standard is an access which is capable of being traversed by a two wheel drive vehicle during and after a storm event with no significant damage or deformation to the access. Maintenance will be performed to preserve the access as all weather. Drainage structures are to be placed in water courses that have flowing water greater than 200mm in depth during non-storm events.</i></p> | At all times |
| | | |
| 2.10 | The development is not to be accessed from the D'Aguiar Highway unless prior approvals are gained from the relevant State department or Council. | |
| | | |
| 2.11 | All vehicular access shall provide convenient and safe access and egress from the site in accordance with Somerset Regional Council Design Standards. | |
| | | |
| | Erosion and sediment control | |
| 2.12 | 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 specific time, the Council will complete the work and recover all costs from the developer associated with the work.</p> | |
|--|--|---------------------------|
| 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 – ADVICE | | |
| <i>Assessment Manager</i> | | |
| This approval has effect in accordance with the provisions of section 71 of the Planning Act 2016 . <i>[A copy of section 71 will be enclosed with the Decision Notice].</i> | | |
| <p>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.</p> | | |

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|---|
| 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 applicant's 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 Operations department if in Council's 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. |
| This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits |

Attachments for the Decision Notice include:

- Site Plan, Drawn and Prepared by RP at Oly Homes, Page No: WD-02, Revision 4, Dated 23 January 2019.
- Floor Plan, Drawn and Prepared by RP at Oly Homes, Page No: WD-03, Revision 4, Dated 23 January 2019.
- Elevations, Drawn and Prepared by RP at Oly Homes, Page No: WD-04, Revision 4, Dated 23 January 2019.

Resolution:

Moved - Cr Choat

Seconded - Cr Whalley

"THAT Council approve the Combined Development Application No 18335 for a Development Permit for a Material Change of Use for a Dwelling House (secondary dwelling) and a Building Works assessable against the Planning Scheme for a Domestic Outbuilding (siting relaxation) on land described as Lot 1 on SP267622 and situated at 8 Sandy Creek Road, Sandy Creek subject to the requirements and conditions contained in the Schedules and Attachments.

THAT the Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*"

| SCHEDULE 1 – GENERAL CONDITIONS | | |
|--|--|--|
| <i>Assessment Manager</i> | | |
| 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, Drawn and Prepared by RP at Oly Homes, Page No: WD-02, Revision 4, Dated 23 January 2019. Floor Plan, Drawn and Prepared by RP at Oly Homes, Page No: WD-03, Revision 4, Dated 23 January 2019. Elevations, Drawn and Prepared by RP at Oly Homes, Page No: WD-04, Revision 4, Dated 23 January 2019. | 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 or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land. | Before the change happens |
| 1.5 | Unless connected to a reticulated water supply network, Before the change provide a minimum water supply storage capacity of 45,000 Litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development. Or Unless connected to a reticulated water supply network, provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 Litres connected to service all domestic water consumption needs of the development. <i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i> | Before the change happens |
| 1.6 | Unless connected to a reticulated sewerage network, provide an on-site effluent disposal system that is compliant with the relevant Australian standards. | Before the change happens |
| 1.7 | Building works and plumbing and drainage works approvals must be gained. | Before the commencement of use |
| | Carport | |
| 1.8 | Unless otherwise approved by Council, the domestic outbuilding | At all times. |

| | | |
|--|--|---------------|
| | is never to be occupied by persons on a permanent, semi-permanent or intermittent basis, or any other residential use associated with a Class 1 building as defined by the Building Codes of Australia. | |
| SCHEDULE 2 – ENGINEERING | | |
| <i>Assessment Manager</i> | | |
| No | Condition | Timing |
| Public Utilities/Infrastructure | | |
| 2.1 | Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval. | At all times |
| 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. | At all times |
| 2.3 | Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development. | At all times |
| Building above flood level | | |
| 2.4 | Floor heights for habitable areas for the proposed development shall be a minimum of 300mm above the Defined Flood Level (DFL) (Include level only with MCU's). The current DFL plus 300mm for Lot 1 on SP261622 is 115.61m AHD. | At all times |
| 2.5 | Buildings are located to avoid significant flood flows or velocities. | At all times |
| 2.6 | The development does not increase the flood hazard for other properties. | At all times |
| Stormwater drainage | | |
| 2.7 | Ensure Stormwater drainage is delivered to a lawful point of discharge | At all times |
| 2.8 | Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders. | At all times. |
| Vehicle access | | |
| 2.9 | <p>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, and to an all-weather standard.</p> <p><i>NOTE: All-weather standard is an access which is capable of being traversed by a two wheel drive vehicle during and after a storm event with no significant damage or deformation to the access. Maintenance will be performed to preserve the access as all weather. Drainage structures are to be placed in water courses that have flowing water greater than 200mm in depth</i></p> | At all times |

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| | during non-storm events. | |
| 2.10 | The development is not to be accessed from the D'Aguilar Highway unless prior approvals are gained from the relevant State department or Council. | |
| 2.11 | All vehicular access shall provide convenient and safe access and egress from the site in accordance with Somerset Regional Council Design Standards. | |
| | | |
| | Erosion and sediment control | |
| 2.12 | <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 specific time, the Council will complete the work and recover all costs from the developer associated with the work.</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, | During construction phase |

| | | |
|---|---|--|
| | <ul style="list-style-type: none"> 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. | |
| | | |
| SCHEDULE 4 – ADVICE | | |
| <i>Assessment Manager</i> | | |
| This approval has effect in accordance with the provisions of section 71 of the Planning Act 2016 . <i>[A copy of section 71 will be enclosed with the Decision Notice].</i> | | |
| | | |
| 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 applicant’s 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 Operations department if in Council’s 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. | | |
| | | |
| This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits” | | |
| <i><u>Carried</u></i> | | |

| | |
|------------------------|--|
| Subject: | Development Application No 18331 - Application for a Development Permit for Material Change of Use for a Dual Occupancy |
| File No: | DA18331 |
| Action Officer: | PO - RC |

1.0 APPLICATION SUMMARY

Subject Land

| | |
|---------------------------|--------------------------|
| Location | 4 Corella Street, Lowood |
| Real Property Description | Lot 157 on SP264094 |
| Area | 0.081 hectares |
| Current land use | Vacant |

Somerset Region Planning Scheme Version Three

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| Zone | General Residential |
|------|---------------------|

ShapingSEQ

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| Land Use Category | Urban Footprint |
|-------------------|-----------------|

Application

| | |
|----------------------------|---|
| Proposed Development | Dual occupancy |
| Category of Assessment | Code |
| Applicant/s | Platinum Development Australia |
| Applicants contact details | Attn: Garron Pepi 10 Wrights Road Helidon QLD 4344 Email: garron.pepi@gmail.com |
| Date application received | 31 January 2019 |
| Date properly made | 25 March 2019 |

Referral Agencies

| | |
|----------------------|-----|
| Concurrence Agencies | Nil |
|----------------------|-----|

| | |
|----------------------------|--------------|
| Public Notification | Not required |
|----------------------------|--------------|

RECOMMENDED DECISION

Approve the Development Application No 18331 subject to the requirements and conditions contained in the Schedules and Attachments.

2.0 PROPOSAL

The applicant proposes to establish a Dual Occupancy on the site. The Dual Occupancy is single storey, reaching a maximum height of no more than 8.5m above the ground level. Access to the proposed development will be from Corella Street. Each dwelling unit will be provided with a private open space and separate enclosed parking areas. The total site cover of the development is 38.76% of the site. The proposed site, floor and elevation plans are provided at Attachments 1, 2 and 3.

3.0 SITE DETAILS AND SURROUNDING USES

The subject site is an irregular shaped property, located within the Eagle Rise residential estate. The site is currently vacant. The site boundaries are defined by Corella Street to the east and other general residential properties to remaining directions. The development footprint is not known to be prone to subsidence, erosion or inundation.

4.0 STATE ASSESSMENT

4.1 Vegetation Management Act 1999

As per the Department of State Development, Manufacturing, Infrastructure and Planning's Development Assessment Mapping System, the proposed development footprint does not contain regulated vegetation requiring referral to the State.

4.2 Environmental Protection Act 1994

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

5.0 COUNCIL ASSESSMENT

An assessment against the relevant parts of the planning scheme is set out below.

5.1 Strategic Framework

An assessment against the Strategic Framework was not required as the proposed development is not an impact assessable development.

5.2 Code Compliance Summary

| Applicable Code | Compliance with Overall Outcomes | Performance Outcomes |
|---|----------------------------------|----------------------|
| General residential zone code | Yes | Yes |
| Multiple Dwelling and Dual Occupancy code | Yes | Yes |
| Services, works and infrastructure code | Yes | Yes |
| Transport, access and parking code | Yes | PO3 |
| Scenic amenity overlay code | Yes | Yes |

Transport, access and parking code

| Performance outcome | Example | | | | |
|--|---|-----|----------------------------------|----------------|-------------------------------------|
| Vehicle parking and servicing | | | | | |
| PO3 The amount of <i>on-site</i> car parking and service vehicle loading/ unloading is consistent with: <ul style="list-style-type: none"> (a) the nature of the use; (b) the traffic generation of the use; (c) the loading/ unloading needs of the use; (d) the availability of street parking in the Centre zone; and (e) the impact of the <i>road</i> network. Car parks, service vehicle access, loading and manoeuvring areas are of suitable standard for the intended use. | AO3.1 The minimum number of car parking spaces complies with Table 8.3.6.3.B– Minimum car parking requirements. Table 8.3.6.3.B– Minimum car parking requirements. <table border="1"> <tr> <th>Use</th><th>Minimum car parking requirements</th></tr> <tr> <td>Dual occupancy</td><td>Two (2) parking spaces per dwelling</td></tr> </table> | Use | Minimum car parking requirements | Dual occupancy | Two (2) parking spaces per dwelling |
| Use | Minimum car parking requirements | | | | |
| Dual occupancy | Two (2) parking spaces per dwelling | | | | |
| Performance Outcome Assessment | | | | | |
| The applicant has proposed a double garage and a single garage for the main dwelling unit and the second dwelling unit respectively. | | | | | |
| Considering the smaller scale of the second dwelling unit (two bedrooms compared to three | | | | | |

bedrooms for the main unit) and the traffic generated by the development, it is considered the proposed carparking arrangement is acceptable and complies with the PO3 of the Transport, access and parking code. Both units will share the same driveway access.

6.0 OTHER PLANNING CONSIDERATIONS

6.1 Trunk Infrastructure and Services

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

6.2 Water Supply and Sewerage

The subject land is located within an area serviced by a reticulated water supply and reticulated sewer network. A condition requiring the development to be connected to these infrastructures will be included.

6.3 Stormwater/Drainage

The proposed development is not considered to have any adverse impacts upon stormwater and drainage. There is associated infrastructure charge for development of this type within the region.

A condition requiring the land owner to ensure that stormwater is delivered to a legal point of discharge and designed in accordance with the Queensland Urban Drainage Manual has been included in the Schedules of Conditions.

6.4 Transport network

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 pursuant to Council's Infrastructure Charges Register (No.1) 2018.

6.5 Parks and Open space

The proposed development is not considered to have any adverse impacts upon the Parks and open space network. There is associated infrastructure charge for development of this type within the region.

6.6 Infrastructure charges

An Infrastructure Charges Notice prepared in accordance with Council's adopted Infrastructure Charges Register (No.1) 2018. The draft Infrastructure Charge Notice has been provided as Attachment 4.

7.0 STATE AGENCY REFERRALS

There were no applicable referral agencies to this application, in accordance with the provisions of the *Planning Regulation 2017*.

8.0 CONCLUSION

The proposed development is not out of character with the balance of development that has occurred to date in the Eagle Rise estate. Currently there are a number of dual occupancies in existence, having been approved by an earlier development application. It is considered that the proposal can be recommended for approval subject to conditions.

9.0 ATTACHMENTS

1. Floor Plan, Prepared by Platinum Australia, Council reference as DA18331 – Attachment 1, Dated 7 March 2019.
2. Elevations, Prepared by Platinum Australia, Council reference as DA18331 – Attachment 2, Dated 7 March 2019.

3. Site Plan, Prepared by Platinum Australia, Council reference as DA18331 – Attachment 3, Dated 7 March 2019.
4. Draft Infrastructure Charges Notice.

RECOMMENDED DECISION

THAT Council approve the Development Application No. 18331 for a Development Permit for a Material Change of Use for a Dual Occupancy on land described as Lot 157 on SP264094 and situated at 4 Corella Street, Lowood subject to the requirements and conditions contained in the Schedules and Attachments.

THAT Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

| SCHEDULE 1 – GENERAL CONDITIONS | | |
|--|--|--|
| <i>Assessment Manager</i> | | |
| 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 |
| | Floor Plan, Prepared by Platinum Australia, Council reference as DA18331 – Attachment 1, Dated 7 March 2019. | |
| | Elevations, Prepared by Platinum Australia, Council reference as DA18331 – Attachment 2, Dated 7 March 2019. | |
| | Site Plan, Prepared by Platinum Australia, Council reference as DA18331 – Attachment 3, Dated 7 March 2019. | |
| 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 or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land. | Before the change happens |
| 1.5 | Connect the proposed development to the reticulated water and sewerage networks. Obtain any necessary Water and Sewerage Approvals from the relevant authority. | Prior to commencement of use |
| 1.6 | Building works and plumbing and drainage works approvals must be gained. | Before the commencement of use |
| | Fence | |
| 1.7 | Front fences and walls are no more than 1.2 metres high if solid, or up to 1.5 metres high if the fence has openings which makes it no less than 50 percent transparent. | At all times |
| | Private Open Space | |

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| 1.8 | Each <i>dwelling</i> is provided with a <i>private open space</i> area that is: (a) at least 40 square metres; (b) able to contain a circle with a minimum diameter of at least 4 metres; (c) directly accessible from a living room; and (d) not more than 10 percent slopes. | At all times |
| | *** | |
| SCHEDULE 2 – ENGINEERING | | |
| <i>Assessment Manager</i> | | |
| No | Condition | Timing |
| | Public Utilities/Infrastructure | |
| 2.1 | Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval. | At all times |
| | | |
| 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. | At all times |
| | | |
| 2.3 | Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development. | At all times |
| | | |
| | Stormwater drainage | |
| 2.4 | Ensure Stormwater drainage is delivered to a lawful point of discharge | At all times |
| | | |
| 2.5 | Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders. | At all times. |
| | | |
| | Vehicle access | |
| 2.6 | 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, and to an all-weather standard. | 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. <p>Should the developer fail to complete the works determined by Council within the specific time, the Council will complete the work and recover all costs from the developer associated with</p> | At all times |

| | | |
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| | the work. | |
| | | |
| 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: <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 | The holder of this development approval must not: <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 Planning Act 2016 . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i> | | |
| 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 *Planning Act 2016* provides for a person to make a change to this development application outside the applicant's 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 Operations department if in Council's 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.

This development approval is for the proposed Dual occupancy use only. Any additional structures proposed may require their own planning approval and will be assessed on its own merits

The performance criteria and acceptable solutions of the Queensland Development Code MP1.3 – Design and Siting Standard for Duplex Housing apply. For further information, please contact a Building Surveyor.

Attachments for the Decision Notice include:

- Floor Plan, Prepared by Platinum Australia, Council reference as DA18331 – Attachment 1, Dated 7 March 2019.
- Elevations, Prepared by Platinum Australia, Council reference as DA18331 – Attachment 2, Dated 7 March 2019.
- Site Plan, Prepared by Platinum Australia, Council reference as DA18331 – Attachment 3, Dated 7 March 2019.
- Somerset Regional Council Infrastructure Charges Notice.

This completes the report for DA18331.

Resolution:

Moved - Cr Ogg

Seconded – Cr Choat

“THAT Council approve the Development Application No. 18331 for a Development Permit for a Material Change of Use for a Dual Occupancy on land described as Lot 157 on SP264094 and situated at 4 Corella Street, Lowood subject to the requirements and conditions contained in the Schedules and Attachments.

THAT the Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

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 |
| | Floor Plan, Prepared by Platinum Australia, Council reference as DA18331 – Attachment 1, Dated 7 March 2019. | |
| | Elevations, Prepared by Platinum Australia, Council reference as DA18331 – Attachment 2, Dated 7 March 2019. | |
| | Site Plan, Prepared by Platinum Australia, Council reference as DA18331 – Attachment 3, Dated 7 March 2019. | |
| 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 or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land. | Before the change happens |
| 1.5 | Connect the proposed development to the reticulated water and sewerage networks. Obtain any necessary Water and Sewerage Approvals from the relevant authority. | Prior to commencement of use |
| 1.6 | Building works and plumbing and drainage works approvals must be gained. | Before the commencement of use |
| | Fence | |
| 1.7 | Front fences and walls are no more than 1.2 metres high if solid, or up to 1.5 metres high if the fence has openings which makes it no less than 50 percent transparent. | At all times |
| | Private Open Space | |
| 1.8 | Each <i>dwelling</i> is provided with a <i>private open space</i> area that is: <ul style="list-style-type: none"> (a) at least 40 square metres; (b) able to contain a circle with a minimum diameter of at least 4 metres; (c) directly accessible from a living room; and (d) not more than 10 percent slopes. | At all times |

| SCHEDULE 2 – ENGINEERING | | |
|-----------------------------------|---|---------------|
| <i>Assessment Manager</i> | | |
| No | Condition | Timing |
| | Public Utilities/Infrastructure | |
| 2.1 | Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval. | At all times |
| | | |
| 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. | At all times |
| | | |
| 2.3 | Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development. | At all times |
| | | |
| | Stormwater drainage | |
| 2.4 | Ensure Stormwater drainage is delivered to a lawful point of discharge | At all times |
| | | |
| 2.5 | Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders. | At all times. |
| | | |
| | Vehicle access | |
| 2.6 | 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, and to an all-weather standard. | At all times |
| | | |
| | Erosion and sediment control | |
| 2.7 | <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 specific time, the Council will complete the work and recover all costs from the developer associated with the work.</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 | At all times |

| | | |
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| | Council. | |
| 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 – ADVICE | | |
| <i>Assessment Manager</i> | | |
| This approval has effect in accordance with the provisions of section 71 of the Planning Act 2016 . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i> | | |
| 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 applicant's 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 Operations department if in Council's 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.

This development approval is for the proposed Dual occupancy use only. Any additional structures proposed may require their own planning approval and will be assessed on its own merits

The performance criteria and acceptable solutions of the Queensland Development Code MP1.3 – Design and Siting Standard for Duplex Housing apply. For further information, please contact a Building Surveyor.

Carried

Subject: Development Application No. 18244
Application for a Development Permit for Material Change of Use for a
Dual Occupancy
File No: DA18244
Action Officer: PO - RC

1.0 APPLICATION SUMMARY

Subject Land

| | |
|---------------------------|---|
| Location | Mary Street, Kilcoy (Via an approved access from Mary Street) |
| Real Property Description | Lot 1 on RP105287; and Lot 8 on RP3329 (Access purpose only) |
| Area | 730sqm |
| Current land use | Vacant land |

Somerset Region Planning Scheme Version Three

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| Zone | General Residential |
|------|---------------------|

ShapingSEQ

| | |
|-------------------|-----------------|
| Land Use Category | Urban Footprint |
|-------------------|-----------------|

Application

| | |
|----------------------------|---|
| Proposed Development | Dual occupancy |
| Category of Assessment | Code |
| Applicant/s | Brooke Long and John McAdam |
| Applicants contact details | PO Box 37 Kilcoy QLD 4515 Email: alex@alexlong.com.au |
| Date application received | 11 December 2018 |
| Date properly made | 7 January 2019 |

Referral Agencies

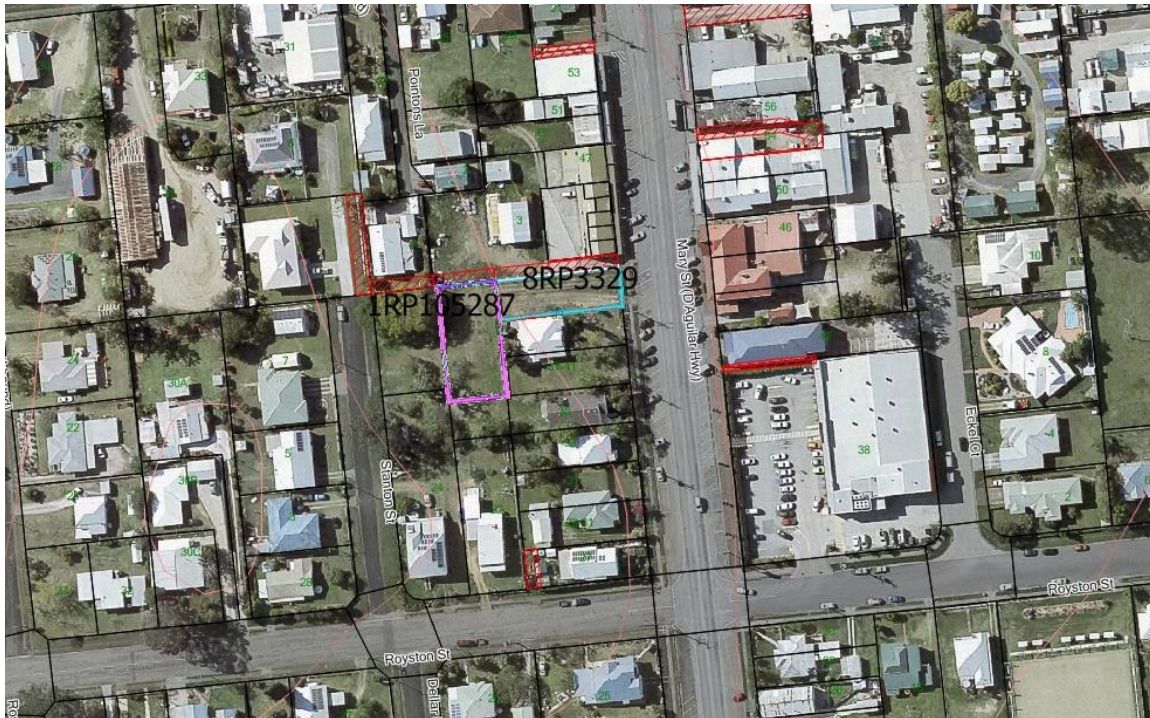
| | |
|----------------------|-----|
| Concurrence Agencies | Nil |
|----------------------|-----|

Public Notification

Not required

RECOMMENDED DECISION

Approve the Development Application No. 18244 subject to the requirements and conditions contained in the Schedules and Attachments.



**Locality Plan of Lots 1 on RP105287 and Lot 8 on RP3329
Situated at Mary Street, Kilcoy**

2.0 PROPOSAL

The applicant proposes to establish a Dual Occupancy that will be two storeys and be no more than 8.5m above the ground level. The proposed Dual Occupancy has a site cover of 24.44%. Each dwelling unit will be provided with their own private open space.

The site is subject to a boundary realignment development approval (DA14430) between Lot 1 and Lot 8 on RP3329. Pursuant to the development approval, the common boundary between Lots 1 and 8 is realigned and Lot 1 becomes a battle-axe block, allowing the proposed Dual Occupancy to be directly access from Mary Street. The access handle is also subject to an access easement, benefitting Lot 8.

The proposed site, floor and elevation plans are provided at Attachments 1, 2, 3 and 4.

3.0 SITE DETAILS AND SURROUNDING USES

The subject site is a regular shaped general residential property, located near the commercial area of Kilcoy. Surrounding land uses are residential and commercial consisting of mixed size lots.

The site is flat, with a small fall from a south-west to the north-east direction and cleared of significant vegetation. The site is not known to be prone to subsidence, erosion or inundation.

4.0 STATE ASSESSMENT

4.1 Vegetation Management Act 1999

As per the Department of State Development, Manufacturing, Infrastructure and Planning's Development Assessment Mapping System, the proposed development footprint does not contain regulated vegetation requiring referral to the State.

4.2 Environmental Protection Act 1994

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

4.3 Planning Regulation 2017

The development will be accessed from a State controlled road. However as the proposal is considered as an Excluded Material Change of Use, referral to the State government is therefore not required.

5.0 COUNCIL ASSESSMENT

An assessment against the relevant parts of the planning scheme is set out below.

5.1 Strategic Framework

An assessment against the Strategic Framework was not required as the proposed development is not an impact assessable development.

5.2 Code Compliance Summary

| Applicable Code | Compliance with Overall Outcomes | Performance Outcomes |
|---|----------------------------------|----------------------|
| General residential zone code | Yes | Complies |
| Multiple Dwelling and Dual Occupancy code | Yes | PO2 and PO4 |
| Services, works and infrastructure code | Yes | Complies |
| Transport, access and parking code | Yes | PO3 |

Multiple dwelling and dual occupancy code

| Performance outcomes | Example |
|--|---|
| Character, intensity and lot size | |
| PO2 The <i>development</i> : (a) contributes to a streetscape appearance that is compatible with the emerging or existing character of the locality; and (b) does not result in overdevelopment of the <i>site</i> . | AO2.1 The density does not exceed 1 <i>dwelling</i> per 400 square metres of <i>site</i> area. AO2.2 The <i>site</i> area is a minimum of 800 square metres. |

Performance Outcome Assessment

The proposed Dual occupancy will be located on Lot 1 RP105287 which has a site area of 723m² and is a “landlocked” lot with no road frontage.

The proposed Dual occupancy will be located behind the existing commercial developments of Mary Street and therefore will not alter said street’s existing streetscape. The streetscape of the minor street Stanton Street to the west will also not be affected by the proposed development. The proposal has a similar scale, intensity and height to other existing buildings in the surrounding area. The development is not considered to be an overdevelopment of the site.

The development represents infilled development close to existing commercial areas stipulated in the Planning Scheme.

It is considered the development proposed complies with PO2 of the Multiple dwelling and dual occupancy code.

Private open space

| | |
|--|---|
| PO4 Private open space is conveniently located and of a practical size that meets the reasonable needs of residents, having regard to: (a) liveability; (b) recreation; (c) privacy; (d) outdoor entertaining; (e) landscaping; (f) amenity; (g) outlook; and (h) climate. | AO4.1 Each <i>dwelling</i> is provided with a <i>private open space</i> area that is: (e) at least 40 square metres; (f) able to contain a circle with a minimum diameter of at least 4 metres; (g) directly accessible from a living room; and (h) not more than 10 percent slope. |
|--|---|

Performance outcome assessment

Both units will be provided with their own private open space. Proposed Unit 1’s private open space currently does not comply with the requirements stipulated by AO4.1, specifically the ability to contain a circle with a minimum diameter of at least 4m. In the proposed plan of development, the proposed private open space can only contain a circle

of 3m diameter.

Despite the non-compliance of AO4.1 stated above, the proposed private open space has an area of at least 40m², will have direct access from a living room and is no more than 10 percent slope. Therefore, it is considered the private open space is of a suitable size meeting reasonable needs of a residents.

The proposed development is also located within 400m walking distance to Silky Oak Park.

Transport, access and parking code

| Performance outcomes | Example |
|---|--|
| Site access | |
| 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: <ul style="list-style-type: none"> (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. |
| Performance Outcome Assessment | |
| The development will be accessed from Mary Street (a State controlled road) via an access easement approved from an earlier reconfiguration approval. | |
| Advice from the State government confirms the development is an excluded material change of use and therefore did not require referral to the State Department. The type and amount of traffic generated by the development is considered to of a low impact and therefore will not impact on the safety, capacity and operation of the existing road network. | |

6.0 OTHER PLANNING CONSIDERATIONS

6.1 Trunk Infrastructure and Services

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

6.2 Water Supply and Sewerage

The subject land is located within an area serviced by a reticulated water supply and sewer networks. A condition will be included requiring the proposed development to be connected to these networks.

6.3 Stormwater/Drainage

The proposed development is not considered to have any adverse impacts upon stormwater and drainage. There is associated infrastructure charges for development of this type within the region.

