



**Minutes of Ordinary Meeting
Held Wednesday 24 July 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 G Smith	(Acting Chief Executive Officer / Director Finance)
Mr M McGoldrick	(Director Corporate and Community Services)
Mr A Johnson	(Director Operations)
Mr P Tabulo	(Director Planning and Development)
Mrs K Jones	(Director HR and Customer Service)
Mrs S Pitkin	(Minute Secretary / Executive Assistant)
Mr B Weier	(Communications and Marketing Manager)

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Opening of Meeting

The Mayor, Cr Graeme Lehmann, opened the meeting at 9.03am.

Leave of Absence

Nil

Confirmation of Minutes**Resolution**

Moved – Cr Brieschke

Seconded – Cr Gaedtke

“THAT the Minutes of the Ordinary Meeting held 10 July 2019 as circulated to all Members of Council be confirmed”.

Carried

Vote - Unanimous

Resolution

Moved – Cr Choat

Seconded – Cr Whalley

“THAT the Minutes of the Special Council meeting held 12 July 2019 as circulated to all Members of Council be confirmed, with the exception of the word 'interim' being replaced with the word 'acting'.”

Carried

Vote - Unanimous

Business arising out of minutes of previous meeting

Nil

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

26/27 July	Somerset Art Society Inc Art Awards – Esk
27 July	Esk Cultural Festival
29 July	Toogoolawah Shed of Knowledge Info Session
31 July	Kilcoy District Progress Alliance monthly meeting - AgForce
03 August	Dedication Ceremony Flagpole and Plaque Commemoration of the Armistice Centenary – Jimna

A truly remarkable day was shared with over 400 visitors on Saturday 20 July in the town of Moore. Open house of the historic Stonehouse attracted visitors from all over the state and there were lots of stories shared about this very endearing property. Many of the heritage listed buildings have withstood the passage of time, and as many of us thought whilst admiring the style and attraction of these buildings, “If Only These Walls Could Talk!” I am pleased to advise that the owners have been successful with a State Government grant application, and hope to hold a second open day once the Old Stonehouse Inn restoration is completed. This will provide the visitors with a ‘before’ and ‘after’ experience. Acknowledgment and appreciation must be made to the Brisbane Valley Heritage Trail Committee who organised this very special and heartfelt event.

Cr Whalley - Matters of public interest

Glamorgan Vale Water Board

Cr Whalley stated that the Department of Natural Resources Mines and Energy (DNRME) has enacted changes to its procedures regarding the Glamorgan Vale Water Board in recent times. According to the DNRME, the amendments are supposed to be for operational efficiency, strengthening of compliance, gender balance and to modernise the selection and appointment process for directors.

Cr Whalley stated that the Glamorgan Vale Water Board commenced in 1967, when the then Deputy Governor, on behalf of His Excellency the Governor in Council, approved the Board. The Board had a portion of costs to construct the facility in the first instance, and also borrowed money from the State. Money borrowed was paid back by the property owners in the gazetted area, and the service has been maintained, expanded, upgraded and modernised over the years. The property owners serviced in the gazetted area are the shareholders of the Board. In 1968 the Board consisted of 4 elected members voted on by ratepayers in the area.

Cr Whalley stated that under the mischievous notion that the Minister wants to facilitate gender balance representation and modernise the selection and appointment process, this current labour government under Premier Palaszczuk through her Minister, who refused to meet with the Board, have now stripped the democratic rights of the property owners / shareholders within the Glamorgan Vale Water Board gazetted area. This is happening right here in our Somerset Region.

Cr Whalley stated that the last time he checked, we lived in a democracy, stating that this is a disgusting betrayal of rights and should not be condoned.

Cr Whalley personally challenged the Premier and her Minister to explain to the people of our region and Queensland how they believe they have the right to dictate and appoint the Board at their own discretion.

Resolution

Moved – Cr Whalley

Seconded – Cr Choat

"THAT Council write to the Premier of Queensland, Ms Anastacia Palaszczuk, outlining Somerset Regional Council's extreme disappointment and disgust with the changes made to the methodology for Board appointments for Category 2 water boards in Queensland."

Carried

Vote - Unanimous

Cr Choat - Matters of public interest

Glamorgan Vale Water Board

Cr Choat commended Cr Whalley on his statements regarding the government's decision regarding Glamorgan Vale Water Board appointments, stating that too many of the rights of individual are people are being taken away.

Regional Development Australia Ipswich and West Moreton

Cr Choat, as a member of the Board and Executive Committee of Regional Development Australia Ipswich and West Moreton, which serves the Somerset Region, was pleased to provide for Councillors a copy of the Regional Development Australia Ipswich and West Moreton Project Status Report January – June 2019. The report provides details and statistics about our region and neighbouring regions which will be of interest and great use

to Council in our planning and decision-making endeavours as well as for providing information and perspective to the wider community.

Cr Brieschke - Matters of public interest

- 27-28 July - Somerset Bendigo Bank Art Awards, Somerset Civic Centre, Esk
 27 July - Esk Cultural Festival, Pipeliner Park, Esk
 - Annual Bird Sale, Toogoolawah Showgrounds

Toogoolawah Show Princess

Cr Brieschke informed the meeting that this year's Toogoolawah Show Princess, Ms Bianca Wheildon, was selected to represent the region at the Roya National Show in Brisbane this year. Cr Brieschke congratulated Bianca, and Council wished her well at the 2019 Show.

Conflict of Interest

Cr Whalley declared that he may have a perceived conflict of interest in Items 13 and Item 17.

Subject:	Development Application No 14975 - Application for a Development Permit for a Material Change of Use –
	<ul style="list-style-type: none"> - Extractive Industry (Hard rock quarry) - Medium impact industry (Concrete batching plant) - Environmental Authority (EA) 16 – Extractive and Screening Activities
	EA threshold 2(a) – extracting 5000t to 100,000t per year
	EA threshold 3(a) – screening 5000t to 100,000t per year
File No:	DA14975
Assessment No:	05611-00000-000
Action Officer:	SP

Subject Land

Location	310 Gregors Creek Road, Gregors Creek
Real Property Description	Lot 1 RP75267 – 129.50ha Lot 2 RP75267 – 70.72ha Lot 1 RP15328 – 136.48ha Lot 5 RP41543 – 12.22ha Lot 2 RP99954 – 9.176ha Lot 1 CSH2113 – 5.82ha Lot 3 RP84104 – 5.19ha

Area	Total = 369.11ha
Current land use	Dwelling house and agriculture
Easements and Encumbrances	Nil

Former Esk Planning Scheme 2005 (as amended)

Zone	Rural zone
Precinct	Sub-Catchments Valleys Precinct

SEQ Regional Plan 2009-2031

Category	Regional Landscape and Rural Production Area
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Application

Level of Assessment

Applicant/s

Applicants contact details

Land Owner/s

Date properly made:

Change representations received:

IMPACT

Edith Pastoral Company Pty Ltd

I.B. Town Planning (Ian Buchanan)

P.O. Box 501

Kallangur QLD 4503

Edith Pastoral Company

Department of Natural Resources and Mines (Brisbane River crossing only)

2 March 2015

23 February 2016

Referral Agencies

Concurrence Agencies

Advice Agencies

Third Party Advice Agencies

Department of Infrastructure, Local Government and Planning – State Assessment Referral Agency

Nil

South East Queensland Water Corporation

First Notification Period

Compliance received

Submissions received

Submitters

Submissions properly made

26 August 2015

37 submissions

73 submitters

36

Second Notification Period**Change application**

Compliance received

Submissions received

Submitters

Submissions properly made

29 August 2016

27 submissions

61 submitters

26

RECOMMENDED DECISION

THAT Council approve the Development Application subject to the requirements and conditions contained in the Schedules and Attachments.

1.0 BACKGROUND

Council originally received the development application on 17 February 2015 which involved Extractive Industry (sand, gravel and hard rock extraction) as well as Medium impact industry - Concrete Batching Plant which included concrete block and tile manufacturing. Following considerable discussions between Council officers and the applicant and following concerns raised as part of public consultation as per section 351 of the Sustainable Planning Act 2009 the development application was formally changed on 28 January 2016.

The change application originally removed the sand and gravel components of the extractive industry and also the Medium impact industry - Concrete Batching Plant. The applicant then lodged a separate development application (DA15730) for the Concrete batching plant, this application was subsequently withdrawn. A further change was made to DA14975 on 23 February 2016 which re-instated the Medium impact industry - Concrete Batching Plant but removed the concrete block and tile manufacturing components of the activity.

2.0 PROPOSAL

The applicant proposes to undertake hard rock quarrying activities in the eastern portion of

the subject land within a natural amphitheatre. The concrete batching plant, stockpile and processing area is to be located to the south of the extraction area. The extraction area follows the natural contours and represents about 100 years of extraction a maximum extraction of 100,000 tonnes per year and is to occur over seven stages.

Overburden will be pushed to the south of the actively worked areas, and extracted material hauled to the process area. The process area will contain the material processing equipment, gravel stockpiles and a small concrete batching plant.

New haul roads are proposed to be constructed and existing internal access tracks upgraded to service both the quarry and concrete batching plant. The existing crossing of the Brisbane River will be utilised, with a new alignment from the southern side of the Brisbane River crossing required to reduce grades from the river bed. A culvert crossing of the existing gully will be constructed to maintain all-weather access to the process area. The haul road between the extraction area and the process area is proposed to be constructed on the contour to minimise earthworks and gradients.

Screening vegetation is proposed for the full length of the haul road on the site, which will return to the south and east to screen the processing area and concrete plant, and also with a leg that extends to the north, rising up the hill beside the eastern end of the extraction pit. This vegetation would be planted prior to the commencement of the use, and is to consist of two rows of trees, with the trees planted at 10m centres and the rows offset by 5m. The screening will consist of native trees that will have a mature height of at least 15m.

The property is currently utilised for agricultural purposes, specifically the grazing of cattle. The proposed quarry and concrete batching plant operations will be conducted in conjunction with the existing land use.

In terms of rehabilitation, the application proposes a progressive rehabilitation strategy that will commence within the early stages to reduce the visual scarring appearance of the development. A detailed rehabilitation plan has not been provided and is not proposed to be provided until a future Operational works application.

Timing of extraction

The application is seeking a maximum extraction of 100,000 tonnes of material per year. At this rate of extraction, the entire operation of the quarry is anticipated to be in excess of 100 years.

Water sources and usage

The application material identifies that operational water for the extraction area, processing area and concrete batching plant will be sourced from the Brisbane River in accordance with the *industrial use* water extraction permit. This licence does not specify an upper limit of water extraction; rather the rate at which water may be extracted.

The water distribution system existing on the property is operated by pumping surface water from the Brisbane River as per the licence conditions to a 'balance' dam located adjacent to the Brisbane River. From here, high capacity pumps can deliver water to various water points throughout the property via underground pipes.

Operational requirements may include use of the existing farm dam or modified farm dam adjacent to the processing area as a water source. The Stormwater Management Plan has not considered the water requirements of the proposed operations. It has been assumed that the site operator will balance the rate of production with the allowable rate of extraction of water from the Brisbane River for both the industrial purposes and irrigation needs, noting that quarry operations may need to temporarily cease should sufficient water be unavailable.

3.0 SITE DETAILS AND SURROUNDING LAND USES

The subject land contains a total area of about 369ha and is currently used for rural activities consisting mainly of cattle grazing. The property is bordered to the north by Gregors Creek Road and a rural property, to the south and west the property adjoins the Brisbane River and rural properties. To the east subject land adjoins the Cressbrook Conservation Park.

The surrounding rural properties predominantly contain dwelling houses and are used for small scale rural activities.

4.0 MAJOR ISSUES

Through the assessment of the development application it became apparent that there were several major issues that required detailed consideration by both the applicant and Council. To assist in the assessment of the development application, Council engaged several experts who reviewed the specialist reports provided as part of the application material. The following provides a summary of the major issues.

Stormwater Management

The application material provides a Stormwater management plan, that does not contain detailed design. The applicant intends to provide the detailed design as part of a future operational works application/s.

The Stormwater management plan identifies that stormwater can be managed on site without water being released from the property. Notwithstanding this, in large rain events stormwater will be released into the Brisbane River. The Stormwater Management Plan has highlighted that stormwater management measures will be required predominantly around the extraction area, concrete batching plant and the processing plant/stockpile areas.

A summary of the proposed stormwater management measures for the extraction area include:

- Utilising a suitably sized basin or sump within the extraction area to capture stormwater runoff from the actively worked areas, including any previously worked areas that have not been rehabilitated. The sump will be sized as per the ERA permit conditions.
- Sediment laden stormwater captured in the extraction area sump(s) will be preferentially re-used within the site instead of being disposed of to land. This can be achieved through the use of portable pumps to transfer the water to the processing area, or to the proposed water recycling dam.
- Surface roughening is to be conducted on large exposed surfaces to reduce runoff velocity and scour erosion.
- Steep slopes will be benched for long term stability as per the quarry staging plan and as determined by a suitably qualified geotechnical engineer. The steep slopes will consist predominantly of rock, which will pose a low long-term scour erosion risk.
- Areas are to be progressively rehabilitated following completion of extraction activities.

A summary of the stormwater management measures for the processing area includes:

- Development of a working surface via bulk earthworks. The landform will be formed with light gradients to minimise scour erosion and graded to discharge stormwater to a suitably sized sediment basin.
- Hardstand areas will be maintained with a gravel working surface to limit exposed soils and to provide an all-weather working surface.
- Any batter slopes resulting from the bulk earthworks will be graded to provide a stable surface and revegetated. A diversion bund will be constructed above the cut batter to

- limit flow over the batter surface.
- The concrete batching plant area will be bunded to prevent any stormwater from upstream areas entering the 'contaminated' areas.
- The concrete batching plant area will include a 'first flush' capture device or dam of sufficient capacity to retain the first 20mm of stormwater runoff. Indicative sizing of the first flush devices. Infrastructure, will be provided to allow re-use of this captured contaminated stormwater. Overflow from the first flush dam is to be directed to the process area sediment basin(s).
- The processing area will be serviced with a sediment basin.

Seqwater reviewed the stormwater management plan and advised that all water quality parameters specified in the Environmental Authority are considered to apply to releases from detention basins into the water recycling dam, not at the discharge point from the site into the Upper Brisbane River. The water recycling dam is considered the receiving environment, being the first point of contact with the headwaters of the watercourse that drains directly to the river. The plan provided appears to identify that the water being received into the Upper Brisbane River will be of sufficient quality, however it is expected that further detail will be provided at a later stage.

Council's stormwater expert reviewed several iterations of the stormwater management report during the assessment process. The final report was reviewed in late May 2019 and concluded that the stormwater management plan had been appropriately developed however have advised that considerable detail will be required as part of the future Operational works application/s.

Air Quality

The Air Quality Assessment prepared by the applicant identifies that key air emission sources for the proposed quarry include extraction activity, wind erosion over exposed surfaces/stockpiles, haul routes, concrete batching plant and processing plant. Particulate matter is considered to be the main indicator for these air emission sources.

To the north west of the proposed development is an existing quarry which was considered as a background source in the air quality assessment. In order to minimise potential dust impacts on nearby sensitive receptors, a number of dust emission controls are proposed as part of the development, including water sprays.

Based on the outcomes of the mitigation modelling, the following measures are recommended:

- Stage 1 to 5 – Level 1 watering ($< 2 \text{ L/m}^2/\text{hr}$) on all unsealed haul routes;
- Final stages:
 - Level 1 watering on all unsealed haul routes;
 - limit the exposed/unsealed extractive area to 95,925 m² (the remaining potential extractive area could be completed in a separate stage, provided that the initial Stage 6 area is appropriately rehabilitated or stabilised).
 - Chemical suppressants could be used as an alternative to watering.

Overall, the proposed quarry operation is expected to result in increased particulate concentrations in the surrounding area, however, the potential for impacts is expected to be reduced to within the relevant air quality goals provided the above measures are in place.

Council engaged an expert to review the air quality assessment report provided by the applicant. The expert confirms that the report appears to have been performed in line with

good quality practice. It is noted that the predictions made regarding the nearby quarry were assumptions and not as a result of actual data.

Acoustic Assessment

During the assessment of the application, the applicant provided several iterations of the acoustic assessment. The final acoustic assessment provided a detailed assessment of the activities proposed to occur as part of the extractive industry and concrete batching plant.

Background noise monitoring was undertaken at two locations on the site, which are representative of the noise environment for adjoining land uses along Gregors Creek Road, and the opposite side of the Brisbane River. The results of the noise monitoring have been refined to extract the insect noise component from the noise level measurements by removing the octave band that corresponds with insect noise. This is the most appropriate acoustical technique to apply the relevant correction to monitoring done in the month of March, in lieu of waiting to undertake monitoring in winter.

The acoustic assessment report makes several recommendations and concludes that, with the implementation of the recommendations, the proposed use will operate in accordance with the relevant legislative requirements to avoid adverse noise impact on surrounding properties.

Visual Amenity

The application material acknowledges that there are a number of sensitive receptors which overlook the development. These sensitive receptors are predominantly located to the west of the subject land on the opposite side of the Brisbane River.

The proposed layout of the extraction area has been designed to follow the natural contours of the land in the amphitheatre style area that is located in between existing spurs of the landform that screen the majority of the extraction and processing area from view. As part of the extraction process, it is proposed to undertake progressive rehabilitation of the extraction benches as the works move down the slope of the land, so at any point in time there are only 2 working benches visible on the site (i.e. one being worked and the previous being rehabilitated). It is noted that for the majority of the stages of extraction, no benches will be visible while this work is occurring, due to the screening provided by the landform and vegetation.

For Stages 1 to 4 of the development, the strategic development of the pit, processing and stockpiling areas contributes to an acceptable amenity outcome for the development. This outcome assumes that rehabilitation commences on final benches as soon as practical, and if rehabilitation is delayed or is not able to be completed it may have a negative effect on the visual amenity outcomes.

However, for Stages 5, 6 and 7 additional controls could be investigated to further limit any potential high visual effect exposure for the upper benches of the extraction area that will be visible while they are being worked, and before rehabilitation works commence. It is important to note however that with the proposed progressive rehabilitation of the extraction benches, the upper benches of these stages are only worked in 200m – 300m segments, and the upper benches of Stage 6 will be rehabilitated by the time work on the upper benches of Stage 7 commences. The management of the extraction through a series of stages that will be progressively rehabilitated, rather than opening up the full face of the extraction area, ensures that the visual impact of the works is minimised and not representative of what local residents are used to seeing with the management of extraction areas for other quarries.

Additional controls that could be investigated to reduce the visibility of the operating areas of the site include the use of shipping containers or earth bunds with a coloured finish to blend with the surrounding land, or more natural vegetated bunds and screening trees.

Given that the stages with more visible areas occur in the latter portion of the development life (some 20+ years in the future) there is sufficient time available to assess the progress of progressive rehabilitation in early stages, and then implement additional mitigation measures if necessary for the later stages if it is identified that further screening is desirable.

Screening vegetation is proposed to be added for the full length of the haul road on the site, which will return to the south and east to screen the processing area and concrete plant, and also with a leg that extends to the north, rising up the hill beside the eastern end of the extraction pit. This vegetation is proposed to be planted prior to the commencement of the use, and will consist of two rows of trees, with the trees planted at 10m centres and the rows offset by 5m. The screening will consist of native trees that will have a mature height of at least 15m. By planting this vegetation prior to the commencement of the use, this will ensure that screening of the haul roads is established as soon as possible, and the vegetation that provides screening to the extraction area is well established prior to any stages of extraction becoming visible to the south-west.

Overall, it is acknowledged that the proposal will be visible from some sensitive receptors, and specific conditions will be required regarding the progressive rehabilitation of the extraction area and the vegetation screening.

5.0 ASSESSMENT – STATE LEGISLATION

5.1 STATE PLANNING POLICY

The development application is being assessed against the former Esk Shire's planning scheme. Given the age of the planning scheme it is not consistent with the current State Planning Policy (SPP) 2017, as such the application has been assessed against the SPP.

The following State interests impact the subject land:

- Economic Growth
 - Agriculture
- Environment and Heritage
 - Biodiversity
 - Water quality
- Safety and Resilience to Hazard
 - Natural hazards risk and resilience

Of the relevant State interests only the following have assessment benchmarks which require assessment.

Agriculture

<i>State Interest – Agriculture</i>	<i>Planning comment</i>
(1) Agriculture and agricultural development opportunities are promoted and enhanced in important agricultural areas (IAAs).	The subject land is identified by both the former Esk Shire's Planning Scheme and Somerset Region Planning Scheme as containing Good Quality Agricultural Land (GQAL). The mapping contained within the SPP 2017 identified that the extent of the GQAL has changed, and in fact reduced. The extraction area is outside the mapped GQAL. It is anticipated that the existing
(2) Agricultural Land Classification (ALC) Class A and Class B land is protected for sustainable agricultural use by:	

<div><div>(a) avoiding fragmentation of ALC Class A or Class B land into lot sizes inconsistent with the current or potential use of the land for agriculture</div><div>(b) avoiding development that will have an irreversible impact on, or adjacent to, ALC Class A or Class B land</div><div>(c) maintaining or enhancing land conditions and the biophysical resources underpinning ALC Class A or Class B land.</div></div>	agricultural pursuits occurring on the subject land will be able to continue in conjunction with the extractive industry.
<div>(3) Fisheries resources are protected from development that compromises long-term fisheries productivity, sustainability and accessibility.</div>	
<div><div>(4) Growth in agricultural production and a strong agriculture industry is facilitated by:</div><div><div>(a) promoting hard to locate intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture in appropriate locations</div><div>(b) protecting existing intensive agricultural land uses, such as intensive animal industries, aquaculture, and intensive horticulture, from encroachment by development that is incompatible and/or would compromise the safe and effective operation of the existing activity</div><div>(c) locating new development (such as sensitive land uses or land uses that present biosecurity risks for agriculture) in areas that avoid or minimise potential for conflict with existing agricultural uses through the provision of adequate separation areas or other measures</div><div>(d) facilitating opportunities for co-existence with development that is complementary to agricultural uses</div></div></div>	

that do not reduce agricultural productivity (e.g. on-farm processing, farm gate sales, agricultural tourism etc)	
(e) considering the provision of infrastructure and services necessary to support a strong agriculture industry and associated agricultural supply chains	
(f) ensuring development on, or adjacent to, the stock route network does not compromise the network's primary use for moving stock on foot, and other uses and values including grazing, environmental, recreational, cultural heritage, and tourism values.	

Water quality

State interest – Assessment benchmark	Officer assessment
Development is located, designed, constructed and operated to avoid or minimise adverse impacts on environmental values arising from:	The application has been supported by a Stormwater Management Plan which has concluded that the proposed development can operate without impacting on the environmental values of both the immediate and wider locality.
(a) Altered stormwater quality and hydrology;	Seqwater have reviewed the application material and have provided the following comments: Extractive resource operations in SEQ's drinking water catchments remain key contributors to sediment loads of major watercourses and urban water supply storages, due to major degradation of site stability, vegetative cover and riparian areas.
(b) Waste water;	
(c) The creation or expansion of non-tidal artificial waterways;	
(d) The release and mobilisation of nutrients and sediment.	
Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)	
Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.	

5.2 VEGETATION MANAGEMENT ACT 1999

The site contains limited stands of high value regrowth vegetation that is a Of Concern regional ecosystem and Least Concern regional ecosystem according to the Department of Natural Resources, Mines and Energy mapping. The regrowth vegetation is mainly located to the south of the extraction area and processing area. The application was referred to the State Assessment and Referral Agency but no comments specifically relating to the protection of this vegetation were received.

5.3 ENVIRONMENTAL PROTECTION ACT 1994

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

6.0 COUNCIL ASSESSMENT – FORMER ESK SHIRE’S PLANNING SCHEME 2005 (AS AMENDED)

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

6.1 Desired Environmental Outcomes (DEOs)

The following is a summary of the applicable DEOs and provides an assessment of the proposal against the outcomes sought:

- (a) **The use of the shire's natural resources is managed on a sustainable basis to meet the needs and aspirations of the community, and maintain environmental, community and economic values.**

The proposed extractive industry seeks to utilise a hard rock resource in order to provide materials to the local and regional economies. The extraction area ultimately represents a small section of the subject land and the supporting information provided as part of the development application demonstrates that the environmental values of the locality are not adversely impacted.

- (b) **Esk Shire has a sustainable and diverse rural economy with a wide range of employment opportunities due to the expansion of existing industries in areas such as tourism, regional recreation and the establishment of new economic activities;**

The proposed development will create a number of jobs during construction and operation phases.

- (c) **Effective coordination between infrastructure services, land use planning and economic development activities is achieved, and infrastructure is protected (including transport, water supply and energy corridors) from inappropriate development;**

The proposed extractive industry will generate traffic on the local Gregors Creek Road and the State-controlled Brisbane Valley Highway. While the local road is not identified as being a main local road on the Major Transport and Energy Corridor and Infrastructure Overlay Map (OM5) it is anticipated that the proposal will require upgrading to widen to ultimate design width of 7m or a financial contribution towards the ongoing maintenance of the road.

It is important to note that the traffic management report claims Gregors Creek Road at its western end carried 241 vehicles per day in 2010. Recent Council traffic counts in January 2018 indicate that the Western end of Gregor Creek Road Carries 510 vehicles per day. The Traffic assessment lodged with the application indicates that traffic will increase up to 87 vehicles per day (commercial and passenger) along Gregors Creek Road, representing an increase of 17% increase over the observed traffic flows.

Additionally, the Department of Transport and Main Roads (DTMR) has assessed the impact of the proposed development on the Brisbane Valley Highway.

- (d) **The natural and scenic attributes of the Brisbane Valley are managed and**

protected to maintain biodiversity and ecological processes, and to promote continued economic development and the health and wellbeing of the community;

The site is not mapped as containing areas of scenic amenity on the Scenic Amenity Overlay Map (OM2B). Nevertheless, the site does have visual appeal.

The application has been supported by a Visual Amenity Assessment Report which has identified that the extraction area will be visible from a number of nearby residences and sections of Gregors Creek Road.

In an attempt to reduce the visual impact of the proposal the applicant proposes to establish a vegetation screen along the length of the haul route and to the south of the processing plant area. It is proposed that the vegetation will be established prior to the use commencing to ensure the vegetation has grown to a sufficient height to screen the later stages of extraction.

Notwithstanding this, a portion of the extraction area is now identified as being high scenic amenity area by the Somerset Region Planning Scheme, which is discussed in detail at section 7.1 of this report.

(e) The natural processes and water quality values of the Brisbane River and the Shire's other waterways and their catchments are maintained and enhanced;

While the proposal does not involve extraction of materials from within the Brisbane River the development does ultimately release some stormwater into the river. The application has been supported by a Stormwater Management Report which demonstrates that water quality can be appropriately managed on site.

(f) Places and landscapes of cultural heritage significance in the Shire are protected and managed in keeping with the aspirations of the community and the attainment of economic and other benefits; and a high quality built environment is achieved with development consistent with desired local character and sited so as to minimise the potential adverse impacts of flood, bushfire and landslide.

There are no heritage features on the site which are listed on either the State Heritage Register or Council's Local Heritage Register. Further, there are no known sites of indigenous cultural heritage within the property. This is not an uncommon occurrence, however, and it does not mean that the site does not contain features which may be protected under the Aboriginal Cultural Heritage Act 2003 (the ACHA). As such, should the application be approved, a condition will be included to ensure that the applicant provides written confirmation from the Department of Aboriginal and Torres Strait Islander Partnerships that the site does not contain features of indigenous cultural heritage, and that their duty of care under the ACHA has been met, prior to its commencement.

6.2 Code Compliance Summary

The assessment below identifies how the development proposal achieves the assessment benchmarks and where the development proposal:

- (a) Proposes an alternative "Example" satisfying or not satisfying the corresponding Performance Outcomes; and
- (b) Proposes an outcome where no "Example" is stated in the code and the proposed

outcome does not satisfy the corresponding Performance Outcome.

Assessment Benchmarks	Compliance with Specific Outcomes	Specific Outcomes assessment is required
Rural Zone code	Yes	SO10 SO13
Extractive Industry Overlay Code	Yes	SO2
Economic Development Overlay Code	Yes	Not required
Biodiversity Overlay Code	Yes	SO1.1
Catchment Management Overlay Code	Yes	SO2 SO3
Floodplain Assessment Overlay Code	Yes	Not required

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below:

Specific Outcome Assessment

Rural Zone Code

Element (vii): CHARACTER/LANDSCAPE/AMENITY	
Specific Outcome	Probable Solution
SO10 Development in rural areas is compatible with the desired character and amenity of the area, and with the scenic and landscape values of the area	PS10.1 Premises are located so that material and product haulage routes do not pass through residential or large lot residential areas PS10.2 On-site landscaping is established and maintained so as to: <ul style="list-style-type: none"> ▪ retain existing native vegetation; and ▪ effectively screen all non-residential buildings, structures and outdoor use areas from view from surrounding roads and dwellings. PS10.3 Important views to or across the site are maintained. PS10.4 Disruption to the natural profile of the land and visual scarring from development is minimised. PS10.5 Development is designed and located to protect air, water and soil quality.
Specific Outcome Assessment	
The development application material identifies that the haul route will be via Gregors Creek	

Road and Brisbane Valley Highway which are both within the Rural zone. The original application material identifies that the existing access onto Gregors Creek Road would be utilised by the development. Through the assessment of the application it was recommended by the acoustic assessment report that the access point should be relocated to the west to utilise a historic access point. While the surrounding land is zoned Rural, the relocated access will reduce the impact of both noise and dust on the closest adjoining landowner.

The visual amenity assessment report identifies that the proposed development will be visible from several nearby sensitive receptors. To reduce the visual impact, the applicant proposes to establish a vegetation screen along the length of the haul route and to the south of the processing and stockpiling area which is intended to aid in the screening of the activity from the sensitive receptors on the western side of the Brisbane River.

The applicant has further advised that the natural topography of the site lends itself to screening the development. No specific rehabilitation plan has been provided, however, the applicant has advised that progressive rehabilitation is to occur which will reduce the time in which visual scarring is present on the development.

Stormwater management plan and air quality reports have been provided which demonstrate that the development can occur without impacting air, water and soil quality.

Element (x): INFRASTRUCTURE

<i>Specific Outcome</i>	<i>Probable Solution</i>
SO13 The safe and efficient operation of roads is maintained having regard to: <ul style="list-style-type: none"> ▪ the nature of vehicles using the road; ▪ the location of uses that may be adversely affected by noise or dust generated from the use of the road; ▪ the location and design of access points; and ▪ the design of stormwater drainage 	(in partial fulfilment of SO13) PS13 Vehicular access is designed and constructed to standards stated in Planning Scheme Policy No. 8

Specific Outcome Assessment

The Acoustic Assessment report provided by the applicant recommends that the site access be relocated to the west to create a greater separation between the internal haul route and the closest adjoining dwelling house.

While the applicant has advised the recommendation will be accepted no detailed design of the access has been provided. Since the Traffic Impact Assessment has been completed the volume of traffic utilising Gregors Creek Road has increased significantly. Further design work will be required to determine the extent of works required. If the application is approved, conditions will be included requiring detailed design as part of a future Operational works application.

Extractive Industry Code

Element (i): ENVIRONMENTAL IMPACT

<i>Specific Outcome</i>	<i>Probable Solution</i>
SO2 Development provides for the systematic	PS2 Demonstrate that the quarries will be

rehabilitation of the site in a stable condition and landform suitable for appropriate alternative uses.	<p>operated and managed to ensure that the design and nature of the site upon relinquishment will not:</p> <ul style="list-style-type: none"> - lead to a stratification of waters in a form that is not naturally occurring in waters in the locality; - present a risk migrating headcuts including any potential for accelerated avulsion
Specific Outcome Assessment	
The application material has provided information regarding the progressive rehabilitation of the quarry. A detailed rehabilitation plan has not been provided by the applicant. The detailed plan is anticipated to be provided as part of a future Operational works application. If approved, conditions will be included requiring the detailed rehabilitation plan.	
Element (ii): AMENITY AND CHARACTER	
Specific Outcome	Probable Solution
SO3 The extractive industry is located in a way that ensures that the visual amenity and character of the area are not unduly prejudiced	PS3 No probable solution is prescribed
Specific Outcome Assessment	
<p>The application material includes information which identifies that various stages of the proposed quarry will be visible from nearby sensitive receptors.</p> <p>The application material identifies that the extraction area is to be located within a natural amphitheatre which will aid in screening the development from the nearby sensitive receptor. Further, the application intends to establish a vegetation screen along the haul route and to the south of the extraction and processing areas to assist in screening the quarry.</p> <p>It should also be noted that the extraction quantity the applicant is seeking approval for, is a maximum of 100,000 tonnes per year. If the quantity of material anticipated by the applicant is correct, extraction on the site could occur for about 100 years. The vegetation screening is proposed to be established prior to the commencement of any activities occurring on site. This is to ensure the vegetation is of a sufficient size to provide screening to the later stages of extraction.</p> <p>Overall, with the measures identified by the applicant and with a detailed rehabilitation plan it is anticipated that the specific outcome could be satisfied.</p>	
Element (iii): INFRASTRUCTURE	
Specific Outcome	Probable Solution
SO5 Development provides for the integration of impacts upon the roads used to access the site and vehicular and other movements on the site within the Key Resource Area	<p>PS5 Demonstrate that quarrying activities will be operated and managed to:</p> <ul style="list-style-type: none"> - provide for riparian access routes and surface treatment that avoids any potential for erosion of banks

	<p>or interference with armouring and maintains continuity of riparian corridors;</p> <ul style="list-style-type: none"> - ensure that the haul route(s) minimises effects on the amenity; - ensure that the site can be safely accessed from a public road
Specific Outcome Assessment	
<p>The specific outcome is seeking assessment with the proposed development being within a Key Resource Area (KRA). In this instance the subject land is not contained within a KRA. Notwithstanding this, the application material has provided information regarding the development's ability to occur without impacting on water quality and with specific measures in place the impact on visual amenity can be reduced.</p> <p>The haul route is within the rural landscape and is to be along Gregors Creek Road and onto the Brisbane Valley Highway. If approved, an upgrade of the access onto Gregors Creek Road will be conditioned.</p>	

Biodiversity and Scenic Amenity Overlays Code

Element (i): BIODIVERSITY VALUES (Map OM2A)	
Specific Outcome	Probable Solution
SO1.1 Remnant vegetation is protected	AS1 Buildings and associated infrastructure are located a minimum of 20 metres from remnant native vegetation e.g. in an already cleared area, disturbed area with little potential for rehabilitation, weedy area, an area away from important habitat and corridors, and other significant landscape features (e.g. vegetation along waterways).
Specific Outcome Assessment	
<p>The land immediately to the east of the subject land is identified as being Cressbrook Conservation Park and as having very high biodiversity significance. The extraction area would be in an excess of 20 metres from the Cressbrook Conservation Park.</p> <p>A separate area of high value biodiversity is identified to the south of the extraction area. It would appear that the processing area would be close to the mapped biodiversity area. The mapped remnant vegetation on the subject land is not anticipated to be adversely impacted by the proposed extraction or processing area.</p> <p>The proposed amended location of the access point will traverse through an area mapped as being very high biodiversity. Notwithstanding this, the area is a historic access point and is already disturbed.</p>	

Catchment Management Overlay Code

Element (ii): STEEP OR UNSTABLE LAND MANAGEMENT	
Specific Outcome	Probable Solution

<p>SO2 Development avoids impacts on the chemical and physical fertility of soil through erosion, mass movement, increased salinity or waterlogging</p>	<p>PS2.1 Development is not located on steep slopes (>20%) or on erosion prone areas</p> <p>PS2.2 Vegetation is retained or revegetation occurs in areas identified as vulnerable to mass movement; and on steep slopes (>20%)</p> <p>PS2.3 Buildings, structures, infrastructure (including paths and roads), high activity areas and other works on lands with slopes over 15% are designed and sited so as:</p> <ul style="list-style-type: none"> - to be positioned along and follow the natural contours; - footings are parallel to the direction of stormwater flows; - natural drainage patterns are retained; - hard surface areas such as paved and roofed areas are minimised; - the length of driveways and roads, and the number of water course crossings is minimised; - slab on ground construction is minimised
<p>Specific Outcome Assessment</p> <p>The extraction area would contain slopes in excess of 20%. The haul route is on an area of the site that is gently sloping. Given the nature of the development this is acceptable.</p> <p>The proposed extraction area will be progressively rehabilitated over the life of the extraction.</p> <p>The stormwater management plan provided as part of the application material provides an alternative solution to the specific outcome.</p>	
<p>Specific Outcome</p> <p>SO3 The level of nutrients entering the surface or groundwater system is minimised</p>	<p>Probable Solution</p> <p>PS3.2 In the Rural Zone, all development is setback:</p> <ul style="list-style-type: none"> (i) not less than 100 metres from any watercourse shown on Map OM3B in a category B sub-catchment identified on Map OM3B; or (ii) not less than 200 metres from any watercourse shown on Map OM3B in a category A sub-catchment identified on Map

	OM3A; or
(iii)	not less than 200 metres from the full supply level of Lake Wivenhoe, Lake Somerset, Lake Atkinson and Cressbrook Dam.
Specific Outcome Assessment	
The haul route crosses the Brisbane River which is identified as being with Category B sub-catchment. The extraction area is well in excess of 100 metres from the river.	
The haul route has a separate approval from the State. The proposed haul route does deviate away from the current track and will require significant works to the river bank. If approved, conditions requiring the rehabilitation of the riverbank will be required.	

