



**Minutes of Ordinary Meeting
Held Wednesday 13 November 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 R Holmes	(Acting Chief Executive Officer)
Mr M McGoldrick	(Director Corporate and Community Services)
Mr A Johnson	(Director Operations)
Mr P Tabulo	(Director Planning and Development)
Mr G Smith	(Director Finance)
Mrs K Jones	(Director HR and Customer Service)
Mrs S Pitkin	(Minute Secretary / Executive Assistant)

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Opening of Meeting

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

Leave of Absence

Nil

Confirmation of Minutes**Resolution**

Moved – Cr Choat

Seconded – Cr Brieschke

“THAT the Minutes of the Ordinary Meeting held 23 October 2019 as circulated to all Members of Council be confirmed”.

Carried

Business arising out of minutes of previous meeting

Nil

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

Cr Hall congratulated all the rural fire brigades and emergency services people working throughout the region during this difficult time with bushfires in the Somerset region. Cr Hall also thanked the region's landholders who themselves are doing a mighty job to help, stating that it was his hope we received rain soon.

Cr Brieschke - Matters of public interest

Cr Brieschke supported Cr Hall in his statement, noting that the volunteers have worked tirelessly.

On a separate note, and not related to the current fire situation, Cr Brieschke advised that a Toogoolawah resident lost their house in a fire at Silverleaves Road this week.

Cr Brieschke wished all the Grade 12 students every success and asked that they stay safe for schoolies week, as it is the last week of school.

Cr Choat - Matters of public interest

Over the past month we have commemorated 'Pinktober' with Council staff banding together to raise awareness and much needed funds for research and support for breast cancer and those it affects. This month we move into 'Movember' which similarly provides an opportunity for the community to have fun while contributing to the fight against cancer, this time in areas of men's health.

I encourage the community to get behind those who will endeavour to grow impressive tufts of facial hair in order to fundraise and increase awareness of prostate cancer which affects thousands of men in Australia every year. I also encourage all men to use Movember as motivation to get a check-up with their GP which is quick and easy and not as invasive as many men fear, but it may just save their life.

Cr Gaedtke - Matters of public interest

14 November Toogoolawah State High School Graduation Ceremony
15 November Kilcoy State High School Senior Valedictory
16 November Coominya Public Hall Christmas Carnival
16 November Historic Caboonbah Udenominational Church/Chapel Annual Service Open Day
23 November Generations of Rock – Somerset Civic Centre
24 November 60th Anniversary Toogoolawah Clay Target Club

It has been a very challenging time in the northern section of our region over the past week and a half. Acknowledgement is made of how residents have gathered together to address the fire threat and ongoing situation. The residents have gathered together to help one another during this uncertain time. Local businesses and individuals have made various donations to assist those in need, and every donation has been accepted gratefully.

At the QFES and QPS briefing held on Saturday 9 November in the Kilcoy Memorial Hall, QPS congratulated the group of around 50 residents, on the respect shown at the time of the evacuation. It was said that residents carried out the orders in a timely and compliant manner. The briefing was well received and provided the residents with a better understanding of the emergency processes and also provided them with a chance to ask questions. The residents also offered a vote of thanks to all staff and volunteers for keeping them, their homes and their animals safe.

A widespread comment over Queensland and New South Wales is the number of emergency services, volunteers and water bombing that has been deployed to fight the many disastrous fire situations.

I would like to acknowledge the effort and time offered by the Fernvale Lions Club for organising the Fernvale Relay for Life event on 26 October. The event is held to recognise and support those who are suffering with cancer, and to remember those who have passed with this disease. As Patron for this event, I was very proud and overwhelmed to have met Face of Fernvale Relay for Life, Mr Simon Coogan. Simon, a young Dad of two children was diagnosed three years ago with brain cancer, and he shared his story Saturday night during the candlelight ceremony. The event to me is precious and also emotional at times. I look forward to future Relay for Life events in the Somerset region.

Cr Whalley – Matters of public interest

Cr Whalley stated that in a meeting yesterday those who attended were informed by Seqwater that when the combined dam level reaches 60%, Seqwater will not trigger the turning on of the Western Corridor Recycled Water system as they had previously advised.

Seqwater advised that 60% capacity will trigger the increased capacity of the desalination plant and that they will not be turning the recycled water plants on until March 2020 when the dam levels are expected to be down to 40%. This advice came after Seqwater had previously

stated that it would be turned on over a 2 year period one plant at a time. Cr Whalley stated his disappointment at this statement, noting that Seqwater have certainly delayed the process they had previously advised.

Mayor Lehmann – Matters of public interest

Mayor Lehmann expressed his disappointment and the disappointment of Council with the news that Seqwater will not be activating the Western Corridor Recycled Pipeline system when the dams reach 60%.

Western Corridor Recycled Pipeline

Resolution	Moved – Cr Lehmann	Seconded – Cr Whalley
<p>“THAT Council correspond with Seqwater, indicating its strong disappointment with the news that the Western Corridor Recycled Water Pipeline system will not commence operation until March 2020, when dam levels are expected to be 40%, despite earlier assurances that it would commence when the dam levels reached 60%.”</p>		
<p><i>Vote – Unanimous</i></p>		

Carried

Request consideration of ‘cold burns’ on State controlled lands

Resolution	Moved - Cr Hall	Seconded – Cr Ogg
<p>“THAT Council write to the Premier of Queensland and other relevant Ministers requesting that State government authorities undertake ‘cold burns’ on State controlled lands in an effort to mitigate the risk of bush fires and the impacts on our communities.”</p>		
<p><i>Vote – Unanimous</i></p>		

Carried

Conflict of Interest

No declarations of conflict of interest in the following agenda items were notified at this time.

Subject:	Application for Keeping more than maximum number of animals – Lot 1 on RP8358 - 35301-00000-000 - 92 Lloyds Road, Wanora
File Ref:	Licensing - local laws - Keeping of Animals
Action Officer:	RSO (Malcolm Clark)

Background/Summary

Application Details

On 27 August 2019, Council received an application to keep three dogs from the occupier of 92 Lloyds Road, Wanora. The application relates to small and large breeds including one shih-tzu cross, one cattle dog and one staghound cross catahoula.

Regulatory Services Officers conducted an inspection of the site with the property occupier on 1 October 2019 and noted the following:

There are two dwellings located on the property.

- All dogs are microchipped, the shih-tzu cross is the only dog that is de-sexed;
- The three dogs have access to the house;
- The shih-tzu is the only dog that is confined to house at night.

The property fencing is constructed of a combination of weld mesh panel fencing and Colourbond metal sheeting and is in good condition and adequate to contain dogs at time of inspection.

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.*

Criteria:	Compliance (Y/N)
(1) Whether the premises on which the animal or animals can be effectively and comfortably kept on the premises.	Y
Comments: The premises was adequate for keeping the dogs at the time of inspection.	
(2) Whether a residence exists on the premises.	Y
Comments: There are two residences 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: The enclosure was well constructed and adequate 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: The applicant and his family reside at the premises and are suitable to supervise the dogs.	
(5) Whether the animal or animals will be properly supervised.	Y
Comments: The applicant and his family reside at the premises and are suitable to supervise the dogs.	
(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 of the dogs are currently registered to the Somerset Regional Council. The third dog's registration is pending the outcome of this application.	
(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 Owner must ensure cat or dog is implanted</p> <p>1) 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.</p> <p>Maximum penalty - 20 penalty units.</p> <p>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.</p> <p>2) It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove -</p> <p>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 to the health of the cat or dog; or</p> <p>b) for a dog, the ownership is to use it as -</p> <p>(i) a government entity dog; or</p> <p>(ii) a working dog; or</p> <p>(iii) another class of dog prescribed under a regulation.</p>	
Comments: All three dogs are microchipped.	
(8) Whether the applicant is a suitable person to hold the approval.	Y
Comments: No adverse reports have been received by Somerset Regional Council.	
(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: (a) No complaints received, (b) rural setting nil effect on surrounding area; (c) nil effect.	
(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:	

(11) If the application relates to the keeping of an animal or animals on multi residential premises – a) whether the applicant - is entitled to make use of a common area; and 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 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.	N/A
Comments:	
(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: Applicant is the owner of the premises.	
(13) Whether the applicant has been refused a similar type of approval by the local government or another local government.	N/A
Comments: First application submitted by the applicant, to the Somerset Regional Council.	
(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.	N/A
Comments: There are no regulated dogs relating to this application.	
(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 application relates to the keeping of three dogs on 9.368ha.	
(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: The application relates to the keeping of three dogs.	

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 No 1 (Administration) 2011* and *Subordinate Local Law No 1.5 (Keeping of Animals) 2011*:

1. On land described as Lot 1 on RP8358, situated at 92 Lloyds Road, Wanora;
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
Dancer	Shih-Tzu X	White and Black	F	Y	956000003823137
Maximus	Cattle Dog	Red	M	N	981000300689399
Luther	Staghound X Catahoula	White and Brindle	M	N	953010003733694

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 Hall

Seconded – Cr Choat

“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 1 on RP8358, situated at 92 Lloyds Road, Wanora;
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
Dancer	Shih-Tzu X	White and Black	F	Y	956000003823137
Maximus	Cattle Dog	Red	M	N	981000300689399
Luther	Staghound X Catahoula	White and Brindle	M	N	953010003733694
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."				
<i>Vote - Unanimous</i>					<u><i>Carried</i></u>

Subject:	Application for Keeping more than maximum number of animals – 175 CH311 - 35398-00000-000 - 47 Holts Road Borallon
File Ref:	Licencing - local laws - Keeping of Animals
Action Officer:	RSO (Malcolm Clark)

Background/Summary

Application Details

On 16 September 2019, Council received an application to keep three dogs from the occupier of 47 Holts Road, Borallon. The application relates to medium breeds including two Kelpies and one Kelpie cross Border Collie.

Regulatory Services Officers conducted an inspection of the site with the property occupier on the 26 September 2019 and noted the following:

There is one dwelling located on the property.

- All dogs are microchipped and de-sexed
- These dogs have access to the house veranda at night.

The property fencing is constructed of split post fencing with dog proof wire and is in good condition and adequate to contain dogs at time of inspection.

Assessment Summary

Complaint History

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

Submissions

The submission period was not relevant for this application as there were no dwellings in a 100m radius of the property.

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.*

Criteria:	Compliance (Y/N)
(1) Whether the premises on which the animal or animals can be effectively and comfortably kept on the premises.	Y
Comments: The house and house yard which is the dog enclosure is large enough for the breed of dogs and is well maintained.	
(2) Whether a residence exists on the premises.	Y
Comments: A high set house.	
(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: The enclosure was adequate 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: The applicant resides on the property.	
(5) Whether the animal or animals will be properly supervised.	Y
Comments: The applicant and her husband are able to provide proper supervision of the dogs.	
(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 of the dogs are registered. The registration of the third dog is awaiting approval of this application.	
(7) If section 14 of the <i>Animal Management Act</i> applies to the applicant for the approval - whether the applicant has complied with the requirements of the section.	Y
<p>14 Owner must ensure cat or dog is implanted</p> <p>1) 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.</p> <p>Maximum penalty - 20 penalty units.</p> <p>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.</p> <p>2) It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove—</p> <p>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 to the health of the cat or dog; or</p> <p>b) for a dog, the ownership is to use it as—</p> <p>(i) a government entity dog; or</p> <p>(ii) a working dog; or</p> <p>(iii) another class of dog prescribed under a regulation.</p>	
Comments: All three dogs are microchipped.	
(8) Whether the applicant is a suitable person to hold the approval.	Y
Comments: No adverse reports have been received relating to applicant.	
(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</p>	

or other environmental damage.	
Comments: (a) No complaints received, (b) rural setting nil effect on surrounding area; (c) nil effect.	
(10) If the application relates to the keeping of cats –	N/A
a) whether the cats have been desexed; and	
b) whether the cats have been fitted with an approved microchip.	
Comments:	
(11) If the application relates to the keeping of an animal or animals on multi residential premises –	N/A
a) whether the applicant - is entitled to make use of a common area; and	
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	
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.	
Comments:	
(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:	
(13) Whether the applicant has been refused a similar type of approval by the local government or another local government.	N/A
Comments: First application submitted by the applicant, to the Somerset Regional Council.	
(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.	N/A
Comments: No regulated dogs relate to this application.	
(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 application relates to (3) three dogs only on 8.448ha.	
(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: The application relates to (3) three dogs only.	

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 No 1 (Administration) 2011* and *Subordinate Local Law No 1.5 (Keeping of Animals) 2011*:

1. On land described as Lot 175 on CH311, situated at 47 Holts Road, Borallon;
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
Jimi	Kelpie	Chocolate	M	Y	985154000008349
Bran	Kelpie X Border Collie	Black, White and Tan	M	Y	953010000164478
Lilly	Kelpie	Brown, Tan and White	F	Y	953010003767428

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: <ol 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 Gaedtke

“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*:

- Schedule 1**
1. On land described as Lot 175 on CH311, situated at 47 Holts Road, Borallon;
 2. For dogs described in **Schedule 1** below; and
 3. Subject to the conditions set out in **Schedule 2** below.

Description of dogs:

Name	Breed	Colour	Sex (M/F)	Desexed (Y/N)	Microchip No
Jimi	Kelpie	Chocolate	M	Y	985154000008349
Bran	Kelpie X Border Collie	Black, White and Tan	M	Y	953010000164478
Lilly	Kelpie	Brown, Tan and White	F	Y	953010003767428

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 *Subordinate Local Law No 2 (Animal Management 2011)*.

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:

- (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."

Vote - Unanimous

Carried

Subject:	Application for Keeping more than maximum number of animals – 25 RP138053 - 02779-00000-000 - 139 Reinbotts Road Lowood
File Ref:	Licencing - Local laws - Keeping of Animals
Action Officer:	RSO (Sharmaine Hunter)

Background/Summary

Application Details

On 10 October 2019, Council received an application to keep four dogs from the occupier of 139 Reinbotts Road, Lowood. The application relates to medium breeds including four Border Collies. Since the application one dog “Sam” has since passed away so the application is for three dogs only now.

Regulatory Services Officers conducted an inspection of the site with the property occupier on 28 October and noted the following:

There is one dwelling located on the property.

- All three dogs are microchipped all three are de-sexed

The property fencing is constructed of dog wire mesh and split post the fencing is 4 feet in height and is in good condition and adequate to contain dogs at time of inspection.

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.*

Criteria:	Compliance (Y/N)
(1) Whether the premises on which the animal or animals can be effectively and comfortably kept on the premises.	Y
Comments: The enclosure for the dogs is adequately sized to effectively and comfortably house the three small dogs.	
(2) Whether a residence exists on the premises.	Y
Comments: A two storey timber dwelling exists 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: The enclosure is adequate at the time of inspection to prevent the dogs going under over or through the fence.	

(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: The applicant and the applicants husband reside at the property.	
(5) Whether the animal or animals will be properly supervised.	Y
Comments: The applicant and the applicants husband reside at the 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: Zorro and Myia are both registered.	
(7) If section 14 of the <i>Animal Management Act</i> applies to the applicant for the approval - whether the applicant has complied with the requirements of the section.	Y
<p>14 Owner must ensure cat or dog is implanted</p> <p>1) 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.</p> <p>Maximum penalty - 20 penalty units.</p> <p>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.</p> <p>2) It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove -</p> <p>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 to the health of the cat or dog; or</p> <p>b) for a dog, the ownership is to use it as -</p> <p>(i) a government entity dog; or</p> <p>(ii) a working dog; or</p> <p>(iii) another class of dog prescribed under a regulation.</p>	
Comments: All three dogs are microchipped	
(8) Whether the applicant is a suitable person to hold the approval.	Y
Comments: The dog owner is a suitable person.	
(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:	
(10) If the application relates to the keeping of cats – a) whether the cats have been desexed; and b) whether the cats have been fitted with an approved microchip.	N/A
Comments:	
(11) If the application relates to the keeping of an animal or animals on multi residential premises – a) whether the applicant - is entitled to make use of a common area; and 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 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.	N/A
Comments:	
(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:	
(13) Whether the applicant has been refused a similar type of approval by the local government or another local government.	N
Comments: No refusal of a similar approval.	
(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.	N
Comments: No regulated dog resides at the 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.	N
<p>Comments: The property is located within the designated area. The property is 4.088 Hectares the applicant is a member of Dogs Queensland.</p> <p>This request has raised the scenario of whether Council wishes to grant some leniency, with respect to prohibiting the keeping of more than two dogs in the Urban Footprint, i.e. the designated area.</p> <p>The principle of limiting the number of animals is all about the protection of the urban amenity, both currently and in the future, as areas transition from rural/semi-rural to closer urban living.</p> <p>This section of Lowood, between the current western edge of town and the disused rifle range site is in the Urban Footprint, but in reality, is many years from ever being subdivided into urban 600m² allotments. There are blocks of land of a variety of sizes, many being in excess of 10,000m².</p>	

Council needs to give consideration as to whether it is acceptable for additional animals to kept in these types of areas, which had it not been for the designated area, they would have been allowed.

Officers are prepared to recommend favourably in this instance. If similar situations emerge, it is considered that if a property is within the designated area, has in excess of 10,000m² and is not in close proximity to either land zoned residential or likely to developed in the near future, then Council **may** consider similar requests favourably.

Currently officers are reviewing the Local Laws with respect to the keeping of animals, the situation with the designated area limitation will be included in the review.

(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 20,000m² 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 No 1 (Administration) 2011* and *Subordinate Local Law No 1.5 (Keeping of Animals) 2011*:

1. On land described as Lot 25 on RP138053, situated at 139 Reinbotts Road, Lowood;
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
Myia	Border Collie	Black and White	F	Y	900012000971891
Zorro	Border Collie	Black and White	M	Y	953010000399575
Roxy	Border Collie	Wheaten and White	F	Y	900008000115785

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 25 on RP138053, situated at 139 Reinbotts Road, Lowood;
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
Myia	Border Collie	Black and White	F	Y	900012000971891
Zorro	Border Collie	Black and White	M	Y	953010000399575
Roxy	Border Collie	Wheaten and White	F	Y	900008000115785

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: (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." <i>Vote - Unanimous</i> <i><u>Carried</u></i>

Subject:	Application for Keeping more than maximum number of animals – Lot 389 on CSH294 - 03398-00000-000 - 1968 Forest Hill Fernvale Road, Mount Tarampa
File Ref:	Licensing – Local Laws – Keeping of Animals
Action Officer:	RSO (David Wiseman)

Background/Summary

Application Details

On 25 July 2019, Council received an application to keep four dogs from the occupier of 1968 Forest Hill Fernvale Road, Mount Tarampa. The application relates to small breeds including four miniature fox terriers.

Regulatory Services Officers conducted an inspection of the site with the property occupier on 31 October 2019 and noted the following:

There is one dwelling located on the property.

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

The enclosure fencing is constructed of pool panel fencing and is in good condition and adequate to contain dogs at time of inspection.

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.*

Criteria:	Compliance (Y/N)
(1) Whether the premises on which the animal or animals can be effectively and comfortably kept on the premises. Comments: The property can comfortably house four dogs.	Y
(2) Whether a residence exists on the premises. Comments: A well-presented timber home on property.	Y
(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> . Comments: Yes, the fencing/enclosure is maintained in accordance with Local Laws at the time of inspection.	Y
(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. Comments: Council does not have any adverse recordings that would make the person a non-suitable person to hold an excess dog permit.	Y
(5) Whether the animal or animals will be properly supervised. Comments: Yes, there are four responsible persons living on property.	Y
(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. Comments: Two dogs are currently registered with Somerset Regional Council.	Y
(7) If section 14 of the <i>Animal Management Act</i> applies to the applicant for the approval - whether the applicant has complied with the requirements of the section. 14 Owner must ensure cat or dog is implanted 1) 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. Maximum penalty—20 penalty units. 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.	Y

2)	<i>It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove—</i>	
a)	<i>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 to the health of the cat or dog; or</i>	
b)	<i>for a dog, the ownership is to use it as—</i>	
	<i>(i) a government entity dog; or</i>	
	<i>(ii) a working dog; or</i>	
	<i>(iii) another class of dog prescribed under a regulation.</i>	
Comments: All four 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
a)	cause nuisance, inconvenience or annoyance to occupiers of adjoining land; or	
b)	affect the amenity of the surrounding area; or	
c)	have a deleterious effect on the local environment or cause pollution or other environmental damage.	
Comments: Council records searched and no complaints received in relation to the dogs.		
(10)	If the application relates to the keeping of cats –	NA
a)	whether the cats have been desexed; and	
b)	whether the cats have been fitted with an approved microchip.	
Comments:		
(11)	If the application relates to the keeping of an animal or animals on multi residential premises –	NA
a)	whether the applicant - is entitled to make use of a common area; and	
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	
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.	
Comments: NA		
(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.	
Comments: NA		
(13)	Whether the applicant has been refused a similar type of approval by	N

the local government or another local government.	
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 Lockyer Valley Kennel Club. 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.	NA
Comments: NA	

Attachments

Locality Plan

Photographs of the fencing/enclosure

Recommendation

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 389 on CSH294, situated at 1968 Forest Hill Fernvale Road, Mount Tarampa;
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
Jacko	Miniature Fox Terrier	White and Black	M	Y	956000004714893
Smudge	Miniature Fox Terrier	White and Black	F	Y	956000004728721
Sophie	Miniature Fox Terrier	White and Black	F	Y	956000004371298
Simba	Miniature Fox Terrier	Fawn and White	M	Y	953010003472576

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 Brieschke

Seconded – Cr Choat

“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 389 on CSH294, situated at 1968 Forest Hill Fernvale Road, Mount Tarampa;
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
Jacko	Miniature Fox Terrier	White and Black	M	Y	956000004714893
Smudge	Miniature Fox Terrier	White and Black	F	Y	956000004728721
Sophie	Miniature Fox Terrier	White and Black	F	Y	956000004371298
Simba	Miniature Fox Terrier	Fawn and White	M	Y	953010003472576
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:	Proposed Cattle Feedlot 1192 Atkinsons Dam Road Atkinsons Dam
File Ref:	Development and Building Controls - Reporting - Reports
Action Officer:	SP

Background/Summary

Council has received representations from the owner of 1192 Atkinsons Dam Road, Atkinsons Dam and described as Lot 28 RP211535 about establishing a 150 head cattle feed lot on their property. The landowner has advised that as a result of the ongoing drought they are being forced feed their cattle and they are hoping to formalise a feedlot on their property to allow the cattle to be sold for a price that considers they have been grain fed. The subject land has an area of about 88 hectares and the landowner of 1192 Atkinsons Dam Road also owns several surrounding properties. A large feedlot currently exists about 1.8km from the subject land.

Under the Somerset Region Planning Scheme in the Rural zone an Intensive animal industry for a feedlot of 150 or less standard cattle units triggers the requirements for a code assessable Material change of use development application. A proposal for more than 150 standard cattle units increases the level of assessment to impact assessment. The

establishment of a feedlot for more than 150 standard cattle units also triggers the requirement for an Environmentally Relevant Activity approval which would be assessed by the State government.

Schedule 10, section 7 of the *Environmental Protection Regulation 2019* defines a standard cattle unit as follows:

- (1) A standard cattle unit is a unit of measurement based on the live weight of cattle.
- (2) The number of standard cattle units that is equivalent to an animal of a live weight mentioned in column 1 of the following table is stated opposite in column 2.