A condition requiring the land owner to ensure that stormwater is delivered to a legal point of discharge and designed in accordance with the Queensland Urban Drainage Manual has been included in the Schedules of Conditions.

6.4 Transport network

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

6.5 Parks and Open space

The proposed development is not considered to have any adverse impacts upon the Parks and open space network. There is associated infrastructure charge for development of this type within the region.

6.6 Infrastructure charges

An Infrastructure Charges Notice prepared in accordance with Council's adopted Infrastructure Charges Register (No.1) 2018. The draft Infrastructure Charges Notice has been provided as Attachment 5.

7.0 STATE AGENCY REFERRALS

There were no applicable referral agencies to this application, in accordance with the provisions of the *Planning Regulation 2017*.

8.0 CONCLUSION

The proposed development for a Dual occupancy in this location is considered to be an appropriate outcome, based on the fact that the development will be located behind the existing buildings along Mary Street and therefore will be little change to the existing streetscape. The provision of private open space for the Dual occupancy is also considered as adequate. Traffic created by the development is also minor and will not impact to the current traffic arrangement of Mary Street.

9.0 ATTACHMENT

1. Site Plan, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheet 1, Dated 15 February 2018.
2. Ground Floor Plan, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheet 2, Dated 20 October 2018.
3. First Floor Plan, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheet 3, Dated 20 October 2018.
4. Elevations, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheets 4 and 5, Dated 20 October 2018.
5. Draft Infrastructure Charges Notice.

RECOMMENDED DECISION

That the Council approve the Development Application No. 18244 for a Development Permit for a Material Change of Use for a Dual Occupancy on land described as Lot 1 on RP105287 and Lot 8 on RP3329 and situated at Mary Street, Kilcoy subject to the requirements and conditions contained in the Schedules and Attachments.

That Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

| 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 | At all times |

| | | |
|---------------------------------|---|--|
| | documentation and the plan(s) listed below, except where amended by these conditions of approval. | |
| | Site Plan, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheet 1, Dated 15 February 2018. | |
| | Ground Floor Plan, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheet 2, Dated 20 October 2018. | |
| | First Floor Plan, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheet 3, Dated 20 October 2018. | |
| | Elevations, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheets 4 and 5, Dated 20 October 2018. | |
| 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 or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land. | Before the change happens |
| 1.5 | The applicant must provide underground water supply, stormwater, and conduits for electricity and telecommunications, installed for the full length of the access handle. | Prior to commencement of use |
| 1.6 | Building works and plumbing and drainage works approvals must be gained. | Prior the commencement of use |
| | Fence | |
| 1.7 | Front fences and walls are no more than 1.2 metres high if solid, or up to 1.5 metres high if the fence has openings which make it no less than 50 percent transparent. | At all times |
| | Accessing to the proposed development | |
| 1.8 | Access to the proposed development is from Mary Street. | At all times |
| 1.9 | Carry out the Development Approval No. DA14430 prior to the commencement of construction of the Dual occupancy. | Before the change can happen |
| SCHEDULE 2 – ENGINEERING | | |
| <i>Assessment Manager</i> | | |
| No | Condition | Timing |
| | Public Utilities/Infrastructure | |
| 2.1 | 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. | At all times |

| | | |
|------|--|-------------------------------------|
| | All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> . | |
| 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. | At all times |
| 2.3 | Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development. | At all times |
| | Stormwater drainage | |
| 2.4 | Ensure Stormwater drainage is delivered to a lawful point of discharge. | At all times |
| 2.5 | Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders. | At all times. |
| 2.6 | 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 Design Standards</i> . | Before commencement of construction |
| 2.7 | Stormwater Drainage shall be constructed in general accordance with the material contained in the development application. | At all times |
| | Vehicle access | |
| 2.8 | All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Design Standards</i> . | At all times |
| 2.9 | 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. | At all times |
| 2.10 | Make an Access Application to Council and pay the required fees where an application involves works required as stated in the conditions. | Prior Commencement to Access works |
| 2.11 | All vehicles shall enter and leave the site in a forward gear | At all times |
| 2.12 | Construct a minimum 3 metre sealed driveway for the full length of the access handle in accordance with Council standard. | Prior commencement to work |
| | Car parking | |
| 2.13 | Provide on-site car parking for four (4) vehicles in accordance with Council Planning Scheme or be otherwise designed in | |

| | | |
|-----------------------------------|--|---------------------------|
| | accordance with AS2890 and <i>Somerset Regional Council Design Standards</i> . | |
| | | |
| | Erosion and sediment control | |
| 2.14 | <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 |
| | | |
| 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 – ADVICE | | |
| <i>Assessment Manager</i> | | |

| |
|---|
| This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i> |
| 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 applicant's 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 Operations department if in Council's 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. |
| This development approval is for the proposed Dual occupancy only. Any additional structures proposed may require their own planning approval and will be assessed on its own merits |
| The performance criteria and acceptable solutions of the Queensland Development Code MP1.3 – Design and Siting Standard for Duplex Housing apply. |

Attachments for the Decision Notice include:

- Site Plan, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheet 1, Dated 15 February 2018.
- Ground Floor Plan, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheet 2, Dated 20 October 2018.
- First Floor Plan, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheet 3, Dated 20 October 2018.
- Elevations, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheets 4 and 5, Dated 20 October 2018.
- Infrastructure Charges Notice.

This completes the report for DA18244.

Resolution:

Moved - Cr Gaedtke

Seconded - Cr Choat

“THAT the Council approve the Development Application No. 18244 for a Development Permit for a Material Change of Use for a Dual Occupancy on land described as Lot 1 on RP105287 and Lot 8 on RP3329 and situated at Mary Street, Kilcoy subject to the requirements and conditions contained in the Schedules and Attachments.

THAT Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

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, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheet 1, Dated 15 February 2018. | |
| | Ground Floor Plan, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheet 2, Dated 20 October 2018. | |
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| | Elevations, Project name: Proposed Units 39A Mary Street Kilcoy, Drawing No: 1808.11, Sheets 4 and 5, Dated 20 October 2018. | |
| 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 or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land. | Before the change happens |
| 1.5 | The applicant must provide underground water supply, stormwater, and conduits for electricity and telecommunications, installed for the full length of the access handle. | Prior to commencement of use |
| 1.6 | Building works and plumbing and drainage works approvals must be gained. | Prior to the commencement of use |
| | Fence | |

| | | |
|---------------------------------|--|-------------------------------------|
| 1.7 | Front fences and walls are no more than 1.2 metres high if solid, or up to 1.5 metres high if the fence has openings which make it no less than 50 percent transparent. | At all times |
| | | |
| | Accessing to the proposed development | |
| 1.8 | Access to the proposed development is from Mary Street. | At all times |
| | | |
| 1.9 | Carry out the Development Approval No. DA14430 prior to the commencement of construction of the Dual occupancy. | Before the change can happen |
| | | |
| SCHEDULE 2 – ENGINEERING | | |
| <i>Assessment Manager</i> | | |
| No | Condition | Timing |
| | Public Utilities/Infrastructure | |
| 2.1 | 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. All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> . | At all times |
| | | |
| 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. | At all times |
| | | |
| 2.3 | Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development. | At all times |
| | | |
| | Stormwater drainage | |
| 2.4 | Ensure Stormwater drainage is delivered to a lawful point of discharge. | At all times |
| | | |
| 2.5 | Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders. | At all times. |
| | | |
| 2.6 | 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 Design Standards</i> . | Before commencement of construction |
| | | |
| 2.7 | Stormwater Drainage shall be constructed in general accordance with the material contained in the development application. | At all times |
| | | |
| | Vehicle access | |
| 2.8 | All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Design Standards</i> . | At all times |
| | | |

| | | |
|-----------------------------------|---|---------------------------------------|
| 2.9 | 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. | At all times |
| 2.10 | Make an Access Application to Council and pay the required fees where an application involves works required as stated in the conditions. | Prior Commencement to of Access works |
| 2.11 | All vehicles shall enter and leave the site in a forward gear | At all times |
| 2.12 | Construct a minimum 3 metre sealed driveway for the full length of the access handle in accordance with Council standard. | Prior commencement to of work |
| | Car parking | |
| 2.13 | Provide on-site car parking for four (4) vehicles in accordance with Council Planning Scheme or be otherwise designed in accordance with AS2890 and <i>Somerset Regional Council Design Standards</i> . | |
| | Erosion and sediment control | |
| 2.14 | 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. | During construction phase |
| 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 or | At all times |

| | | |
|---|--|---------------------------|
| | <ul style="list-style-type: none"> 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 Planning Act 2016 . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i> | | |
| 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 applicant's 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 Operations department if in Council's 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. | | |
| This development approval is for the proposed Dual occupancy only. Any additional structures proposed may require their own planning approval and will be assessed on its own merits | | |

The performance criteria and acceptable solutions of the Queensland Development Code MP1.3 – Design and Siting Standard for Duplex Housing apply.”

Carried

Subject: Development Application No. 18368
Application for a Development Permit for Material Change of Use for a
Caretaker's Accommodation
File No: DA18368
Action Officer: PO - RC

1.0 APPLICATION SUMMARY

Subject Land

| | |
|---------------------------|---|
| Location | 7164 Brisbane Valley Highway, Toogoolawah |
| Real Property Description | Lot 10 on RP15393 |
| Area | 0.102 hectares |
| Current land use | Toogoolawah Motel |

Somerset Region Planning Scheme Version Three

| | |
|------|-------|
| Zone | Rural |
|------|-------|

ShapingSEQ

| | |
|-------------------|--|
| Land Use Category | Regional Landscape and Rural Production Area |
|-------------------|--|

Application

| | |
|----------------------------|---|
| Proposed Development | Caretaker's accommodation |
| Category of Assessment | Code |
| Applicant/s | Lockyer Drafting Designs for S. and S. Soloman |
| Applicants contact details | PO Box 492 Gatton QLD 4343 Attn: Julie Davis Email: julie@lockyerdraftingdesigns.com |
| Date application received | 20 February 2019 |
| Date properly made | 1 March 2019 |

Referral Agencies

| | |
|----------------------|-----|
| Concurrence Agencies | Nil |
|----------------------|-----|

| | |
|----------------------------|--------------|
| Public Notification | Not required |
|----------------------------|--------------|

RECOMMENDED DECISION

Approve the Development Application No. 18368 subject to the requirements and conditions contained in the Schedules and Attachments.



**Locality Plan of Lot 10 on RP15393
Situated at 7164 Brisbane Valley Highway, Toogoolawah**

2.0 PROPOSAL

The application proposes an extension to the existing Motel on-site and will be occupied by the Motel's caretakers/managers. The Caretaker's Accommodation will be constructed to the front boundary of the site and has a proposed setback of 1.5m to the northern side boundary and a setback of 8.95m to the southern side boundary. The applicant has proposed to construct the Caretaker's Accommodation on-top of the existing building. The proposed development will have a maximum height of approximately 8.520m above the ground level.

The proposal will be developed in two stages. The first stage will comprise the kitchen, an ensuite, a bedroom, living/dining area, ablution area, a verandah and a sunroom. An external staircase has also been proposed. The second stage will add two additional ensuites and an alfresco area over the motel's driveway. The applicant has not proposed changes to the existing layout and function of the Motel. The Motel is designed with in a traditional 'Queenslander' character.

Access to the Caretaker's Accommodation will be from the current access to Brisbane Valley Highway. No new access has been proposed. Three new parking spaces (one for visitors, one for customers checking-in and one for the manager/caretaker) are proposed

The proposed site, floor and elevation plans are provided at Attachments 1, 2 and 3.

It should be noted the rear verandah as depicted on plans is not assessed and will not form part of the development approval, if approved by Council.

3.0 SITE DETAILS AND SURROUNDING USES

The subject site is a regular shaped property with boundaries defined by the Brisbane Valley Highway to the west, residential properties to the north and south and large rural properties to

the west. The site is currently improved by the Toogoolawah Motel. The surrounding land uses are predominately rural and rural residential, consisting of mixed size allotments. The site exhibits a slight fall away from the Brisbane Valley Highway.

The proposed development footprint is not known to be prone to subsidence, erosion or inundation.

4.0 STATE LEGISLATION ASSESSMENT

4.1 Vegetation Management Act 1999

As per the Department of State Development, Manufacturing, Infrastructure and Planning's Development Assessment Mapping System, the proposed development footprint does not contain regulated vegetation require further referral.

4.2 Environmental Protection Act 1994

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

4.3 Planning Regulation 2017

The site fronts onto a State controlled road. However, as the development complies with the excluded material change of use definition stipulated in the *Planning Regulation 2017*, referral to the State Department is not required.

5.0 COUNCIL ASSESSMENT

An assessment against the relevant parts of the planning scheme is set out below.

5.1 Strategic Framework

An assessment against the Strategic Framework was not required as the proposed development is not an impact assessable development.

5.2 CODE COMPLIANCE SUMMARY

| Applicable Code | Compliance with Overall Outcomes | Performance Outcomes |
|--|----------------------------------|----------------------|
| Rural zone code | Yes | PO2 |
| Caretaker's accommodation code | Yes | Complies |
| Service, works and infrastructure code | | Complies |
| Transport, access and parking code | Yes | PO5 |
| Extractive resources overlay code | Yes | PO2 and PO3 |
| Flood hazard overlay code | Yes | Complies |
| Infrastructure overlay code | Yes | PO5 |
| Stock route overlay code | Yes | PO1 and PO3 |

Rural zone code

| Building setbacks | |
|---|---|
| Performance outcomes | Example |
| PO2 Building setbacks: (a) contribute to the maintenance of the rural character of the zone; and | AO2 Buildings and structures are setback a minimum 15 metres from the <i>primary street frontage</i> of the site. |

| | |
|--|--|
| (b) manage potential amenity impacts on <i>sensitive land uses on adjoining premises.</i> | |
| Performance Outcome Assessment | |
| <p>Although the site is in the Rural zone, it is a small size lot.</p> <p>The proposed Caretaker's accommodation will be constructed to the street frontage of the site.</p> <p>This section of the Brisbane Valley Highway also has a large road reserve. The proposed Caretaker's accommodation will be setback 30m from the formed section of the Highway.</p> <p>The proposed development will not create major impacts to the existing rural character of the zone nor will it have a major impact on the existing amenity enjoyed by sensitive land uses on adjoining premises.</p> <p>It is considered the development proposed complies with PO1 of the Rural zone code. The zoning of the land should possibly be reviewed as part of a future scheme amendment process to better reflect the actual land use occurring , rather than its current rural zoning.</p> | |

Transport, access and parking code

| | |
|---|--|
| Building setbacks | |
| Site access | Example |
| <p>PO5</p> <p>Vehicular access points are positioned along the frontage where they do not impact on the safety, capacity and operation of the existing <i>road</i> network having regard to:</p> <ul style="list-style-type: none"> (f) the amount and type of vehicular traffic; (g) the type of use and traffic generation; (h) the current and future on-street parking arrangements; (i) proximity to intersections; and (j) available sight distances. | <p>AO5.2</p> <p>Direct access is not provided to an arterial or higher order <i>road</i>.</p> |
| Performance Outcome Assessment | |
| <p>The proposed Caretaker's accommodation utilises the existing access from the Brisbane Valley Highway, a State controlled road.</p> <p>The development does not require referral to the State department pursuant to the <i>Planning Regulation 2017</i>. No new access has been proposed. The amount and type of vehicular traffic created by the development is considered to be of low and will be for private vehicles only.</p> <p>Conditions have been included requiring the proposed Caretaker's accommodation to use the existing access and any new access created will need prior approval from the relevant State department/Council.</p> <p>The development complies with PO5 of the Transport, access and parking code.</p> | |

Extractive resources overlay code**Development within a Separation area or Potential separation area for a resource/processing area**

| Performance outcomes | Example |
|---|--|
| P02 <i>Development</i> does not materially increase the number of people living within a <i>separation area</i> or a <i>potential separation area</i> . | AO2.1 <i>Development</i> does not result in an increase in residential density within a <i>separation area</i> or a <i>potential separation area</i> . |
| P03 <i>Development</i> minimises the potential adverse impacts arising from <i>extractive industry</i> operations upon people working or congregating within a <i>separation area</i> or a <i>potential separation area</i> . | AO3.2 <i>Development</i> is compatible with the potential effects arising from existing or future <i>extractive industry</i> . |

Performance Outcome Assessment

The proposed development is a Caretaker's accommodation for the manager/caretaker of the Motel. Although the development will increase number of people living within an identified Separation Area, the accommodation is necessary for the functionality of the Toogoolawah Motel, who are currently residing in the Dwelling house located in the adjoining lot.

Although the rear lot is identified as a Key Resource Area, the extractive industry has yet to begin.

Infrastructure overlay code**Highways and main roads**

| Performance outcomes | Example |
|---|---|
| P05 <i>Development</i> is located, designed and constructed to ensure that noise from <i>Highways and Main roads</i> do not adversely affect: <ul style="list-style-type: none"> (a) the development's primary function; and (b) the wellbeing of occupants including their ability to sleep, work or otherwise undertake quiet enjoyment without unreasonable interference from <i>road</i> traffic noise. | AO5.1 Where adjoining a <i>Highway</i> or <i>Main road</i> and not located in an <i>urban area</i> , <i>buildings</i> are setback a minimum of 40 metres from the property boundary adjoining a <i>Highway</i> or <i>Main road</i> as identified on the Infrastructure overlay maps OM009a-g . AO5.2 Where adjoining a <i>Highway</i> or <i>Main Road</i> as identified on the infrastructure overlay maps OM009a-g , development ensures that a <i>sensitive land use</i> achieves the relevant road traffic noise criteria of the Queensland Development Code. |

Performance Outcome Assessment

The existing road will not adversely affect the primary function of the development. A condition has been included requiring the development to be designed and constructed to achieve the relevant road traffic noise criteria of the Queensland Development Code.

Stock route management overlay code

| Performance outcomes | Example |
|--|--|
| PO1 <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. | AO1.1 <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. |
| PO3 The operation of stock routes as identified on Stock route management overlay maps OM0013a-b is: <ul style="list-style-type: none"> (a) protected from encroachment by incompatible land use and <i>development</i>; and (b) land use and development is appropriately separated from the infrastructure to protect public health, and safety and appropriately manage amenity impacts. | AO3.1 <i>Sensitive land uses</i> are setback a minimum of 75 metres from a stock route as identified on Stock route management overlay maps OM0013a-b. |
| Performance Outcome Assessment The development is for a Caretaker's accommodation, which is a low impact use. Given the large road reserve of the Brisbane Valley Highway, it has been determined that the development will not result in a loss of extent, function or operational efficiency of the stock route. | |

6.0 OTHER PLANNING CONSIDERATIONS

6.1 Trunk Infrastructure and Services

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

6.2 Water Supply and Sewerage

The subject land is located within an area serviced by reticulated water supply and sewerage networks, and so a condition will be included requiring the development to be connected to these networks.

6.3 Stormwater/Drainage

The proposed development is not considered to have any adverse impacts upon stormwater and drainage.

A condition requiring the land owner to ensure that stormwater is delivered to a legal point of discharge and designed in accordance with the Queensland Urban Drainage Manual has been included in the Schedules of Conditions.

6.4 Transport network

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.

6.5 Parks and Open space

The proposed development is not considered to have any adverse impacts upon the Parks and open space network.

6.6 Infrastructure charges

As discussed above, there are no Infrastructure Charges applicable to this Dwelling house under Council's current Charges Resolution.

7.0 STATE AGENCY REFERRALS

There were no applicable referral agencies to this application, in accordance with the provisions of the *Planning Regulation 2017*.

8.0 CONCLUSION

The proposed development is for a Caretaker's Accommodation as an extension to the Toogoolawah Motel on-site. The proposed Caretaker's residence will be located on the first floor of a proposed two storeys building. The proposal is constructed to the front boundary but will not affect the existing character or amenity of the locality. The proposal will also not affect the functionality of the stock route or areas identified as future extractive industry.

9.0 ATTACHMENT

1. Site Plans Drawn and Prepared by CCW at Lockyer Drafting Designs, Reference as 1899TP, Pages 01 and 03, Revision A, Dated November 2018.
2. Floor Plans, Drawn and Prepared by CCW at Lockyer Drafting Designs, Reference as 1899TP, Pages 04 and 05, Revision A, Dated November 2018.
3. Elevations, Drawn and Prepared by CCW at Lockyer Drafting Designs, Reference as 1899TP, Pages 06 and 07, Revision A, Dated November 2018.

RECOMMENDED DECISION

That the Council approve the Development Application No. 18368 for a Development Permit for a Material Change of Use for a Caretaker's Accommodation on land described as Lot 10 on RP15393 and situated at 7164 Brisbane Valley Highway, Toogoolawah subject to the requirements and conditions contained in the Schedules and Attachments.

That the Council report for this application be published to the website as Council's State of Reasons in accordance with s63(5) of the *Planning Act 2016*.

| SCHEDULE 1 – GENERAL CONDITIONS | | |
|--|--|---------------|
| <i>Assessment Manager</i> | | |
| 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 Plans Drawn and Prepared by CCW at Lockyer Drafting Designs, Reference as 1899TP, Pages 01 and 03, Revision A, Dated November 2018. | |
| | Floor Plans, Drawn and Prepared by CCW at Lockyer Drafting Designs, Reference as 1899TP, Pages 04 and 05, Revision A, Dated November 2018. | |
| | Elevations, Drawn and Prepared by CCW at Lockyer Drafting Designs, Reference as 1899TP, Pages 06 and 07, Revision A, Dated November 2018. | |
| 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 or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land. | Before the change happens |
| 1.5 | Unless connected to a reticulated water supply network, provide a minimum water supply storage capacity of 45,000 Litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the dwelling houses. | Before the change happens |
| 1.6 | Unless connected to a reticulated sewerage network, provide an on-site effluent disposal system that is compliant with the relevant Australian standards. | Before the change happens |
| 1.7 | Building works and plumbing and drainage works approvals must be gained. | Before the commencement of use |
| 1.8 | The caretaker's accommodation is only to be occupied by the caretaker of the non-residential use on the premises. | At all times |
| | Private Open Space | |
| 1.9 | Private open space is screened where direct view is available into the private open space from the non-residential activity by lightweight screening devices. | At all times |
| | Noise protection from Highway | |
| 1.10 | The proposed development achieves the relevant road traffic noise criteria of the Queensland Development Code. | At all times |
| SCHEDULE 2 – ENGINEERING | | |
| <i>Assessment Manager</i> | | |
| No | Condition | Timing |
| | Public Utilities/Infrastructure | |
| 2.1 | Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval. | At all times |
| 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. | At all times |
| 2.3 | Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development. | At all times |
| | Stormwater drainage | |
| 2.4 | Ensure Stormwater drainage is delivered to a lawful point of discharge | At all times |

| | | |
|------|---|---------------|
| 2.5 | Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders. | At all times. |
| | | |
| | Vehicle access | |
| 2.6 | All vehicle access shall provide convenient and safe access and egress from the site in accordance with Somerset Regional Council Design Standards. | |
| | | |
| 2.7 | <p>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, and to an all-weather standard.</p> <p><i>NOTE: All-weather standard is an access which is capable of being traversed by a two wheel drive vehicle during and after a storm event with no significant damage or deformation to the access. Maintenance will be performed to preserve the access as all weather. Drainage structures are to be placed in water courses that have flowing water greater than 200mm in depth during non-storm events.</i></p> | At all times |
| | | |
| 2.8 | The construction of a new vehicle access to the Brisbane Valley Highway is allowed unless prior approvals are obtained from the State development/Council. | At all times |
| | | |
| | Car Parking | |
| 2.9 | <p>Provide on-site car parking for eight (8) vehicles in accordance with Council Planning Scheme. Disabled spaces need not be designated (marked), but the space must be provided.</p> <p>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 Design Standards.</p> | At all times |
| | | |
| | Erosion and sediment control | |
| 2.10 | <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 specific time, the Council will complete the work and recover all costs from the developer associated with the work.</p> | At all times |
| | | |

| | | |
|-----------------------------------|---|---------------------------|
| | Building above Flood Level | |
| 2.11 | <p>The current Defined Flood Event (DFE) for Lot 10 on RP15393 is 93.75 m elevation level and the following must be achieved:</p> <ul style="list-style-type: none"> • Floor heights for new habitable areas shall be a minimum of 800mm above the Defined Flood Event (DFE). • Floor heights for non-habitable buildings (except for buildings classified under the Building Code of Australia as Class 7a or Class 10) shall be a minimum of the DFE. • All hazardous, noxious material, or chemicals are located and stored above the DFE; • Electrical switchboards, power points, main data servers and the like are positioned above the DFE. Electrical and data installations below the DFE are designed and constructed to withstand submergence in flood water. • Contingency plans are in place to account for the potential need to relocate property prior to a flood event to above the DFE (i.e. to transfer plant, equipment and stock). | Prior commencement of use |
| | | |
| 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 | During construction phase |

| | | |
|---|--|--|
| | result in a build-up of sand, silt or mud in the gutter, drain or water. | |
| | | |
| SCHEDULE 4 – ADVICE | | |
| <i>Assessment Manager</i> | | |
| This approval has effect in accordance with the provisions of section 71 of the Planning Act 2016 . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i> | | |
| | | |
| 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 applicant’s 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 Operations department if in Council’s 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. | | |
| | | |
| This development approval is for the proposed Caretaker’s accommodation only. Any additional structures proposed may require their own planning approval and will be assessed on its own merits | | |
| | | |

Attachments for the Decision Notice include:

- Site Plans Drawn and Prepared by CCW at Lockyer Drafting Designs, Reference as 1899TP, Pages 01 and 03, Revision A, Dated November 2018.
- Floor Plans, Drawn and Prepared by CCW at Lockyer Drafting Designs, Reference as 1899TP, Pages 04 and 05, Revision A, Dated November 2018.
- Elevations, Drawn and Prepared by CCW at Lockyer Drafting Designs, Reference as 1899TP, Pages 06 and 07, Revision A, Dated November 2018.

This completes the report for DA18368.

Resolution:

Moved - Cr Hall

Seconded - Cr Brieschke

“THAT the Council approve the Development Application No. 18368 for a Development Permit for a Material Change of Use for a Caretaker’s Accommodation on land described as Lot 10 on RP15393 and situated at 7164 Brisbane Valley Highway, Toogoolawah subject to the requirements and conditions contained in the Schedules and Attachments.

THAT the Council report for this application be published to the website as Council’s State of Reasons in accordance with s63(5) of the *Planning Act 2016*.