7.0 OTHER PLANNING CONSIDERATIONS

7.1 Somerset Region Planning Scheme

Since the application was lodged with Council, the Somerset Region Planning Scheme has come into effect, the following represents an assessment of the proposal against the relevant provisions of the Somerset Region Planning Scheme.

The application would be assessable against the Rural zone code, Extractive industry code, Agricultural land overlay, Biodiversity overlay, koala conservation overlay, Bushfire hazard overlay, Catchment management overlay, Flood hazard overlay and Landslide hazard overlay.

The Extractive industry code seeks to ensure the following:

- (a) *extractive industry* is appropriately separated from incompatible and *sensitive land uses*;
- (b) *extractive industry* appropriately manages the operational impacts of the activity and protects public safety;
- (c) significant ecological and biodiversity values including and *waterbodies, watercourses and wetlands* are protected from the impacts of *extractive industry*;
- (d) the visual impacts of *extractive industry* are appropriately managed;
- (e) new haulage routes do not interfere with the safe and efficient operation of the *road* network or adversely impact on the amenity of *sensitive land uses* adjacent to the route; and
- (f) the land is progressively rehabilitated during the lifetime of the *extractive industry*.

The visual amenity report identifies that the closest sensitive receptor is about 990 metres from the centre of the extraction area. The performance outcome is seeking to ensure that extractive industries do not cause environmental harm. The application material provided has identified that, with compliance with conditions, the nearby sensitive receptors will not be adversely impacted by the development.

The subject land is identified as containing a portion of High Scenic Amenity, the proposed extraction area is located in close proximity to this amenity area. There is some debate about how close the extraction area is to the mapped scenic amenity. The extraction area is limited to the 165m contour which locates the extraction area lower down the hill than what was previously proposed. The planning scheme seeks to protect the high scenic amenity areas from inappropriate development. Given the measures proposed by the applicant, the impact on the High Scenic Amenity Area appears to have been reduced.

7.2 Environmental

It is not considered that the proposed development will result in environmental degradation provided it is carried out in accordance with the Site Based Management Plan, Stormwater Management Plan.

As no Rehabilitation and Remediation Plan has been provided as part of the application material it is difficult to provide comment on how the significant environmental components of the subject land and the proposal will be handled. Should this application be approved, further consideration will be given to this matter as part of a future operational works application.

7.3 Heritage

The site does not contain heritage features listed on either the Queensland Heritage Register or Council's Local Heritage Register. Further, the site is not known to contain features of indigenous cultural heritage. A condition could be included, should the application be approved, which would ensure that the applicant obtain written confirmation from the Cultural Heritage Unit that they have discharged their duty of care under the *Aboriginal Cultural Heritage Act 2003* prior to any activity occurring on the site.

7.4 Stormwater/Drainage

The applicant submitted a Stormwater Management Plan in support of their application, the plan has been reviewed by Council's operation section and also by Council's stormwater expert. These parties have concluded that with the implementation of specific conditions the development can occur without causing an adverse impact on stormwater quantity.

7.5 Roads

Given the time that has elapsed since the application was originally lodged with Council, Council's Development and Design Manager has identified that the traffic count information for Gregors Creek Road utilised by the applicant is outdated. The application material identified that in 2010 Gregors Creek Road carried about 241 vehicles per day, these vehicle numbers have increased to about 510 in January 2018.

If the application was to be approved, conditions would be included requiring the upgrade of the intersection of the subject land onto Gregors Creek Road.

8.0 PUBLIC CONSULTATION

The matters raised within the submission(s) are outlined below:

Issue: Subject land is not identified as being a Key Resource Area

Comment: Neither the former Esk Shire's Planning Scheme or the Somerset Region Planning Scheme exclude extractive industries from a Key Resource Area (KRA). The State Planning Policy (SPP) seeks to ensure that extractive resources are protected and mineral, coal, petroleum and gas resources are appropriately considered to support the productive use of resources, a strong mining and resource industry, economical supply of construction materials, and avoid land use conflicts where possible.

The SPP does not preclude extractive industries from occurring in areas outside of a KRA, these areas however, are not provided with the ongoing protection from conflicting developments.

This is not sufficient grounds to recommend refusal of the application.

Issue: Impact on Good Quality Agricultural Land

Comment: The subject land is identified by the former Esk Shire's Planning Scheme as

containing Good Quality Agricultural Land (GQAL). The mapping indicates that the subject land contains Class A and Class C GQAL. The extraction area is outside the GQAL, however the haul route travels through the GQAL.

The Somerset Region Planning Scheme also identifies that the property contains Class A and Class B GQAL. The extent of GQAL within the Somerset Region Planning Scheme was increased. Despite the increase in the extent of GQAL, the extraction area is outside the mapped GQAL.

As discussed previously, the GQAL identified by the State Planning Policy has been altered from what was included within the Somerset Region Planning Scheme. The extent of GQAL has been reduced, the extraction area continues to be located outside the mapped GQAL.

The subject land is currently used for the grazing of cattle, it is anticipated that much of the subject land will continue to be able to function as a cattle grazing property.

Issue: Impact of development on surface water and water quality

Comment: A stormwater management plan has been provided as part of the application material. As discussed previously, the plan identifies that where compliance can be achieved the development can occur without impacting on water quality. As discussed previously the intent is for stormwater to be contained within the site, except in large rain events.

Issue: Loss of remnant vegetation

Comment: The extraction area contains minimal vegetation, the mapped remnant vegetation is located to the south of the extraction and processing plant areas. As such, it is anticipated that there will be minimal impact to the vegetation.

Issue: Impacts from blasting

Comment: The applicant has advised that blasting will occur infrequently and will be managed to occur with the least amount of impacts on the surrounding properties. If approved, conditions will be included requiring measures to be put in place.

Issue: Quantity of material being extracted

Comment: Concerns have been raised regarding the quantity of material being extracted. The application is proposing a maximum extraction of 100,000 tonnes of material per year. The operator will be required to provide evidence that confirms the amount of material removed from the subject land per year. Further to this, volumetric survey of the extraction area can also occur to demonstrate compliance with the set limit.

The extraction limit is also set by the Environmental Authority issued by the State Government and it is expected that the quantity of material will also be reviewed by the State.

Issue: Acoustic Impacts

Comment: The application material has provided several iterations of the acoustic assessment report, the most recent report received, identifies that with strict conditioning the extractive industry can occur without causing detrimental impacts from an acoustic perspective. If approved, conditions can be included.

As discussed previously, the noise report also recommends the access onto Gregors Creek Road be relocated to the west to reduce the acoustic impacts on the closest adjoining sensitive receptor. If approved, a condition requiring the relocation will be included.

Issue: Air Quality (dust) Impacts

Comment: The submissions have raised concerns regarding the potential air quality impacts regarding air quality. As discussed in section 4 of this report, air quality has been considered and requires some mitigation methods to put in place to deal with the air quality. Conditions can be included regarding this matter.

Issue: Visual Impacts

Comment: As discussed previously, the application material contains a visual amenity report that identifies that with a number of mitigation methods the extractive industry can occur without cause detrimental impact on visual amenity.

Issue: Flooding

Comment: The submissions raise concerns regarding flooding over the subject land. Council's highest known flood event identifies that the proposed extraction area and processing plant/stockpile is located above the flood event. As the access traverses the Brisbane River it is expected that in flood events, access to the subject land will be cut off. Given the nature of the development, it is expected that in rain events the quarry will not be in operation.

Issue: Demand for resource

Comment: A specific needs assessment does not appear to have been provided, however the applicant has advised that the material extracted will be utilised within other interests related to the landowner. The development application is only seeking permission to extract up to 100,000 tonnes of material per year, which is less than other similar activities in the local area.

Issue: Impact on road safety and road quality

Comment: As discussed previously, the traffic count information utilised by the applicant is now significantly out of date and the number of vehicles travelling along Gregors Creek Road has increased significantly. Further to this, since the application was lodged with Council, considerable upgrade works have been completed to Gregors Creek Road. If approved, conditions requiring further upgrading of Gregors Creek Road.

Issue: Potential for approved extraction quantity to be increased.

Comment: The application is seeking approval for a maximum extraction of 100,000 tonnes per year. If the applicant wishes to extract a greater quantity of material a new application will be required. Both Council and the State government's assessment has been completed on the maximum extraction of 100,000 tonnes.

Issue: Impact on water storage within the Brisbane River

Comment: As discussed previously, the applicant has provided a Stormwater Management Plan. As part of this plan, it is identified that the subject land possesses several water licences which the operator intends to utilise these licences to provide water where required. These licences are issued by the Department of Natural Resources, Mines and Energy, the requirements of these licences are therefore managed by the State. The Stormwater Management Plan also identifies that where possible water will be recycled within the development.

Issue: Brisbane River crossing

Comment: Concerns have been raised regarding the Brisbane River crossing. The crossing has previously been approved by the Department of Natural Resources of Mines and Energy. No changes to the crossing are proposed.

Issue: Resource location

Comment: A submission has queried whether the material expected to be obtained actually exists within the location. The application was originally supported by investigation work prepared by Groundworks Plus. It is not a specific consideration for Council whether the material exists.

9.0 STATE AGENCY REFERRALS

There were no referral agencies for this application, in accordance with the *Planning Act 2016* and *Planning Regulation 2017*.

Concurrence Agencies**Department of Infrastructure, Local Government and Planning**

The Department Infrastructure, Local Government and Planning, as a concurrence agency has assessed the impact of the proposed development on the State Controlled Road Network and requires Council to include the referral agency response in Council's Schedules of Approval for the development application. Referral response SDA-0316-029272 dated 11 May 2016. Refer to Attachment 11 and Schedule 4 of the recommended conditions.

Advice Agencies

There are no Advice Agencies relating to this application.

Third Party Advice Agency

Seqwater have reviewed the application and generally do not support the application, however they have advised with strict compliance with conditions the development may be able to occur without causing impact to water quality.

10.0 CONCLUSION

The applicant is seeking approval for a hard rock quarry and concrete batching plant. Extensive assessment of the application has occurred over several years which has resulted in several changes to the proposal. Assessment of the application has been completed against the former Esk Shire's Planning Scheme with consideration to the relevant components of the Somerset Region Planning Scheme. It is considered that the final proposal can be approved subject to conditions with detailed design to be provided at operational works stage.

11.0 ATTACHMENTS

1. Site Layout Plan – Reference AUQ00228 SLP1 Version 1.3 - prepared by Ausrocks Pty Ltd – dated 15 May 2019
2. Detailed Site Layout Plan - Reference AUQ00228 SLP2 Version 1.3 - prepared by Ausrocks Pty Ltd – dated 15 May 2019
3. Detailed Plant Plan - Reference AUQ00228 SLP3 Version 1.2 - prepared by Ausrocks Pty Ltd – dated 15 May 2019
4. Pit Stage 1 - Reference AUQ00228 PS01 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019
5. Pit Stage 2 - Reference AUQ00228 PS02 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019
6. Pit Stage 3 - Reference AUQ00228 PS03 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019

7. Pit Stage 4 - Reference AUQ00228 PS04 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019
8. Pit Stage 5 - Reference AUQ00228 PS05 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019
9. Pit Stage 6 - Reference AUQ00228 PS06 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019
10. Pit Stage 7 - Reference AUQ00228 PS07 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019
11. Department of Infrastructure, Local Government and Planning – Reference SDA-0316-029272 – dated 11 May 2016

Recommendation

THAT Council approve the Development Application for a Development Permit for Making a Material Change of Use for:

- Extractive Industry (Hard rock quarry)
- Medium impact industry (Concrete batching plant)
- Environmental Authority (EA) 16 – Extractive and Screening Activities
 - EA threshold 2(a) – extracting 5000t to 100,000t per year
 - EA threshold 3(a) – screening 5000t to 100,000t per year

On land described as Lot 1 RP75267, Lot 2 RP75267, Lot 1 RP15328, Lot 5 RP41543, Lot 2 RP99954, Lot 1 CSH2113 and Lot 3 RP84104 and situated at 310 Gregors Creek Road, Gregors Creek subject to the requirements and conditions contained in the Schedules and Attachments.

SCHEDULE 1 – GENERAL CONDITIONS		
No	Condition	Timing
1.1	Carry out the development 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 Layout Plan – Reference AUQ00228 SLP1 Version 1.3 - prepared by Ausrocks Pty Ltd – dated 15 May 2019	
	Detailed Site Layout Plan - Reference AUQ00228 SLP2 Version 1.3 - prepared by Ausrocks Pty Ltd – dated 15 May 2019	
	Detailed Plant Plan - Reference AUQ00228 SLP3 Version 1.2 - prepared by Ausrocks Pty Ltd – dated 15 May 2019	
	Pit Stage 1 - Reference AUQ00228 PS01 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019	
	Pit Stage 2 - Reference AUQ00228 PS02 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019	
	Pit Stage 3 - Reference AUQ00228 PS03 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019	
	Pit Stage 4 - Reference AUQ00228 PS04 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019	

	Pit Stage 5 - Reference AUQ00228 PS05 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019	
	Pit Stage 6 - Reference AUQ00228 PS06 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019	
	Pit Stage 7 - Reference AUQ00228 PS07 Version 8 - prepared by Ausrocks Pty Ltd – dated 15 May 2019	
	JT Environmental Engineering Consultants – Material Change of Use – Development Permit for Extractive Industry and Associated Uses – Noise Impact Assessment – version L 23/5/2019	
	Stormwater Management Plan – Reference 9020010-R01-V01-SMP – Prepared by Water Technology – dated 13 May 2019	
	Visual Amenity Assessment Version 1.4 – Prepared by Ausrocks Pty Ltd – dated 15 May 2019	
	Air Quality Assessment – Proposed Extractive Industry, Gregors Creek – Reference 4827report01.odt - Prepared by Air Noise Environment – dated 4 December 2018	
1.2	Comply with relevant provisions of the former Esk Shire Planning Scheme 2005 (as amended); Planning Scheme Policies and Local Laws.	At all times
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Before the change happens
1.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Before the change happens
	Extraction limitations	
1.6	Excavation and earthworks are to be limited to hillslopes below RL165, except as may be approved as part of detailed operational works design to provide a more attractive (less 'straight edge') upper rim and variation on rock face slope, provided no more than 25% of the length of the upper Stage 6 rim may extend to RL170;	At all times
1.7	Exposed rock faces to be limited to a maximum height of 15m, except for the uppermost face (above RL155) which is to be a maximum of 10 m height of exposed rock, except as may be approved for aesthetic variation of the upper rim as above.	At all times

1.8	Approval of Stage 4 is conditional on successful establishment of screening trees to 12 m minimum height;	Prior to commencement of Stage 4
1.9	Successful revegetation of the uppermost two benches in Stage 5 (RL 150 and RL 135 in Ausrock Ver 8 Figure PS-05) before approval of Stages 6 and 7; where 'successful' is defined as 50% of the exposed rock face screened by native vegetation at least 5 m in height (of which at least half the plants are capable of further growth to at least 10m height) as seen from a viewpoint 1500m distant (at property riverfront boundary near receptor N8);	Prior to commencement of Stage 6 and 7
1.10	Written evidence is to be provided confirming the quantity of material extracted year calendar year.	Prior to 1 February each year once operation commences.
1.11	Volumetric survey is to occur of the extraction area each year as further evidence of the material that has been extracted in a calendar year.	Prior to 1 February each year once operation commences.
1.12	Evidence by way of site survey is to be provided to Council that confirms the extraction is compliant with the approved plan listed in condition 1.1.	Prior to 1 February each year once operation commences.
1.13	Evidence by way of site survey is to be provided to Council that confirms that the processing plant and related machinery are placed as per the <i>JT Environmental Engineering Consultants – Material Change of Use – Development Permit for Extractive Industry and Associated Uses – Noise Impact Assessment – version L 23/5/2019</i> .	Prior to commencement of use and prior to 1 February each year once operation commences.
	Hours of operation	
1.14	<ol style="list-style-type: none"> 1. Light vehicle access only: 6pm – 7am, Monday to Saturday 2. Access, Sales and Dispatch: 7am – 6pm, Monday to Saturday 3. Construction activities and site works: 7am – 6pm, Monday to Saturday 4. Extraction, Crushing and Screening: 7am – 6pm, Monday to Saturday 5. Maintenance Activities: 7am – 6pm, Monday to Saturday 6. Blasting: 9am – 5pm, Monday to Friday (under strict conditions) 7. Concrete Plant: 7am – 6pm, Monday to Saturday 	At all times
	Vegetation Screen	
1.15	Include as part of an operational works application a landscape plan, which includes as a minimum:	As part of operational works

	<ul style="list-style-type: none"> (i) Soil preparation for tree planting (ie. Rip lines or individual hole preparation); (ii) Planting procedures; (iii) Irrigation (type of proposed irrigation systems or water regimes to establish and maintain planted vegetation); (iv) Mulching and tree guards (type of mulch proposed, application depths and type of tree guard); (v) Landscape maintenance (outlining maintenance tasks and minimum standards for establishment of landscaping works for a minimum period for 12 months); and (vi) Species of vegetation. 	application.
1.16	Screening vegetation will be added for the full length of the haul road on the site, which will return to the south and east to screen the processing area and concrete plant, and also with a leg that extends to the north, rising up the hill beside the eastern end of the extraction pit. The vegetation is to consist of two rows of trees, with the trees planted at 10m centres and the rows offset by 5m. The screening will consist of native trees that will have a mature height of at least 15m.	This vegetation will be planted prior to the commencement of the use.
1.17	Planting of screening vegetation along the haul road and along the south western and western edges of the stockpile area is to be maintained and monitored to ensure it is well established and achieved a height of at least 7.5m by Stage 3 (approximately 12 years into extraction).	At all times
	Safety fencing	
1.18	Safety fencing is provided for the full length of the perimeter of the site area and around extractive industry stockpiles and operations areas.	Prior to commencement of use and at all times
1.19	Safety fencing is to be suitably maintained.	At all times
	Blasting	
1.20	Blasting is not to result in materials escaping or being ejected from the site	At all times
1.21	Prior to any blasting, notices of warning which provide warning to those working on the site and to passers by is erected and kept clearly exhibited on the approaches to, and not less than 400 m from the site of the blasting	At all times
	Heritage	
1.22	Submit written confirmation, from either the registered Cultural Heritage Body or Aboriginal Party for the area, that the proposed development will not result in the removal, disturbance or destruction of indigenous cultural heritage. The Department of Aboriginal and Torres Strait Islander Partnerships is able to provide contact details for the appropriate entity, and on the duty of care imposed by	Prior to undertaking any works which disturb or destroy the land's surface.

	<i>Aboriginal Cultural Heritage Act 2003 (or as amended)</i>	
	Rehabilitation	
1.23	A detailed rehabilitation and land management plan be submitted to Council at Operational Works stage that considers the long term management and maintenance of the site, including vegetation establishment, mulching, fertilising, watering, weed management, monitoring and replacement planting to ensure the continuity of screening, as well as options for the end use of the subject land which consider the continuity of skyline and upper hillside native vegetation along the high scenic amenity ridge;	As part of the lodgement of the Operational Works application
1.24	Details of plants and soil cultivation and treatment of growing mediums on benches, in overburden and in-ground, should also be included at Operational Works stage;	As part of the lodgement of the Operational Works application
1.25	Should the use cease for any reason whatsoever the Applicant or any successor title to the land shall be responsible for the rehabilitation of the land to the satisfaction of the Administering Authority prior to vacation of the site or within such reasonable time thereafter, as determined by the Administering Authority.	At all times
1.26	The Rehabilitation plan must be prepared by a suitably qualified environmental consultant and is to include revegetation of riparian areas at haulage routes crossing over the minor waterway on-site for 25m (width and length) and also at the both entry and exit points of the crossing over the Brisbane River for 50m (width and length), to ensure bank stability is not further compromised by frequent heavy vehicle movements at these points.	As part of the lodgement of the Operational Works application
	River crossing	
1.27	Any alterations to the existing Brisbane River crossing are to seek the relevant approvals and copies of the approvals are to be provided to Council.	At all times
SCHEDULE 2 – Engineering		
<i>Assessment Manager</i>		
No	Condition	Timing
	ENGINEERING	
2.1	The Applicant is to complete each stage of the development in sequence in accordance with drawing SLP1, SLP2, SLP3, PS01, PS02, PS03, PS04, PS05, PS06, PS07, Gregor Creek Site Layout and Pit Stage plans, prepared by Ausrocks Consulting Engineers and dated 15/05/2019. As one stage is opened and worked the subsequent stage is to be rehabilitated with no more than two stages open and being worked at any time.	As indicated.
2.2	Install and maintain Survey Marks by a Licensed Surveyor in general accordance with the Site Layout and Pit Stage plans	At all times

	for each stage.	
2.3	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, landscaping, roadworks, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Use and Operational Work
2.4	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
2.5	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
2.6	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> Plans and specifications must be prepared and certified with the Operational Work application. Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 	As part of Operational Works
	FLOODING	
2.7	The development must achieve the following: <ul style="list-style-type: none"> Floor heights for habitable areas shall be a minimum of 800mm above the Defined Flood Event (DFE). Buildings are located to avoid significant flood flows or velocities. The development does not increase the flood hazard for other properties. 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). Any filling below the Defined Flood Level (DFL) will be in accordance with an approved flood study. Contingency plans are in place to account for the 	Prior to commencement of use

	potential need to evacuate or shelter in place during a flood event.	
	EARTHWORKS	
2.8	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times
2.9	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times
	ROADWORKS	
2.10	Install all traffic signs and line markings in accordance with <i>Manual of Uniform Traffic Control Devices</i>	As part of Operational Works
2.11	All works on or adjacent to roadways must be adequately signed in accordance with the “ <i>Manual for Uniform Traffic Control Devices – Part 3, Works on Roads</i> ”. Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works
2.12	The Applicant is responsible for construction and maintenance of all internal road networks.	At all times
2.13	Provide verge and access in accordance with <i>Somerset Regional Council Design Standards</i> .	As part of Operational Works
2.14	All internal roads are to be constructed and maintained with a minimum 4 meter wide gravel access. Drainage structures are to be placed in water courses that have flowing water greater than 200mm in depth during storm events.	As part of Operational Works
2.15	Submit written confirmation from the Department of Transport and Main Roads (DTMR) that their conditions have been satisfied.	Prior to commencement of extraction from the subject site
2.16	Provide written approval from the Department of Transport and Main Roads to carry out works on a state controlled road.	Prior to Operational Works
2.17	Design and construct Gregors Creek Road along the access route to 7 metre sealed width on an 8 metre formation with drainage, curve widening, pavement overlay and line marking from Brisbane Valley Highway through to the subject site access. Pavement testing shall be conducted in general accordance with AS1726 and AS1289 and include CBR testing to determine necessary pavement overlay to Council satisfaction.	Prior to commencement of extraction from the subject site As part of Operational Works

2.18	OR In lieu of roadworks of condition 2.17, the Applicant may enter into an infrastructure agreement with Council to contribute funds towards the upgrade of the road/intersection. The contribution will be held in trust by Council for use at a future stage to provide or upgrade roads within the region.	Prior to commencement of extraction from the subject site
	VEHICLE ACCESS	
2.19	All vehicular access shall provide convenient and safe access and egress from the site in accordance with Somerset Regional Council Design Standards.	At all times
2.20	The landowner is responsible for construction and maintenance of vehicular access for the property, in accordance with Council's Policy and Standards. Approval is to be sought from Council.	At all times
2.21	All vehicles shall enter and leave the site in a forward gear.	At all times
2.22	The approved haul route to/from the site for heavy vehicles is to be from the Brisbane Valley Highway to the entrance of the site, except for local deliveries along Gregors Creek Road.	At all times
2.23	Existing site access to Gregors Creek Road is to be decommissioned and relocated to the historic access which is located about 250 metres to the west of the current access.	Prior to commencement of extraction from the subject site As part of Operational Works
2.24	Road access works are to be in accordance with the Department of Transport and Main Roads Road Planning and Design Manual (RPDM) Austroads Guide to Road Design and Somerset Regional Council Development Manual for a Rural Driveway, Basic Auxiliary Right (BAR) and Basic Auxiliary Left (BAL) to be provided at the Gregors Creek Road access location and include the following: <ul style="list-style-type: none"> • The access is to be at least 6m wide at the property boundary. • The access must be designed to accommodate the largest vehicle intended to access the site, accommodating the turn movements of the design vehicle, and ensuring there is no requirement for the design vehicle to cross into the opposing lane. • Internal roads must be designed to allow for the design vehicle to turn around and exit the site in a forward direction. • Provide a sealed access from the road carriageway of Gregors Creek Road to the property boundary or a distance of 40m, whichever is greater. • Meet site distance requirements 	Prior to commencement of extraction from the subject site As part of Operational Works

	All access upgrade requirements are at the applicant's expense.	
2.25	Any gate entry shall be set back so that the rear of any vehicle accessing the site is completely off the through pavement and shoulder.	At all times
2.26	Provide onsite directional signage for vehicles entering the site and accessing the Site Office.	At all times
INDOOR AND OUTDOOR LIGHTING		
2.27	<p>The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:</p> <ul style="list-style-type: none"> • Not causing nuisance by way of light spill or glare at adjacent properties and roadways. • Providing graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land. • Directing lighting onto the subject land and away from neighbouring properties. • Using shrouding devices to preclude light overspill onto surrounding properties where necessary. • Not operating lighting that uses sodium lights or flare plumes. 	At all times
STORMWATER		
2.28	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.29	Stormwater Drainage shall be constructed in general accordance with Stormwater Management Plan prepared by Water Technology, and dated 13 May 2019.	At all times
2.30	Convey stormwater flows through the development from the upstream catchment.	At all times
2.31	<p>Submit detailed design plans prepared by a Registered Professional Engineer Queensland (RPEQ), which generally conforms to the approved development plan/s, <i>Somerset Regional Council Development Standards</i> and includes the following:</p> <ul style="list-style-type: none"> • Compliance with stormwater diversion strategy, generally in accordance with the SWMP that includes provision of suitably designed scour protection works • Runoff and Catchment area calculations • Detailed design of sediment basins. • Sodic testing of soils and inclusion of mitigation measures, if needed. • Detailed civil design drawings and grading plans • Details of the dust suppression supply system 	As part of the lodgement of the Operational Works application for each stage

	<ul style="list-style-type: none"> Measures to be implemented to prevent the likelihood of stormwater contamination; and Maintenance schedule. 	
2.32	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	At all times
	EROSION AND SEDIMENT CONTROL	
2.33	<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
2.34	The Applicant is to ensure that erosion control devices and ponds function properly. The erosion control devices are to be periodically cleaned to remove silt deposits and material removed shall be used on the property. Should Council that erosion or sediment damage has occurred on the site, downstream of the site or adjacent to the site, the Applicant will be responsible for restoration work.	At all times
2.35	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the development, and to prevent dust nuisance.	At all times
2.36	Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ). Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	As part of the lodgement of the Operational Works application for each stage
2.37	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the development covering all costs incurred for the receipt and management of the waste.	At all times
2.38	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <p>i) Milling;</p>	At all times

	ii) Chipping and/or mulching; iii) Disposal at an approved waste disposal facility; iv) Burning provided fire permits are in place. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.	
2.39	Vegetation above and below disturbed areas is to be retained to prevent silt laden runoff from entering and leaving the site.	At all times
2.40	Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by action of running water shall be stored clear of drainage paths and prevented from entering the road and/or drainage system.	At all times
2.41	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times
SCHEDULE 3 – Environmental Assessment Manager		
No.	Condition	Timing
3.1	Notwithstanding any other condition of this development approval, this development approval does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance or harm beyond the boundaries of the development site.	At all times
3.2	No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm.	At all times
3.3	The approved use shall not cause any adverse impact on the amenity of the neighbourhood by the emission of noise, vibration, smell, glare, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	At all times
3.4	The approval holder must not implement any management plan prepared as a condition of this development permit, or amend any management plan, where such implementation or amendment would result in a contravention of any condition of this development approval.	At all times
3.5	Site Based Environmental Management Plan A Site Based Environmental Management Plan (SBEMP) must be prepared and submitted to Council for their approval. The SBEMP must address the following matters: <ul style="list-style-type: none"> ▪ Environmental commitments – a commitment by senior management to achieve environmental goals. ▪ Identification of environmental issues and potential 	Prior to the commencement of the use.

	<p>impacts covering at least air quality, water quality, land degradation and contamination as well as waste management.</p> <ul style="list-style-type: none"> Control measures for design, construction and routine operations to minimise the likelihood of causing environmental harm. <p>Note - These should include:</p> <ul style="list-style-type: none"> References to the location and extent of the area affected by site activities as shown on the plan of development; Facilities for the storage of fuels, chemicals, and other potential contaminants Contingency plans and emergency procedures for non-routine situations. Organisational structure and responsibility. Effective communication. The monitoring of releases of contaminants into the environment. Conducting environmental impact assessment of any releases. Staff training, in particular, the promotion of awareness of environmental issues and the prevention of adverse environmental impacts from the operations of the approved development. Record keeping. The periodic review of environmental performance and continual improvement <p>A copy of the Site Based Environmental Management Plan approved pursuant to this condition must be kept at the approved place and be made available to all employees and an authorised officer of Council, upon request by an employee or that officer.</p>	
3.6	The development is to comply with Site Based Environmental Management Plan.	At all times.
3.7	<p>Review of Site Based Environmental Management Plan</p> <p>The approved Site-Based Management Plan must provide provisions for a review of this Plan to be carried out at least:</p> <ul style="list-style-type: none"> a) immediately a potential or actual source of environmental contamination, that is not already identified in the Plan, is realised; or otherwise b) Every two years after the commencement of the use. <p>Changes, to procedures and operations for carrying out the approved development realised by any review process, must be implemented immediately.</p>	At all times.
3.8	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any	At all times

	other premises outside the boundaries of the property to which this development permit relates.	
3.9	The approved development must be operated in line with the assumptions contained in the report titled <i>"JT Environmental Engineering Consultants – Material Change of Use – Development Permit for Extractive Industry and Associated Uses – Noise Impact Assessment – version L 23/5/2019"</i> .	At all times
3.10	The plant and equipment use in the approved development and the associated sound power levels identified for each plant and equipment must be as detailed in the report titled <i>"JT Environmental Engineering Consultants – Material Change of Use – Development Permit for Extractive Industry and Associated Uses – Noise Impact Assessment – version L 23/5/2019"</i> .	At all times
3.11	<p>Provide for approval by the assessment manager acoustic certification from a suitably experienced RPEQ engineer verification that (a) each item of plant and equipment meets the corresponding sound power level detailed in the noise report titled <i>"JT Environmental Engineering Consultants – Material Change of Use – Development Permit for Extractive Industry and Associated Uses – Noise Impact Assessment – version L 23/5/2019"</i> and (b) the emitted noise levels comply with the predictions presented in the noise report version L. The certification report is to detail the assessment methods adopted, the relevant standards applied and all results of the assessment. If the sound power level of any item of plant or equipment is determined to exceed the corresponding sound power levels detailed in the noise report version L, or if the emitted noise levels exceed the predicted noise levels presented in the noise report version L, the effect of this exceedance on the noise levels that are predicted to be emitted into the community is to be evaluated. The results of this evaluation and any remedial actions that will be required to be undertaken to preserve compliance with the noise level limits set in the noise report version L must be included in the certification report.</p> <p>Approval for commencement of use and approval of transport of processed material off-site will not be granted until the acoustic certification report is approved.</p>	During commissioning phase of development, but prior to the authorised commencement of the use. Thereafter upon granting of approval, at all times.
3.12	<p>The placement of plant and equipment used in the approved development must be as detailed on page 65 of the noise report titled <i>"JT Environmental Engineering Consultants – Material Change of Use – Development Permit for Extractive Industry and Associated Uses – Noise Impact Assessment – version L 23/5/2019"</i>.</p> <p>Provide for approval by the assessment manager certification from a suitably qualified person certification that the placement of plant and equipment used in the approved</p>	Prior to the commencement of the use and at all times

	development is as detailed on page 65 of the noise report version L.	
3.13	The approved development must comply with the approved noise management plan.	At all times
3.14	Dust Nuisance The release of dust or particulate matter resulting from the approved development must not cause an environmental nuisance at and sensitive or commercial place.	At all times
3.15	Dust Control – General The approved development must be managed using all reasonable and practicable measure to minimise the release of windblown dust to the atmosphere. Reasonable and practicable measures may include but not be limited to: a) The restriction of vehicular movement within the approved place to designated access routes. b) Minimisation of exposed surface areas to that within the current area of operation. c) Rehabilitation of completed areas as soon as reasonable and practicable following completion of excavation or other earthworks. d) Transfer of materials in a moist state where possible. e) Adoption of industry best practice environmental management for the extraction and processing of aggregates. f) Use of water carts as necessary on-site access roads. g) Hight traffic area should be sealed to prevent the creation of dust. h) Any unsealed traffic area must be maintained, at all time, in a condition the minimises the potential for the release of wind-blown or traffic generated dust to occur, and i) Water sprays installed and operated on the stockpiles as necessary to minimise the release of dust and particulate matter to the atmosphere.	At all times
3.16	Dust Control – Transport Trucks The approval holder must take all reasonable and practicable measures necessary to prevent spillage of loss of particulate matter or windblown dust from trucks used for transporting aggregates from the approved place. Reasonable and practicable measure may include, but are not limited to: a) Wetting down loads prior to transport. b) Having the entire load covered with tarpaulin or similar material for the duration of transport, and c) Clearing of spillage from side rails, tail gates and draw bars of trucks prior to departure from the approved place and prior to departure from the premises to which the load was delivered.	At all times

SCHEDULE 4 – REFERRAL AGENCY DEPARTMENT OF INFRASTRUCTURE, LOCAL GOVERNMENT AND PLANNING <i>Concurrence Agency Status</i> <i>Agency Response: Recommend Conditions Apply</i>	
4.1	<p>The Department of Infrastructure, Local Government and Planning is a concurrence agency under the Sustainable Planning Regulation 2009 (SPR) for the purposes of the <i>Transport Infrastructure Act 1994</i>.</p> <p>The Department has assessed the impact of the proposed development on the State-controlled road network and requires Council to include the 'conditions of development' in the Schedules of Approval as indicated on the attached Statement of Reasons. Reference: SDA-0316-029272 dated 11 May 2016.</p>
4.2	<p>The Department of Transport and Main Roads Referral Agency response (Conditions and Statement of Reasons) will be attached to Council's Decision Notice for DA14975.</p>
Advice <p>This approval has effect in accordance with the provisions of <i>Division 5 Section 339</i> of the Sustainable Planning Act 2009. <i>[A copy of Section 339 will be enclosed with the Decision Notice].</i></p>	
Relevant Period - Pursuant to <i>Section 341</i> of the 'Act' the approval will lapse if the first change of the use under the approval does not start within the 'relevant period' – four (4) years starting the day the approval takes effect.	
<p>The <i>Sustainable Planning Act 2009 (SPA)</i> states that any change to the use or the scale or intensity of the approved use requires the submission of a new development application and subsequent development approval.</p>	
<p>Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.</p>	
<p>Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Manager of Operations if in his opinion a dust nuisance exists.</p>	
<p>Pursuant to Division 8 Section 461 of the Sustainable Planning Act 2009, the Applicant has the Right of Appeal to the Planning and Environment Court regarding any condition of this approval; another matter stated in the development approval and the identification or inclusion of a code under <i>section 242</i> of the 'Act'. <i>[A copy of the Right of Appeal will be enclosed with the Decision Notice].</i></p>	

Cr Hall moved the following motion -

Resolution	Moved – Cr Hall	Seconded – Cr Whalley
<p>"THAT Council, in accordance with Section 273 of the Local Government Regulation 2012, must provide reasons if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of the Council. In this instance the application is not considered to be in keeping with the character and amenity of the local area and the community's expectation for development of this</p>		

nature in this location. Council's resolution to refuse the application below provides further reasons in more detail.

THAT Council refuses the Development Application DA14975 for a Development Permit for Making a Material Change of Use for:

- Extractive Industry (Hard rock quarry)
- Medium impact industry (Concrete batching plant)
- Environmental Authority (EA) 16 -Extractive and Screening Activities
 - EA threshold 2(a) - extracting 5000t to 100,000t per year
 - EA threshold 3(a) - screening 5000t to 100,000t per year

on land described as Lot 1 RP75267, Lot 2 RP75267, Lot 1 RP15328, Lot 5 RP41543, Lot 2 RP99954, Lot 1 CSH2113 and Lot 3 RP84104 and situated at 310 Gregors Creek Road, Gregors Creek for the following reasons:

1. The application has not demonstrated compliance with the current State Planning Policy, in particular, the State Interest – Water Quality.

2. The application does not demonstrate compliance with the following Desired Environmental Outcomes of the former Esk Shire's Planning Scheme 2005 (as amended):

- a. DEO (a) – the use of the shire's natural resources is managed on a sustainable basis to meet the needs and aspirations of the community, and maintain environmental, community and economic values;
- b. DEO (d) – the natural and scenic attributes of the Brisbane Valley are managed and protected to maintain biodiversity and ecological processes, and to promote continued economic development and the health and wellbeing of the community;
- c. DEO (e) – the natural processes and water quality values of the Brisbane River and the Shire's other waterways and their catchments are maintained and enhanced;

3. The application does not demonstrate compliance with the following overall outcomes of the Rural Zone Code of the former Esk Shire's Planning Scheme 2005 (as amended):

- a. Overall outcome (c) - development is to maintain or enhance the rural amenity, character, environmental and landscape values of these areas;
- b. Overall outcome (d) – buildings and structures are designed and sited to be compatible with the rural character of surrounding areas

4. The application does not demonstrate compliance with the following specific outcomes of the Rural zone of the former Esk Shire's Planning Scheme 2005 (as amended).