Column 1	Column 2
Live weight (kg)	Number of standard cattle units
up to 350	0.67
more than 350 to 400	0.74
more than 400 to 450	0.81
more than 450 to 500	0.87
more than 500 to 550	0.94
more than 550 to 600	1.00
more than 600 to 650	1.06
more than 650 to 700	1.12
more than 700	1.18

The landowner has advised that the need to establish their feedlot is a priority and while they understand they are required to undertake a formal development approval they have requested special consideration from Council to commence operation of the feedlot while their development application is being processed.

Given the current drought situation it is anticipated that this situation is being experienced by a large number of farmers across the region. With these circumstances in mind, it is suggested that if a properly made Material change of Use development application for an Intensive animal industry (cattle feedlot) for a maximum of 150 standard cattle units is lodged with Council by 31 January 2020, the activity could operate while the application is being processed. Notwithstanding this, the land owner will need to be notified that if the application was refused by Council the activity would need to cease.

Attachments

Attachment 1 – Locality Plan

Recommendation

1. THAT Council advise the landowner of 1192 Atkinsons Dam Road, Atkinsons Dam that if a properly made Material change of Use development application for an Intensive animal industry (cattle feedlot) for a maximum of 150 standard cattle units is lodged with Council by 31 January 2020, the activity could operate while the application is being processed.
2. THAT Council advise the landowner of 1192 Atkinsons Dam Road, Atkinsons Dam that if the development application is refused by Council the activity will need to cease operation.
3. THAT Council provide the landowner with the relevant material from the Somerset Region Planning Scheme to assist in preparing a Material change of use development

application for an Intensive animal industry.

Resolution	Moved – Cr Choat	Seconded – Cr Ogg
	<p>“1. THAT Council advise the landowner of 1192 Atkinsons Dam Road, Atkinsons Dam that if a properly made Material change of Use development application for an Intensive animal industry (cattle feedlot) for a maximum of 150 standard cattle units is lodged with Council by 31 January 2020, the activity could operate while the application is being processed.</p> <p>2. THAT Council advise the landowner of 1192 Atkinsons Dam Road, Atkinsons Dam that if the development application is refused by Council the activity will need to cease operation.</p> <p>3. THAT Council provide the landowner with the relevant material from the Somerset Region Planning Scheme to assist in preparing a Material change of use development application for an Intensive animal industry.”</p>	
	<p><i>Vote - Unanimous</i></p>	
	<p><i>Carried</i></p>	

Subject:	Development Application No 18732 Representations about conditions and other matters during the Applicant's Appeal Period in accordance with Section 75 of the PA
File No:	DA18732
Assessment No:	34842-00000-000
Action Officer:	SP

Conflict of Interest

Cr Whalley indicated that he had previously identified a Conflict of Interest in respect of the applicant and that Council had resolved at those times that this was not of sufficient significance that it would impact on his deciding in the public interest.

Resolution	Moved – Cr Choat	Seconded – Cr Gaedtke
	<p>“THAT Cr Whalley does not have a real or perceived conflict of interest in this matter and is accordingly free to participate in discussions and voting on the matter.”</p>	
	<p><i>Vote - Unanimous</i></p>	
	<p><i>Carried</i></p>	

Subject Land

Location	1073 Glamorgan Vale Road, Glamorgan Vale
Real Property Description	Lot 98 CH3113
Area	15.3781ha
Current land use	Kennel and Cattery facility and Dwelling house

Somerset Region Planning Scheme 2016

Zone	Rural zone
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SEQ Regional Plan 2009-2031

Designation	Regional Landscape and Rural Production Area
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Application

Level of Initial Assessment	Code Assessment
Applicant	Lyngold Pty Limited
Who is making the request?	C/- Diane Kerr and Associates 19 Frobisher Street SPRINGWOOD QLD 4127
Land Owner	Lyngold Pty Limited

Referrals

Concurrence	Nil
Advice	Nil
Third Party Advice	Nil

Attachments

1. Site Plan Secondary Dwelling – SK01 A – dated 27 June 2019
2. Floor Plan Secondary Dwelling – SK02 A – dated 27 June 2019
3. Secondary Dwelling Elevations – SK03 A – dated 27 June 2019
4. Secondary Dwelling Carport – SK04 A – 27 June 2019

RECOMMENDATION

Agree with the representations made and issue a “Negotiated Decision Notice” for Development Application 18732 subject to the amended conditions and requirements contained in the Schedules.

1. BACKGROUND

Council at its Ordinary Meeting of 28 August 2019 resolved to approve a Material Change of Use development application for a Secondary Dwelling at the above mentioned property. The applicant has now made representations about several of the conditions within the decision notice.

2. APPLICANTS REPRESENTATIONS AND OFFICER COMMENT

The applicant has made the following representations:

REPRESENTATION 1:

Condition 1.4: Provide a minimum storage capacity of 45,000 litre rain water tank supply capable of capturing roof run-off and connected to service all domestic water consumption needs of the “Secondary Dwelling”.

Response: It is acknowledged that the application was for an existing on-site secondary dwelling. The site and secondary dwelling is connected to a reticulated water supply (Glamorgan Vale rural water scheme). This water is used for toilets, washing machine and watering the gardens (if required). In addition, the dwelling has an 18,000 litre water tank for drinking water.

The above condition is applicable to rural situations where there is no reticulated water supply and the tank needs to supply all water consumption needs. In this case, there is the Glamorgan Vale water scheme. It is therefore submitted that the secondary dwelling will be adequately

supplied with water, such that it is the same, if not better than the proposed 45,000 litre water tank.

Action: It is requested that Council amend Condition 1.4 as follows (suggested change shown underlined and scored out):

The secondary dwelling is to be connected to the reticulated Glamorgan Vale water scheme. In addition, provide a minimum storage capacity of ~~45~~ **18,000** litre rain water tank supply capable of capturing roof run-off for drinking water purposes.

Officer Comment

While it is understood that the water supplied by the Glamorgan Vale rural water scheme is not suitable for potable purposes, it is suitable for use in toilets and watering the gardens. As such, it is accepted that the secondary dwelling may not require as much potable water storage as other dwelling houses not connected to a reticulated water network. Notwithstanding this, it is important to note that the Glamorgan Vale water scheme should not be used for potable water purposes and the following wording is considered to be more appropriate:

“Condition 1.4

Provide a minimum storage capacity of 18,000 litre rain water tank supply capable of capturing roof run-off for potable water purposes.

The secondary dwelling is to be connected to the reticulated Glamorgan Vale water scheme for use for non-potable water purposes only”.

REPRESENTATION 2:

Condition 1.6: *The secondary dwelling is to achieve Compliance with AS2021-2000 Acoustics – Aircraft noise intrusion – Building siting and construction.*

Condition 1.7: *Confirmation from a suitably qualified person is to be provided to Council demonstrating that Compliance with AS2021-2000 Acoustics – Aircraft noise intrusion – Building siting and construction.*

Response: It is believed that this condition was applied in relation to the recently advertised changes to the Somerset Region Planning Scheme (submissions closed on 2 September 2019). These changes have not yet been adopted as a planning scheme amendment.

Former Esk Planning Scheme:

It is noted that the application for the secondary dwelling sought approval for an existing building. The secondary dwelling (relocatable home) was established on-site in July 2011 (9 years ago) for the owner’s son (now occupied by the daughter). An extension was added in October 2018. It is noted that the dwelling is only a one (1) bedroom house.

Acknowledging that the secondary dwelling was established in 2011 without the correct planning approval, at the time, the former (superseded) Esk Shire Planning Scheme (28 September 2012 latest version) did not include an aircraft noise overlay or any assessment criteria regarding aircraft noise, and in particular the ANEF contours.

The only reference, in the planning scheme, to aircraft noise, is in relation to community facilities, and where a dwelling would compromise the continued operation of an existing or approved intensive animal industry or other lawfully established intensive rural use.

Current Planning Scheme:

At the time that the development application was lodged, the current Air Transport Overlay (Map OM2) showed that the secondary dwelling was located on the outer edge of the mapped 20-25 ANEF contour. This overlay is from the Version 3 (27 April 2018) planning scheme. Refer to Figure 1 below for an extract of this overlay map.

The Development Assessment Report and the assessment against the Air Transport Overlay Code (PO2/AO2), it was explained that “Due to the scale of the mapping it is difficult to accurately state whether the secondary dwelling is located within the ANEF 20-25 contour. It is, at worst, on the edge of the mapped boundary. For precaution, a performance solution is requested on the following grounds:

- This application seeks approval for an existing on-site secondary dwelling.
- The principal dwelling is located fully within the ANEF 20-25 contour.
- The site is also used for an approved boarding, rearing and breeding facility for both dogs and cats.
- The Secondary Dwelling will be occupied by the daughter and son-in-law of the owners of the principal dwelling”.

As the dwelling is existing, the costs to retrofit the house to comply with the required standard would be significant, such that the owners would rather building a new secondary dwelling than pay the costs to retrofit the existing dwelling. It is requested that Council delete this requirement on the following grounds:

- Recognition that the existing dwelling was established in 2011 and, had application been made to the Council for the secondary dwelling under the former Esk Planning Scheme, this condition would not have been applicable.
- Any works required to upgrade the dwelling to meet the acoustic requirements would be significant.
- The owners (principal) dwelling is located fully within the ANEF 20-25 contour. The secondary dwelling is for the daughter of the owners, who has grown up in the principal dwelling and is fully aware of the aircraft noise associated with the site and location.
- The daughter and son-in-law reside on-site so that they can assist their parents with the Country Pet Motel, when required (e.g. over holiday periods, when the parents are away etc).
- This is a unique situation in that the principal and secondary dwelling are located on a property that is affected by both aircraft noise and noise associated with the operation of Animal Keeping – a kennel and cattery facility.

Action: It is requested that Council delete Conditions 1.6 and 1.7.

Officer Comment

While not all representations provided by the applicant are accepted as being relevant, it is accepted that the works required to make the existing structure comply with the relevant Australian Standards would be considerable. Council's Building Certifier has advised that the Australian Standard AS2021-2000 Acoustics – Aircraft noise intrusion – Building siting and construction is not a mandatory standard and compliance would not be required prior to the

issuing of a building approval. With this in mind and with consideration of the fact the structure is existing, the representations are accepted and conditions 1.6 and 1.7 are recommended to be removed.

3. RECOMMENDATION

THAT Council issue a “Negotiated Decision Notice” for Development Application No: 18732 for a Development Permit for a Material Change of Use for a Secondary Dwelling on Lot 98 CH3113, situated at 1073 Glamorgan Vale Road, Glamorgan Vale, subject to the requirements and conditions contained in the Schedules and Attachments.

SCHEDULE 1 – GENERAL CONDITIONS		
<i>Assessment Manager</i>		
No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Site Plan Secondary Dwelling – SK01 A – dated 27 June 2019	
	Floor Plan Secondary Dwelling – SK02 A – dated 27 June 2019	
	Secondary Dwelling Elevations – SK03 A – dated 27 June 2019	
	Secondary Dwelling Carport – SK04 A – 27 June 2019	
1.2	Building works and plumbing and drainage works approvals must be gained.	Prior to the commencement of use.
1.3	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Before the change happens
1.4	Provide a minimum storage capacity of 45,000 litre rain water tank supply capable of capturing roof run-off and connected to service all domestic water consumption needs of the “Secondary Dwelling”.	Prior to commencement of the use
1.4	Provide a minimum storage capacity of 18,000 litre rain water tank supply capable of capturing roof run-off for potable water purposes. The secondary dwelling is to be connected to the reticulated Glamorgan Vale water scheme for use for non-potable water purposes only.	Prior to commencement of use and at all times
1.5	On-site effluent disposal is to be compliant with the relevant standards	Prior to commencement of the use

1.6	The secondary dwelling is to achieve Compliance with AS2021-2000 Acoustics Aircraft noise intrusion Building siting and construction.	As part of Building application and then at all times
1.7	Confirmation from a suitably qualified person is to be provided to Council demonstrating that Compliance with AS2021-2000 Acoustics Aircraft noise intrusion Building siting and construction has been achieved.	Prior to issuing of final building certificate
1.8	The secondary dwelling is only to be occupied by a relative of the primary household.	At all times
1.9	Any landscaping provided on site is to incorporate koala habitat vegetation.	At all times

SCHEDULE 2 – ENGINEERING

Assessment Manager

No	Condition	Timing
	Vehicular Access	
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
	Stormwater	
2.2	Ensure stormwater drainage is directed to a lawful point of discharge.	At all times
2.3	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
	Erosion and Sediment Control	
2.4	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. 	At all times

SCHEDULE 3 – ENVIRONMENTAL

Assessment Manager

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

	facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	
3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> ▪ Burn or bury waste generated in association with this development approval at or on the development site; nor ▪ Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor ▪ Stockpile any waste on the development site. 	At all times
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> ▪ Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or ▪ Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water. 	During construction phase
SCHEDULE 4 – ADVISORY NOTES		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the Planning Act 2016 , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <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 Manager of Operations if in his opinion a dust nuisance exists.		
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.		

Comply with relevant provisions of the Somerset Region Planning Scheme; Planning Scheme Policies and Local Laws.
A legible copy of this development approval package is to be available on the premises, at all times, during construction.
Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land, before the change happens.
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>).

Resolution

Moved – Cr Choat

Seconded – Cr Gaedtke

“THAT Council issue a “Negotiated Decision Notice” for Development Application No 18732 for a Development Permit for a Material Change of Use for a Secondary Dwelling on Lot 98 CH3113, situated at 1073 Glamorgan Vale Road, Glamorgan Vale, subject to the requirements and conditions contained in the Schedules and Attachments.

SCHEDULE 1 – GENERAL CONDITIONS*Assessment Manager*

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Site Plan Secondary Dwelling – SK01 A – dated 27 June 2019	
	Floor Plan Secondary Dwelling – SK02 A – dated 27 June 2019	
	Secondary Dwelling Elevations – SK03 A – dated 27 June 2019	
	Secondary Dwelling Carport – SK04 A – 27 June 2019	
1.2	Building works and plumbing and drainage works approvals must be gained.	Prior to the commencement of use.
1.3	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Before the change happens
1.4	Provide a minimum storage capacity of 18,000 litre rain water tank supply capable of capturing roof run-off for potable water purposes.	Prior to commencement of use and at all times
	The secondary dwelling is to be connected to the reticulated Glamorgan Vale water scheme for use for non-potable water	

	purposes only.	
1.5	On-site effluent disposal is to be compliant with the relevant standards	Prior to commencement of the use
1.8	The secondary dwelling is only to be occupied by a relative of the primary household.	At all times
1.9	Any landscaping provided on site is to incorporate koala habitat vegetation.	At all times

SCHEDULE 2 – ENGINEERING**Assessment Manager**

No	Condition	Timing
	Vehicular Access	
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
	Stormwater	
2.2	Ensure stormwater drainage is directed to a lawful point of discharge.	At all times
2.3	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
	Erosion and Sediment Control	
2.4	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. 	At all times

SCHEDULE 3 – ENVIRONMENTAL**Assessment Manager**

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

3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> ▪ Burn or bury waste generated in association with this development approval at or on the development site; nor ▪ Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor ▪ Stockpile any waste on the development site. 	At all times
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> ▪ Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or ▪ Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water. 	During construction phase

SCHEDULE 4 – ADVISORY NOTES

Assessment Manager

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

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

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

The *Planning Act 2016* provides for a person to make a change to this development application outside the 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 Manager of Operations if in his opinion a dust nuisance exists.

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.

Comply with relevant provisions of the Somerset Region Planning Scheme; Planning Scheme Policies and Local Laws.

A legible copy of this development approval package is to be available on the premises, at all times, during construction.

Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land, before the change happens.

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*)."

Carried

Vote - Unanimous

Subject:	Development Application No 17669 - Representations about conditions and other matters during the Applicant's Appeal Period in accordance with section 75 of the <i>Planning Act 2016</i>
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

Planning Scheme

Planning Scheme	Somerset Region Planning Scheme Version Three
Zone	Rural

ShapingSEQ

Land Use Category	Regional Landscape and Rural Production Area
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Application

Original Category of Assessment	Impact assessment
Original Date of Approval	24 July 2019
Development Approval	Development Permit for Material Change of Use for Transport depot and Low impact industry
Applicants contact details	Brown Contractors C/- Precinct Urban Planning Attn: Paul Kelly PO Box 3038 Toowoomba QLD 4350

Agency Referrals

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

RECOMMENDED DECISION

Approve the request to change the development approval for Development Application No 17669 subject to the amended conditions and requirements contained in the Schedules.

2.0 BACKGROUND TO APPROVAL

Development application 17669 was approved by Council on the 24 July 2019. The development permit is for Material Change of Use for Transport depot and Low impact industry. The applicant has now made representation to Council to change and amend conditions of the development approval.

3.0 REQUESTED CHANGE AND APPLICANT'S REPRESENTATION

The applicant has requested to amend conditions 1.18 to 1.26 to reflect the Amended Plans of Development submitted with the Change representation request. Currently, the applicant is required to install and maintain landscaping screen along the northern front boundary and the eastern and western side boundaries of the site. A 10 metre riparian vegetation buffer zone is also required to be installed along the southern rear boundary, north of Wallaby Creek. Finally, the applicant is required to install koala exclusive fence to located between the approved use and landscaping areas.

The following changes to fencing and landscaping requirements and conditions are described below:

- Northern front boundary: The existing screen fence is retained at its current location. The screen fence is setback approximately 1.5m from the front boundary. Two blue gum trees are to be planted in the front region of the site, away from the industrial activities area to assist with providing additional koala habitat vegetation;
- Western side boundary: The existing screen fence is retained at its current location and to be extended to the creek bank located at the southern end of the boundary. Landscaping buffer will not be provided along the western side boundary due to the impracticability of a stormwater drain constructed on request by the Department of Transport and Mains Road;
- Eastern side boundary: The existing screen fence is retained at its current location. The screen fence is setback approximately 700m from the side boundary. Changes proposed include the provision of five landscaped indentation spaced approximately 20m apart to improve its appearance when viewed externally from the site.
- Southern rear boundary: The existing vegetation on-site along the northern bank of Wallaby Creek suffice and the area is to be tied up and continue to be rehabilitate with local/endemic riparian species.

The proposed changes above are reflected by the Amended Plans of Development. These Plans have been provided at Attachment 1.

Therefore, the applicant has requested to amend the conditions below. The proposed amendments are in bold:

	Landscaping	
1.18	Submit a Landscaping Plan 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. the eastern side boundary within the indentations shown on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019.	Prior to commencement of use and at all times
1.20	Landscaping is to be provided and maintained along the eastern and western boundaries boundary of the site and within the a 40 metres riparian vegetation buffer zone for the southern boundary to Wallaby Creek at the location shown on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019.	Prior to commencement of use and at all times
1.21	Plant a continuous landscaping using the species and location of plantings shown on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019. 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 40 metre the riparian vegetation buffer zone to Wallaby Creek shown on Job No: 0014/18, Sheet 1: Site Plan – Landscape and Fencing, Issue G, prepared by Martin Building Design, dated 23 September 2019. 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 and species identified on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019 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; and (d) Incorporate the tree species identified on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019 koala habitat trees; (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	<p>Landscape Specifications:</p> <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). 	Prior to commencement of use
1.26	<p>Koala exclusion fence must be located to exclude koalas from the development. The fence is to be located between the use and landscaping areas.</p> <p><i>Note: The current standard of existing screen fencing provided to the northern, western and eastern side boundaries are considered satisfying this requirement. Changes to the location of the eastern side boundary fence to undertaken in accordance with Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019.</i></p>	At all times

4.0 OFFICER'S COMMENTS

Council officers have reviewed the proposed amendments and the associated Amended Plans of Development. It is considered the proposed amendments to the conditions will not affect the development to operate as intended by the development approval and will not be introducing additional impacts.

Further, the applicant has agreed to advise immediate adjoining owners in advance if emergency works related to the operation of the development approval are required to be carried out outside of the approved hours of operation. Condition 1.11 has been amended to reflect the requirement.

As a result, Condition 1.1 will be amended to include the new Amended Plans of Development. There will also be minor amendments to other conditions to update the reference reflecting the Amended Plans of Development.

Conditions 1.1 and 1.11 will be amended as follows. The proposed amendments are in bold:

1.1	<p>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.</p> <p>Proposed Plans of Development, Design and Prepared by J.D.T.</p>	Prior to commencement of use
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	at Martin Building Design, Job No.: 00014/18, Issue D, Pages 1 to 9, Dated on 22 February 2018.	
	Proposed Plans of Development, Design and Prepared by J.D.T. at Martin Building Design, Job No: 00014/18, Issue G, Pages 1 to 11, 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.	
	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: 7 am to 5:30 pm; Saturday: 7 am to 3 pm; 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. The operator is required to notify their immediate adjoining neighbours of any noise generating works associated with the development anticipated to be generated outside approved hours of operation due to emergency works.</i></p>	At all times

RECOMMENDED DECISION

THAT Council agrees and issues a Negotiated decision notice for Development Application No 17669 for a Development Permit for Material Change of Use for a Transport depot and Low impact industry on Lot 5 on RP15002 and D'Aguilar Highway, Moore Reconfiguring a lot subject to requirements and conditions contained in the Schedules and Attachments.

SCHEDULE 1 – GENERAL CONDITIONS

Assessment Manager

No	Condition	Timing
1.1	<p>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.</p> <p>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.</p> <p>Proposed Plans of Development, Design and Prepared by J.D.T. at Martin Building Design, Job No: 00014/18, Issue G, Pages 1 to 11, Dated on 22 February 2018.</p> <p>Site Based Management Plan, Prepared by M.L.D. at Range Environmental Consultants, Project No: J000043, Version 1, Dated 14 March 2018.</p>	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
1.11	<p>The hours of operation for the development is limited to:</p> <ul style="list-style-type: none"> Monday to Friday: 7 am to 5:30 pm; Saturday: 7 am to 3 pm; 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. The operator is required to notify their immediate adjoining neighbours of any noise generating works associated with the development anticipated to be generated outside approved hours of operation due to emergency works.</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	At all times

	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.	
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	The power generator is only to be used for: <ul style="list-style-type: none"> • The hoist; • The compressor; and • Welder. These tools are only to be used during hours of operations only.	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	Submit a Landscaping Plan 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
1.19	The applicant must plant quick growing vegetation along the eastern side boundary within the indentations shown on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building	Prior to commencement of use and at all times

	Design, dated 23 September 2019.	
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
1.20	Landscaping is to be provided and maintained along the eastern boundary of the site and within the riparian vegetation buffer zone for the southern boundary to Wallaby Creek at the location shown on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019.	Prior to commencement of use and at all times
1.24	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
1.21	Plant landscaping using the species and location of plantings shown on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019. 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
1.22	Provide and maintain the riparian vegetation buffer zone to Wallaby Creek shown on Job No: 0014/18, Sheet 1: Site Plan – Landscape and Fencing, Issue G, prepared by Martin Building Design, dated 23 September 2019. 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
1.23	A landscape plan showing the locations and species identified on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019 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: (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	Prior to commencement of use

	provision of landscaping along the eastern and western boundaries, if possible.	
1.24	<p>Planting requirements:</p> <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; (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 the tree species identified on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019; 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	<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
1.26	<p>Koala exclusion fence must be located to exclude koalas from the development. The fence is to be located between the use and landscaping areas.</p> <p><i>Note: The current standard of existing screen fencing provided to the northern, western and eastern side boundaries are considered satisfying this requirement. Changes to the location of the eastern side boundary fence to undertaken in accordance with Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019.</i></p>	At all times
	Fuel Storage Area	
1.27	Fuel is appropriately stored in a registered fuel trailer or in a self-	At all times

	bunded aboveground tank.	
	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
1.28	<p>As per the approved Site Plan, Reference as Job No 0014/18, Sheet 2, Issue G, 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
1.29	<p>As per the approved Site Plan, Reference as Job No 0014/18, Sheet 1, Issue G, 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	<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
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 G.</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 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 (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. 	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	Prior to commencement of use

	property in forward gear.	
	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 designed and 	At all times

	<ul style="list-style-type: none"> 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. 	
	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 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 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	<p>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.</p>	Before the change happens
3.3	<p>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.</p>	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	<p>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.</p>	At all times
3.7	<p>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.</p>	At all times
3.8	<p>All general waste produced as part of the operation must be disposed of through either:</p>	At all times

	<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. 	
	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	At all times

	designated washdown bay where contaminants cannot be released into stormwater drainage, a roadside gutter, waters or onto unsealed ground.	
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 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 6:30 am to 6:30 pm 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 7 am to 6:30 pm Monday to Friday, 7 am to 3 pm 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.