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 Plans Drawn and Prepared by CCW at Lockyer Drafting Designs, Reference as 1899TP, Pages 01 and 03, Revision A, Dated November 2018. | |
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| | Elevations, Drawn and Prepared by CCW at Lockyer Drafting Designs, Reference as 1899TP, Pages 06 and 07, Revision A, Dated November 2018. | |
| 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 or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land. | Before the change happens |
| 1.5 | Unless connected to a reticulated water supply network, provide a minimum water supply storage capacity of 45,000 Litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the dwelling houses. | Before the change happens |
| 1.6 | Unless connected to a reticulated sewerage network, provide an on-site effluent disposal system that is compliant with the relevant Australian standards. | Before the change happens |
| 1.7 | Building works and plumbing and drainage works approvals must be gained. | Before the commencement of use |

| | | |
|---------------------------------|---|---------------|
| 1.8 | The caretaker's accommodation is only to be occupied by the caretaker of the non-residential use on the premises. | At all times |
| | | |
| | Private Open Space | |
| 1.9 | Private open space is screened where direct view is available into the private open space from the non-residential activity by lightweight screening devices. | At all times |
| | | |
| | Noise protection from Highway | |
| 1.10 | The proposed development achieves the relevant road traffic noise criteria of the Queensland Development Code. | At all times |
| | | |
| SCHEDULE 2 – ENGINEERING | | |
| <i>Assessment Manager</i> | | |
| No | Condition | Timing |
| | Public Utilities/Infrastructure | |
| 2.1 | Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval. | At all times |
| | | |
| 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. | At all times |
| | | |
| 2.3 | Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development. | At all times |
| | | |
| | Stormwater drainage | |
| 2.4 | Ensure Stormwater drainage is delivered to a lawful point of discharge | At all times |
| | | |
| 2.5 | Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders. | At all times. |
| | | |
| | Vehicle access | |
| 2.6 | All vehicle access shall provide convenient and safe access and egress from the site in accordance with Somerset Regional Council Design Standards. | |
| | | |
| 2.7 | <p>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, and to an all-weather standard.</p> <p><i>NOTE: All-weather standard is an access which is capable of being traversed by a two wheel drive vehicle during and after a storm event with no significant damage or deformation to the access. Maintenance will be performed to preserve the access as all weather. Drainage structures are to be placed in water courses that have flowing water greater than 200mm in depth during non-storm events.</i></p> | At all times |

| | | |
|------|---|---------------------------|
| 2.8 | The construction of a new vehicle access to the Brisbane Valley Highway is allowed unless prior approvals are obtained from the State development/Council. | At all times |
| | | |
| | Car Parking | |
| 2.9 | <p>Provide on-site car parking for eight (8) vehicles in accordance with Council Planning Scheme. Disabled spaces need not be designated (marked), but the space must be provided.</p> <p>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 Design Standards.</p> | At all times |
| | | |
| | Erosion and sediment control | |
| 2.10 | <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 specific time, the Council will complete the work and recover all costs from the developer associated with the work.</p> | At all times |
| | | |
| | Building above Flood Level | |
| 2.11 | <p>The current Defined Flood Event (DFE) for Lot 10 on RP15393 is 93.75 m elevation level and the following must be achieved:</p> <ul style="list-style-type: none"> • Floor heights for new habitable areas shall be a minimum of 800mm above the Defined Flood Event (DFE). • Floor heights for non-habitable buildings (except for buildings classified under the Building Code of Australia as Class 7a or Class 10) shall be a minimum of the DFE. • All hazardous, noxious material, or chemicals are located and stored above the DFE; • Electrical switchboards, power points, main data servers and the like are positioned above the DFE. Electrical and data installations below the DFE are designed and constructed to withstand submergence in flood water. • Contingency plans are in place to account for the potential need to relocate property prior to a flood | Prior commencement of use |

| | | |
|---|---|---------------------------|
| | event to above the DFE (i.e. to transfer plant, equipment and stock). | |
| | | |
| 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: <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 | The holder of this development approval must not: <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 Planning Act 2016 . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i> | | |
| | | |
| 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 *Planning Act 2016* provides for a person to make a change to this development application outside the applicant's 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 Operations department if in Council's 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.

This development approval is for the proposed Caretaker's accommodation only. Any additional structures proposed may require their own planning approval and will be assessed on its own merits"

Carried

| | |
|------------------------|---|
| Subject: | Pest Management Working Group Meeting – Biosecurity Plan Development |
| File: | Environmental Management/Reports/Environmental Health Reports |
| Action Officer: | MES |

Background/Summary

A meeting of the Pest Management Working Group was held on 20 March 2019 to discuss the development of Council's Biosecurity Plan.

A report from meeting detailing deliberations and recommended actions is attached.

Attachment

1. Report of Pest Management Working Group Meeting held on 20 March 2019.

Recommendation

THAT Council receive the report from the Pest Management Working Group meeting held on 20 March 2019 be received and that the contents be noted.

Resolution:

Moved - Cr Choat

Seconded - Cr Brieschke

"THAT Council receive the report from the Pest Management Working Group meeting held on 20 March 2019 be received and that the contents be noted."

Carried

Conflict of Interest – Item 13

Cr Whalley raised the perception of a conflict of interest existing for the Mayor Cr Lehmann in this matter because of his personal relationship with family members of the applicants.

Cr Lehmann declared he had a conflict of interest in this item (as defined by section 175D of the Local Government Act 2009) as follows: Due to his familiar relationship with the applicants.

Cr Lehmann determined that this personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest. Cr Lehmann will best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

However, Cr Lehmann acknowledged that the remaining Councillors must determine, pursuant to Section 175E (4) of the Local Government Act 2009:

- (a) whether he has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (b) if so, whether: -
 - a. Cr Lehmann must leave the meeting while this matter is discussed or voted on; or
 - b. If he may participate in the meeting in relation to the matter, including by

voting on the matter.

Cr Lehmann left the meeting at 9.17am.

Deputy Mayor, Cr Hall assumed the chair at 9.18am.

Resolution:

Moved - Cr Choat

Seconded - Cr Whalley

“THAT Cr Lehmann does not have either a real conflict of interest or perceived conflict of interest in the matter and is accordingly free to participate in the meeting whilst the matter is discussed, including by voting on the matter.”

Carried

Cr Lehmann returned to the meeting at 9.19am and assumed the chair.

| | |
|------------------------|--|
| Subject: | Temporary Entertainment Event – ANZAC Day at Bottletree |
| File: | Environmental Management/Reports/Environmental Health |
| Action Officer: | Reports EHO-BW |

Background/Summary

Council has received a temporary entertainment event application from the Bottletree Hotel to hold a country music event on ANZAC Day 2019. The event is proposed for Thursday 25 April 2019 in the car park of the Bottletree Hotel, 664 Glamorgan Vale Road, Glamorgan Vale. The event is proposed to be operated from 11.00am until 8.00pm.

Council regulates this activity through *Local Law No.1 (Administration) 2011*, and *Subordinate Local Law 1.12 (Operation of Temporary Entertainment Events) 2011*.

Assessment of Application

Under section 9 of *Local Law No. 1 (Administration) 2011*, Council may grant an approval for an application for a temporary entertainment event only if it is satisfied that:

| | |
|--------------------------------|--|
| Criteria – LL, section 9(1)(a) | If the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme - the separate approval has been granted; and |
| Officer Comment | <p>The applicant is required to apply to the Office of Liquor and Gaming Regulation to extend the liquor licence for the hotel. Council would require the applicant to provide a copy of the liquor licence prior to the event.</p> <p>Council's planning and development section has advised that no development approval is required for the proposed event.</p> |
| Criteria – LL, section 9(1)(b) | The proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and |

| | |
|--------------------------------|--|
| Officer Comment | The applicant has provided an event management plan for the event detailing provisions for public safety and environmental harm. |
| Criteria – LL, section 9(1)(c) | If the prescribed activity is the commercial use of a local government controlled area or road - the grant of the approval is consistent with the objective of the local government of restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy an unfair commercial advantage over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid, and to which planning and other regulatory legislation applies; |
| Officer Comment | Not applicable. |
| Criteria – LL, section 9(1)(d) | The proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and |
| Officer Comment | <i>Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011</i> prescribes criteria for the proposed activity. An assessment against that criterion is provided below. |
| Criteria – LL, section 9(1)(e) | The grant of the approval would be consistent with the purpose of any relevant local law; and |
| Officer Comment | The approval would be generally consistent with Council's Local Laws. |
| Criteria – LL, section 9(1)(f) | If the application relates to trust land - the grant of the approval would be consistent with the terms and conditions of the trust; and |
| Officer Comment | The event will be held on freehold land. |
| Criteria – LL, section 9(1)(g) | If the application relates to a prescribed activity mentioned in section 5(b) - the grant of the approval would be consistent with any requirements or criteria specified in the relevant <i>Local Government Act</i> in relation to the approval. |
| Officer Comment | Not applicable. |
| Criteria – SLL, section 4(1) | The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place. |
| Officer Comment | The applicant has provided an event management plan for the event detailing provisions for public safety. |
| Criteria – SLL, section 4(2) | Entertainment provided at the place must not unreasonably detract from the amenity of the area in which the entertainment is, or is proposed to be, situated. |
| Officer Comment | It is unlikely that the event will unreasonably detract for the amenity of the area. |

| | |
|------------------------------|--|
| Criteria – SLL, section 4(3) | Entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood. |
| Officer Comment | The applicant has provided an event management plan for the event detailing provisions for public safety and environmental harm. Noise from the activity will be regulated by the Office of Liquor and Gaming Regulation and environmental nuisance can be appropriately conditioned if the event is approved. |
| Criteria – SLL, section 4(4) | There must be enough toilets and sanitary conveniences provided for the event. |
| Officer Comment | A satisfactory number of toilets and sanitary conveniences are proposed for the event and can be appropriately conditioned. |
| Criteria – SLL, section 4(5) | Adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event. |
| Officer Comment | An adequate number of waste bins are proposed for the event and must be serviced by an appropriately licensed waste transporter. |
| Criteria – SLL, section 4(6) | Adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event. |
| Officer Comment | The applicant has provided a traffic management plan. Council's Operations Department has advised that no issues in relation to traffic have been experienced regarding previous events held at the site. |

Discussion

Council has not received the following:

- A copy of a liquor licence to cover the event.
- A public liability insurance certificate of currency for the event.
- Signed consent from property owners for car parking and camping on the opposite side of Glamorgan Vale Road.

The applicant has advised that the outstanding items will be provided to Council prior to the event. Provision of these items would also be required as part of the conditions of approval. Considering the history of limited complaints regarding the operation of similar events at this site over the past few years, it is considered appropriate to recommend approval of the application subject to the applicant addressing the outstanding matters and the final approval of the Chief Executive Officer.

Attachment

- Traffic Management Plan
- Site Plan

Recommendation

THAT Council approve the application subject to the conditions listed:

| No. | CONDITION |
|------------|--|
| 1.0 | ENVIRONMENTAL/ LOCAL LAW |
| 1.1 | The approval holder must provide Somerset Regional Council with a copy of a liquor licence that covers the event by no later than 24 April 2019. |
| 1.2 | The approval holder must, by no later than 24 April 2019 provide Somerset Regional Council with a copy of a public liability insurance certificate of currency for a minimum of \$10 million dollars and must note Somerset Regional Council as an interested party. |
| 1.3 | The approval holder must operate the event in accordance with the traffic management plan. |
| 1.4 | The approval holder must: <ul style="list-style-type: none"> • Display the approval in the manner, and at the locations, specified by the local government; and • Produce the approval for inspection by an authorised person on demand. |
| 1.5 | The operation of the temporary entertainment event must not unreasonably detract from the amenity of the area in which the place is located. |
| 1.6 | The temporary entertainment event is limited to the operation of a country music event on Lot 1 SP271740 and parking on Lot 3 RP814369, between the hours of 11am to 8pm on Thursday 25 April 2019. Overnight camping is to be provided on Lot 12 RP226795 from Thursday 25 April 2019 to Friday 26 April 2019. The approval holder must, by no later than 24 April 2019, provide evidence of signed consent from the landowners on which the parking and camping will be provided. |
| 1.7 | The approval holder must provide the following number of toilets and sanitary conveniences: Event location: Males: 4 toilets, 8 urinals and 3 hand basins. Females: 13 toilets and 3 hand basins. Unisex: 1 disabled toilet Camp ground: Unisex: 2 toilets and 2 hand basins |
| 1.8 | The approval holder must provide at least 10 x 240L waste bins that are to be serviced by an appropriately licensed waste contractor. |
| 1.9 | The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$10,000,000. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the business. |
| 1.10 | The permit holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval. “Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage. |
| 1.11 | The temporary entertainment event must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> . |
| 1.12 | The approval holder must implement appropriate dust mitigation measures to ensure |

| | |
|------|---|
| | the temporary entertainment event does not cause a dust nuisance to surrounding sensitive receptors. |
| 1.13 | The activity must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken. |
| 1.14 | The approval holder must provide appropriate lighting in all areas of the temporary entertainment event including the proposed parking area on Lot 3 RP814369 and camping area on Lot12 RP226795 to ensure the safety of the public. |
| 1.15 | All buildings, structures, vehicles, facilities or equipment used in the operation of the temporary entertainment event must be maintained at all times: <ul style="list-style-type: none"> • In good working order. • In good state of repair. • In a clean and sanitary condition. |
| 1.16 | Ensure that a food licence issued under the <i>Food Act 2006</i> is obtained (to the extent that it is required) by any entities selling food at the event. |
| 1.17 | The temporary entertainment event is limited to the hours of 11am to 8pm on Thursday 25 April 2019. Music provided as part of the event must cease at no later than 8pm. |
| 1.18 | The approval holder must conduct an 'emu parade' of the parking and residential streets around the event site to remove any accumulated litter the day following the event. |

Resolution: Moved - Cr Whalley Seconded - Cr Ogg

"THAT Council approve the application subject to the conditions listed:

| No. | CONDITION |
|------------|--|
| 1.0 | ENVIRONMENTAL/ LOCAL LAW |
| 1.1 | The approval holder must provide Somerset Regional Council with a copy of a liquor licence that covers the event by no later than 24 April 2019. |
| 1.2 | The approval holder must, by no later than 24 April 2019 provide Somerset Regional Council with a copy of a public liability insurance certificate of currency for a minimum of \$10 million dollars and must note Somerset Regional Council as an interested party. |
| 1.3 | The approval holder must operate the event in accordance with the traffic management plan. |
| 1.4 | The approval holder must: <ul style="list-style-type: none"> • Display the approval in the manner, and at the locations, specified by the local government; and • Produce the approval for inspection by an authorised person on demand. |
| 1.5 | The operation of the temporary entertainment event must not unreasonably detract from the amenity of the area in which the place is located. |
| 1.6 | The temporary entertainment event is limited to the operation of a country music event on Lot 1 SP271740 and parking on Lot 3 RP814369, between the hours of 11am to 8pm on Thursday 25 April 2019. Overnight camping is to be provided on Lot 12 RP226795 from Thursday 25 April 2019 to Friday 26 April 2019. The approval holder must, by no later than 24 April 2019, provide evidence of signed consent from the landowners on which the parking and camping will be provided. |
| 1.7 | The approval holder must provide the following number of toilets and sanitary conveniences: Event location: Males: 4 toilets, 8 urinals and 3 hand basins. |

| | |
|------|---|
| | <p>Females: 13 toilets and 3 hand basins.</p> <p>Unisex: 1 disabled toilet</p> <p>Camp ground:</p> <p>Unisex: 2 toilets and 2 hand basins</p> |
| 1.8 | The approval holder must provide at least 10 x 240L waste bins that are to be serviced by an appropriately licensed waste contractor. |
| 1.9 | The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$10,000,000. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the business. |
| 1.10 | <p>The permit holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.</p> <p>“Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.</p> |
| 1.11 | The temporary entertainment event must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> . |
| 1.12 | The approval holder must implement appropriate dust mitigation measures to ensure the temporary entertainment event does not cause a dust nuisance to surrounding sensitive receptors. |
| 1.13 | The activity must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken. |
| 1.14 | The approval holder must provide appropriate lighting in all areas of the temporary entertainment event including the proposed parking area on Lot 3 RP814369 and camping area on Lot12 RP226795 to ensure the safety of the public. |
| 1.15 | <p>All buildings, structures, vehicles, facilities or equipment used in the operation of the temporary entertainment event must be maintained at all times:</p> <ul style="list-style-type: none"> • In good working order. • In good state of repair. • In a clean and sanitary condition. |
| 1.16 | Ensure that a food licence issued under the <i>Food Act 2006</i> is obtained (to the extent that it is required) by any entities selling food at the event. |
| 1.17 | The temporary entertainment event is limited to the hours of 11am to 8pm on Thursday 25 April 2019. Music provided as part of the event must cease at no later than 8pm. |
| 1.18 | <p>The approval holder must conduct an ‘emu parade’ of the parking and residential streets around the event site to remove any accumulated litter the day following the event.</p> <p><u>Carried</u></p> |

| | |
|------------------------|---|
| Subject: | Planning and Building Services Monthly Report – March 2019 |
| File: | Governance/Reporting/Officer Reports |
| Action Officer: | DPAD, SP, BS, PI |

Report

A summary of the Departments activities during the month of March 2019 is provided for Council's information.

1. Planning Development Applications

During the month the following Development Applications were received:

| Assessment Type | March 2019 | Feb 2019 |
|--|-------------------|-----------------|
| Building Works assessable against the Planning Scheme | 3 | 6 |
| Material Change of Use | 3 | 5 |
| Reconfiguring a Lot | 1 | 3 |
| Operational Works | 0 | 2 |
| Combined Applications | 0 | 0 |
| Total | 7 | 16 |

The list of applications received is provided in **Appendix 1**

During the month the following Development Applications were decided:

| Approved/Refused | March 2019 | Feb 2019 |
|---------------------------------------|-------------------|-----------------|
| Approved - Council | 5 | 5 |
| Approved - Delegated Authority | 11 | 8 |
| Total | 16 | 13 |

The list of applications decided is provided in **Appendix 1A**

2. Building Development Approvals

A total of thirty-four (34) building approvals were issued in the region for February 2019.

Assessment Type: Building Works

| Status | Number |
|-------------------------------------|---------------|
| Accepted | 27 |
| Approved - Council | 16 |
| Approved - Private Certifier | 18 |
| Withdrawn | 0 |
| Info Request | 7 |
| Finalised | 66 |
| Fees Not Paid | 1 |

The list of applications approved is provided in **Appendix 2**.

3. Plumbing Compliance Permits and Inspections

The number of plumbing and drainage approvals for March 2019 was twenty-three (23);

Assessment Type: Plumbing Approval

| Status | Number |
|---------------------|---------------|
| Approved | 23 |
| Info Request | 4 |
| Total | 27 |

The list of applications approved is provided in **Appendix 3**

The number of home sewerage treatment plants on Council's register is 1871 of which 49 or 2.61% 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.

Mid-Brisbane River Risk Mitigation Program

Council Plumbing Inspectors and NRM officer are currently in the process of managing a subsidy program aimed at improving water quality in the mid Brisbane River catchment.

The subsidy of up to \$17,000 per Household is being offered for the upgrade of septic systems on properties identified as high risk to water quality. The subsidy is funded by SEQ Water.

Following an initial inspection program carried out during 2018, 16 properties have been offered the opportunity to apply for the subsidy of these 9 have expressed an interest and 2 have followed up with an application.

4. Environmental Services

Environmental Health Services

Toolbox overview

The below figures reflect the customer sessions on Somerset Regional Council's content on Toolbox during the month.

Visitors to Council content

| | February 2019 | January 2019 |
|------------------------------|---------------|--------------|
| Users | 64 | 76 |
| Sessions | 79 | 95 |
| Pageviews | 237 | 329 |
| Pages/Sessions | 3.00 | 3.46 |
| Avg. Session Duration | 2:47 minutes | 3:40 minutes |
| Downloads | 31 | 32 |

Most popular content

| Top content pages | Unique pageviews | |
|---|------------------|--------------|
| | February 2019 | January 2019 |
| Noise Pollution | 26 | 30 |
| Food | 24 | 33 |
| Do I need a food business licence? | 15 | 18 |
| How to start a food business | 11 | 13 |
| Home based activities | 8 | - |
| Document library | - | 12 |

Food Safety Training

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

A total of 21 users completed the training during the month of March.

Swimming Pool Water Quality Monitoring

Water samples from the Toogoolawah, Kilcoy and Lowood pools were collected during March to monitor for compliance with the *Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines, 2004*. Samples collected from all pools complied with the Queensland Health guidelines.

School Based Immunisation Clinics

Council delivers a school based vaccination program at the Lowood and Toogoolawah High Schools for year 7 and year 10 students under a service provider agreement with the State of Queensland. Planning has commenced for the second round of clinics to be delivered in August and September 2019.

Mosquito Monitoring

Officers are currently conducting a mosquito survey program in conjunction with Queensland Health in various towns and villages in the region to be conducted from January to March 2019. During March, monitoring was conducted in Toogoolawah and Esk with samples to be submitted to Queensland Health for analysis.

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

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

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

Queensland Health – Exotic Mosquito Incursion Workshop

Council officers attended a workshop conducted by Queensland Health and the West Moreton Public Health Unit to discuss a draft document titled, *Decision and Planning Framework - for assessing the risk of an exotic mosquito into a new location in Queensland*.

Feedback from attending Council's mainly focused on concerns relating to resourcing of responses detailed in the draft framework. It is expected that, following the consideration of feedback from workshops held with Council's and Public Health Units around the state, the draft framework will be submitted to Councils for comment.

An overview of the section activities for the month is contained in Appendix 4.

Pest Management

The following is a report on activities in the Pest Management sections for the months of January and February:

Invasive Animal Control

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

Wild dogs

- 1080 Baits injected: 32.
- The next advertised 1080 baiting program day will be held on the 13 May 2019
- Dingo scalps presented: 10

Rabbits

- Officers have been working with landholders to control rabbit infestations in the following areas; Mount Beppo and Sandy Creek.
- Officers are continuing to work closely with Seqwater in controlling rabbits around Somerset Dam and Wivenhoe Dam.
- Pest Management Officers received training in the use of mapping utilized by the Darling Downs-Moreton Rabbit Board, in preparation for collaborative rabbits surveys across the southern end of the region.

Feral Pigs

- Officers deployed Council's large panel pig trap in response to a report from a landholder at Linville of pigs digging up pasture along the Brisbane River. A total of 10 feral pigs were removed which is believed to be the whole sounder.

Foxes

- Increase of reports across the Region of foxes being sighted and impacting on peri-urban poultry and in response Pest Management Officers have been working with landholders in the Sandy Creek area.

Feral Cat

- Two feral cats were trapped at Brightview and Coal Creek.

Invasive Plant Control

A summary of in and other vegetation treatment activities for the month is as follows:

- **Annual ragweed** - Mount Beppo, Coal Creek, Colinton, Harlin, Esk, Lowood, Biarra, Toogoolawah, Linville, Moore, Eskdale, Tarampa, Coominya, Kilcoy, Crossdale, Mount Stanley, Mount Kilcoy, Bruyden and Somerset Dam.
- **Groundsel** - Glamorgan Vale, Fernvale, Tarampa, Mount Beppo, Marburg, Lowood.
- **Giant rat's tail grass** – Mount Kilcoy, Sandy Creek, Monsildale, Wivenhoe Pocket, Kingaham and Toogoolawah.
- **Honey locust** - Toogoolawah.
- **Mother of Millions** - Jimna and Glamorgan
- **Main Roads Element 5** – Brisbane Valley Highway, D'Aguilar Highway West, Wivenhoe-Somerset Road, Esk-Kilcoy Road and Kilcoy Murgon Road.
- **Council controlled land** - Kilcoy Showgrounds and all bridges in the region.
- **Herbicide applied** - 11, 270L

Compliance under the Biosecurity Act 2014

- **Information notices** - 8
- **Biosecurity Orders** - 0
- **Enter and Clear action** - 1

Animal Management

An overview of the section activities for the month are contained in Appendix 4.

5. Natural Resource Management

Land for Wildlife

- Preliminary arrangements underway for an upcoming Land for Wildlife workshop about becoming a wildlife carer. This workshop is scheduled for Saturday 18 May.
- Officer attendance at the Land for Wildlife Transitional sub-committee meeting held 13 March.

Somerset Flora and Fauna

- Officer attendance at the Regional Koala meeting held 4 March. This meeting discussed current state direction regarding koala policy, and potential implications for Local Governments.
- Meeting with Department of Environment and Science (DES) staff regarding options

for future Koala habitat support funding models/delivery through Local Governments – 11 March.

- Meeting with DES staff regarding the ongoing management and coordination of harvesting activities at Koala fodder plantations situated at Fielding road, Vernor, and Shines Road, Wivenhoe Pocket – 14 March.
- Preliminary arrangements commenced for a round of awareness workshops for Primary school students regarding Somerset Wildlife, and in particular the Koala. 20 workshops are intended across Mid 2019.

Catchment Management

- Ongoing project development is being undertaken to formalise the delivery of Resilient Rivers funding granted to Somerset Regional Council for local projects. These include:
 - \$120,000 for Black Snake Creek rehabilitation – Consultants have been appointed, with preliminary design and engagement work anticipated in late April 2019.
 - \$105,000 for Recreational investigation of Hills Crossing and Savages Crossing. Tender review is currently underway, with an appointment anticipated in April 2019.
- Officers attended an initial planning meeting regarding the progression and development of an Upper Brisbane and Stanley Catchment Action Plan. Catchment Action Plans seek to guide investment and collaborative effort within a catchment under the Council of Mayors Resilience Rivers Initiative. Current works seeks to identify stakeholders to participate in ongoing development work.

Collaborations

- Council continues to support the Kilcoy State High School Agricultural studies students to undertake practical assessment and general maintenance elements at Hopetoun Fields, Kilcoy. Council is currently negotiating with SEQ Water regarding the broader management plan for this area in support of further works and collaborative opportunity.
- Council officers met with Healthy Land and Water to review ongoing partnership and funding arrangements for the coming 3 years – 26 March.
- Participation in the SEQ Council Offset working group – 4 March.
- Coordinated a phot opportunity for Somerset Mayor Graeme Lehmann, and Arthur Gorrie Correctional Centre CEO Troy Ittensohn to celebrate the Free Tree Partnership between these organisations – 12 March.
- Assistance in the development of Somerset Regional Council's Biosecurity Plan drafting, and attendance at the working group meeting 20 March.

Recommendation

THAT the Department of Planning and Development Monthly Report for March 2019 be received and the contents noted.

Resolution: Moved - Cr Brieschke Seconded - Cr Whalley

“THAT the Department of Planning and Development Monthly Report for March 2019 be received and the contents noted.”

Carried

| | |
|------------------------|---|
| Subject: | Council Covenantee request - 1 School Street, Moore |
| File Ref: | Development and Building Controls/ Development and Building Control – 2018 - 2019 – Prelodgement Documentation |
| Action Officer: | Natural Resource Management Officer |

Background/Summary

Council has recently received a request to be covenantee for a new covenant for the purposes of preserving plants and fauna on a portion of Lot 9 on CP M5625 - 1 School Street, Moore. The request to Council was made by the legal representatives of the land owner in accordance with her wishes for the property prior to her passing.

If Council were to consent to the request to be covenantee, it would imply endorsement of the Covenant, and that the Covenant will be in Council's favour in as much as that the Covenantor (including subsequent owners of the land) will only be able to remove the Covenant and associated conditions with Council's consent (notwithstanding rights retained by the State Government).

An assessment of the site indicates that it does not contain significant natural values as it is located within the township zone of Moore. The proposed covenant area is located adjacent to an established creek corridor and extensive road reservation in this location that provides some degree of connectivity in local landscape, however the quality of the predominant vegetation has been significantly altered by pest species over time.

While this request of Council does entail some emotive issues that should receive consideration, this request would not normally receive support from assessing staff, as the site values do not warrant the level of protection proposed, nor any implications that may impose on Councils in a requested role as covenantee. It is important that covenants, and Councils support for application of covenants, are reserved for matters of significance only, and only supported or imposed in association on matters that Council believe require the surety a covenant provides. This philosophy in turn ensures the relevance and integrity of this management mechanism (covenants) is maintained for future application, and that a precedent for disproportionate application is not established.

As such, it is recommended that Council decline the request to be covenantee to the proposed covenant. Correspondence should also indicate a willingness to consider other arrangements (such as dedication of certain lands) in accordance with the wishes of the estate, that may better align with Councils strategic direction, and administrative involvement.

In consideration of this request, please consider the Attachments which outline:

- the area proposed to covenant;

- the obligations of the covenantor (including subsequent owners of the property);
- the role of Council as covenantee; and
- schedule information pertaining to management implications.

Attachments

Attachment 1 - Letter to Somerset Regional Council
 Attachment 2 - Form 31 Covenant
 Attachment 3 - Form 20 Schedule
 Attachment 4 - 9525 S 01 SK A
 Attachment 5 - QLD_ Plan Image - CPM5625
 Attachment 6 - 9525 E Covenant Management Plan A 20190130

Recommendation

That Council decline the request to be covenantee to the proposed arrangement.