- a. SO10 – Development in rural areas is compatible with the desired character and amenity of the area, and with the scenic and landscape values of the area.

5. The application does not demonstrate compliance with the following overall outcomes of the Extractive Industry Code of the former Esk Shire's Planning Scheme 2005 (as amended):

- a. Overall Outcome 2 - The overall outcome for the Extractive Industry Code is to ensure extractive industries do not have adverse environmental and amenity impacts and are rehabilitated to achieve a stable land form and a suitable end use.

6. The application does not demonstrate compliance with the following specific outcomes of the Extractive Industry Code of the former Esk Shire's Planning Scheme 2005 (as amended):

- a. SO1 – The extractive industry utilises mitigation measures that minimise any likely adverse impact on ecological and hydrological processes.
- b. SO2 – Development provides for the systematic rehabilitation of the site in a stable condition and landform suitable for appropriate alternative uses.
- c. SO3 – The extractive industry is located in a way that ensures that the visual amenity and character of the area are not unduly prejudiced.
- d. SO4 – The operation of the extractive industry does not compromise public safety.

7. The application does not demonstrate compliance with the following overall outcomes of the Catchment Management Overlay Code of the former Esk Shire's Planning Scheme 2005 (as amended):

- a. Overall Outcome (b) - Further deterioration of water quality throughout the Shire is avoided;
- b. Overall Outcome (c) – Watercourses and water quality in better condition (Category B sub catchments) are maintained, as these areas provide a balance to those with more deterioration and help maintain the shire's overall waterway health;
- c. Overall Outcome (e) – land use practices and processes that cause or exacerbate soil erosion throughout the shire are reduced.

8. The application has not demonstrated a need for the proposed extractive industry.

9. Insufficient detail has been provided to allow a complete assessment of the potential impacts of the proposed development.

Carried

Vote - Unanimous

Subject:	Further Report – Keeping of Horses – Billy Green Drive, Villeneuve
File Ref:	Environmental Management - Reports - Environmental Health Reports
Action Officer:	MES

Background/Summary

Council at its meeting on the 12 June 2019 considered a report (See attachment 1) regarding the keeping of horses on 25 Billy Green Drive, Villeneuve. The following decision was made:

THAT a further report be brought back to Council regarding the methodology to apply discretion to minimum lot sizes for the keeping of animals under the Local Laws and the Planning Scheme.

FURTHER THAT no further action be taken on this matter prior to the consideration of the report, and that the status quo remain."

Report

An assessment of how discretion may be applied under the Council's local laws and Council's Planning Scheme for the minimum lot size for the keeping of animals is detailed below.

Local Laws

Council's *Local Law No 2 (Animal Management) 2011* prohibits the keeping of animals under the circumstances mentioned in schedule 1 of Subordinate *Local Law No 2 (Animal Management) 2011* (please refer to attachment 2 for a copy of schedule 1)

Council's *Local Law No. 2 (Animal Management) 2011* requires that an approval is required for the keeping of an animal under the circumstances mentioned in schedule 2 of *Subordinate Local Law No 2 (Animal Management) 2011* (please refer to attachment 3 for a copy of schedule 2)

A review of local law requirement for the keeping of animals in surrounding local government areas has been undertaken and a summary is contained in attachment 4. To apply discretion for the keeping of animals under Council's local laws the following options may be considered:

Option 1 Propose to amend schedule 1 of *Subordinate Local Law No 2 (Animal Management) 2011* to change the circumstances in which the keeping of animals is prohibited (such as reduce the lot sizes; remove references to the designated area).

An example of this may be to reduce the minimum lot size where it is prohibited to keep a horse from 10,000 m² to 4,000m².

Option 2 Propose to amend schedule 1 and schedule 2 of Subordinate *Local Law No 2*

(*Animal Management*) 2011 to change the circumstances in which the keeping of animals is prohibited and require that an approval is required to keep horses on an allotment of less than 10,000m².

An example of this may be to prohibit the keeping of a horse on allotments of less than 4,000m² and require that an approval is required to keep a horse on an allotment of less than 10,000m².

If amending *Subordinate Local Law No 2 (Animal Management) 2011* is considered to be the preferred option, officers considered that there are probably a range of other local law amendments that could be packaged up to warrant such an exercise being undertaken. Further reports would be presented on these matters.

Timeframe and Cost Amendment

It is estimated that the timeframe required to amend the subordinate local law would be between 6 and 8 months at a cost of approximately \$20,000. Hence the desire to perform a broader amendment process.

Planning Scheme

The keeping of a horse on an allotment of less than 10,000m² is defined as *Animal Keeping* and the owner may apply to Council for a development approval.

The application would be considered impact assessable and attracts an application fee of \$3,368, together with all the other requirements of the *Planning Act*, e.g. public notification, supporting technical reports and the like.

Council may consider the introduction of a reduced fee for development applications for *Animal Keeping* on allotments of less than 10,000m². The application would need to meet requirements of the relevant codes. Of most relevance, the Animal Keeping Code states:

“The following separation distances are provided for *animal enclosures*:

- (a) 50 metres to a road frontage;
- (b) 15 metres from side and rear boundaries;
- (c) 15 metres from a *dwelling* on the same *premises*;
- (d) 50 metres from a *dwelling* on another *premises*”.

Discussion

Should Council decide to implement measures to show discretion to the minimum lot size for the keeping an animal under local laws and the planning scheme, this may be done by a combination of the following short and medium to long term measures:

Short term measure

- Make an amendment to the 2019/2020 scheduled fees and charges to include a new fee of \$300 applicable to development applications for *Animal Keeping* on allotments of less than 10,000m² for up to 4 animals (This fee will not be required after the subordinate local laws are amended to reduce minimum lot sized for the keeping of animals).

Medium to long term measure

- Make amendments to Council's subordinate local laws as discussed above by the implementation of option 1 or 2.
- Make an amendment to the Somerset Region Planning Scheme to ensure it is consistent with Council's subordinate local laws.

Billy Green Drive

With regard to the matter of 2 horses being kept on land in Billy Green Drive, Villeneuve that was the subject of the officer's report and Council decision contained in attachment 1, it should be noted that Council has enforced prohibitions relating to the keeping of horses on allotments with an area of less than 10,000m² in the Villeneuve area around the subject site and indeed in other areas of the region. Any proposed changes to will need to apply equally across the region.

Attachments

1. Decision of Ordinary Meeting of Council held on 12 June 2019 – Petition Keeping of Horses.
2. Schedule 1 of Subordinate *Local Law No 2 (Animal Management) 2011* (please refer to attachment 2 for a copy of schedule 1)
3. Schedule 2 of Subordinate *Local Law No 2 (Animal Management) 2011*
4. Requirements for keeping horse in surrounding local government areas.

Recommendation

THAT Council -

1. Amend the 2019/2020 scheduled fees and charges to include a new fee of \$300 applicable to development applications for *Animal Keeping* on allotments of less than 10,000m² for up to 4 animals.
2. Request that officers prepare a report to Council containing a review Council's subordinate local laws and planning scheme relating to the keeping of animals to:
 - a. Allow for discretion to be applied for the keeping of animals on an allotment with an area of less than 10,000m² under specified circumstances; and
 - b. Other improvements to the subordinate local laws that may be appropriate.
3. Advise the owner there is currently no approval process which allows for the keeping of horses on allotments under 10,000m² in area under Council's Local Laws.
4. Advise the owners that if they wish to make a relevant application under the Planning Scheme, and that option not be commenced before 31 July 2019, Council will require the removal of the horse by 14 August 2019.

Resolution

Moved – Cr Whalley

Seconded – Cr Choat

“THAT Council -

1. Amend the 2019/2020 scheduled fees and charges to include a new fee of \$300 applicable to development applications for *Animal Keeping* on allotments of less than 10,000m² for up to 4 animals.
2. Request that officers prepare a report to Council containing a

review Council's subordinate local laws and planning scheme relating to the keeping of animals to:

- a. Allow for discretion to be applied for the keeping of animals on an allotment with an area of less than 10,000m² under specified circumstances; and
 - b. Other improvements to the subordinate local laws that may be appropriate.
3. Advise the owner there is currently no approval process which allows for the keeping of horses on allotments under 10,000m² in area under Council's Local Laws.
 4. Advise the owners that if they wish to make a relevant application under the Planning Scheme, and that option not be commenced before 31 July 2019, Council will require the removal of the horse by 14 August 2019."

Carried

Vote - Unanimous

Subject:	Bi-Annual Intensive Animal Industry (poultry farm) Inspection Program
File Ref:	Development and building controls - reporting - Reports
Action Officer:	SP

Background/Summary

Council officers have recently completed the bi-annual intensive animal industry (poultry farm) inspection program. As part of this inspection program each approved and constructed poultry farm across the region is inspected to determine compliance with the development approval. The program involves the inspection of 14 poultry farms.

As the Environmental Authority component of intensive animal industry (poultry farm) are regulated by the Department of Agriculture and Fisheries, the inspection program only relates to the conditions which relate to the material change of use approved against the planning scheme. Given the age of some of the approvals, in some cases there are minimal conditions which are reviewed during the inspections.

DA2380 (P550250-5) – Coominya

The facility is approved as a conventional broiler farm for a maximum 500,000 birds over 12 sheds, at about 41,000 birds per shed. At the time of inspection four of the approved sheds had been constructed and were in operation, early works had commenced for the construction of further sheds. It was determined that all conditions had generally been complied with and no outstanding matters were observed.

DA4962 and DA9733 – Coominya

At the time of the inspection only the more recent sheds (DA9733) were operating. These sheds were operating as a free-range farm, as per Council recent decision. Some minor matters were observed predominantly around drainage between sheds, these matters have been ongoing for some time and the operator has been working towards compliance. At the time of inspection 211,840 birds were being housed within the farm which is well within the approved bird numbers.

558480 – Coominya

The farm operates as a breeder (grower) farm and at the time of the inspection the farm was empty of birds. The site was observed to be in a clean and tidy condition and conditions had been satisfied.

P114260 – Coominya

The farm operates as a breeder (grower) farm and at the time of the inspection the farm contained 48,239 birds which is consistent with the approved bird numbers. The site was observed to be in a clean and tidy condition and conditions had been satisfied.

P122130 – Coominya

The farm operates as a breeder (grower) farm and at the time of the inspection the farm was empty of birds. The site was observed to be in a clean and tidy condition and conditions had been satisfied.

P571970 – Coominya

The farm is not currently operating as a conventional broiler farm and is being used to grow quails. Only two of the sheds are currently being utilised as part of the facility and the number of birds being housed are below the approved number of birds for the site.

DA14350 – Coominya

At the time of the inspection the farm was having birds placed and not all sheds contained birds. One condition was identified as not being complied with. This condition requires the installation of a screen at the fan ends of the sheds, which was intended to reduce any dust impacts on neighbouring properties. This screen has been outstanding for several years, the condition was discussed with the farm manager and they have advised that they will investigate further what would be required to remove the condition. The original application was approved by the Planning and Environment Court, as such any changes to the conditions of development can only be considered by the Court. The number of birds being housed were consistent with the maximum allowed by the approval.

DA16361 – Coominya

At the time of inspection this farm had only recently completed construction, as such some conditions had not yet been satisfied, predominantly around landscaping between sheds. These conditions will continue to be monitored at future inspections. The farm predominantly contained day old chicks and the number of birds housed on the site was consistent with the maximum number allowed by the approval.

DA3926 and DA11832 – Mount Hallen

At the time of the inspection the conditions of development were predominantly satisfied. The sheds have been constructed with compacted gravel floors and DA11832 stipulated concrete floors, this matter has been raised with the operator. Eight sheds and a total of 360,000 birds are approved over the two development approvals. To date only six sheds have been constructed and are in operation. Two further sheds are under construction, however minimal progress has been made on their construction since the previous inspection. A total of 237,946 birds were being housed within the facility at the time of the inspection.

DA3321 – Esk

The farm operates as both a conventional broiler farm (four sheds) and a free-range farm (four sheds). At the time of inspection all conditions were considered to be satisfied, the farm contained 303,160 birds of the allowable 360,000 birds.

DA4449 – Harlin

The farm operates as a breeder (layer) farm. All conditions were considered to be satisfied

and the farm was a clean and tidy standard.

DA12914 – Harlin

The farm operates as a breeder (layer) farm. All conditions were considered to be satisfied and the farm was a clean and tidy standard.

As highlighted by this report the Somerset region contains a variety of commercial poultry farm operations which include conventional broiler farms, free range broiler farms, breeder (layer) farm and breeder (grower) farms. Typically, the breeder farms have considerably less impact than a broiler farm, predominantly due to the considerably less number of birds housed (therefore less density). The breeder farms currently being inspected predominantly contain minimal conditions, given the biosecurity which surrounds, particularly the breeder farms, officers are not entering within the shed compound and the inspection is occurring from outside the fence.

With all of this in mind, the current bi-annual inspections of the breeder farms are providing very little influence on ensuring that the health and amenity issues raised by intensive poultry farm operations are monitored as the facilities do not generally cause health or amenity issues. As such it is recommended that the inspection program be amended to reduce the frequency of inspections from bi-annual to annual. The next round of inspections will occur during November/December 2019 and the outstanding matters will continue to be monitored and actioned.

Attachments

Nil

Recommendation

THAT Council receive the report, and for further discussion.

THAT Council's intensive animal industry (poultry farm) inspection program be formally amended to reduce the inspection frequency of breeder farms from bi-annual to annual, commencing the 19/20 financial year.

Resolution

Moved – Cr Hall

Seconded – Cr Whalley

"THAT Council receive the report, and for further discussion.

THAT Council's intensive animal industry (poultry farm) inspection program be formally amended to reduce the inspection frequency of breeder farms from bi-annual to annual, commencing the 19/20 financial year."

Carried

Vote - Unanimous

Subject:	Extractive Industry Bi-Annual Inspection Program Update
File Ref:	Development and building controls - reporting - reports
Action Officer:	SP

Background/Summary

Council officers have recently completed the bi-annual inspections of all operating extractive industries across the region. The program involves the inspection of seven extractive industry facilities operated by five operators

DA6162 - Fernvale

It was determined that all conditions had generally been complied with and no outstanding matters were observed.

DA5739 - Coominya

It was determined that all conditions had generally been complied with and no outstanding matters were observed.

DA12138 - Harlin

It was determined that all conditions had generally been complied with and no outstanding matters were observed. Rehabilitation works along the Brisbane River are ongoing.

DA7520 – Buaraba

It was observed that the access has now been constructed as per the Department of Transport and Main Roads' requirements. Notwithstanding this, some vegetation clearing had recently occurred around the access to facilitate the widening of the access track. All other conditions have been satisfied and no outstanding matters were observed.

DA5869 - Buaraba

Several matters of ongoing non-compliance were observed at the inspection. The matters non-compliance include variation from the approved extraction plan, illegal clearing of vegetation, road visibility and advertising device installed within Council's road reserve.

Correspondence issued to the operator on 4 June requesting an update on how the matters are being remedied. Council received a response to the correspondence on 27 June 2019. The operator's response does not satisfactorily address Council's concerns and further correspondence will be issued over the coming weeks.

DA9422 - Coominya

The previous operator of this facility extracted material outside of their approved pit locations and into the adjoining road reserve. The operator has been rectifying this issues for a number of years and have now advised that only a 100m section remains to be completed. No dates were given when they expect the rehabilitation work will be complete. The operator advised that extraction at this facility is currently paused.

Site manager also confirmed the heritage issue has been resolved. The applicant was requested to provide Council with correspondence.

P553950 - Atkinsons Dam

The previous operator of the facility extracted material outside the approved extraction area and into the adjoining property (at the time also owned by the previous operator). Works to rehabilitate the correct boundary location are continuing, the reclaimed boundary wall is generally completed except for the northern 70-100m. The operator stated their intention to divide the large adjacent sediment basin to improve downstream water quality. Quarry manager also advised the wall batters are currently quite loose and will be stabilized to minimise washing out into adjoining retention basins. Progress will continue to be monitored at future site inspections.

The operator advised that there will be no further hard rock crushing undertaken on-site and that a mobile crusher (also sighted on site) will now be used from time to time as needed. They have also begun to extract a new pit, Council's Operations Department are to confirm the new pit is in accordance with the approval and that the site's stormwater drainage will be unaffected. The operator will be providing Council with a copy of an updated stormwater management plan once finalised.

The next round of inspections will occur during November/December 2019 and the outstanding matters will continue to be monitored and actioned.

Attachments

Nil

Recommendation

THAT Council receive the report, and for further discussion.

Resolution

Moved – Cr Hall

Seconded – Cr Gaedtke

“THAT Council receive the report, and for further discussion.”

Carried

Vote - Unanimous

Subject:	Food Business Inspection Program
File Ref:	Environmental Management - Reports - Environmental Health Reports
Action Officer:	MES

Background/Summary

Council's Environmental Health Officers recently completed the annual food business inspection program for the 2018/2019 financial year, funded through a special charge levied as rates on the land for all fixed food business.

The inspection program involves the yearly inspection of all fixed licenced food businesses in the region to check for compliance with the *Food Act 2006* and the Australia New Zealand Food Standard Code.

Council environmental health officers conducted 147 food business inspections during the inspection period. An additional 22 re-inspections were conducted to follow up non-compliance issues.

Council received 11 food business complaints for the 2018/19 financial year. All complaints were investigated and appropriate action taken as required. There were no cases of confirmed foodborne illness associated with licensed food businesses in the Somerset Region during this period.

The most common non-compliance issues found during the food business inspection program were:

1. Food being displayed or stored at incorrect temperatures
2. Incorrect date identification on re-packaged food
3. Use of non-food grade storage containers
4. Insufficient cleaning and sanitizing of food premises
5. Maintenance issues due to age and wear and tear, including damage to floor and wall surfaces.

Council environmental health officers use a range of tools to improve compliance with the

Food Standards Code. These tools include educational material such as fact sheets and a food safety resource kit, which are provided to food business operators. Council also provides online I'm Alert training to increase knowledge and awareness of food safety issues within food businesses.

Attachments

Nil

Recommendation

THAT Council receive the report and that the contents noted.

Resolution	Moved – Cr Ogg	Seconded – Cr Brieschke
	"THAT Council receive the report and that the contents be noted."	
	<u>Carried</u>	
	Vote - Unanimous	

Subject:	Proposed Advertising Device - AD-001-2019 – Country Pet Motel – Glamorgan Vale Road Wanora – 82 CC2621
File Ref:	1122488
Action Officer:	PO-RC

Declaration of a perceived conflict of interest by Cr Whalley

Cr Whalley declared as follows -

I have a perceived conflict of interest in this matter (as defined by the *Local Government Act 2009* section 175D) by reason of the fact that I am a personal friend of the owner of the business. I determine that this personal interest is not of sufficient significance that it will lead me to making a decision on the matter that is contrary to the public interest. I will best perform my 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, I acknowledge that the remaining councillors must now determine pursuant to s175E(4) of the *Local Government Act 2009* whether I have a real conflict of interest in this matter or a perceived conflict of interest and if so whether I must leave the meeting or may participate in the meeting in relation to the matter, including by voting on the matter.

Resolution	Moved – Cr Choat	Seconded – Cr Hall
	"THAT Council determines that Cr Whalley 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 while this matter is discussed, including by voting on the matter."	
	<u>Carried</u>	
	Vote - Unanimous	

Background/Summary

Council has received an application from Country Pet Motel to change the sign face of an existing advertising device located on the property situated at Glamorgan Vale Road, Wanora, described at Lot 82 on CC2621. A site plan of the advertising device prepared by the applicant

is provided as Attachment 1. An aerial photograph identifying the location of the advertising device has been provided as Attachment 2. Landowner's consent has been provided by the applicant.

The applicant has proposed to retain the existing frame and has not proposed changing the location of the advertising device. The new sign face will be the same size as the existing sign face. The sign will be facing northbound traffic of the Brisbane Valley Highway.

The proposed sign face is described as follows:

- The sign has a width of 3.030m and a height of 1.530m. Culminating an area of 4.6359m²;
- The maximum height of the sign is 3m above the ground level of the site; and
- The proposed sign face will not be illuminated.

The proposed design is provided as Attachment 3. Design plans of the advertising device is provided as Attachment 4. Photos of the existing sign is provided as Attachment 5.

Council regulates this activity through *Local Law No. 1 (Administration) 2011*, and *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*.

Assessment of Application

Under section 9 of *Local Law No 1 (Administration) 2011*, Council may grant an approval for an application for the installation of advertising devices only if it is satisfied that:

- (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's Comment: No separate approvals are required.

- (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's Comment: The proposed design of the advertising device will not adversely impact on public health, safety or amenity, or result in environmental harm.

- (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's Comment: Not applicable.

- (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's Comment: *Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2011* prescribes criteria for the proposed activity. An assessment against those criteria is provided below.

- (e) the grant of the approval would be consistent with the purpose of any relevant local law; and

Officers Comment: The approval would be consistent with the purpose of *Local Law No 1 (Administration) 2011*.

- (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

Officers Comment: Not applicable.

- (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 *Local Government Act* in relation to the approval.

Officers Comment: Not applicable.

Additional criteria - Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2011

1. The conduct of the prescribed activity must not -

- (a) result in –

- (i) harm to human health or safety; or
- (ii) property damage or loss of amenity; or
- (iii) nuisance; or
- (iv) obstruction of pedestrian or vehicular traffic; or
- (v) environmental harm; or
- (vi) environmental nuisance; or
- (vii) a potential road safety risk; or

- (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken; or

- (c) significantly obstruct the view of any premises.

Officer's Comment: The advertising device complies with the criteria prescribed in (1)(a)-(c).

2. The installation, erection and display of the proposed advertising device must comply with the general criteria specified in Schedule 4.

Officer's Comment: There are 26 criteria specified in Schedule 4 of the Local Law. It is considered the proposed advertising device will comply with each of those criteria relevant to the proposed advertising device or alternatively, can be imposed as conditions, should Council support the proposed advertising device.

The specific criteria prescribed for a pole sign are provided below:

- (a) The advertising device must not have a height in excess of 5m above ground level directly adjacent to the advertising device

Officer's Comment: The advertising device will not have a height in excess of 5m above ground level.

- (b) The advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises.

Officer's Comment: The advertising device is located in excess of 3m from the adjoining premises' boundary.

The Brisbane Valley Highway is a state-controlled road. However, comments were not sought from the State in this instance due to the minor nature of the application and the wide road reserve of the Brisbane Valley Highway. The existing advertising device is currently setback approximately 40m from the road.

Attachments

1. Site plan detailing the location of the advertising device.
2. Aerial photograph of the subject site, dated 10 July 2019.
3. Proposed design of the sign face.
4. Design plans of the advertising device.
5. Photos of the existing advertising device.

Recommendation

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

No	CONDITION
1.	The advertising devices must be installed in accordance with the following plans: <ul style="list-style-type: none"> - Site plan detailing the location of the advertising device. - Proposed design of the sign face. - Design plans of the advertising device.
2.	The advertising devices must be installed within six months of the date the local law approval is issued.
3.	The advertising devices must – <ul style="list-style-type: none"> (a) Not cause a loss of amenity; and (b) Not cause environmental nuisance; and (c) Not cause a risk to health and safety; (d) Be kept and maintained at all times in good order and repair, structurally sound, and free of graffiti.
4.	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 activity.
5.	The approval 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
6.	The advertising device must not cause unsafe movement or obstruction of pedestrian or vehicular traffic.
7.	The advising device must not be provided with illumination.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

“THAT Council approve the application subject to the conditions listed below:

No	CONDITION
1.	The advertising devices must be installed in accordance with the following plans: <ul style="list-style-type: none"> - Site plan detailing the location of the advertising device. - Proposed design of the sign face. - Design plans of the advertising device.
2.	The advertising devices must be installed within six months of the date the local law approval is issued.
3.	The advertising devices must – <ul style="list-style-type: none"> (a) Not cause a loss of amenity; and (b) Not cause environmental nuisance; and (c) Not cause a risk to health and safety; (d) Be kept and maintained at all times in good order and repair, structurally sound, and free of graffiti.
4.	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 activity.
5.	The approval 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

6.	The advertising device must not cause unsafe movement or obstruction of pedestrian or vehicular traffic.	
7.	The advising device must not be provided with illumination."	<u>Carried</u>
	<i>Vote – Unanimous</i>	

Subject:	Development Application No 17669 - Application for a Development Permit for a Material Change of Use for a Transport Depot and Low Impact Industry
File No:	DA17669
Action Officer:	PO-RC
Assessment No:	02272-00000-000

1.0 APPLICATION SUMMARY

Subject Land

Location	D'Aguilar Highway, Moore
Real Property Description	Lot 5 on RP15002
Area	1.214 hectares
Current land use	Residential

Somerset Region Planning Scheme Version Three

Zone	Rural
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SEQ Regional Plan 2017

Category	Regional Landscape and Rural Production Area
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Application

Proposed Development	Transport Depot and Low Impact Industry
Category of Assessment	Impact
Applicant/s	Brown Contractors
Applicants contact details	C/- Precinct Urban Planning Attn: Kim Reeve PO Box 3038 Toowoomba QLD 4350 Email: kim@precinctplan.com.au Ph: 07 4632 47465

Date application received 18 May 2018

Date properly made 18 May 2018

Referral Agencies

Referral required
Concurrence Agency Department of State Development, Manufacturing, Infrastructure and Planning for the following trigger:

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – State transport corridors and future State transport corridors
Advice Agency Seqwater

Notification Part

Public notification required
Submissions received Three submissions received

RECOMMENDED DECISION

THAT Council approve the Development Application No 17669 subject to the requirements and conditions contained in the Schedules and Attachments.

2.0 PROPOSAL

The application proposes to formalise a Transport depot and Low impact industry currently operating as a civil engineer contractors company on the property. The proposed site, floor and elevation plans for the proposed development are provided at Attachments 1, 2 and 3.

The site is currently improved by a maintenance shed/workshop, administration office, storage containers, wash bay and associated outdoor maneuvering and parking areas and are used for the storage, maintenance and associated administration work for the civil engineer contractors company.

The largest structure on-site is a shed currently being used to maintain machinery. The shed is located in the north-western region of the site and has a setback of in excess of 27.824m from the primary street frontage (D'Aguilar Highway) and a setback of 9m from the nearest side (western) boundary. The shed has a gross floor area of 288.09m² and a site cover of 2.37% of the site. The shed is single storey, reaching a maximum height of 6.3m above the natural ground level.

A site office is located immediate east of the shed. The site office has a GFA of 18m² and a site cover of 0.15% of the site. The site office is single storey, reaching a maximum height of 2.857m above the natural ground level. The on-site toilet is also located next to the site office.

In addition, five containers used as storage sheds are on-site. Three of the five container sheds located in the northern region of the site are located 4.8m from the northern boundary and 5.198m from the western side boundary. The remaining two container sheds attached to the machinery shed and setback 6.399m from the western side boundary.

Overall, the total gross floor area of all buildings is 414.81m² representing a total site cover of about 3.4%. All vehicles parking, storage and maneuvering areas are sealed hardstand surfaces. The total impervious area of the development is approximately 2,028.46m². The wash down area attached to the machinery shed is fully bunded to ensure all greywater and rainwater are appropriately separated and diverted to drains/landscape areas. Collected wash down water is directed to a separator to be treated.

The applicant has advised that no more than four employees will be on-site at any one time. A small number of vehicles will also be stored on-site at any one time and will only be located on site for short periods while undergoing maintenance, repairs and over long holiday breaks.

The applicant has proposed the following hours of operation for the proposed development:

- Monday to Friday: 7am to 5:30pm;
- Saturday: 7am to 3pm; and
- Sunday and Public Holidays: Closed.

Access to the site outside the stated hours may be required for emergency repairs.

The development utilises the existing access at D'Aguilar Highway, a State-controlled road. The State has reviewed and approved the proposed development and the Decision Notice has been provided at Attachment 4.

The site is currently surrounded by a minimum 1.8m high colorbond fencing along the frontage of the property and side boundaries. An existing 3m landscape strip along the frontage of the

property has been retained. The applicant has also provided a Site Based Management Plan detailing the operation of the development.

3.0 SITE DETAILS AND SURROUNDING LAND USES

The subject site is a regular shaped rural property. The site is sparsely vegetated and experiences a gradual decline in elevation from the D'Aguilar Highway to the rear boundary of the site in a north to south direction. The site is not known to be prone to slip, inundation, subsidence or erosion. The site boundaries are defined by D'Aguilar Highway to the north, Wallaby Creek to the south, and other rural properties to the remaining directions. The rural township of Moore is located to the east of the subject site. Surrounding uses consist of mainly rural uses and rural residential acreage properties. The nearest sensitive receptor from the machinery shed is a dwelling house, located approximately 50m to the west.

A Development Permit (DA16487) for a Dwelling house and associated Domestic outbuilding approved through delegation in 2017 for the subject site is still in its relevant period. The applicant has advised that there are no immediate plans to utilise the development approval, however the landowner would like to keep this approval in place should their plans change in the future.

4.0 STATE ASSESSMENT

4.1 Vegetation Management Act 1999

Per the Development Assessment Mapping System provided by the Department of State Development, Manufacturing, Infrastructure and Planning, the development footprint does not contain areas of 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

In accordance with the provision of Schedule 10, Part 3, Division 4, Table 3, Item 1 of the *Planning Regulation 2017*, the proposed development triggers referral to the State due to part of the premises is within 25m of a State transport corridor.

5.0 COUNCIL ASSESSMENT

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

5.1 Strategic Framework

The Transport depot and Low impact industry is located in a strategic location in the Somerset region and will provide employment opportunities to residents. Conditions have been included ensuring the environmental performance of the industry achieves a satisfactory standard whilst minimising any adverse impacts on natural environment and nearby sensitive land uses.

5.2 Code Compliance Summary

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
Rural zone code	Yes	Alternative solutions provided for PO2, PO7 and PO8
Industrial activities code	Yes	Alternative solutions for provided for PO2 and PO6
Services, works and infrastructure code	Yes	Compliance

Transport, access and parking code	Yes	Alternative solutions for provided for PO5, PO7 and PO10
Filling and excavation code	Yes	Compliance
Landscaping code	Yes	Compliance
Agricultural land overlay code	Yes	Alternative solution provided for PO1
Biodiversity overlay code	Yes	Alternative solutions provided for PO4 and PO15
Flood hazard overlay code	Yes	Alternative solutions provided for PO1 and PO13
Infrastructure overlay code	Yes	Alternative solution provided for PO5
Scenic amenity overlay code	Yes	Alternative solution provided for PO1

Rural zone code

Performance outcomes	Acceptable outcomes
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.
Planning Comment	
<p>The primary building, the machinery shed is setback 27.8m from the D'Aguilar Highway (primary street frontage). However, three of the five storage container sheds will be located 4.796m from said boundary. The three storage containers are of minor scale and are screened from view from the highway as a result of the existing vegetation strip along the site's frontage. Accordingly, the development maintains the rural character of the area and does not impact on the amenity of surrounding uses.</p> <p>A condition has also been included requiring the provision of landscaping along all boundaries of the site to further mitigate any potential amenity impacts created by the development.</p> <p>It is considered the development complies with PO2 of the Rural zone code.</p>	
PO7 The design, location and operation of development does not result in any undue adverse impact on the amenity of the locality, having regard to: (a) hours of operation; (b) lighting; (c) noise;	AO7 No acceptable outcome provided.

(d) dust, odour and other airborne emissions; (e) public health and safety; (f) traffic generation; (g) the use of <i>advertising devices</i> ; (h) visual amenity; and (i) overlooking and privacy.	
PO8 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) lighting; (e) <i>advertising devices</i> ; (f) visual amenity; (g) privacy; (h) odour; or (i) emissions.	AO8 No acceptable outcome provided.
Planning Comment	
<p>the applicant has proposed the following hours of operation:</p> <ul style="list-style-type: none"> Monday to Friday: 7am to 5:30pm; Saturday: 7am to 3pm; and Sunday/Public Holidays: No operation. <p>However, access to the site may be required infrequently outside of these hours for emergency repairs and to collect spare parts etc. Further discussion regarding the proposed hours of operation has been elaborated below in the Industrial activities code section.</p> <p>The applicant considers the use does not generate high levels of traffic and operation of tools will be contained within the shed, therefore the noise levels generated from the use are considered to be consistent with the uses generated by surrounding rural properties which frequently use large machinery, power tools, generators etc. Conditions have been included for noise issues to be mitigated.</p> <p>Conditions have also been included requiring lights to be positioned and shielded to prevent light spillage and causing a nuisance to adjoining premises.</p> <p>For dust emissions, the applicant has proposed that high frequency vehicle use areas such as the parking, storage and manoeuvring areas of vehicles are a sealed hard standing surface. Low frequency use areas with impervious surfaces will be provided with an irrigation system.</p> <p>To reduce dust emissions and noise pollution, and to assist in visual amenity, the applicant has proposed to incorporate a minimum 1.8m high colorbond fencing on side boundaries and along the frontage of the property. Existing vegetation along the frontage boundary will form part of the 3m landscape strip. A 1m wide landscape strip along the eastern side boundary has also been proposed. However, due to insufficient space existing along the western fence line due to the location of an existing earth drain, provision of landscaping in</p>	

this area will compromise stormwater flows.

A review of the proposed fencing design against the stipulated fencing design elements of the Biodiversity overlay code has considered the design as insufficient for koala movement. Therefore, conditions have been included reflecting good quality koala fencing design and requiring any landscaping to use local endemic vegetation species and koala habitat trees.

Dangerous goods/hazardous chemicals will also be stored on-site in the northernmost container. As the container is located at the highest possible point of the site, it is unlikely to be impacted upon by flooding. A Hazardous Material Register and Control Procedure is currently in place to ensure proper management and storage of dangerous goods/hazardous chemicals. The container is labelled, locked and installed within bunds.

The use of advertising devices will be conditioned to be regulated by the relevant Subordinate Local Law.

The development is to be carried out and operated to generally in accordance with the Site Based Management Report.

Industrial activities code

Performance outcomes	Acceptable outcomes
Fencing	
PO2 Boundary fencing provides security to the <i>site</i> and promotes passive surveillance and fencing is designed and constructed of robust materials resistant to graffiti.	AO2.1 Security fencing is provided that is: <ul style="list-style-type: none"> (a) a maximum height of 1.8 metres; and (b) a minimum of 75 percent visually transparent.
Planning Comment	
A 1.8m high colorbond fence will be constructed along the street frontage and both the eastern and western boundaries. A 1m high 4 strand wire fence will be constructed along the rear boundary.	
The proposed fencing design will assist in providing noise mitigation and protect any potential impacts to the amenity created by the development. In addition, the proposed fencing design will assist in keeping animals and wildlife from entering the premises.	
Operational impacts	
PO6 Noise is managed in accordance accepted standards and the use is of a scale, intensity, and duration that has minimal impacts on the surrounding area, <i>sensitive land uses</i> , and the enjoyment of public open spaces.	AO6.1 Activities occur between 7am to 6pm Monday to Friday and 7am to 2pm on Saturdays. No operations occur on Sundays or public holidays.
Planning Comment	
The operating hours are as follow: <ul style="list-style-type: none"> • Monday to Friday: 7am to 5:30pm; • Saturday: 7am to 3pm; • Sunday/Public holidays: No operation. 	

The applicant may also require access to the site infrequently outside of these hours for emergency repairs to collect spare parts. If approved, the above hours will be included as a development condition in the Decision Notice.

The proposed hours of operation are a minor inconsistency with the acceptable hours of operation for industrial activities stipulated by AO6.1 of the Industrial activities code.

Appropriate conditions restricting the noise created by the development have been included in the Decision Notice.

Due to the nature of the development, it is considered appropriate for visitation outside of the conditioned operating hours, in an event of an emergency.

Transport, access and parking code

Performance outcomes	Acceptable outcomes
Site access	
P05 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.
Planning Comment	
The site fronts onto D'Aguilar Highway which is a State controlled road. Per the <i>Planning Regulation 2017</i> , the application was referred to the State department as required by the Regulation. <p>The State has reviewed and approved the access to the development and requires Council to include conditions provided in their Decision Notice as part of the approval material, if approved by Council. The State's approved plans, comments and decision have been provided as Attachment 2.</p>	
Car parking locations and treatments	
P07 Car parking location minimises impacts on the streetscape and contributes to the intended character of the zone and locality.	AO7.1 Car parking is located behind or within a building.
Planning Comment	
The proposed car parking is located within the property, which is surrounded by 1.8m high colorbond fence along the front and side boundaries of the site. Landscaping areas have also been proposed and will act as visual buffer for the development.	

Vehicle standing and manoeuvring areas	
PO10 Vehicle standing and manoeuvring areas are of suitable standard for the intended use and the areas are constructed to a standard that avoids <i>environmental nuisance</i> .	AO10.2 Internal manoeuvring and standing areas of the <i>site</i> are sealed.
Planning Comment	
Where the low frequency use vehicle standing and manoeuvring areas are not sealed, an irrigation system has been provided to reduce any dust and environmental nuisances.	