Resolution

Moved – Cr Ogg

Seconded – Cr Gaedtke

“THAT Council agrees and issues a Negotiated decision notice for Development Application No 17669 for a Development Permit for Material Change of Use for a Transport depot and Low impact industry on Lot 5 on RP15002 and D’Aguilar Highway, Moore Reconfiguring a lot subject to requirements and conditions contained in the Schedules and Attachments.

SCHEDULE 1 – GENERAL CONDITIONS*Assessment Manager*

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Proposed Plans of Development, Design and Prepared by J.D.T. at Martin Building Design, Job No: 00014/18, Issue G, Pages 1 to 11, 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.	
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	At all times

	Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.	
	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: 7 am to 5:30 pm; Saturday: 7 am to 3 pm; 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. The operator is required to notify their immediate adjoining neighbours of any noise generating works associated with the development anticipated to be generated outside approved hours of operation due to emergency works.</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	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	Submit a Landscaping Plan prepared by a suitably qualified person to Council in accordance with Conditions 1.18 to 1.22.	Prior to commencement of use
1.19	The applicant must plant quick growing vegetation along the eastern side boundary within the indentations shown on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019.	Prior to commencement of use and at all times
1.20	Landscaping is to be provided and maintained along the eastern boundary of the site and within the riparian vegetation buffer zone for the southern boundary to Wallaby Creek at the location shown on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019.	Prior to commencement of use and at all times
1.21	Plant landscaping using the species and location of plantings shown on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019. 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 the riparian vegetation buffer zone to Wallaby Creek shown on Job No: 0014/18, Sheet 1: Site Plan – Landscape and Fencing, Issue G, prepared by Martin Building Design, dated 23 September 2019. 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 and species identified on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019 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: (a) Planting must be composed of locally native trees which are likely to grow to a height which will assist in screening the development; (b) Tree species be selected to be of bushy growth habit and include low branching varieties in order to provide quick	Prior to commencement of use

	<p>screening;</p> <p>(c) Plant sizes at time of planting to be of at least 75mm tube stock for the trees;</p> <p>(d) Incorporate the tree species identified on Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019; and</p> <p>(e) Incorporate appropriate earth mounds to help with the provision of landscaping along the eastern and western boundaries, if possible.</p>	
1.25	<p>Landscape Specifications:</p> <p>(a) The following information must be contained within the landscape plan:</p> <p>(i) Soil preparation for tree planting (ie. Rip lines or individual hole preparation);</p> <p>(ii) Planting procedures;</p> <p>(iii) Irrigation (type of proposed irrigation systems or water regimes to establish and maintain planted vegetation);</p> <p>(iv) Mulching and tree guards (type of mulch proposed, application depths and type of tree guard); and</p> <p>(v) Landscape maintenance (outlining maintenance tasks and minimum standards for establishment of landscaping works for a minimum period for 12 months).</p>	Prior to commencement of use
1.26	<p>Koala exclusion fence must be located to exclude koalas from the development. The fence is to be located between the use and landscaping areas.</p> <p><i>Note: The current standard of existing screen fencing provided to the northern, western and eastern side boundaries are considered satisfying this requirement. Changes to the location of the eastern side boundary fence to undertaken in accordance with Job No: 0014/18, Sheets 1 and 3, Issue G, prepared by Martin Building Design, dated 23 September 2019.</i></p>	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 G, 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 G, 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	<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 G.</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 	At all times

	<ul style="list-style-type: none"> 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 (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	<p>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:</p> <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 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	At all times

	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.	
	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 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 all times

	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.	
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	The holder of this development approval must not: <ul style="list-style-type: none"> Release stormwater runoff into a roadside gutter / swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter / swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water. 	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	At all times

	receptor outside the boundaries of the development site.	
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	All general waste produced as part of the operation must be disposed of through either: <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"> d) Background noise level plus 10 dB(A) 7 am to 6 pm; e) Background noise level plus 10 dB(A) 6 pm to 10 pm; f) 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, $L_{Aeq, adj}$, 15 min when measured at any affected noise sensitive place must not exceed:</p> <ul style="list-style-type: none"> g) the background noise level plus 3 dB(A) from 7 am to 6 pm; h) the background noise level plus 3 dB(A) from 6 pm to 10 pm; i) the background noise level plus 0 dB(A) from 10 pm to 7 	At all times

	am.	
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. $L_{A90, T}$ (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</i> (or as amended) 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> <p>a) Uncontaminated overland stormwater flow;</p>	At all times

	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.	
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.	
	<p>“Noise sensitive place” means any of the following places:</p> <ul style="list-style-type: none"> 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. 	
	<p>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></p>	
	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.	
	<p>SCHEDULE 5 – REFERRAL AGENCY Seqwater <i>Advice Agency Response</i> <i>Agency Response: Recommend Conditions Apply</i></p>	
	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 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 <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> . [A copy of section 71 will be enclosed with the Decision Notice].
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</i> (as amended) and the <i>Workplace Health and Safety Regulation</i> (as amended).
All Operational Work is to comply with relevant codes for design and construction.
Construction hours are 6:30 am to 6:30 pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Noise levels from construction work shall at all times comply with the requirements of the <i>Environmental Protection Act 1994</i> .
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 7 am to 6:30 pm Monday to Friday, 7 am to 3 pm 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."

Carried

Vote - Unanimous

Subject:	Development Application No 17198 - Change Application to Development Approval – Minor Change under section 81 of the Planning Act 2016
File No:	DA17198
Action Officer:	PO-RC
Assessment No:	02839-00000-000

1.0 APPLICATION SUMMARY

Subject Land

Location	9 Lindemans Road and Clarendon Road, Lowood
Real Property Description	Lot 315 on SP178650
Area	44.614 hectares

Former Planning Scheme

Planning Scheme	Superseded Esk Shire Planning Scheme 2005 (as amended)
Zone	Rural
Precinct	Arable Agricultural Precinct

Current Planning Scheme

Planning Scheme	Somerset Region Planning Scheme Version Three
Zone	Emerging Community
Strategic Framework	Future Industry

ShapingSEQ

Land Use Category	Urban Footprint
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Application

Original Category of Assessment	Impact Assessment
Original Date of Approval	10 October 2018
Applicants contact details	UPG Lorne Resort Pty Ltd c/- Bennett and Bennett PO Box 5021 GCMC QLD 9726
Land Owner	UPG Lorne Resort Pty Ltd
Date application made	3 October 2019

State Agency Referrals

Concurrence Agency

Department of State Development, Manufacturing,
Infrastructure and Planning

Advice agency

Energex

RECOMMENDED DECISION

Approve the request to change the development approval for Development Application No 17198 subject to the amended conditions and requirements contained in the Schedules.

2.0 BACKGROUND TO APPROVAL

Council at its Ordinary Council meeting of 10 October 2018 approved the development application for Reconfiguring a Lot involving a Staged Subdivision for one into 102 residential lots, new roads, parks and one balance lot.

Subsequently, Council at its Ordinary Council meeting on the 12 June 2019 approved the applicant's representation regarding the development approval and issued a Negotiated Decision Notice.

3.0 REQUESTED CHANGE

The applicant has now requested the amendment of Conditions 1.1, 2.1 and 2.6.1 currently set out as follows:

SCHEDULE 1 – GENERAL CONDITIONS		
No	Condition	Timing
1.1	Carry out the development in general 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
	Plan of Proposed Lots 1-103, Park and New Road Cancelling Lot 315 on SP178650 at 9 Lindemans Road, Lowood over 7 Stages, Plan No: 13341_005_PRO_B, sheets 1-4, dated 16/02/2018 prepared by Bennett and Bennet.	
	Structure Diagrams – Buffer Planting and Fences and Walls – reference DA01 171205 dated 21 March 2018 at 9 Lindemans Road Lowood c/- Bennett and Bennett and prepared by Form Landscape Architects.	
	Landscape Masterplan – reference DA01 171205 dated 21 March 2018 at 9 Lindemans Road Lowood c/- Bennett and Bennett and prepared by Form Landscape Architects.	
	Conceptual Stormwater Management Plan Document No. K2796-0023-B dated 20 March 2018 for Residential subdivision Lot 315 on SP178650 at 9 Lindemans Road, Lowood for Jones Family Trust, prepared by Knobel Consulting.	
	Stormwater Management Layout Plan Project No. K2796 Drawing No P109 Issue C dated 02-03-2018 prepared by Knobel Consulting.	
	Traffic Impact Assessment Report Number 620.11915-RO1 dated 8 September 2017, prepared by SLR Consulting.	
	Noise and Air Quality Assessment for Residential Subdivision 9 Lindemans Road Lowood prepared for Jones Family Trust c/- Bennett and Bennett, prepared by MWA Environmental dated 26 March 2018.	

	Infrastructure Report prepared for proposed Residential Subdivision Lot 315 on SP178650 9 Lindemans Road, Lowood, for Jones Family Trust, dated 22 September 2017, File No: K2796-0022, prepared by Knobel Consulting.							
	Queensland Urban Utilities Service Advice Notice Ref: 17-SRV-29198 dated 15 September 2017.							
	Residential Needs Analysis prepared for Stacey Ebert and Dale Jones for 9 Lindemans Road, Lowood, prepared by Location IQ dated September 2017.							
	Early Works Diagram – Reference 171205 – prepared by Form Landscape Architects – dated 27 February 2019							
SCHEDULE 2 - ENGINEERING								
No	Condition	Timing						
	ENGINEERING							
2.1	<p>The Applicant is to complete each stage of the development in sequence in general accordance with drawing Plan of Proposed Lots 1-103, Park and New Road, prepared by Bennett + Bennett and dated 16/02/2018.</p> <p>The Applicant is not to submit to Council the Plan of Survey for a stage for endorsement until the Applicant has received endorsement of the Plan of Survey for the preceding stage.</p>	As indicated						
	OPEN SPACE/PARK/LANDSCAPING							
2.6.1	<p>Transfer of Open Space is to occur as follows:</p> <p>a. The applicant must transfer to Council the areas of public open space listed below, as identified on the plans indicated (subject to any amendments required by these conditions):</p> <table border="1"> <thead> <tr> <th><i>Purpose</i></th><th><i>Description on Plan</i></th><th><i>Plan Reference</i></th></tr> </thead> <tbody> <tr> <td>Recreation/ Drainage Reserve</td><td>Park 3.7 ha</td><td>Plan No 13341_005_PRO_B, Sheets 1-4, titled Proposed Lots 1-103 Park and New Road Cancelling Lot 315 on SP178650 at 9 Lindemans Road Lowood over 7 Stages, prepared by Bennett + Bennett</td></tr> </tbody> </table> <p>b. The land identified in paragraph (a) must be transferred in fee simple as 'Public Open Space' to Somerset Regional Council as Trustee.</p> <p>c. Council will hold the land in trust for community infrastructure and may use the land, or permit the land to be used, for purposes that do not compromise the purpose for which the land is dedicated.</p> <p>d. The applicant must lodge the transfer documents with Council.</p> <p>e. The transfer of the land to Council must be at no cost</p>	<i>Purpose</i>	<i>Description on Plan</i>	<i>Plan Reference</i>	Recreation/ Drainage Reserve	Park 3.7 ha	Plan No 13341_005_PRO_B, Sheets 1-4, titled Proposed Lots 1-103 Park and New Road Cancelling Lot 315 on SP178650 at 9 Lindemans Road Lowood over 7 Stages, prepared by Bennett + Bennett	Transfer documents are to be lodged with Council within 30 days of the completion of the 'On Maintenance Period'
<i>Purpose</i>	<i>Description on Plan</i>	<i>Plan Reference</i>						
Recreation/ Drainage Reserve	Park 3.7 ha	Plan No 13341_005_PRO_B, Sheets 1-4, titled Proposed Lots 1-103 Park and New Road Cancelling Lot 315 on SP178650 at 9 Lindemans Road Lowood over 7 Stages, prepared by Bennett + Bennett						

	<p>to Council.</p> <p>f. The transfer of land is to occur in stages as prescribed by the subdivision proposal plan with the exception of the Local Park (identified in Stage 7) which is to occur in Stage 6.</p> <p><i>Information note: This condition is imposed in accordance with section 646 of the Planning Act 2016 (i.e. trunk infrastructure - listed).</i></p>	
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3.1 Applicant's Comments

The applicant has now proposed changing the staging of the development:

- In Stage One, three lots will be created, comprising one residential lot encompassing existing residential uses on-site (Lot 102) and two balance lots (Lots 103 and 104) for future development;
- As a result of the above change, the number of lots created in Stage Seven has decreased from 13 lots 12 lots;
- Proposed Lot 102 has also decrease in size from 8,864m² to 2,853m²;
- No other changes to the development are proposed.

Below details the proposed change to the staging of the development:

Stages	Existing	Proposed
Stage 1	1 lot	3 lots
Stage 2	30 lots and park	30 lots and park
Stage 3	13 lots and park	13 lots and park
Stage 4	13 lots and park	13 lots and park
Stage 5	15 lots	15 lots
Stage 6	18 lots	18 lots
Stage 7	13 lots and park	12 lots and park
Total	103 lots and park	104 lots and park

Amended plans reflecting the proposed changes have been submitted as part of the Change application. The amended plans have been provided as Attachment 1. The original approved plans have been provided as Attachment 2.

The applicant has stated the purpose of the proposed amendment is to facilitate better management of the proposed development. By creating an additional lot in Stage One, all future stages of the proposed subdivision can be carried out on one lot. Therefore, the proposed changes require an amendment to Conditions 1.1, 2.1 and 2.6.1.

The proposed amendments do not incorporate any significant changes to the subdivision design or require alteration to the extent of the development. The change also does not increase the scale or intensity of the existing approval nor will it affect how the development and conditions will be carried out.

3.2 Officer's Comments

The proposed changes to the development approval and amendment to the relevant conditions are acceptable. The proposed change would not result in a substantially different development then the one approved by Council nor will it result in prohibited developments. The current approved staging of the residential subdivision will still occur in sequence of the approved stages and the timing of the delivery of the infrastructures would not be altered.

Therefore, it is considered the proposed amendments to conditions 1.1, 2.1 and 2.6.1 be agreed to, and the condition be amended to read as follows:

SCHEDULE 1 – GENERAL CONDITIONS		
No	Condition	Timing
1.1	<p>Carry out the development in general accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.</p> <p>Plan of Proposed Lots 1-103, Park and New Road Cancelling Lot 315 on SP178650 at 9 Lindemans Road, Lowood over 7 Stages, Plan No: 13341_005_PRO_B, sheets 1-4, dated 16/02/2018 prepared by Bennett and Bennet.</p> <p>Plan of Proposed Lots 1 to 101, Park and New Road, Plan No: 13341_005_PRO, Sheets 1 to 4, Issue D, Prepared by JEW at Bennett and Bennett, Dated 12 September 2019.</p> <p>Plan of Proposed Lots 102 to 104, Plan No: 13341_006_PRO, Sheet 1, Issue B, Prepared by BRJ at Bennett and Bennett, Dated 26 August 2019.</p> <p>Structure Diagrams – Buffer Planting and Fences and Walls – reference DA01 171205 dated 21 March 2018 at 9 Lindemans Road Lowood c/- Bennett and Bennett and prepared by Form Landscape Architects.</p> <p>Landscape Masterplan – reference DA01 171205 dated 21 March 2018 at 9 Lindemans Road Lowood c/- Bennett and Bennett and prepared by Form Landscape Architects.</p> <p>Conceptual Stormwater Management Plan Document No. K2796-0023-B dated 20 March 2018 for Residential subdivision Lot 315 on SP178650 at 9 Lindemans Road, Lowood for Jones Family Trust, prepared by Knobel Consulting.</p> <p>Stormwater Management Layout Plan Project No. K2796 Drawing No. P109 Issue C dated 02-03-2018 prepared by Knobel Consulting.</p> <p>Traffic Impact Assessment Report Number 620.11915-RO1 dated 8 September 2017, prepared by SLR Consulting.</p> <p>Noise and Air Quality Assessment for Residential Subdivision 9 Lindemans Road Lowood prepared for Jones Family Trust c/- Bennett and Bennett, prepared by MWA Environmental dated 26 March 2018.</p> <p>Infrastructure Report prepared for proposed Residential Subdivision Lot 315 on SP178650 9 Lindemans Road, Lowood, for Jones Family Trust, dated 22 September 2017, File No: K2796-0022, prepared by Knobel Consulting.</p> <p>Queensland Urban Utilities Service Advice Notice Ref: 17-SRV-29198 dated 15 September 2017.</p> <p>Residential Needs Analysis prepared for Stacey Ebert and Dale Jones for 9 Lindemans Road, Lowood, prepared by Location IQ dated September 2017.</p> <p>Early Works Diagram – Reference 171205 – prepared by Form Landscape Architects – dated 27 February 2019</p>	At all times
SCHEDULE 2 - ENGINEERING		
No	Condition	Timing

	ENGINEERING							
2.1	<p>The Applicant is to complete each stage of the development in sequence in general accordance with drawing Plan of Proposed Lots 1-103, Park and New Road, prepared by Bennett + Bennett and dated 16/02/2018. the following drawings:</p> <ul style="list-style-type: none"> Plan of Proposed Lots 1 to 101, Park and New Road, Plan No: 13341_005_PRO, Sheets 1 to 4, Issue D, Prepared by JEW at Bennett and Bennett, Dated 12 September 2019. Plan of Proposed Lots 102 to 104, Plan No: 13341_006_PRO, Sheet 1, Issue B, Prepared by BRJ at Bennett and Bennett, Dated 26 August 2019. <p>The Applicant is not to submit to Council the Plan of Survey for a stage for endorsement until the Applicant has received endorsement of the Plan of Survey for the preceding stage.</p>	As indicated						
	OPEN SPACE/PARK/LANDSCAPING							
2.6.1	<p>Transfer of Open Space is to occur as follows:</p> <p>a. The applicant must transfer to Council the areas of public open space listed below, as identified on the plans indicated (subject to any amendments required by these conditions):</p> <table border="1"> <thead> <tr> <th>Purpose</th><th>Description on Plan</th><th>Plan Reference</th></tr> </thead> <tbody> <tr> <td>Recreation/ Drainage Reserve</td><td>Park 3.7 ha</td><td> Plan No 13341_005_PRO_B, Sheets 1-4, titled Proposed Lots 1-103 Park and New Road Cancelling Lot 315 on SP178650 at 9 Lindemans Road Lowood over 7 Stages, prepared by Bennett + Bennett Plan of Proposed Lots 1 to 101, Park and New Road, Plan No: 13341_005_PRO, Sheets 1 to 4, Issue D, Prepared by JEW at Bennett and Bennett, Dated 12 September 2019. </td></tr> </tbody> </table> <p>b. The land identified in paragraph (a) must be transferred in fee simple as 'Public Open Space' to Somerset Regional Council as Trustee.</p> <p>c. Council will hold the land in trust for community infrastructure and may use the land, or permit the land</p>	Purpose	Description on Plan	Plan Reference	Recreation/ Drainage Reserve	Park 3.7 ha	Plan No 13341_005_PRO_B, Sheets 1-4, titled Proposed Lots 1-103 Park and New Road Cancelling Lot 315 on SP178650 at 9 Lindemans Road Lowood over 7 Stages, prepared by Bennett + Bennett Plan of Proposed Lots 1 to 101, Park and New Road, Plan No: 13341_005_PRO, Sheets 1 to 4, Issue D, Prepared by JEW at Bennett and Bennett, Dated 12 September 2019.	Transfer documents are to be lodged with Council within 30 days of the completion of the 'On Maintenance Period'
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	<p>to be used, for purposes that do not compromise the purpose for which the land is dedicated.</p> <p>d. The applicant must lodge the transfer documents with Council.</p> <p>e. The transfer of the land to Council must be at no cost to Council.</p> <p>f. The transfer of land is to occur in stages as prescribed by the subdivision proposal plan with the exception of the Local Park (identified in Stage 7) which is to occur in Stage 6.</p> <p><i>Information note: This condition is imposed in accordance with section 646 of the Planning Act 2016 (i.e. trunk infrastructure - listed).</i></p>	
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As the number of lots proposed to be created has increased, an amended Infrastructure Charges Notice will therefore be issued. A draft amended Infrastructure Charges Notice has been provided as Attachment 3.

4.0 PLANNING CONSIDERATIONS

The applicant has made a Change Application in accordance with s78 and s79 of the *Planning Act*.

It is considered the proposed development satisfies with the requirements and represents a minor change that can be assessed under the provisions of s81 of the *Planning Act 2016*.

5.0 OTHER PLANNING CONSIDERATIONS

5.1 Referral Agencies

In accordance with section 80 of the Planning Act 2016, the State Assessment and Referral Agency and Energex is not considered an affected entity of the minor change, and as such no comments or conditions have been sought from the Department of State Development, Manufacturing, Infrastructure and Planning. The Department and Energex will, however, be provided with a copy of the Decision Notice.

5.2 Public awareness of the proposed development

Council received a total of four submissions when the development was originally publicly notified. The submitters did not act on their rights to appeal the development approval.

Details including the Decision Notice of the original approval and subsequent Negotiated Decision Notice are available for public viewing on Council's website via eServices.

6.0 CONCLUSION

The proposed changes to the development approval is acceptable and has been determined as a minor change. The proposed change to the development approval does not involve a new use, a new parcel of land, nor dramatically changes the nature of the development or approval.

7.0 FEE REDUCTION REQUEST

The applicant is seeking for an application fee reduction for the Minor change application. Currently, pursuant to Council's Fees and Charges Schedule (2019-2020), the application fee

for a Minor change is set out as follow:

- 20% of the initial application fee paid; plus
- \$110 per condition proposed to amend.

In this instance, the Minor change application fee DA17198 is \$10,067.40.

The applicant has requested the reduction of the application fee to \$3,000.00. They cited, the proposed minor change is to make changes to the staging of the development. The existing configuration of the development approval and relevant design aspects have not been altered in any regard. The only other change is reducing the lot size for Lot 102. The proposed changes to conditions are only to reflect the updated plan references and no further technical assessment of the development is required.

The request has been reviewed and is considered to be reasonable. Therefore, it is recommended to support the requested fee reduction.

8.0 ATTACHMENTS

1. Proposed amended plans of development.
2. Existing approved plans of development.
3. Draft Infrastructure Charges Notice.

RECOMMENDED DECISION

1. THAT Council approve the Change Application under section 81 of the *Planning Act 2016* for DA 17198 for a Development Permit for Reconfiguring a Lot for a Staged Subdivision on land described as Lot 315 on SP178650 and situated at 9 Lindemans Road and Clarendon Road, Lowood subject to the conditions contained in the Schedules and Attachments.
2. THAT Council support the free reduction request and refund the development application fee difference to the applicant.