Resolution: Moved - Cr Gaedtko Seconded - Cr Choat

“THAT Council decline the request to be covenantee to the proposed arrangement.”

Carried

Subject: Development Application No. 18350
 Application for a Development Permit for a Reconfiguring a lot for Subdivision (One into Five lots) and Creating two access easements
File No: DA18350
Action Officer: PO - RC

1.0 APPLICATION SUMMARY

Subject Land

| | |
|---------------------------|--|
| Location | 196 Banks Creek Road, Fernvale |
| Real Property Description | Lot 2 on SP304386 Lot 1 on SP300734 (Access easement burdening the site only) |
| Site area | 3.7 hectares |
| Current land use | Vacant |

Somerset Region Planning Scheme Version Three

| | |
|----------|---------------------|
| Zone | General residential |
| Precinct | Park residential |

ShapingSEQ

| | |
|-------------------|-----------------|
| Land Use Category | Urban Footprint |
|-------------------|-----------------|

Application

| | |
|----------------------------|---|
| Proposed Development | Subdivision – One into Five lots in four stages and Creating two access easements |
| Level of Assessment | Code |
| Applicant/s | A Campbell |
| Applicants contact details | 196 Banks Creek Road Fernvale QLD 4306 |
| Date application received | 12 February 2019 |
| Date properly made | 14 February 2019 |

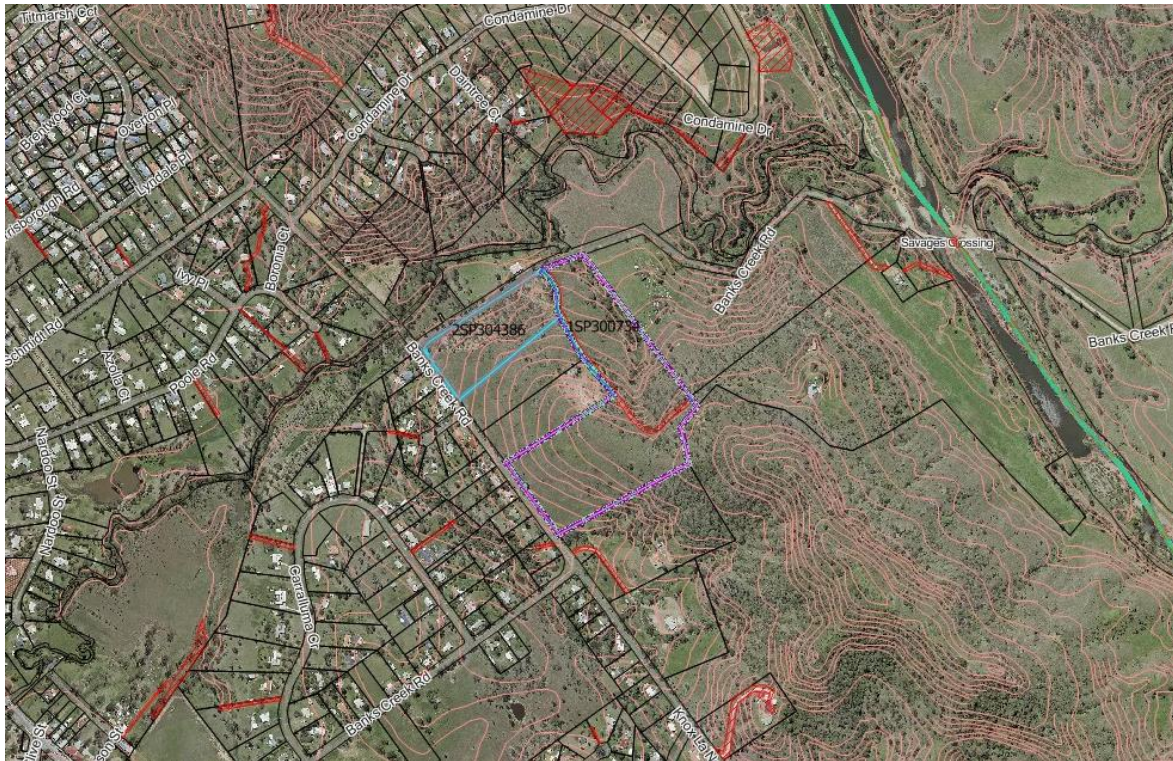
| | |
|--------------------------|-----|
| Referral Agencies | Nil |
|--------------------------|-----|

Public Notification

Not required

RECOMMENDED DECISION

Approve the Development Application No. 18350 subject to the requirements and conditions contained in the Schedules and Attachments.



**Locality Plan of Lot 1 on SP300734 and Lot 2 on SP304386
Situating at 196 Banks Creek Road, Fernvale**

2.0 PROPOSAL

The applicant proposes to subdivide the subject lot into five park residential lots and creating two new access and service easements. The proposed subdivision plan is provided as Attachment 1.

Details of the proposed Lots are as of follows:

| Proposed Lot | Proposed Area |
|----------------|--------------------------|
| Proposed Lot A | 4,510.983m ² |
| Proposed Lot B | 4,379.315m ² |
| Proposed Lot C | 7,457.504m ² |
| Proposed Lot D | 10,361.480m ² |
| Proposed Lot E | 10,290.533m ² |

The proposed development complies with the minimum lot sizes and dimensions stipulated in the Reconfiguration a lot code. The proposed development has been designed to reflect the characteristics and topography of the site.

The subject site is currently vacant and the applicant has not proposed new uses or buildings and structures as part of the application. All proposed lots will have accesses from either

Banks Creek Road or from access easements.

The applicant has also proposed Building envelope areas for proposed Lots D and E. Proposed Lot D is also a battle-axe block and will share its access with Lot C via an easement agreement. Proposed Lot E will be accessed from the existing access easement burdening on the neighbouring lot D.

The applicant has proposed to carry out the development in four stages. A summary of the proposed staging is provided below.

- Stage 1 – Creating proposed Lot A;
- Stage 2 – Creating proposed Lot B;
- Stage 3 – Creating proposed Lot C and an access easement benefiting Lot C;
- Stage 4 – Creating proposed Lots D and E and an access easement benefiting Lot E.

3.0 SITE DETAILS AND SURROUNDING USES

The existing lot is an irregular shaped corner allotment and is currently not improved by buildings or structures. The boundaries are defined by Banks Creek Road to the north and west and by properties to the remaining direction. An access easement adjoins the lot to the east. The site contains mature vegetation, especially in the northern region of the site.

The subject site is subject to an existing one into fifty-five lots subdivision approval (DA12792) and a one into six lots subdivision approval (DA16445). The applicant has now carried out the DA16445 subdivision and the subject lot is one of the lots created in the said approval.

The surrounding land uses of the site are predominately park residential uses, consisting of a variety of lot sizes.

4.0 STATE ASSESSMENT

4.1 Vegetation Management Act 1999

As per the Department of State Development, Manufacturing, Infrastructure and Planning's Development Assessment Mapping System, the site contains regulated vegetation but does not require referral to the State, as per the *Planning Regulation 2017*.

4.2 Environmental Protection Act 1994

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

5.0 COUNCIL ASSESSMENT

An assessment against the relevant parts of the planning scheme is set out below.

5.1 Strategic Framework

An assessment against the Strategic Framework was not required as the proposed development is not an impact assessable development.

5.2 Code Compliance Summary

| Applicable Code | Compliance with Overall Outcomes | Performance Outcomes |
|------------------------------------|----------------------------------|----------------------|
| Reconfiguring a lot code | Yes | PO1, PO3 and PO11 |
| Services, works and transport code | Yes | Complies |
| Transport, access and parking code | Yes | Complies |

| | | |
|-------------------------------|-----|--------------|
| Biodiversity overlay code | Yes | PO4 and PO14 |
| Bushfire hazard overlay code | Yes | PO1 |
| Flood hazard overlay code | Yes | Complies |
| Landslide hazard overlay code | Yes | Complies |

Reconfiguring a lot code

| Performance outcomes | Example |
|---|--|
| Lot size and subdivision design | |
| PO1 <i>Lot size and dimensions:</i> (a) provide sufficient area for the siting and construction of buildings and structures; (b) provide for safe vehicular and pedestrian access; (c) respond appropriately to site characteristics including slope of the land and topography; and (d) are consistent with the intended character of the zone. | AO1.2 <i>Lots in the General residential zone, Rural residential zone and Emerging community zone have an average slope of less than 12.5 percent.</i> |
| Performance Outcome Assessment | |
| <p>The subject site currently has varying slopes from between 10% to 25% or more. The proposed Plan of Subdivision reflects and responds appropriately to site characteristics including slopes of the land and topography. The former quarry on-site and the catch-drain are wholly located within proposed Lot C.</p> <p>All proposed lots provide sufficient area for siting and construction of future buildings and structures. The proposed reconfiguration has responded appropriately to the site characteristics.</p> | |
| PO3 Reconfiguration retains and protects significant features, including, but not limited to: (a) significant vegetation and habitat links/corridors; (b) <i>wetlands, waterbodies and watercourses</i> ; (c) cultural features; and (d) natural contours of the land | AO3.1 No acceptable outcome provided. |
| Performance Outcome Assessment | |
| <p>The lots are all very large and either do not have any significant vegetation (Lots A and B and half of C) or development would keep reduction of vegetation to a minimum.</p> <p>Proposed D and E contains areas identified as containing primary koala habitat. The applicant has proposed Building envelope areas, restricting developments outside the identified envelope areas. There is also evidence of historical clearing of the site.</p> <p>Should Council support the proposed application, conditions have been included requiring the registration of the proposed Building envelope areas with the signing and sealing of survey plan.</p> | |

| | |
|--|--|
| PO11 Rear <i>lot</i> access is appropriately managed to reduce vehicular conflict and provide legal access. | AO11.2 The maximum length of an access handle for a rear allotment is 50 metres. |
| Performance Outcome Assessment | |
| Proposed Lot D's access handle will be more than 50 metres. Proposed Lot C will also be accessed from the access handle via an easement agreement over the handle. All proposed lots will be provided with legal access and will not create vehicular conflicts. | |

Biodiversity overlay code

| Performance outcomes | Examples |
|--|--|
| Biodiversity Corridors -rehabilitation and revegetation | |
| PO5 Development provides for land identified as containing a Biodiversity Corridor on Biodiversity overlay maps OM003a-b to be restored and enhanced so as to contribute towards a functional and connected network of viable habitat areas. Note – where an environmental offset applies, restoration and enhancement activities are to be included as a requirement of a Direct Benefit Management Plan under the Queensland Environmental Offsets Policy. | AO5.1 Development provides for cleared, degraded or disturbed areas identified as containing a Biodiversity Corridor on Biodiversity overlay maps OM003a-b to be rehabilitated or allowed to regenerate naturally. AO5.2 Development provides for locally native plant species to be predominantly used in the revegetation and landscape planting on the site. AO5.3 Development provides for revegetation and landscape planting that does not use declared or environmental weeds. |
| Biodiversity Corridors –unimpeded movement for wildlife | |
| PO6 Unimpeded movement of fauna within and through the site via Biodiversity Corridors identified on Biodiversity overlay maps OM003a-b are maintained. Note - A supporting Ecological Site Assessment is prepared in accordance with SC6.1 - Planning Scheme Policy 1 – Ecological Site Assessment Guidelines . | AO6.1 Where within a Biodiversity Corridor identified on Biodiversity overlay maps OM003a-b , fauna movement is maintained by: (a) retaining bands of vegetation at least 200 metres wide on a site; and (b) <i>buildings, structures</i> are not located within retained vegetation bands. |
| Koalas | |
| PO14 | Where in a Primary Habitat Area |

| | |
|--|--|
| <p><i>Development</i> is sufficiently setback and minimises impacts on koalas, koala habitat values, and koala habitat connectivity and employs measures to manage impacts on koala biodiversity values.</p> <p>Note - Koalas are listed as vulnerable under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). Referral under the EPBC is required for certain actions.</p> <p>Note - Where a suitably qualified person demonstrates that the mapped koala habitat values attributed to the site are not present on the site the above performance outcome may not apply (subject to Council discretion).</p> | <p>AO14.1 No clearing of <i>native vegetation</i> is undertaken within areas mapped as bushland koala habitat – primary habitat areas on Biodiversity overlay maps OM-003c-d, except in the <i>urban area</i> and only where it is demonstrated that there is no alternative to its removal and where <i>koala habitat trees</i> are incorporated into the proposed site layout.</p> <p>Where for Reconfiguring a Lot AO14.4 A minimum setback of 50 metres is provided between a new boundary created by <i>reconfiguring a lot</i> and areas mapped as bushland koala habitat on Biodiversity overlay maps OM-003c-d.</p> |
|--|--|

Performance Outcome Assessment

The identified koala Primary Habitat Area does not apply to Lots A, B or C and applies to most of Lot E and part of Lot D.

There is evidence of historical clearing on the site, specifically to the rear (southern region) of the lot. If Council supports the proposed application, conditions have been included requiring the registration of the proposed Building envelope areas as indicated on the proposed Plan of Subdivision to protect areas identified as containing Koala Primary Habitat Area and allow rehibition of biodiversity corridor.

The purpose of the Building envelope areas is to restrict the development of structures and buildings outside the identified area and further removal of significant vegetation on the proposed lots. The Building envelope areas are identified to be corresponding to the historical cleared areas.

Bushfire hazard overlay code

| Performance outcomes | Examples |
|--|---|
| <p>PO1 Development does not increase the number of persons living or working on land subject to Very High (potential intensity) Bushfire Hazard or High (potential intensity) Bushfire Hazard identified on Bushfire Hazard Overlay Map OM-004a-b.</p> | <p>AO1.1 Development does not increase the number of lots in areas of Very High (potential intensity) Bushfire Hazard or High (potential intensity) Bushfire Hazard as identified on Bushfire Hazard Overlay Map OM-004a-b.</p> |

Performance Outcome Assessment

Council's Bushfire hazard overlay map does not identify the subject site containing areas of Very High (potential intensity) or High (potential intensity) Bushfire Hazard area.

Information retrieved from the State's Development Assessment Mapping System has identify areas along the southern boundary as High (potential intensity) and will affect proposed Lots C, D and E.

However, given the large allotments size, it is considered any future developments can be located in areas outside the identified affected areas.

6.0 OTHER PLANNING CONSIDERATIONS

6.1 Environment

The proposal will not lead to environmental degradation and as such there are no environmental considerations for the proposal.

6.2 Heritage

There are no known heritage places within or adjoining the site area.

6.3 Infrastructure

Conditions will be included requiring the proposed development to be connected with all relevant infrastructures such as the electricity and telecommunication networks.

6.4 Infrastructure Charges

As the site is located within the Urban Footprint and within the Public Parks and Community Land Service Catchment, therefore infrastructure charges will apply.

A draft Infrastructure Charges Notice prepared in accordance with Council's Infrastructure Charges Register No.1 (2018) has been provided as Attachment 2.

7.0 STATE AGENCY REFERRALS

There were no applicable referral agencies to this application, in accordance with the provisions of the *Planning Regulation 2017*.

8.0 REQUEST FOR FEE REDUCTION

Council received a request from the applicant, A Campbell seeking for an application fee reduction request for Development Application No. 18350. The development application is for Reconfiguring a Lot Subdivision (One into Five lots) and Creation of two access easements on land described as Lots 1 and 2 on SP304386 and situated at 196 Banks Creek Road, Fernvale.

Under the Somerset Region Planning Scheme Version Three, subdivision and creating access easement in the General residential zone – Park residential precinct triggers Reconfiguring a Lot application subject to code assessment. Pursuant to Council's Fees and Charges Schedule (2018-2019), the applicable fees for a code assessable application described above are follow:

- Base fee: \$2,196.00; and
- Plus per additional lot: \$428.00.

The total application fee is therefore \$3,908.00.

The applicant has requested the reduction of the application fee by 50% to \$1,954.00.

Council's Fees and Charges Schedule was formulated having regard to the officers' time to assess and determine the planning application against Council's planning documents and schemes.

The request has been reviewed and it is considered that the reasons for the proposed fee reduction cannot be supported in this instance. Despite some reliance on material provided in earlier applications, Council officers have spent considerable time reviewing and assessing

this development application. Further to this, substantial time has been spent liaising with the applicant during the course of assessment. Therefore, the application does not warrant a fee reduction.

A copy of the request has been provided as Attachment 2.

9.0 CONCLUSION

The proposed development application is a Reconfiguring a Lot application for a one into five lot subdivision and creating two access easements to service two of the proposed lots. The proposed Plan of Subdivision has been designed to reflect the characteristic of the site including the topography and the slope. The applicant has proposed Building envelope footprints in proposed Lots D and E to limit future buildings and structures incursion into areas identified as primary koala habitat areas.

10.0 ATTACHMENT

1. Proposed Sub-division plan, Prepared by CMM at Marshall Drafting Services, Job No.: 19003, Drawing No.: WD-01, Version G, Dated 3 April 2019.
2. Draft Infrastructure Charges Notice.
3. Letter of Request for reduction of Application fee by 50% from the Applicant.

RECOMMENDED DECISION

THAT the Council approve the Development Application No. 18350 for a Development Permit for a Reconfiguring a Lot for Subdivision (One into Five lots) and creating two access easements on land described as Lot 1 on SP300734 and Lot 2 on SP304386 and situated at 196 Banks Creek Road, Fernvale subject to the requirements and conditions contained in the Schedules and Attachments.

THAT the Council does not approve the reduction request and the development application fee for DA18350 remains as the prescribed fee in Council's Schedule of Fees and Charges for 2018 to 2019.

THAT the Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

| SCHEDULE 1 – GENERAL CONDITIONS | | |
|--|--|---|
| <i>Assessment Manager</i> | | |
| 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 |
| | Proposed Sub-division plan, Prepared by CMM at Marshall Drafting Services, Job No.: 19003, Drawing No.: WD-01, Version G, Dated 3 April 2019. | |
| 1.2 | Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws. | At all times |
| 1.3 | Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land. | Prior to Plan of Subdivision Endorsement Request for each stage |

| | | |
|---|---|---|
| 1.4 | <p>The Applicant is to complete each stage of the development in sequence in accordance with Drawing Job No.: 19003, Drawing No.: WD-01, Version G:</p> <ul style="list-style-type: none"> • Stage 1 – Creating proposed Lot A; • Stage 2 – Creating proposed Lot B; • Stage 3 – Creating proposed Lot C and an access easement benefiting Lot C; • Stage 4 – Creating proposed Lots D and E and an access easement benefiting Lot E. <p>The Applicant is not to submit to Council the Plan of Survey for a stage for endorsement until the Applicant has received endorsement of the Plan of Survey for the preceding stage.</p> | As indicated |
| 1.5 | A Licensed Surveyor must install new Survey Marks in their correct positions in accordance with the Survey Plan and the work must be certified in writing. | Prior to Plan of Subdivision Endorsement Request for each stage |
| 1.6 | Register Building envelope areas on proposed Lots D and E as depicted on the approved sub-division plan, reference as Drawing Job No.: 19003, Drawing No.: WD-01, Version G at no cost to Council. | Prior to Plan of Subdivision Endorsement for each stage |
| 1.7 | <p>Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Natural Resources, Mines and Energy.</p> <p>Currently, the amount is set at \$36.00 per allotment.</p> | Prior to Plan of Subdivision Endorsement for each stage |
| 1.8 | <p>Provide an assessment against the Seqwater Development Guidelines, confirming compliance with the relevant assessment criteria. In particular, addressing criteria relating to setbacks, flood immunity, stormwater quality, earthworks and wastewater design.</p> <p><i>Note: In accordance with the Guidelines, all future development and wastewater infrastructure is to maintain a minimum 50m setback to Ferny Gully and the two Stream Order 1 non-perennial watercourses to the north-east and south-west of the site.</i></p> | Prior to Plan of Subdivision Endorsement for each stage |
| 1.9 | <p>Provide a Site and Soil Evaluation / Wastewater Site Analysis prepared by a suitably qualified wastewater professional demonstrating compliance with the Seqwater Development Guidelines 2017.</p> <p><i>Note: Consideration should be had for connection to reticulated sewer.</i></p> | Prior to Plan of Subdivision Endorsement for each stage |
| SCHEDULE 2 – ENGINEERING Assessment Manager | | |

| No | Condition | Timing |
|-----|--|---|
| 2.1 | Bear the costs of works carried out to Council and utility Prior to Plan of services infrastructure and assets, including any Subdivision alterations and repairs resulting from compliance with Endorsement these conditions. | Prior to Plan of Subdivision Endorsement Request for each stage |
| 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. | Prior to Plan of Subdivision Endorsement Request for each stage |
| 2.3 | Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development. | Prior to Plan of Subdivision Endorsement Request for each stage |
| | Infrastructures | |
| 2.4 | Connect the development to a reticulated water supply, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment. Where proposed allotments front existing overhead electricity or telecommunication service, these lots may connect direct to such service to the approval and requirements of the service provider. | Prior to Plan of Subdivision Endorsement Request for each stage |
| 2.5 | Submit development applications to relevant Energy and Telecommunications regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required at the cost of a normal house connection. | Prior to Plan of Subdivision Endorsement Request for each stage |
| 2.6 | The applicant must provide written evidence (eg connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement. | Prior to Plan of Subdivision Endorsement Request for each stage |
| 2.7 | The applicant must provide conduits for underground water supply electricity and telecommunications, installed for the full length of the access handle for proposed lots C and D, as required by the regulation authority. | Prior to Plan of Subdivision Endorsement Request for each stage |
| | Flooding | |
| 2.8 | The current Defined Flood Event (DFE) for Lot 2 on SP304386 is 41.6 m elevation level and the following must be achieved: <ul style="list-style-type: none"> Floor heights for habitable areas shall be a minimum of | Prior to commencement of use |

| | | |
|------|--|--|
| | <p>800mm above the Defined Flood Event (DFE). The current DFE + 800mm is the 42.4 m AHD.</p> <ul style="list-style-type: none"> Floor heights for non-habitable buildings (except for buildings classified under the Building Code of Australia as Class 7a or Class 10) shall be a minimum of the DFE. | |
| 2.9 | Any filling below the 1% Average Exceedance Probability (AEP) or Q100 flood event will be in accordance with an approved flood study. | At all times |
| | | |
| | Vehicle access | |
| 2.10 | All vehicular access 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 Plan of Subdivision Endorsement Request |
| | | |
| 2.11 | 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 |
| | | |
| 2.12 | Make an Access Application to Council and pay the required fees where an application involves works required as stated in the conditions. | Prior to Plan of Subdivision Endorsement Request |
| | | |
| 2.13 | The Applicant is to construct a vehicle access for proposed Lot C in accordance with Council's standard drawing SRC-ROAD-016. The access is to be sealed with a minimum of a two-coat bitumen seal. | As part of Stage 3 |
| | | |
| 2.14 | The Applicant is to construct a vehicle access for proposed Lot D in accordance with Council's standard drawing SRC-ROAD-016. The access is to be sealed with a minimum of a two-coat bitumen seal. | As part of Stage 4 |
| | | |
| | Stormwater | |
| 2.15 | Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders. | At all times |
| | | |
| | Erosion and sediment control | |
| 2.16 | <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. | At all times |
| | | |
| | Access Easements | |
| 2.17 | Dedicate an access easement benefitting proposed Lot C as | Prior to Plan of |

| | | |
|---|--|---|
| | <p>depicted on the approved Sub-division plan for the purpose of providing access and maintenance of the said access route, at no cost to Council.</p> <p>Copy of the easement document is to be submitted to Council for record purposes and to accompany the survey plan for that stage upon lodgement with Council.</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> | Subdivision Endorsement for each stage |
| 2.18 | <p>Dedicate an access easement benefitting proposed Lot E as depicted on the approved Sub-division plan for the purpose of providing access and maintenance of the said access route, at no cost to Council.</p> <p>Copy of the easement document is to be submitted to Council for record purposes and to accompany the survey plan for that stage upon lodgement with Council.</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> | Prior to Plan of Subdivision Endorsement for each stage |
| SCHEDULE 3 – ADVICE <i>Assessment Manager</i> | | |
| This approval has effect in accordance with the provisions of section 71 of the Planning Act 2016 . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i> | | |
| 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 four (4) years starting the day the approval takes effect. | | |
| This approval requires Council to approve a plan of subdivision before the plan can be registered or otherwise recorded, pursuant to Part 9. Section 69 of the Planning Regulation 2017 . | | |
| 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 applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act. | | |
| The form Application to Approval Plan of Subdivision <i>[version 1.0 effective 3 July 2017]</i> must be completed by the person requesting development assessment of this conditional approval. The form must be submitted to Council and must be accompanied by the relevant fees, and a compliance summary of development conditions. If there is insufficient space on the form, the person must attach extra pages outlining compliance. | | |

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. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.

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

Attachments for the Decision Notice include:

- Proposed Sub-division plan, Prepared by CMM at Marshall Drafting Services, Job No.: 19003, Drawing No.: WD-01, Version G, Dated 3 April 2019.
- Infrastructure Charges Notice.

This completes the report for DA18350.

Resolution:

Moved - Cr Gaedtko

Seconded - Cr Hall

"THAT the Council approve the Development Application No. 18350 for a Development Permit for a Reconfiguring a Lot for Subdivision (One into Five lots) and creating two access easements on land described as Lot 1 on SP300734 and Lot 2 on SP304386 and situated at 196 Banks Creek Road, Fernvale subject to the requirements and conditions contained in the Schedules and Attachments.

THAT the Council does not approve the reduction request and the development application fee for DA18350 remains as the prescribed fee in Council's Schedule of Fees and Charges for 2018 to 2019.