Agricultural land overlay code

Performance outcomes	Acceptable outcomes
PO1 Loss, fragmentation, alienation or diminished capacity of agricultural land is avoided unless: <ul style="list-style-type: none"> (a) an overriding need exists for the development in terms of public benefit; (b) no suitable alternative site exists; (c) loss or fragmentation is minimised to the extent possible. 	Where for a material change of use in the Rural zone AO1.1 Development (inclusive of the <i>development footprint</i>) is not located on land identified as Agricultural land Class A or Class B or Important Agricultural Areas on the Agricultural land overlay maps OM01a-b unless identified in Table 7.2.1.3.B . AO1.2 The <i>development footprint</i> for development other than <i>rural activities</i> identified in Table 7.2.1.3.B is equal to or less than 750m ² on land identified as Agricultural land Class A or Class B or Important Agricultural Areas on the Agricultural land overlay maps OM01a-b . Table 7.2.1.3.B - Compatible development within Agricultural Land Class A or Class B <ul style="list-style-type: none"> (a) animal husbandry; (b) animal keeping; (c) cropping including a building, structure or activity supporting cropping; (d) dwelling house; (e) home based business; (f) intensive animal industry; (g) intensive horticulture; (h) landing; (i) outdoor lighting; (j) roadside stalls; (k) winery.
Planning Comment	
The subject land is identified as Class A Agricultural Land on the Agricultural Land Overlay Map. The development will not have an impact on the capacity of the agricultural land given	

the land is not of a suitable size (1.21 hectares) to enable viable agricultural production. The site is not used for rural production nor does it have a history of intensive rural production. The nature of the use is such that it will not diminish the capacity of the land if it were to be used for agricultural purposes in the future.

Biodiversity overlay code

Performance outcomes	Acceptable outcomes
Biodiversity Corridors – rehabilitation and revegetation	
<p>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.</p> <p><i>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.</i></p>	<p>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.</p> <p>AO5.2 Development provides for locally native plant species to be predominantly used in the revegetation and landscape planting on the site.</p> <p>AO5.3 Development provides for revegetation and landscape planting that does not use declared or environmental weeds.</p>
Planning Comment	
<p>The subject land is identified within a Biodiversity Corridor. The site comprises a small fragmented parcel of rural land and is not connected to any networks of viable habitat areas.</p> <p>The development site will utilise an existing cleared area on the site and will maintain the mature vegetation located along the frontage of the D'Aguilar Highway and along the boundary with Wallaby Creek.</p> <p>Conditions have been included requiring landscaping to be provided along all boundaries of the site utilising locally native plant species.</p>	
Koalas	
<p>PO14 <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><i>Note - Where a suitably qualified person</i></p>	<p>Where in a Primary Habitat Area 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 Material Change of Use AO14.3</p>

<p><i>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).</i></p>	<p>A minimum setback of 50 metres is provided between <i>buildings</i> and <i>structures</i> and areas mapped as bushland koala habitat on Biodiversity overlay maps OM-003c-d.</p> <p>Where within the Rural zone or Rural residential zone AO14.6 Where within the Rural zone or Rural residential zone the minimum setbacks identified in AO14.3 to AO14.5 are taken to be 100 metres.</p>
<p>Planning Comment</p>	
<p>The subject land contains a small area of Bushland Koala Habitat – Primary Habitat Areas as identified on the Biodiversity Overlay Map. The development will not involve the clearing of native vegetation within this area.</p> <p>Buildings and structures will be located within 100m of identified bushland koala habitat. The buildings and structures will be located within existing cleared areas and will not necessitate the clearing of vegetation with the identified Bushland Koala Habitat area. The development will be suitably managed to ensure impacts on koalas, koala habitat values, and koala habitat connectivity are minimised and avoided.</p> <p>Conditions have been included requiring koala exclusion fence to be constructed around the retained vegetation area identified as Koala Primary Habitat area.</p>	

Flood hazard overlay code

Performance outcomes	Acceptable outcomes
All flood hazard areas	
<p>PO1 Development prevents the carriage or dispersal of contaminants or pollutants into the receiving environment.</p>	<p>AO1 The processing or storage of <i>dangerous goods</i> or <i>hazardous materials</i> is:</p> <ul style="list-style-type: none"> (a) not undertaken in a flood hazard area on Flood Hazard Overlay Map OM-007; or (b) is located above the <i>defined flood level</i>; and (c) designed to prevent the intrusion of floodwaters.
Significant flood hazard area, Low flood hazard area or Potential flood hazard area	
<p>PO13 Development is located and designed to:</p> <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; 	<p>Where for Material Change of Use or Building Work AO13.1 <i>Buildings</i>, including extensions to existing <i>buildings</i> are:</p> <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

<p>(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>;</p> <p>(e) reduce the carriage of debris in flood waters;</p> <p>(f) reduce property damage; and</p> <p>(g) provide road access to <i>buildings</i> above the level of the 1% AEP flood level.</p> <p><i>Note - where the development is located in a Potential flood hazard area as identified on Flood Hazard Overlay Map OM-007, and there is no defined flood level, a hydraulic (flood hazard assessment) report prepared by a RPEQ is required in substantiation of a Performance Solution. Alternatively, the defined flood level from an adjacent representative hazard area may be used if deemed appropriate by Council.</i></p>	<p>not exceed a depth of 600mm.</p> <p>OR</p> <p>AO13.2 <i>Where for business activities or industry activities buildings the minimum floor level supporting the following elements of the development must be located above the defined flood level:</i></p> <p>(a) administrative areas;</p> <p>(b) services, plant and equipment associated with the <i>building</i>.</p> <p>Editor's Note - AO13.2 accepts that the cost of flood impact is an operational cost of the <i>business activity</i> or <i>industry activity</i>.</p> <p>Editor's Note - Businesses should ensure that they have the necessary continuity plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</p> <p>Editor's Note - The relevant building assessment provisions under the Building Act 1975 apply to all building work within the Flood Hazard Area and need to take account of the flood potential within the area.</p>
<p>Planning Comment</p>	
<p>The site is identified as being affected by the Potential flood hazard area. Anecdotal information from historical floods suggests the subject land is not subject to flooding. Notwithstanding this, potential contaminants/pollutants will be suitably located and/or managed to ensure they are not dispersed during flood events. The development is also setback in excess of 66m from Wallaby Creek and is therefore not expected to significantly impact on the hydrological function of the area.</p> <p>Buildings are also located at the highest part of the site, clear and direct pedestrian and vehicle access is provided to the D'Aguilar Highway.</p> <p>Furthermore, the premises will be operated to ensure risk to people and property and the carriage of debris in to floodwaters is suitably managed during potential flood event.</p> <p>Council has set a Defined Flood Event level for the property as 124.0m AHD. As such, floor heights for all non-habitable buildings have been conditioned to be constructed at a minimum at the level of the Defined Flood Event. Any hazardous, noxious material, or chemicals are also required to be located and stored above the Defined Flood Event.</p>	

Infrastructure overlay code

Performance outcomes	Acceptable outcomes
Highways and main roads	
<p>P05 <i>Development</i> is located, designed and constructed to ensure that noise from <i>Highways and Main roads</i> do not adversely affect:</p> <p>(a) the development's primary function; and</p> <p>(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.</p>	<p>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.</p>
Planning Comment	
<p>The storage area/container structures are located within 4.796m of the property boundary adjoining the highway. However, the main shed and administration building are located approximately 27.8m from this boundary. The location of the highway in relation to the buildings will not impact the development's primary function, noting that it is strategically located with direct access to this transport corridor. Therefore, the nature of the use, location of the primary building, and the provision of existing vegetation to the road frontage will ensure the wellbeing of occupants and will not be unreasonably interfered by road traffic noise.</p> <p>The proposed development is for an industrial use and does not involve sensitive land uses. Therefore, it is considered the highway will not affect or alter the function of the development or vice versa.</p>	

Scenic amenity overlay code

Performance outcomes	Acceptable outcomes
Buildings with a scenic route section	
<p>P01 <i>Development</i> within a <i>scenic route section</i> buffer identified on the Scenic amenity overlay maps OM012a-b:</p> <p>(a) retains existing vegetation and incorporates landscaping to visually screen and soften built form elements, whilst not impeding distant views or view corridors from the <i>scenic route section</i>;</p> <p>(b) incorporates building materials and external finishes that are compatible with the visual amenity and the landscape character of the <i>scenic route section</i>; and</p> <p>(c) minimises visual impacts on the <i>scenic route section</i> in terms of:</p>	<p>AO1.3 <i>Buildings</i> do not exceed 8.5 metres or 2 storeys in height.</p> <p>AND</p> <p>AO1.4 <i>Buildings</i> or <i>structures</i> within a <i>scenic route section</i> buffer identified on the Scenic amenity overlay maps OM012a-b are setback a minimum of 100 metres from the scenic route.</p>

<ul style="list-style-type: none"> (i) building setbacks; (ii) the scale, height and setback of buildings; (iii) the extent of earthworks and impacts on the landform including the location and configuration of roads and driveways; and (iv) the scale, extent and visual prominence of advertising devices (billboard). 	
Planning Comment	
<p>The buildings and structures associated with the development are located within the 100m setback buffer area. The development site will maintain the existing vegetation strip located along the frontage of the site which provides sufficient screening of the proposed development from the identified scenic route.</p>	
<p>It is also considered the scale of the shed and outbuildings are of a similar scale to sheds commonly found in the rural area.</p>	
<p>1.8m high colorbond fences have also been proposed along the frontage of the site and both the eastern and western boundaries. Conditions have been included requiring the applicant to lodge an operational works application for landscaping of the site.</p>	

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 Stormwater/Drainage

A condition has been included requiring stormwater is to be delivered to a legal point of discharge and designed in accordance with the Queensland Urban Drainage Manual.

As the development is not located within the Urban Footprint as identified by the SEQ Regional Plan, there is no associated infrastructure charge for the proposed development.

6.3 Transport network

The proposed development is not considered to unreasonably burden upon local transport networks. Infrastructure charge is applicable for the proposed development within the region.

6.4 Parks and Open Space

There is no associated infrastructure charge for development of this type within the region.

6.5 Infrastructure Charges

Under the Somerset Regional Council Infrastructure Charges Schedule No.1 (2017), Transport depot and Low impact industry is identified as an Industry. The only applicable charge for Industry is transport network. An Infrastructure Charges Notice has been provided at Attachment 4.

6.6 Environment

The proposed development will not result in environmental degradation.

6.7 Heritage

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

6.8 Water Supply

The subject site is located outside the reticulated water network, as such the development would be required to provide sufficient potable water. If approved, an appropriate condition would be included.

6.9 Sewerage

The subject site is located outside the reticulated sewer network. The applicant has proposed a holding tank will be installed and when required, will be removed and disposed off-site. If approved, an appropriate condition would be included.

7.0 PUBLIC NOTIFICATION

As the development was an impact assessable development application, public notification is required by the legislation. The public notification period began on the 21 March 2019 and finished on 12 April 2019.

During this period, a total of three submissions were received in relation to the proposed development. Two submissions were from the public whilst the third submission was from the Advice Agency Seqwater.

Broadly, the submissions raised matters which can broadly be divided into 9 different matters. These matters are:

1. Impact on the visual amenity of the rural area;
2. Shed installation;
3. Occupant amenities;
4. Noise impact;
5. Storage of Chemicals and other Dangerous Goods;
6. Stormwater drainage;
7. Access;
8. Setback from Wallaby Creek; and
9. Potential flooding affecting the development.

Matter 1: Impact on the visual amenity of the area

Concerns have been raised regarding the development's impact on the visual amenity of the area.

Officer Comment:

The proposed development will be conditioned to have the following landscaping to protect the visual amenity of the area.

- A landscaping plan prepared by a suitably qualified person is to be submitted to Council;
- Landscaping is to be provided and maintained along the eastern and western boundaries of the site. A 10 metres riparian vegetation buffer zone for the southern boundary to Wallaby Creek is to be provided as well;
- To assist in screening of the development, quick growing vegetation along both side boundaries are to be used;
- The landscaping screen incorporates both local endemic vegetative species and koala habitat trees and the landscape buffer areas are not to affect the function of the development; and

- Koala exclusion fence must be located to exclude koalas from the development. The fence is to be located between the use and landscaping areas.

Matter 2: Shed Installation

Concerns have been raised regarding the shed currently erected is in no way similar to the shed approved under DA16487.

Officer Comment:

This development application is separate to the development approval DA16487. Council assesses all application with their individual merits.

Matter 3: Occupant amenities

Concerns have been raised regarding that only 1 onsite portable toilet will be installed for the development and no showers are provided for employees on-site and for emergency. The submitter believes a minimum system similar to that approved for a Dwelling house should be installed, and that other similar facilities in the vicinity have had to install these type of facilities.

Officer Comment:

It is considered the proposed toilet facility is adequate for the development. A condition has been included requiring the toilet facility to be connected to an on-site sewer treatment system complying with the relevant Seqwater Guideline.

Matter 4: Noise impact

Concerns have been raised regarding the noise impact to the surrounding residents from the development, namely the use of power generator and powered and manual tools.

Officer Comment:

The hours of operation for the development will be restricted to the following:

- Monday to Friday: 7am to 5:30pm;
- Saturday: 7am to 3pm;
- Sunday/Public holidays: No operation.

The applicant has stated that all operation of tools will be contained within the shed and the noise levels expected to be generated from the use are considered to be consistent with those generated by surrounding rural properties frequently using large machinery.

In addition, the power generator is only required for the use of the hoist, compressor and welder. It is estimated that this requires use of the generator for approximately 1 hour a day and it is noted that sometimes the use of the generator is not required at all. The development otherwise uses solar power. As such, the use of tools and the power generator will be limited to the operating hours as conditioned above.

A condition has been included requiring that noise emissions from the development must not result in levels greater than specified in the Noise Schedule. Further the approval holder must submit a Noise Impact Assessment Report and implement all noise attenuation measures recommended in the Noise Impact Assessment Report to achieve the maximum noise levels specified noise limits.

Matter 5: Storage of Chemicals and other Dangerous Goods

Concerns have been raised regarding the storage of chemicals and other dangerous goods on-site.

Officer Comment:

The applicant has proposed all chemicals and potential contaminants are stored in bunded areas, with the wash down area also be fully bunded with a separator installed to ensure contaminated water is not released. Fuel is also appropriately stored in a fuel trailer. All storage of dangerous goods and hazardous materials will also be conditioned to be located above the defined flood level and designed to prevent the intrusion of floodwaters.

Matter 6: Stormwater drainage

Concerns have raised regarding the stormwater drainage of the site. Specifically, that the current situation during heavy rain events, stormwater flows from the northern side of D'Aguilar Highway, into a drain then discharged to Wallaby Creek from the newly constructed diversion drain. Flow into Wallaby Creek is then from an approximately 5 to 6 metre high bank and flows unabated down the bank into the creek. This may cause long term erosion to the bank and possible movement of the bank.

Further, there are currently no facilities on-site to stop any contaminants to flow directly into Wallaby Creek.

Officer Comment:

The Site Based Management Plan submitted as part of the application provided a specific assessment of potential stormwater impacts and provides mitigation measures such as the installation of vegetated drains to assist with sediment removal and the separation of stormwater and greywater. A condition will be included requiring the applicant to submit a Site-Based Stormwater Management Plan and Erosion and Sediment Control Plan prepared by a registered RPEQ to Council at once and carry out any works require by the Plan.

Matter 7: Access

Concerns have raised regarding the access of the site, in particular the sight distance to the nearby driveway and Himstedts Road.

Officer Comment:

As the site is accessed from D'Aguilar Highway, a State controlled road, the application was referred to the State for assessment as required. The State has reviewed and approved the application with conditions and requested Council to include it with the Decision Notice, if approved by Council.

Matter 8: Setback from Wallaby Creek

Seqwater requested Council to include a condition, should the development be approved, that all buildings, parking areas, vehicular movement areas, wash down bay, chemical storage and wastewater infrastructure to be setback a minimum 100m to Wallaby Creek and that the Site Based Management Plan must be amended to reflect the above setback requirement.

Officer Comment:

The following condition is recommended to replace the above requested condition:

Provide and maintain a 10 metre riparian vegetation buffer zone to Wallaby Creek.
Conduct rehabilitation of the Wallaby Creek with local endemic riparian vegetation.

Matter 9: Potential flooding affecting the development

Seqwater has requested Council to include a condition, should the development be approved, all buildings, parking areas, vehicular movement areas, washdown bay, chemical storage and wastewater infrastructure to be located above the flood level of 124m AHD.

Officer Comment:

The following condition to be included in the Decision Notice:

The current Defined Flood Event (DFE) for Lot 5 on RP15002 is 124.0m elevation level and the following must be achieved:

- Floor heights for 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 sewers 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);
- Any filling below the DFE will be in accordance with an approved flood study.

8.0 STATE AGENCY REFERRALS

8.1 Concurrence Agency – State Assessment and Referral Agency

The State Assessment and Referral Agency, as the concurrence agency has assessed the impact of the proposed development on the state controlled road network and requires Council to include the referral agency response in Council's Schedule of Approval for the development application, if approved by Council. The reference response is reference as 1806-5665 SRA and dated 16 October 2018. Refer to Attachment 2 and Schedule 4 of the recommended conditions.

8.2 Third Party Advice Agency – Seqwater

Seqwater, as the Third Party Advice Agency, as the Third party advice agency has assessed the impact of the proposed development on water quality in the drinking water catchment, being located in the Water Resource Catchment for the Brisbane River, which supplies Lake Wivenhoe. Seqwater has recommended conditions be imposed addressing the agency's concern, if approved by Council. It is noted that not all conditions recommended by the agency has been included in the Schedule of Approval. Seqwater's response is reference as F18/1059 and dated 5 April 2019. Refer to Attachment 3 and Schedule 5 of the recommended conditions.

9.0 CONCLUSION

The application is for a Transport depot and Low impact industry currently operated by a civil contractor engineering company. The development complies with the relevant acceptable outcomes of the assessment benchmarks and alternative solutions have been provided satisfying relevant performance outcomes. Conditions have been included in the Decision Notice to ensure the development can be carried out generally in accordance with the approved plans and documents, and mitigate any impacts created by the development to surrounding properties.

10.0 ATTACHMENTS

1. Proposed Plans of Development, Design and Prepared by J.D.T. at Martin Building Design, Job No.: 00014/18, Issue D, Pages 1 to 9, Dated on 22 February 2018.
2. State Assessment and Referral Agency Decision Notice, Reference as 1806-5665 SRA, Dated 16 October 2018.
3. Seqwater Advice Agency Submission, Reference as F18/1059, Dated 5 April 2019.
4. Draft Infrastructure Charges Notice.

RECOMMENDED DECISION

THAT Council approve the Development Application No. DA17669 for a Material Change of

Use for a Development Permit for a Transport Depot and Low Impact Industry on land described as Lot 5 on RP15002 and situated at D'Aguilar Highway, Moore 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. Proposed Plans of Development, Design and Prepared by J.D.T. at Martin Building Design, Job No: 00014/18, Issue D, Pages 1 to 9, Dated on 22 February 2018. Site Based Management Plan, Prepared by M.L.D. at Range Environmental Consultants, Project No: J000043, Version 1, Dated 14 March 2018.	At all times
1.2	Comply with relevant provisions of the Somerset Region Planning Scheme; Planning Scheme Policies and Local Laws.	At all times
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	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 approved Material Change of Use of this site is for the purpose of Transport depot and Low impact industry (Civil engineer contractor), and may include any ancillary activities, where these activities remain incidental to and necessarily associated with the approved industrial activities of all time.	At all times
1.8	If required, building works and plumbing and drainage works approvals must be gained.	Before the commencement of use
1.9	Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a Building Works approval.	At all times
1.10	The development must be maintained in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.	At all times

	Hours of Operations	
1.11	<p>The hours of operation for the development is limited to:</p> <ul style="list-style-type: none"> Monday to Friday: 7am to 5:30pm; Saturday: 7am to 3pm; and Sunday/Public holidays: No operation. <p><i>Note: Operating outside of these hours are for emergency repairs and to collect spare parts etc. only.</i></p>	At all times
	Security lighting	
1.12	<p>Install and maintain a suitable system of security lighting to operate from dusk to dawn within all areas where the public may gain access, including car parking areas, building entrances and vegetated areas. Ensure that all external lighting is in accordance with Australian Standard - AS4282- Control of the Obtrusive Effects of Outdoor Lighting so as not to cause nuisance to nearby residents or passing motorists or adversely impact on the adjoining Boondall Wetlands. Lighting must be directed to minimise light spillage outside of the site boundary. Ensure lighting over publicly accessible pathways covered by permanent awnings is in accordance with Australian Standard - AS/NZS 1158.3.1 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. Lighting must be maintained by the owner of the building in a safe and good working order.</p>	At all times
1.13	<p>Limit the area of any Office to the area shown on the approved drawings and documents. This area is to remain at all times ancillary to the approved Transport depot/Low impact industry use on site. The ancillary Office areas are to serve an administrative function for the approved use on site.</p>	At all times
	Air pollution	
1.14	<p>No spray-painting or other surface coating activities, which would involve an air emission, are permitted.</p>	At all times
	Noise pollution	
1.15	<p>The power generator is only to be used for:</p> <ul style="list-style-type: none"> The hoist; The compressor; and Welder. <p>These tools are only to be used during hours of operations only.</p>	At all times
	Spillage	
1.16	<p>Appropriate materials and equipment are to be available on site at all times to contain and clean up spills of potentially polluting materials. An inventory of all clean up and containment materials and equipment, and documented emergency response and clean up procedures must be kept</p>	At all times

	on site.	
	Building classification	
1.17	Review and if required, obtain Building Approvals for the change of classification for all existing structures.	Prior to commencement of use
	Landscape buffering	
1.18	Lodge an operational works application for the landscaping prepared by a suitably qualified person to Council in accordance with Conditions 1.18 to 1.22.	Prior to commencement of use
1.19	To assist in screening of the development from adjoining properties, the applicant must plant quick growing vegetation along both side boundaries.	Prior to commencement of use and at all times
1.20	Landscaping is to be provided and maintained along the eastern and western boundaries of the site and a 10 metres riparian vegetation buffer zone for the southern boundary to Wallaby Creek.	Prior to commencement of use and at all times
1.21	Plant a continuous landscaping screen incorporating local endemic vegetative species and koala habitat trees. The landscape buffer areas are not to affect the function of the development.	Prior to commencement of use and Maintained at all times
1.22	Provide and maintain a 10 metre riparian vegetation buffer zone to Wallaby Creek. Conduct rehabilitation of the Wallaby Creek with local endemic riparian vegetation.	Prior to commencement of use and Maintained at all times
1.23	A landscape plan showing the locations of the quick growing screens within the landscaping area is to be submitted to Somerset Regional Council for approval prior to the undertaking of planting.	Prior to commencement of use
1.24	Planting requirements: <ul style="list-style-type: none"> (a) Planting must be composed of locally native trees which are likely to grow to a height which will assist in screening the development from adjoining neighbours. (b) Tree species be selected to be of bushy growth habit and include low branching varieties in order to provide quick screening; (c) Plant sizes at time of planting to be of at least 75mm tube stock for the trees; (d) Incorporate koala habitat trees; and (e) Incorporate appropriate earth mounds to help with the provision of landscaping along the eastern and western boundaries, if possible. 	Prior to commencement of use
1.25	Landscape Specifications:	Prior to commencement of

	<p>(a) The following information must be contained within the landscape plan:</p> <ul style="list-style-type: none"> (i) Soil preparation for tree planting (ie. Rip lines or individual hole preparation); (ii) Planting procedures; (iii) Irrigation (type of proposed irrigation systems or water regimes to establish and maintain planted vegetation); (iv) Mulching and tree guards (type of mulch proposed, application depths and type of tree guard); and (v) Landscape maintenance (outlining maintenance tasks and minimum standards for establishment of landscaping works for a minimum period for 12 months). 	use
1.26	Koala exclusion fence must be located to exclude koalas from the development. The fence is to be located between the use and landscaping areas.	At all times
	Fuel Storage Area	
1.27	Fuel is appropriately stored in a registered fuel trailer or in a self-bunded aboveground tank.	At all times
	Dust suppression	
1.28	<p>As per the approved Site Plan, Reference as Job No. 0014/18, Sheet 2, Issue D, areas with high traffic/use, including the site entry, office entry, carparks and driveway servicing the carparks are provided with a sealed surface.</p> <p>Areas with low traffic/use, including the rear of the machinery shed are provided with an impervious hardstanding area. An irrigation system is to be installed around this area to mitigate any dust impacts.</p>	At all times
	Storage of Dangerous Goods and Hazardous Chemicals	
1.29	<p>As per the approved Site Plan, Reference as Job No. 0014/18, Sheet 1, Issue D, dangerous goods/hazardous chemicals are stored on-site in the northernmost container.</p> <p>Maintain a Hazardous Material Register and Control Procedure to ensure proper management and storage of dangerous goods/hazardous chemicals. The container is also appropriately labelled, locked and installed with bunds.</p>	At all times
1.30	Maintain adequate storage areas for potential liquid contaminants such as paints, thinners, cleaning solvents, detergents and oils to prevent contaminated washdown waters and material from entering waterways, soil or ground water.	At all times
	Staff amenities	
1.31	Provide and maintain an on-site toilet. The toilet is to be	At all times

	connected to an on-site effluent disposal system that is compliance with the relevant Australian and Element 1 of the <i>Seqwater Development Guidelines – Development Guidelines for Water Quality Management in Drinking Water Catchments</i> .	
	When required, remove and dispose off-site by an accredited and suitable contractor.	
1.32	Provide a potable water supply on-site for staff.	At all times
	Wash down bay	
1.33	Construct the Wash down bay as per the approved Shed, Office Floor Plan, Reference as Job No. 0014/18, Sheet 4, Issue D. The Wash down bay is to be concreted and fully bunded. The collected greywater is to be collected and directed to a separator to be treated. The system must be design by a licenced contractor. A diversion is also to be constructed on the slab to ensure rainwater is appropriately separated and diverted to approved drains/landscaped areas.	Prior commencement of use
	Advertising devices	
1.34	Advertising devices are to be in accordance with Somerset Regional Council Subordinate Local Law 1.4 – Installation of Advertising Device 2011 (or as amended).	At all times
	Refuse bulk bin storage	
1.35	The bulk bin storage points must complying with the following: <ul style="list-style-type: none"> • Provided on the premises within a building, outbuilding or other enclosed structure so that is adequately screened by a minimum 1.5 metres high solid fence or wall from public view, neighbouring properties, and be adequately landscaped or integrated within the building design; • Not located near habitable areas on-site, office, indoor communal area and outdoor recreation area; • Location of bins are to be free of obstructions at all times (i.e. not behind car parking spaces or landscaping area); • Bulk bin storage areas are located at the same grade as the internal driveway; and • Bulk bin storage areas are impervious and provided with a drain and hose connection, and be cleaned frequently. 	At all times
1.36	Provide Waste Collection Areas in such locations so as to allow a servicing vehicle to enter and manoeuvre, so as to minimize the risk of injury to persons or damage to property, and leave the property in forward gear.	Prior to commencement of use

	Wastewater storage	
1.37	All wastewater collected and must be removed from site at regular intervals.	At all times
	Site Based Management Report	
1.38	Carry out and maintain generally in accordance with all "Key Mitigation Measures" and "Environmental Management" as required by the Site Based Management Report.	At all times
SCHEDULE 2 – Engineering		
<i>Assessment Manager</i>		
No	Condition	Timing
	Engineering	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work
2.2	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> Plans and specifications must be prepared and certified with the Operational Work application. Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 	Prior to the submission of Operational Works application
2.3	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
2.4	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
	Building above Flood Level	
2.5	The current Defined Flood Event (DFE) for Lot 5 on RP15002 is 124.0m elevation level and the following must be achieved: <ul style="list-style-type: none"> Floor heights for 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 	At all times

	<p>designed and constructed to withstand submergence in the flood water.</p> <ul style="list-style-type: none"> 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). Any filling below the Defined Flood Level (DFL) will be in accordance with an approved flood study. 	
	Earthworks	
2.6	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organization.	At all times
2.7	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times
2.8	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times
	Vehicle access	
2.9	All vehicular access shall provide convenient and safe access and egress from the site.	At all times
2.10	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary.	At all times
2.11	All vehicles shall enter and leave the site in a forward gear	At all times
	Car parking	
2.12	<p>Provide on-site car parking for nine (9) vehicles, including one (1) space for disabled persons.</p> <p>All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890, <i>Somerset Regional Council Design Standards</i> and in general accordance with the approved plans.</p>	Prior to commencement of use
2.13	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as gravel, concrete, bitumen or pavers in accordance with Australian Standards and in general accordance with Drawing 00014/18 revision D, Site Plan Areas, prepared by Martin Building Design, and dated 22 February 2018.	At all times
	Visual and General Amenity	
2.14	Any graffiti within the proposed development must be removed immediately.	At all times
2.15	All plant and air conditioning is to be visually screened from	At all times

	the street.	
	Stormwater	
2.16	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.17	Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer Queensland (RPEQ), which generally conforms to the approved development plan/s and <i>Somerset Regional Council Development Standards</i> .	Prior to commencement of use
2.18	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	At all times
	Erosion and Sediment Control	
2.19	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
2.20	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project, and to prevent dust nuisance.	At all times
2.21	Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ). Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	As part of the lodgement of the Operational Works application
2.22	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	At all times
2.23	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times

SCHEDULE 3 – Environmental		
<i>Assessment Manager</i>		
No	Condition	Timing
3.1	<p>All buildings, structures, fittings, fixtures and grounds forming part of this development approval must be maintained –</p> <ul style="list-style-type: none"> ▪ In a serviceable condition; and ▪ In a state of good repair and efficient action; ▪ In a clean, sanitary condition; ▪ Free of accumulated disused materials; and ▪ Free of vermin and pest infestations. 	At all times
3.2	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	Before the change happens
3.3	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	Before the change happens
3.4	<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
3.5	<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. 	Before the Certificate of Classification for the building work is issued
3.6	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any sensitive receptor outside the boundaries of the development site.	At all times
3.7	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance or environmental harm beyond the	At all times

	boundaries of the development site.	
3.8	<p>All general waste produced as part of the operation must be disposed of through either:</p> <ul style="list-style-type: none"> a. The number of standard waste services as determined by Council; or b. A private agreement with a licensed waste disposal contractor through an exemption granted by Council. 	At all times
	Noise	
3.9	The approved development must be carried out by such practicable means necessary to prevent the emission, or likelihood of emission, of noise that constitutes environmental nuisance.	At all times
3.10	<p>In the event of a complaint about noise being made to the administering authority, and that the administering authority considers is not frivolous or vexatious, then the emission of noise from the development site must not result in levels greater than those specified in the Noise Schedule.</p> <p><i>Noise schedule</i></p> <p>Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level $L_{(Amax\ adj, T)}$</p> <ul style="list-style-type: none"> a) Background noise level plus 5 dB(A) 7am to 6pm; b) Background noise level plus 5 dB(A) 6 pm to 10 pm; c) Background noise level plus 3 dB(A) 10 pm to 7 am. <p>Noise Limits at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level $L_{(Amax\ adj, T)}$</p> <ul style="list-style-type: none"> a) Background noise level plus 10 dB(A) 7 am to 6 pm; b) Background noise level plus 10 dB(A) 6 pm to 10 pm; c) Background noise level plus 8 dB(A) 10 pm to 7 am. <p>Component noise must be limited such that the adjusted A-weighted equivalent continuous noise level, $LA_{eq, adj}$, 15 min when measured at any affected noise sensitive place must not exceed:</p> <ul style="list-style-type: none"> a) the background noise level plus 3 dB(A) from 7 am to 6 pm; b) the background noise level plus 3 dB(A) from 6 pm to 10 pm; c) the background noise level plus 0 dB(A) from 10 pm to 7 am. 	At all times
3.11	This development permit does not authorise any emission of noise that results in environmental nuisance or environmental harm to any “noise sensitive place” located beyond the boundaries of the development site.	At all times

3.12	When required by the administering authority, the approval holder must submit a Noise Impact Assessment Report prepared by a suitably qualified acoustic consultant.	When directed by the administering authority
3.13	Obtain approval from Council for the Noise Impact Assessment Report in accordance with (3.12) above.	Upon completion of 3.12 above
3.14	Implement all noise attenuation measures recommended in the approved Noise Impact Assessment Report in order to achieve the specified noise limits.	Upon completion of 3.13 above
3.15	Provide certification from a suitably qualified person that: <ul style="list-style-type: none"> a) The above attenuation measures have been installed / implemented in accordance with the specifications of the approved Noise Impact Assessment Report; and b) The development achieves the noise levels specified in the approved Noise Impact Assessment Report. 	Upon completion of 3.14 above
3.15	For the purposes of checking compliance with conditions of the noise schedule, monitoring and recording the noise levels from the approved development must be undertaken for at least the following descriptors, characteristics and conditions: <ul style="list-style-type: none"> i. $L_{Amax, Adj T}$ ii. $L_{A_{bg, T}}$ (or $L_{A90, T}$); iii. $L_{AN, T}$ (where N equals statistical levels of 1, 10, 50, 90 and 99); iv. $Max L_{pA T}$; v. $L_{Aeq, T}$; vi. The level and frequency of occurrence of impulsive or tonal noise; vii. Atmospheric conditions including temperature, relative humidity and wind speed and direction; and viii. Effects due to extraneous factors such as traffic noise. 	At all times
3.16	Procedures for assessing, measuring and reporting on noise levels must have regard to, and comply with, in so far as they are relevant, the <i>Environmental Protection (Noise) Policy 2008</i> (or as amended) and the method of measurement and reporting of noise levels as detailed in the Department of Environment and Heritage Protection's Noise Measurement Manual, fourth edition, August 2013, or more recent additions or supplements to that document as they become available. Where these documents may be contradicting, then the <i>Environmental Protection (Noise) Policy 2008 (or as amended)</i> shall have precedent.	At all times
3.17	The method of measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.	At all times

	Air	
3.18	No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the Premises.	At all times
	Light	
3.19	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any other premises outside the boundaries of the property to which this development permit relates.	At all times
3.20	<p>The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:</p> <ul style="list-style-type: none"> • Not causing nuisance by way of light spill or glare at adjacent properties and roadways. • Providing graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land. • Directing lighting onto the subject land and away from neighbouring properties. • Using shrouding devices to preclude light overspill onto surrounding properties where necessary. • Not operating lighting that uses sodium lights or flare plumes. 	At all times
3.21	<p>External lighting shall be provided to ensure safety of the users of the development by:</p> <ul style="list-style-type: none"> • Providing Lighting that is designed, installed and regulated in accordance with the parameters outlined in <i>Australian Standard AS 1158</i> • The use of vandal resistant lighting in public or publicly accessible areas. <p><i>Note: All lighting provided for safety and security purposes must also consider its impact on surrounding land uses and in accordance with the Outdoor Lighting Impact Mitigation Conditions must be designed, sited, installed and tested to comply with Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.</i></p>	At all times
	Water	
3.22	<p>Contaminants or contaminated water must not be directly or indirectly released from the premises or to the ground or groundwater at the premises except for:</p> <ul style="list-style-type: none"> a) Uncontaminated overland stormwater flow; b) Uncontaminated stormwater to the stormwater system; c) Contaminants lawfully released to sewer; or d) A release in accordance with a condition of this development approval. 	At all times

3.23	Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.	At all times
3.24	Cleaning of vehicles and equipment must be carried out in a designated washdown bay where contaminants cannot be released into stormwater drainage, a roadside gutter, waters or onto unsealed ground.	At all times
3.25	Any spillage of contaminants must be cleaned up immediately by a method other than hosing or otherwise releasing the contaminants into stormwater drainage, a roadside gutter, waters or onto unsealed ground.	At all times
3.26	Contaminants must be stored in such a manner to prevent contact with incident rainfall and overland flow of stormwater.	At all times
3.27	All work on vehicles and machinery is to be conducted inside the main shed in such a manner to prevent the release of contaminants to the environment.	At all times
	Nuisance	
3.28	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance to any premises beyond the boundaries of the development site.	At all times
	Definitions	
	“ Adjusted Maximum Sound Pressure Level ,” means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using fast response.	
	“ Background Noise Level ,” means the LA90, T being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than fifteen (15) minutes using fast response.	
	“ Commercial place ” means a place used as an office or for business or commercial purposes.	
	“ Contaminant ” can be:	
	<ul style="list-style-type: none"> a) a gas, liquid or solid; or b) an odour; or c) an organism (whether alive or dead), including a virus; or d) energy, including noise, heat, radioactivity and electromagnetic radiation; or e) a combination of contaminants. 	
	“ Environmental harm ” is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.	
	“ Noise sensitive place ” means any of the following places:	

	<div>a) a dwelling;</div> <div>b) a library, childcare centre, kindergarten, school, college, university or other educational institution;</div> <div>c) a hospital, surgery or other medical institution;</div> <div>d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the <i>Nature Conservation Act 1992</i>;</div> <div>e) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.</div>	
<div>SCHEDULE 4 – REFERRAL AGENCY</div> <div>Department of State Development, Manufacturing, Infrastructure and Planning – State Assessment and Referral Agency</div> <div><i>Concurrence Agency Response</i></div> <div><i>Agency Response: Recommend Conditions Apply</i></div>		
<div>Pursuant to section 62 of the <i>Planning Act 2016</i>, the Assessment Manager must, other than to the extent a referral agency’s response provides advice, comply with the all referral agency responses and include conditions exactly as stated in the response.</div>		
<div>The Department of State Development, Manufacturing, Infrastructure and Planning, as a Concurrence Agency, has assessed the impact of the proposed development in regards to the state controlled road.</div>		
<div>Concurrence Agency response dated 16 October 2018 and referenced as 1806-5665 SRA.</div>		
<div>Concurrence Agency response will be attached to Council’s Decision Notice for DA17669.</div>		
<div>SCHEDULE 5 – REFERRAL AGENCY</div> <div>Seqwater</div> <div><i>Advice Agency Response</i></div> <div><i>Agency Response: Recommend Conditions Apply</i></div>		
<div>Pursuant to 34.1 of the <i>Development Assessment Rules</i>, the Assessment Manager may within the limits of its jurisdiction, ask any third party for third party advice about the application.</div>		
<div>Seqwater as an Advice Agency has assessed the impact of the proposed development to the drinking water catchment and has recommended the following conditions to be imposed to address their concerns.</div>		
5.1	<div>A Site-Based Stormwater Management Plan and Erosion and Sediment Control Plan must be prepared by a registered RPEQ and be submitted to Council.</div>	<div>As part of the lodgement of the Operational Works application</div>
5.2	<div>All parking areas, vehicular movement areas and driveway must have either gravel or concrete surfaces and be reflected in the stormwater management plan. A fully sealed impervious surface must be provided for chemical and waste storage areas, including the vehicular washdown and maintenance area.</div>	<div>At all times</div>

5.3	Bunding and appropriate drainage to a sealed receptacle must be provided for the vehicle washdown bay, maintenance shed, chemical storage area, spent chemical drum storage area and pump-out tank (which must incorporate a small spillage well).	At all times
5.4	All hazardous material recovered from drainage collection areas, chemical and wastewater storage area and any other bunded areas must be stored appropriately and disposed of regularly at scheduled intervals by a licensed contractor and at a registered off-site facility.	At all times
5.5	Supply a pvc 'overflow'; tank which wastewater could be pumped to if the holding tank reaches 75% or more capacity.	At all times
5.6	The camlock fitting for the holding tank suction pipe must be equipped with a small spillage well.	At all times
5.7	Removal of wastewater from site must be undertaken by an approved septage carrier prior to reaching 75% capacity.	At all times
5.8	The pump out tank and all inlets/outlets and fixtures must be inspected by a suitable qualified professional in accordance with the manufacture's specifications and at every two years. Where defects are identified, they must be rectified as soon as reasonable/practicable.	At all times
5.9	The toilet available on-site must be kept in a clean and tidy conditions at all times.	At all times
5.10	As described in the Site –Based Management Plan (prepared by Range Environmental Consultants, dated 14 March 2018, wastewater from the vehicle washdown bay must be captured and not released to the site. A filtration/treatment system may be used to enable re-use of the water in a closed system (where treated to applicable standards.	At all times

SCHEDULE 6 – ADVICE

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

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

The *Planning Act 2016* provides for a person to make a change to this development application outside the 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 development only. Any additional structures proposed may require their own planning approval and will be assessed on its own merits.