SCHEDULE 1 – GENERAL CONDITIONS		
No	Condition	Timing
1.1	Carry out the development in general 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
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	Early Works Diagram – Reference 171205 – prepared by Form Landscape Architects – dated 27 February 2019	
1.2	Comply with relevant provisions of the Superseded 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 during the staged project.	During construction works for each stage
1.4	Pay to Council any outstanding rates, charges or expenses that are a charge over the subject land levied by Council and/or levied but not fully paid over the subject land.	Prior to endorsement of the subdivision plan for each stage
1.5	Pay to council the current amount at the time of payment, per lot for the issue of new valuations by the Department of Natural Resources, Mines and Energy (DNRME). The amount is currently set at \$36 per lot per the Fees and Charges 2018/2019.	Prior to endorsement of the subdivision plan for each stage
	Infrastructure Agreement	
1.6	<p>The stages as shown on the approved plan amended as per the requirements of Condition 1.1 of this Decision Notice are approved for the purposes of construction (subject to operational work approval) and compliance assessment of subdivision plans, subject to the following requirements:</p> <ul style="list-style-type: none"> a. The Operational Works application can cover more than one stage, however the engineering plans must be split into the individual stages shown on the approved staging plan. b. The construction of any approved operational works (including provision of “as constructed” information) and compliance assessment of subdivision plans must be in the sequence (i.e. order) of the stages shown on the approved staging plan. To be clear, the subdivision plan or stage 1 must be approved by Council before (or at the same time as) the stage 2 subdivision plan, and so on. c. Subdivision plans must correspond to the stages as shown on the approved staging plan noting the following exclusions: 	As indicated within the wording of the condition.

	<p>i. Approved early works required for the establishment of the amenity bunds prescribed through Conditions 3.1 and 3.2.</p> <p>ii. Provision of public open space is to be in accordance with Condition 2.6.</p> <p>d. Any subsequent proposed amendments to the stage boundaries or the sequence of development must be first approved by Council as a change to the reconfiguration of a lot development approval and any operational work development approval</p>	
SCHEDULE 2 - ENGINEERING		
No.	Condition	Timing
	ENGINEERING	
2.1	<p>The Applicant is to complete each stage of the development in sequence in general accordance with drawing Plan of Proposed Lots 1-103, Park and New Road, prepared by Bennett + Bennett and dated 16/02/2018. the following drawings:</p> <ul style="list-style-type: none"> Plan of Proposed Lots 1 to 101, Park and New Road, Plan No: 13341_005_PRO, Sheets 1 to 4, Issue D, Prepared by JEW at Bennett and Bennett, Dated 12 September 2019. Plan of Proposed Lots 102 to 104, Plan No: 13341_006_PRO, Sheet 1, Issue B, Prepared by BRJ at Bennett and Bennett, Dated 26 August 2019. <p>The Applicant is not to submit to Council the Plan of Survey for a stage for endorsement until the Applicant has received endorsement of the Plan of Survey for the preceding stage.</p>	As indicated
2.2	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 Works for each stage
2.3	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Development Standards</i> .	Prior to endorsement of the subdivision plan for each stage
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.	Prior to endorsement of the subdivision plan for each stage
2.5	<p>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:</p> <ul style="list-style-type: none"> Plans and specifications must be prepared and certified with the Operational Work application. 	Prior to endorsement of the subdivision plan for each stage

	<ul style="list-style-type: none"> • Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 							
	OPEN SPACE/PARK/LANDSCAPING							
2.6	<p>The Local Park and Linear Park and all associated recreation elements / infrastructure and paths shall be constructed at the time of relevant stage as noted on the subdivision proposal plan with the exception of the Local Park (included in Stage 7) which is to be constructed and dedicated to Council through the works occurring in Stage 6.</p> <p><i>Information Note: The applicant is invited to enter into an infrastructure agreement with the Council to provide certainty to both parties in respect of the above requirements and timing of the provision of any refund and/or offset.</i></p>	As indicated within the wording of the condition.						
2.6.1	<p>Transfer of Open Space is to occur as follows:</p> <p>a. The applicant must transfer to Council the areas of public open space listed below, as identified on the plans indicated (subject to any amendments required by these conditions):</p> <table border="1"> <thead> <tr> <th>Purpose</th><th>Description on Plan</th><th>Plan Reference</th></tr> </thead> <tbody> <tr> <td>Recreation/ Drainage Reserve</td><td>Park 3.7 ha</td><td> <p>Plan No 13341_005_PRO_B, Sheets 1-4, titled Proposed Lots 1-103 Park and New Road Cancelling Lot 315 on SP178650 at 9 Lindemans Road Lowood over 7 Stages, prepared by Bennett + Bennett Plan of Proposed Lots 1 to 101, Park and New Road, Plan No: 13341_005_PRO, Sheets 1 to 4, Issue D, Prepared by JEW at Bennett and Bennett, Dated 12 September 2019.</p> </td></tr> </tbody> </table> <p>b. The land identified in paragraph (a) must be transferred in fee simple as 'Public Open Space' to Somerset Regional Council as Trustee.</p> <p>c. Council will hold the land in trust for community infrastructure and may use the land, or permit the land to be used, for purposes that do not compromise the</p>	Purpose	Description on Plan	Plan Reference	Recreation/ Drainage Reserve	Park 3.7 ha	<p>Plan No 13341_005_PRO_B, Sheets 1-4, titled Proposed Lots 1-103 Park and New Road Cancelling Lot 315 on SP178650 at 9 Lindemans Road Lowood over 7 Stages, prepared by Bennett + Bennett Plan of Proposed Lots 1 to 101, Park and New Road, Plan No: 13341_005_PRO, Sheets 1 to 4, Issue D, Prepared by JEW at Bennett and Bennett, Dated 12 September 2019.</p>	Transfer documents are to be lodged with Council within 30 days of the completion of the 'On Maintenance Period'
Purpose	Description on Plan	Plan Reference						
Recreation/ Drainage Reserve	Park 3.7 ha	<p>Plan No 13341_005_PRO_B, Sheets 1-4, titled Proposed Lots 1-103 Park and New Road Cancelling Lot 315 on SP178650 at 9 Lindemans Road Lowood over 7 Stages, prepared by Bennett + Bennett Plan of Proposed Lots 1 to 101, Park and New Road, Plan No: 13341_005_PRO, Sheets 1 to 4, Issue D, Prepared by JEW at Bennett and Bennett, Dated 12 September 2019.</p>						

	<p>purpose for which the land is dedicated.</p> <p>d. The applicant must lodge the transfer documents with Council.</p> <p>e. The transfer of the land to Council must be at no cost to Council.</p> <p>f. The transfer of land is to occur in stages as prescribed by the subdivision proposal plan with the exception of the Local Park (identified in Stage 7) which is to occur in Stage 6.</p> <p><i>Information note: This condition is imposed in accordance with section 646 of the Planning Act 2016 (i.e. trunk infrastructure - listed).</i></p>	
2.6.2	<p>Compliance with Operational work for landscape public works must occur prior to acceptance of open space 'On Maintenance' as follows:</p> <p>a. All works specified in the Operational works approval for landscape public works must be carried out in accordance with the approved plan at no cost to Council and to the satisfaction of the Chief Executive Officer, prior to Council accepting the open space 'On Maintenance' in accordance with the <i>Somerset Development Standards</i>.</p> <p>b. The applicant must provide certification from a qualified professional that all works in the approved Operational works (for public landscape) design drawings have been implemented on-site in accordance with the Landscape Master Plan and the conditions of approval as stated on the decision notice approving the Operational works public landscape works and Reconfiguration of a lot. This certification must be provided to the Council prior to accepting the works 'On Maintenance'.</p>	As indicated within the wording of the condition.
2.6.3	<p>Establishment period for open space is to occur as follows:</p> <p>a. Upon completion of the landscape works in accordance with the approved landscape plans, the applicant must notify Council for an on-site meeting, prior to acceptance by Council of the commencement of the 'Establishment Period'.</p> <p>b. The applicant is responsible for the establishment of all living components of public open space, to the satisfaction of the Chief Executive Officer, for the duration of a twelve (12) month 'Establishment Period', prior to commencement of the 'On Maintenance' period, in accordance with the Somerset Development Standards.</p> <p>c. Without limiting the obligations under the Somerset</p>	As indicated within the wording of the condition.

	<p>Development Standards the applicant must, during the 'Establishment Period':</p> <ul style="list-style-type: none"> i. rectify any defects arising from substandard workmanship; ii. replace any planted vegetation of poor quality or inappropriate species where used instead of specified species; and iii. maintain all components and their environs. 	
2.6.4	<p>The 'On Maintenance' period for open space is to occur as follows:</p> <ul style="list-style-type: none"> a. Upon satisfactory completion of the 'Establishment' period and Council notifying the applicant that the public open space has been formally accepted as being 'On Maintenance' following an 'On Maintenance' inspection, the applicant is responsible for undertaking a twelve (12) month 'On Maintenance' period in accordance with <i>Somerset Development Standards</i>. b. Without limiting the obligations under the <i>Somerset Development Standards</i>, the applicant, and not Council, is responsible for: <ul style="list-style-type: none"> i. Maintaining open space areas; and ii. For the rectification of defects and any damage that occurs, unless the damage is directly attributable to Council activities. 	As indicated within the wording of the condition.
2.6.5	<p>Works undertaken and embellishments installed within public open space must be in 'as new' condition or with signs of depreciation limited to deterioration commensurate with moderate use during the 'On Maintenance' period. The condition of works and embellishments includes, but is not limited to, elements of structural, functional and aesthetic integrity.</p>	During the 'On Maintenance' period and 'Off Maintenance' inspection.
2.6.6	<p>The developer shall enter into a Management Agreement with Council as follows:</p> <ul style="list-style-type: none"> a. To maintain elements of the open space associated with the amenity bund (at minimum) with an option to include; b. The maintenance of the Local Park and Linear Park (all open spaces, recreational and pedestrian facilities) and drainage areas. 	Prior to the endorsement of each relevant stage of the subdivision or in accordance with the Management Agreement.
2.6.7	<p>The developer is to undertake early works as follows:</p> <ul style="list-style-type: none"> a. The developer shall undertake early works in association with the proposed amenity bund in the form of Operational works for public landscape works in accordance with the plans listed below (subject to any amendments required by these conditions): 	As indicated within the wording of the condition.

	<table border="1"> <thead> <tr> <th><i>Purpose</i></th><th><i>Description of Works</i></th><th><i>Plan Reference</i></th></tr> </thead> <tbody> <tr> <td>Operational work</td><td>Amenity bund and Landscape works, 4 metres wide both sides – Re-vegetation planting.</td><td>Plan No 171205, titled Early Works Diagram, dated 27 Feb 2019, prepared by Form Landscape Architects</td></tr> </tbody> </table>	<i>Purpose</i>	<i>Description of Works</i>	<i>Plan Reference</i>	Operational work	Amenity bund and Landscape works, 4 metres wide both sides – Re-vegetation planting.	Plan No 171205, titled Early Works Diagram, dated 27 Feb 2019, prepared by Form Landscape Architects	
<i>Purpose</i>	<i>Description of Works</i>	<i>Plan Reference</i>						
Operational work	Amenity bund and Landscape works, 4 metres wide both sides – Re-vegetation planting.	Plan No 171205, titled Early Works Diagram, dated 27 Feb 2019, prepared by Form Landscape Architects						
	b. The works identified in paragraph (a) must be completed prior to the endorsement of Stage 2 at no cost to Council.							
2.6.8	The developer shall plant the vegetated buffer (covenant) along the rear of proposed lots 9-29. This area shall be delineated and protected from earth works during the construction of the estate.	Prior to the endorsement of the subdivision plan for Stage 4						
2.6.9	<p>The developer must register an instrument of covenant with respect to the covenant areas as shown on the approved drawings as follows:</p> <p>a. The purpose of the covenant is to protect vegetation.</p> <p>b. The details of the covenant must include:</p> <p>i. The extent of the covenant area – with reference to the approved plan of development, and bound description.</p> <p>ii. What restrictions/ obligations apply with respect to the land the subject of the covenant – with reference to section 97A of the Land Title Act 1994 where the land is freehold.</p> <p>iii. The covenant area must be shown and identified as 'Environmental Covenant' on the face of the survey plan.</p> <p>c. Register the covenant prior to a request is made to Council to approve the plan of subdivision.</p>	As indicated within the wording of the condition.						
2.7	All entry statements, fences, batters for lots, and retaining walls must be located entirely within private land and not within the public road reserve.	At all times						
2.8	The developer is to prepare and landscape the site in general accordance with the approved Landscape Masterplan prepared by Form Landscape Architects and dated 21 March 2018, or as otherwise approved by Council.	Prior to endorsement of the subdivision plan for Stage 2						
2.9	Submit a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the	As part of Operational works for Stage 2						

	<p>performance criteria listed below:</p> <ul style="list-style-type: none"> • Comply with the <i>Somerset Development Standards</i>. • To enhance the appearance of the development internally and externally. • To make a positive contribution to the streetscape; • To screen unsightly objects from public view; • To contribute to an environment by providing shade to reduce glare, heat absorption and radiation; • To ensure common areas are useable; • To provide long term erosion protection; • To integrate with existing vegetation and other natural features of the site and adjoining lands; and • To provide adequate vehicle sightlines and road safety. <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> • The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site; • The number and size of plants; • The typical planting detail including preparation, backfill, staking and mulching. • The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing by Council. Any amendments approved by the Council are taken to be a part of the approved Landscape Plan. • All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period. • Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work. • Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by: <ul style="list-style-type: none"> ○ Using trees which have a clean trunk height of at least 1.8 metres (at maturity); ○ Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines; • A minimum of 70% of landscaped areas must be retained as a permeable surface. • Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times during the maintenance period. 	
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2.10	A 1.8m high timber paling fence shall be provided along the Clarendon Road frontage of proposed lots 1-8 and 87-101. The detailed design elements are to be achieved through subsequent operational works applications.	Prior to endorsement of the subdivision plan for the relevant stage
	GENERAL SERVICES	
2.11	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to endorsement of the subdivision plan for each stage
2.12	The applicant must provide written evidence (eg connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to endorsement of the subdivision plan for each stage
2.13	Electricity/telecommunication/water supply/sewer drawings must be co-ordinated with the civil engineering design details, to ensure that service clashes are avoided.	Prior to endorsement of the subdivision plan for each stage
2.14	Where serviced by kerb and channel, place brass markers in the kerb line at each service crossing. (Water, Sewer, Electricity and telecommunications)	Prior to endorsement of the subdivision plan for each stage
	BUILDING ABOVE FLOOD LEVEL	
2.15	The lots are to be created for buildings to be designed and constructed a minimum of 300mm above the Defined Flood Level (DFL).	Prior to endorsement of the subdivision plan for each stage
2.16	Any filling below the Defined Flood Level (DFL) will be in accordance with an approved flood study.	Prior to endorsement of the subdivision plan for each stage
	EARTHWORKS	
2.17	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
2.18	All dams that are across proposed lot boundaries shall be removed.	Prior to endorsement of the subdivision plan for the relevant stage
2.19	Rehabilitation of dam sites, including methods of construction, management and supervision is to ensure that the site will be suitable for the proposed use. Test results as required and a certificate of quality and uniformity is to be provided by a Registered Professional Engineer Queensland (RPEQ).	Prior to endorsement of the subdivision plan for the relevant stage
2.20	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times

2.21	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	
2.22	Install all traffic signs and line markings in accordance with <i>Manual of Uniform Traffic Control Devices</i>	Prior to endorsement of the subdivision plan for the relevant stage
2.23	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with <i>Somerset Regional Council Development Standards</i> .	Prior to endorsement of the subdivision plan for the relevant stage
2.24	Road reserve and carriageway widths to be in accordance with the <i>Somerset Regional Council Development Standards</i> .	Prior to endorsement of the subdivision plan for the relevant stage
2.25	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.	During construction of the works; and at all times
2.26	Provide 6m x 3 chord truncations on property boundaries at all road intersections. Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to endorsement of the subdivision plan for the relevant stage
2.27	Provide a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	Prior to endorsement of the subdivision plan for the relevant stage
2.28	Provide verge and access in accordance with <i>Somerset Regional Council Development Standards</i> .	As part of Operational Works for the relevant stage
2.29	Upgrade the intersection of Clarendon Road and Proposed Road 1 including signage, line marking and pavement and surfacing design in accordance with the Department of Transport and Main Roads <i>Road Planning and Design Manual (RPDM)</i> and Austroads <i>Guide to Road Design</i> . Applicant is required to construct: BAR and BAL design to all turning movements. All intersection upgrade requirements are at the applicant's expense. All intersection upgrade requirements are to be completed prior to the plans of survey being registered.	As part of the Operational Works for the relevant stage

2.30	<p>Applicant is required to design Clarendon Road to the ultimate design carriageway width of 12m including kerb and channel and verge from proposed Lot 8 through to Lindemans Road. Applicant is required to construct the following:</p> <p>a) 12m wide carriageway including kerb and channel and verge adjacent to and for the full frontage of the development from proposed Lot 8 to proposed Lot 92 and tie into the existing kerb and channel.</p> <p>b) 7m wide carriageway including kerb and channel and verge adjacent to and for the full frontage of the development from proposed Lot 91 to Lindemans Road.</p>	As part of the Operational Works for the relevant stage
2.31	The applicant shall protect and retain the existing Jacaranda trees planted along Clarendon Rd, if such are to be removed than they must be replaced by either the same species or a new species of the equivalent age and size.	Operational Works for the relevant stage
	STREET NAMES	
2.32	<p>Submit a list of road names for all new roads, along with the reasons for selecting such names, for the road names to be considered and approved by Council.</p> <p>The proponent is responsible for the cost of road signs and installation. Street nameplates are to comply with Council's standards.</p>	As part of the Operational Works for the relevant stage
	KERB AND CHANNEL	
2.33	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with Councils Development Manual and Standard Drawings.	As part of the Operational Works for the relevant stage
	FOOTPATHS	
2.34	Provide concrete footpaths and shared paths in general accordance with Pedestrian Mobility Plan 13.341-005-MIS-A prepared by Bennet + Bennett dated 25/03/2018 and in accordance with <i>Somerset Regional Council Development Standards</i> .	As part of Operational Works for the relevant stage
2.35	Provide a concrete footpath connection from the development to the proposed bus stops along Clarendon Road.	As part of Operational Works for the relevant stage
2.36	Provide a concrete cycle path (shared path) connection to Councils existing network on Main Street in accordance with <i>Somerset Regional Council Development Standards</i> . The path shall include the pathway along proposed lot 87 to the connection with the existing cycle path (shared path) at the intersection of Lindemans Road and Main Street.	As part of Operational Works for the relevant stage

	STREET LIGHTING	
2.37	<p>Install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows:</p> <ul style="list-style-type: none"> i) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5 ii) Collector Roads – Lighting Category P4. <p>Install all street lighting on the same side as footpaths, where applicable.</p> <p>Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).</p>	Prior to endorsement of Subdivision Plan for each stage
	VEHICLE ACCESS	
2.38	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Development Standards</i> .	Prior to endorsement of Subdivision Plan for each stage
2.39	Landowners are 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 applicant must advise all potential purchasers accordingly.	At all times
	EASEMENTS	
2.40	<p>Provide an easement over stormwater and inter-allotment drainage located within private property to the downstream tributary.</p> <p>The easement widths may vary but must extend to include top of batters of open drains and/or flood paths and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with Queensland Urban Drainage Manual (QUDM). The applicant is to provide to Council certification from the surveyor that the easements are correctly located over infrastructure. The easement is to be dedicated at no cost to Council.</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> <p><i>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property.</i></p>	Prior to endorsement of Subdivision Plan for each stage
	STORMWATER	
2.41	Stormwater Drainage shall be constructed in general accordance with Conceptual Stormwater Management Plan, prepared by Knobel Consulting and dated 20 March 2018.	As part of Operational Works for each stage

2.42	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Standards</i> .	As part of Operational Works for each stage
2.43	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.44	Attenuate the difference between pre and post developed flows.	As part of Operational Works for each stage
2.45	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works for each stage
2.46	Fill, compact and grade all low-lying land being subdivided to ensure each allotment is drained adequately by gravitation to the drainage system within the proposed development.	Prior to the endorsement of the Plan of subdivision for relevant stage
2.47	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and Council standards.	As part of Operational Works for relevant stage
2.48	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site. <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works for the relevant stage
2.49	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	Prior to endorsement of the subdivision plan for the relevant stage
EROSION AND SEDIMENT CONTROL		
2.50	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. Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.	At all times during the staged project

2.51	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the project, and to prevent dust nuisance.	At all times during the staged project
2.52	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 applications for the staged project
2.53	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 during the staged project
2.54	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> i) Milling; ii) Chipping and/or mulching; iii) Disposal at an approved waste disposal facility. <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated because of the operations shall be disposed of to an approved disposal facility.</p>	At all times during the staged project
2.55	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties.	During operations of the staged project
2.56	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.	As part of Operational Works for each stage
SCHEDULE 3 - ENVIRONMENTAL		
No	Condition	Timing
	Noise	
3.1	Construct an earthen mound and solid block or concrete acoustic barrier as is detailed in the report titled "Noise and Air Quality Assessment – 9 Lindemans Road, Lowood" prepared by MWA Environmental dated 26 March 2018 that: <ul style="list-style-type: none"> • is located in accordance with details provided in the Noise and Air Quality Assessment; • achieves an overall height of 6 metres above the natural ground level of the proposed alignment; 	Prior to endorsement of the subdivisional plan for Stage 2

	<ul style="list-style-type: none">Complies with the design detailed in the Noise and Air Quality Assessment;achieves a surface area density not less than 12.5 kg/m²; andhas no air gaps (including at the base and between panels).	
3.2	<p>Construct the Type 2 acoustic barrier as is detailed in the report titled “Noise and Air Quality Assessment – 9 Lindemans Road, Lowood prepared by MWA Environmental dated 26 March 2018 that:</p> <ul style="list-style-type: none">is located in accordance with the details provided in the Noise and Air Quality Assessment;achieves a surface area density not less than 10 kg/m²; andhas no air gaps (including at the base and between panels).	Prior to endorsement of the subdivision plan for Stage 2
3.3	<p>Provide certification from a suitably qualified acoustic consultant that:</p> <ul style="list-style-type: none">the earthen mound / acoustic barrier has been constructed in accordance with the specifications of (3.1) above.the Type 2 acoustic barrier has been constructed in accordance with the specifications of 3.2 above. <p>The earthen mound/acoustic barrier has been designed to achieve the acoustic quality objectives of the <i>EP (Noise) Policy 2008</i> of the State Planning Policy.</p>	Prior to endorsement of the subdivision plan for Stage 2
SCHEDULE 4 – REFERRAL AGENCY Department of State Development, Manufacturing, Infrastructure and Planning Concurrence Agency Response: Recommend conditions apply		
4.1	Pursuant to section 56 of the <i>Planning Act 2016</i> the Department of State Development, Manufacturing, Infrastructure and Planning, as a <i>Concurrence Agency</i> , has assessed the impact of the proposed development having regard to land use and transport coordination and the state-controlled road network and advises Council that conditions apply.	
4.2	Concurrence Agency response dated 1 May 2018 and referenced 1711-2341 SRA	
4.3	Concurrence Agency response will be attached to Council’s Decision Notice for DA17198.	
SCHEDULE 5 – REFERRAL AGENCY ENERGEX <i>Advice Agency Response: Recommend conditions apply</i>		
No	Condition	
5.1	Pursuant to Schedule 10, Part 9 of the <i>Planning Act 2016</i> , <i>Energex</i> as an Advice Agency has assessed the impact of the proposed development having regard to the Electricity Act 1994 and advises that conditions apply.	