THAT the Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

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. Proposed Sub-division plan, Prepared by CMM at Marshall Drafting Services, Job No.: 19003, Drawing No.: WD-01, Version G, Dated 3 April 2019. | 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 | Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land. | Prior to Plan of Subdivision Endorsement Request for each |

| | | stage |
|-----|---|---|
| 1.4 | <p>The Applicant is to complete each stage of the development in sequence in accordance with Drawing Job No.: 19003, Drawing No.: WD-01, Version G:</p> <ul style="list-style-type: none"> • Stage 1 – Creating proposed Lot A; • Stage 2 – Creating proposed Lot B; • Stage 3 – Creating proposed Lot C and an access easement benefiting Lot C; • Stage 4 – Creating proposed Lots D and E and an access easement benefiting Lot E. <p>The Applicant is not to submit to Council the Plan of Survey for a stage for endorsement until the Applicant has received endorsement of the Plan of Survey for the preceding stage.</p> | As indicated |
| 1.5 | A Licensed Surveyor must install new Survey Marks in their correct positions in accordance with the Survey Plan and the work must be certified in writing. | Prior to Plan of Subdivision Endorsement Request for each stage |
| 1.6 | Register Building envelope areas on proposed Lots D and E as depicted on the approved sub-division plan, reference as Drawing Job No.: 19003, Drawing No.: WD-01, Version G at no cost to Council. | Prior to Plan of Subdivision Endorsement for each stage |
| 1.7 | <p>Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Natural Resources, Mines and Energy.</p> <p>Currently, the amount is set at \$36.00 per allotment.</p> | Prior to Plan of Subdivision Endorsement for each stage |
| 1.8 | <p>Provide an assessment against the Seqwater Development Guidelines, confirming compliance with the relevant assessment criteria. In particular, addressing criteria relating to setbacks, flood immunity, stormwater quality, earthworks and wastewater design.</p> <p><i>Note: In accordance with the Guidelines, all future development and wastewater infrastructure is to maintain a minimum 50m setback to Ferny Gully and the two Stream Order 1 non-perennial watercourses to the north-east and south-west of the site.</i></p> | Prior to Plan of Subdivision Endorsement for each stage |
| 1.9 | <p>Provide a Site and Soil Evaluation / Wastewater Site Analysis prepared by a suitably qualified wastewater professional demonstrating compliance with the Seqwater Development Guidelines 2017.</p> <p><i>Note: Consideration should be had for connection to reticulated sewer.</i></p> | Prior to Plan of Subdivision Endorsement for each stage |

| SCHEDULE 2 – ENGINEERING | | |
|---------------------------------|--|---|
| <i>Assessment Manager</i> | | |
| No | Condition | Timing |
| 2.1 | Bear the costs of works carried out to Council and utility Prior to Plan of services infrastructure and assets, including any Subdivision alterations and repairs resulting from compliance with Endorsement these conditions. | Prior to Plan of Subdivision Endorsement Request for each stage |
| 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. | Prior to Plan of Subdivision Endorsement Request for each stage |
| 2.3 | Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development. | Prior to Plan of Subdivision Endorsement Request for each stage |
| | Infrastructures | |
| 2.4 | Connect the development to a reticulated water supply, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment. Where proposed allotments front existing overhead electricity or telecommunication service, these lots may connect direct to such service to the approval and requirements of the service provider. | Prior to Plan of Subdivision Endorsement Request for each stage |
| 2.5 | Submit development applications to relevant Energy and Telecommunications regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required at the cost of a normal house connection. | Prior to Plan of Subdivision Endorsement Request for each stage |
| 2.6 | The applicant must provide written evidence (eg connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement. | Prior to Plan of Subdivision Endorsement Request for each stage |
| 2.7 | The applicant must provide conduits for underground water supply electricity and telecommunications, installed for the full length of the access handle for proposed lots C and D, as required by the regulation authority. | Prior to Plan of Subdivision Endorsement Request for each stage |
| | Flooding | |
| 2.8 | The current Defined Flood Event (DFE) for Lot 2 on SP304386 is | Prior to |

| | | |
|------|--|--|
| | <p>41.6 m elevation level and the following must be achieved:</p> <ul style="list-style-type: none"> Floor heights for habitable areas shall be a minimum of 800mm above the Defined Flood Event (DFE). The current DFE + 800mm is the 42.4 m AHD. Floor heights for non-habitable buildings (except for buildings classified under the Building Code of Australia as Class 7a or Class 10) shall be a minimum of the DFE. | commencement of use |
| 2.9 | Any filling below the 1% Average Exceedance Probability (AEP) or Q100 flood event will be in accordance with an approved flood study. | At all times |
| | Vehicle access | |
| 2.10 | All vehicular access 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 Plan of Subdivision Endorsement Request |
| 2.11 | 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 |
| 2.12 | Make an Access Application to Council and pay the required fees where an application involves works required as stated in the conditions. | Prior to Plan of Subdivision Endorsement Request |
| 2.13 | The Applicant is to construct a vehicle access for proposed Lot C in accordance with Council's standard drawing SRC-ROAD-016. The access is to be sealed with a minimum of a two-coat bitumen seal. | As part of Stage 3 |
| 2.14 | The Applicant is to construct a vehicle access for proposed Lot D in accordance with Council's standard drawing SRC-ROAD-016. The access is to be sealed with a minimum of a two-coat bitumen seal. | As part of Stage 4 |
| | Stormwater | |
| 2.15 | Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders. | At all times |
| | Erosion and sediment control | |
| 2.16 | <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. | At all times |
| | Access Easements | |

| | | |
|---|--|---|
| 2.17 | <p>Dedicate an access easement benefitting proposed Lot C as depicted on the approved Sub-division plan for the purpose of providing access and maintenance of the said access route, at no cost to Council.</p> <p>Copy of the easement document is to be submitted to Council for record purposes and to accompany the survey plan for that stage upon lodgement with Council.</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> | Prior to Plan of Subdivision Endorsement for each stage |
| 2.18 | <p>Dedicate an access easement benefitting proposed Lot E as depicted on the approved Sub-division plan for the purpose of providing access and maintenance of the said access route, at no cost to Council.</p> <p>Copy of the easement document is to be submitted to Council for record purposes and to accompany the survey plan for that stage upon lodgement with Council.</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> | Prior to Plan of Subdivision Endorsement for each stage |
| SCHEDULE 3 – ADVICE <i>Assessment Manager</i> | | |
| This approval has effect in accordance with the provisions of section 71 of the Planning Act 2016 . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i> | | |
| 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 four (4) years starting the day the approval takes effect. | | |
| This approval requires Council to approve a plan of subdivision before the plan can be registered or otherwise recorded, pursuant to Part 9. Section 69 of the Planning Regulation 2017 . | | |
| 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 applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act. | | |
| The form Application to Approval Plan of Subdivision <i>[version 1.0 effective 3 July 2017]</i> must be completed by the person requesting development assessment of this conditional approval. The form must be submitted to Council and must be accompanied by the relevant fees, and a compliance summary of development conditions. If there is insufficient space on the form, the person must attach extra pages outlining compliance. | | |

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. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.

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

Carried

FINANCE

| | |
|------------------------|--|
| Subject: | Sale of land for overdue rates or charges – 45 parcels totalling \$321,472 owed |
| File Ref: | Rates/ abandonment/ sale of lands FY2019 |
| Action Officer: | DFIN |

Background/Summary

Council's Revenue Policy includes a requirement that Council is to receive twice each financial year recommendations for sale of land for overdue rates actions covering all properties for which actions may legally be commenced. There is an alternative process where the overdue rates and charges exceed the valuation of a property.

A recommendation is now presented in accordance with this policy for properties where there are three years of overdue rates.

The sale of land process allows property owners between 3 and 6 months after Council issues a legal notice in which to fully pay overdue rates and avoid a statutory sale process.

(Please note that rateable assessments 05200-50000-000 and 34646-00000-000 each consist of two allotments.)

Recommendation

THAT Council commence sale of land proceedings for overdue rates and charges on the following rate assessments:

- THAT the property described as L 2 RP43259 at 20 Bunney Road Coominya Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00100-00000-000).
- THAT the property described as L 4 RP212145 at 272 Ipswich Street Esk Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00414-50000-000).
- THAT the property described as L 801 E1721 at 79 Ipswich Street Esk Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00459-00000-000).

- THAT the property described as L 1 RP155084 at 42 Latters Lane Esk Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00561-00000-000).
- THAT the property described as L 19 RP28844 at 30 Simpson Street Fernvale Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00861-00000-000).
- THAT the property described as L 17 SP125067 at 176C Main Street Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01134-60000-000).
- THAT the property described as L 48 RP32284 at 30 Park Street Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01357-00000-000).
- THAT the property described as L 55 RP40754 at 72 Dingyarra Street Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02054-10000-000).
- THAT the property described as L 5 SP174433 at Unit 5 / 139 Cressbrook Street Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02177-70005-000).
- THAT the property described as L 2 RP75895 at 93 Cressbrook Street Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02230-00000-000).
- THAT the property described as L 4 RP146421 at 33 Shines Road Wivenhoe Pocket Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02490-00000-000).
- THAT the property described as L 4 RP853165 at 2656 Forest Hill Fernvale Road Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02618-73000-000).
- THAT the property described as L 14 SP172433 at 29 River Oak Court Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer

having regard to legal requirements. (02619-08000-000).

- THAT the property described as L 19 RP859267 at 113 Reinbotts Road Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02778-10000-000).
- THAT the property described as L 3 RP32321 at 169 Lowood Minden Road Tarampa Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02871-00000-000).
- THAT the property described as L 59 RP156746 at 121 Green Valley Road Minden Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03172-00000-000).
- THAT the property described as L 394 CSH294 at 4 Mullers Road Mount Tarampa Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03393-00000-000).
- THAT the property described as L 5 RP810692 at 82 Profkes Road Mount Tarampa Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03492-10000-000).
- THAT the property described as L 14 RP139825 at 365 Clarendon Road Rifle Range Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03627-00000-000).
- THAT the property described as L 21 RP840746 at 502 Clarendon Road Clarendon Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03641-10700-000).
- THAT the property described as L 29 SP208274 at 198 Willaura Drive Coominya Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03969-00000-000).
- THAT the property described as L 100 SP208274 at 190 Willaura Drive Coominya Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03969-90000-000).
- THAT the property described as L 2 RP125820 at 145 Boyces Road Atkinsons Dam Qld 4311 be sold by way of auction for overdue rates or charges with an

auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04070-00000-000).

- THAT the property described as L 4 RP197135 at 82 Jamieson Road Atkinsons Dam Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04077-00000-000).
- THAT the property described as L 98 RP157214 at 57 Laurel Street Esk Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04361-00000-000).
- THAT the property described as L 76 RP157214 at 10 Laurel Street Esk Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04374-00000-000).
- THAT the property described as L 17 RP213529 at 15 O'Grady Road Redbank Creek Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04583-00700-000).
- THAT the property described as L 9 RP150636 at 598 Esk Crows Nest Road Biarra Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04658-00000-000).
- THAT the property described as L 4 RP176824 at 278 Dead Horse Lane Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04991-00000-000).
- THAT the property described as L 11 RP158377 at 91 Baisdens Lane Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (05016-00000-000).
- THAT the property described as L 2 RP181046 at 349 Ivory Creek Road Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (05031-00000-000).
- THAT the property described as L 1 RP50928 at Eskdale Nukinenda Road Eskdale Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (05200-50000-000).
- THAT the property described as L 1 RP50929 at Eskdale Nukinenda Road

Eskdale Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (05200-50000-000).

- THAT the property described as L 3 RP162044 at 38 Staghurst Road Gregors Creek Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (05611-40000-000).
- THAT the property described as L 3 RP28826 at 59 Randalls Road Fairney View Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (34646-00000-000).
- THAT the property described as L 3 RP28827 at 59 Randalls Road Fairney View Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (34646-00000-000).
- THAT the property described as L 3 K37922 at 88 Atthow Street Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80553-00000-000).
- THAT the property described as L 2 SP200168 at 90 Kennedy Street Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80599-20000-000).
- THAT the property described as L 20 SP215345 at 88 Seib Street Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80667-10000-000).
- THAT the property described as L 5 RP894315 at 9B Sandy Creek Road Sandy Creek Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80767-20000-000).
- THAT the property described as L 10 SP177069 at 300 Grays Road Royston Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80782-20000-000).
- THAT the property described as L 10 SP123685 at 35 Kaylene Court Royston Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80785-23100-000).

- THAT the property described as L 1 RP805491 at 37 Freewood Drive Sandy Creek Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80880-70100-000).
- THAT the property described as L3 RP174040 at 21 Mccauleys Lane Sandy Creek Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80882-00000-000).
- THAT the property described as L 8 RP138591 at 424 Mount Kilcoy Road Mount Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80949-00000-000).

Resolution:

Moved - Cr Hall

Seconded - Cr Choat

"THAT Council commence sale of land proceedings for overdue rates and charges on the following rate assessments:

- THAT the property described as L 2 RP43259 at 20 Bunney Road Coominya Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00100-00000-000).
- THAT the property described as L 4 RP212145 at 272 Ipswich Street Esk Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00414-50000-000).
- THAT the property described as L 801 E1721 at 79 Ipswich Street Esk Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00459-00000-000).
- THAT the property described as L 1 RP155084 at 42 Latters Lane Esk Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00561-00000-000).
- THAT the property described as L 19 RP28844 at 30 Simpson Street Fernvale Qld 4306 be sold by way of

auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00861-00000-000).

- THAT the property described as L 17 SP125067 at 176C Main Street Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01134-60000-000).
- THAT the property described as L 48 RP32284 at 30 Park Street Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01357-00000-000).
- THAT the property described as L 55 RP40754 at 72 Dingyarra Street Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02054-10000-000).
- THAT the property described as L 5 SP174433 at Unit 5 / 139 Cressbrook Street Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02177-70005-000).
- THAT the property described as L 2 RP75895 at 93 Cressbrook Street Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02230-00000-000).
- THAT the property described as L 4 RP146421 at 33 Shines Road Wivenhoe Pocket Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02490-00000-000).
- THAT the property described as L 4 RP853165 at 2656 Forest Hill Fernvale Road Lowood Qld 4311 be sold by

way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02618-73000-000).

- THAT the property described as L 14 SP172433 at 29 River Oak Court Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02619-08000-000).
- THAT the property described as L 19 RP859267 at 113 Reinbotts Road Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02778-10000-000).
- THAT the property described as L 3 RP32321 at 169 Lowood Minden Road Tarampa Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02871-00000-000).
- THAT the property described as L 59 RP156746 at 121 Green Valley Road Minden Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03172-00000-000).
- THAT the property described as L 394 CSH294 at 4 Mullers Road Mount Tarampa Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03393-00000-000).
- THAT the property described as L 5 RP810692 at 82 Profkes Road Mount Tarampa Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03492-10000-000).
- THAT the property described as L 14 RP139825 at 365 Clarendon Road Rifle Range Qld 4311 be sold by way of

auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03627-00000-000).

- THAT the property described as L 21 RP840746 at 502 Clarendon Road Clarendon Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03641-10700-000).
- THAT the property described as L 29 SP208274 at 198 Willaura Drive Coominya Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03969-00000-000).
- THAT the property described as L 100 SP208274 at 190 Willaura Drive Coominya Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03969-90000-000).
- THAT the property described as L 2 RP125820 at 145 Boyces Road Atkinsons Dam Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04070-00000-000).
- THAT the property described as L 4 RP197135 at 82 Jamieson Road Atkinsons Dam Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04077-00000-000).
- THAT the property described as L 98 RP157214 at 57 Laurel Street Esk Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04361-00000-000).
- THAT the property described as L 76 RP157214 at 10 Laurel Street Esk Qld 4312 be sold by way of auction for

overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04374-00000-000).

- THAT the property described as L 17 RP213529 at 15 O'Grady Road Redbank Creek Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04583-00700-000).
- THAT the property described as L 9 RP150636 at 598 Esk Crows Nest Road Biarra Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04658-00000-000).
- THAT the property described as L 4 RP176824 at 278 Dead Horse Lane Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04991-00000-000).
- THAT the property described as L 11 RP158377 at 91 Baisdens Lane Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (05016-00000-000).
- THAT the property described as L 2 RP181046 at 349 Ivory Creek Road Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (05031-00000-000).
- THAT the property described as L 1 RP50928 at Eskdale Nukinenda Road Eskdale Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (05200-50000-000).
- THAT the property described as L 1 RP50929 at Eskdale Nukinenda Road Eskdale Qld 4312 be sold by way of

auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (05200-50000-000).

- THAT the property described as L 3 RP162044 at 38 Staghurst Road Gregors Creek Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (05611-40000-000).
- THAT the property described as L 3 RP28826 at 59 Randalls Road Fairney View Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (34646-00000-000).
- THAT the property described as L 3 RP28827 at 59 Randalls Road Fairney View Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (34646-00000-000).
- THAT the property described as L 3 K37922 at 88 Atthow Street Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80553-00000-000).
- THAT the property described as L 2 SP200168 at 90 Kennedy Street Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80599-20000-000).
- THAT the property described as L 20 SP215345 at 88 Seib Street Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80667-10000-000).
- THAT the property described as L 5 RP894315 at 9B Sandy Creek Road Sandy Creek Qld 4515 be sold by way

of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80767-20000-000).

- THAT the property described as L 10 SP177069 at 300 Grays Road Royston Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80782-20000-000).
- THAT the property described as L 10 SP123685 at 35 Kaylene Court Royston Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80785-23100-000).
- THAT the property described as L 1 RP805491 at 37 Freewood Drive Sandy Creek Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80880-70100-000).
- THAT the property described as L3 RP174040 at 21 Mccauleys Lane Sandy Creek Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80882-00000-000).
- THAT the property described as L 8 RP138591 at 424 Mount Kilcoy Road Mount Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80949-00000-000)."

Carried

| | |
|------------------------|-------------------------------------|
| Subject: | Financial reports |
| File Ref: | Monthly financial statements |
| Action Officer: | DFIN |

Background/Summary

Financial reports

Financial reports for the period 1 July 2018 to 2 April 2019 are attached detailing the progress that has been made in relation to Council's budget as per section 204 of the Local Government Regulation 2012. A list of payments is also provided as previously requested.

Growth measure

Rateable property data provides an indication of regional growth. The number of rateable properties has increased as follows to the date of this report:

| Date | Number of rateable properties | Growth in rateable properties |
|--------------|-------------------------------|-------------------------------|
| 30 June 2016 | 11,575 | |
| 30 June 2017 | 11,672 | 0.84% |
| 30 June 2018 | 11,757 | 0.73% |
| 2 April 2019 | 11,783 | 0.22% |

Grants

- On 30 January 2019, Council lodged two applications under the Australian Government's competitive Bridges Renewal Program seeking funding for the replacement of Neuendorf Road Bridge and Tetzlaffs Lane Bridge. No advice has been received about these applications.
- On 7 and 8 February 2019, Council lodged funding applications for eight rooftop solar projects, the redevelopment of former Telstra land in Lowood and asset management/road condition assessment technology under the Queensland Government's competitive Local Government Grants and Subsidies Program (LGGSP). No advice has been received about these applications.
- Council officers are preparing for a funding application under the Natural Disaster Resilience Program for renewing Burtons Bridge due 18 April 2019.
- Council officers are preparing for a future funding application under the Heavy Vehicle Safety and Productivity Program for upgrading Lowood Minden Road

Rates

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

- \$1.50 million – 31 July 2018
- \$1.50 million – 4 February 2019 (on 956 properties)

Rate notices for the six months ending 30 June 2019 issued on 19 February 2019. The extended discount period for the rating period closes on 4 April 2019.

Council issued 26 notices of intention to sell land for overdue rates or charges totalling \$0.18 million on 18 October 2018.

A successful auction of a Wivenhoe Pocket property was held on 12 March 2019 pursuant to a notice of intention to sell.

On 27 March 2019, a further three sale actions were referred to Council's solicitors with total

overdue rates and charges associated of \$15,397.

The other 22 recovery actions have been successfully resolved through payment by owners or their mortgagees.

Road maintenance detail

Councillors have previously requested additional information about road maintenance:

| | Rural (\$000's) | Urban (\$000's) | Total (\$000's) |
|---------------------------------------|--------------------|--------------------|--------------------|
| Bitumen road maintenance | 527 | 94 | 621 |
| Gravel road maintenance | 1,583 | 17 | 1,600 |
| Roadside drainage | 382 | 136 | 518 |
| Culvert maintenance | 6 | - | 6 |
| Vegetation maintenance | 211 | 234 | 445 |
| Traffic furniture | 124 | 56 | 180 |
| Linemarking | 6 | 20 | 26 |
| Total actual year to date | 2,839 | 557 | 3,396 |
| Expected pro-rata budget year to date | 3,013 | 521 | 3,534 |

Council's 30 most costly road segments for bitumen, gravel or culvert maintenance were:

| | |
|---|-----------|
| Esk Crows Nest (gravel) Ch26120-Ch34090 | \$92,366 |
| Fulham Rd Cressbrook (bitumen) Ch0-Ch2130 | \$54,896 |
| Kavanaghs Rd Buaraba (gravel) Ch0-Ch2840 | \$50,660 |
| Muckerts La (gravel) Ch1370-Ch2780 | \$40,637 |
| Monsildale Rd (gravel) Ch12000-Ch19100 | \$38,128 |
| Fulham Rd Cressbrook (bitumen) Ch2130-Ch4900 | \$37,817 |
| Gregors Creek Rd (bitumen) Ch3120-Ch4950 | \$35,825 |
| Cressbrook Caboonbah Rd (gravel) Ch8280-Ch13860 | \$32,792 |
| E Summervilles Rd (gravel) Ch770-Ch2850 | \$32,212 |
| Fulham Rd Cressbrook (bitumen) Ch4900-Ch6500 | \$31,087 |
| Zischkes Rd (gravel) Ch20-Ch2300 | \$30,981 |
| Kimballa Rd (gravel) Ch0-Ch5680 | \$30,719 |
| Ann St Esk (bitumen) Ch240-Ch430 | \$29,199 |
| Louisavale Rd (gravel) Ch5010-Ch5810 | \$29,139 |
| Yielo Rd (gravel) Ch0-Ch5100 | \$29,039 |
| Cowah Rd (gravel) Ch0-Ch3990 | \$28,289 |
| Banks Ck England Ck Rd (gravel) Ch0-Ch2900 | \$26,792 |
| Langtons La (gravel) Ch3210-Ch5050 | \$26,017 |
| Falls Rd (gravel) Ch0-Ch2530 | \$25,706 |
| Yabba Rd (gravel) Ch0-Ch3330 | \$24,692 |
| Cedarvale Rd (gravel) Ch1540-Ch4410 | \$24,371 |
| Grays Rd (gravel) Ch1620-Ch3020 | \$23,485 |
| Monsildale Rd (gravel) Ch1630-Ch10200 | \$23,379 |
| Gregors Creek Rd (bitumen) Ch4950-Ch5530 | \$23,347 |
| Black Jack Creek Rd (gravel) Ch730-Ch3640 | \$23,231 |
| Westvale Rd (gravel) Ch1340-Ch13550 | \$23,022 |
| Braemore La (gravel) Ch1050-Ch3050 | \$23,012 |
| Spring Creek Rd (gravel) Ch60-Ch4210 | \$22,592 |
| Roseborough Rd (gravel) Ch60-Ch2340 | \$20,785 |
| Sunday Creek Rd (gravel) Ch1690-Ch3390 | \$20,530 |
| Subtotal | \$954,747 |

Attachments

Financial reports and payment listings

Recommendation

THAT the financial reports for 1 July 2018 to 2 April 2019 including payments presented totalling \$9,712,532.88 be received and the contents noted.

Resolution:

Moved - Cr Choat

Seconded - Cr Whalley

“THAT the financial reports for 1 July 2018 to 2 April 2019 including payments presented totalling \$9,712,532.88 be received and the contents noted.”

Carried

| | |
|------------------------|--|
| Subject: | State Government Waste Levy report for March 2019 |
| File Ref: | Waste management - fees and charges - waste levy |
| Action Officer: | DFIN |

Background/Summary

On 21 March 2019, the Waste Reduction and Recycling (Waste Levy) Amendment Regulation 2019 was made and provides more detail on operational obligations and requirements to implement the State waste levy.

Council would be aware that the State waste levy is proposed to commence from 1 July 2019.

The State waste levy is a levy on landfill operators rather than a levy on residents and businesses disposing of waste. It is up to local governments to determine how to recover the cost of the levy from the community and still meet the State Government financial sustainability target of a 0% to 10% operating surplus ratio.

The State has confirmed that the waste levy will have no direct impact on households and have developed a system of “annual payments to local governments” (refer section 11L of the amendment regulation attached) to achieve this. There is a formula for calculating these payments.

The annual payments apply to prior year municipal solid waste (definition attached) collected from households and from street bins. They do not apply to waste collected from businesses.

Fraser Coast Regional Council (FCRC) have identified in a media release of 22 March 2019 (copy attached) that the waste levy will affect businesses with wheelie bins in the FCRC area and have flagged an increased wheelie bin charge to businesses of “about \$63 per year”.

An issue for most local governments is likely to be that the municipal solid waste collected in wheelie bins from domestic premises goes into the same kerbside collection trucks as commercial wheelie bin waste.

This mixed waste in these trucks will then be weighed at the same transaction at the

weighbridge at the local landfill. It will not be possible to separately identify waste tonnes for which an annual payment to a local government should apply from other waste tonnes.

Council officers are attempting to clarify with the State how tonnages for different types of waste in the same truckloads will be determined for the purposes of section 11L.

Attachments

Section 11L - Waste Reduction and Recycling (Waste Levy) Amendment Regulation 2019
Fraser Coast Regional Council media release of 22 March 2019

Recommendation

THAT the State Government Waste Levy report for March 2019 be received and the contents noted.

Resolution:

Moved - Cr Choat

Seconded - Cr Ogg

“THAT the State Government Waste Levy report for March 2019 be received and the contents noted.”

Carried

| | |
|------------------------|---|
| Subject: | Kilcoy Racecourse Development tenders |
| File Ref: | Grants - Programs - Building our Regions - Round 4 - Kilcoy Racecourse Development |
| Action Officer: | DFIN |

Background/Summary

Tenders were called for Kilcoy racecourse development closing 4 April 2019 through advertisements placed in the Sunshine Coast Daily and Queensland Times.

The tender includes all construction and demolition activities for this project consistent with the funding agreement.

A record of businesses collecting tender documents has been retained.

Items for the agenda for the Council meeting of 10 April 2019 close on 3 April 2019 and a tender analysis and recommendation will be prepared and presented to Council at its meeting on 10 April 2019 for consideration.

Attachments

Nil

Recommendation

A tender analysis and recommendation will be prepared and presented to Council at its meeting on 10 April 2019 for consideration.

Resolution:

Moved - Cr Hall

Seconded - Cr Brieschke

“THAT the matter be referred to Closed Session for discussion”

Carried

| | |
|------------------------|--|
| Subject: | Election hire fees – Kilcoy Information Centre, Somerset Civic Centre and Kay Avery Place |
| File Ref: | Council properties - usage - hire agreements and bookings |
| Action Officer: | DFIN |

Background/Summary

Council's commercial fees include for Kilcoy Memorial Hall, Fernvale Futures Complex and Fernvale Community Hall, a hire fee of \$851 for the purpose of conducting an election over any part of the hall. A higher election fee applies for Somerset Civic Centre.

It has been noted that hire fees for Kilcoy Information Centre and Kay Avery Place do not include a fee for holding an election.

To be consistent, it is recommended that all these facilities have election hire fees in place.

Attachments

Extract from Council's schedule of fees and charges

Recommendation

THAT the following fees be included in Council's 2018/2019 schedule of fees and charges:

Under the heading Kay Avery Place, Kilcoy - Hire of any part of centre to conduct an election - \$851.00

Under the heading Kilcoy Information Centre - Hire of any part of centre to conduct an election - \$851.00

Resolution:

Moved - Cr Gaedtke

Seconded - Cr Whalley

"THAT the following fees be included in Council's 2018/2019 schedule of fees and charges:

Under the heading Kay Avery Place, Kilcoy - Hire of any part of centre to conduct an election - \$851.00

Under the heading Kilcoy Information Centre - Hire of any part of centre to conduct an election - \$851.00"

Carried

| | |
|------------------------|--|
| Subject: | Coronation Hall Somerset Dam trial key agreement |
| File Ref | Council properties - leasing out - Council land and buildings |
| Action Officer: | DFIN |

Background/Summary

On 17 December 2018, Council offered three-month trial agreements to the two known local

wedding planners who featured in Council's 2019 "Experience Somerset" tourism brochure to hold keys to Coronation Hall for allowing viewings to potential hall users on a no-fee basis.

The offer of a trial key agreement was unfortunately only accepted by one of the wedding planners.

The outcomes of the key agreement trial have been evaluated as follows:

- Coronation Hall hire revenue for the six months to 31 December 2018 averaged \$1,073 per month with Council staff only available to provide viewings to prospective hall hirers.
- Coronation Hall hire revenue for the three months to 29 March 2019 averaged \$2,600 per month with both Council staff and the wedding planner who accepted the trial agreement available to provide viewings to prospective hall hirers. There were 38 viewings during the month of January 2019 alone which was the highest monthly viewings since February 2018 when Council was handed responsibility for the Hall.

The key agreement trial is considered to be a success on the basis of the 142% increase in bookings of Coronation Hall and the economic stimulus that use of the hall as a wedding venue provides to the local community.

While bookings of Coronation Hall have increased following the offer of the trial key agreement, it is considered that longer term arrangements for managing viewings of Coronation Hall to prospective hirers should allow for an openly advertised process that might allow for more people to enter into key agreements.

It is recommended that expressions of interest using processes similar to those outlined in section 231 of the Local Government Regulation 2012 are called noting that section 231 relates to the assembly of an approved contractor list notwithstanding that Council is not seeking to enter into a contract.