This approval has effect in accordance with the provisions of section 71 of the ***Planning Act 2016***. *[A copy of section 71 will be enclosed with the Decision Notice].*

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

Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.

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

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

All due diligence and reasonable precautionary measures are to be undertaken before 'any activity' may harm Aboriginal Cultural Heritage on the site.

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

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

Construction hours are 6:30am to 6:30pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Noise levels from construction work shall at all times comply with the requirements of the Environmental Protection Act 1994.

A register of contaminated land sites is maintained by the Queensland State government. As Council is not the custodian of the State Contaminated Site Register, it is recommended that persons interested in this information to contact the relevant State department on 13Q GOV (137 468) or email WLCA@ehp.qld.gov.au, or alternatively search the register at <https://www.qld.gov.au/environment/pollution/management/contaminated-land/register/search-registers>.

Unless otherwise approved by Council, hours of operation are 7am to 6:30pm Monday to Friday, 7am to 3pm Saturday, with no audible noise permitted on Sundays or public holidays. Work or business which causes audible noise shall not be conducted from or on the site outside the above hours.

Attachments for the Decision Notice include:

- Proposed Plans of Development, Design and Prepared by J.D.T. at Martin Building Design, Job No: 00014/18, Issue D, Pages 1 to 9, Dated on 22 February 2018.
- Site Based Management Plan, Prepared by M.L.D. at Range Environmental Consultants, Project No: J000043, Version 1, Dated 14 March 2018.

Resolution

Moved – Cr Hall

Seconded – Cr Choat

“THAT Council approve the Development Application No 17669 for a Material Change of Use for a Development Permit for a Transport Depot and Low Impact Industry on land described as Lot 5 on RP15002 and situated at D’Aguilar Highway, Moore 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. Proposed Plans of Development, Design and Prepared by J.D.T. at Martin Building Design, Job No.: 00014/18, Issue D, Pages 1 to 9, Dated on 22 February 2018. Site Based Management Plan, Prepared by M.L.D. at Range Environmental Consultants, Project No: J000043, Version 1, Dated 14 March 2018.	At all times
1.2	Comply with relevant provisions of the Somerset Region Planning Scheme; Planning Scheme Policies and Local Laws.	At all times
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	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 approved Material Change of Use of this site is for the purpose of Transport depot and Low impact industry (Civil engineer contractor), and may include any ancillary activities, where these activities remain incidental to and necessarily associated with the approved industrial activities of all time.	At all times

1.8	If required, building works and plumbing and drainage works approvals must be gained.	Before the commencement of use
1.9	Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use. Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a Building Works approval.	At all times
1.10	The development must be maintained in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.	At all times
Hours of Operations		
1.11	<p>The hours of operation for the development is limited to:</p> <ul style="list-style-type: none"> Monday to Friday: 7am to 5:30 pm; Saturday: 7am to 3pm; and Sunday/Public holidays: No operation. <p><i>Note: Operating outside of these hours are for emergency repairs and to collect spare parts etc. only.</i></p>	At all times
Security lighting		
1.12	Install and maintain a suitable system of security lighting to operate from dusk to dawn within all areas where the public may gain access, including car parking areas, building entrances and vegetated areas. Ensure that all external lighting is in accordance with Australian Standard - AS4282- Control of the Obtrusive Effects of Outdoor Lighting so as not to cause nuisance to nearby residents or passing motorists or adversely impact on the adjoining Boondall Wetlands. Lighting must be directed to minimise light spillage outside of the site boundary. Ensure lighting over publicly accessible pathways covered by permanent awnings is in accordance with Australian Standard - AS/NZS 1158.3.1 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. Lighting must be maintained by the owner of the building in a safe and good working order.	At all times
1.13	Limit the area of any Office to the area shown on the approved drawings and documents. This area is to remain at all times ancillary to the approved Transport depot/Low impact industry use on site. The ancillary Office areas are to serve an administrative function for the approved use on site.	At all times
Air pollution		
1.14	No spray-painting or other surface coating activities, which would involve an air emission, are permitted.	At all times

	Noise pollution	
1.15	<p>The power generator is only to be used for:</p> <ul style="list-style-type: none"> • The hoist; • The compressor; and • Welder. <p>These tools are only to be used during hours of operations only.</p>	At all times
	Spillage	
1.16	Appropriate materials and equipment are to be available on site at all times to contain and clean up spills of potentially polluting materials. An inventory of all clean up and containment materials and equipment, and documented emergency response and clean up procedures must be kept on site.	At all times
	Building classification	
1.17	Review and if required, obtain Building Approvals for the change of classification for all existing structures.	Prior to commencement of use
	Landscape buffering	
1.18	Lodge an operational works application for the landscaping prepared by a suitably qualified person to Council in accordance with Conditions 1.18 to 1.22.	Prior to commencement of use
1.19	To assist in screening of the development from adjoining properties, the applicant must plant quick growing vegetation along both side boundaries.	Prior to commencement of use and at all times
1.20	Landscaping is to be provided and maintained along the eastern and western boundaries of the site and a 10 metres riparian vegetation buffer zone for the southern boundary to Wallaby Creek.	Prior to commencement of use and at all times
1.21	Plant a continuous landscaping screen incorporating local endemic vegetative species and koala habitat trees. The landscape buffer areas are not to affect the function of the development.	Prior to commencement of use and Maintained at all times
1.22	Provide and maintain a 10 metre riparian vegetation buffer zone to Wallaby Creek. Conduct rehabilitation of the Wallaby Creek with local endemic riparian vegetation.	Prior to commencement of use and Maintained at all times
1.23	A landscape plan showing the locations of the quick growing screens within the landscaping area is to be submitted to Somerset Regional Council for approval prior to the undertaking of planting.	Prior to commencement of use
1.24	Planting requirements:	Prior to commencement of

	<ul style="list-style-type: none"> (a) Planting must be composed of locally native trees which are likely to grow to a height which will assist in screening the development from adjoining neighbours. (b) Tree species be selected to be of bushy growth habit and include low branching varieties in order to provide quick screening; (c) Plant sizes at time of planting to be of at least 75mm tube stock for the trees; (d) Incorporate koala habitat trees; and (e) Incorporate appropriate earth mounds to help with the provision of landscaping along the eastern and western boundaries, if possible. 	use
1.25	<p>Landscape Specifications:</p> <ul style="list-style-type: none"> (a) The following information must be contained within the landscape plan: <ul style="list-style-type: none"> (i) Soil preparation for tree planting (ie. Rip lines or individual hole preparation); (ii) Planting procedures; (iii) Irrigation (type of proposed irrigation systems or water regimes to establish and maintain planted vegetation); (iv) Mulching and tree guards (type of mulch proposed, application depths and type of tree guard); and (v) Landscape maintenance (outlining maintenance tasks and minimum standards for establishment of landscaping works for a minimum period for 12 months). 	Prior to commencement of use
1.26	Koala exclusion fence must be located to exclude koalas from the development. The fence is to be located between the use and landscaping areas.	At all times
	Fuel Storage Area	
1.27	Fuel is appropriately stored in a registered fuel trailer or in a self-bunded aboveground tank.	At all times
	Dust suppression	
1.28	<p>As per the approved Site Plan, Reference as Job No. 0014/18, Sheet 2, Issue D, areas with high traffic/use, including the site entry, office entry, carparks and driveway servicing the carparks are provided with a sealed surface.</p> <p>Areas with low traffic/use, including the rear of the machinery shed are provided with an impervious hardstanding area. An irrigation system is to be installed around this area to mitigate any dust impacts.</p>	At all times
	Storage of Dangerous Goods and Hazardous Chemicals	
1.29	As per the approved Site Plan, Reference as Job No. 0014/18,	At all times

	<p>Sheet 1, Issue D, dangerous goods/hazardous chemicals are stored on-site in the northernmost container.</p> <p>Maintain a Hazardous Material Register and Control Procedure to ensure proper management and storage of dangerous goods/hazardous chemicals. The container is also appropriately labelled, locked and installed with bunds.</p>	
1.30	<p>Maintain adequate storage areas for potential liquid contaminants such as paints, thinners, cleaning solvents, detergents and oils to prevent contaminated washdown waters and material from entering waterways, soil or ground water.</p>	At all times
	Staff amenities	
1.31	<p>Provide and maintain an on-site toilet. The toilet is to be connected to an on-site effluent disposal system that is compliance with the relevant Australian and Element 1 of the <i>Seqwater Development Guidelines – Development Guidelines for Water Quality Management in Drinking Water Catchments</i>.</p> <p>When required, remove and dispose off-site by an accredited and suitable contractor.</p>	At all times
1.32	Provide a potable water supply on-site for staff.	At all times
	Wash down bay	
1.33	<p>Construct the Wash down bay as per the approved Shed, Office Floor Plan, Reference as Job No. 0014/18, Sheet 4, Issue D.</p> <p>The Wash down bay is to be concreted and fully bunded. The collected greywater is to be collected and directed to a separator to be treated. The system must be design by a licenced contractor.</p> <p>A diversion is also to be constructed on the slab to ensure rainwater is appropriately separated and diverted to approved drains/landscaped areas.</p>	Prior commencement of use
	Advertising devices	
1.34	Advertising devices are to be in accordance with Somerset Regional Council Subordinate Local Law 1.4 – Installation of Advertising Device 2011 (or as amended).	At all times
	Refuse bulk bin storage	
1.35	<p>The bulk bin storage points must complying with the following:</p> <ul style="list-style-type: none"> • Provided on the premises within a building, outbuilding or other enclosed structure so that is adequately screened by a minimum 1.5 metres high solid fence or wall from public view, neighbouring properties, and be adequately landscaped or integrated within the 	At all times

	building design; <ul style="list-style-type: none"> • Not located near habitable areas on-site, office, indoor communal area and outdoor recreation area; • Location of bins are to be free of obstructions at all times (ie not behind car parking spaces or landscaping area); • Bulk bin storage areas are located at the same grade as the internal driveway; and • Bulk bin storage areas are impervious and provided with a drain and hose connection, and be cleaned frequently. 	
1.36	Provide Waste Collection Areas in such locations so as to allow a servicing vehicle to enter and manoeuvre, so as to minimize the risk of injury to persons or damage to property, and leave the property in forward gear.	Prior to commencement of use
	Wastewater storage	
1.37	All wastewater collected and must be removed from site at regular intervals.	At all times
	Site Based Management Report	
1.38	Carry out and maintain generally in accordance with all "Key Mitigation Measures" and "Environmental Management" as required by the Site Based Management Report.	At all times
SCHEDULE 2 – Engineering		
<i>Assessment Manager</i>		
No	Condition	Timing
	Engineering	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work
2.2	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> • Plans and specifications must be prepared and certified with the Operational Work application. • Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 	Prior to the submission of Operational Works application
2.3	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
2.4	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

	Building above Flood Level	
2.5	<p>The current Defined Flood Event (DFE) for Lot 5 on RP15002 is 124.0m 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); 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 the 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 (ie to transfer plant, equipment and stock). Any filling below the Defined Flood Level (DFL) will be in accordance with an approved flood study. 	At all times
	Earthworks	
2.6	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organization.	At all times
2.7	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times
2.8	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times
	Vehicle access	
2.9	All vehicular access shall provide convenient and safe access and egress from the site.	At all times
2.10	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary.	At all times
2.11	All vehicles shall enter and leave the site in a forward gear	At all times
	Car parking	
2.12	<p>Provide on-site car parking for nine (9) vehicles, including one (1) space for disabled persons.</p> <p>All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in</p>	Prior to commencement of use

	accordance with AS2890, <i>Somerset Regional Council Design Standards</i> and in general accordance with the approved plans.	
2.13	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as gravel, concrete, bitumen or pavers in accordance with Australian Standards and in general accordance with Drawing 00014/18 revision D, Site Plan Areas, prepared by Martin Building Design, and dated 22 February 2018.	At all times
	Visual and General Amenity	
2.14	Any graffiti within the proposed development must be removed immediately.	At all times
2.15	All plant and air conditioning is to be visually screened from the street.	At all times
	Stormwater	
2.16	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.17	Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer Queensland (RPEQ), which generally conforms to the approved development plan/s and <i>Somerset Regional Council Development Standards</i> .	Prior to commencement of use
2.18	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	At all times
	Erosion and Sediment Control	
2.19	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
2.20	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project, and to prevent dust nuisance.	At all times
2.21	Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ). Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings as part of the operational works. All sediment control devices and sediment collection	As part of the lodgement of the Operational Works application

	points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	
2.22	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	At all times
2.23	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times
SCHEDULE 3 – Environmental <i>Assessment Manager</i>		
No.	Condition	Timing
3.1	All buildings, structures, fittings, fixtures and grounds forming part of this development approval must be maintained – <ul style="list-style-type: none"> ▪ In a serviceable condition; and ▪ In a state of good repair and efficient action; ▪ In a clean, sanitary condition; ▪ Free of accumulated disused materials; and ▪ Free of vermin and pest infestations. 	At all times
3.2	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	Before the change happens
3.3	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	Before the change happens
3.4	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

3.5	<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. 	Before the Certificate of Classification for the building work is issued
3.6	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any sensitive receptor outside the boundaries of the development site.	At all times
3.7	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance or environmental harm beyond the boundaries of the development site.	At all times
3.8	<p>All general waste produced as part of the operation must be disposed of through either:</p> <ul style="list-style-type: none"> a. The number of standard waste services as determined by Council; or b. A private agreement with a licensed waste disposal contractor through an exemption granted by Council. 	At all times
	Noise	
3.9	The approved development must be carried out by such practicable means necessary to prevent the emission, or likelihood of emission, of noise that constitutes environmental nuisance.	At all times
3.10	<p>In the event of a complaint about noise being made to the administering authority, and that the administering authority considers is not frivolous or vexatious, then the emission of noise from the development site must not result in levels greater than those specified in the Noise Schedule.</p> <p><i>Noise schedule</i></p> <p>Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level $L_{(Amax\ adj, T)}$</p> <ul style="list-style-type: none"> a) Background noise level plus 5 dB(A) 7am to 6pm; b) Background noise level plus 5 dB(A) 6 pm to 10 pm; c) Background noise level plus 3 dB(A) 10 pm to 7 am. <p>Noise Limits at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level $L_{(Amax\ adj, T)}$</p>	At all times

	<p>a) Background noise level plus 10 dB(A) 7 am to 6 pm; b) Background noise level plus 10 dB(A) 6 pm to 10 pm; c) Background noise level plus 8 dB(A) 10 pm to 7 am.</p> <p>Component noise must be limited such that the adjusted A-weighted equivalent continuous noise level, LAeq, adj, 15 min when measured at any affected noise sensitive place must not exceed:</p> <p>a) the background noise level plus 3 dB(A) from 7 am to 6 pm; b) the background noise level plus 3 dB(A) from 6 pm to 10 pm; c) the background noise level plus 0 dB(A) from 10 pm to 7 am.</p>	
3.11	This development permit does not authorise any emission of noise that results in environmental nuisance or environmental harm to any “noise sensitive place” located beyond the boundaries of the development site.	At all times
3.12	When required by the administering authority, the approval holder must submit a Noise Impact Assessment Report prepared by a suitably qualified acoustic consultant.	When directed by the administering authority
3.13	Obtain approval from Council for the Noise Impact Assessment Report in accordance with (3.12) above.	Upon completion of 3.12 above
3.14	Implement all noise attenuation measures recommended in the approved Noise Impact Assessment Report in order to achieve the specified noise limits.	Upon completion of 3.13 above
3.15	<p>Provide certification from a suitably qualified person that:</p> <p>a) The above attenuation measures have been installed / implemented in accordance with the specifications of the approved Noise Impact Assessment Report; and b) The development achieves the noise levels specified in the approved Noise Impact Assessment Report.</p>	Upon completion of 3.14 above
3.15	<p>For the purposes of checking compliance with conditions of the noise schedule, monitoring and recording the noise levels from the approved development must be undertaken for at least the following descriptors, characteristics and conditions:</p> <p>i. L_{Amax, Adj T} ii. L_{Abg, T} (or L_{A90, T}); iii. L_{AN, T} (where N equals statistical levels of 1, 10, 50, 90 and 99); iv. Max L_{pA T}; v. L_{Aeq, T}; vi. The level and frequency of occurrence of impulsive or tonal noise;</p>	At all times

	vii. Atmospheric conditions including temperature, relative humidity and wind speed and direction; and viii. Effects due to extraneous factors such as traffic noise.	
3.16	Procedures for assessing, measuring and reporting on noise levels must have regard to, and comply with, in so far as they are relevant, the <i>Environmental Protection (Noise) Policy 2008</i> (or as amended) and the method of measurement and reporting of noise levels as detailed in the Department of Environment and Heritage Protection's Noise Measurement Manual, fourth edition, August 2013, or more recent additions or supplements to that document as they become available. Where these documents may be contradicting, then the <i>Environmental Protection (Noise) Policy 2008 (or as amended)</i> shall have precedent.	At all times
3.17	The method of measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.	At all times
	Air	
3.18	No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the Premises.	At all times
	Light	
3.19	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any other premises outside the boundaries of the property to which this development permit relates.	At all times
3.20	The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by: <ul style="list-style-type: none"> • Not causing nuisance by way of light spill or glare at adjacent properties and roadways. • Providing graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land. • Directing lighting onto the subject land and away from neighbouring properties. • Using shrouding devices to preclude light overspill onto surrounding properties where necessary. • Not operating lighting that uses sodium lights or flare plumes. 	At all times
3.21	External lighting shall be provided to ensure safety of the users of the development by: <ul style="list-style-type: none"> • Providing Lighting that is designed, installed and regulated in accordance with the parameters outlined in <i>Australian Standard AS 1158</i> • The use of vandal resistant lighting in public or publicly 	At all times

	accessible areas. <i>Note: All lighting provided for safety and security purposes must also consider its impact on surrounding land uses and in accordance with the Outdoor Lighting Impact Mitigation Conditions must be designed, sited, installed and tested to comply with Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.</i>	
	Water	
3.22	Contaminants or contaminated water must not be directly or indirectly released from the premises or to the ground or groundwater at the premises except for: a) Uncontaminated overland stormwater flow; b) Uncontaminated stormwater to the stormwater system; c) Contaminants lawfully released to sewer; or d) A release in accordance with a condition of this development approval.	At all times
3.23	Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.	At all times
3.24	Cleaning of vehicles and equipment must be carried out in a designated washdown bay where contaminants cannot be released into stormwater drainage, a roadside gutter, waters or onto unsealed ground.	At all times
3.25	Any spillage of contaminants must be cleaned up immediately by a method other than hosing or otherwise releasing the contaminants into stormwater drainage, a roadside gutter, waters or onto unsealed ground.	At all times
3.26	Contaminants must be stored in such a manner to prevent contact with incident rainfall and overland flow of stormwater.	At all times
3.27	All work on vehicles and machinery is to be conducted inside the main shed in such a manner to prevent the release of contaminants to the environment.	At all times
	Nuisance	
3.28	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance to any premises beyond the boundaries of the development site.	At all times
	Definitions	
	“ Adjusted Maximum Sound Pressure Level, ” means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using fast response.	

	“Background Noise Level,” means the LA90, T being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than fifteen (15) minutes using fast response.
	“Commercial place” means a place used as an office or for business or commercial purposes.
	“Contaminant” can be: a) a gas, liquid or solid; or b) an odour; or c) an organism (whether alive or dead), including a virus; or d) energy, including noise, heat, radioactivity and electromagnetic radiation; or e) a combination of contaminants.
	Environmental harm is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.
	“Noise sensitive place” means any of the following places: a) a dwelling; b) a library, childcare centre, kindergarten, school, college, university or other educational institution; c) a hospital, surgery or other medical institution; d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the <i>Nature Conservation Act 1992</i> ; e) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.
SCHEDULE 4 – REFERRAL AGENCY Department of State Development, Manufacturing, Infrastructure and Planning – State Assessment and Referral Agency <i>Concurrence Agency Response</i> <i>Agency Response: Recommend Conditions Apply</i>	
Pursuant to section 62 of the <i>Planning Act 2016</i> , the Assessment Manager must, other than to the extent a referral agency’s response provides advice, comply with the all referral agency responses and include conditions exactly as stated in the response.	
The Department of State Development, Manufacturing, Infrastructure and Planning, as a Concurrence Agency, has assessed the impact of the proposed development in regards to the state controlled road.	
Concurrence Agency response dated 16 October 2018 and referenced as 1806-5665 SRA.	
Concurrence Agency response will be attached to Council’s Decision Notice for DA17669.	
SCHEDULE 5 – REFERRAL AGENCY Seqwater <i>Advice Agency Response</i> <i>Agency Response: Recommend Conditions Apply</i>	

Pursuant to 34.1 of the <i>Development Assessment Rules</i> , the Assessment Manager may within the limits of its jurisdiction, ask any third party for third party advice about the application.		
Seqwater as an Advice Agency has assessed the impact of the proposed development to the drinking water catchment and has recommended the following conditions to be imposed to address their concerns.		
5.1	A Site-Based Stormwater Management Plan and Erosion and Sediment Control Plan must be prepared by a registered RPEQ and be submitted to Council.	As part of the lodgement of the Operational Works application
5.2	All parking areas, vehicular movement areas and driveway must have either gravel or concrete surfaces and be reflected in the stormwater management plan. A fully sealed impervious surface must be provided for chemical and waste storage areas, including the vehicular washdown and maintenance area.	At all times
5.3	Bunding and appropriate drainage to a sealed receptacle must be provided for the vehicle washdown bay, maintenance shed, chemical storage area, spent chemical drum storage area and pump-out tank (which must incorporate a small spillage well).	At all times
5.4	All hazardous material recovered from drainage collection areas, chemical and wastewater storage area and any other bunded areas must be stored appropriately and disposed of regularly at scheduled intervals by a licensed contractor and at a registered off-site facility.	At all times
5.5	Supply a pvc 'overflow'; tank which wastewater could be pumped to if the holding tank reaches 75% or more capacity.	At all times
5.6	The camlock fitting for the holding tank suction pipe must be equipped with a small spillage well.	At all times
5.7	Removal of wastewater from site must be undertaken by an approved septage carrier prior to reaching 75% capacity.	At all times
5.8	The pump out tank and all inlets/outlets and fixtures must be inspected by a suitable qualified professional in accordance with the manufacture's specifications and at every two years. Where defects are identified, they must be rectified as soon as reasonable/practicable.	At all times
5.9	The toilet available on-site must be kept in a clean and tidy conditions at all times.	At all times
5.10	As described in the Site –Based Management Plan (prepared by Range Environmental Consultants, dated 14 March 2018, wastewater from the vehicle washdown bay must be captured and not released to the site. A filtration/treatment system may	At all times

	be used to enable re-use of the water in a closed system (where treated to applicable standards).	
SCHEDULE 6 – ADVICE		
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 structures proposed may require their own planning approval and will be assessed on its own merits.		
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> .		
All building work is to comply with the provisions contained in the <i>Building Act</i> ; the <i>Building Regulation</i> , the <i>Building Code of Australia</i> , the <i>Queensland Development Code</i> and relevant <i>Australian Standards</i> .		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.		
The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants		

All due diligence and reasonable precautionary measures are to be undertaken before 'any activity' may harm Aboriginal Cultural Heritage on the site.
All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act (as amended)</i> and the <i>Workplace Health and Safety Regulation (as amended)</i> .
All Operational Work is to comply with relevant codes for design and construction.
Construction hours are 6:30am to 6:30pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Noise levels from construction work shall at all times comply with the requirements of the Environmental Protection Act 1994.
A register of contaminated land sites is maintained by the Queensland State government. As Council is not the custodian of the State Contaminated Site Register, it is recommended that persons interested in this information to contact the relevant State department on 13Q GOV (137 468) or email WLCA@ehp.qld.gov.au , or alternatively search the register at https://www.qld.gov.au/environment/pollution/management/contaminated-land/registers/search-registers .
Unless otherwise approved by Council, hours of operation are 7am to 6:30pm Monday to Friday, 7am to 3pm Saturday, with no audible noise permitted on Sundays or public holidays. Work or business which causes audible noise shall not be conducted from or on the site outside the above hours."
<i><u>Carried</u></i>
<i>Vote - Unanimous</i>

Subject:	Development Application No 7651 - Request to extend Currency Period to Development Approval under section 86 of the Planning Act 2016
File No:	DA7651
Action Officer:	PO-RC
Assessment No:	02628-00000-000

1.0 APPLICATION SUMMARY

Subject Land

Location	Lowood Hills Road, Lowood
Real Property Description	Lots 1 to 3 on SP243182 (former Lot 345 on CH31687)
Area	

Original Planning Scheme information

Planning Scheme:	Former Esk Shire Planning Scheme 2005 (as amended)
Zone:	Rural
Precinct:	Rural pursuits

Current Planning Scheme Information

Planning Scheme:	Somerset Region Planning Scheme Version Three
Zone:	General residential

ShapingSEQ

Land Use Category	Urban Footprint
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Application

Original Category of Assessment	Impact
Original Date of Approval	25 February 2009
Original Approval	Development Permit for Material Change of Use for Residential Purposes; and Development Permit for Reconfiguring a Lot for the creation of 129 lots
Applicant Details	Adams and Sparkes Town Planning Development
Owner Details	DD Land Pty Ltd and Justine M Standen
Date application received	1 March 2019
Date application made	1 March 2019

State Agency Referrals

Concurrence	Department of State Development, Manufacturing, Infrastructure and Planning – State Assessment and Referral Agency
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Applicable Variation Approval

1. A Permissible Change was approved by Council to change the conditions of the original development permit to allow staging

RECOMMENDED DECISION

THAT Council refuses the request to extend the Relevant Period for Development Approval No 7651.

2.0 BACKGROUND

On 25 February 2009, Council approved DA7651 and issued a Combined Development Permit for Material Change of Use for Residential Purposes and Reconfiguring a Lot for the creation of 129 residential lots.

After the DA7651's approval, Council in 2010 approved a Reconfiguring a Lot application for 1 into 3 lots (DA10362) on the subject site which would still allow for the development of the 129 lots subdivision. Council has since endorsed the survey plan creating the current configuration of the subject site.

On 2 December 2010, Council approved a Permissible Change request to change the conditions of the original development permit.

On 16 January 2013, Council extended the currency period of the development approval until 2 March 2017.

The current owner acquired Lots 1 and 3 in 2014.

On 10 March 2017, Council extended the relevant period of the development approval for a further two years, until 2 March 2019. Conditions were also removed and/or amended to reflect the current policies and laws.

The applicant has now requested for an additional two years extension to the relevant period of the development approval, up until 2 March 2021.

2.1 THE CURRENT APPROVAL

The approved subdivision was proposed to be delivered over 5 stages with stage 1 commencing at the Bauer Street or northern section of the site (closest to Lowood).

The entire site is located within the Lowood Urban Footprint and proposed to be connected to sewer and reticulated water networks.

The approved lot sizes range in size between 600m² to 850m². The development features an internal road network with three separate access points to Lowood Hills Road and Bauer Street respectively, an internal park and an easement for stormwater drainage purposes. The approved Plan of Subdivision has been provided at Attachment 1.

3.0 PLANNING CONSIDERATIONS

Section 86 of the *Planning Act 2016* provides the opportunity for applicant to seek an extension to the relevant period of development approvals, preventing the application from lapsing.

Pursuant to s87 of the Act, Council as the assessment manager may consider any matter considered to be relevant, even if the matter was not relevant at the time of assessing the original development application.

It is noted that the request to extend the relevant period was made to Council on 1 March 2019. Council officers advised the applicant on 15 March 2019 that Council is seeking further information to support the extension request.

Council requested the following items from the applicant:

1. The approved subdivision is to be connected to reticulated water and sewerage networks. Will the existing infrastructures be sufficient to support the approved subdivision? Or does the subdivision require further infrastructure upgrades before it can be commenced?
2. Has the landowner been in contact with Queensland Urban Utilities (QUU) to commence the subdivision project?

The applicant has received advice from QUU that since the subdivision is within residential zoned land, the development is appropriate and serviceable by QUU, subject to any required infrastructure upgrade. The infrastructure upgrade is due to the number of lots proposed, and any infrastructure upgrade will be subject to detailed design.

The applicant also advised that further discussions with QUU have not yet been undertaken nor have detailed design drawings been prepared. The applicant stated that the primary reason for this is the property has recently changed hands and the new owner is picking up where the previous developer has left off.

The applicant has also stated that to get the information Council has requested in writing from QUU, QUU within their policy requires to undertake a SAN-3 process which incurs a \$6,420.00 application cost to the developer. The applicant believes this is excessive given the stage the development is at. The applicant acknowledged that while the process may be necessary and a cost the developer may incur down the track, the applicant believe at this point in time, the advice is not required as there is an existing development approval over the site.

Following on, the applicant also states that since the site is located within an urban area and is identified as General residential zone, the approved subdivision is therefore in keeping with Council's current planning policy and desired land use pattern, as opposed to when it was originally approved, it was zoned as rural. Once the approved subdivision gets to detail design, any upgrade to the water and sewer services will be identified and undertaken prior to any lots being sealed.

3.1 Council comments

Upon adoption of the Somerset Region Planning Scheme in 2016, the zoning of the site was changed from the Rural zone to the General residential zone. This was done in anticipation of the approved residential subdivision development on site.

In terms of Council's current planning policy and desired land use pattern for the site, the approved subdivision is consistent with Council's planning intent as expressed in the Strategic Framework of the Planning Scheme and that the approved design is consistent with the minimum lot size and dimension as prescribed in Table 9.4.3B of the Reconfiguring a Lot code for the General residential zone. Officer is also satisfied the approved conditions are consistent with current planning laws and Council's planning policies.

If an identical application be submitted under the current planning regime, the application would be code assessable, as opposed to impact assessable when it was original approved.

There are concerns regarding the extension request, particularly the age of the approval (approved in 2009) and the provision of sewer and water infrastructures to the development.

It is clear from the applicant's response to Council's information request that the developer has yet to prepare further detail designs to move forward the approval. Although QUU has stated the subdivision is serviceable by sewer and water, it is unclear what types of infrastructure upgrade will be required. It is remained to be seen when the developer will act upon the development approval.

Council may choose to holdover the decision to decide on the Extension to the currency period request pending on the provision of the Service Advice Notice as requested by Council in the information request.

4.0 REFERRAL AGENCY

The *Planning Act 2016* does not require applicants to seek advice from relevant referral agency when seeking to extend the Currency Period of the development approval. However, the Act does require Council, after deciding the extension application, give a decision notice to relevant agency.

5.0 CONCLUSION

In recent times Council has been giving requests to extend old approvals, a greater level of scrutiny, then in previous times and Council has declined similar requests.

In this particular case due to the age of the approved development, being over a decade old, as well as Council recognising that the development fronts in Lowood for residential land are somewhat removed from this locality, it means that it is difficult to see there being a need for this land to have its approval in place for many years to come. The site does have the protection of the zoning and if there was a dramatic change in market circumstances then it would not take too long for an application to be remade and duly considered.

6.0 ATTACHMENT

1. Approved Plan of Subdivision.

RECOMMENDED DECISION

THAT Council refuses the Extension to the Currency Period Request for Development Approval DA7651 on land described as Lot 1 to 3 on SP243182 and situated at Lowood Hills Road, Lowood as it is considered that there is no need for the development of residential land in this particular location of Lowood in the current economic circumstances.

Resolution

Moved – Cr Choat

Seconded – Cr Whalley

“THAT Council refuses the Extension to the Currency Period Request for Development Approval DA7651 on land described as Lot 1 to 3 on SP243182 and situated at Lowood Hills Road, Lowood as it is considered that there is no need for the development of residential land in this particular location of Lowood in the current economic circumstances.”

Carried

Vote – Unanimous

Subject:	Application for Keeping more than maximum number of animals – 79 RP902308 - 04223-70600-000 - 20 Balmoral Court Mount Hallen
File Ref:	Licencing - local laws - Keeping of Animals
Action Officer:	RSO (David Wiseman)

Background/Summary**Application Details**

On 14 June 2019, Council received an application to keep three dogs from the owners of 20 Balmoral Court, Mount Hallen. The application relates to small and medium breeds including two Shetland sheepdogs and a miniature dachshund.

Regulatory Services Officers conducted an inspection of the site with the property owner, 4 July 2019 and noted the following:

There are two brick homes located on property. The applicant's parents reside in one house and have two Shetland Sheepdogs that have been registered since 2015 to the property.

- These dogs are house dogs and have access to the house always.
- These dogs are confined to house at night.
- Both dogs are microchipped and de-sexed

The third dog, subject to application by property owner is a Miniature Dachshund.

- The Dachshund is a house dog.
- The Dachshund is supervised always when outside of the house.
- This dog is microchipped and de-sexed

The property fencing is constructed of timber posts, steel pickets and dog mesh in good condition and adequate to contain dogs at time of inspection. In addition, each house has an electric hidden fence in good working order. Photos attached of fencing and subject dog.

Assessment Summary*Complaint History*

Council has not received complaints regarding dogs kept at this property.

Submissions

During the submission period, Council did not receive submissions from persons who were in receipt of the notification.