5.2	Advice Agency response dated 6 November 2017 and referenced HBD 5882024 359601.
5.3	Advice Agency response will be attached to Council's Decision Notice for DA17198.

Resolution

Moved – Cr Hall

Seconded – Cr Brieschke

- "1. THAT Council approve the Change Application under section 81 of the *Planning Act 2016* for DA 17198 for a Development Permit for Reconfiguring a Lot for a Staged Subdivision on land described as Lot 315 on SP178650 and situated at 9 Lindemans Road and Clarendon Road, Lowood subject to the conditions contained in the Schedules and Attachments.
2. THAT Council support the free reduction request and refund the development application fee difference to the applicant.

SCHEDULE 1 – GENERAL CONDITIONS

No	Condition	Timing
1.1	Carry out the development in general 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
	Plan of Proposed Lots 1 to 101, Park and New Road, Plan No: 13341_005_PRO, Sheets 1 to 4, Issue D, prepared by JEW at Bennett and Bennett, Dated 12 September 2019.	
	Plan of Proposed Lots 102 to 104, Plan No: 13341_006_PRO, Sheet 1, Issue B, Prepared by BRJ at Bennett and Bennett, Dated 26 August 2019.	
	Structure Diagrams – Buffer Planting and Fences and Walls – reference DA01 171205 dated 21 March 2018 at 9 Lindemans Road Lowood c/- Bennett and Bennett and prepared by Form Landscape Architects.	
	Landscape Masterplan – reference DA01 171205 dated 21 March 2018 at 9 Lindemans Road Lowood c/- Bennett and Bennett and prepared by Form Landscape Architects.	
	Conceptual Stormwater Management Plan Document No. K2796-0023-B dated 20 March 2018 for Residential subdivision Lot 315 on SP178650 at 9 Lindemans Road, Lowood for Jones Family Trust, prepared by Knobel Consulting.	
	Stormwater Management Layout Plan Project No. K2796 Drawing No. P109 Issue C dated 02-03-2018 prepared by Knobel Consulting.	
	Traffic Impact Assessment Report Number 620.11915-RO1 dated 8 September 2017, prepared by SLR Consulting.	
	Noise and Air Quality Assessment for Residential Subdivision 9 Lindemans Road Lowood prepared for Jones Family Trust c/- Bennett and Bennett, prepared by MWA Environmental dated 26 March 2018.	
	Infrastructure Report prepared for proposed Residential Subdivision Lot 315 on SP178650 9 Lindemans Road,	

	Lowood, for Jones Family Trust, dated 22 September 2017, File No: K2796-0022, prepared by Knobel Consulting.	
	Queensland Urban Utilities Service Advice Notice Ref: 17-SRV-29198 dated 15 September 2017.	
	Residential Needs Analysis prepared for Stacey Ebert and Dale Jones for 9 Lindemans Road, Lowood, prepared by Location IQ dated September 2017.	
	Early Works Diagram – Reference 171205 – prepared by Form Landscape Architects – dated 27 February 2019	
1.2	Comply with relevant provisions of the Superseded 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 during the staged project.	During construction works for each stage
1.4	Pay to Council any outstanding rates, charges or expenses that are a charge over the subject land levied by Council and/or levied but not fully paid over the subject land.	Prior to endorsement of the subdivision plan for each stage
1.5	Pay to council the current amount at the time of payment, per lot for the issue of new valuations by the Department of Natural Resources, Mines and Energy (DNRME). The amount is currently set at \$36 per lot per the Fees and Charges 2018/2019.	Prior to endorsement of the subdivision plan for each stage
	Infrastructure Agreement	
1.6	<p>The stages as shown on the approved plan amended as per the requirements of Condition 1.1 of this Decision Notice are approved for the purposes of construction (subject to operational work approval) and compliance assessment of subdivision plans, subject to the following requirements:</p> <ul style="list-style-type: none"> a. The Operational Works application can cover more than one stage, however the engineering plans must be split into the individual stages shown on the approved staging plan. b. The construction of any approved operational works (including provision of “as constructed” information) and compliance assessment of subdivision plans must be in the sequence (i.e. order) of the stages shown on the approved staging plan. To be clear, the subdivision plan or stage 1 must be approved by Council before (or at the same time as) the stage 2 subdivision plan, and so on. c. Subdivision plans must correspond to the stages as shown on the approved staging plan noting the following exclusions: <ul style="list-style-type: none"> i. Approved early works required for the establishment of the amenity bunds prescribed 	As indicated within the wording of the condition.

	<p>through Conditions 3.1 and 3.2.</p> <p>ii. Provision of public open space is to be in accordance with Condition 2.6.</p> <p>d. Any subsequent proposed amendments to the stage boundaries or the sequence of development must be first approved by Council as a change to the reconfiguration of a lot development approval and any operational work development approval</p>	
SCHEDULE 2 - ENGINEERING		
No	Condition	Timing
	ENGINEERING	
2.1	<p>The Applicant is to complete each stage of the development in sequence in general accordance with the following drawings:</p> <ul style="list-style-type: none"> Plan of Proposed Lots 1 to 101, Park and New Road, Plan No: 13341_005_PRO, Sheets 1 to 4, Issue D, Prepared by JEW at Bennett and Bennett, Dated 12 September 2019. Plan of Proposed Lots 102 to 104, Plan No: 13341_006_PRO, Sheet 1, Issue B, Prepared by BRJ at Bennett and Bennett, Dated 26 August 2019. <p>The Applicant is not to submit to Council the Plan of Survey for a stage for endorsement until the Applicant has received endorsement of the Plan of Survey for the preceding stage.</p>	As indicated
2.2	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 Works for each stage
2.3	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Development Standards</i> .	Prior to endorsement of the subdivision plan for each stage
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.	Prior to endorsement of the subdivision plan for each stage
2.5	<p>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:</p> <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 	Prior to endorsement of the subdivision plan for each stage

	and to Council's requirements.							
	OPEN SPACE/PARK/LANDSCAPING							
2.6	<p>The Local Park and Linear Park and all associated recreation elements / infrastructure and paths shall be constructed at the time of relevant stage as noted on the subdivision proposal plan with the exception of the Local Park (included in Stage 7) which is to be constructed and dedicated to Council through the works occurring in Stage 6.</p> <p><i>Information Note: The applicant is invited to enter into an infrastructure agreement with the Council to provide certainty to both parties in respect of the above requirements and timing of the provision of any refund and/or offset.</i></p>	As indicated within the wording of the condition.						
2.6.1	<p>Transfer of Open Space is to occur as follows:</p> <p>a. The applicant must transfer to Council the areas of public open space listed below, as identified on the plans indicated (subject to any amendments required by these conditions):</p> <table border="1"> <thead> <tr> <th>Purpose</th><th>Description on Plan</th><th>Plan Reference</th></tr> </thead> <tbody> <tr> <td>Recreation /Drainage Reserve</td><td>Park 3.7 ha</td><td>Plan of Proposed Lots 1 to 101, Park and New Road, Plan No: 13341_005_PRO, Sheets 1 to 4, Issue D, Prepared by JEW at Bennett and Bennett, Dated 12 September 2019.</td></tr> </tbody> </table> <p>b. The land identified in paragraph (a) must be transferred in fee simple as 'Public Open Space' to Somerset Regional Council as Trustee.</p> <p>c. Council will hold the land in trust for community infrastructure and may use the land, or permit the land to be used, for purposes that do not compromise the purpose for which the land is dedicated.</p> <p>d. The applicant must lodge the transfer documents with Council.</p> <p>e. The transfer of the land to Council must be at no cost to Council.</p> <p>f. The transfer of land is to occur in stages as prescribed by the subdivision proposal plan with the exception of the Local Park (identified in Stage 7) which is to occur in Stage 6.</p> <p><i>Information note: This condition is imposed in accordance with section 646 of the Planning Act 2016 (i.e. trunk infrastructure - listed).</i></p>	Purpose	Description on Plan	Plan Reference	Recreation /Drainage Reserve	Park 3.7 ha	Plan of Proposed Lots 1 to 101, Park and New Road, Plan No: 13341_005_PRO, Sheets 1 to 4, Issue D, Prepared by JEW at Bennett and Bennett, Dated 12 September 2019.	Transfer documents are to be lodged with Council within 30 days of the completion of the 'On Maintenance Period'
Purpose	Description on Plan	Plan Reference						
Recreation /Drainage Reserve	Park 3.7 ha	Plan of Proposed Lots 1 to 101, Park and New Road, Plan No: 13341_005_PRO, Sheets 1 to 4, Issue D, Prepared by JEW at Bennett and Bennett, Dated 12 September 2019.						

2.6.2	<p>Compliance with Operational work for landscape public works must occur prior to acceptance of open space 'On Maintenance' as follows:</p> <ol style="list-style-type: none"> a. All works specified in the Operational works approval for landscape public works must be carried out in accordance with the approved plan at no cost to Council and to the satisfaction of the Chief Executive Officer, prior to Council accepting the open space 'On Maintenance' in accordance with the <i>Somerset Development Standards</i>. b. The applicant must provide certification from a qualified professional that all works in the approved Operational works (for public landscape) design drawings have been implemented on-site in accordance with the Landscape Master Plan and the conditions of approval as stated on the decision notice approving the Operational works public landscape works and Reconfiguration of a lot. This certification must be provided to the Council prior to accepting the works 'On Maintenance'. 	As indicated within the wording of the condition.
2.6.3	<p>Establishment period for open space is to occur as follows:</p> <ol style="list-style-type: none"> a. Upon completion of the landscape works in accordance with the approved landscape plans, the applicant must notify Council for an on-site meeting, prior to acceptance by Council of the commencement of the 'Establishment Period'. b. The applicant is responsible for the establishment of all living components of public open space, to the satisfaction of the Chief Executive Officer, for the duration of a twelve (12) month 'Establishment Period', prior to commencement of the 'On Maintenance' period, in accordance with the Somerset Development Standards. c. Without limiting the obligations under the Somerset Development Standards the applicant must, during the 'Establishment Period': <ol style="list-style-type: none"> i. rectify any defects arising from substandard workmanship; ii. replace any planted vegetation of poor quality or inappropriate species where used instead of specified species; and iii. maintain all components and their environs. 	As indicated within the wording of the condition.
2.6.4	<p>The 'On Maintenance' period for open space is to occur as follows:</p> <ol style="list-style-type: none"> a. Upon satisfactory completion of the 'Establishment' 	As indicated within the wording of the condition.

	<p>period and Council notifying the applicant that the public open space has been formally accepted as being 'On Maintenance' following an 'On Maintenance' inspection, the applicant is responsible for undertaking a twelve (12) month 'On Maintenance' period in accordance with <i>Somerset Development Standards</i>.</p> <p>b. Without limiting the obligations under the <i>Somerset Development Standards</i>, the applicant, and not Council, is responsible for:</p> <ul style="list-style-type: none"> i. Maintaining open space areas; and ii. For the rectification of defects and any damage that occurs, unless the damage is directly attributable to Council activities. 							
2.6.5	Works undertaken and embellishments installed within public open space must be in 'as new' condition or with signs of depreciation limited to deterioration commensurate with moderate use during the 'On Maintenance' period. The condition of works and embellishments includes, but is not limited to, elements of structural, functional and aesthetic integrity.	During the 'On Maintenance' period and 'Off Maintenance' inspection.						
2.6.6	<p>The developer shall enter into a Management Agreement with Council as follows:</p> <ul style="list-style-type: none"> a. To maintain elements of the open space associated with the amenity bund (at minimum) with an option to include; b. The maintenance of the Local Park and Linear Park (all open spaces, recreational and pedestrian facilities) and drainage areas. 	Prior to the endorsement of each relevant stage of the subdivision or in accordance with the Management Agreement.						
2.6.7	<p>The developer is to undertake early works as follows:</p> <ul style="list-style-type: none"> a. The developer shall undertake early works in association with the proposed amenity bund in the form of Operational works for public landscape works in accordance with the plans listed below (subject to any amendments required by these conditions): <table border="1"> <thead> <tr> <th>Purpose</th><th>Description of Works</th><th>Plan Reference</th></tr> </thead> <tbody> <tr> <td>Operational work</td><td>Amenity bund and Landscape works, 4 metres wide both sides – Re-vegetation planting.</td><td>Plan No 171205, titled Early Works Diagram, dated 27 Feb 2019, prepared by Form Landscape Architects</td></tr> </tbody> </table> <ul style="list-style-type: none"> b. The works identified in paragraph (a) must be completed prior to the endorsement of Stage 2 at no cost to Council. 	Purpose	Description of Works	Plan Reference	Operational work	Amenity bund and Landscape works, 4 metres wide both sides – Re-vegetation planting.	Plan No 171205, titled Early Works Diagram, dated 27 Feb 2019, prepared by Form Landscape Architects	As indicated within the wording of the condition.
Purpose	Description of Works	Plan Reference						
Operational work	Amenity bund and Landscape works, 4 metres wide both sides – Re-vegetation planting.	Plan No 171205, titled Early Works Diagram, dated 27 Feb 2019, prepared by Form Landscape Architects						

2.6.8	The developer shall plant the vegetated buffer (covenant) along the rear of proposed lots 9-29. This area shall be delineated and protected from earth works during the construction of the estate.	Prior to the endorsement of the subdivision plan for Stage 4
2.6.9	<p>The developer must register an instrument of covenant with respect to the covenant areas as shown on the approved drawings as follows:</p> <ol style="list-style-type: none"> a. The purpose of the covenant is to protect vegetation. b. The details of the covenant must include: <ol style="list-style-type: none"> i. The extent of the covenant area – with reference to the approved plan of development, and bound description. ii. What restrictions/ obligations apply with respect to the land the subject of the covenant – with reference to section 97A of the Land Title Act 1994 where the land is freehold. iii. The covenant area must be shown and identified as 'Environmental Covenant' on the face of the survey plan. c. Register the covenant prior to a request is made to Council to approve the plan of subdivision. 	As indicated within the wording of the condition.
2.7	All entry statements, fences, batters for lots, and retaining walls must be located entirely within private land and not within the public road reserve.	At all times
2.8	The developer is to prepare and landscape the site in general accordance with the approved Landscape Masterplan prepared by Form Landscape Architects and dated 21 March 2018, or as otherwise approved by Council.	Prior to endorsement of the subdivision plan for Stage 2
2.9	<p>Submit a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below:</p> <ul style="list-style-type: none"> • Comply with the <i>Somerset Development Standards</i>. • To enhance the appearance of the development internally and externally. • To make a positive contribution to the streetscape; • To screen unsightly objects from public view; • To contribute to an environment by providing shade to reduce glare, heat absorption and radiation; • To ensure common areas are useable; • To provide long term erosion protection; • To integrate with existing vegetation and other natural features of the site and adjoining lands; and 	As part of Operational works for Stage 2

	<ul style="list-style-type: none"> To provide adequate vehicle sightlines and road safety. <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site; The number and size of plants; The typical planting detail including preparation, backfill, staking and mulching. The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing by Council. Any amendments approved by the Council are taken to be a part of the approved Landscape Plan. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period. Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work. Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by: <ul style="list-style-type: none"> Using trees which have a clean trunk height of at least 1.8 metres (at maturity); Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines; A minimum of 70% of landscaped areas must be retained as a permeable surface. Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times during the maintenance period. 	
2.10	A 1.8m high timber paling fence shall be provided along the Clarendon Road frontage of proposed lots 1-8 and 87-101. The detailed design elements are to be achieved through subsequent operational works applications.	Prior to endorsement of the subdivision plan for the relevant stage
	GENERAL SERVICES	
2.11	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to endorsement of the subdivision plan for each stage

2.12	The applicant must provide written evidence (eg connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to endorsement of the subdivision plan for each stage
2.13	Electricity / telecommunication / water supply / sewer drawings must be co-ordinated with the civil engineering design details, to ensure that service clashes are avoided.	Prior to endorsement of the subdivision plan for each stage
2.14	Where serviced by kerb and channel, place brass markers in the kerb line at each service crossing. (Water, Sewer, Electricity and telecommunications)	Prior to endorsement of the subdivision plan for each stage
BUILDING ABOVE FLOOD LEVEL		
2.15	The lots are to be created for buildings to be designed and constructed a minimum of 300mm above the Defined Flood Level (DFL).	Prior to endorsement of the subdivision plan for each stage
2.16	Any filling below the Defined Flood Level (DFL) will be in accordance with an approved flood study.	Prior to endorsement of the subdivision plan for each stage
EARTHWORKS		
2.17	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
2.18	All dams that are across proposed lot boundaries shall be removed.	Prior to endorsement of the subdivision plan for the relevant stage
2.19	Rehabilitation of dam sites, including methods of construction, management and supervision is to ensure that the site will be suitable for the proposed use. Test results as required and a certificate of quality and uniformity is to be provided by a Registered Professional Engineer Queensland (RPEQ).	Prior to endorsement of the subdivision plan for the relevant stage
2.20	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times
2.21	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		
2.22	Install all traffic signs and line markings in accordance with <i>Manual of Uniform Traffic Control Devices</i>	Prior to endorsement of the subdivision plan for the relevant stage
2.23	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including	Prior to endorsement of the subdivision plan

	drainage and associated works) in accordance with <i>Somerset Regional Council Development Standards</i> .	for the relevant stage
2.24	Road reserve and carriageway widths to be in accordance with the <i>Somerset Regional Council Development Standards</i> .	Prior to endorsement of the subdivision plan for the relevant stage
2.25	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.	During construction of the works; and at all times
2.26	Provide 6m x 3 chord truncations on property boundaries at all road intersections. Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to endorsement of the subdivision plan for the relevant stage
2.27	Provide a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	Prior to endorsement of the subdivision plan for the relevant stage
2.28	Provide verge and access in accordance with <i>Somerset Regional Council Development Standards</i> .	As part of Operational Works for the relevant stage
2.29	Upgrade the intersection of Clarendon Road and Proposed Road 1 including signage, line marking and pavement and surfacing design in accordance with the Department of Transport and Main Roads <i>Road Planning and Design Manual (RPDM)</i> and Austroads <i>Guide to Road Design</i> . Applicant is required to construct: BAR and BAL design to all turning movements. All intersection upgrade requirements are at the applicant's expense. All intersection upgrade requirements are to be completed prior to the plans of survey being registered.	As part of the Operational Works for the relevant stage
2.30	Applicant is required to design Clarendon Road to the ultimate design carriageway width of 12m including kerb and channel and verge from proposed Lot 8 through to Lindemans Road. Applicant is required to construct the following: a) 12m wide carriageway including kerb and channel and verge adjacent to and for the full frontage of the development from proposed Lot 8 to proposed Lot 92 and tie into the existing kerb and channel. b) 7m wide carriageway including kerb and channel and verge adjacent to and for the full frontage of the development from proposed Lot 91 to Lindemans Road.	As part of the Operational Works for the relevant stage

2.31	The applicant shall protect and retain the existing Jacaranda trees planted along Clarendon Rd, if such are to be removed than they must be replaced by either the same species or a new species of the equivalent age and size.	Operational Works for the relevant stage
	STREET NAMES	
2.32	Submit a list of road names for all new roads, along with the reasons for selecting such names, for the road names to be considered and approved by Council. The proponent is responsible for the cost of road signs and installation. Street nameplates are to comply with Council's standards.	As part of the Operational Works for the relevant stage
	KERB AND CHANNEL	
2.33	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with Councils Development Manual and Standard Drawings.	As part of the Operational Works for the relevant stage
	FOOTPATHS	
2.34	Provide concrete footpaths and shared paths in general accordance with Pedestrian Mobility Plan 13.341-005-MIS-A prepared by Bennet + Bennett dated 25/03/2018 and in accordance with <i>Somerset Regional Council Development Standards</i> .	As part of Operational Works for the relevant stage
2.35	Provide a concrete footpath connection from the development to the proposed bus stops along Clarendon Road.	As part of Operational Works for the relevant stage
2.36	Provide a concrete cycle path (shared path) connection to Councils existing network on Main Street in accordance with <i>Somerset Regional Council Development Standards</i> . The path shall include the pathway along proposed lot 87 to the connection with the existing cycle path (shared path) at the intersection of Lindemans Road and Main Street.	As part of Operational Works for the relevant stage
	STREET LIGHTING	
2.37	Install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows: i) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5 ii) Collector Roads – Lighting Category P4. Install all street lighting on the same side as footpaths, where applicable. Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).	Prior to endorsement of Subdivision Plan for each stage

	VEHICLE ACCESS	
2.38	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Development Standards</i> .	Prior to endorsement of Subdivision Plan for each stage
2.39	Landowners are 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 applicant must advise all potential purchasers accordingly.	At all times
	EASEMENTS	
2.40	<p>Provide an easement over stormwater and inter-allotment drainage located within private property to the downstream tributary.</p> <p>The easement widths may vary but must extend to include top of batters of open drains and/or flood paths and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with Queensland Urban Drainage Manual (QUDM). The applicant is to provide to Council certification from the surveyor that the easements are correctly located over infrastructure. The easement is to be dedicated at no cost to Council.</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> <p><i>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property.</i></p>	Prior to endorsement of Subdivision Plan for each stage
	STORMWATER	
2.41	Stormwater Drainage shall be constructed in general accordance with Conceptual Stormwater Management Plan, prepared by Knobel Consulting and dated 20 March 2018.	As part of Operational Works for each stage
2.42	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Standards</i> .	As part of Operational Works for each stage
2.43	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.44	Attenuate the difference between pre and post developed flows.	As part of Operational Works for each stage
2.45	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works for each stage

2.46	Fill, compact and grade all low-lying land being subdivided to ensure each allotment is drained adequately by gravitation to the drainage system within the proposed development.	Prior to the endorsement of the Plan of subdivision for relevant stage
2.47	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and Council standards.	As part of Operational Works for relevant stage
2.48	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site. <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works for the relevant stage
2.49	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	Prior to endorsement of the subdivision plan for the relevant stage
EROSION AND SEDIMENT CONTROL		
2.50	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. Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.	At all times during the staged project
2.51	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the project, and to prevent dust nuisance.	At all times during the staged project
2.52	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 applications for the staged project

2.53	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 during the staged project
2.54	Where vegetation is removed, the vegetation waste shall be disposed of by: i) Milling; ii) Chipping and/or mulching; iii) Disposal at an approved waste disposal facility. No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated because of the operations shall be disposed of to an approved disposal facility.	At all times during the staged project
2.55	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties.	During operations of the staged project
2.56	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.	As part of Operational Works for each stage
SCHEDULE 3 - ENVIRONMENTAL		
No	Condition	Timing
	<i>Noise</i>	
3.1	Construct an earthen mound and solid block or concrete acoustic barrier as is detailed in the report titled "Noise and Air Quality Assessment – 9 Lindemans Road, Lowood" prepared by MWA Environmental dated 26 March 2018 that: <ul style="list-style-type: none"> is located in accordance with details provided in the Noise and Air Quality Assessment; achieves an overall height of 6 metres above the natural ground level of the proposed alignment; Complies with the design detailed in the Noise and Air Quality Assessment; achieves a surface area density not less than 12.5 kg/m²; and has no air gaps (including at the base and between panels). 	Prior to endorsement of the subdivisional plan for Stage 2
3.2	Construct the Type 2 acoustic barrier as is detailed in the report titled "Noise and Air Quality Assessment – 9 Lindemans Road, Lowood prepared by MWA Environmental dated 26 March 2018 that: <ul style="list-style-type: none"> is located in accordance with the details provided in the Noise and Air Quality Assessment; 	Prior to endorsement of the subdivision plan for Stage 2

	<ul style="list-style-type: none">- achieves a surface area density not less than 10 kg/m²; and- has no air gaps (including at the base and between panels).	
3.3	<p>Provide certification from a suitably qualified acoustic consultant that:</p> <ul style="list-style-type: none">• the earthen mound / acoustic barrier has been constructed in accordance with the specifications of (3.1) above.• the Type 2 acoustic barrier has been constructed in accordance with the specifications of 3.2 above. <p>The earthen mound/acoustic barrier has been designed to achieve the acoustic quality objectives of the <i>EP (Noise) Policy 2008</i> of the State Planning Policy.</p>	Prior to endorsement of the subdivision plan for Stage 2
SCHEDULE 4 – REFERRAL AGENCY <i>Department of State Development, Manufacturing, Infrastructure and Planning</i> <i>Concurrence Agency Response: Recommend conditions apply</i>		
4.1	Pursuant to section 56 of the <i>Planning Act 2016</i> the Department of State Development, Manufacturing, Infrastructure and Planning, as a <i>Concurrence Agency</i> , has assessed the impact of the proposed development having regard to land use and transport coordination and the state-controlled road network and advises Council that conditions apply.	
4.2	Concurrence Agency response dated 1 May 2018 and referenced 1711-2341 SRA	
4.3	Concurrence Agency response will be attached to Council's Decision Notice for DA17198.	
SCHEDULE 5 – REFERRAL AGENCY ENERGEX <i>Advice Agency Response: Recommend conditions apply</i>		
No	Condition	
5.1	Pursuant to Schedule 10, Part 9 of the <i>Planning Act 2016</i> , <i>Energex</i> as an Advice Agency has assessed the impact of the proposed development having regard to the Electricity Act 1994 and advises that conditions apply.	
5.2	Advice Agency response dated 6 November 2017 and referenced HBD 5882024 359601.	
5.3	Advice Agency response will be attached to Council's Decision Notice for DA17198."	
<div><div>Vote - Unanimous</div><div>Carried</div></div>		

Subject:	Request for comment – Liquor Licence Application for a Detached Bottleshop (Takeaway sales only) – 9 SP178872 – Tenancy 2 42 Mary Street Kilcoy – 80118-00000-000
File Ref:	Laws and enforcement - licences - liquor licensing
Action Officer:	PO-RC

Background/Summary

Council received an advice from the Office of Liquor and Gaming Regulation (OLGR) that an application has been received from Liquid Operations Pty Ltd (licensee for the Exchange Hotel Kilcoy at 13 William Street, Kilcoy) for a Liquor Licence for a Detached Bottleshop (Takeaway sales only) at the premises situated at Tenancy 2, 42 Mary Street, Kilcoy and described as Lot 9 on SP178872. The licence permits the sale of takeaway liquor only.