Attachment

Extract from Experience Somerset tourism brochure (pages 38-39)

Recommendation

THAT an approved list of keyholders for Coronation Hall be put together by:

(a) inviting expressions of interest from suitably qualified persons who agree to the objectives and conditions of a trial 12-month key agreement, by an advertisement in a newspaper that circulates generally in the local government area; and

(b) allowing expressions of interest to be given to the local government for at least 21 days after the invitation is advertised; and

(c) Council choosing persons for the approved list of keyholders by resolution and further that the following conditions and objectives to the proposed 12-month trial key agreement apply:

"Council wishes to attract more visitors and economic development to the area. Increasing use of Coronation Hall (and other Council facilities) for weddings and other functions is one way of achieving this.

Council as a 12-month trial seeks the agreement of appropriate people to hold a key to

Coronation Hall for the purpose of showing the hall to prospective hirers.

Interested persons will be required to sign and return to Council a document confirming their agreement with the following terms:

- *the person understands Council's objectives with the trial and will participate in good faith to increase the use of Coronation Hall for local economic and community benefit*
- *the person will assist in showing Coronation Hall to prospective hirers of the hall when referred by Council or Council's agents on a seven day per week basis providing the times are convenient and the hall is not otherwise in use*
- *the person consents to Council providing their details to prospective hirers of Coronation Hall*
- *the person will not act to harm Council's interests in showing the hall to prospective hirers including recommending other venues during viewings*
- *the person understands that this offer is being made to the public at large and that Council will provide a choice of approved keyholders (without recommendation) to prospective hall hirers*
- *the person will assist in keeping the hall secure and in good condition and minimising maintenance costs during and following viewings and alert Council to maintenance and other requirements where possible.*
- *the person will ensure the hall is locked after use and that any lights are switched off.*
- *the person will sign to confirm receipt of numbered keys to be issued to them and will participate in any required training in the operation of the hall.*
- *the person acknowledges that all keys are the property of Somerset Regional Council and must be returned to Council on request or at 31 March 2020, whichever is sooner. Council may request the return of the key for any reason suitable for its operation of the hall.*
- *the person undertakes to keep all keys issued to them in a secure place at all times and to immediately report any loss of any key to the Chief Executive Officer of Somerset Regional Council as soon as they become aware of any loss.*
- *the person will not give or loan the keys to any person not authorised by Council.*
- *the person will act safely and with due care and concern as to the safety of others during viewings and other use of Coronation Hall*
- *the person acknowledges that their use of the hall as a consequence of this agreement is at their own risk and indemnifies Council against any claim in respect of use of the hall.*
- *the person acknowledges that other people may have similar key agreements with Council over Coronation Hall to this agreement and agrees to cooperate, communicate and coordinate with all other people to whom keys have been issued and to act reasonably in arranging and conducting viewings.*
- *the person agrees to keep a log of (1) calls that they receive from prospective hirers of*

Coronation Hall, (2) details of the source of these calls (eg Wed Shed website etc), (3) details of the inspection including date of inspection and name of prospective hirer and (4) details of any booking that results from the inspection and to provide a copy of this log to Council on request.

- *the person understands that Council will monitor the success of this trial key agreement over coming months and may seek a continuation of the agreement if mutually agreed."*

Resolution:

Moved - Cr Gaedtke

Seconded - Cr Whalley

"THAT an approved list of keyholders for Coronation Hall be put together by:

(a) inviting expressions of interest from suitably qualified persons who agree to the objectives and conditions of a trial 12-month key agreement, by an advertisement in a newspaper that circulates generally in the local government area; and

(b) allowing expressions of interest to be given to the local government for at least 21 days after the invitation is advertised; and

(c) Council choosing persons for the approved list of keyholders by resolution and further that the following conditions and objectives to the proposed 12-month trial key agreement apply:

"Council wishes to attract more visitors and economic development to the area. Increasing use of Coronation Hall (and other Council facilities) for weddings and other functions is one way of achieving this.

Council as a 12-month trial seeks the agreement of appropriate people to hold a key to Coronation Hall for the purpose of showing the hall to prospective hirers.

Interested persons will be required to sign and return to Council a document confirming their agreement with the following terms:

- *the person understands Council's objectives with the trial and will participate in good faith to increase the use of Coronation Hall for local economic and community benefit*
- *the person will assist in showing Coronation Hall to prospective hirers of the hall when referred by Council or Council's agents on a seven day per week basis providing the times are convenient and the hall is not otherwise in use*
- *the person consents to Council providing their details to prospective hirers of Coronation Hall*
- *the person will not act to harm Council's interests in showing the hall to prospective hirers including recommending other venues during viewings*

- *the person understands that this offer is being made to the public at large and that Council will provide a choice of approved keyholders (without recommendation) to prospective hall hirers*
- *the person will assist in keeping the hall secure and in good condition and minimising maintenance costs during and following viewings and alert Council to maintenance and other requirements where possible.*
- *the person will ensure the hall is locked after use and that any lights are switched off.*
- *the person will sign to confirm receipt of numbered keys to be issued to them and will participate in any required training in the operation of the hall.*
- *the person acknowledges that all keys are the property of Somerset Regional Council and must be returned to Council on request or at 31 March 2020, whichever is sooner. Council may request the return of the key for any reason suitable for its operation of the hall.*
- *the person undertakes to keep all keys issued to them in a secure place at all times and to immediately report any loss of any key to the Chief Executive Officer of Somerset Regional Council as soon as they become aware of any loss.*
- *the person will not give or loan the keys to any person not authorised by Council.*
- *the person will act safely and with due care and concern as to the safety of others during viewings and other use of Coronation Hall*
- *the person acknowledges that their use of the hall as a consequence of this agreement is at their own risk and indemnifies Council against any claim in respect of use of the hall.*
- *the person acknowledges that other people may have similar key agreements with Council over Coronation Hall to this agreement and agrees to cooperate, communicate and coordinate with all other people to whom keys have been issued and to act reasonably in arranging and conducting viewings.*
- *the person agrees to keep a log of (1) calls that they receive from prospective hirers of Coronation Hall, (2) details of the source of these calls (eg Wed Shed website etc), (3) details of the inspection including date of inspection and name of prospective hirer and (4) details of any booking that results from the inspection and to provide a copy of this log to Council on request.*
- *the person understands that Council will monitor the success of this trial key agreement over coming months and may seek a continuation of the agreement if mutually agreed."*

Carried

Subject: Report on Federal Budget 2019/2020
File Ref: Financial management/ budget
Action Officer: DFIN

Background/Summary

An LGAQ analysis of the federal budget is attached along with extracts from budget papers.

Assuming that the relevant bills become law, implications from the federal budget for specific announced funding programs that have previously benefitted Somerset Regional Council include:

- Roads to Recovery funding to increase by 38% and continue through to FY2023
- The pool of financial assistance grant funding is to increase by an average 3.8% per annum to FY2023
- Bridges Renewal Program funding to continue through to FY2023
- Heavy Vehicle Safety and Productivity Program funding (which is funding Gregors Creek Road upgrades) to continue through to FY2023. This program is viewed as a potential funding source for a future major upgrade of Lowood Minden Road.
- Building Better Regions Fund round four (which funded Brisbane Valley Rail Trail) to be funded
- Fuel Tax Credit Scheme funding to continue through to FY2023
- Natural Disaster Resilience Funding to continue through to FY2023 and other initiatives for responses to future disaster events were also flagged in addition to traditional NDRRA arrangements
- Black Spot Projects road funding to continue through to FY2023
- No new funding for Drought Communities Program extension (currently funding Esk-Crows Nest Road upgrades) has been announced

While no new direct infrastructure expenditure into the Somerset Regional Council area has been identified from the federal budget, the following announcements may improve Somerset's transport links to Brisbane and markets:

- Funding for commuter car parks
- Funding for Ipswich Motorway improvements and for the Toowoomba to Ipswich road corridor
- An SEQ City Deal was confirmed in the Federal Budget papers however no specific funding was earmarked

Attachments

Extracts from federal budget papers
 LGAQ analysis of the Federal Budget

Recommendation

THAT the report about the 2019/2020 Federal Budget be received and the contents noted.

| | | |
|--------------------|--|-------------------|
| Resolution: | Moved - Cr Whalley | Seconded - Cr Ogg |
| | "THAT the report about the 2019/2020 Federal Budget be received and the contents noted." | |
| | <u>Carried</u> | |

CORPORATE AND COMMUNITY SERVICES

| | |
|------------------------|---|
| Subject: | Sport and Recreation report – March 2019 |
| File Ref: | Governance – Reporting – Officer Reports |
| Action Officer: | DCORP |

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 March 2019.

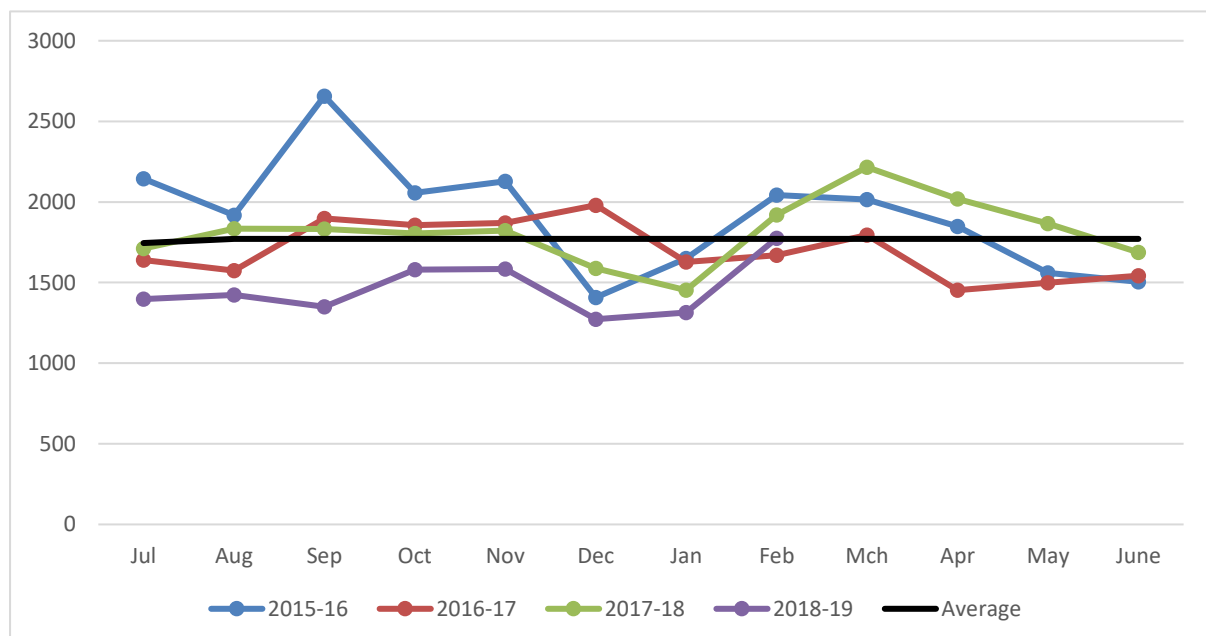
Vibrant Somerset

1. Operate Indoor Sports Facilities

Points note that the highlights are from the February sports facility reports.

Fernvale Indoor Sports Centre

There were 1,775 attendees at the centre in February 2018. Attendances are now back in line with the trend for the centre for the past four years. It is pleasing that the attendance level has increased some of this may be due to the start of the netball season.



- Gym memberships for February 230 were slightly lower than the figures recorded in the previous month however higher than figures recorded during the same period last year.
- Internal marketing included keeping the Facebook page updated with regular posts as well

as other forms of social media including Instagram. Community Facebook pages are achieving a reasonably good following to these posts.

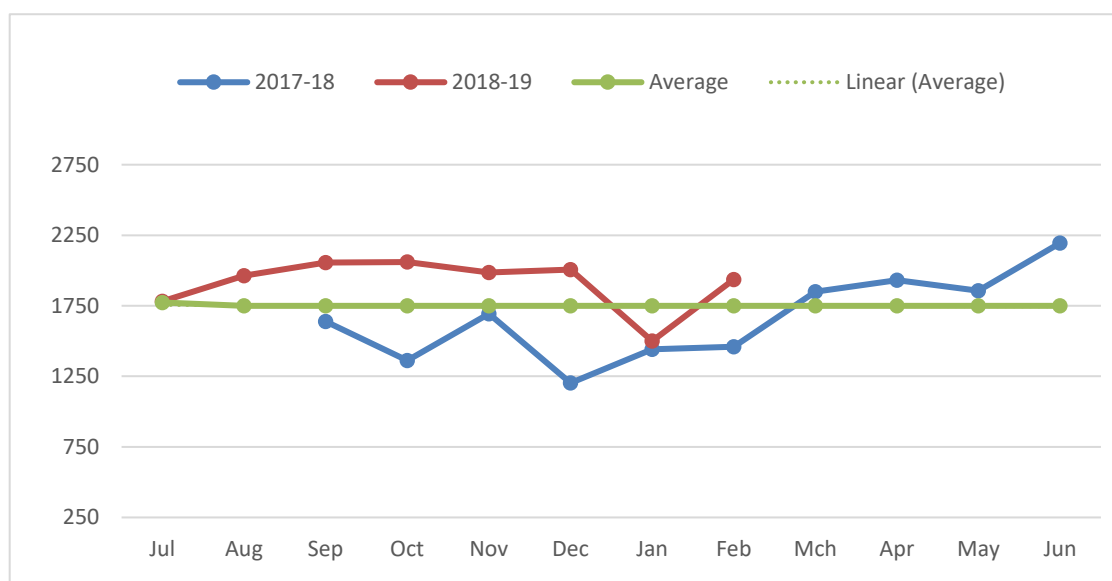
- Netball preseason has started with reasonably good attendances for the Amazons. Futsal, Indoor cricket and other programmes offered by the centre are reasonably well attended.

Toogoolawah Community Gym

- Attendances in classes and general gym usage in February were high at 360 for the month. The gym has a number of well received classes. There are 48 members of the gym. There are 11 classes per week and these are all well attended.
- In a number of her reports to Council Jayne has indicated that a larger facility would be used by those attending classes and the gym in Toogoolawah. All classes are full and there is good demand for more.
- Internal marketing initiatives included putting more posters around the centre, in-house challenges, free passes available to the community, promotion of programs and classes and local events and activities on offer for the community.
- External marketing initiatives for February included the following:
 - Permanent space in the local newspaper.
 - Several adverts in local papers and a leaflet drop.
 - Promotion of programs, classes and local events and activities on offer to the community.
 - 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.
 - Talks to various community groups.
 - Promotion of personal training.

Kilcoy Indoor Sports Centre and Gym

- There were 1,936 attendees at the centre in February. Attendances have improved to above average. This is due to Gymnastics and Netball being available again in February. The graph below illustrates the figures recorded over the past eighteen months.



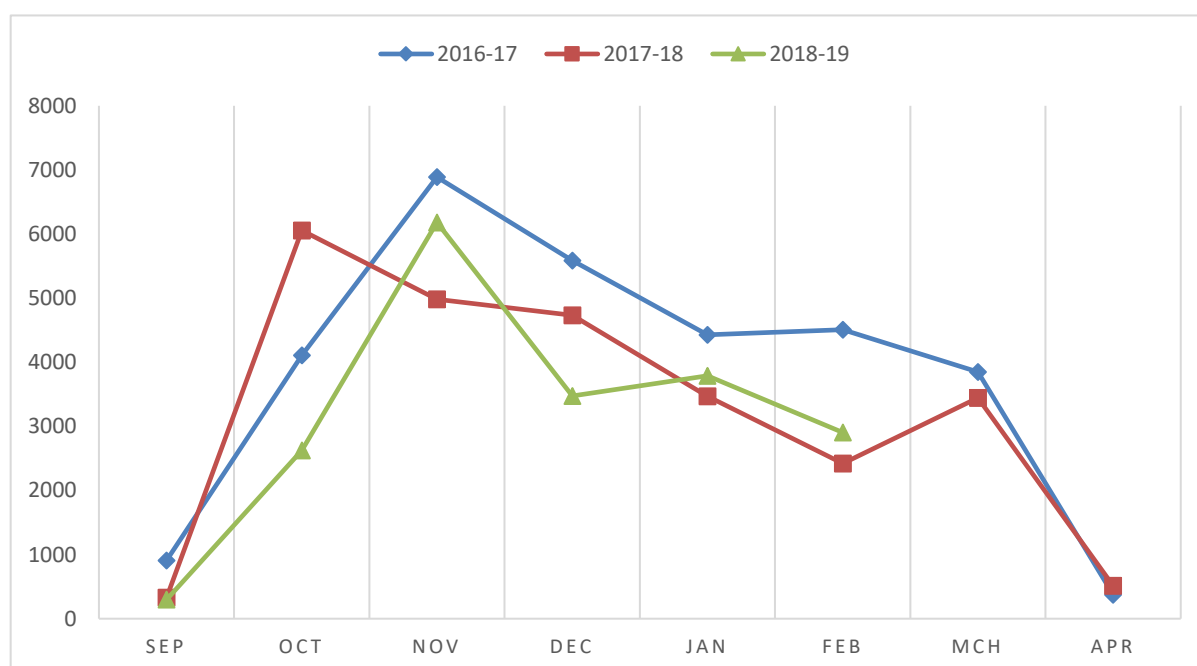
- Memberships were higher than the previous months at 173.

- Internal marketing initiatives included several internal promotions with challenges, promotion of programs, challenges and activities available for the community, suggestion box with a monthly prize, friends in fitness newsletter and the 'What's happening in Somerset' wall.
- External marketing initiatives for February included the following:
 - Weekly column for the local paper.
 - Promotion of programs and events.
 - Leaflet drop with specials 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.
 - Jayne McKenzie is attending all external meetings such as Somerset Interagency Meeting, Youth Meetings, and Ladies Groups.
 - New classes created from the Active Ageing program held by Council.
 - Working with Kilcoy Respite to offer rehab classes for 8-10 of their patients

2. Swimming pools maintained in operating condition

Kilcoy Aquatic Centre

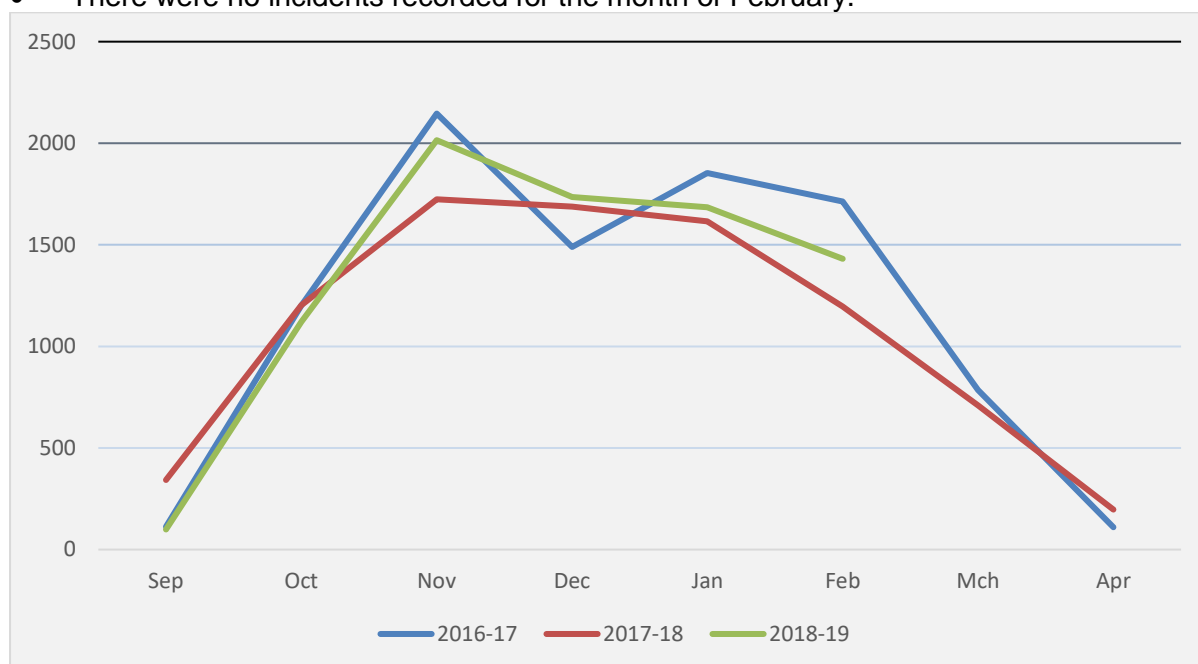
- There were 2,907 attendances recorded for February (19,275 YTD); attendances are on par with attendances recorded at the same time for the last two years. The graph below illustrates attendance trends from current and previous seasons.



- Internal marketing initiatives included regular updates on Facebook, website and the creation of flyers for all programs.
- External marketing initiatives were achieved through new facility signs and banners placed at the front of the centre to encourage community interest.
- Centre programs that are available to the community include aqua aerobics, squad training, learn to swim and pool parties.
- There were no incidents recorded for the month of February.

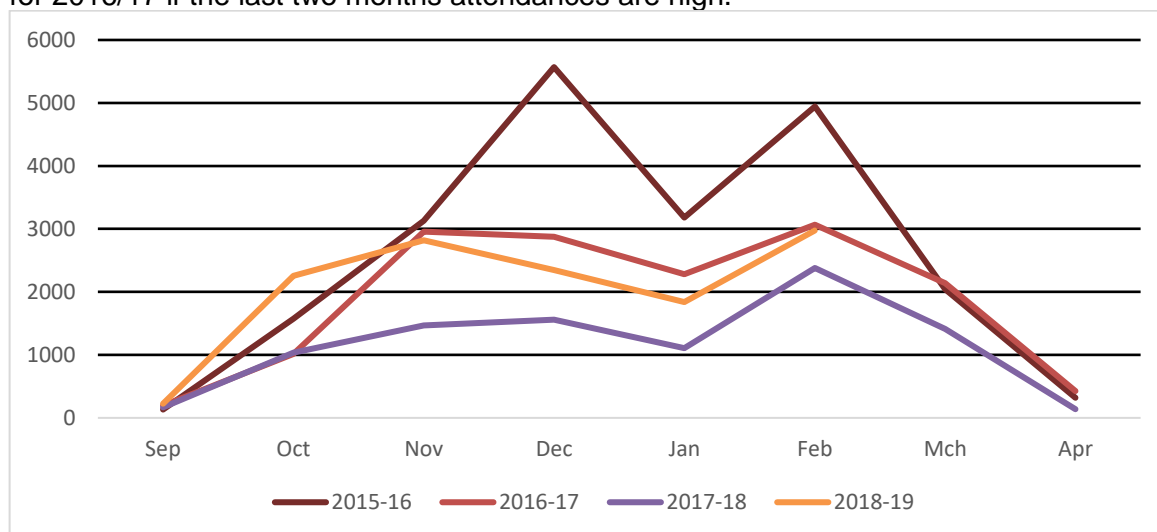
Toogoolawah Pool

- There were 1,432 attendances recorded for February (8,181 YTD); attendance figures are on par with attendances recorded during the same period last year and is in the middle of February attendance for the Toogoolawah Pool in the last three years.
- Internal marketing initiatives included regular updates on Facebook, website and the creation of flyers for all programs.
- External marketing initiatives were achieved through new facility signs and banners placed at the front of the centre to encourage community interest.
- Centre programs that are available to the community include aqua aerobics, squad training, and learn to swim.
- There were no incidents recorded for the month of February.



Lowood Pool

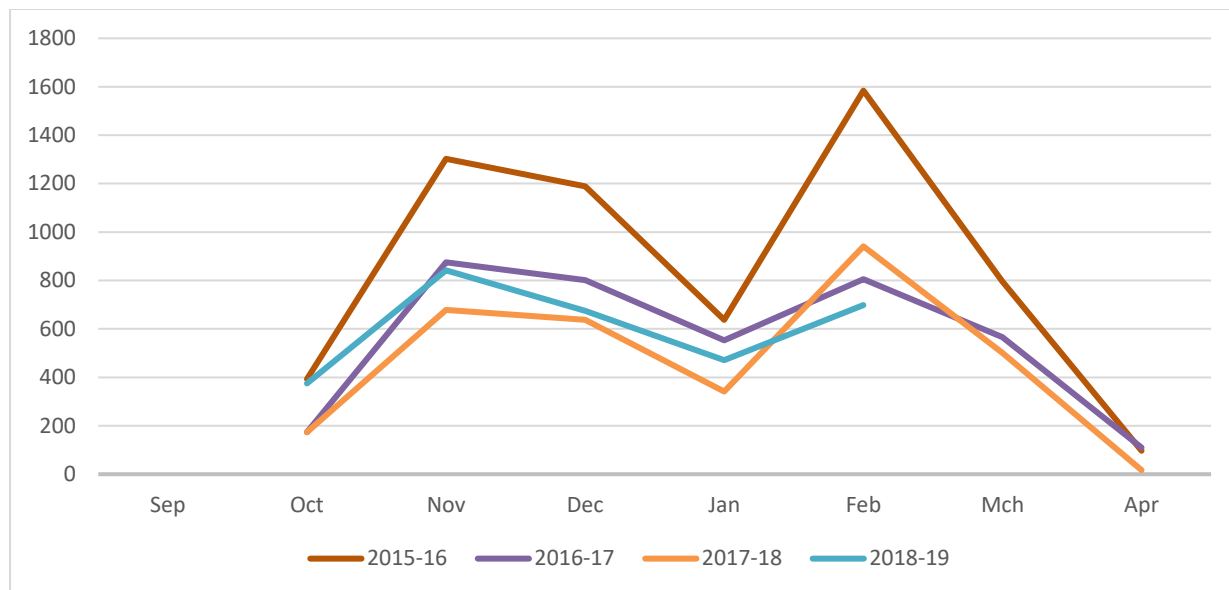
- There were 2,975 attendances recorded for February (12,412 YTD), attendance figures are higher than 2017/18 figures for the same month last year. The Lowood attendances are now in line with 2016-17 which is a great improvement but still significantly lower than 2015-16 and Kilcoy. The Year To date attendances for Lowood may pass attendances for 2016/17 if the last two months attendances are high.



- Marketing and promotional initiatives included regular Facebook updates and flyers for the promotion of programs. There were several activities and events held over the month to encourage participation which has been well received by the community.
- There were no incidents recorded in the month of February.
- Several minor maintenance issues were addressed.
- Attendance for training for seniors and squad has noticeably improved.

Esk Pool

- There were 698 attendances recorded for February. These figures are in line with the last two years attendance for the pool but are significantly below 2015/16.



- Marketing and promotional initiatives included regular Facebook updates and flyers for the promotion of programs. The change and addition of operating days have been welcomed by the community.
- There were no incidents recorded in the month of February.

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

The SRO position is currently vacant and these activities are currently not occurring.

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

The SRO position is currently vacant and these activities are currently not occurring.

5. Community participation in physical activity

Somerset Rail Trail Fun Run 2019

Preparations for the 2019 event are still occurring. The date of Sunday, 14 July 2019 has been set for the event with the event taking place from Lowood to Fernvale again.

Fernvale Memorial Park Exercise Equipment

The SRO provided confirmation of the project scope and location and a commencement date of April, 5 2019 has been set.

Fernvale Sports Park Facility Development Plan

Scott Walker from Ross Planning has this job in hand and has indicated that the written draft of the report will be issued in a couple of weeks.

Lowood Swimming Pool Master Plan Review

Scott Walker from Ross Planning has advised that this report will be available in the next week.

6. More community participation in physical activity through progressively

implementing Parkland Strategies and Recreation Framework

The SRO position is currently vacant and these activities are currently not occurring.

7. Multiple use of recreation reserves

Western Pride FC have shown interest in utilising the Fernvale Sports park for a developmental program. The Director has continued to liaise with Western Pride FC regarding the potential use of the grounds. Western Pride have indicated a desire to hold junior training at least once a week on the Rugby League field from the Start of Term 1 through to the End of Term 3.