Local Law Assessment

The below table is an assessment of the application based on *Subordinate Local Law No. 1.5 (Keeping of Animals) 2011, Schedule 1, number 4.*

<i>Criteria:</i>	<i>Compliance (Y/N)</i>
(1) Whether the premises on which the animal or animals can be effectively and comfortably kept on the premises.	Y
Comments: The property can comfortably house three dogs.	
(2) Whether a residence exists on the premises.	Y
Comments: Two large modern brick houses are on the property.	
(3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of <i>Local Law No. 2 (Animal Management) 2011</i> .	Y
Comments: Yes, the fencing/enclosure is maintained in accordance with Local Laws at the time of inspection.	
(4) Whether the applicant for the approval or some other suitable person to supervise the animal or animals will be resident on the premises on which the animal or animals are to be kept.	Y
Comments: Council does not have any adverse recordings that would make the person a non-suitable person to hold an excess dog permit.	
(5) Whether the animal or animals will be properly supervised.	Y
Comments: Yes, there are four responsible persons living on property.	
(6) If the application relates to the keeping of dogs or cats – whether the animals identified in the application are registered with the local government.	Y
Comments: Two dogs are currently registered with Somerset Regional Council.	
(7) If section 14 of the Animal Management Act applies to the applicant for the approval - whether the applicant has complied with the requirements of the section.	Y
<p>14 <i>Owner must ensure cat or dog is implanted</i></p> <p>1) <i>A person who is or becomes an owner of a cat or dog that is not implanted with a PPID must ensure the cat or dog is implanted with a PPID before it is 12 weeks old unless the person has a reasonable excuse.</i></p> <p><i>Maximum penalty—20 penalty units.</i></p> <p><i>Note — A cat or dog that is more than 12 weeks old on the commencement of this section need not be implanted with a PPID unless it is supplied. See section 43Y.</i></p> <p>2) <i>It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove—</i></p> <p><i>a) there is a signed veterinary surgeon's certificate for the cat or dog stating that implanting it with a PPID is likely to be a serious risk</i></p>	

<p><i>to the health of the cat or dog; or</i></p> <p><i>b) for a dog, the ownership is to use it as—</i></p> <p><i>(i) a government entity dog; or</i></p> <p><i>(ii) a working dog; or</i></p> <p><i>(iii) another class of dog prescribed under a regulation.</i></p>	
Comments: All three dogs are microchipped.	
(8) Whether the applicant is a suitable person to hold the approval.	Y
Comments: Yes, the applicant is over 18.	
(9) Whether the grant of the approval for the prescribed activity on the premises is likely to -	N
<p>a) cause nuisance, inconvenience or annoyance to occupiers of adjoining land; or</p> <p>b) affect the amenity of the surrounding area; or</p> <p>c) have a deleterious effect on the local environment or cause pollution or other environmental damage.</p>	
Comments: Council records searched and no complaints received in relation to the dogs.	
(10) If the application relates to the keeping of cats –	N/A
<p>a) whether the cats have been desexed; and</p> <p>b) whether the cats have been fitted with an approved microchip.</p>	
Comments: N/A	
(11) If the application relates to the keeping of an animal or animals on multi residential premises –	N/A
<p>a) whether the applicant - is entitled to make use of a common area; and</p> <p>b) whether the applicant has exclusive possession and control of the whole or a part of the common area for the purpose of keeping the animal or animals; and</p> <p>c) whether the applicant has the written permission of the person or body which manages or controls the common area to use the common area, or a part of the common area, for the purpose of keeping the animal or animals.</p>	
Comments: N/A	
(12) Where the animal or animals are to be kept on premises other than multi residential premises and the applicant is not the owner of the premises - whether the applicant has the written permission of the owner of the premises to keep the animal or animals on the premises.	N/A
Comments: N/A	
(13) Whether the applicant has been refused a similar type of approval by the local government or another local government.	N
Comments: Council is not aware of any refusal in another local government.	

(14) If the application relates to the keeping of dogs on an allotment, the local government may only grant an approval if it is satisfied that no dog which is a regulated dog is kept on the allotment.	Y
Comments: No regulated dog resides at the above property.	
(15) If the application relates to the keeping of up to 4 dogs over the age of 3 months on an allotment which is located outside a designated area and has an area of 10,000m ² or more – whether the applicant for the approval is a current member of an approved entity.	Y
Comments: The applicant is a member of Dogs Queensland. The allotment is located outside of the designated area.	
(16) If the application relates to the keeping of up to 6 dogs over the age of 3 months on an allotment which is located outside a designated area and has an area of 20,000m ² or more – whether the applicant for the approval is an accredited breeder.	N/A
Comments:	

Attachments

1. Locality Plan
2. Photographs of the fencing/enclosure

Recommendation

THAT Council grant approval to keep more than the maximum number of dogs under *Local Law No1 (Administration) 2011* and *Subordinate Local Law No 1.5 (Keeping of Animals) 2011*:

1. On land described as Lot 79 on RP902308, situated at 20 Balmoral Court, Mount Hallen;
2. For dogs described in **Schedule 1** below; and
3. Subject to the conditions set out in **Schedule 2** below.

Schedule 1

Description of dogs:					
Name	Breed	Colour	Sex (M/F)	Desexed (Y/N)	Microchip No.
Snickers	Miniature Dachshund	Chocolate and Tan Dapple	M	Y	953010001737844
Rory	Shetland Sheepdog	Sable, White	M	Y	900012000974943
Jake	Shetland Sheepdog	Sable, White	M	Y	900012000969979

Schedule 2

No	CONDITION
1.0	LOCAL LAW
1.1	The approval holder must take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises.
1.2	The approval holder must at all times maintain a proper enclosure in accordance with Schedule 8 of <i>Subordinate Local Law No. 2 (Animal Management 2011)</i> .
1.3	The approval holder must ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining premises.
1.4	The approval holder must ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person.
1.5	The approval holder must ensure that any enclosure in which the dogs are kept is maintained in: <ul style="list-style-type: none"> (i) a clean and sanitary condition and disinfected regularly; and (ii) an aesthetically acceptable condition.
1.6	The approval is limited to the dogs identified in Schedule 1 of this approval.
1.7	The approval holder must be a current member of an approved entity. Upon expiry of the approved entity membership, the approval holder is to forward a copy of the renewed membership to Council.
1.8	The dogs identified in Schedule 1 of this approval must hold registration with Somerset Regional Council.

Resolution

Moved – Cr Choat

Seconded – Cr Brieschke

"THAT Council grant approval to keep more than the maximum number of dogs under *Local Law No 1 (Administration) 2011* and *Subordinate Local Law No 1.5 (Keeping of Animals) 2011*:

1. On land described as Lot 79 on RP902308, situated at 20 Balmoral Court, Mount Hallen;
2. For dogs described in **Schedule 1** below; and
3. Subject to the conditions set out in **Schedule 2** below.

Schedule 1**Description of dogs:**

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Snickers	Miniature Dachshund	Chocolate and Tan Dapple	M	Y	953010001737844

Rory	Shetland Sheepdog	Sable, White	M	Y	900012000974943
Jake	Shetland Sheepdog	Sable, White	M	Y	900012000969979

Schedule 2

No	CONDITION
1.0	LOCAL LAW
1.1	The approval holder must take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises.
1.2	The approval holder must at all times maintain a proper enclosure in accordance with Schedule 8 of <i>Subordinate Local Law No 2 (Animal Management 2011)</i> .
1.3	The approval holder must ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining premises.
1.4	The approval holder must ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person.
1.5	The approval holder must ensure that any enclosure in which the dogs are kept is maintained in: <ul style="list-style-type: none"> (i) a clean and sanitary condition and disinfected regularly; and (ii) an aesthetically acceptable condition.
1.6	The approval is limited to the dogs identified in Schedule 1 of this approval.
1.7	The approval holder must be a current member of an approved entity. Upon expiry of the approved entity membership, the approval holder is to forward a copy of the renewed membership to Council.
1.8	The dogs identified in Schedule 1 of this approval must hold registration with Somerset Regional Council." <p style="text-align: right;"><u>Carried</u></p> <p><i>Vote – Unanimous</i></p>

Subject:	Development Application No 18592 - Application for a Development Permit for a Reconfiguration of a Lot by subdivision 1 into 2 lots and opening of new road
File No:	DA18592
Assessment No:	81416-00000-000
Action Officer:	SP

Declaration of a perceived conflict of interest by Cr Whalley

Cr Whalley declared as follows -

I have a perceived conflict of interest in this matter (as defined by the *Local Government Act 2009* section 175D) by reason of the fact that I own a part share in a race horse. I determine that this personal interest is not of sufficient significance that it will lead me to making a decision on the matter that is contrary to the public interest. I will best perform my 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, I acknowledge that the remaining councillors must now determine pursuant to

s175E(4) of the *Local Government Act 2009* whether I have a real conflict of interest in this matter or a perceived conflict of interest and if so whether I must leave the meeting or may participate in the meeting in relation to the matter, including by voting on the matter.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Choat

"THAT Council determines Cr Whalley 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 while this matter is discussed, including by voting on the matter."

Carried*Vote - Unanimous***Subject Land**

Location	Overlander Avenue, Woolmar
Real Property Description	915 SP282074
Area	19.28ha
Current land use	Dwelling house
Easements and Encumbrances	A SP210636

Somerset Region Planning Scheme Version Three

Zone	Emerging Community
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SEQ Regional Plan

Category	Urban Footprint
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Application

Proposal:	Reconfiguration of a Lot (1 into 2 lots) and opening of new road
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Level of Assessment	IMPACT
Applicant/s	Somerset Regional Council
Applicants contact details	C/- ONF Surveyors P.O. Box 896 KINGAROY QLD 4610
Land Owner/s	Robert Bros Holdings Pty Ltd
Date application received	10 May 2019
Date properly made	17 May 2019

Referral Agencies

Concurrence Agencies	Nil
Advice Agencies	Nil
Third Party Advice Agencies	Nil

Public Notification

Submissions properly made	None received
Submitters	None received

RECOMMENDED DECISION

Approve the Development Application No 18592 subject to the requirements and conditions contained in the Schedules and Attachments.

1.0 PROPOSAL

The applicant seeks approval to subdivide the subject site into two lots to facilitate the

extension of the Racetrack Chute associated with Kilcoy Racecourse and Showgrounds. The Racecourse and Showgrounds are located on adjoining Lot 59 on SP29966 which is "Leasehold Land". The subject site is "Freehold Land" and given the different tenures of the lots, subdivision of Lot 915 is required to source the additional land required for the extension of the Racetrack Chute and facilitate changing vehicle movement areas to increase safety.

The current length of the Chute for the Racetrack is 1060m and Racing Queensland have identified safety issues with the current length, requiring a 1200m Chute. Whilst a longer Chute can be utilised from the end of the current track, this requires starts near a bend which is not favourable for horses. The additional area of land proposed as part of the subdivision will allow for the extension of the existing Chute to meet the 1200m required in a straight line.

The proposed new lot is to incorporate an area of land extending from the end of the Showgrounds Road Reserve into the lot. Easement A on SP210636 at the end of the Road Reserve is to be converted to New Road as part of this proposal to allow a future extension of Showgrounds Road further north, taking vehicles north of the existing Racecourse Sheds and Stables. The current access takes vehicles between the Show Sheds and Racecourse Sheds/Stables and by taking vehicles around the northern extents of the Stables, this will allow safer vehicle movements, reducing potential conflicts between pedestrians, animals and other vehicles. The change of the Easement to Road will also retain access to Lot 501 on SP210636 via Showgrounds Road.

2.0 SITE DETAILS AND SURROUNDING LAND USES

The subject site adjoins the northern boundary of the Kilcoy Racecourse and Showgrounds and adjacent Sheep Station Creek. The site contains an existing dwelling and associated outbuildings in the western portion of the site. The subject area of the proposed new lot is a vacant area of the site, clear of dams and flow paths associated therewith.

3.0 ASSESSMENT - STATE LEGISLATION

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

3.1 STATE PLANNING POLICY

As the Minister has identified that the State Planning Policy (SPP) 2014 has been reflected in the Somerset Region Planning Scheme (per section 2.1 of the planning scheme), the proposed development does not require assessment against the SPP's 'assessment benchmarks'.

The SPP was updated in 2017, the current planning scheme is predominantly consistent with the current SPP and a further assessment was not required.

3.2 VEGETATION MANAGEMENT ACT 1999

As per the Department of State Development, Manufacturing, Infrastructure and Planning's Development Assessment Mapping System, the subject land contains Regulated Remnant Vegetation containing endangered regional ecosystems.

The proposed development is not anticipated to impact on the mapped vegetation given the size of the lots.

3.3 ENVIRONMENTAL PROTECTION ACT 1994

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

4.0 COUNCIL ASSESSMENT

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

Strategic Framework

An assessment against the Strategic Framework is required as the development is considered Impact Assessable. Notwithstanding this, the proposed development is minor in nature and as such is consistent with the outcomes of the framework and did not require a full assessment against the Strategic Framework.

The most relevant component of the Strategic Framework is the Desired Settlement Pattern: Emerging Community Areas map for Kilcoy which identifies a large portion of the subject land being “constrained land”. The location of the constrained land relates to the land impacted by the flood hazard overlay code. The entire area of proposed Lot 916 is identified as being constrained land. The existing dwelling house on Lot 915 is also constrained land, however the eastern portion of the lot is outside the constrained land.

Given the intended use of proposed Lot 916 being for community purposes for the expansion of the Kilcoy Race Course it is considered to be an appropriate use of land within constrained land as it does not increase the number of people living or working within the area.

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

Applicable Code	Performance Outcome Compliance	Is Alternative Solution Provided?
Reconfiguration of a Lot code	Yes	PO1 PO2 PO11
Service, works and infrastructure code	Yes	Not required
Transport, access and parking code	Yes	PO11

Applicable Overlay Code	Performance Outcome Compliance	Is Alternative Solution Provided?
Biodiversity overlay code	Yes	PO4
Bushfire hazard overlay code	Yes	Not required
Catchment management overlay code	Yes	Not required
Flood hazard overlay code	Yes	Not required

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

Reconfiguration of a Lot code

Lot size and subdivision design	
Performance outcome	Acceptable outcomes
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	AO1.1 The minimum <i>lot</i> size and dimensions complies with Table 9.4.5.1.B – Minimum Lot Size and Dimensions.

(c) pedestrian access; respond appropriately to site characteristics including slope of the land and topography; and (d) are consistent with the intended character of the zone.	Zone/Precinct	Minimum Lot Size	Minimum frontage
	Emerging community zone	10 hectares	200 metres
Comment			
Table 9.4.5.1.B – Minimum Lot Size and Dimensions identifies that within the Emerging Community Zone the minimum lot size is 10ha. The two lots are proposed to have areas of 6.03ha (Lot 916) and 13.2306ha (Lot 915). The application identifies that Lot 916 is to be used for community purposes and is of a sufficient size for the proposed activities to occur.			
While the intended use of the land is for community purposes, the proposal has been designed to ensure that a sufficient area is provided to allow the construction of a dwelling house if required.			
The Strategic Framework mapping indicates that the southern portion of the subject land is constrained (flooding) and as a result would be difficult to develop for residential purposes and the use of land for community purposes may be more appropriate.			
While smaller than the minimum lot size required by the planning scheme, the proposal is an effective use of the subject land without limiting the development potential of the unconstrained portion of the proposed northern lot (Lot 915).			
Overall, it is considered that the proposed development is consistent with the Performance Outcome.			
Performance outcome		Acceptable outcomes	
PO2 <i>Lot frontage width and access driveways for irregularly shaped allotments provide a safe vehicle entry and exit.</i>		AO2.1 Irregularly shaped allotments have: (a) an average width not less than the minimum frontage for a rectangular allotment; and (b) the minimum frontage of the allotment is not less than one half the minimum frontage for a rectangular allotment.	
Comment			
Proposed Lot 916 will result in an irregularly shaped lot and will incorporate the existing entry of the site, achieving safe vehicle entry and exist via Showgrounds Road.			
Movement network and access			
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.	
Comment			

No new access handles are proposed. Lot 916 will gain access to Ferling Way via an existing access handle which is about 52 metres in length from the proposed road opening. The handle has a width of about 9.7 metres.

Given the access handle is only proposed to access a single lot and connects directly to a gazetted road it is considered that the access can be appropriately managed.

Transport, Access and Parking Code

Vehicle standing and manoeuvring areas	
PO11 Long driveways are designed and treated to soften their visual appearance when viewed from the street frontage.	AO11.1 Internal driveways do not exceed 50 metres in length.
Comment No new access handles are proposed. Lot 916 will gain access to Ferling Way via an existing access handle which is about 52 metres in length from the proposed road opening. The handle has a width of about 9.7 metres. Given the access handle is only proposed to access a single lot and connects directly to a gazetted road it is considered that the access can be appropriately managed.	

Biodiversity overlay code

Matters of State Environmental Significance	
PO4 Development on land adjacent to areas identified as containing MSES protects the biodiversity values of MSES and: <ul style="list-style-type: none"> (a) does not interrupt, interfere, alter or otherwise impact on underlying natural ecosystem processes such as water quality, hydrology, geomorphology and biophysical processes; (b) avoids noise, light, vibration or other edge effects, including weed and pest incursion on identified biodiversity values. <p><i>Note - A supporting Ecological Site Assessment is prepared in accordance with SC6.1 - Planning Scheme Policy 1 – Ecological Site Assessment Guidelines.</i></p>	Where for <i>Material Change of Use</i> AO4.1 A minimum setback of 50 metres is provided between <i>buildings</i> and <i>structures</i> and areas identified as containing MSES on the Biodiversity overlay maps OM003a-b. Where for <i>Reconfiguring a Lot</i> AO4.2 A minimum setback of 50 metres is provided between a new boundary created by <i>reconfiguring a lot</i> and areas identified as containing MSES on the Biodiversity overlay maps OM003a-b. Where for <i>Operational Works</i> (comprising <i>works for infrastructure or excavating or filling or landscape works</i>) AO4.3 A minimum setback of 50 metres is provided between <i>operational works</i> and areas identified as containing MSES on the Biodiversity overlay maps OM003a-b.

Comment

The proposed boundary location traverses the MSES along the creek line. Given the large size of the lots it is expected that the values of the biodiversity will be protected.

5.0 OTHER PLANNING CONSIDERATIONS**Trunk Infrastructure and Services**

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

5.1 Water and Sewerage Supply

It is considered that the existing structures on proposed Lot 915 have the ability to connect to the reticulated water supply through Overlander Avenue.

Proposed Lot 916 is to be used for community purposes as an extension to the Kilcoy Race Course. The subject land is located inside the declared catchment area however, given the size of the lots and the intended purpose of Lot 916 for community purposes the connection to the water and wastewater networks is not considered to be required.

5.2 Stormwater/Drainage

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

5.3 Roads

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

5.4 Services

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

5.5 Environment

The proposed development is not anticipated to result in environmental degradation.

5.6 Heritage

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

5.7 Infrastructure Charges

As the intended use of proposed Lot 916 is to facilitate an expansion to the Kilcoy Race Course, this use would be considered a Specialised Use (sport and recreation) by Charges Resolution (No 1) 2019 and no infrastructure charges are applicable in this instance.

6.0 PUBLIC CONSULTATION

During the public consultation period no submissions were received.

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 proposal involves the reconfiguration of a lot (1 into 2 lots), despite the intended size of proposed Lot 916 being below the minimum lot size identified by the Somerset Region Planning Scheme it is considered that the size of the lots is acceptable for the intended

community purposes of the lot. Proposed Lot 915 is of a size that future development outside the flood hazard area could be supported in the future if desired.

The proposal will also allow entry to the Showgrounds/Racecourse to be realigned north of the existing Racecourse Sheds and Stables, via the access handle of proposed Lot 916. This is to allow safer vehicle movements removing potential for conflicts with pedestrians, animals and other vehicles associated with the current access arrangements between the Show Sheds and Racecourse Sheds and Stables.

Overall, the proposed development is consistent with the broader intention of the area and is an appropriate development outcome within constrained land.

9.0 ATTACHMENTS

Proposal Plan – Plan of Lots 915 and 916 and Cancelling Lot 915 on SP282074 – prepared by South Burnett Surveys Pty Ltd

10.0 RECOMMENDED DECISION

THAT Council approve the Development Application for a Development Permit for a Reconfiguration of a Lot by subdivision 1 into 2 lots on land described as Lot 915 SP282074 and situated at Overlander Avenue subject to the requirements and conditions contained in the Schedules and Attachments.

SCHEDULE 1 – GENERAL CONDITIONS		
No	Condition	Timing
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. <ul style="list-style-type: none"> Proposal Plan – Plan of Lots 915 and 916 and Cancelling Lot 915 on SP282074 – prepared by South Burnett Surveys Pty Ltd 	At all times
1.2	Comply with relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Prior to the application to approve the plan of subdivision.
1.4	Pay to Council the amount of \$37 per lot for the issue of new valuations by the Department of Environment and Resource Management, being \$74 in this instance.	Prior to the application to approve the plan of subdivision.
1.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to the application to approve the plan of subdivision.
SCHEDULE 2 – Engineering		
<i>Assessment Manager</i>		
No	Condition	Timing
2.1	The landowner is responsible for construction and maintenance of vehicular access for the property, from the	At all times

	road carriageway to property boundary in accordance with Council's Policy and Standards.	
2.2	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.3	<p>Connect the development to electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.</p> <p>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.</p>	Prior to the application to approve the plan of subdivision.
Advice		
This approval has effect in accordance with the provisions of section 71 of the Planning Act 2016 . [A copy of section 71 will be enclosed with the Decision Notice].		
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 applicants appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
The form Application to Approval Plan of Subdivision [version 1.0 effective 3 July 2017] 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.		
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.		
The completion of relevant documentation and a pre start meeting with Council's Technical Officer, supervising Engineer and the Contractor is required prior to any works starting at the site.		

Attachments for the Decision Notice include:

Proposal Plan – Plan of Lots 915 and 916 and Cancelling Lot 915 on SP282074 – prepared by South Burnett Surveys Pty Ltd.

Resolution	Moved – Cr Gaedtke	Seconded – Cr Ogg
<p>“THAT Council approve the Development Application for a Development Permit for a Reconfiguration of a Lot by subdivision 1 into 2 lots on land described as Lot 915 SP282074 and situated at Overlander Avenue subject to the requirements and conditions contained in the Schedules and Attachments.</p>		

SCHEDULE 1 – GENERAL CONDITIONS		
No	Condition	Timing
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. <ul style="list-style-type: none"> Proposal Plan – Plan of Lots 915 and 916 and Cancelling Lot 915 on SP282074 – prepared by South Burnett Surveys Pty Ltd 	At all times
1.2	Comply with relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Prior to the application to approve the plan of subdivision.
1.4	Pay to Council the amount of \$37 per lot for the issue of new valuations by the Department of Environment and Resource Management, being \$74 in this instance.	Prior to the application to approve the plan of subdivision.
1.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to the application to approve the plan of subdivision.
SCHEDULE 2 – Engineering		
<i>Assessment Manager</i>		
No	Condition	Timing
2.1	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times
2.2	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.3	Connect the development to electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to the application to approve the plan of subdivision.

	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.	
Advice		
This approval has effect in accordance with the provisions of section 71 of the Planning Act 2016 . [A copy of section 71 will be enclosed with the Decision Notice].		
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 applicants appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
The form Application to Approval Plan of Subdivision [version 1.0 effective 3 July 2017] 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.		
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.		
The completion of relevant documentation and a pre-start meeting with Council's Technical Officer, supervising Engineer and the Contractor is required prior to any works starting at the site."		
		<u>Carried</u>
Vote - Unanimous		

Subject:	Development Application No 18500 - Application for a Development Permit for a Reconfiguration of a Lot by subdivision 1 into 2 lots and Boundary realignment (4 into 4 lots) – Staged development
File No:	DA18500
Assessment No:	04713-00000-000
Action Officer:	SP

Subject Land

Location	Morden Road and Unnamed Road # 2016, Biarra
Real Property Description	Lot 1 RP92513, Lot 23 CA31636, Lot 22 CA31636
Area	Lot 1 – 32.34ha Lot 23 – 32.38ha Lot 22 – 32.78ha
Current land use	Vacant – cattle grazing
Easements and Encumbrances	Nil

Somerset Region Planning Scheme Version Three

Zone	Rural Zone
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SEQ Regional Plan

Category	Regional Landscape and Rural Production Area
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Application

Proposal:	Reconfiguration of a Lot by subdivision 1 into 2 lots and Boundary realignment (4 into 4 lots) – Staged development
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Level of Assessment	IMPACT
Applicant/s	I and J Belz
Applicants contact details	C/- ONF Surveyors P O Box 896 Kingaroy Qld 4610
Land Owner/s	I and J Belz
Date application received	4 April 2019
Date properly made	10 April 2019

Referral Agencies

Concurrence Agencies	Nil
Advice Agencies	Nil
Third Party Advice Agencies	Nil

Public Notification

Submissions received properly made Two

RECOMMENDED DECISION

Approve the Development Application No 18500 subject to the requirements and conditions contained in the Schedules and Attachments.

1.0 PROPOSAL

The applicant seeks approval for a staged development to reconfigure the subject lots to result in a more practical lot configuration and ultimately more useable lots with direct access to formed Roads.

Stage 1 is proposed to subdivide existing Lot 22 on CA31636 which is currently severed by a Road Reserve as shown on Page 1 of Proposal Plan 8018P/1 titled Part 1 – Proposed Subdivision.

Stage 2 Application is proposed to be made for a Road Closure to the Department of Natural Resources, Mines and Energy pertaining to the unformed Road Reserve along the northern boundary of Lot 22 on CA31636 and between the 2 parts of the site and amalgamating with the respective lots as shown on Page 2 of Proposal Plan 8018P/1 titled Part 2 – Proposed

Road Closure. The applicant seeks Council's approval for the necessary application to the Department of Natural Resources Mines and Energy at the appropriate time.

Stage 3 proposes to realign the boundaries between the newly created lots of Stages 1 and 2 as well as Lot 23 on CA31636 and Lot 1 on RP92513, reconfiguring the site to result in 4 lots, each with access via Morden Road. The proposed lots will result in an improved configuration considering the physical features of the site and providing suitable area for building sites free of constraints and with practical access to each lot.

2.0 SITE DETAILS AND SURROUNDING LAND USES

The subject sites are currently vacant and utilised for cattle grazing. Currently Lot 22 does not possess frontage or access to a formed road. The subject land is predominantly surrounded by similar sized properties used for grazing purposes. The land to the east is currently approved and operating as a boarding dog kennel, the kennel gains access from Morden Road and a permit to occupy over the road reserve to the north of the subject land.

3.0 ASSESSMENT - STATE LEGISLATION

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

3.1 STATE PLANNING POLICY

The Minister identified that the State Planning Policy (SPP) had been reflected in the Somerset Region Planning Scheme (per section 2.1 of the planning scheme) at the time of adoption. Since that time the SPP has been updated in 2017, while the planning scheme hasn't been updated to reflect the SPP the components applicable to the subject land were not altered by the 2017 SPP. As such, the proposed development does not require assessment against the SPP's 'assessment benchmarks'.

3.2 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 further referral.

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

3.3 ENVIRONMENTAL PROTECTION ACT 1994

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

4.0 COUNCIL ASSESSMENT

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

Strategic Framework

An assessment against the Strategic Framework is required as the development is considered Impact Assessable. Notwithstanding this, the proposed development is minor in nature and as such did not require a full assessment against the Strategic Framework.

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance outcomes
Reconfiguration of a Lot code	Yes	PO1 PO2 PO11
Service, works and infrastructure code	Yes	Not required
Transport, access and parking code	Yes	PO11
Assessment Benchmarks	Compliance with Overall Outcomes	Performance outcomes
Agricultural land overlay code	Yes	PO1
Catchment management overlay code	Yes	Not required
Flood hazard overlay code	Yes	PO8

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

Reconfiguration of a Lot code

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.	AO1.1 The minimum <i>lot</i> size and dimensions complies with Table 8.3.4.3.B – Minimum Lot Size and Dimensions. AO1.2 <i>Lots</i> in the General residential zone, Rural residential zone and Emerging community zone have an average slope of less than 12.5 percent.
Comment	
<p>The lots proposed are well below the 100ha minimum. However, as the lot is separated by a gazetted road the creation of lots less than the minimum is accepted by ShapingSEQ and is an appropriate outcome.</p> <p>Additionally, all lots are currently well below the minimum lot size. The ultimate proposed development results in all lots having access to a formed road which is an improvement on the current lot configuration. The proposed lot layout has regard to the characteristics of the subject land and is considered to satisfy the performance outcome of the code.</p>	
PO2 <i>Lot frontage width and access driveways for irregularly shaped allotments provide a safe vehicle entry and exit.</i>	AO2.1 Irregularly shaped allotments have: <ul style="list-style-type: none"> (a) an average width not less than the minimum frontage for a rectangular allotment; and (b) the minimum frontage of the allotment is not less than one half the minimum frontage for a rectangular allotment.
Comment	
Frontages for Proposed Lots 3 and 4 are restricted due to an existing Permit to Occupy over	

the eastern road reserve north of the subject lots. Access to the proposed new lots can be achieved at the corner of Morden Road as shown on Page 3 of Proposal Plan 8018P/1 allowing for safe vehicle entry and exit.

PO11

Rear *lot* 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.

Comment

A 10m wide access handle is nominated for Proposed Lot 4 to provide practical access for the site. Whilst the Lot has frontage to a road reserve, an existing Permit to Occupy restricts use of the road for access.

The access handle is longer than 50m however the site is in the rural zone and not for traditional residential uses where the 50m length is more relevant.

No access easements required as part of this proposal.

Transport, access and parking code**Vehicle standing and manoeuvring areas****PO11**

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

AO11.1

Internal driveways do not exceed 50 metres in length.

Comment

A 10m wide access handle is nominated for Proposed Lot 4 to provide practical access for the site. Whilst the Lot has frontage to a road reserve, an existing Permit to Occupy restricts use of the road for access.

The access handle is longer than 50m however the site is in the rural zone and not for traditional residential uses where the 50m length is more relevant.

No access easements required as part of this proposal.

Agricultural land overlay code**PO1**

Loss, fragmentation, alienation or diminished capacity of agricultural land is avoided unless:

- (a) an overriding need exists for the development in terms of public benefit;
- (b) no suitable alternative site exists;
- (c) loss or fragmentation is minimised to the extent possible.

Where for Reconfiguring a Lot in the Rural zone**AO1.3**

Reconfiguring a lot does not result in the creation of a lot with an area less than 500 hectares on land identified as Agricultural Land Class A or Class B or Important Agricultural Areas on the **Agricultural land overlay maps OM01a-b.**

PO2

Sensitive land uses in proximity to Agricultural land Class A or Class B or Important

Where for Reconfiguring a Lot in the Rural zone or a Residential Zone Category on land that adjoins the

<p>Agricultural Areas are located and designed in a manner that:</p> <ul style="list-style-type: none"> (a) avoids land use conflict; (b) avoids the alienation of the resource; (c) manages impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash; and (d) does not adversely affect public health, safety and amenity; <p>unless it is demonstrated that the area does not support Agricultural land Class A or Class B or Important Agricultural Areas as mapped.</p> <p>Note - Where Reconfiguring a lot occurs within land identified as <i>Agricultural land Class A or Class B</i> or Important Agricultural Areas for <i>urban purposes</i> within a <i>Future urban area</i> or <i>Urban investigation area</i> and is otherwise consistent with the Planning Scheme (including Part 4 - Strategic Framework) and other relevant State planning policy, State planning regulatory provisions or State legislation a buffer to <i>sensitive land uses</i>, dedicated as public open space may be provided in accordance with a structure plan.</p>	<p>Rural zone AO2</p> <p>Lots created for <i>sensitive land uses</i> within land identified as agricultural land Class A or Class B identified on Agricultural land overlay maps OM01a-b provide a public open space buffer area with a minimum width of:</p> <ul style="list-style-type: none"> (a) 300 metres where open ground conditions apply; or (b) 50 metres minimum width where vegetated in accordance with a detailed landscape plan and maintained in accordance with a public open space management plan.
<p>Comment</p> <p>The subject lots are already well below 500 hectares. The surrounding area is predominantly used for cattle grazing and are currently of a size that they are unlikely to have the ability to support large scale agricultural activities.</p> <p>The general size of the properties are not proposed to change as a result of the proposal and as such the loss, fragmentation, alienation or diminished capacity of the agricultural land is not anticipated to be diminished.</p>	

Flood hazard overlay code

<p>PO8</p> <p>Development is located and designed to:</p> <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 an appropriate proportion of <i>buildings</i> are set above the <i>defined flood level</i>; (e) reduce the carriage of debris in flood 	<p>Where for Reconfiguring a Lot AO8.8</p> <p>Additional lots, except where for the purposes of public open space:</p> <ul style="list-style-type: none"> (a) are not located in areas of High flood hazard area as identified on Flood Hazard Overlay Map OM-007 ; or (b) are demonstrated to be above the <i>defined flood level</i>. <p>AO8.9</p> <p>Reconfiguration and road design ensure</p>
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(f) waters; reduce property damage; and (g) provide road access to <i>buildings</i> above the level of the 1% AEP flood level.	residents are not physically isolated from adjacent urban areas that are above the 1% AEP flood level and provides a safe and clear evacuation route: (a) by locating the access into the reconfiguration above the <i>defined flood level</i> or connecting to a road that is above the 1% AEP flood level; (b) by direct and simple routes to main roads; and (c) by avoiding cul-de-sac and other non-permeable layouts.
Comment	
The subject land contains a small section of high flood hazard which corresponds with a watercourse. There is sufficient land outside the land impacted by the flood hazard overlay for a dwelling house if required. The final lot layout provides all lots with flood free access.	

5.0 OTHER PLANNING CONSIDERATIONS

Trunk Infrastructure and Services

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

5.1 Water Supply

The subject land is not located within an area serviced by a reticulated water supply network, any future dwelling houses will need to be provided with onsite potable water storage.

5.2 Sewerage

The subject land is not located within an area serviced by a reticulated sewerage network any future dwelling houses will need to be serviced by an onsite sewerage treatment system.

5.3 Stormwater/Drainage

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

5.4 Roads

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

5.5 Services

As the subject land is within the Rural zone, electricity and telecommunication services are not required.

5.6 Environment

The proposed development will not result in environmental degradation.

5.7 Heritage

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

5.8 Proposed Road Closure

Stage 2 of the proposed development involves the closure of the road reserves for Un-named Road #2208 and Un-named Road #2209. Council's Operation section have reviewed the proposal and have advised that they are not opposed to the road closures as it is a part of a reconfiguration of a lot development application with the final development resulting in all lots gaining access to a formed/gravel road and see no need for the road reserves to remain.

6.0 PUBLIC CONSULTATION

The matters raised within the submission(s) are outlined below:

Issue: Impact on adjoining "Permit to occupy"

Comment: Concerns have been raised that the proposed reconfiguration of a lot is utilising a road reserve which is currently under a "Permit to occupy". The proposal plan shown at Attachment 3 clearly illustrate that the access to proposed Lot 4 is via a 10-metre-wide access handle which runs parallel to the "Permit to occupy".

The submission states that the "Permit to occupy" extends into the Morden Road, road reserve. The applicant has provided a plan from by the Department of Natural Resources and Mines dated 07/05/2013 which identifies that the "Permit to occupy" ceases at the boundary of the Morden Road, road reserve.

Issue: Ability to subdivide below the minimum lot size as required by the Somerset Region Planning Scheme

Comment: The application involves a staged development. Stage 1 includes the subdivision of Lot 22 into two lots. As this lot is severed by a road that was gazetted before 2 March 2006 and the road forms the whole of the boundary between the lots, the subdivision is acceptable as per the *Planning Regulation 2017* and the minimum lot size is not a consideration.

Stage 3 involves the realignment of the newly created boundaries, as the proposal does not create a new lot it is also acceptable as per the *Planning Regulation 2017*. The assessment therefore does not have consideration to the minimum lot size and instead to the potential function of the realigned lots. In this instance the proposed final development results in all lots having frontage and access to a formed road.

Issue: Impact of additional dwelling houses within the rural landscape

Comment: The ultimate development involves an increase of one additional lot. As such, currently with the appropriate approvals in place there may be the ability for three houses to be constructed on the subject land. The inclusion of one additional lot is considered to be an acceptable outcome.

Issue: Flood impact

Comment: Council's current flood study extends into Lot 1. The flood study identifies that around the watercourse there is flooding ranging from extreme to significant. The remainder of the subject land is not impacted by Council's flood study area, which indicates that in a 1% AEP flood event all lots have areas outside the flood hazard overlay area.

Notwithstanding this, the application is currently for a reconfiguration of a lot in a rural area. Any future development of the lots for domestic or habitable purposes would need to comply with the relevant requirements.

Issue: Use of Unformed Road # 2016

Comment: The submissions raises concerns regarding the use of Unformed Road # 2016 which runs along the eastern side of the subject land. The final development does not propose the use of the Unformed Road, in fact the intent of the proposal is to ensure all lots have frontage and access to Morden Road which is currently formed to a gravel standard.

Conditions could be included to ensure the Staged development occurs in a particular sequence which will ensure the development occurs without requiring any access via Unformed Road # 2016.

Issue: Notification of application

Comment: The submissions have raised concerns that they had not been notified regarding the application. A road separates the subject land from the submitter's properties and as per the requirements of the *Development Assessment Rules* only adjoining properties must be notified.

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 application involves the reconfiguration of a lot over multiple stages. Stage 1 being the subdivision of one lot into two as the currently lot is severed by the road. Stage 2 involving the closure of Un-named Road #2208 and #2209 and the final stage being the realignment of the boundaries to ensure all lots have frontage and access to Morden Road.

9.0 ATTACHMENTS

1. Part 1 – Proposed Subdivision – Drawing Number 8018P/1 Sheet 1 of 3 – prepared by ONF Surveyors
2. Part 2 – Proposed Road Closure - Drawing Number 8018P/1 Sheet 2 of 3 – prepared by ONF Surveyors
3. Part 3 –Boundary Realignment - Drawing Number 8018P/1 Sheet 1 of 3 – prepared by ONF Surveyors
4. Draft SRC Infrastructure Charges Notice

10.0 RECOMMENDED DECISION

THAT Council approve the Development Application for a Development Permit for a Reconfiguration of a Lot by subdivision 1 into 2 lots and Boundary realignment (4 into 4 lots) – Staged development on land described as Lot 1 RP92513, Lot 23 CA31636, Lot 22 CA31636 and situated at Morden Road and Un-named Road 2016, Biarra subject to the requirements and conditions contained in the Schedules and Attachments.