The trading hours proposed are as follows:

- 10 am to 10 pm – Monday to Sunday.

The site is identified as Centre zone by the Somerset Region Planning Scheme Version Three (the Planning Scheme) and is located in the commercial centre of Kilcoy. The site is currently improved by a two storey building and the proposed bottleshop will be located on the lower level of the building.

Pursuant to the Planning Scheme, the defined use for a bottleshop is a “Shop”. If the “Shop” involves no building work, the use is then considered as an Accepted development and no Development Permit is required. In this instance, as the applicant has not proposed any building works to expand the existing building footprint, the proposed bottleshop is therefore considered as an Accepted development by the Planning Scheme. Parking is available on-site and vehicle access to the premises will be at Eckel Court.

By law the OLGR must be informed of the application and afforded the opportunity to:

- Comment on the reasonable requirements of the public in the locality; and
- Object to the grant of the application on the grounds that the amenity, quiet or good order of the locality would be lessened.

Council must also confirm the proposed bottleshop complies with local town planning requirements, which in this case, compliance with the Somerset Region Planning Scheme is considered to be achieved.

Attachments

- Locality Plan of the subject site at 42 Mary Street, Kilcoy and described as Lot 9 on SP178872;
- Notification by the Office of Liquor and Gaming Regulation.

Recommendation

THAT Council advise the Office of Liquor and Gaming Regulation of the Department of Justice and Attorney General :

1. THAT the proposed Bottleshop situated on the premises at 42 Mary Street, Kilcoy and described as Lot 9 on SP178872 is an Accepted use under the Somerset Region Planning Scheme Version Three and therefore does not require a Development Permit from Council and further;

2. THAT Council offers no objection to the application from Liquid Operations Pty Ltd to allow the sale of alcohol from the Detached Bottleshop (Takeaway sales only) on the premises during the proposed trading hours 10 am to 10 pm Monday to Sunday.

Resolution

Moved – Cr Whalley

Seconded – Cr Gaedtke

“THAT Council advise the Office of Liquor and Gaming Regulation of the Department of Justice and Attorney General:

1. THAT the proposed Bottleshop situated on the premises at 42 Mary Street, Kilcoy and described as Lot 9 on SP178872 is an Accepted use under the Somerset Region Planning Scheme Version Three and therefore does not require a Development Permit from Council and further;
2. THAT Council offers no objection to the application from Liquid Operations Pty Ltd to allow the sale of alcohol from the Detached Bottleshop (Takeaway sales only) on the premises during the proposed trading hours 10 am to 10 pm Monday to Sunday."

Carried

Vote - Unanimous

Subject:	Development Application No 18654 - Application for a Development Permit for a Material Change of Use for Multiple dwelling (4 units)
File No:	DA18654
Action Officer:	PO-RC
Assessment No:	80301-00000-000

1.0 APPLICATION SUMMARY**Subject Land**

Location	16 William Street, Kilcoy
Real Property Description	Lot 1 on RP76451
Area	0.135 hectare
Current land use	Residential – Dwelling house Commercial – Two offices/shops

Somerset Region Planning Scheme Version Three

Zone	Centre
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Shaping SEQ: SEQ Regional Plan 2017

Land Use Category	Urban Footprint
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Application

Proposed development	Multiple dwelling (4 units)
Level of Assessment	Code
Applicant/s	Anthony Wheatley
Applicants contact details	c/- Fluid Building Approvals BO Box 404

ASPLEY QLD 4034
Date application received 30 May 2019
Date properly made 18 June 2019

Referral Agencies 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

Public Notification Not required

RECOMMENDED DECISION

Approve the Development Application No 18654 subject to the requirements and conditions contained in the Schedules and Attachments

2.0 PROPOSAL

The applicant proposes to establish a Multiple dwelling use on-site. The Multiple dwelling use consists of four individual units. The site is currently improved by three existing buildings, a Dwelling house and two Shops/Offices. These buildings will be retained on-site at their current respective locations.

The applicant has proposed to lift the existing Dwelling house convert it into two individual independent units, with one unit on the ground level and the second unit on the first level. Two additional single storey units will be constructed at the rear region of the site.

All proposed units will have an overall height not exceeding two storeys and 8.5m above ground level. All units will be provided with individual private open spaces. The overall site cover is less than 40% of the site, with a density of 1 unit per 355m² of the site.

The proposed development has a proposed rear boundary setback of 2m (from the rearmost unit), a proposed western side boundary setback of 2.85m (from the units converted from the Dwelling house), a proposed eastern side boundary setback of 5.5m and a proposed front boundary setback of 22.65m. It is noted that the existing Shops/Offices buildings are currently constructed to the front boundary and to the eastern and western side boundaries.

The applicant has not proposed any building works to the Shops/Offices buildings and do not form part of the development application. A 2m landscape garden space will be provided around the perimeter of the site where not occupied by existing and proposed buildings, crossover or private open spaces. A total of 13 carparking spaces have been proposed to be provided on-site. The existing access will be widened from 3m to 5.5m to accommodate the proposed use in accordance with Council's Design Standards. The development will use the existing access at the William Street service road. The proposed site, floor and elevation plans are provided at Attachments 1, 2, 3 and 4.

3.0 SITE DETAILS AND SURROUNDING LAND USES

The subject site is regular in shape, with boundaries defined by William Street's service road to the south and other properties to the remaining directions. The subject site is not known to be inundated by flood and is not known to be prone to be slip, subsidence or erosion. Existing surround land uses are predominately residential and commercial uses. The site is located in the Kilcoy commercial centre. The subject site has an area of 1,340m² and a road frontage

width of 20.117m

4.0 STATE ASSESSMENT

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

4.1 State Planning Policy

The State Planning Policy (SPP) has been updated since the Somerset Region Planning Scheme came into effect. As such, assessment against the SPP is required, however, the relevant components of the SPP had not been altered since the planning scheme came into effect.

4.2 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.

4.3 Environmental Protection Act 1994

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

4.4 Planning Regulation 2017

The development application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning due to the development application is for a Material change of use and located within 25m of a State-controlled road corridor, being William Street. The State has reviewed the application and responded with conditions.

5.0 COUNCIL ASSESSMENT

An assessment against the relevant parts of the Planning Scheme is set out below.

5.1 Strategic Framework

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

5.2 Code Compliance Summary

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
Centre zone code	Yes	Alternative solution provided for PO2
Multiple dwelling and dual occupancy code	Yes	Alternative solutions provided for PO11, PO12, PO13 and PO22
Services, works and infrastructure code	Yes	Complies
Transport, access and parking code	No	Alternative solutions provided for PO5

Centre zone code

Performance outcomes	Examples
Building setbacks	
PO2	AO2.1

<p>Building setbacks:</p> <ul style="list-style-type: none"> (a) contribute to the establishment of a continuous 'main street' character; (b) assist in the provision of active frontages and the engagement of development with the public realm; (c) facilitate the establishment of awnings on main streets; (d) do not detract from the amenity of <i>adjoining premises</i>, in terms of privacy, access to natural light, and ventilation; and (e) provide for the efficient use of the site. 	<p>New buildings and structures are built to the <i>primary street frontage</i> boundary of the site, including the following main streets:</p> <table border="1" data-bbox="842 327 1356 716"> <thead> <tr> <th>Centre</th><th>Main street/s</th></tr> </thead> <tbody> <tr> <td>Esk</td><td>Ipswich Street</td></tr> <tr> <td>Fernvale</td><td>Brisbane Valley Hwy Main Street</td></tr> <tr> <td>Kilcoy</td><td>Hope Street Mary Street William Street</td></tr> <tr> <td>Lowood</td><td>Main Street Railway Street</td></tr> <tr> <td>Toogoolawah</td><td>Cressbrook Street</td></tr> </tbody> </table> <p>AO2.2 Where an <i>adjoining premises</i> is located in the General residential zone, buildings and structures are setback a minimum 3 metres from the common side boundary.</p> <p>AO2.3 New buildings and structures are setback a minimum 3 metres from the rear boundary.</p>	Centre	Main street/s	Esk	Ipswich Street	Fernvale	Brisbane Valley Hwy Main Street	Kilcoy	Hope Street Mary Street William Street	Lowood	Main Street Railway Street	Toogoolawah	Cressbrook Street
Centre	Main street/s												
Esk	Ipswich Street												
Fernvale	Brisbane Valley Hwy Main Street												
Kilcoy	Hope Street Mary Street William Street												
Lowood	Main Street Railway Street												
Toogoolawah	Cressbrook Street												

Performance outcome assessment

The applicant has proposed to establish a four units multiple dwelling on-site. Two units will be converted from the existing Dwelling house and the two additional units will be constructed to the rear region of the site. All units will be away from the front boundary of the site. The two existing Shop/Office buildings will be retained on the front boundary of the site. The applicant has not proposed any alteration to the façade of these structures. The development will therefore not alter the existing streetscape appearance of the site.

The rear adjoining premises to the subject site is identified as General residential zone. The proposed rearmost unit will be setback 2m from the rear boundary of the site. A condition requiring the installation of dividing fence will maintain the existing amenity of the rear adjoining premises. The development is not expected to intrude on the privacy, access to natural light and ventilation of the existing residential use to the north.

Multiple dwelling and dual occupancy code

Performance outcomes	Examples
Setbacks	
<p>PO11 <i>Building setbacks:</i></p> <ul style="list-style-type: none"> (a) assist is providing landscaping opportunities; (b) protect the amenity of residents and <i>adjoining premises</i>; (c) provide space between <i>adjoining premises</i>; (d) ensure that <i>development</i> is not 	<p>AO11.1 <i>Buildings</i> incorporate the following setbacks:</p> <ul style="list-style-type: none"> (a) minimum clearance from a <i>road</i> frontage of 6 metres; (b) minimum clearance from the rear boundary of 3 metres; and (c) minimum clearance from side boundaries of:

(e) overbearing; and contribute to a consistent streetscape character.	(i) 1.5 metres for a building not exceeding 4.5 metres in height; and (ii) 2 metres plus 0.5 metres for every additional 3 metres or part thereof over 4.5 metres for buildings of a height in excess of 4.5 metres.
Performance outcome assessment	
<p>The existing buildings constructed to the front boundary will be retained and therefore existing front boundary setback remains unchanged. The existing streetscape character is maintained and preserved.</p> <p>The Multi dwelling development has the following proposed setbacks:</p> <ul style="list-style-type: none"> • A rear boundary setback of 2m; • A western side boundary setback of 2.85m; • A eastern side boundary setback of 5.5m; and • A front boundary setback of 22.65m. <p>It is noted the two existing Shop/Office buildings are currently constructed to the front, eastern and western side boundaries. These two buildings do not form part of the development application.</p> <p>The development will be required to install landscaped garden space and a 1.8m high boundary fence around the perimeter of the site, where not obstructed by buildings or vehicle crossover. It is considered the development will not affect the amenity of residents and adjoining premises. The development is also not considered as overbearing as the proposed rear units will be single storey and the existing Dwelling house has been retained.</p>	
Open space	
<p>PO12</p> <p>Landscaped open space contributes to an 'open' appearance that enhances the streetscape character of the locality and provides acceptable levels of separation between <i>adjoining premises</i>. The landscaped open space is of a practical size that meets the reasonable expectations of residents.</p>	<p>AO12.1</p> <p>A minimum of 15 percent of the <i>site</i> area is provided as landscaped open space with a minimum width of 2 metres.</p> <p>AND</p> <p>AO12.2</p> <p>The open space area is kept clear of all obstacles such as clothes hoists, driveways, parking spaces and waste receptacles.</p>
<p>PO13</p> <p>Private open space is conveniently located and of a practical size that meets the reasonable needs of residents, having regard to:</p> <ul style="list-style-type: none"> (a) liveability; (b) recreation; (c) privacy; (d) outdoor entertaining; 	<p>AO13.1</p> <p>In addition to landscaped open space, each <i>ground level</i> unit is provided with a <i>private open space</i> area that has:</p> <ul style="list-style-type: none"> (a) a minimum area of 30 square metres; (b) a minimum width of 3 metres; and (c) direct access from a living room.

(e) landscaping; (f) amenity; (g) outlook; and (h) climate.	
Performance outcome assessment	
<p>The applicant has proposed a 67m² garden space throughout the site as depicted on the site plan provided as Attachment 1. The garden space is generally provided along the boundaries to provide separation to neighbouring sites.</p> <p>As the existing buildings along the front boundary will be retained, the existing streetscape appearance of the site will therefore be unaltered. Private open space is also proposed to be provided for each unit.</p> <p>All ground floor units are provided with private open space with a minimum area of 30m².</p> <p>The private open space for the proposed ground floor unit of the converted Dwelling house has a width of 2.85m and has no direct access to the living room. This however should not impact on the residents' ability to recreate, entertain and utilise the outdoor private open space.</p>	
Amenity	
PO22 <i>Site</i> design incorporates landscaping in a manner that: <ul style="list-style-type: none"> (a) maintains the visual amenity and character of the surrounding area; and (b) maintains the safety or security of pedestrians. 	AO22.1 A landscape area with a minimum width of 2 metres is provided along the full frontage of any <i>road</i> frontage (excluding crossover and pedestrian access only).
Performance outcome assessment	
<p>Landscaping to the front boundary cannot be provided due to the two existing commercial buildings along the front boundary.</p> <p>The exiting awnings and character of the existing buildings maintain the character of the Centre zone adequately without the need for additional landscaping.</p>	

Transport, access and parking code

Performance outcomes	Examples
Site access	
PO5 Vehicular access points are positioned along the frontage where they do not impact on the safety, capacity and operation of the existing <i>road</i> 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 	AO5.2 Direct access is not provided to an arterial or higher order <i>road</i> .

(e) available sight distances.	
Performance outcome assessment	
The site's access is from William Street's service road. William Street is a State controlled road and the development was therefore referred to the State government. The State has reviewed the application and responded with conditions.	

6.0 OTHER PLANNING CONSIDERATIONS

6.1 Trunk Infrastructure and Services

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

6.2 Water Supply and Sewerage

The subject land is located within an area serviced by a reticulated water supply network and sewerage network. Conditions have been included in the Schedules of Conditions requiring the development to be supplied with and serviced by the water supply and sewerage infrastructures.

6.3 Stormwater/Drainage

There are stormwater network infrastructure charges associated for the proposed development and a Draft infrastructure charges notice has been prepared in accordance with Somerset Regional Council Charges Resolution (No 1) 2019.

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

6.4 Transport network

The proposed development is not considered to unreasonably burden upon local transport networks. There are transport network infrastructure charges associated for the proposed development and a Draft infrastructure charges notice has been prepared in accordance with Somerset Regional Council Charges Resolution (No 1) 2019.

6.5 Parks and Open space

There are parks and open space infrastructure charges associated for the proposed development and a Draft infrastructure charges notice has been prepared in accordance with Somerset Regional Council Charges Resolution (No 1) 2019.

6.6 Infrastructure charges

The proposed development is defined as a Residential use by the Somerset Regional Council Charges Resolution (No 1) 2019. A draft infrastructure charges notice has been prepared in accordance with the latest adopted charges resolution and is provided at Attachment 6.

6.7 Services

All infrastructure and services including the provision of electricity and telecommunication services are available to the site. Conditions have been included requiring the development to be connected and serviced by the relevant infrastructures.

6.8 Environment

The proposed development will not result in environmental degradation.

6.9 Heritage

The site neither adjoins nor contains a heritage feature listed in either the Queensland

Heritage Register or Council's Local Heritage Register.

7.0 STATE AGENCY REFERRALS

7.1 Concurrence Agency - DSDMIP

DSDMIP 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 Schedules of Approval for the development application. The reference response is referenced as 1905-11431 SRA and dated 25 July 2019. Refer to attachment 5 and Schedule 4 of the recommend conditions.

8.0 CONCLUSION

The proposed development is for the establishment of a four units Multiple dwelling on the premises. The site is currently improved by an existing Dwelling house located at the central region of the site and two existing commercial buildings along the front boundary of the site. The applicant has proposed to retain all buildings, lift the existing Dwelling house and convert the Dwelling house into two separate units, one on each level, and construct two additional single storey units at the rear region of the site. The proposed development complies with the acceptable outcomes of the relevant assessment benchmarks or provided alternative solutions for the performance outcomes when it did not meet the acceptable outcomes. The proposed development will be conditioned to be carried out generally in accordance with the development conditions attached to the Decision Notice and supporting material in the Attachments.

9.0 ATTACHMENTS

1. Town Planning Concept Plan, Drawn and Prepared by MI at Moretonbay Designs, Sheet 1, Dated 8 July 2019.
2. Floor Plans of Dwelling house, Drawn and Prepared by MI at Moretonbay Designs, Sheet 2, Dated 9 May 2019.
3. Overview of the development, Drawn and Prepared by MI at Moretonbay Designs, Sheet 3, Dated 9 May 2019.
4. Floor Plans of Two bedroom flats, Drawn and Prepared by MI at Moretonbay Designs, Sheet 4, Dated 9 May 2019.
5. The State Assessment and Referral Agency Decision Notice.
6. Draft Infrastructure Charges Notice.

RECOMMENDED DECISION

1. THAT Council approve the Development Application No 18654 for a Development Permit for a Material Change of Use for Multiple dwelling on land described as Lot 1 on RP76451 and situated at 16 William Street, Kilcoy subject to the requirements and conditions contained in the Schedules and Attachments.
2. THAT the Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

SCHEDULE 1 – GENERAL CONDITIONS		
<i>Assessment Manager</i>		
No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times

	Town Planning Concept Plan, Drawn and Prepared by MI at Moretonbay Designs, Sheet 1, Dated 8 July 2019.	
	Floor Plans of Dwelling house, Drawn and Prepared by MI at Moretonbay Designs, Sheet 2, Dated 9 May 2019.	
	Overview of the development, Drawn and Prepared by MI at Moretonbay Designs, Sheet 3, Dated 9 May 2019.	
	Floor Plans of Two bedroom flats, Drawn and Prepared by MI at Moretonbay Designs, Sheet 4, Dated 9 May 2019.	
	Stormwater Drainage Concept Plan, Designed and Prepared by RS at Hendriks House Consulting Engineers, Job No.: 4784, Drawing No.: SK01, Revision A, Dated 27 August 2019.	
	Hydraulic Calculations and Catchment Plan, Designed and Prepared by RS at Hendriks House Consulting Engineers, Job No.: 4784, Drawing No: SK02, Revision A, Dated 28 August 2019.	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Before the change happens
1.5	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
1.6	Building works and plumbing and drainage works approvals must be gained.	Before the commencement of use
1.7	The approved Material Change of Use of this site is for the purpose of the Multiple dwelling use – four units as defined by the Planning Scheme (and any subsequent scheme). <i>Note: The two existing commercial buildings on-site will retain their existing uses and does not form part of the Development Approval.</i>	At all times
	General Services	
1.8	Connect the development to a reticulated water supply, sewer infrastructure, electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Before the commencement of use
1.9	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is	Before the commencement of use

	available at a standard connection, or has a current supply agreement.	
1.10	Electricity/telecommunication/water supply/sewer drawings must be co-ordinated with the civil engineering design details, to ensure that service clashes are avoided.	Before the commencement of use
1.11	Building works and plumbing and drainage works approvals must be gained.	Before the commencement of use
	Boundary fence	
1.12	Where practical, provide a minimum 1.8 metre high screen fences are provided along the side and rear boundaries of the site. All cost associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.	At all times
	Landscaping	
1.13	Provide landscaped garden space along the side and rear boundaries as depicted on the Concept Plan, Prepared by Moretonbay Designs, Sheet 1, Dated 8 July 2019.	At all times
	Refuse bins storage	
1.14	Refuse bin storage areas must be provided on the premises within a building, outbuilding or other enclosed structure so that it is screened from public view with a minimum 1.5 meter high solid fence or wall.	At all times
	Indoor and Outdoor lighting	
1.15	<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
1.16	Lighting is provided to all pedestrian paths between public roads, communal areas, parking areas and building entries.	At all times
	Access for people with disabilities	
1.17	Access must be provided for people with disabilities in accordance with <i>Australian Standard AS1428.1: Design for Access and Mobility</i> by means of an unimpeded continuous path of travel from any adjacent roadway, adjoining public	At all times

	open space and from any disabled access car parking bay, to all parts of the development that are normally open to the public.	
	Visual amenity	
1.18	Any graffiti on buildings, structures or fences on the subject land visible from public viewing locations must be removed within 24 hours or upon direction by Council.	At all times
1.19	All buildings, structures and fences as well as the subject land must be maintained in good order and in a clean and tidy manner.	At all times
1.20	Any fixed mechanical plants must be contained within the building or visually screened to all street frontages, public viewing locations and adjoining premises.	At all times
1.21	Open storage areas, loading areas, bin storage areas and other unsightly areas, must be screened from view from all street frontages and public places.	At all times
	Safety, security and publicly accessible facilities	
1.22	The development and hard landscaping must not comprise of highly reflective materials that create slippery or otherwise hazardous conditions.	At all times
	Acoustic amenity	
1.23	All air conditioning equipment as defined by the <i>Environmental Protection Act 1994</i> must be designed, installed, operated and maintained to comply with the noise standards as specified within the <i>Environmental Protection Act 1994</i> .	At all times
	Access	
1.24	No new vehicle access to William Street (and its service road) is established unless prior approvals are given by the State or Council.	At all times
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, car parks, and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work
	Public utilities/infrastructure	
2.2	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
2.3	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times

2.4	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times
2.5	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times
	Stormwater drainage	
2.6	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.7	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Design Standards</i> .	As part of Operational Works
2.8	Stormwater Drainage shall be constructed in general accordance with Stormwater Drainage Concept Plan SK01 revision A, prepared by Hendriks/House and dated August 2019.	As part of Operational Works
2.9	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
	Vehicle access	
2.10	All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Design Standards</i> .	At all times
2.11	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	As part of Operational Works
2.12	All vehicles shall enter and leave the site in a forward gear	At all times
2.13	The Applicant is to construct a minimum 5.5. wide concrete access in accordance with Council's standard drawing SRC-ROAD-016 to the William Street Service Road where it crosses the footpath.	As part of Operational Works
	Car and bicycle parking	
2.14	Provide on-site car parking for a minimum of twelve vehicles in accordance with Council's Planning Scheme. All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance	As part of Operational Works

	with AS2890 and Somerset Regional Council Design Standards.	
2.15	Provide secure bicycle parking and associated support facilities for a minimum of two (2) bicycles in accordance with AS2890.	As part of Operational Works
2.16	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, bitumen or asphalt in accordance with Australian Standards.	At all times
Erosion and sediment control		
2.17	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> • Be required to install additional measures • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specific time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times
2.18	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> i) Milling; ii) Chipping and/or mulching iii) Disposal at an approved waste disposal facility. <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No	Condition	Timing
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase

3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> • Burn or bury waste generated in association with this development approval at or on the development site; nor • Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor • Stockpile any waste on the development site. 	At all times
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> • Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or • Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water. 	During construction phase

SCHEDULE 3 – REFERRAL AGENCY

Department of State Development, Manufacturing, Infrastructure and Planning – State Assessment and Referral Agency

Concurrence Agency Response

Agency Response: Recommend Conditions Apply

Pursuant to section 62 of the *Planning Act 2016* 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 development in a state controlled road environment.