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

The SRO position is currently vacant and these activities are currently not occurring.

9. Grant applications/approvals

An application for the Cricket Nets at Fernvale was submitted under the Australian Cricket Infrastructure Fund, as approved by Council.

10. Sports equipment library developed

February Esk - 5 Lowood - 9 Toogoolawah – 1 Kilcoy – 0

There was a total of 15 loans from the Active and Healthy Resource Centre in the month of February.

Attachments

Nil

Recommendation

THAT Council receive the Sport and Recreation Report for the month of February 2019.

Resolution:

Moved - Cr Choat

Seconded – Cr Gaedtke

“THAT Council receive the Sport and Recreation Report for the month of February 2019”

Carried

Subject:

Somerset Libraries Conditions of Entry policy

File Ref:

Corporate Management - Policy - Policy Register

Action Officer:

Regional Librarian

Background/Summary

The purpose of this policy is to define the acceptable conduct and behaviour of persons using Somerset Library Services and facilities and to ensure that Somerset Libraries provide a safe, high quality library environment and service.

Somerset Libraries endorses the following ALIA statement on public library services and has drafted this policy so that Somerset Library Service may continue to provide a safe, friendly and welcoming environment;

“The Australian Library and Information Association believes that public library services have particular responsibilities to monitor and proactively respond to the changing demographic characteristics and trends of their communities, to consult with their communities and to meet information, learning and recreational needs of an increasingly diverse society. Public library services should ensure that they have policies, guidelines, and procedures in place to respond to and meet relevant legislative requirements”.

This Policy operates alongside relevant Council and Library policies including;

- conditions relating to membership are detailed in the *Library Membership Policy*
- conditions for the use of public Internet and email facilities are set out in the *Public Internet Use Policy*
- conditions relating to the supervision and behaviour of children and youth are set out in the *Young People in the Library Policy*.

Attachments

Somerset Libraries Conditions of Entry Policy

Recommendation

That the Somerset Libraries Conditions of Entry Policy be adopted.

Resolution:

Moved - Cr Whalley

Seconded - Cr Hall

“THAT the Somerset Libraries Conditions of Entry Policy be adopted



Policy Subject/Title:

Somerset Libraries Conditions of Entry

Policy Number:

C/034

Responsible Officer:

Regional Librarian

Related Policies / Procedures:

Authorised by: Somerset Regional Council

Authorised on: [10 April 2019/ Doc ID of Decision]

Amendments: [Date and Doc ID of any subsequent amendments]

1. OBJECTIVE

The objectives of this policy are to ensure:

- the safety, security and comfort of all library patrons;
- that the rights of all individuals to use the library are not abridged or denied;
- library employees are not exposed to unnecessary risks
- that the library operates efficiently and effectively as a workplace; and
- the obligations set down by Workplace Health and Safety legislation are met.

2. BACKGROUND

Somerset Libraries are committed to providing safe, welcoming and respectful places for all members, visitors and staff. These conditions of entry apply to all Somerset Library premises, including the immediate vicinity of the building.

This means that anybody entering these premises or its immediate surrounds agree to follow these conditions of entry.

3. PURPOSE

This policy sets out acceptable standards to behaviour of clients in the library to ensure that the library can operate effectively and efficiently for the benefit of the community.

4. SCOPE

This policy applies to all library premises of the Somerset Regional

Council, Councillors and employees of Somerset Regional Council and all clientele utilising library facilities, resources and collections.

5. POLICY

To ensure that all clients have equitable access to library resources all library clients must;

- Adhere to library policies and directives
- Be appropriately dressed. Appropriate footwear and clothing must be worn at all times and all clients must meet an acceptable level of personal hygiene.
- Be respectful towards library employees and other library patrons
- Comply with directions of Library employees
- Leave the library promptly at closing time and during emergency drills and real emergencies
- Be responsible for all personal belongings and property; and
- Respect the designation of particular areas in the library for particular purposes.
- Take responsibility for unattended children. Children under eight must be accompanied by an adult at all times.

The following behaviours are deemed unacceptable:

- Use of offensive, racist or discriminatory language; and
- Abuse of other library patrons or Somerset Council employees including intimidation and harassment;
- Excessive noise including receiving and conducting mobile phone calls, where other library patrons or library employees are disturbed;
- Operating or soliciting a business;
- Distributing a petition or conducting a survey;
- Consumption of alcohol or drugs or the appearance of intoxication;
- Accessing or playing offensive or objectionable materials through any forms of multimedia;

- Interference with personal or Somerset Regional Libraries property including theft or vandalism.
- Bringing a dog or other animal into the library (including foyer), with the exception of certified Guide, Hearing or Assistance dogs.

Cancellation of Membership and Entry Bans

Right of library membership or use can be suspended or cancelled at the discretion of library staff if:

- The member fails to return library materials or to pay for lost or damaged materials.
- The clients behaviour disturbs other library clients or staff and they do not desist from this behaviour when requested to do so by library staff.

Entry Bans

A person who is so directed must leave the library immediately and:

- not re-enter the library on the same day,
- failure to comply with direction from staff may result in suspension of library privileges and referral to the police for further action.
- For serious breaches of the Library's Conditions of Entry, clients may be banned from entering the library.
- Except in the event of dangerous or unlawful behaviour at which time an immediate ban can be imposed, a written notice of intention to ban will be issued to persons in breach of the conditions together with the opportunity to respond. In order that the nature of the breach is fully understood, specific details of the breach will be provided with the notice of intention to ban.
- The duration of the ban will depend on the nature and severity of the infringement and whether the patron has been previously banned. The minimum period of a ban is one month.

Appeals on Entry Bans

- A person who has been banned may appeal to the Chief Executive Officer, Somerset Regional Council within 10 days
- Somerset Regional Libraries recognises that excluding, or banning, a person from a public building is a serious matter.

- Exclusion/ banning is a last resort, only warranted after conciliatory approaches have failed, or immediately in response to serious infringements of security.

6. DATE OF RESOLUTION

This policy was approved by the Chief Executive Office and adopted by the Somerset Regional Council at the Ordinary Meeting of 10 April 2019.

Signed: Date: ”

Carried

| | |
|------------------------|--|
| Subject: | Child Protection Week Gala Ball Request for Financial Support |
| File Ref: | Community Development |
| Action Officer: | CDO |

Background/Summary

A Somerset Council Officer has sat on the Ipswich and West Moreton Child Protection Week Committee for a number of years. The committee organises a Symposium and a Gala Dinner in Child Protection Week. This year the ball is being held on 6 September at the Ipswich Turf Club. As part of the week's events, individuals and organisations from within the region are nominated and awards are announced at the dinner on the Friday evening.

The events are made possible through a grant from Mission Australia, as well as ticket sales for the ball. Last year Somerset Council assisted financially by funding the photo booth at the ball, an activity which is very well received by the participants. The committee has asked if similar funding might be available this year. A request for quotation from the previous years' photo booth service provider, Photorazzi, has the cost at \$990.

Recommendation

That Council support the Child Protection Week Gala Ball to the value of \$990, being for the supply of a photo booth at the event.

Resolution:

Moved - Cr Hall

Seconded - Cr Brieschke

"THAT Council support the Child Protection Week Gala Ball to the value of \$990, being for the supply of a photo booth at the event."

Carried

OPERATIONS

| | |
|------------------------|--|
| Subject: | Lowood Sport and Recreation Maintenance Program |
| File Ref: | Parks and reserves / maintenance / parks and reserves |
| Action Officer: | DOPER |

Background/Summary

At Council's meeting on the 23 January 2019, a report was requested as follows:

"THAT a report be brought to Council on the future maintenance program for the waterway through the Lowood Sport and Recreation ground."

An initial report was prepared for Council meeting on 27 February 2019, where the following decision was carried.

"That the matter be deferred until officers have had further discussion with the Lowood Sport and Recreation Management Committee, and prepare a further report for a future meeting."

In 2018 a meeting was held between Council Parks and Gardens Foreman and the grounds person of Lowood Recreation Complex Association regarding the maintenance of the stormwater channel. Following this meeting, a letter was received from Lowood Recreation Complex Association with a suggested maintenance regime (refer attached).

Based on the maintenance regime as suggested by Lowood Recreation Complex Association the following costs are anticipated.

| | |
|--------------------|---------|
| Slashing | \$2,000 |
| Herbicide Spraying | \$500 |
| FronD Removal | \$500 |

Total Estimated Cost per annum: \$3,000

A further meeting was held between Council officers and the grounds person of Lowood Recreation Complex Association on the 2 April 2019, to discuss maintenance regime of the channel. At this meeting, it was agreed that the slashing regime could be reduced to twice per annum with one cut commenced in March/April (commencement of football season) and at another time during the growing season subject to seasonal conditions.

Should Council consider implementing this maintenance program, delivery of the works would be supplemented by contractors, due to existing parks and gardens staff being at full capacity.

Council should also consider the need to perform maintenance at all in this stormwater channel, noting the following:

- The stormwater channel is fully fenced with no public access. Two pedestrian

bridges provide access to grounds. The grounds person indicated that sometimes an overshot ball would enter the channel, leaving somebody to fetch. This supports the request to slash the grass before the football season.

- The grass vegetation in the channel is assisting with stabilising the stream bed and provides a natural scour prevention. Slashing of the channel may increase the risk of scour. See attached recent photos (Jan 2019) of the creek bed well vegetated.
- The tree-lined channel provides a natural buffer and assists with slope stability.
- During wet periods it will be difficult to perform maintenance in one establishment, due to ponding issues along the channel and likely increase the cost.

The suggested maintenance regime for Council to consider is to slash the channel biannually (first pre-season and the second seasonally adjusted), remove fronds and targeted herbicide spraying every quarter, enabling the channel to retain adequate vegetation, at an anticipated annual cost of \$2,000.

Attachments

Letter from Lowood Recreation Complex Association
Photos of channel in January 2019.

Recommendation

THAT Council proceeds with a maintenance regime in the storm water channel at the Lowood Sport and Recreation Ground based on slashing the channel biannually and removing fronds with targeted herbicide spraying quarterly.

Resolution:

Moved - Cr Hall

Seconded - Cr Whalley

“THAT Council proceeds with a maintenance regime in the storm water channel at the Lowood Sport and Recreation Ground based on slashing the channel biannually and removing fronds with targeted herbicide spraying quarterly.”

Carried

| | |
|------------------------|--|
| Subject: | Shared Path Toogoolawah – Additional Plantings |
| File Ref: | Environmental management / permits / trees and vegetation – removal and lopping |
| Action Officer: | DDM |

Background/Summary

A report was presented to Council's Ordinary meeting on the 11 October 2017 during the design phase of the shared pedestrian/cycle path project from Cressbrook Street to the Toogoolawah Pedestrian Bridge. At this meeting, the following resolution was carried:

“THAT Council remove the Hoop Pines and appropriate interpretive signage be developed and installed at the Toogoolawah pedestrian bridge.”

These Hoop Pine trees will now be removed and replaced with more suitable trees in conjunction with the construction of the shared pedestrian/cycle path presently underway. It is

also proposed that the tree replacement is extended for the entire length from the Toogoolawah Pedestrian Bridge to Sawmill Lane as part of this project to ensure a consistent tree planting outcome.

A plan is attached showing the areas to be replanted and types of trees. Trees lining the path are expected to be larger 45L trees. Smaller tube stock consisting of native and koala species will be used in the areas adjacent Cressbrook Creek.

The interpretive sign mentioned in the October 2017 resolution, will also be installed as part of present works.

Attachments

Layout of planting areas
Sample shared path plantings

Recommendation

THAT Council proceeds to remove the pine trees from Sawmill Lane to Toogoolawah Pedestrian Bridge and replace with other native trees as per the attached planting layout.

Resolution:

Moved - Cr Hall

Seconded - Cr Brieschke

“THAT Council proceeds to remove the pine trees from Sawmill Lane to Toogoolawah Pedestrian Bridge and replace with other native trees as per the planting layout.”

Carried

| | |
|------------------------|---|
| Subject: | Town Entry Treatments and Speed Limit Review |
| File Ref: | Design and construction – roads – signs – directional – road name – regulatory – speed signs |
| Action Officer: | DOPER |

Background/Summary

At the Traffic Safety Advisory Committee (TSAC) held on 20 February 2019, the matter of potential Town Entry Treatments (TETs) into Lowood was raised by the Department of Transport and Main Roads (TMR). An outcome of the TSAC was to review the preferred locations of TETs along Forest Hill Fernvale Road.

On Council budget tour on 28 March 2019, Council engineers discussed opportunities for TETs and it was felt that a speed review on the eastern and western approaches to Lowood on Forest Hill Fernvale Road should firstly be completed. The outcome of this speed review will assist with locating any potential TETs in optimum locations.

Further, on tour Council reviewed the treatment of the proposed works by TMR along the Brisbane Valley Highway (BVH) within Fernvale between Clive Street and Fairneyview Fernvale Road intersections. Council engineers understand that the posted speed limit of this section of the BVH will be reduced to 50km/hr once these works are implemented. In conjunction with these works, Council may also wish to push for TETs into Fernvale.

It is suggested that Council writes to the North Coast TMR (copy to State MP's) seeking the following:

1. That TMR undertakes a speed limit review on Forest Hill Fernvale Road on the eastern and western approaches to Lowood township.
2. That TMR provides status on the proposed works on the Brisbane Valley Highway within Fernvale and any anticipated delivery timeframes.
3. Council reconfirms its desire to have the posted speed limit along the Brisbane Valley Highway within Fernvale township reduced to 50km/hr.
4. Council requests TMR to install TETs on the Brisbane Valley Highway to assist with alerting motorists to change in road environment as they enter Fernvale.

| |
|--------------------|
| Attachments |
|--------------------|

Nil

| |
|-----------------------|
| Recommendation |
|-----------------------|

THAT Council writes to the North Coast Department of Transport and Main Roads (copy to State MP's) seeking the following:

1. That TMR undertakes a speed limit review on Forest Hill Fernvale Road on the eastern and western approaches to Lowood township.
2. That TMR provides status on the proposed works on the Brisbane Valley Highway within Fernvale and any anticipated delivery timeframes.
3. Council reconfirms its desire to have the posted speed limit along the Brisbane Valley Highway within Fernvale township reduced to 50km/hr.
4. Council requests TMR to install TETs on the Brisbane Valley Highway to assist with alerting motorists to the change in road environment as they enter Fernvale.

Resolution: Moved - Cr Choat Seconded - Cr Brieschke

“THAT Council writes to the North Coast Department of Transport and Main Roads (copy to State MP’s) seeking the following:

1. THAT the Department of Transport and Main Road undertakes a speed limit review on Forest Hill Fernvale Road on the eastern and western approaches to Lowood township.
2. THAT the Department of Transport and Main Road provides status on the proposed works on the Brisbane Valley Highway within Fernvale and any anticipated delivery timeframes.
3. THAT Council reconfirm its desire to have the posted speed limit along the Brisbane Valley Highway within Fernvale township reduced to 50km/hr.
4. THAT Council request the Department of Transport and Main Road to install Town Entry Treatments on the Brisbane Valley Highway to assist with alerting motorists to the change in road environment as they enter Fernvale.”

Carried

Subject: Operations Report for March 2019
File Ref: Governance – Reporting – Officer Reports
Action Officer: CSSA

Background/Summary – Technical Design Team (Michael Kinion)

Technical Design Team (Michael Kinion)

This team has finalised the detailed designs for the 2018-2019 capital works program. It has provided support to the construction crews on the roadworks at the construction of Walter Street, Lowood, shared paths in Lowood and Toogoolawah and has assisted with the set out of Marumbah Creek, Charlies Gully and Burnett Inn Creek Bridges. The Technical Design team continue to set out traffic counters within the region to maintain our current information and update the asset register with the latest information following completion of works and inspections.

| Permit | Mar-19 | Mar-18 |
|--|--------|--------|
| Property Searches | 49 | 79 |
| Land access Permit | 66 | 56 |
| Property Access Applications | 3 | 13 |
| National Heavy Vehicle Regulator Permits – Dwellings | 4 | 9 |
| National Heavy Vehicle Regulator Permits – Other | 8 | 14 |
| National Heavy Vehicle Regulator Permits – Portal | 13 | 0 |

Background/Summary – Works Department (Lyle Crawford)

Weather Conditions:

Lost four days over the past month due to wet weather.

Gary Eastell - Foreman:**Northern Maintenance Crew (Nigel Valentine)**

This crew is continuing with the Highland Street underground drainage and kerb works. It has completed the kerb and channel repairs in Coominya.

Excavator crew (Dave Bandit)

There have been four burials during March. The crew is continuing with the Highland Street underground drainage and kerb works and clean-up of illegal dumping sites. It has also attended various drainage repairs from customer service requests.

Landfill (Rob Hester)

Waste operations are continuing as normal at Esk Landfill. The crew is continuing with preparation works for the installation of the weighbridge.

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

This crew is continuing with the Department of Transport and Main Roads rehabilitation works on Forest Hill-Fernvale Road.

Esk Concrete Crew (Ron Ratcliff)

This crew is continuing with Walters Street and Park Street underground drainage and kerb works.

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

This crew is continuing with Linkes Lane rehabilitation project including bitumen sealing.

Kilcoy 2 Grader Crew (Acting Peter Cobbin)

This crew has assisted with works on the Linkes Lane rehabilitation project and maintenance on Sim Jue Creek Road maintenance. It is continuing with the construction of the approaches on the Apple Tree Creek Bridge.

Bob Peters – Foreman:**Bitumen Crews**

These crews have completed drainage repairs on Brisbane Valley Highway, pavement failure repairs on Brisbane Valley Highway, drainage repairs on Forest Hill-Fernvale Road, repairs on the rail trail near Lowood, patching on highways and sealing Forest Hill Fernvale Road as required for TMR works.

Bruce Zinn - Foreman:**Bridge Crew: (Chris Wheeler)**

This crew has completed Apple Tree Creek Bridge replacement. It has now started on the renewal of culverts on Western Branch Road.

Kilcoy Concrete Crew: (Kerry Kubler)

This crew has completed the concrete culvert at Marumbah Creek on Monsildale Road. It has now started the Toogoolawah bikeway footpath.

Lyle Crawford – Senior Foreman:**Repair Crew 1: (Jim Walker)**

This crew has completed the Esk Kilcoy Road signage scheme. It has also completed various customer service requests including tree trimming in all areas, line marking on various roads including Old Mt Beppo Road (Toogoolawah High School) and Adelaide Street and repairing rcp's. It has also removed graffiti from signs in Lowood.

Repair Crew 2: (Steve Nutley Ganger)

This crew also assisted and completed the Esk Kilcoy Road signage scheme. It has also undertaken tree trimming in all areas and signage repairs in all areas.

Department of Transport and Main Roads (TMR) Works

Council is presently working on the following projects on behalf of TMR.

- Forest Hill Fernvale Road pavement rehabilitation.
- Guardrail project on Brisbane Valley Highway and Wivenhoe Somerset Road
- Signage Scheme on Esk Kilcoy Road and recently completed.

Council has engaged specialist subcontractors to assist with delivery of the above works as required.

Council officers have recently submitted offers for the following TMR projects and waiting further confirmation from TMR:

- Brisbane Valley Highway, batter protection near Fernvale.
- D'Aguilar Highway (Mary Street) pavement rehabilitation.

Works carried out by Contractors

A&M Civil are currently working on Forest Hill Fernvale shared footpath project, Esk Crows Nest Road and appointed for the shared footpath works in Toogoolawah. CPM are working on Sandy Creek Bridge on Pine Mountain Road. All projects are progressing to agreed timeframes.

Charlene Meehan – Parks and Garden Coordinator:**Esk Gardeners:**

The Esk crew is undertaking mowing and garden maintenance activities.

Esk and Lowood Mowing Crew:

The mowing crew is undertaking mowing activities.

Kilcoy Mowing Crew & Gardeners

The Kilcoy crew is undertaking mowing and garden maintenance activities.

SRC Slasher Operators:

Slasher operators are currently undertaking slashing and flail mowing activities, these are being monitored with hot windy conditions being unfavourable.

Town Stewards:

The town stewards are undertaking their normal duties.

Peter Heath – Workshop Foreman:**Mechanics:**

- This month we have had the usual repairs, service and maintenance of Council fleet.
- P.779 - VMS board had padlocks cut off and three batteries stolen, these batteries and padlocks have been replaced and the VMS board is operational again.
- P.260 - fit new replacement radiator.
- P.685 - replace broken pivot tube for cutting head on flail mower.

- One repair carried out on IWS trucks.
- Two new lease vehicles have been delivered.
- Monthly check and start test on emergency gensets were carried out at Esk office, Fernvale Futures and Kilcoy depot
- Completed quarterly trailer inspections on all Council trailers and SES trailers.
- Group 2 floating plant six monthly servicing has been carried out.

Welding Crew:

- Carried out various repairs to Council assets in and around parks, gardens and buildings around the region.
- P.784 - repair damaged support bracket for spare tyre.
- Fabricate and install picnic tables and seats for new BBQ shelter in Yowie Park, Kilcoy.
- Guard rail posts for Apple Tree Creek returned from the galvanisers and had base plates fitted ready for install.
- Fabricate fish baffles for Marumbah Bridge currently at the galvanisers.
- Carried out various repairs to Council plant.

Hire Plant:

- Council has been using hired rollers, excavators and water trucks as required.
- Hi-Way Stabilisers – Profiler for Foresthill Fernvale Road

Background/Summary – Customer Service Requests (Debbie Chandler)

Council received 403 customer service requests for the month of March 2019. A copy of the report is attached for your information.

| Month | No. of CSR's Received | For Comparison Month | No of CSR's Received |
|---------|-----------------------|----------------------|----------------------|
| Jul-18 | 377 | Jul-17 | 539 |
| Aug-18 | 365 | Aug-17 | 595 |
| Sept-18 | 410 | Sept-17 | 456 |
| Oct-18 | 389 | Oct-17 | 458 |
| Nov-18 | 357 | Nov-17 | 547 |
| Dec-18 | 258 | Dec-17 | 421 |
| Jan-19 | 365 | Jan-18 | 536 |
| Feb-19 | 392 | Feb-18 | 585 |
| Mar-19 | 403 | Mar-18 | 533 |
| | | Apr-18 | 451 |
| | | May-18 | 483 |
| | | June-18 | 409 |

The top five requests received from customers during the month of March 2019:-

- Livestock wandering at large – 42
- Roads/bridges/drainage – gravel roads – 26
- Roads/bridges/drainage – vegetation – 24
- Dogs wandering at large – 21
- Request to impound dogs and roads/bridges/drainage – traffic furniture – 17

Recommendation

THAT the Operations Report for March 2019 be received and the contents noted.

Resolution:

Moved - Cr Hall

Seconded - Cr Choat

“THAT the Operations Report for March 2019 be received and the contents noted.”

Carried

| | |
|------------------------|--|
| Subject: | 2019 Yellow Ribbon National Road Safety Week |
| File Ref: | State and Federal Government Liaison / 2015 - 2019 - State and Federal Government Departments - Liaison (1102709) |
| Action Officer: | QAO / SES |

Background/Summary

Council has been invited by the Australian Local Government Association (ALGA) to participate in the 2019 Yellow Ribbon National Road Safety Week activities during the period 6-12 May 2019.

Activities in which Council is encouraged to participate include:

1. Leading the “Remember the 1200@1200” event – Encouraging the community to observe a minute’s silence at 12pm on Monday, 6 May 2019 to acknowledge and support those victims, families and friends who have lost loved ones in road crashes;
2. Creating a link to the 2019 Pledge
<https://www.roadsafetyweek.net.au/home/#home/pledge>;
3. Displaying yellow ribbons or yellow ribbon stickers on Council vehicles as both:
 - a) a sign that Council promotes safe driving in its community; and
 - b) as a symbol of Council’s commitment to protecting all road users;
4. Lighting Council buildings or local icons in yellow, and their subsequent promotion as Road Safety Week symbols within your community;
5. Displaying yellow pennants or ribbons from main street light poles;
6. Using the phrases “Supporter of 2019 Yellow Ribbon National Road Safety Week - 6 to 12 May 2019” and “Drive So Others Survive!” in signature blocks, media promotion, media releases, web sites, posters and promotional activities in the lead up to and during the Week;
7. Promoting National Road Safety Week activities on social media in the lead up to and during National Road Safety Week.

Council may wish to promote this campaign via external media outlets, Council webpage, and internal newsletters etc. at minimal cost to Council while actively promoting road safety in Somerset region, demonstrating Council’s commitment to this cause and encouraging motorists and other road users to exercise greater care on the roads.

Attachments

Letter from ALGA
Accident Statistics from 2001-2017

Recommendation

THAT Council participate in the 2019 Yellow Ribbon National Road Safety Week activities during the period 6-12 May 2019, by promoting this campaign via external media outlets,

Council webpage and internal newsletters.

Resolution:

Moved – Cr Hall

Seconded - Cr Whalley

“THAT Council participate in the 2019 Yellow Ribbon National Road Safety Week activities during the period 6-12 May 2019, by promoting this campaign via external media outlets, Council webpage and internal newsletters.”

Carried

Meeting adjourned at 10.05am for morning tea and resumed at 10.31am

DIRECTOR HR AND CUSTOMER SERVICE

| | |
|------------------------|---|
| Subject: | Community Assistance Grants – Somerset Excellence Bursary 2018 – 2019 – Jorja Pointon Doc Id 1104381 |
| File Ref: | Community Relations – Sponsorships – Somerset Excellence Bursaries |
| Action Officer: | DHRCS |

Background/Summary

Council has received an application for financial assistance from Suzanne Pointon mother of Jorja Pointon from Hazeldean. Jorja has been selected as a member of the South East Zone Regional Q.C.T.A (Queensland Clay Target Association) Team and has been invited to attend the Shoulder to Shoulder State Trap Carnival being held in Gemfields, Emerald, 4-6 May 2019.

Jorja secured a place by qualifying first in the Junior Shoulder to Shoulder event. This is the first occasion that Jorja has applied for a grant.

This application is considered as part of the Community Assistance Grant Policy which provides for a payment of \$100 for Regional Level representation.

Attachments

Nil

Recommendation

THAT Council approve the application as summarised in this report and grant a Regional Level Sporting Excellence bursary of \$100 to support Jorja Pointon who has been selected as a member of the South East Zone Regional Q.C.T.A (Queensland Clay Target Association) Team and has been invited to attend the Shoulder to Shoulder State Trap Carnival being held in Gemfields, Emerald, 4-6 May 2019.

Resolution: Moved - Cr Choat Seconded - Cr Gaedtke

“THAT Council approve the application as summarised in this report and grant a Regional Level Sporting Excellence bursary of \$100 to support Jorja Pointon who has been selected as a member of the South East Zone Regional Q.C.T.A (Queensland Clay Target Association) Team and has been invited to attend the Shoulder to Shoulder State Trap Carnival being held in Gemfields, Emerald, 4-6 May 2019”

Carried

| | |
|------------------------|---|
| Subject: | Community Assistance Grants – Somerset Excellence Bursary 2018 – 2019 – Isaak Gregory Doc Id 1105121 |
| File Ref: | Community Relations – Sponsorships – Somerset Excellence Bursaries |
| Action Officer: | DHRCS |

Background/Summary

Council has received an application for financial assistance from Toni Hay mother of Isaak Gregory from Mt Hallen. Isaak has been selected as a member of the West Zone U18 Regional Soccer Team and has been invited to attend the Queensland Christian Soccer Titles being held in Redbank, Queensland, 4-6 May 2019.

Isaak has been the recipient of five sporting bursaries. He competed in Track and Field at the U14 State Titles held in Brisbane in 2015. From 2016 until present he has competed in various soccer titles at Regional and State Level.