THAT Council support the future application for closure of road reserve Un-named Road #2208 and Un-named Road #2209.

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

SCHEDULE 1 – GENERAL CONDITIONS		
No	Condition	Timing
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where	At all times

	amended by these conditions of approval.	
	<ol style="list-style-type: none"> Part 1 – Proposed Subdivision – Drawing Number 8018P/1 Sheet 1 of 3 – prepared by ONF Surveyors Part 2 – Proposed Road Closure - Drawing Number 8018P/1 Sheet 2 of 3 – prepared by ONF Surveyors Part 3 –Boundary Realignment - Drawing Number 8018P/1 Sheet 1 of 3 – prepared by ONF Surveyors 	
1.2	Comply with 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, charges or expenses levied by Council over the subject land	Prior to request for approval of plan of subdivision for each relevant stage
1.4	Pay to Council the amount of \$37 per lot for the issue of new valuations by the Department of Natural Resources, Mines and Energy, being \$74 in this instance.	Prior to request for approval of plan of subdivision for Stage 1
1.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to request for approval of plan of subdivision
	TIMING OF DEVELOPMENT	
1.6	Stage 1 must be completed within 2 years of the approval starting to have effect.	Prior to request for approval of plan of subdivision for Stage 1
1.7	Stage 2 Must be completed within 18 months of the plan of subdivision for Stage 1 being registered with the Department of Natural Resources, Mines and Energy.	Within 6 months of the plan of subdivision of Stage 1 being registered with the Department of Natural Resources, Mines and Energy.
1.8	Stage 3 Must be completed within 6 months of the of the finalisation of Stage 2.	Within 6 months of Stage 2 being completed.
SCHEDULE 2 – Engineering		
<i>Assessment Manager</i>		
No	Condition	Timing
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	Prior to request for approval of plan of subdivision for each stage

	EARTHWORKS	
2.2	All dams that are across proposed lot boundaries shall be removed.	Prior to request for approval of plan of subdivision
	VEHICLE ACCESS	
2.3	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with Somerset Regional Council Design Standards.	At all times
2.4	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times
	STORMWATER	
2.5	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
	EROSION AND SEDIMENT CONTROL	
2.6	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
Advice		
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 a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within the period stated for that part of the approval.		
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 applicants appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		

The form <i>Application to Approval Plan of Subdivision</i> [version 1.0 effective 3 July 2017] 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.
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.
The completion of relevant documentation and a pre start meeting with Council's Technical Officer, supervising Engineer and the Contractor is required prior to any works starting at the site.

Attachments for the Decision Notice include:

1. Part 1 – Proposed Subdivision – Drawing Number 8018P/1 Sheet 1 of 3 – prepared by ONF Surveyors
2. Part 2 – Proposed Road Closure - Drawing Number 8018P/1 Sheet 2 of 3 – prepared by ONF Surveyors
3. Part 3 –Boundary Realignment - Drawing Number 8018P/1 Sheet 1 of 3 – prepared by ONF Surveyors

Resolution	Moved – Cr Choat	Seconded – Cr Hall
<p>“THAT Council approve the Development Application for a Development Permit for a Reconfiguration of a Lot by subdivision 1 into 2 lots and Boundary realignment (4 into 4 lots) – Staged development on land described as Lot 1 RP92513, Lot 23 CA31636, Lot 22 CA31636 and situated at Morden Road and Unnamed Road 2016, Biarra subject to the requirements and conditions contained in the Schedules and Attachments.</p> <p>THAT Council support the future application for closure of road reserve Unnamed Road #2208 and Unnamed Road #2209.</p> <p>THAT the Council report for this application be published to the website as Council's Statement of Reasons in accordance with the <i>Planning Act 2016</i>.</p>		

SCHEDULE 1 – GENERAL CONDITIONS		
No	Condition	Timing
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	1. Part 1 – Proposed Subdivision – Drawing Number 8018P/1 Sheet 1 of 3 – prepared by ONF Surveyors	
	2. Part 2 – Proposed Road Closure - Drawing	

	Number 8018P/1 Sheet 2 of 3 – prepared by ONF Surveyors 3. Part 3 –Boundary Realignment - Drawing Number 8018P/1 Sheet 1 of 3 – prepared by ONF Surveyors	
1.2	Comply with 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, charges or expenses levied by Council over the subject land	Prior to request for approval of plan of subdivision for each relevant stage
1.4	Pay to Council the amount of \$37 per lot for the issue of new valuations by the Department of Natural Resources, Mines and Energy, being \$74 in this instance.	Prior to request for approval of plan of subdivision for Stage 1
1.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to request for approval of plan of subdivision
TIMING OF DEVELOPMENT		
1.6	Stage 1 must be completed within 2 years of the approval starting to have effect.	Prior to request for approval of plan of subdivision for Stage 1
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1.8	Stage 3 Must be completed within 6 months of the of the finalisation of Stage 2.	Within 6 months of Stage 2 being completed
SCHEDULE 2 – Engineering <i>Assessment Manager</i>		
No	Condition	Timing
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	Prior to request for approval of plan of subdivision for each stage
EARTHWORKS		
2.2	All dams that are across proposed lot boundaries shall be removed.	Prior to request for approval of plan of subdivision

	VEHICLE ACCESS	
2.3	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with Somerset Regional Council Design Standards.	At all times
2.4	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times
	STORMWATER	
2.5	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
	EROSION AND SEDIMENT CONTROL	
2.6	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
Advice		
This approval has effect in accordance with the provisions of section 71 of the Planning Act 2016 . [A copy of section 71 will be enclosed with the Decision Notice].		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if a plan for the reconfiguration that, under the Land Title Act, is required to be given to a local government for approval is not given to the local government within the period stated for that part of the approval.		
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 applicants appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
The form Application to Approval Plan of Subdivision [version 1.0 effective 3 July 2017] 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.

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

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

Carried

Vote – Unanimous

Subject:	ICT Strategy
File Ref:	Corporate management - planning - operational plan
Action Officer:	DFIN

Background/Summary

Council's operational plan includes an objective to "Review alignment of Information Communication and Technology (ICT) strategy with business goals" and produce an "ICT Strategy and associated documents".

There was no budget to prepare an ICT Strategy.

A quotation attached indicates an approximate cost for a consultant to prepare these documents of \$28,860 plus GST.

Council's ICT Administrator and Director Finance have drafted an ICT needs analysis and strategy which is included in the recommendation below.

The recommendation is based around:

- Council's vision of affordable rates, effective services.
- Council's favourable audit outcomes in the top 13 councils in Queensland as reported by Queensland Audit Office to State Parliament on 15 May 2019.
- Risk of expensive and potentially suboptimal ICT change processes reported elsewhere.

Attachments

- Extract from Somerset Regional Council FY2018 audit closing report detailing Queensland Audit Office's 100% green light assessment of Somerset
- Extract from Central Highlands Regional Council leadership and governance Committee agenda report of 9 October 2018 about an incomplete \$7 million business system installation
- Extract from Lockyer Valley Regional Council audited financial statements FY2015 to FY2018 detailing capitalised software purchases over four years totalling \$5.1 million
- Comparison of four SEQ rural councils

Recommendation

THAT Council adopt the following ICT needs analysis and ICT strategy.

This strategy is aligned with our vision of affordable rates - effective services and guided by our mission statement goals of:

- Focusing on our customer's needs
- Planning for the future
- Utilising resources efficiently and effectively
- Using sound business practices
- Utilising the practice of continuous improvement

Somerset Regional Council is a local government which manages transport infrastructure with a gross replacement cost of \$395 million (86%) and other infrastructure with a gross replacement cost of \$64 million (14%). The other infrastructure assets include principally recreational, cultural and waste management assets sited mainly in the towns of Esk, Toogoolawah, Fernvale, Lowood and Kilcoy. The Council employs around 180 full time equivalent (FTE) employees in an area of around 5,400 square kilometres with approximately 26,000 population.

A comparison of key features of Somerset Regional Council, Lockyer Valley Regional Council, Scenic Rim Regional Council and Southern Downs Regional Council is attached.

The comparison shows:

- Somerset is the only one of the four SEQ urban fringe councils that does not use Technology One software for its main business system
- Somerset full time equivalent employee numbers are approximately half of each of the other three councils

ICT needs analysis:

- Council is already meeting all legal requirements and the highest possible audit requirements using its existing suite of business software.
- Council can achieve its corporate and operational plan objectives using technology that it already owns.
- Council has a need to formalise and finalise its business continuity plans.

ICT Strategy:

- Utilise technology to enable and support the efficient delivery of effective Council services.
- Maintain current low-cost business systems while these continue to meet legal and audit requirements.
- Avoid the costs and risks experienced by other councils including Central Highlands Regional Council associated with large scale business system installations or adoption of technologies of insufficient maturity and stability.
- Avoid anchoring Council's technology to one business partner.
- Remaining alert to technological change. Council has the financial strength to invest in new technologies after they are tried and proven.
- Remaining agile enough to acquire or hire in new small-scale technology that meets council's business requirements when this technology appears and when proven to work in other places.

- Retaining core business data and systems on site in Somerset Regional Council area until there is guaranteed internet reliability that would allow for safe hosting of community data and systems elsewhere.
- A finalised business continuity plan should be completed by 31 August 2019.

Resolution

Moved – Cr Choat

Seconded – Cr Gaedtke

“THAT Council adopt the following ICT needs analysis and ICT strategy.

This strategy is aligned with our vision of affordable rates - effective services and guided by our mission statement goals of:

- Focusing on our customer's needs
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- Avoid anchoring Council's technology to one business partner.
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- Remaining agile enough to acquire or hire in new small-scale technology that meets council's business requirements when this technology appears and when proven to work in other places.
- Retaining core business data and systems on site in Somerset Regional Council area until there is guaranteed internet reliability that would allow for safe hosting of community data and systems elsewhere.
- A finalised business continuity plan should be completed by 31 August 2019."

Carried*Vote – Unanimous***Staff Service Presentation**

Mayor Graeme Lehmann presented Mr Rob Bouchier (Overseer) with a Certificate of Service and gift in recognition of 20 years' service with Council. The Mayor, Councillors and Mr Andrew Johnson (Director Operations) thanked Mr Bouchier for his great contribution to Council.

Adjournment of Meeting

The meeting adjourned at 10am for morning tea, resuming at 10.28am.

Subject:	Amended Operational Plan 2019/20
File Ref:	Corporate Management - Reporting
Action Officer:	DCORP

Background/Summary

The Director Finance has identified several items within the Operational Plan 2019/20 that are currently not funded within the 2019/20 Budget. Council has not, for example, budgeted for consultants to prepare an enterprise risk management model (preamble to operational plan), to prepare an ICT strategy (36), a report on mobile library services (10), or an updated economic development plan (flagged for 2020).

A draft amended Operational Plan is presented to Council to ensure consistency with the budget as per s169 of the Local Government Regulation 2012.

Attachments

Attachment 1 – Amended Operational Plan

Recommendation

THAT Council make the amendments to the Operational Plan 2019/20 as attached to ensure that the Operational Plan aligns with the adopted Budget.

Resolution

Moved – Cr Choat

Seconded – Cr Brieschke

"THAT Council make the amendments to the Operational Plan 2019/20 as attached (Annexure A) to ensure that the Operational Plan aligns with the adopted Budget."

Carried

Vote – Unanimous

Subject: Sale of land for overdue rates action – L 21 RP840746 at 502 Clarendon Road Clarendon Qld 4311
File Ref: Rates – notification – sale of land for overdue rates
Action Officer: DFIN

Background/Summary

Council has been unable to effect service of a notice of intention to sell land for overdue rates. Council issued this notice on 15 May 2019.

Council records show the owner of the property does not live locally and has been through the sale of land process before. Endorsement is sought to issue the notice using substituted service provisions and to seek to recover the costs of this service as part of the sale process. This will involve advertising in the Courier-Mail and Government Gazette.

Attachments

Section 239 of the *Local Government Act 2009*

Recommendation

THAT the service of notices in respect of property 03641-10700-000 using the provisions of section 239 of the *Local Government Act* be endorsed.

Resolution

Moved – Cr Ogg

Seconded – Cr Hall

"THAT the service of notices in respect of property 03641-10700-000 using the provisions of section 239 of the *Local Government Act* be endorsed."

Carried

Vote – Unanimous

Subject: Revenue statement - service address after change of ownership - property search process
File Ref: Rates - property history - service address
Action Officer: DFIN

Background/Summary

Sections 160 to 162 of the Local Government Regulation 2012 set out how local governments are notified of a change in the ownership of land.

The process relies on the Department of Natural Resources Mines and Energy (DNRME) as registrar of titles providing change of ownership information including the full name and address of the new owner of the land.

Recently DNRME have ceased providing Council with the postal addresses of new owners on all change of ownership advices notwithstanding S160 (e) of the Local Government Regulation 2012. As an efficient and effective way for Council to obtain required information, a change to Council's property search process as outlined in the Revenue Statement is recommended.

Attachments

Sections 160 to 162 of the Local Government Regulation 2012
Extract from 2019/2020 Revenue Statement

Recommendation

THAT the following text in the Revenue Statement R16.12:

"It is a condition of Somerset Regional Council property search requests that completed requests provide prospective purchasers' full names and postal addresses."

Be replaced with:

"It is a condition of Somerset Regional Council property search requests that completed requests provide both the prospective purchasers' full names and current postal addresses as well as the prospective purchasers' addresses for service of notices following change of ownership."

Resolution

Moved – Cr Whalley

Seconded – Cr Ogg

"THAT the following text in the Revenue Statement R16.12:

'It is a condition of Somerset Regional Council property search requests that completed requests provide prospective purchasers' full names and postal addresses.'

Be replaced with:

'It is a condition of Somerset Regional Council property search requests that completed requests provide both the prospective purchasers' full names and current postal addresses as well as the prospective purchasers' addresses for service of notices following change of ownership.'

THAT Council write to the Department of Natural Resources and Mines providing examples of change of ownership advices provided to Council that do not contain new owners' full addresses and requesting information as to why these were not provided in accordance with s160 of the Local Government Regulation 2012."

Carried

Vote – Unanimous

Subject:	Audit committee policy QAO independent chair recommendation
File Ref:	Financial management - audit - audit committee
Action Officer:	DFIN

Background/Summary

At the request of the former Chief Executive Officer, a recommendation was placed before Council on 26 June 2019 to amend the Audit Committee Policy to allow for the appointment of two independent members of the Audit Committee with one independent member being appointed chair.

While, Council adopted a change to the audit committee policy on 26 June 2019, it is brought to Councillors' attention that:

- There is no legal requirement for Council to have two independent audit committee members
- Council did not budget for two independent audit committee members
- Council is not required to have an audit committee as it is not a council "belonging to a remuneration category of 3 or a higher" under section 209 of the Local Government Regulation 2012

Attachments

Nil

Recommendation

THAT the Audit Committee policy be amended by replacing the following text:

"The members of the audit committee are the Mayor, Deputy Mayor and two independent members. Each independent member must be either a Chartered Accountant or a Certified Practising Accountant who works in public accounting and who is not an employee of Council. The earlier appointed independent member in attendance shall act as Chair."

with

"The members of the audit committee are the Mayor, Deputy Mayor and one independent member. The independent member must be either a Chartered Accountant or a Certified Practising Accountant who works in public accounting and who is not an employee of Council. The independent member in attendance shall act as Chair."

Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

"THAT the Audit Committee policy be amended by replacing the following text:

"The members of the audit committee are the Mayor, Deputy Mayor and two independent members. Each independent member must be either a Chartered Accountant or a Certified Practising Accountant who works in public accounting and who is not an employee of Council. The earlier appointed independent member in attendance shall act as Chair."

with

"The members of the audit committee are the Mayor, Deputy Mayor and one independent member. The independent member

must be either a Chartered Accountant or a Certified Practicing Accountant who works in public accounting and who is not an employee of Council. The independent member in attendance shall act as Chair."

Carried

Vote - Unanimous

Subject:	Tender 1144 – Hire of Dry Hire Plant and Equipment
File Ref:	Corporate management - tendering - tenders
Action Officer:	SPO

This matter was withdrawn from the Agenda.

Subject:	Building our Regions round five potential projects
File Ref:	Grants - programs - Building Our Regions
Action Officer:	DFIN

Background/Summary

It is anticipated that the Department of State Development, Manufacturing, Infrastructure and Planning will announce round 5 of the Building our Regions (BoR) program shortly.

Officers seek Council's endorsement to prepare designs, costings and other material for the following potential projects:

- Strengthening concrete-timber hybrid bridges for community resilience

Council has been progressively seeking funds to strengthen its stock of 21 timber/concrete hybrid (Doolan Deck) bridges and has been successful with funding Burtons Bridge, Savages Crossing, Barneys Rock Bridge and Allerys Bridge. These projects typically cost between \$100,000 and \$200,000 each. These bridges provide critical connections for Somerset's rural economy and community. It is noted that another Council was successful under the last round of BoR to make a package of 24 crossings more flood resilient.

- Resurfacing the Brisbane Valley Rail Trail at Coominya and Lowood to Fernvale

Council controls a 6.6-kilometre section of the Brisbane Valley Rail Trail north and south of Coominya and a 9 kilometre section of Brisbane Valley Rail Trail between Lowood and Fernvale. Resurfacing of these sections of trail at an estimated cost of \$562,000 may be desirable for tourism promotion, economic development and risk management reasons. Six path/ trail projects were funded under the last round of BoR.

Attachments

Nil

Recommendation

THAT Council endorse the commissioning of designs, costings and other material to support funding applications under the Queensland Government's Building our Regions program round five for the projects Strengthening concrete-timber hybrid bridges for community resilience and Resurfacing the Brisbane Valley Rail Trail at Coominya and Lowood to Fernvale.

Resolution

Moved – Cr Whalley

Seconded – Cr Brieschke

"THAT Council endorse the commissioning of designs, costings and other material to support funding applications under the Queensland Government's Building our Regions program round five for the projects Strengthening concrete-timber hybrid bridges for community resilience and Resurfacing the Brisbane Valley Rail Trail at Coominya and Lowood to Fernvale."

Carried

Vote - Unanimous

Closed Session - Agenda Item 35 - Fernvale Indoor Sports Centre Management

In relation to agenda item number 35, I move pursuant to s275 of the *Local Government Regulation 2012*, that this meeting be closed to the public so that councillors or members can discuss –

- (e) Contracts proposed to be made by Council;
- (h) 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.

Resolution

Moved – Cr Whalley

Seconded – Cr Choat

"THAT Council move into a closed session at 10.35pm and that the meeting be closed to the public, pursuant to s275 of the *Local Government Regulation 2012*, so that Councillors or members can discuss –

- (e) Contracts proposed to be made by Council;
- (h) 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."

Carried

Vote – Unanimous

Resolution

Moved – Cr Whalley

Seconded – Cr Ogg

"THAT Council move out of the closed session at 11.28am, and that the meeting be once again be open to the public."

Carried

Vote – Unanimous

Subject:	Fernvale Indoor Sports Centre Management
File Ref:	SRC - Council Properties - Leasing out
Action Officer:	DCORP

Resolution

Moved – Cr Ogg

Seconded – Cr Choat

“THAT Council reject all Tenders received for Tender 1130 – Management of the Fernvale Indoor Sports Facility; and

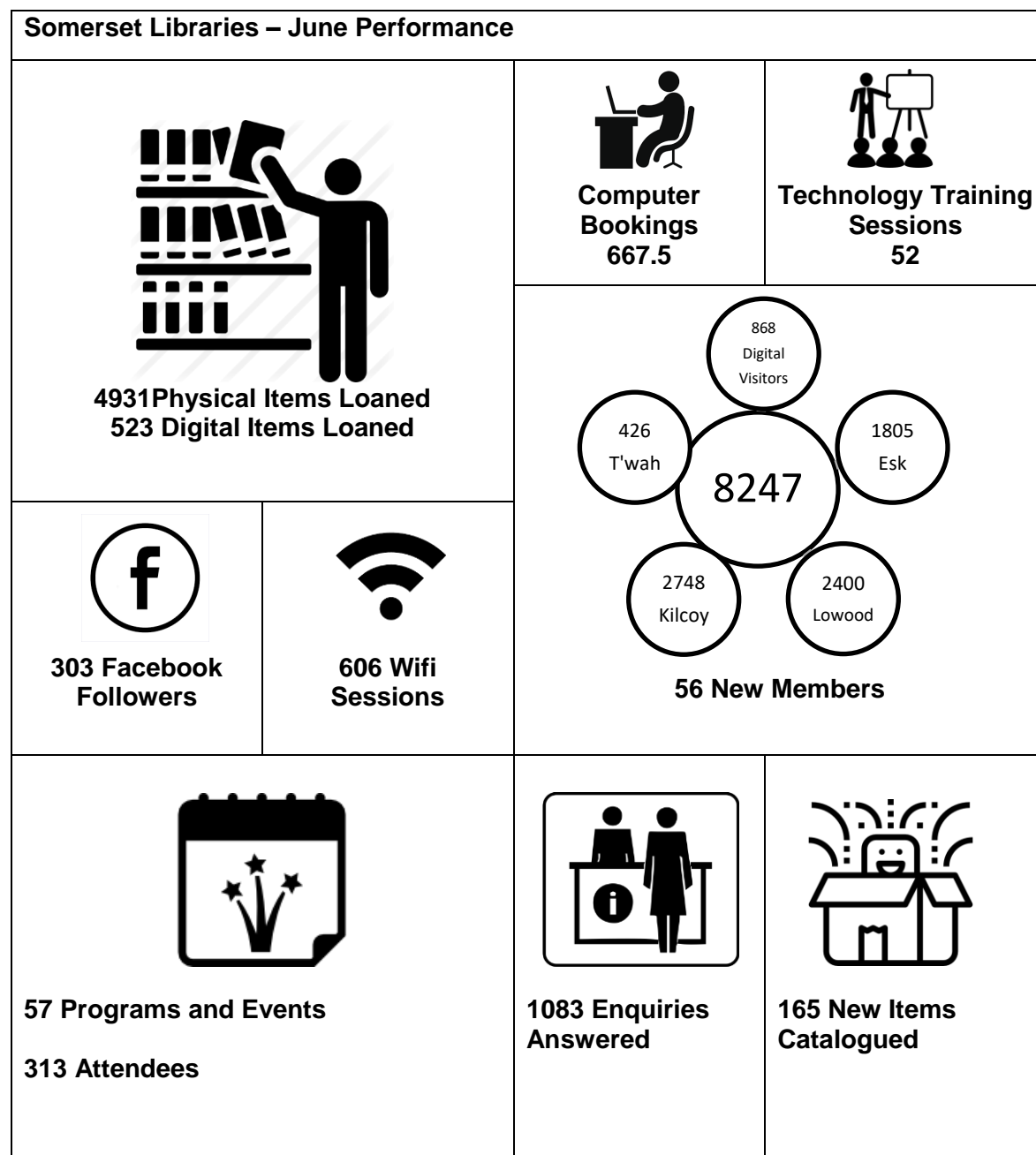
THAT in accordance with LG Regulation Section 236 (b) (ii) Council accept the proposal from the Police Citizens Youth Welfare Association Inc (PCYC) noting that this proposal is accepted subject to:

- Council providing funding to transition one indoor Court to a gymnastics area;
- Council providing on-going funding for the first three years at the level requested; and
- PCYC fund the change to the Signage of the facility;
- Council and PCYC commit to a joint open day for the facility; and
- Council reserves the right to renegotiate the funding at the end of three years subject to Council’s requirements.”

Carried*Vote - Unanimous*

Subject:	Somerset Libraries Officer's report June 2019
File Ref:	Officer's report
Action Officer:	(RL) Regional Librarian

Background/Summary



Upcoming Events and activities

Author talk – Andrew Holt – Kilcoy Library, Monday 1 July
STEAM WEEK – Chemical Reactions – Lowood Library
STEAM WEEK – Play with a Sphero
STEAM WEEK – Earthquake resistance
STEAM WEEK – Geometric Whirls
STEAM WEEK – Dinosaur Theme Park

Ukulele workshop, Kilcoy Library, 2 July
Ukulele workshop, Esk Library, 2 July
Ukulele workshop, Lowood Library, 2 July
Make you own snow globe, Toogoolawah Library, 4 July
Tinker Lab: Invent your own scrap-bot, All branches
NBN in your community, Kilcoy Library, Thursday 11 July
NBN in your community, Toogoolawah Library, Thursday 18 July
NBN in your community, Esk Library, Thursday 25 July

Regional shows

Library staff attend the Lowood and Toogoolawah shows in June. Staff were able to talk with attendees about regular library events and activities, the current library survey and the First Five Forever and Tech Savvy programs funded by the State Library of Queensland.

Staff made contact with 216 people over the duration of the two shows and handed out First Five Forever postcards which encouraged families with children under five to head into their nearest Somerset Library branch to collect a free book pack.

Readers Cup

The Somerset-Lockyer district Readers Cup took place at Fernvale State school this year on Thursday, 13 June. Somerset Libraries were proud to work in partnership with the Children's Book Council of Australia and the Ipswich District Teacher Librarian network.

115 children took part from schools across the Somerset and Lockyer districts.

Reader Cup organised by the Qld Branch of the Children's Book Council of Australia and is a state wide competition for young readers.

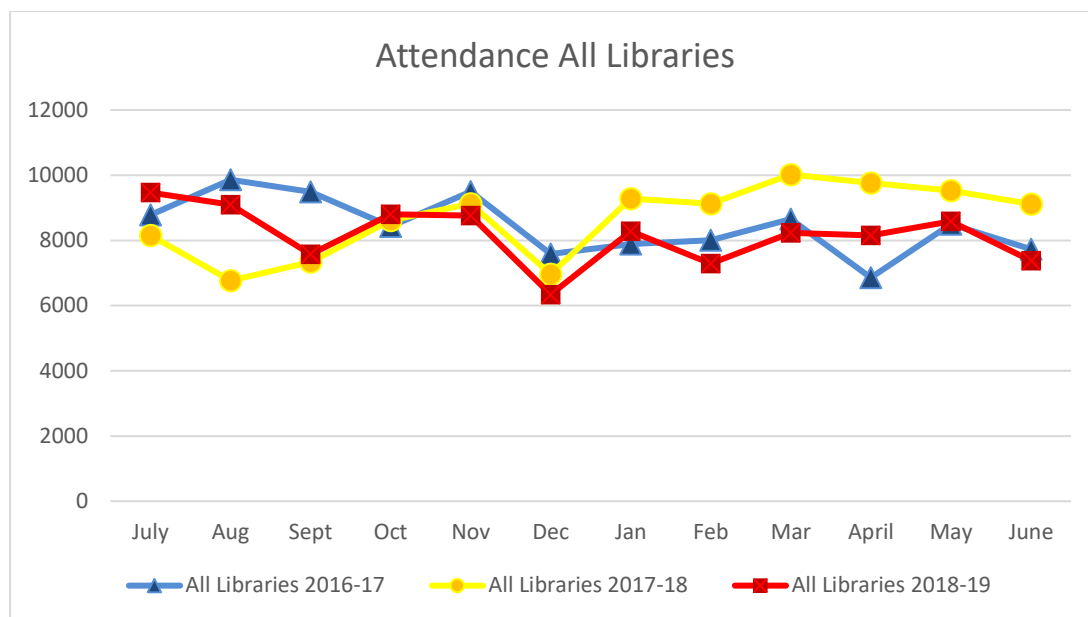
Tech Savvy update

Public libraries are one of the most successful information centres for increasing the quality of life and opportunities for residents by providing free and equal access to high-quality information. Technology classes such as Tech Savvy Seniors assist in giving people the right tools to access that information - important to civic participation and its development, which has become one of the basic functions of public libraries.

From 1 April to 30 June, 84 residents took part in 16 Tech Savvy seniors classes across the regions four branch libraries.

Library Attendances

Library attendances for the year were 97,942 this is slightly lower than the previous two years (2016/17 – 101,249 and 2017/18 – 103,783). Council's physical attendances may be being offset by digital visitation which is on the rise.



Attachments

Nil

Recommendation

THAT Council receive the *Somerset Libraries Officer Report for June 2019* and the contents be noted.

Resolution

Moved – Cr Choat

Seconded – Cr Gaedtke

"THAT Council receive the *Somerset Libraries Officer Report for June 2019* and the contents be noted."

Carried

Vote - Unanimous

Subject:	Somerset Region Neighbourhood Centre Service Report for the period 1 June - 30 June 2019
File Ref:	Community services - service provision - Community Development
Action Officer:	CDC

Background/Summary

Activities throughout the month included:

- Toogoolawah Community Connection Point continues to host The Thursday Club, Toogoolawah Mothers Support Group, Toogoolawah Playgroup, Toogoolawah Women's Group and Toogoolawah Rag Ruggers. The Toogoolawah Women's Group meeting on the 12 June included a workshop on stress management facilitated by psychologist Deb Braga, with 22 women attending.
- World Elder Abuse Awareness Information Morning in Lowood

Meetings/attendances throughout the month:

- Attended the Lowood Youth Mental Health and Wellbeing project meeting;
- Met with West Moreton Hospital and Health Service's (WMHHS) project officer to discuss community engagement process for Lowood Youth Mental Health and Wellbeing project;
- Met with coordinator and worker from Wesley Mission STARH program ahead of their fortnightly outreach to Esk. STARH supports people at risk of losing their housing;
- Coordinated the Brisbane Valley and Kilcoy Interagency Meetings;
- Attended the Child Protection Week Committee Meeting;
- Attended an emergency relief support meeting with Department of Social Services personnel, funded services and other neighbourhood centres to develop an equitable and accessible model for service delivery;
- Met with a worker from Lifeline's Community Connections Program, a program to provide "accidental counsellor" training to support mental health;
- Attended Footsteps to Freedom's reducing mental health stigma workshop;
- Met with Save the Children's support worker and Cr Gaedtke about interest expressed by some in the Kilcoy Filipino community to hold a cultural event;
- Met with Peter Spencer from New Children's and New Adult Pathways regarding family, youth and children's issues in the Atkinson Dam, Coominya and Lowood region and discussed involvement in the Local Drug Action Team (LDAT), supported by the school principals at the local primary schools;
- Attended Corporate Services meeting;
- Attended Lowood High School Support Services Meeting;
- Attended the Toogoolawah High School Support Services Meeting;
- Met with the Esk Men's Shed regarding possible grants;
- Attended Social Planning meeting.

Grants

Successful in accessing \$10,000 grant from the Thriving Queensland Grant Round 2, for the Lowood Youth Mental Health and Wellbeing project

Future Planned/Proposed Events and activities

- Regional Seniors Event – August – Esk
- Child Protection Week Symposium and Gala Ball – September – Ipswich (committee member)
- Teddy Bears Picnic – October – Fernvale

Somerset Region Neighbourhood Centre Service usage

Events/Activities

<i>Group/event name</i>	<i>Date</i>	<i>Location</i>	<i>Topic</i>	<i>Number attendees</i>	<i>Number new attendees</i>
Thursday Club	6 June	Toogoolawah	Crocheting	15	1
	13 June			11	0
	20 June			11	0
	27 June			10	0
Toogoolawah Mothers Group	5 June	Toogoolawah		3	0
	12 June			3	0
	19 June			3	0
	26 June			Cancelled due to illness	
Toogoolawah Women's	12 June	Toogoolawah Community	Stress management	22	1

Group	26 June	Connection Point		22	0
Community Information Session	15 May	Lowood	World Elder Abuse Awareness	7	7

Information and referrals

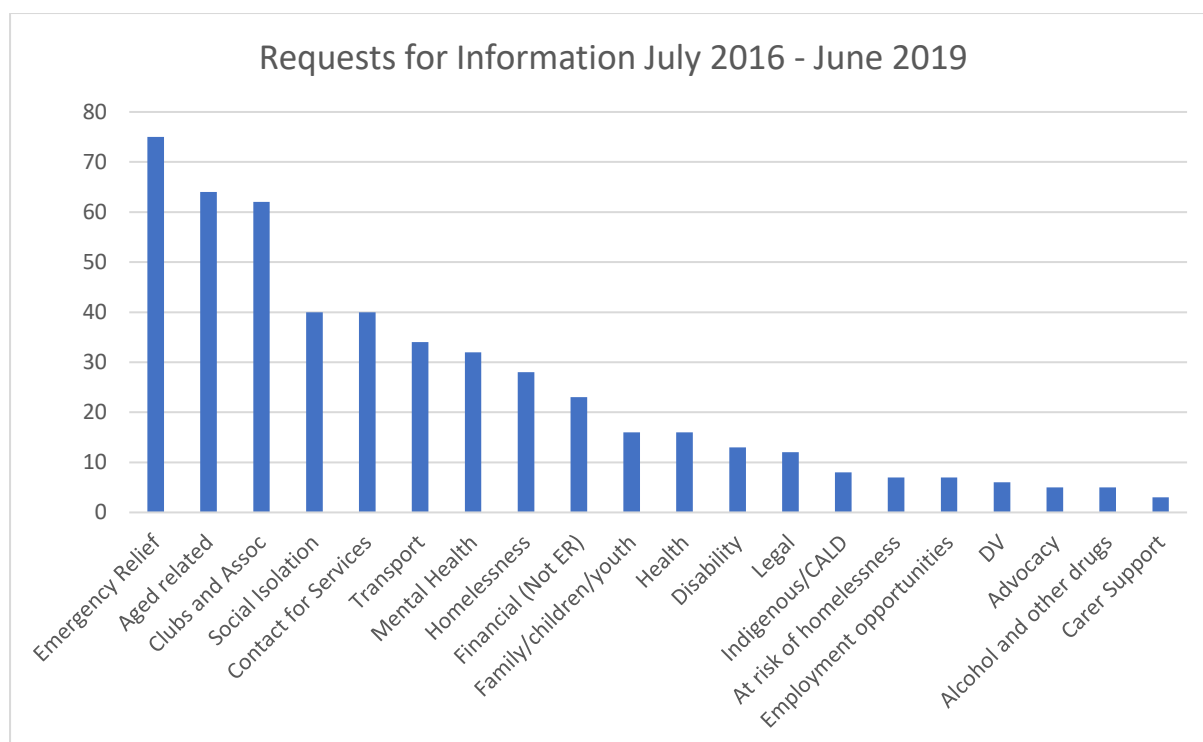
<i>Referring centre/role</i>	<i>Total number of people assisted</i>	<i>Any trends (including topic and location)</i>	<i>How enquirers heard about the service</i>
Esk Community Connection Point	2	Employment opportunities (1) Support Service (1)	Colocation 2
CDC	8	Public Transport (1) Toogoolawah Community Transport (1) Coominya Home maintenance (1) Lowood Senior Help with forms (1) Esk Music group for child (1) Esk Club (1) Esk Centrelink (1) Kilcoy Assistance for released prisoner (1) Esk	Via Council 5 Via agency 3

This report represents the final month of funding delivered under the Department of Communities service contract for the position of the community development coordinator, as the Somerset Region Neighbourhood Centre. A new five year funding contract commences from 1 July 2019 and will be known as Somerset Region Support Service, to reflect the move away from a place based service, to a more flexible model of service delivery.

The reporting requirements will remain similar, with each quarter to include at least one event, one project and one resource, but will now include an annual report on the individual issues challenging the region. This report will name the issues, identify where they exist, which groups are impacted, how these have been identified, what services are currently assisting, what be done to improve the situation and identify possible partnerships, including with Council.

Over the previous three years the role of the community development coordinator has included being a point of contact for community members to connect with services. Many of these calls have been directly referred through council's customer service officers, but have also come through the community connection point in Esk and initially also Kilcoy and via other services and the state member of parliament's office.

The graph below reflects the number of requests for Information and Assistance made by type over the three years. The total number of requests made to Council were approximately 500 and the type of requests were as follows:



Emergency relief was the consistently largest referral and along with associated issues of homelessness, being at risk of homelessness and seeking other financial assistance, including accessing hardship and bill relief, reflects the region's residents' low socio-economic status and the growing poverty gap, created by the number of people dependent upon the Newstart Allowance. Many of those seeking assistance have been older Newstart beneficiaries, no longer able to work in their line of work, but not disabled enough to qualify for a disability pension.

Referrals from elderly residents were also high. Requests for assistance regarding property maintenance and access to community transport for medical appointments featured prominently, in addition to navigating the My Aged Care system. Social isolation reports were also dominated by the elderly, with the need to connect with groups, a common request from new senior residents. Due to mobility issues most of the seniors look for something in their own town.

Mental health and health enquiries were also regular requests, as well as phone contact details for services. The roll out of the National Disability Insurance Scheme (NDIS) also increased enquires from residents wanting to know more about the scheme and who to contact.

There was a noticeable absence of enquiries from young families during the period, which may reflect the fact that many of these reside in the southern part of Somerset which is serviced by two placed based services and a number of visiting services. Most of the enquiries came from the middle region of Somerset possibly reflecting the percentage of seniors in this region. There were very limited enquiries from the culturally and linguistically (CALD) community of Kilcoy and most enquiries regarding indigenous services were from a third party. There were very few enquiries from Kilcoy in general, but the ones which came through related to financial distress and homelessness, with virtually no enquiries from seniors in that location.

Attachments

Nil

Recommendation

THAT Council receive the Somerset Region Neighbourhood Centre Service Report for the month of June 2019 and that the contents be noted.