Concurrence Agency response dated 25 July 2019 and referenced as 1905-11431 SRA.

Concurrence Agency response will be attached to Council's Decision Notice for DA18654.

SCHEDULE 4 – ADVICE

Assessment Manager

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 *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.

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.

Upon receiving the certification by a RPEQ, and submission and approval of as constructed drawings and documentation, Council will accept the works as "On Maintenance".

Council will bond the developer for an amount equal to 5% of the operational works and the Developer is required to maintain all works for a period of 12 months for civil works and 18 months for landscaping (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.

At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".

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

Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's 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 uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.

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

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

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

Attachments for the Decision Notice include:

- Town Planning Concept Plan, Drawn and Prepared by MI at Moretonbay Designs, Sheet 1, Dated 8 July 2019.
- Floor Plans of Dwelling house, Drawn and Prepared by MI at Moretonbay Designs, Sheet 2, Dated 9 May 2019.
- Overview of the development, Drawn and Prepared by MI at Moretonbay Designs, Sheet 3, Dated 9 May 2019
- Floor Plans of Two bedroom flats, Drawn and Prepared by MI at Moretonbay Designs, Sheet 4, Dated 9 May 2019.
- Stormwater Drainage Concept Plan, Designed and Prepared by RS at Hendriks House Consulting Engineers, Job No: 4784, Drawing No: SK01, Revision A, Dated 27 August 2019.
- Hydraulic Calculations and Catchment Plan, Designed and Prepared by RS at Hendriks House Consulting Engineers, Job No: 4784, Drawing No: SK02, Revision A, Dated 28 August 2019.
- State Assessment and Referral Agency Decision Notice.
- Infrastructure Charges Notice.

Resolution

Moved – Cr Choat

Seconded – Cr Whalley

- “1. THAT Council approve the Development Application No 18654 for a Development Permit for a Material Change of Use for Multiple dwelling on land described as Lot 1 on RP76451 and situated at 16 William Street, Kilcoy subject to the requirements and conditions contained in the Schedules and Attachments.
2. THAT the Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

SCHEDULE 1 – GENERAL CONDITIONS

Assessment Manager

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Town Planning Concept Plan, Drawn and Prepared by MI at Moretonbay Designs, Sheet 1, Dated 8 July 2019.	
	Floor Plans of Dwelling house, Drawn and Prepared by MI at Moretonbay Designs, Sheet 2, Dated 9 May 2019.	
	Overview of the development, Drawn and Prepared by MI at Moretonbay Designs, Sheet 3, Dated 9 May 2019.	
	Floor Plans of Two bedroom flats, Drawn and Prepared by MI at Moretonbay Designs, Sheet 4, Dated 9 May 2019.	
	Stormwater Drainage Concept Plan, Designed and Prepared by RS at Hendriks House Consulting Engineers, Job No.: 4784, Drawing No.: SK01, Revision A, Dated 27 August 2019.	
	Hydraulic Calculations and Catchment Plan, Designed and	

	Prepared by RS at Hendriks House Consulting Engineers, Job No: 4784, Drawing No: SK02, Revision A, Dated 28 August 2019.	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Before the change happens
1.5	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
1.6	Building works and plumbing and drainage works approvals must be gained.	Before the commencement of use
1.7	The approved Material Change of Use of this site is for the purpose of the Multiple dwelling use – four units as defined by the Planning Scheme (and any subsequent scheme). <i>Note: The two existing commercial buildings on-site will retain their existing uses and does not form part of the Development Approval.</i>	At all times
	General Services	
1.8	Connect the development to a reticulated water supply, sewer infrastructure, electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Before the commencement of use
1.9	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Before the commencement of use
1.10	Electricity / telecommunication / water supply / sewer drawings must be co-ordinated with the civil engineering design details, to ensure that service clashes are avoided.	Before the commencement of use
1.11	Building works and plumbing and drainage works approvals must be gained.	Before the commencement of use
	Boundary fence	
1.12	Where practical, provide a minimum 1.8 metre high screen	At all times

	fences are provided along the side and rear boundaries of the site. All cost associated with meeting the fencing requirements listed within this Development Approval must be borne by the developer.	
	Landscaping	
1.13	Provide landscaped garden space along the side and rear boundaries as depicted on the Concept Plan, Prepared by Moretonbay Designs, Sheet 1, Dated 8 July 2019.	At all times
	Refuse bins storage	
1.14	Refuse bin storage areas must be provided on the premises within a building, outbuilding or other enclosed structure so that it is screened from public view with a minimum 1.5 meter high solid fence or wall.	At all times
	Indoor and Outdoor lighting	
1.15	<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
1.16	Lighting is provided to all pedestrian paths between public roads, communal areas, parking areas and building entries.	At all times
	Access for people with disabilities	
1.17	Access must be provided for people with disabilities in accordance with <i>Australian Standard AS1428.1: Design for Access and Mobility</i> by means of an unimpeded continuous path of travel from any adjacent roadway, adjoining public open space and from any disabled access car parking bay, to all parts of the development that are normally open to the public.	At all times
	Visual amenity	
1.18	Any graffiti on buildings, structures or fences on the subject land visible from public viewing locations must be removed within 24 hours or upon direction by Council.	At all times
1.19	All buildings, structures and fences as well as the subject land must be maintained in good order and in a clean and tidy manner.	At all times
1.20	Any fixed mechanical plants must be contained within the	At all times

	building or visually screened to all street frontages, public viewing locations and adjoining premises.	
1.21	Open storage areas, loading areas, bin storage areas and other unsightly areas, must be screened from view from all street frontages and public places.	At all times
	Safety, security and publicly accessible facilities	
1.22	The development and hard landscaping must not comprise of highly reflective materials that create slippery or otherwise hazardous conditions.	At all times
	Acoustic amenity	
1.23	All air conditioning equipment as defined by the <i>Environmental Protection Act 1994</i> must be designed, installed, operated and maintained to comply with the noise standards as specified within the <i>Environmental Protection Act 1994</i> .	At all times
	Access	
1.24	No new vehicle access to William Street (and its service road) is established unless prior approvals are given by the State or Council.	At all times
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, car parks, and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work
	Public utilities/infrastructure	
2.2	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
2.3	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times
2.4	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times
2.5	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times
	Stormwater drainage	
2.6	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.7	Design and construction of all stormwater drainage works must	As part of

	comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Design Standards</i> .	Operational Works
2.8	Stormwater Drainage shall be constructed in general accordance with Stormwater Drainage Concept Plan SK01 revision A, prepared by Hendriks/House and dated August 2019.	As part of Operational Works
2.9	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
	Vehicle access	
2.10	All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Design Standards</i> .	At all times
2.11	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	As part of Operational Works
2.12	All vehicles shall enter and leave the site in a forward gear	At all times
2.13	The Applicant is to construct a minimum 5.5. wide concrete access in accordance with Council's standard drawing SRC-ROAD-016 to the William Street Service Road where it crosses the footpath.	As part of Operational Works
	Car and bicycle parking	
2.14	Provide on-site car parking for a minimum of twelve vehicles in accordance with Council's Planning Scheme. All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and <i>Somerset Regional Council Design Standards</i> .	As part of Operational Works
2.15	Provide secure bicycle parking and associated support facilities for a minimum of two (2) bicycles in accordance with AS2890.	As part of Operational Works
2.16	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, bitumen or asphalt in accordance with Australian Standards.	At all times
	Erosion and sediment control	
2.17	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:	At all times

	<ul style="list-style-type: none"> • Be required to install additional measures • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specific time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	
2.18	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> i) Milling; ii) Chipping and/or mulching iii) Disposal at an approved waste disposal facility. <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times
SCHEDULE 3 – ENVIRONMENTAL <i>Assessment Manager</i>		
No	Condition	Timing
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> • Burn or bury waste generated in association with this development approval at or on the development site; nor • Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor • Stockpile any waste on the development site. 	At all times
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> • Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or • Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a 	During construction phase

	build-up of sand, silt or mud in the gutter, drain or water.	
SCHEDULE 3 – 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 development in a state controlled road environment.		
Concurrence Agency response dated 25 July 2019 and referenced as 1905-11431 SRA.		
Concurrence Agency response will be attached to Council's Decision Notice for DA18654.		
SCHEDULE 4 – ADVICE <i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i> .		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being six (6) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.		
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.		
Upon receiving the certification by a RPEQ, and submission and approval of as constructed drawings and documentation, Council will accept the works as "On Maintenance".		
Council will bond the developer for an amount equal to 5% of the operational works and the Developer is required to maintain all works for a period of 12 months for civil works and 18 months for landscaping (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.		
At the end of the maintenance period the works shall be inspected and if satisfactory, shall be		

placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".

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

Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's 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 uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.

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

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

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

Carried

Vote - Unanimous

Subject:	Development Application No 11690 - Request to extend Currency Period to Development Approval under section 86 of the <i>Planning Act 2016</i>
File No:	DA11690
Action Officer:	PO-RC
Assessment No:	02335-00000-000

1.0 APPLICATION SUMMARY

Subject Land

Location	1683 Brisbane Valley Highway, Fernvale
Real Property Description	Lot 3 on RP28861
Area	11.602 hectares

Original Planning Scheme information

Planning Scheme	Former Esk Shire Planning Scheme 2005 (as amended)
Zone	Rural
Precinct	Arable Agricultural

Current Planning Scheme Information

Planning Scheme	Somerset Region Planning Scheme Version Three
Zone	Rural

ShapingSEQ

Land Use Category	Regional Landscape and Rural Production Area
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Application

Original Category of Assessment	Code
Original Date of Approval	28 November 2011
Original Approval	Development Permit for Material Change of Use for a Caretaker's residence
Applicant Details	Darren and Bradley Zanow c/- Diane Kerr and Associates 19 Frobisher Street Springwood QLD 4127 Email: dianekerr@optusnet.net.au
Date application received	11 October 2019
Date application made	11 October 2019

State Agency Referrals

Concurrence Agency	Department of Transport and Main Roads
Advice Agency	Department of Environment and Resource Management
Third Party Advice	Seqwater

RECOMMENDED DECISION

THAT Council approve the request to extend the currency period for Development Approval No 11690 for a further two years up to and including 28 November 2019 subject to the requirements and conditions contained in the Schedules and Attachments.

2.0 BACKGROUND

On 28 November 2011, Council approved DA11690 for a Development Permit for Material Change of Use for Caretaker's residence.

Since then, Council has extended the currency period of the development approval twice, the first time in May 2015 and the second time in October 2017.

The applicant has now requested the extension of the currency period for an additional two years, up to and including the 28 November 2011.

2.1 The current approval

The approved development is for the establishment of a Caretaker's residence on the property, relocated and repurposed from the existing Dwelling house on-site. At the time of approval, the Caretaker's residence was to be occupied by caretakers of the horse and cattle stud on the premises. The horse and cattle stud was self-assessable and did not form part of the original application.

The applicant has now indicated the approved Caretaker's residence will be occupied by

caretakers of a future Tourist park development on the site. The request for the extension to the currency period is based on a need for additional time to prepare and submit a development application for the Tourist park.

The site, floor and elevation plans of the approved Caretaker's residence has been provided at Attachments 1 and 2.

3.0 PLANNING CONSIDERATIONS

Section 86 of the *Planning Act 2016* provides the opportunity for applicant to seek an extension to the currency 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.

3.1 Planning officer comments

A review of Council's current planning scheme and policies and desired land use pattern for the subject site was carried out. The approved development is defined as Caretaker's accommodation under the current Planning Scheme. It is considered the approved development is consistent with Council's current desired land use for a rural property and definition.

If an identical application be submitted under the current planning regime, the development will remain as an assessable development, requiring a Material Change of Use application and subject to code assessment. The approved development conditions were reviewed and it is considered that amendments to the development conditions are not required in this instance. The current status of the approval and a copy of the previous decision notices are available for public access via Council's eServices portal.

Therefore, it is considered reasonable to allow a two years extension to the currency period of the development approval.

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

The Extension to currency period request has been assessed and is considered to remain consistent with Council's current planning scheme, policies and desired land use pattern for the site. Therefore, it is considered reasonable to extend the currency period for an additional 2 years up to and including 28 November 2021.

6.0 ATTACHMENTS

1. Approved Indicative Horse Agistment Plan, Ref. No: 11737.SK.02, Prepared by David Brett and Associates Pty Ltd Development Planners, Dated 27 July 2011.
2. Approved Floor Plan, Ref. No 1137.SK.03 Revision B, Prepared by David Brett and Associates Pty Ltd Development Planners, Dated 25 August 2011.

RECOMMENDED DECISION

THAT Council approves the request for an Extension Application to extend the currency period of Development Application No 11690 for an additional two years, up to and including 28 November 2021 for a Development Permit for Material Change of Use for a Caretaker's residence on land described as Lot 3 on RP28861, and situated at 1683 Brisbane Valley Highway, Fernvale and subject to the requirements and conditions contained in the Schedules and Attachments.

SCHEDULE 1 – GENERAL CONDITIONS		
No	Condition	Timing
1.1	<p>Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.</p> <ul style="list-style-type: none"> • Indicative Horse Agistment Plan – Ref No. 11737.SK.02 – prepared by David Brett and Associates Pty Ltd Development Planners – dated 27.07.2011 • Floor Plan – Ref No 11737.SK.03 Revision B – prepared by David Brett and Associates Pty Ltd Development Planners – dated 25.08.2011 • On Site Waste Water Management Field Data and Land Application Design – Ref No BDZ121011 – prepared by CSI Soil Testing – dated 18 October 2011 • Department of Transport and Main Roads Concurrence Agency Response – Ref No NCR9102 – dated 20 October 2011 • Department of Environment and Resource Management Advice Agency Response – Ref No - SPAR02845711 – dated 21 September 2011 • Queensland Bulk Water Authority (trading as Seqwater) 3rd Party Advice Response – Ref No 6007 – dated 11 November 2011 	At all times
1.2	Comply with relevant provisions of the Former Esk Shire Planning Scheme 2005 (as amended 17.10.2008), 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 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
1.6	A minimum of 45,000-litres of potable water supply is to be provided and connected to service all water consumption needs of the Class 1 dwelling as required by Schedule 3 of the former	Prior to occupation of the dwelling

	Esk Planning Scheme 2005 (<i>as amended 17.10.2008</i>)	
	Queensland Bulk Water Supply Authority (Seqwater)	
1.7	The effluent disposal area is located above the 1 in 50 ARI flood level	At all times
1.8	An additional land application 'reserve' area of 780m ² must also be available on the lot	At all times
1.9	The entire land irrigation area and reserve area are to be setback a minimum of 100m from the surveyed bank of the Brisbane River	At all times
1.10	The effluent disposal area is planted entirely with kikuyu grass to maximise vegetative uptake of nutrients	At all times
1.11	The use of diversion drains/ mounds upslope of the land application area, are recommended to divert clean stormwater away from the wastewater irrigation area.	At all times
1.12	The wastewater treatment system should include an emergency storage capacity of 1000L and adequate buffering for shock loading/ down time and the like.	At all times
1.13	Owners and occupiers should be made aware of actions to be undertaken should the system fail or where failure is imminent	At all times
SCHEDULE 2 – Engineering		
<i>Assessment Manager</i>		
	Public Utilities/Infrastructure	
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	Before the change happens
2.2	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	Before the change happens
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Before the change happens
	Stormwater drainage	
2.4	Ensure Stormwater drainage is directed to a lawful point of discharge	Before the change happens
2.4A	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
	Electricity/Telecommunications	
2.5	Applicant to demonstrate that arrangements have been made for the provision of electricity supply / or solar power to service the proposed caretakers residence.	Prior to occupation of the Class 1 dwelling

	Building Above Flood Level	
2.6	Floor heights for habitable areas shall be a minimum of 300mm above the Defined Flood Level (DFL) in accordance with a Council approved Flood Study. The existing DFL + 300mm for proposed lot 3 on RP28861 shall be the 43.90 m elevation level.	Prior to occupation of the dwelling
2.7	The dwelling is not to be situated in a worse flood hazard location in accordance with a Council approved Flood Study.	Prior to occupation of the dwelling
2.8	The use of resilient building techniques for construction below the Defined Flood Level.	Prior to occupation of the dwelling
	Vehicle Access	
2.9	The landowner is responsible for maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times
2.10	The internal road to the accommodation is to be constructed and maintained with a minimum all weather gravel access. <i>NOTE: All-weather gravel standard is an access which is capable of being traversed by a two wheel drive vehicle during and after a storm event with no significant damage or deformation to the access. Maintenance will be performed to preserve the access as all weather gravel. Drainage structures are to be placed in water courses that have flowing water greater than 200mm in depth during non-storm events.</i>	Prior to the commencement of use
SCHEDULE 3 – Environmental Assessment Manager		
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> • Burn or bury waste generated in association with this development approval at or on the development site; nor • Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor • Stockpile any waste on the development site. 	At all times

3.4	The holder of this development approval must not: <ul style="list-style-type: none">• Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or• Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.	During construction phase
SCHEDULE 4 – REFERRAL AGENCY Department of Transport and Main Roads <i>Concurrence Agency Status</i> <i>Agency Response: Recommend Conditions Apply</i>		
4.1	The Department of Transport and Main Roads is a concurrence agency under the Sustainable Planning Regulation 2009 (SPR) for the purposes of the <i>Sustainable Planning Act 2009</i> . The Department has assessed the impact of the proposal and has provided Conditions of Development. Ref No. NCR9102 – dated 20 October 2011	
4.2	The Department of Transport and Main Roads response will be attached to Council's Decision Notice for DA11690.	
SCHEDULE 5 – REFERRAL AGENCY Department of Environment and Resource Management <i>Advice Agency Status</i> <i>Agency Response: Recommend Conditions Apply</i>		
5.1	The Department of Environment and Resource Management is an advice agency under the Sustainable Planning Regulation 2009 (SPR) for the purposes of the <i>Sustainable Planning Act 2009</i> . The Department has assessed the impact of the proposal and requests that Council include their agency response as part of the Schedule of Approvals.	
5.2	The Department of Environment and Resource Management response will be attached to Council's Decision Notice for DA11690.	
Advice		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being the date stated on the decision notice, unless otherwise extended.		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicants appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.		

All building work is to comply with the provisions contained in the <i>Building Act</i> , the Building Regulation, the Building Code of Australia, the Queensland Development Code and relevant Australian Standards.
All plumbing and drainage work is to comply with the provisions contained in the <i>Queensland Sewerage and Water Supply Act</i> , Standard Sewerage Law and the Standard Water Supply Law, the relevant Australian Standards including AS/NZS 3500 – 1998 – National Plumbing and Drainage Code and Council Policies and requirements.
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Manager of Operations if in his opinion a dust nuisance exists.
All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act 1995</i> (as amended) and the Workplace Health and Safety Regulation 1997 (as amended).
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>).
Location of the dwelling should be situated in the lowest flood hazard area in accordance with a Council approved Flood Study.

Attachments to the Decision Notice:

- Approved Indicative Horse Agistment Plan, Ref. No: 11737.SK.02, Prepared by David Brett and Associates Pty Ltd Development Planners, Dated 27 July 2011.
- Approved Floor Plan, Ref. No 1137.SK.03 Revision B, Prepared by David Brett and Associates Pty Ltd Development Planners, Dated 25 August 2011.
- On Site Waste Water Management Field Data and Land Application Design – Ref No BDZ121011 – prepared by CSI Soil Testing – dated 18 October 2011.
- Department of Transport and Main Roads Concurrence Agency Response – Ref No NCR9102 – dated 20 October 2011.
- Department of Environment and Resource Management Advice Agency Response – Ref No - SPAR02845711 – dated 21 September 2011.
- Queensland Bulk Water Authority (trading as Seqwater) 3rd Party Advice Response – Ref No. 6007 – dated 11 November 2011.