This application is considered as part of the Community Assistance Grant Policy which provides for a payment of \$100 for Regional Level representation.

Attachments

Nil

Recommendation

THAT Council approve the application as summarised in this report and grant a Regional Level Sporting Excellence bursary of \$100 to support Isaak Gregory who has been selected as a member of the West Zone U18 Regional Soccer Team and has been invited to attend the Queensland Christian Soccer Titles being held in Redbank, Queensland, 4-6 May 2019.

Resolution: Moved – Cr Hall Seconded - Cr Brieschke

“THAT Council approve the application as summarised in this report and grant a Regional Level Sporting Excellence bursary of \$100 to support Isaak Gregory who has been selected as a member of the West Zone U18 Regional Soccer Team and has been invited to attend the Queensland Christian Soccer Titles being held in Redbank, Queensland, 4-6 May 2019.”

Carried

| | |
|------------------------|---|
| Subject: | Community Assistance Grants – Somerset Excellence Bursary 2018 – 2019 – Letitia Gregory Doc Id 1105120 |
| File Ref: | Community Relations – Sponsorships – Somerset Excellence Bursaries |
| Action Officer: | DHRCS |

Background/Summary

Council has received an application for financial assistance from Toni Hay mother of Letitia Gregory from Mt Hallen. Letitia has been selected as a member of the 2019 Queensland City U15 Girls State Futsal Team and has been invited to attend the South East Queensland School Titles being held in Brisbane, Queensland, 1-4 October 2019.

This is the first occasion that Letitia has applied for a bursary. Letitia competed in Schools Competitions and gained selection to the above squad.

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

Attachments

Nil

Recommendation

THAT Council approve the application as summarised in this report and grant a State Level Sporting Excellence bursary of \$300 to support Letitia Gregory who has been selected as a member of the 2019 Qld City U15 Girls State Futsal Team and has been invited to attend the South East Queensland School Titles being held in Brisbane, Queensland, 1-4 October 2019.

Resolution: Moved - Cr Ogg Seconded - Cr Choat

“THAT Council approve the application as summarised in this report and grant a State Level Sporting Excellence bursary of \$300 to support Letitia Gregory who has been selected as a member of the 2019 Qld City U15 Girls State Futsal Team and has been invited to attend the South East Queensland School Titles being held in Brisbane, Queensland, 1-4 October 2019.”

Carried

Conflict of Interest - Community Assistance Grants 2018 – 19 Kilcoy Pastoral, Agricultural and Industrial Society Inc

Cr Choat declared that he had a conflict of interest in this matter (as defined by section 175D of the Local Government Act 2009) as follows:

- (a) Due to providing material support of the Kilcoy Show Society, Poultry Section and further declare that the gifts provided were to the value of \$100.

Cr Choat advised that he will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

Cr Choat left the meeting at 10.36am.

Cr Hall declared he had a conflict of interest in this item (as defined by section 175D of the Local Government Act 2009) as follows:

- (a) Due to providing material support of the Kilcoy Show Society, Woodchop Section and further declare that the gifts provided were to the value of approximately \$100.

Cr Hall determined that this personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest. Cr Hall will best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

However, Cr Hall acknowledged that the remaining Councillors must determine, pursuant to Section 175E (4) of the Local Government Act 2009:

- (a) whether he has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (b) if so, whether: -
 - a. Cr Hall must leave the meeting while this matter is discussed or voted on; or
 - b. If he may participate in the meeting in relation to the matter, including by voting on the matter.

Cr Gaedtke declared she had a conflict of interest in this item (as defined by section 175D of the Local Government Act 2009) as follows:

- (a) Due to providing material support of the Kilcoy Show Society, Woodchop and Horse Sections and further declare that the gifts provided were to the value of approximately \$150.

Cr Gaedtke determined that this personal interest is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest. Cr Gaedtke will best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

However, Cr Gaedtke acknowledged that the remaining Councillors must determine, pursuant to Section 175E (4) of the Local Government Act 2009:

- (a) whether she has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (b) if so, whether: -
 - a. Cr Gaedtke must leave the meeting while this matter is discussed or voted on; or
 - b. If she may participate in the meeting in relation to the matter, including by voting on the matter.

Cr Hall and Cr Gaedtke left the meeting at 10.39am.

Resolution: Moved - Cr Whalley Seconded - Cr Ogg

“THAT Cr Hall and Cr Gaedtke do not have a real conflict of interest or perceived conflict of interest in the matter and are accordingly free to participate in the meeting whilst the matter is discussed, including by voting on the matter.”

Carried

Cr Hall and Cr Gaedtke returned to the meeting at 10.39am

| | |
|------------------------|---|
| Subject: | Community Assistance Grants 2018 – 19 Kilcoy Pastoral, Agricultural and Industrial Society Inc. – Doc Id 1102119 |
| File Ref: | Community Relations – Sponsorships – Donations |
| Action Officer: | DHRCS |

Background/Summary

To assist with the costs associated with the demolition of the Poultry Pavillion located at the Kilcoy Showground.

| | |
|-----------------------------------|-----------|
| Amount requested: | \$ 10,769 |
| Total cost of project: | \$ 70,769 |
| Amount recommended to be granted: | \$ 10,000 |

Assessor's Summary

The applicant has requested in writing that this application be considered by Council out side of the specified funding rounds as:-

The Society has only recently been made aware that Council, as Trustee for the Reserve, would not permit demolition of the building by a community group, or an unlicensed contractor. Also time pressures caused by the need to acquit by the end of the Financial Year, major funding obtained through the Gambling Community Benefit Fund. Time pressures caused by the imminent commencement of works associated with demolition of the existing grandstand and dining room, and subsequent redevelopment of these areas of the Showgrounds Reserve.

The applicant states that the demolition and replacement of a new pavillion will add to the safety and comfort of patrons and growth opportunities for show poultry patrons and exhibitors.

Attachments

Nil

Recommendation

THAT the application as summarised in this report be considered for funding and a maximum of \$10,000 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist with the cost associated with licenced demolition contractor conducting survey and demolition, plus site remediation, of existing Poultry Pavillion located at the Kilcoy Showground

Resolution: Moved - Cr Brieschke Seconded - Cr Gaedtke

"THAT the application as summarised in this report be considered for funding and a maximum of \$10,000 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist with the cost associated with licenced demolition contractor conducting survey and demolition, plus site remediation, of existing Poultry Pavillion located at the Kilcoy Showground

Carried

Cr Choat returned to the meeting at 10.42am.

CHIEF EXECUTIVE OFFICER

| | |
|------------------------|--|
| Subject: | Tourism and Promotions Report March |
| File Ref: | Tourism – Promotions |
| Action Officer: | CMM |

The following is the end of monthly summary of activities relating to the four visitor information centres in Somerset (Esk, Fernvale, Kilcoy and Toogoolawah) for March 2019.

Visitor Statistics

| | Somerset | Brisbane | Other SEQ | Rest of Queensland | Interstate | International | Total |
|----------------------|----------|----------|-----------|--------------------|------------|---------------|-------|
| Esk VIC | 104 | 105 | 97 | 47 | 30 | 26 | 409 |
| Kilcoy VIC | 124 | 90 | 108 | 34 | 39 | 27 | 422 |
| Fernvale VIC | 211 | 105 | 59 | 16 | 12 | 13 | 416 |
| SRAG and TVIC | 82 | 61 | 89 | 35 | 12 | 8 | 287 |

Visitor Motivators

The top three reasons visitors attended each respective centre.

| | First | Second | Third |
|----------------------|---------------------|----------------------------|----------------|
| Esk VIC | Maps and directions | Glen Rock Gallery | Tourist drives |
| Kilcoy VIC | Maps and directions | Caravan and camping | Tourist drives |
| Fernvale VIC | Maps and directions | Brisbane Valley Rail Trail | Other |
| SRAG and TVIC | SRAG | Heritage | Other |

Merchandise Sold

The top three merchandise items sold at each centre.

| | First | Second | Third | Total \$ Value |
|----------------|--------------|---------------|------------------|----------------|
| Esk VIC | Water bottle | Stubby cooler | Bumper sticker / | \$38 |

| | | | | |
|----------------------|---------------|----------------|----------------------------------|------|
| | | | Fridge magnet | |
| Kilcoy VIC | Water bottle | Bumper sticker | Stubby cooler | \$15 |
| Fernvale VIC | Postcard | Fridge magnets | Bumper sticker/ Stubby cooler | \$17 |
| SRAG and TVIC | Stubby Holder | Water Bottle | N/A | \$14 |

Volunteers

| | Active Volunteers | Non- Active Volunteers | Total | Resignations | New Volunteers |
|----------------------|-------------------|------------------------|-----------|--------------|----------------|
| Esk VIC | 11 | 1 | 12 | 0 | 1 |
| Kilcoy VIC | 11 | 1 | 12 | 0 | 0 |
| Fernvale VIC | 19 | 2 | 21 | 0 | 1 |
| SRAG and TVIC | 8 | 2 | 10 | 0 | 0 |
| | 49 | 6 | 55 | 0 | 2 |

Volunteer Acknowledgement / Engagement

On Tuesday, 5 March 33 tourism volunteers attended a familiarisation tour that focused on the southern end of the Brisbane Valley Rail Trail. Volunteers had the chance to explore the trail at Fairney View, Lockyer Creek Bridge, Lowood and Coominya. Guest speakers included Brisbane Valley Rail Trail Users Association member Paul Heymans and Nash Horse Trekking owners Shane and Carolyn Nash.

Room Bookings

| | Number of Room bookings/hires | Total \$ value from Room bookings/hires |
|--------------------------------|-------------------------------|---|
| Esk VIC | 1 | \$0 |
| Kilcoy VIC | 5 | \$363 |
| Fernvale VIC | 25 | \$2118 |
| SRAG and TVIC | 0 | \$0 |
| Fernvale Community Hall | 19 | \$1234 |
| Fernvale Showgrounds | 1 | \$59 |

Somerset Regional Art Gallery – The Condensery

Current exhibition: Experience Somerset

Artists: The exhibition is presented by Somerset Regional Council

This photographic exhibition celebrates real country, real adventure. This exhibition allows the viewer to explore the Somerset of yesteryear through historic artefacts and images of the early pioneer settlements. Viewers will enjoy a journey from past to present with an exhibit of images captured by travel photographer, David Kirkland. The imagery highlights the region's

expansive countryside, iconic landmarks and spectacular scenery.

Bus Tours

There were no bus tours pre-booked for March however the gallery received a last-minute booking from a Brisbane Men's Shed caravanning club on Thursday, 28 March. There were 14 members in attendance. The gallery officer provided the group with a tour on the history and exhibition of the building.

Glen Rock Art Gallery (inside Esk Visitor Information Centre)

Glen Rock Gallery exhibitions coordinated by SASI include:

Artist: Greg Hannant

Friday, 1 March 2019 to Wednesday, 27 March 2019

Artist: Mt Beppo Art Group

Friday, 29 March 2019 to Wednesday, 24 April 2019

Events

Reel Somerset Classic 2019

The inaugural Reel Somerset Classic fishing competition was held Friday, 29 March 2019 to Sunday, 31 March 2019 at Somerset Dam. 48 teams equalling about 200 competitors attended the event. More teams were registered however due to wet-weather a few teams did not participate.

Reel Wivenhoe Classic 2019

The tourism team have developed a website for the event inhouse which will go live in April. Promotional collateral has been developed ready for distribution in April to coincide with registration launch. Registrations for the second annual Reel Wivenhoe Classic will open Friday, 12 April 2019. Planning for the Reel Wivenhoe Classic event in August continues as per the event brief.

Somerset Rail Trail Fun Run

The annual Somerset Rail Trail Fun Run will be held on Sunday, 14 July 2019. Planning for this event is well underway with the tourism department taking the lead on this event until the sport and recreation officer starts. A 48-hour flash sale was offered for the first time in the events 17-year history from Friday, 29 March to Sunday, 31 March 2019. Council received 447 event registrations during the flash sale. The tourism team are organising event promotion, social media management, graphic design collateral and organisation of the festival component and assistance with event organisation.

Experience Somerset website

General website content continues to be updated.

Mayoral Gala Charity Ball

The annual Mayoral Gala Charity Ball will be held at the Somerset Civic Centre on Saturday, 7 September 2019 from 6pm until midnight. Council have adopted Casino Royale as this year's theme. Officers are in the process of confirming the sponsorship proposal document and this is due to be distributed early April. Officers are preparing all other event elements including: catering, MC, live band, entertainment, sound and lighting, décor, auctions, raffles and other venue related arrangements.

Somerset Art Beat Festival

The inaugural Somerset Art Beat Festival will be held on Saturday, 1 June 2019 at the Somerset Regional Art Gallery – The Condensery at Toogoolawah. The festival will celebrate the Somerset arts community through Somerset performances and art stalls and will offer a

platform to officially open the Flying Arts Alliance Inc. touring exhibition, Wanderlust. With assistance from Creative Alliance, Council officers have begun organising and coordinating the Somerset Art Beat Festival promotional collateral and event planning. Expressions of Interest for art stall holders and performers were circulated at the end of March.

Promotions

Creating online content for free listings with the Australian Tourism Data Warehouse is ongoing. This will increase online presence for tourism in Somerset. Operators have been encouraged to create their own ATDW listing. Regional events have also been added to ATDW to be distributed to various websites including Visit Brisbane and Queensland.com. 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.

Trade shows

South Queensland Caravan, Camping, 4x4 and Fishing Expo

Council will be promoting the Somerset region at the 2019 South Queensland Caravan, Camping, 4x4 and Fishing expo at the Nambour Showground from Friday, 16 April to Sunday, 28 April.

Queensland Caravanning, Camping and Touring Supershow.

Council has expressed an interest in promoting the Somerset region again at the 2019 Queensland Caravanning, Camping and Touring Supershow held at the Brisbane RNA Showgrounds from Wednesday, 5 June to Monday, 10 June. Site allocations will be released in April.

Outdoor Adventure and Motoring Expo

Council has secured a site at the Queensland Outdoor Adventure and Motoring Expo to be held at the Toowoomba Showground from Friday, 2 August to Sunday, 4 August.

Engagement

The twelfth monthly tourism visitor email newsletter was sent out Tuesday, 12 March 2019 to 1,569 recipients (1,432 visitor database, 137 council database).

| Database | New subscribers in past month | Unsubscribed | Opened | Clicks | Total subscribers |
|----------|-------------------------------|--------------|--------|--------|-------------------|
| Visitors | 0 | 17 | 455 | 67 | 1415 |
| Council | 0 | 0 | 28 | 11 | 137 |

Most popular enews story

Top spots to take the kids camping this Easter.

NB: The information and articles being circulated through the electronic newsletter are being sourced and produced by the tourism team. Each VISO is responsible for writing a minimum of one article focusing on a Somerset tourism attraction or event in the region for use in the monthly newsletter. These articles are also displayed on the Experience Somerset tourism site as blog posts.

Social Media Overview

Facebook Pages

Experience Somerset – 2114 likes (an increase of **50** on previous month)

Somerset Regional Art Gallery – the Condensery – 434 likes (an increase of **28** on previous month)

Somerset Rail Trail Fun Run - 1128 likes (an increase of **57** on previous month)

Reel Wivenhoe Classic Facebook page - 722 likes (an increase of **12** on previous month)

Instagram account

Experience Somerset – 749 followers (an increase of **10** on previous month)

Experience Somerset Website Statistics

Total pages views: 5,680

| | First | Second | Third |
|-------------------------------------|--------------------|----------------------|--------------------------|
| Top three audience locations | Brisbane (2,479) | Sydney (206) | Gold Coast (140) |
| Top three referrers | facebook.com (187) | wedshed.com.au (101) | somerset.qld.gov.au (84) |

Experience Somerset Online Image Library Statistics

27 registered users (an increase of **2** on previous month)

Other:

- Council officers are investigating design of a brand element to complement the tourism brand. Quotations for this branding element are being reviewed.
- Somerset tourism operators were sent information from the tourism team about the Queensland Tourism Industry Council's free digital training courses offered in 2019. Council tourism staff will also be attending some of these workshops.
- Somerset tourism operators were sent information about the accredited visitor information centre's icard for volunteers, to date, five Somerset tourism businesses have offered a deal or discount to Queensland's VIC volunteers.
- Information about the Kilcoy Yowie was sent to the Grey Nomad Awards following their visit to the Kilcoy Visitor Information Centre.
- Throughout March, Council distributed 20.5 boxes of the Somerset visitor guide to 13 Queensland VICs and one Somerset tourism operator.
- Somerset's new visitor guide was promoted on the Experience Somerset Facebook and Instagram pages, along with the Queensland Accredited VIC Facebook page.
- Council has expressed an interest in all four visitor information centres to participate in the upcoming driver revival campaign. More information will be provided in April or May.
- Officers are preparing a series of Experience Somerset flyers (or fact sheets) to be distributed across the Somerset Visitor Information Centres. These are currently under development.

Attachments

Nil

Recommendations

THAT the Tourism and Promotions Report for March 2019 be received and the contents noted.

Resolution: Moved - Cr Brieschke Seconded - Cr Whalley

“THAT the Tourism and Promotions Report for March 2019 be received and the contents noted.”

Carried

Subject: Vacancy on the Ministerial Advisory Council – Flood Mitigation Manuals for Wivenhoe, Somerset and North Pine Dams.

File Ref: Government relations - state and federal government liaison - 2015-2018 - state and federal government departments - liaison Doc id 1082062,1090621

Action Officer: CEO

Background/Summary

At Council’s meeting of 23 January 2019, Council considered a report regarding a letter from the Hon Dr Anthony Lynham MP, Minister for Natural Resources, Mines and Energy regarding a vacancy on the Ministerial Advisory Council.

The purpose of the Advisory Council is to provide advice regarding updated Flood Mitigation Manuals for Wivenhoe, Somerset and North Pine Rivers Dams.

Council’s resolution of 23 January 2019 was *THAT Council advises the Hon Dr Anthony Lynham MP, Minister for Natural Resources, Mines and Energy that Somerset Regional Council will not be putting forward a nomination for the Ministerial Advisory Council.*

Council has received further representations from the Ministers office seeking Council to reconsider this matter. There are more advantages than disadvantages for Council to be involved in the Advisory Council, and whilst we are not expected to have technical knowledge to contribute, Council should sit at the table as key stakeholder to provide comment and advise on local matters where decisions are likely to impact the Region.

After further discussion internally, it has been determined that Council would be best represented by its Director Planning and Development to provide oversight on the Region and its changes from a land use, environmental infrastructure and population growth perspective.

Attachments

Decision of the Ordinary Meeting Wednesday 23 January 2019
Letter from Hon Dr Anthony Lynham MP, Minister for Natural Resources, Mines and Energy

Recommendation

THAT Council approve the Director of Planning and Development, Peter Tabulo as Council’s representative to the Ministerial Advisory Council - Flood Mitigation Manuals.

Resolution: Moved - Cr Hall Seconded - Cr Whalley

“THAT Council approve the Director of Planning and Development, Peter Tabulo as Council’s representative to the Ministerial Advisory

Council - Flood Mitigation Manuals".
Carried

Conflict of Interest – Item 19

Cr Whalley declared he has a perceived conflict of interest in this item (as defined by section 175D of the Local Government Act 2009) as follows:

(a) I have part ownership of racehorses however these are not likely to race at Kilcoy Race Club.

Cr Whalley determined that this personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest. Cr Whalley will best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

However, Cr Whalley acknowledged that the remaining Councillors must determine, pursuant to Section 175E (4) of the Local Government Act 2009:

(a) whether he has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and

(b) if so, whether: -

a. Cr Whalley must leave the meeting while this matter is discussed or voted on; or

b. If he may participate in the meeting in relation to the matter, including by voting on the matter.

Cr Whalley left the meeting at 10.47am.

Resolution:

Moved - Cr Ogg

Seconded – Cr Hall

"THAT Cr Whalley does not have a real conflict of interest or perceived conflict of interest in the matter and is accordingly free to participate in the meeting whilst the matter is discussed, including by voting on the matter."

Carried

Cr Whalley returned to the meeting at 10.48am.

Closed Session - Agenda Item 19, 36, 37 and 38

In relation to Agenda Item 19, 36, 37 and 38 Mayor Graeme Lehmann advised, pursuant to sections 275(e) and (h) of the *Local Government Regulation 2012*, that this meeting be closed to the public to consider the following items -

Item 19 - Kilcoy racecourse development tenders – recommendation following close of tenders on 4 April 2019

Item 36 - Planning & Environment Court Appeals- No 157 & 165 of 2019

Item 37 - Queensland Urban Utilities March 2019 Board Update

Item 38 - Tenders for the Indoor Sports Facilities - Kilcoy (Including Toogoolawah Gym) and Fernvale and Swimming Pools – Lowood, Esk, Toogoolawah and Kilcoy

| | | |
|---|------------------|-------------------------|
| Resolution: | Moved – Cr Choat | Seconded – Cr Brieschke |
| <p>“THAT Council move into a closed session at 10.49am so that Councillors or members can discuss contracts proposed to be made by Council and business for which a public discussion would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage.”</p> <p><u>Carried</u></p> | | |

Resolution: Moved – Cr Ogg Seconded – Cr Whalley

“THAT Council move out of the closed session at 12.48pm and that the meeting be once again open to the public.”

Carried

Recommendation

| | | |
|--------------------|--|--------------------|
| Resolution: | Moved - Cr Whalley | Seconded - Cr Hall |
| | <p>“THAT Council notes the outcome from the Planning & Environment Court Mediation of Appeals No 157 & 165 of 2019”.</p> <p><i>Carried</i></p> | |

Recommendation

| | | |
|--------------------|---|-------------------------|
| Resolution: | Moved - Cr Choat | Seconded - Cr Brieschke |
| | <p>“THAT Council receive and note the December 2018 and March 2019 Board meeting updates from Queensland Urban Utilities.</p> <p><i>Carried</i></p> | |

| | |
|------------------------|--|
| Subject: | Tenders for the Indoor Sports Facilities - Kilcoy (Including Toogoolawah Gym) and Fernvale and Swimming Pools – Lowood, Esk, Toogoolawah and Kilcoy |
| File Ref: | Council Properties/Management and Leasing |
| Action Officer: | DCORP |

Recommendation

That Council proceed with the advertising of the Tenders for the Indoor Sports Facilities and Swimming Pools based on the amended Terms and Conditions as approved by Council.

Resolution: Moved - Cr Whalley Seconded - Cr Ogg

“THAT Council proceed with the advertising of the Tenders for the Indoor Sports Facilities and Swimming Pools based on the amended Terms and Conditions as approved by Council.”

Carried (5-2)

Cr Hall and Cr Brieschke voted against the recommendation.

| | |
|------------------------|--|
| Subject: | Kilcoy racecourse development tenders – recommendation following close of tenders on 4 April 2019 |
| File Ref: | Grants - Programs - Building our Regions - Round 4 - Kilcoy Racecourse Development |
| Action Officer: | DFIN |

Recommendation

THAT tender 1125 for Kilcoy Racecourse Development be awarded to Daniel Banditt Constructions for the cost of \$1,013,248.97 excluding GST.

THAT Council seek opportunities to contain project costs of Kilcoy Racecourse Development including by reducing or eliminating fixed price elements.

Resolution: Moved - Cr Hall Seconded - Cr Whalley

“THAT tender 1125 for Kilcoy Racecourse Development be awarded to Daniel Banditt Constructions for the cost of \$1,013,248.97 excluding GST.

THAT Council seek opportunities to contain project costs of Kilcoy Racecourse Development including by reducing or eliminating fixed price elements.”

Carried

Subject: **Sheep Station Creek Hall**
File Ref: **Council Land and Buildings**
Action Officer: **CEO**

Recommendation

THAT Council construct interpretative signage to recognise the site of Sheep Station Creek Hall.

And THAT Council engage with local community members and the Kilcoy Historical Society to ensure appropriate wording for signage on the site.

Further THAT Council secure materials from the contractor for future possible use on Sheep Station Creek Hall site, should Council decide on further construction.

Resolution: Moved - Cr Gaedtke Seconded - Cr Whalley

“THAT Council construct interpretative signage to recognise the site of Sheep Station Creek Hall.

And THAT Council engage with local community members and the Kilcoy Historical Society to ensure appropriate wording for signage on the site.

Further THAT Council secure materials from the contractor for future possible use on Sheep Station Creek Hall site, should Council decide on further construction.”

Carried

The meeting adjourned at 12.55pm for Lunch resuming at 1.18pm

Meetings authorised by Council

Nil

Mayor and Councillor Reports

Cr Gaedtke

| | |
|---------------|--|
| 28 March 2019 | Councillor Infrastructure Bus Tour |
| 30 March 2019 | Kilcoy Konvoy |
| 30 March 2019 | Kilcoy Rodeo |
| 01 April 2019 | Councillor Infrastructure Bus Tour |
| 03 April 2019 | LGAQ Elected Member Training - Esk |
| 04 April 2019 | Brisbane Valley Heritage Trail Committee Meeting - Moore |
| 04 April 2019 | Book Launch BVHT "Racing in the Brisbane River Valley" |
| 05 April 2019 | Kilcoy Primary School – Colour Run |
| 06 April 2019 | Kilcoy Show |

The Kilcoy Yowie Markets, Yowie parkrun, Kilcoy Konvoy, Kilcoy Rodeo, Inaugural Reel Somerset Classic and the Kilcoy Motorcross Club (Club Day #2) were all held with great success over the last weekend in March. All events reported a great turn out and in spite of the showers that were generously shared with us all on Saturday. Over at Toogoolawah, the Brisbane Valley Rail Trail 30 Charity run organised by the Brisbane Valley Rail Trail Users Association in aid of the Esk Hospital Auxiliary was well supported by runners from all over south-east Queensland. Unfortunately, the Prenzlau Pride Car and Music Show 2019 had to be cancelled due to the wet conditions of the Lowood Showgrounds. Coominya and Fernvale Markets enjoyed a beautiful Sunday autumn day. The Kilcoy Show Society was blessed with beautiful weather for the Kilcoy Show held on Friday and Saturday, 5th and 6th April. Congratulations to all who have put in the hard miles to bring their event to fruition.

I look forward to reading a copy of the book "Racing in the Brisbane River Valley", which has been tirelessly researched and compiled by Elizabeth DeLacy and launched by the Brisbane Valley Heritage Trail Committee in the beautiful Moore Hall.

Cr Choat

| | |
|----------------------|--|
| 27 March 2019 | Council General Meeting and Workshop – Council Chambers Esk Glamorgan Vale State School P&C Annual General Meeting |
| 29 March 2019 | Glamorgan Vale State School Grandparents Day |
| 1 April 2019 | Council Budget Planning Infrastructure Tour – Northern Districts Brisbane Valley Neighbourhood Watch General Meeting |
| 4 April 2019 | Marburg Show Society – General Meeting |
| 6 April 2019 | Kilcoy Show 2019 Opening and Official Luncheon Awards Presentation Poultry Exhibit Glamorgan Vale Community Hall Easter Carnival |

Cr Hall

| | |
|---------------------|---|
| 4 April 2019 | Book launch of "Racing in the Brisbane Valley". Elizabeth De Lacy gave a good presentation at the launch. |
|---------------------|---|

A child has been injured in a farming accident at Linville, I send my best wishes for a speedy and full recovery.

Resolution:

Moved - Cr Choat

Seconded - Cr Whalley

"THAT Councillors verbal and written reports be received"

Carried

Receipt of Petition

Nil

Consideration of notified motions

Nil

Reception of notices of motion for next meeting

Nil

Items for reports for future meetings

Cr Ogg requested an update of matters at the Lowood Swimming pool.

Closure of Meeting**Summary**

There being no further business, the Mayor, Cr Graeme Lehmann closed the meeting at 1.22pm