Resolution	Moved – Cr Ogg	Seconded – Cr Brieschke
	<p>“THAT Council receive the Somerset Region Neighbourhood Centre Service Report for the month of June 2019 and that the contents be noted.”</p> <p style="text-align: right;"><u>Carried</u></p> <p><i>Vote - Unanimous</i></p>	

Subject:	Youth Engagement Officer - June 2019 Monthly Report
File Ref:	Community services - youth development - youth services
Action Officer:	YEO (Ruth O'Dowd)

Background/Summary

The following report contains an overview of the key projects and activities of the youth engagement officer (YEO) for June 2019. The report also outlines planned projects and proposals for future youth related projects.

Networks, partnerships and local connections

The youth engagement officer (YEO) liaised with the wider community to discuss and advocate the needs of local young people in the region, and the key issues and projects relevant to the YEO role.

Networks and committees attended, and key engagements:

- Lowood State High School Support Services Meeting
- Toogoolawah State High School Support Services Meeting
- Talkin' It Up Forum Meeting
- Youth Interagency Meeting
- West Moreton Health
- Busy at Work
- Ipswich Hospital Foundation
- Anglicare
- Headspace
- Ipswich Community Youth Service (ICYS)
- Ipswich City Council
- Lockyer Valley Council
- Toogoolawah State High School
- Toogoolawah Primary School
- Lowood State High School
- Kilcoy State High School
- South West Advocacy and Pathways
- Your Town
- Multicultural Sports Club Qld
- Brave Foundation
- Back to Work
- Access
- Department of Human Services
- Headspace

- Fernvale Indoor Sports Centre
- Kilcoy Indoor Sports Centre
- Aqua antics Leisure Centre
- Children and Adult Pathways

General activities and key projects undertaken

A listing of key events and projects with a summary is outlined below. Please note that there may be other events or activities not included.

YEO finalised the **Somerset Winter School Holiday Program** for June/July 2019. Stakeholders Kilcoy and Fernvale Indoor Sports Centre submitted activities along with the council Libraries and Information Centres. These are all free or low-cost activities available for all ages throughout the Holiday Period.

Buses have been finalised for the Council hosted event – an excursion to the Darling Downs Zoo for ages Prep-Year 12. The visit will include educational presentations (treat feed and talks) on Crocodiles, Asian Monkeys, Tigers, Giraffes, Cheetahs, Meerkats, Hippos, Lions, Snakes, South American Birds and Monkeys. Participants pay direct to the Darling Downs Zoo. A discounted student group rate has been organised - Prep to Year 10 - \$12 each, Year 11 to 12 - \$16 each. Council will be covering the costs of the bus transport for the excursion - Northern Group covers participants from Kilcoy, Harlin, Toogoolawah and Esk for Friday, 5 July 2019. Southern Group covers participants from Coominya, Fernvale, Lowood, Tarampa and Minden for Tuesday, 9 July 2019. Participant numbers are increasing and a request has been put forward to book an additional bus for the Northern Region excursion.

Youth

The YEO continues to assist the Fernvale VISO and SRO with the **Somerset Rail Trail Fun Run or Ride**. Main area of focus for YEO is the festival part of the event, assisting in the creation of a risk assessments, entertainment, stall holders, attractions, pick up and return of equipment. Expression of interest for food and general vendors is now closed. A variety of food and general vendors has been accepted. The festival part of the event will include: -

- A variety of food and drink vendors catering for both children and adults
- General vendors, information stalls, local businesses and not for profit community groups.
- Children's Disco and Face Painting
- Reggae Band to enhance the festival vibe of the event.
- Climbing Rock Wall
- 2 large sports inflatables – Hippo Chow Down – bungee tug-o-war style game and Human Foosball.
- Jumping castle
- Large inflatable slide
- Petting/Animal Farm.

The YEO continues as a member of the steering committee for the Ipswich Hospital Foundation, **Talkin' It Up Forum**, to be held at Lowood State High School, Thursday, 8 August 2019. This forum is all about promoting young people having healthy discussion about mental health, breaking down the stigma attached to mental health and inspiring ways of promoting activities that will enhance the mental health of those young people attending schools and or organisations in the regions of Ipswich, Somerset and Lockyer. Participant registrations are now closed. A total of 330 students plus 20 service providers will be attending the event to promote discussion around Mental Health. Workshops, key note speakers have also been included into the program.

Meetings were held this month Tuesday, 11 and 25 June 2019.

YEO is responsible for organising the catering for the event, liaising with the school regarding venue logistics, media equipment and general operation. Due to the number of participants attending, catering has been increased to cover the demand.

Council covered the costs for the workshop participant wristbands bus petrol costs associated to the transfer for the Toogoolawah State High School Students.

YEO in conjunction with Lyn Buchanan, Community Services Officer, attended a meeting with **Peter Luxton from Children and Adult Pathways** on Tuesday, 11 June 2019. Discussion and suggestions around sourcing and creating a permanent building ie youth hub in Lowood to assist disengaged youth or troubled youth (facing issues at home and/or at school) with a haven to visit, providing activities including but not limited to, service information, discos, motivational speakers and break out spaces.

YEO attended a **networking meeting** with Trent Nibbs, Youth / Sport and Recreation/Grant officer for **Lockyer Valley Regional Council** and Rebecca Schroder, Youth Coordinator for **Toowoomba Regional Council** to share ideas for future school holiday programs and the possibility of joint Leadership camps. YEO particularly interested in the Regional Youth Leader Programs, currently run by Rebecca Schroder. These are found to be very successful with the young people and YEO is keen to look at the possibility of introducing this program into the Somerset Region for our Youth. The program is focused on the youth learning more about their community, being a leader, getting involved and providing a voice.

YEO attended the **Brisbane Valley Interagency Meeting** on Thursday, 13 June 2019 with Lyn Buchanan, Community Services Officer. This meeting promotes strong stakeholder networking, engagement and collaboration. Main topic on the agenda is seeking assistance for housing and emergency relief for the area, approaching community groups to assist with food and running the Breakfast clubs at Lowood State High School.

YEO attended the **Youth Interagency Meeting** in Ipswich Tuesday, 18 June 2019. This meeting is facilitated by Ipswich Community Youth Service. It promotes strong stakeholder networking, engagement and collaboration. The agenda covers emerging trends, issues for discussion, upcoming initiatives and programs. Scheduled speaker, Michelle Killen from Ipswich Community Youth Service spoke about Get Set for work options for the young people in the community, options and how to access support.

YEO attended and facilitated the **Support Services Meeting at Lowood State High School** on Wednesday, 19 June 2019. New services were introduced to the school and discussion was focused around youth attending school without food or having breakfast. Ideas were presented about a possible Youth Hub space in Lowood for disengaged and all young people looking for a safe space/haven to visit.

YEO attended and facilitated the **Support Services Meeting at Toogoolawah State High School** on Thursday, 27 June 2019. New services were introduced to the school and discussion was focused around Year 13 Follow ups – big push to ramp up follow-ups before students exit. They are now meeting with parents and students in week 2 of term 3 to discover the direction that the students wish to take. Those who need support can then be referred. School wondered if they could get assistance through DES but not so as must be disengaged.

Discussion about disability employment services, as Family Services who outreach to Toogoolawah do not have any young people on their books. Katrina from Ipswich Community Youth Services indicated that most get referred to Your town as they have additional services that they can offer. Not always the best option as these services are not based in the region

and young people must travel to access. Discussion generally about the need for young people to apply for 23 jobs per month which is not feasible in an area where there is little employment and no transport.

Attachments

N/A

Recommendation

THAT Council receive the *Youth Engagement Officer Monthly Report for June 2019*, and that the contents be noted.

Resolution

Moved – Cr Choat

Seconded – Cr Ogg

“THAT Council receive the *Youth Engagement Officer Monthly Report for June 2019*, and that the contents be noted.”

Carried

Vote – Unanimous

Subject:	Sport and Recreation report – June 2019
File Ref:	Governance – Reporting – Officer Reports
Action Officer:	SRO

Background/Summary

The following report contains an overview of current activities of the Sport and Recreation Officer (SRO) and an update of projects in planning phase and future proposals as of 17 July 2019.

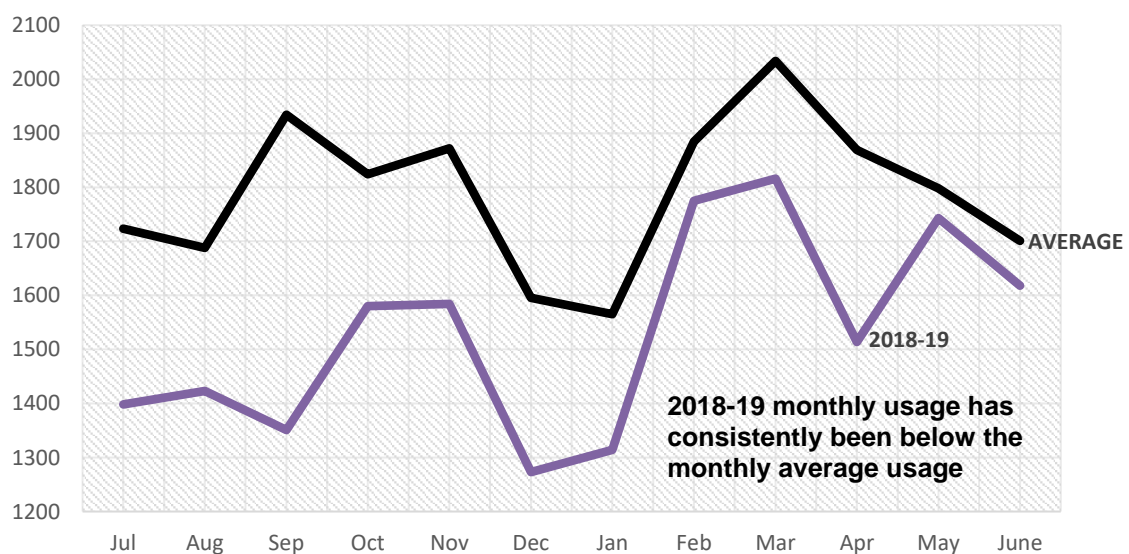
Vibrant Somerset

1. Operate Indoor Sports Facilities

Please note that the highlights are from the June sports facility reports.

Fernvale Indoor Sports Centre

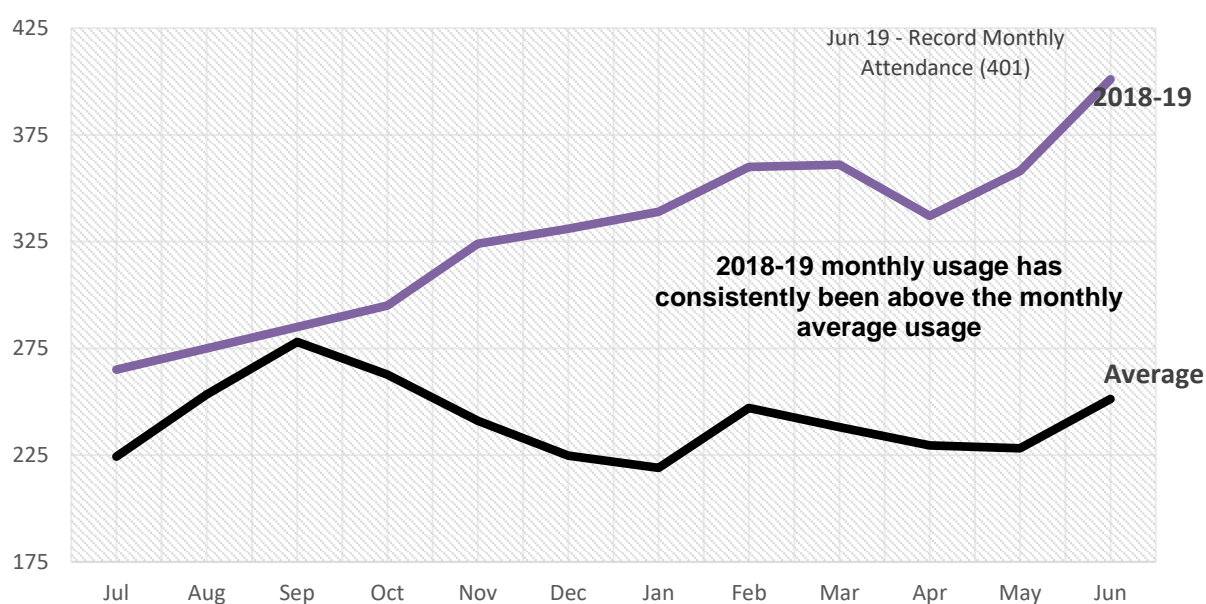
- There were 1,618 attendees at the centre in June 2019.



- Gym memberships for June (189) were slightly lower than the figures recorded in the previous month (195) and were also down on figures recorded during the same period last year (218).
- Marketing initiatives included keeping the Facebook page updated with regular posts as well as other forms of social media including Instagram, and promotion of “Half Price Start Up Fee” memberships and trial passes.
- There were no incidents recorded for the month of June.

Toogoolawah Community Gym

- Attendances in classes and general gym usage in April was 401, a record monthly attendance for the facility (the seventh monthly record for the 2018-19 period) and significantly above the monthly average.



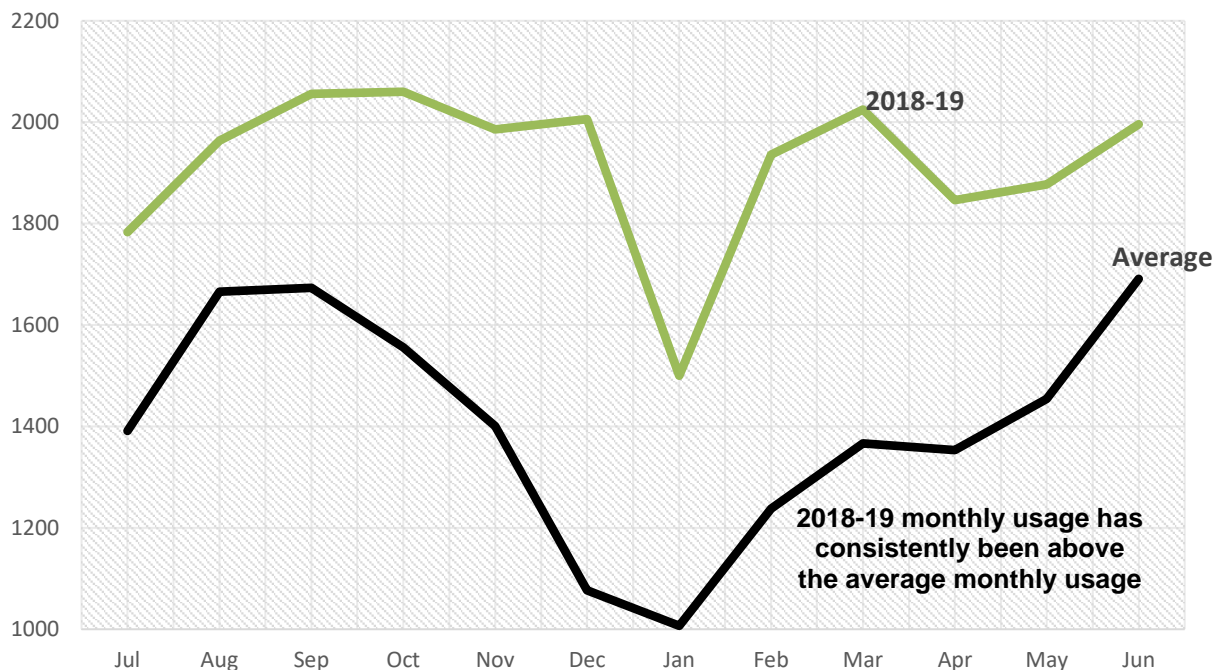
- The June usage increase coincided with the commencement of a certification program that will provide Toogoolawah State High School students with a certificate II in Fitness in 2019 and a certificate III in Fitness in 2020 (for continuing students).
- The facility is retaining members though is at capacity with some members travelling to Kilcoy to access the larger and more freely accessible facility.
- Jayne Mackenzie continues to advocate for a larger facility, which is supported by sustained membership and attendance.
- Internal marketing initiatives for June included:
 - promoting reciprocal memberships with the Kilcoy Indoor Sports Centre; and
 - promotion of SRC activities and events.
- External marketing initiatives for June included:
 - Jayne Mackenzie's regular local newspaper column;
 - Jayne Mackenzie attending various fund-raising events in the region;

- stories / adverts in local papers;
- social media promotions; and
- free pass promotions for local business.

- There were no incidents recorded for the month of June.

Kilcoy Indoor Sports Centre and Gym

- There were 1,996 attendees at the centre in June.



- Internal marketing initiatives for June included:
 - promoting council events;
 - display adverts;
 - promoting new initiatives (Army Cadets);
 - promotion of Kilcoy Yowie Park Run;
 - promotion of fitness challenge; and
 - school holiday program.
- External marketing initiatives for June included:
 - Jayne Mackenzie's weekly column for the local paper;
 - promotion of programs and events;
 - attending local Chamber of Commerce meeting;
 - social media promotion; and
 - advertising in school newsletter.
- There were no incidents recorded for the month of June.

2. Swimming pools maintained in operating condition

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

Maintenance and capital works tasks are being pragmatically targeted.

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

SRO currently finalising and updated Somerset Active and Healthy Directory for publishing on the SRC website.

SRO working with Director of HR and CS and WHSO to implement re-invigorated wellness program for 2019-2020.

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

SRO provided recommendations in the awarding of tenders for the region's aquatic facilities and indoor sporting centres. SRO liaising with key stakeholders regarding a business case for relocation of the Toogoolawah Community Gym. SRO met with Toogoolawah State School and High School principals regarding the facility.

5. Community participation in physical activity

Somerset Rail Trail Fun Run or Ride 2019

Total registrations for the event were 970. This was the largest number of registrations since 2013 (990) and a 73% increase on registrations for 2018 (560). There were 429 first time participants. Participation increased across every event, gender and multiple age categories when compared to 2018 figures.

A full report of the event will be submitted to Council for review after a full event debrief and analysis of registrations.

Fernvale Sports Park Facility Development Plan

SRO gave input to DCORP regarding Fernvale Sports Park Facility Master Plan. Further discussion required.

Wivenhoe Triathlon Feasibility

Race Promotions have provided an initial proposal. SRO to follow up for further information and discuss potential dates.

SRO to liaise to SEQ Water regarding use of facilities and access to Figtree Rd.

Paddle Queensland Event – Brisbane River Paddle Race

SRO attended meeting with representatives of Somerset Regional Council (SRC), Paddle Queensland and One Tree Canoe Company on Tuesday 9 July regarding event scheduled for Saturday 16 November 2019. SRO provided advice regarding risk management for the event, volunteer support and SRC community assistance grants.

Somerset Primary Schools' Sports Cup

The Somerset Primary Schools' Sports Cup was conducted on Friday 28 June 2019 at the Toogoolawah State High School. The event saw grade five and six students from Esk State School, Harlin State School, Linville State School and Toogoolawah State School compete in round-robin soccer and netball tournaments.

Council provided free transport and first aid services for the day, as well as the SRO providing coordination services.

Approximately 100 students participated, with positive feedback received from all involved. Mayor Graeme Lehmann attended and presented the Cup to the winning school, Esk State

School.

Minden State School STEAM Day

SRO coordinated and assisted in educational / interactive activity for Minden State School students as part of their annual STEAM Day, which highlights the importance of Science, Technology and Mathematics.

6. More community participation in physical activity through progressively implementing Parkland Strategies and Recreation Framework

N/A for reporting period.

7. Multiple use of recreation reserves

Esk and District Touch Football commenced their annual competition at the Esk Sport and Recreation Reserve on Tuesday July 2019.

Currently the Somerset Sports Cups, with the exception of Lowood State High School, only cater to schools within the Central and Northern regions of Council boundaries. There is potential to host another similar event in Fernvale for the Southern primary schools. SRO to attend a Principal Cluster meeting on Wednesday 24 July and discuss potential for such an event as well as provide an update on Council facilities and propose site inspections for the Fernvale Sports Park and Indoor Sports Centre.

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

N/A for reporting period.

9. Grant applications/approvals

N/A for reporting period.

10. Sports equipment library developed

May Esk – 3 Lowood - 8 Toogoolawah – 0 Kilcoy – 0

There was a total of 11 loans from the Active and Healthy Resource Centre in the month of June, including SRO equipment usage.

Attachments

Nil

Recommendation

THAT Council receive the Sport and Recreation Report for the month of July 2019 and that the contents be noted.

Resolution

Moved – Cr Brieschke

Seconded – Cr Gaedtke

"THAT Council receive the Sport and Recreation Report for the month of July 2019 and that the contents be noted."

Carried

Vote - Unanimous

Subject:	Yowie Park - Capital Works - Shelter and BBQ
File Ref:	Parks and reserves - design and construction - parks and park structures
Action Officer:	WM (Stephen Mow)

Background/Summary

As Council would be aware provision has been made in the capital works budget this financial year to fund new shelters and a BBQ in Yowie Park.

One new shelter is proposed, to replace the existing shelter adjacent to the public toilets. The new shelter is proposed to be located in at the front of the park in the same vicinity, but further away from the public toilets (to the east), to address ongoing community concerns in relation to the existing shelter's proximity to the public toilets. This size proposed for this shelter is 5m x 5m.

The other new shelter, to replace the existing 'Fred Greensill Lake' shelter in the lower area also proposed to be located within the same vicinity. The size proposed for this shelter is 10m x 4m. Further it is proposed that a new BBQ in the same style as was installed last year also be installed with this shelter.

It is noted that a 'The Fred Greensill Lake' name sign is currently fixed to the existing shelter that is being removed and it is intended for this name sign to be retained and refixed to the new shelter or for a similar name sign be installed.

Picnic units in both shelters are proposed to be in the same style and finishes as the skillion shelter installed in Yowie Park last financial year.

The Parks and Gardens Foreman met with representatives from the Kilcoy District Progress Alliance Inc. who have been consulted regarding the replacement of the existing shelters and new BBQ including their style and location; and they have indicated their support regarding the proposed arrangements.

Work onsite is proposed to commence in October / November 2019 (prior to peak periods leading up to Christmas) to ensure that construction work minimises the impact on events and the markets in the park.

Attachments

Location Map

Recommendation

THAT Council proceeds with the installation of the shelters and BBQ at Yowie Park as proposed in the report.

Resolution

Moved – Cr Hall

Seconded – Cr Choat

"THAT Council proceed with the installation of the shelters and BBQ at Yowie Park as proposed in the report."

Carried

Vote - Unanimous

Subject:	Free Tree Program 2019
File Ref:	Environmental Management - Programs - Free Trees
Action Officer:	WM (Stephen Mow)

Background/Summary

Free trees have historically been distributed to residents, Land for Wildlife (LFW) participants and acreage landholders at annual events under Council's Free Tree Program

It is proposed to hold this year's events in October on the following dates between 8am and 11am (the same as last year) and at the following locations:

1. Yowie Park, Kilcoy – Saturday 5 October 2019
2. Fernvale Memorial Park – Saturday 12 October 2019
3. Pipeliner Park, Esk – Saturday 19 October 2019

Please note: The annual free tree event in Kilcoy has historically been held at Aston Park. However due to the impact of planned works at the Kilcoy Creek bridge, the event this year in Kilcoy is proposed to be held at Yowie Park. The proposed date for the free tree event in Kilcoy does not impact on any other planned events at Yowie Park.

It is recommended that the Council also utilises the same delivery model again as previous years for the distribution of free trees under the program:

- *Free Tree Day - Residents*

- All residents to be entitled to redeem two free trees for residential properties.
- Information regarding the program to be included in the Council Newsletter (Spring Edition) including details for the distribution events to be held again in Esk, Fernvale and Kilcoy in October, with a voucher attached to the newsletter to redeem two plants.
- Limit plants available to residents at these events to 10 native species and cultivars including Council's floral emblem species (Weeping Bottlebrush and Native Frangipani).
- Plants offered are to be suitable for residential properties with a focus on flowering, bird and butterfly attracting species.

- *Free Tree Day - LFW and 20 acres*

- Offer 8 extra free native trees endemic to the region with a focus on koala and other wildlife food trees and habitat to residents participating in the LFW program and residents with landholdings over 20 acres. Additional free trees at no cost to Council from SOWN and Arthur Gorrie Correctional Centre will again be offered to LFW participants and acreage landholders.

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

Attachments

Somerset Regional Council – Spring Newsletter - 2018

Recommendation

THAT Council receive the Free Tree Program 2019 report and the contents be noted.

FURTHER THAT the locations, dates and times for the Free Tree Program 2019 be endorsed.

Resolution

Moved – Cr Whalley

Seconded – Cr Choat

“THAT Council receive the Free Tree Program 2019 report and the contents be noted.

FURTHER THAT the locations, dates and times for the Free Tree Program 2019 be endorsed.”

Carried

Vote - Unanimous

Subject:	Sheep Station Creek Hall Interpretative Signage
File Ref:	Council properties - planning - future planning of premises
Action Officer:	DOPER (Andrew Johnson)

Background/Summary

At Council Ordinary Meeting on 10 April 2019, the below resolution was carried.

“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.”

Referring to the Workshop report presented on 25 May 2019, and as per Council resolution, Council Director Operations has secured some materials from the old hall for possible reuse. An image of the secured materials is attached.

Council Officers have consulted with the Kilcoy Historical Society and formulated wording and potential images for use on an interpretative sign. Officer's haven't asked any further than the historical society at this time. The details of the proposed wording and potential photographs for the interpretative sign are attached for Councillor's information.

Accordingly, Council Officers have fulfilled actions associated with the resolution from the 10 April 2019, except for physical construction of the interpretative sign.

Former CEO, Jason Bradshaw provided a report to Council Workshop on 12 June 2019, updating Council on the options with regards to the proposal to relocate the old school building. The possibilities proposed required efforts and funding to advance and an entity needing to form, taking responsibility outside any Council involvement. A local resident was encouraged to investigate the formation of this entity.

As a result of how the Sheep Station Creek Hall matter has evolved since the original Council Decision on the 10 April 2019, Council may wish to consider deferring the interpretative signage for now until the proposal of the alternative option of the old school building and the formation of an entity to manage this proposal is better understood.

Attachments

- Image of materials secured

- Proposed wording for interpretative sign with potential photos

Recommendation

THAT Council, for now, defers the matter of interpretative signage associated with Sheep Station Creek Hall until the proposal of the alternative option of the old school building and the formation of an entity to manage this proposal is better understood.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Whalley

"THAT Council, for now, defers the matter of interpretative signage associated with Sheep Station Creek Hall until the proposal of the alternative option of the old school building and the formation of an entity to manage this proposal is better understood."

Carried

Vote - Unanimous

Subject:	LGAQ 123rd Annual Conference - 14 - 16 October 2019
File Ref:	Government relations - local and regional government liaison - Local Government Association of Queensland 2016 - 2020 Doc ID 1127529
Action Officer:	ACEO / EA

Background/Summary

The Local Government Association of Queensland will be holding its 123rd Annual Conference from 14 - 16 October 2019 at the Cairns Convention Centre. The theme of this year's conference is *Taking it to the Streets*, with the key message of -

" ... the importance of taking our message to our communities - reinforcing the importance of their council to community liveability and prosperity."

Attachments

Taking it to the Streets conference brochure and program

Recommendation

THAT Council authorise Crs to attend the Local Government Association of Queensland 123rd Annual Conference to be held in Cairns from 14 - 16 October 2019.

Resolution

Moved – Cr Whalley

Seconded – Cr Hall

"THAT Council authorise Mayor Lehmann, Deputy Mayor Hall, Cr Gaedtke, Cr Whalley, Cr Ogg, Cr Brieschke and Cr Choat to attend the Local Government Association of Queensland 123rd Annual Conference to be held in Cairns from 14 - 16 October 2019."

Carried

Vote - Unanimous

Closed session - Agenda item 36 - Appointment of Acting Chief Executive Officer

In accordance with Section 275 of the *Local Government Regulation 2012* Council may close

a Council meeting. Section 275 reads A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss —

- (e) contracts proposed to be made by it; or
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Resolution

Moved – Cr Choat

Seconded – Cr Hall

“THAT Council move into a closed meeting to discuss Agenda Item number 36, being contracts proposed to be made by it, and other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Carried*Vote - Unanimous***Resolution**

Moved – Cr Whalley

Seconded – Cr Hall

“THAT Council move out of the closed session and that the meeting be once again open to the public at 11.55am.”

Carried*Vote - Unanimous*

Subject:	Appointment of Acting Chief Executive Officer
File Ref:	Personnel
Action Officer:	Mayor / DHRCS

Resolution

Moved – Cr Whalley

Seconded – Cr Hall

“THAT Council appoint Mr Bob Holmes as Acting Chief Executive Officer of Somerset Regional Council through Peak Services, effective from Monday, 29 July 2019 until the appointment and commencement of a permanent Chief Executive Officer.”

Carried*Vote - Unanimous***Meetings Authorised by Council**

Nil

Mayor and Councillor Reports**Cr Gaedtke - Councillor report**

06 July Esk Men's Shed – Turning of the sod
 12 July Special Meeting – Esk

- 14 July Somerset Rail Trail Fun Run – Lowood/Fernvale
I must congratulate SRC staff and volunteers, and thank our major sponsor Lowood and Fernvale Community Bank Branch Bendigo Bank for such a wonderfully run Somerset Rail Trail Run or Ride
- 17 July Briefing – Esk
- 18 July Let's Talk – Kilcoy Chamber of Commerce and Community Inc.
- 20 July Ice Breaker SRRFB Group – Kilcoy Showground
- 20 July Stone House Open Day – Moore
- 22 July Briefing – Esk
- 22 July Brisbane Valley Kilcoy Landcare Group meeting
- 23 July Lowood QCWA Birthday International Luncheon

Cr Helen Brieschke - Councillor report

June

- 27 Toogoolawah High School Support Services meeting
- 28 Opening of 'Two Galah's Gallery, Toogoolawah
Lowood Lions Change Over Dinner, Lowood Showgrounds
- 30 Fernvale Lions Change Over Breakfast, Fernvale

July

- 2 Meeting, Esk
- 3 Meeting with resident, Toogoolawah
- 6 Esk Men's Shed 'Turning of the Sod' ceremony, Esk
Meeting, Esk
- 11 Brisbane Valley Interagency Meeting, Lowood Youth Hub
Esk Camera Group, first meeting
Toogoolawah Show Society meeting
- 12 Youth Mental Health and Wellness meeting, Esk
Meeting, Esk
- 14 BVRT Fun Run, finish line and festival, Fernvale
- 15 Toogoolawah High School P and C meeting
- 16 Meeting, Esk
- 17 Meeting, Esk
Lowood State High School 'Building My Future Expo'
- 20 Opening of 'Colourful Chaos II' and 'The Story of Us' Exhibition at
Somerset Regional Art Gallery - The Condensery.
- 21 Meeting, Esk
Meeting with Council's NRM and wildlife carer, BVRT plantings, Toogoolawah

I would like to congratulate Council staff on the delivery of the highly successful 2019 BVRT Fun Run. We saw increased participation on the trail and attendance at the festival at Fernvale Sports Park, with great entertainment and beautiful weather complimenting the day.

The opening of the latest exhibition Colourful Chaos II and The Story of Us was held on Saturday, with approximately 80 people attending. Please take the time to see this exhibition, it is a delightful and enchanting display and well worth the visit.

Cr Dan Hall - Councillor report

Cr Hall noted his attendance at the Mt Stanley Ranch Sorting event on 14 July 2019, which was a really good weekend. There were many entries, and it was a great event.

Cr Hall noted his attendance at the 20 July 2019 Icebreaker event, noting that once again no teams were entered from Esk.

Cr Hall noted his attendance at the Stonehouse Moore event last weekend, and congratulated everyone on its great success.

Cr Ogg – Councillor report

At the Lowood C.W.A. birthday on Tuesday, the group was presented with a very special gift. The gift was from Marijke Lomberta Van Herwynen, a lovely local lady from Clarendon who sadly has been admitted into after care suffering dementia.

Thanks to Marijki the CWA is the proud owners of a brand new Yamaha Piano. A special thanks to the Bendigo Bank you helped arrange matters and Mekenzie Lukritz (Lions Youth of the Year) who brought the piano alive with a beautiful recital.

Mayor Graeme Lehmann - Councillor report

Thursday 27 June 2019	7pm	Lowood Ambulance Committee meeting, Lowood
Friday 28 June 2019	2pm	Somerset Primary School Cup presentations at Toogoolawah State High School
	6.30pm	Lowood Lions Changeover Dinner, Lowood Show Hall
Saturday 29 June 2019	10am	Open Day at 'Jeebrapilli' Open Cut coal mine at Rosewood. Inspected of rehabilitation works.
Sunday 30 June 2019	8am	Fernvale Lions Changeover breakfast at Fernvale Lions Hall
Monday 1 July 2019	10am	Met with Jim McDonald and CEO for catch up at Esk.
Tuesday 2 July 2019	9am	Chief Executive Officer Performance Appraisal meeting with Councillors and PEAK Performance
Wednesday 3 July 2019	9am	Foot and Mouth Disease Biosecurity event, Simeon Lord Room Esk presented by Department of Natural Resources
Thursday 4 July 2019	2pm	Workshop re water security at Lockyer Valley Regional Council
Friday 5 July 2019	9am	Council of Mayors Resilient Rivers Meeting, City Hall, Brisbane
	9.30am	Council of Mayors Board Meeting, City Hall, Brisbane
Saturday 6 July 2019	10am	Esk Men's Shed sod turning ceremony at Esk
Sunday 7 July 2019	9am	Esk Lions Changeover breakfast at Esk Bowls Club
Monday 8 July 2019	7pm	Lowood Lions Meeting, Lowood
Wednesday 10 July 2019	9am	Somerset Regional Council meeting, Esk
Friday 12 July 2019	10am	Met with Phipps family regarding chicken farms with Acting CEO and Director Planning.
	12 noon	Youth Mental Health Collaborative meeting at Esk with Cr Brieschke and others
	4pm	Special Council Meeting, Esk

Saturday 13 July 2019	11.30am	Attended Esk Races
Sunday 14 July 2019	6.30am	Somerset Rail Trail Fun Run and Ride - Lowood and Fernvale Sports Park
Monday 15 July 2019	6.30pm	Attended Fernvale Progress Association with Director Planning.
Tuesday 16 July 2019	10am	Met at Esk with Mr John Pfeiffer from Lockyer Care Foundation along with Peter Tabulo, Director Planning, Cr Brieschke, Lyn Buchanan and Acting CEO
Wednesday 17 July 2019	11.30am 5pm	Attended briefing with all Councillors at Esk. Attended <i>Building My Future Expo</i> at Lowood State High School Hall
Thursday 18 July 2019	9.30am	Brisbane Valley Lockyer Leukemia Foundation Annual General Meeting at Laidley Cultural Centre.
Friday 19 July 2019	2.40pm 5.30pm	Attended and presented Somerset Primary School Cup at Esk State School Prenzlau Primary School Bush Dance at Marburg Show Hall
Saturday 20 July 2019	10.15am 1.30pm	Attended Moore Markets and information day at Moore Hall, Moore Attended Official Opening at <i>The Condensery</i> of two art exhibitions, <i>Colourful Chaos</i> and <i>The Story of Us</i> .
Monday 22 July 2019	10am 7pm	Meeting with Councillors regarding Interim CEO position Lowood Lions Meeting
Tuesday 23 July 2019	11am 6pm	Lowood Country Women's Association Birthday Lunch at QCWA Hall, Lowood Attended presentation on the new Amended Moreton Water Plan at Gatton Cultural Centre with ACEO

Resolution

Moved – Cr Whalley

Seconded – Cr Choat

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

Carried

Vote - Unanimous

Reception of notices of motion for next meeting

Nil

Items for reports for future meetings

Nil

Closure of Meeting**Summary**

There being no further business, the Mayor, Cr Graeme Lehmann closed the meeting 12.04pm.

Annexure A - Amended Operational Plan 2019 / 2020

<i>Corporate Plan Strategy</i>	<i>Activity required</i>	<i>Output</i>	<i>Community consultation</i>	<i>Measure</i>	<i>Department</i>	<i>Responsible Officer</i>
10 Provide access to library services which assist in meeting the recreational, information and cultural needs of residents of the region	Commence community consultation regarding the provision of a mobile library service	Prepare a cost benefit analysis of a Mobile Library Service and evaluate community feedback on the proposal	Engage	Measure and maintain visitor and member satisfaction	Corporate and Community Services	RL
20 Continue to develop infrastructure plans taking potential urban growth and economic development into consideration	Develop a Brisbane Valley Rail Trail User Survey Strategy	Undertake preparing work to commence review in conjunction with external party	Inform	Report presented to Council	Planning and Development	DPAD
31 Provide opportunities for community involvement, participation and input	Develop community consultation framework for capital projects, community programs and new initiatives	Provide "Your Say" platform Use Council's new website platform to enable community engagement, enhance the reporting of Council's decisions and enhance community interaction through social media	Engage	Increased positive community interactions with Council	Corporate and Community Services	CDO
36 Continue to improve Council's response to service requests, balancing the needs of the customer and the community with Council's capacity to respond.	Review alignment of Information Communication and Technology (ICT) strategy with business goals.	ICT Strategy and associated documents	Involve	Delivery of ICT Strategy and associated documents internally	Corporate and Community Services	ICTC