Resolution

Moved – Cr Whalley

Seconded – Cr Ogg

“THAT Council approves the request for an Extension Application to extend the currency period of Development Application No 11690 for an additional two years, up to and including 28 November 2021 for a Development Permit for Material Change of Use for a Caretaker's residence on land described as Lot 3 on RP28861, and situated at 1683 Brisbane Valley Highway, Fernvale and 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	At all times

	<p>amended by these conditions of approval.</p> <ul style="list-style-type: none"> • Indicative Horse Agistment Plan – Ref No 11737.SK.02 – prepared by David Brett and Associates Pty Ltd Development Planners – dated 27.07.2011 • Floor Plan – Ref No. 11737.SK.03 Revision B – prepared by David Brett and Associates Pty Ltd Development Planners – dated 25.08.2011 • On Site Waste Water Management Field Data and Land Application Design – Ref No BDZ121011 – prepared by CSI Soil Testing – dated 18 October 2011 • Department of Transport and Main Roads Concurrence Agency Response – Ref No NCR9102 – dated 20 October 2011 • Department of Environment and Resource Management Advice Agency Response – Ref No - SPAR02845711 – dated 21 September 2011 • Queensland Bulk Water Authority (trading as Seqwater) 3rd Party Advice Response – Ref No 6007 – dated 11 November 2011 	
1.2	Comply with relevant provisions of the Former Esk Shire Planning Scheme 2005 (as amended 17.10.2008), 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 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
1.6	A minimum of 45,000-litres of potable water supply is to be provided and connected to service all water consumption needs of the Class 1 dwelling as required by Schedule 3 of the former Esk Planning Scheme 2005 (as amended 17.10.2008)	Prior to occupation of the dwelling
	Queensland Bulk Water Supply Authority (Seqwater)	
1.7	The effluent disposal area is located above the 1 in 50 ARI flood level	At all times
1.8	An additional land application 'reserve' area of 780m ² must also be available on the lot	At all times
1.9	The entire land irrigation area and reserve area are to be setback a minimum of 100m from the surveyed bank of the Brisbane River	At all times
1.10	The effluent disposal area is planted entirely with kikuyu grass	At all times

	to maximise vegetative uptake of nutrients	
1.11	The use of diversion drains/ mounds upslope of the land application area, are recommended to divert clean stormwater away from the wastewater irrigation area.	At all times
1.12	The wastewater treatment system should include an emergency storage capacity of 1000L and adequate buffering for shock loading/ down time and the like.	At all times
1.13	Owners and occupiers should be made aware of actions to be undertaken should the system fail or where failure is imminent	At all times
SCHEDULE 2 – Engineering		
<i>Assessment Manager</i>		
	Public Utilities/Infrastructure	
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	Before the change happens
2.2	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	Before the change happens
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Before the change happens
	Stormwater drainage	
2.4	Ensure Stormwater drainage is directed to a lawful point of discharge	Before the change happens
2.4A	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
	Electricity/Telecommunications	
2.5	Applicant to demonstrate that arrangements have been made for the provision of electricity supply / or solar power to service the proposed caretakers residence.	Prior to occupation of the Class 1 dwelling
	Building Above Flood Level	
2.6	Floor heights for habitable areas shall be a minimum of 300mm above the Defined Flood Level (DFL) in accordance with a Council approved Flood Study. The existing DFL + 300mm for proposed lot 3 on RP28861 shall be the 43.90 m elevation level.	Prior to occupation of the dwelling
2.7	The dwelling is not to be situated in a worse flood hazard location in accordance with a Council approved Flood Study.	Prior to occupation of the dwelling
2.8	The use of resilient building techniques for construction below the Defined Flood Level.	Prior to occupation of the dwelling

	Vehicle Access	
2.9	The landowner is responsible for maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times
2.10	The internal road to the accommodation is to be constructed and maintained with a minimum all weather gravel access. <i>NOTE: All-weather gravel standard is an access which is capable of being traversed by a two wheel drive vehicle during and after a storm event with no significant damage or deformation to the access. Maintenance will be performed to preserve the access as all weather gravel. Drainage structures are to be placed in water courses that have flowing water greater than 200mm in depth during non-storm events.</i>	Prior to the commencement of use
SCHEDULE 3 – Environmental Assessment Manager		
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> • Burn or bury waste generated in association with this development approval at or on the development site; nor • Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor • Stockpile any waste on the development site. 	At all times
3.4	The holder of this development approval must not: <ul style="list-style-type: none"> • Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or • Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water. 	During construction phase

SCHEDULE 4 – REFERRAL AGENCY**Department of Transport and Main Roads***Concurrence Agency Status**Agency Response: Recommend Conditions Apply*

4.1	The Department of Transport and Main Roads is a concurrence agency under the Sustainable Planning Regulation 2009 (SPR) for the purposes of the <i>Sustainable Planning Act 2009</i> . The Department has assessed the impact of the proposal and has provided Conditions of Development. Ref No. NCR9102 – dated 20 October 2011
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4.2	The Department of Transport and Main Roads response will be attached to Council's Decision Notice for DA11690.
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SCHEDULE 5 – REFERRAL AGENCY**Department of Environment and Resource Management***Advice Agency Status**Agency Response: Recommend Conditions Apply*

5.1	The Department of Environment and Resource Management is an advice agency under the Sustainable Planning Regulation 2009 (SPR) for the purposes of the <i>Sustainable Planning Act 2009</i> . The Department has assessed the impact of the proposal and requests that Council include their agency response as part of the Schedule of Approvals.
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5.2	The Department of Environment and Resource Management response will be attached to Council's Decision Notice for DA11690.
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Advice

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

Currency Period - Pursuant to section 85 of the *Planning Act 2016* the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being the date stated on the decision notice, unless otherwise extended.

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

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

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

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

Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Manager of Operations if in his opinion a dust nuisance exists.

All works shall be carried out in accordance with the *Workplace, Health & Safety Act 1995* (as amended) and the *Workplace Health and Safety Regulation 1997* (as amended).

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*).

Location of the dwelling should be situated in the lowest flood hazard area in accordance with a Council approved Flood Study."

Carried

Vote - Unanimous

Subject:	Planning and Building Services Monthly Report – September and October 2019
File Ref:	Officer Reports
Action Officers:	DPAD, SP, BS, PI, NRM

Report

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

1. Planning Development Applications

During the month the following Development Applications were received:

Assessment Type	August 2019	September 2019	October 2019
Building Works assessable against the Planning Scheme	7	5	7
Material Change of Use	4	5	2
Reconfiguring a Lot	2	0	
Operational Works	2	0	
Combined Applications	0	1	1
Total	15	11	10

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

During the month the following Development Applications were decided:

Approved/Refused	August 2019	September 2019	October 2019
Refused - Council	1	0	1
Approved - Council	11	2	0
Approved - Delegated Authority	11	10	11
Total	23	12	12

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

Planning and Environment Court Appeals

Roubaix Properties Pty Ltd v Somerset Regional Council and Anor
Planning and Environment Court No 2327 of 2019

This appeal against Council's decision to refuse the Development Application has been the subject of a mediation session between the experts for both parties. It is listed for a mention in Court at the end of November.

*Edith Pastoral Company Pty Ltd -V- Somerset Regional Council
Planning and Environment Court No 2773 of 2019*

This appeal against Council's decision to refuse the Development Application has been the subject of preliminary proceedings. Experts have been engaged and a mediation session of those experts (other than the planners) shall occur before the end of 2019. The planners have until early in 2020 to finalise their reports. The Appeal is next listed for a mention in Court in March 2020.

2. Building Development Approvals

A total of thirty-seven (37) forty-three building approvals were issued in the region for August 2019 and (43) building approvals were issued in the region for September 2019.

Assessment Type: Building Works

Status	August 2019	September 2019
Accepted	41	50
Approved - Council	10	19
Approved - Private Certifier	27	24
Withdrawn	0	0
Info Request	1	6
Finalised	39	32
Fees Not Paid	2	1

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

Building Compliance Matters

The following are non-compliant building activities in this period:

August:

Unapproved building works at Lowood, Biarra, Somerset Dam, Hazeldean, Mount Byron, Gregors Creek, Esk.

Unlawful use of buildings at Moore.

Site issues at Somerset Dam.

September:

Unapproved building works at Toogoolawah, Royston, Glamorgan Vale, Mount Hallen, Sandy Creek, Mount Tarampa, Wanora, Hazeldean, Esk.

Site issues at Lowood.

3. Plumbing Compliance Permits and Inspections

A total of twenty-one (21) plumbing and drainage approvals were issued in the region for September and a total of eighteen (18) plumbing and drainage approvals were issued in the region for October.

Assessment Type: Plumbing Approval

Status	September 2019	October 2019
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Approved	14	15
Info Request	7	3
Total	21	18

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

The number of home sewerage treatment plants on Council's register is 1919 of which 61 or 3.18% are currently overdue for servicing. Letters have been sent to the owners of these systems to ensure compliance. Penalty infringement notices have been issued to repeat offenders.

Mid-Brisbane River Risk Mitigation Program

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

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

Following an initial inspection program carried out during 2018, 16 properties have been offered the opportunity to apply for the subsidy, of these 9 have expressed interest with 6 others showing an interest later in the program. 15 have followed up with an application and 12 applications have been finalized. An additional 1 has now expressed an interest and Council officers are following up.

4. Environmental Services

Environmental Health Services

Toolbox overview

The below figures reflect the customer sessions on Somerset Regional Council's content on Toolbox. September and October figures were unavailable at the time the agenda was finalised, but will be updated in the next report.

Visitors to Council content

	August 2019	September 2019	October 2019
Users	79		
Sessions	115		
Pageviews	510		
Pages/Sessions	4.43		
Avg. Session Duration	4.06 minutes		
Downloads	32		

Most popular content

Top content pages

Unique pageviews

	August 2019	September 2019	October 2019
Food	41		
Noise Pollution	20		
Air Pollution	-		
Pets and Animals	-		
How to start a food business	25		

Food Safety Training

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

A total of 7 users completed the training during the month of September and a total of 13 users completed the training during the month of October.

Swimming Pool Water Quality Monitoring

Water samples from the Toogoolawah, Kilcoy and Lowood pools were collected during the months to monitor for compliance with the *Queensland Health Water Quality Guidelines for Public Aquatic Facilities, September 2019*. Samples collected from all pools complied with the Queensland Health guidelines.

School Based Immunisation Clinics

Council delivers a school based vaccination program at the Lowood and Toogoolawah High Schools for year 7 and year 10 students under a service provider agreement with the State of Queensland. Clinics were delivered at the Lowood and Toogoolawah High Schools during the month of September. Planning for clinics to be conducted in 2020 is currently underway.

Mosquito Monitoring

Officers are currently planning for the 2020 mosquito surveillance program in conjunction with Queensland Health in various towns and villages in the region to be conducted from January to March 2020. All samples will be sent to Queensland Health for analysis.

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

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

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

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

Pest Management

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

Invasive Animal Control

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

Wild dogs

1080 baits injected:

	September 2019	October 2019
Vernor	24	-
Brightview	46	-
Bryden	8	-
Splityard Creek	20	-
Harlin	47	-
Eskdale	701	-
Kingaham	148	-
Gregors Creek	-	6

Linville	-	36
Total	994	42

The next advertised 1080 baiting day will be held on the 11 November 2019.

Dingo scalps presented:

	September 2019	October 2019
Monsildale	8	-
Sheep Station Creek	3	-
Jimna and Mount Kilcoy	14	-
Sandy Creek	-	4
Total	25	4

Feral Pigs:

	September 2019	October 2019
Eskdale – 114 1080 meat baits	-	-
Buaraba – 10kg 1080 grain	-	-

Rabbits

- Officers have been working with landholders to control rabbit infestations in the following areas:
 - September: Wivenhoe Pocket and Mount Beppo.
 - October: Fernvale, Tallegalla, Coominya and Minden.
- Officers are continuing to work closely with Seqwater in controlling rabbits around Somerset and Wivenhoe Dams.

Invasive Plant Control

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

September:

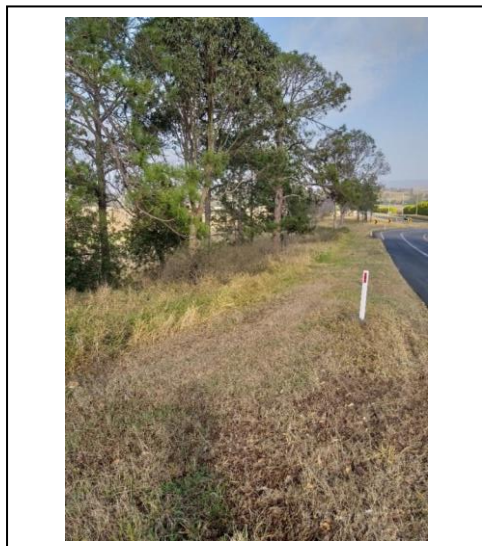
- **Fireweed** – Wivenhoe Pocket, Kilcoy, Glamorgan Vale, Neurum, Westvale, Villeneuve, Sandy Creek, Mary Smokes Creek, Coolana, Prenzlau and Coominya.
- **Groundsel** – Sandy Creek, Esk, Kilcoy and Neurum.
- **Giant rats tail grass** – Toogoolawah and Mount Kilcoy.
- **Mother of Millions** – Minden, Toogoolawah, Villeneuve, Neurum, Ivory Creek, Gregors Creek, Colinton, Tarampa, Wivenhoe Pocket, Fernvale, Coal Creek, Glamorganvale, Crossdale, Esk, Somerset, Coominya, Eskdale, Moore, Linville and Kilcoy.
- **Prickly Pear** – Coominya, Harlin, Toogoolawah, Esk, Fernvale, Colinton, Moore, Stanley Pocket and Somerset Dam.
- **Main Roads Element 5** – D'Aguilar Highway West, Kilcoy Murgon Road, Brisbane Valley Highway, Northbrook Parkway and Wivenhoe Somerset Road.
- **Herbicide applied** – 4,330L

October:

- **Fireweed** – Coolana, Prenzlau and Coominya.
- **Groundsel** – Sandy Creek, Esk, Kilcoy and Neurum.
- **Giant rats tail grass** – Mt Kilcoy, Wivenhoe Pocket.
- **Annual Ragweed** – Harlin, Toogoolawah,
- **Lantana** – Sandy Creek, Neurum, Mary smokes, Royston
- **Prickly Pear** – Dundas, Toogoolawah, Harlin, Esk.

- **Main Roads Element 5** – D'Aguilar Highway West, Kilcoy Murgon Road, Brisbane Valley Highway.
- **Herbicide applied** – 2,713L
- **Lantana Control** - Mechanical removal of lantana was conducted along Neurum Road, Mount Archer (pictured below)

Before



After



Compliance under the *Biosecurity Act 2014*:

	September 2019	October 2019
Information notices	1	3
Biosecurity Orders	1	2
Enter and Clear action	0	0
Total	2	5

Animal Management

Systematic Inspection Program – Dog Registration

Council is conducting an inspection program throughout the region to check for compliance with the registration and microchipping requirements of the *Animal Management (Cats and Dogs) Act 2008*. The program commenced on 5 August 2019 and the following is a summary of progress to the end of October:

Properties inspected:	3,951
Unregistered dogs found:	854
Total Dogs Registered 2019/2020:	4,369
Total Dogs Registered 2018/2019:	3,804

Program officers have completed inspections through the towns of Esk, Lowood and Fernvale and will soon commence in Kilcoy. From 1 November 2019, one officer will continue with the program and it is anticipated that only Kilcoy will be completed with the budget remaining. If further areas of the region are to be inspected under the program additional budget allocation will be required.

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

5. Natural Resource Management

Land for Wildlife

September:

- Officer attendance and coordination of Land for Wildlife transitional sub-committee to determine regional facilitation arrangements of coming three-year period - meeting held 4 September, Brisbane City Council.
- Council welcomed 1 new Land for Wildlife property into the Somerset program during September at Toogoolawah.

October:

- Officer attendance at Land for Wildlife Steering committee meeting held 16 October, Brisbane City Council. Significantly at this meeting it was determined that Sunshine Coast Council will facilitate the regional program coordinator position/s for the coming 3 years of program delivery.
- Preparations are underway for the delivery of a Land for Wildlife workshop on Threatened Fauna Species, to be held at the Fernvale Futures Centre on November 2. This workshop is fully booked with a participant waiting list.

Somerset Flora and Fauna

September:

- 20 wildlife workshops have been delivered across Somerset primary schools over the past 3 months, highlighting wildlife awareness, with a particular focus on the Koala.
- Officer attendance at a regional local government flying fox forum, 11 September at Redland City Council, and provision of feedback into State revision of flying fox management codes with the Department of Environment and Science -Brisbane, 23 September.
- Ongoing feedback and consultation regarding the State government review of Koala provisions, including meeting with departmental staff on 6 August in Esk.

October:

- Ongoing feedback and consultation regarding the State government review of Koala provisions, including meeting with departmental staff on 22 October in Esk.
- Council delivered its annual Free Tree Days across 3 weekends in October at Kilcoy (5th), Fernvale (12th) and Esk (19th). Despite dry conditions, all three days were very well attended, and all nursery stocks depleted on conclusion.

Catchment Management

- Resilient Rivers Project Updates
 - All of the Black Snake Creek Project components (4 Properties) have now been approved, all on-ground components such as fencing fully installed currently. This infrastructure will support a future planting subject to climatic opportunity.
 - Hills Crossing and Savages Crossing projects are progressing with Consultants currently working on options papers in respect of the preliminary technical reports already completed.
- The Upper Brisbane and Stanley Catchment Action Plan project is progressing well, with stakeholders currently being confirmed to guide the first engagement workshop in early December. Seqwater are providing project oversight for the appointed

consultancy, Alluvium.

- Continuation of the Mid-Brisbane On-site Wastewater Mitigation Program between Seqwater and Somerset Regional Council - Council Plumbing officers are currently finalising Stage 2 elements, while running out the stage 3 program delivery.

Planning

- Ongoing assistance in the development of Somerset Regional Council's Biosecurity Plan.
- Preparations are underway for the implementation of Councils 2019/20 Capital Works Offset delivery at sites in Kilcoy, Toogoolawah, and Lowood. It is hoped that preparatory works will be completed to align with a significant rain event to allow for community and consultant plantings on these sites.

Collaborations

September:

- Officer attendance at Brisbane Valley Kilcoy Landcare Open day and BBQ to support group reinvigoration 14 September, Kilcoy.
- Provision of Tress to support Threatened species day event held by Friends of the Forest Group, Moore.
- Planting of "Koala Café" at Toogoolawah in association with Rail trail upgrade, with support of community volunteers.

October:

- Council Officers are currently exploring opportunity and stakeholder interest in formalising a Canoe trail throughout the Somerset Region Catchments to the extent practicable, and exploring the viability of all aspects of such a proposition, including appropriate access points and facilities. With reference to Council's workshop decision to only pursue this matter in collaboration with other key stakeholders, approaches have been made to Seqwater, Ipswich City Council and Brisbane City Council seeking collaborative project interest. At this stage, Seqwater is the only other committed stakeholder willing to participate, with possible project facilitation by Queensland Outdoor Recreation Federation (QORF). To formally progress this partnership feasibility study, a recommendation seeking funding surety is attached to this report.

6.0 Ministerial Advisory Council Dam Safety

The final draft Report for Somerset/ Wivenhoe Dams have been provided by Seqwater for the Committee and the review of the report is continuing and should be finalised in November.

7.0 Brisbane Valley Rail Trail User Survey

Council has engaged the University of Qld Business School. Council is currently waiting on the finalisation of the agreement with our partner Transport and Main Roads. Once the agreement is signed, meetings will be arranged with stakeholders, with an expectation that the survey work will commence in the first quarter of 2020.

Recommendations

1. THAT the Department of Planning and Development Monthly Report for September and October 2019 be received and the contents noted.
2. THAT an allocation of \$15,000 is endorsed to support the development of a Canoe

Trail Feasibility Study for the Somerset Regional Council Area, in collaboration with Seqwater, and other strategic partners.

Resolution

Moved – Cr Brieschke

Seconded – Cr Gaedtke

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

THAT an allocation of \$15,000 is endorsed to support the development of a Canoe Trail Feasibility Study for the Somerset Regional Council Area, in collaboration with Seqwater, and other strategic partners.

THAT council continue with the animal registration program to complete the small towns and rural residential areas in close proximity to the towns.”

Carried

Vote - Unanimous

Subject:	Building and Local Law Compliance – 46 Villeneuve Road, Villeneuve
File Ref:	Environmental Management - Reports - Environmental Health Reports
Action Officer:	ESM

Background/Summary

Council has received complaints in regard to a property situated at 46 Villeneuve Road, Villeneuve relating to the following issues:

- Unsafe structures on the allotment.
- The allotment being unsightly.
- Concerns about material stored on the allotment becoming airborne in high winds causing a community safety hazard.

Council officers have issued compliance notices under *Local Law No.3 (Community and Environmental Management) 2011* requiring action to, within 14 days:

1. Remove objects or materials that are seriously affecting the visual amenity of the area or are likely to attract or harbour reptiles.
2. Remove objects or materials that are causing a community safety hazard.

Please refer to the attached photos for examples of the subject structure, objects and materials.

Council officers received correspondence from the property owner who has given certain undertakings to rectify outstanding matters.

Council officer's will endeavour to work with the property owner to achieve compliance with all outstanding matters. However, if this cannot be achieved in an acceptable timeframe, approval is sought to proceed under section 142 of the *Local Government Act 2009* to:

1. Enter the property under a reasonably entry notice to take the actions specified in the compliance notice, and

2. Recover the costs that are properly and reasonably incurred in taking the action stated in the notice as a debt payable by the property owner, and
3. If the debt is not paid within 30 days of giving notice of the debt, recover the debt as if the debt is overdue rates.

Attachments

Photo of structures, objects and material stored on 46 Villeneuve Road, Villeneuve.

Recommendation

THAT in regard to *Local Law No 3 (Community and Environmental Management) 2011*, if by 25 November 2019 satisfactory compliance is not achieved at 46 Villeneuve Road, Villeneuve, that Council proceed under section 142 of the *Local Government Act 2009* to:

1. Enter the property under a reasonable entry notice to take the actions specified in notice; and
2. Recover the costs that are properly and reasonably incurred in taking the action stated in the notice as a debt payable by the property owner; and
3. If the debt is not paid within 30 days of giving notice of the debt, recover the debt as if the debt is overdue rates.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Hall

"THAT in regard to *Local Law No 3 (Community and Environmental Management) 2011*, if by 25 November 2019 satisfactory compliance is not achieved at 46 Villeneuve Road, Villeneuve, that Council proceed under section 142 of the *Local Government Act 2009* to:

1. Enter the property under a reasonable entry notice to take the actions specified in notice, and
2. Recover the costs that are properly and reasonably incurred in taking the action stated in the notice as a debt payable by the property owner, and
3. If the debt is not paid within 30 days of giving notice of the debt, recover the debt as if the debt is overdue rates."

Carried

Vote - Unanimous

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

Background/Summary

Financial reports

Month end financial reports for the period 1 July 2019 to 1 November 2019 are attached detailing the progress that has been made in relation to Council's FY2020 budget as per section 204 of the Local Government Regulation 2012. A list of payments is also provided as previously requested by Councillors.

Grants

- Council has been shortlisted for under the State Government's competitive Building our Regions for the following projects (refer letter from Minister Cameron Dick attached).

Officers are progressing the relevant business cases for:

- \$2.2 million (total cost) - new surfaces and drainage improvements on the Brisbane Valley Rail Trail between Fernvale and Esk (mainly Fernvale to Lowood and around Coominya)
- \$0.5 million (total cost) - Drought Solutions Lowood to Fernvale recycled water pipeline project
- Officers are also preparing for funding applications under three competitive Australian Government funding programs (the Heavy Vehicle Safety and Productivity Program (Lowood-Minden Road), Building Better Regions Fund (the same two projects as applied for under the BoR program) and the Bridges Renewal Program).

Rates

Council issued 30 notices of intention to sell land for overdue rates or charges totalling \$223,056 on 21 October 2019.

Three of the 30 sale actions have ceased following payment leaving 27 sale actions current as at 4 November 2019 with \$199,749 remaining outstanding.

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

- \$2.58 million – 30 April 2019
- \$2.55 million – 1 November 2019 (on 1,301 properties)

Investments

Cash investments are detailed including interest rates as attached.

Falling interest rates are likely to present challenges in achieving financial targets.

Council resolved on 26 June 2019 to endorse the entering into of an agreement for a second credit facility with Queensland Urban Utilities (QUU) of \$30 million.

There are several State Government approvals involved and QUU expect the process will be completed in late January 2020.

Growth

Rateable property data provides an indication of regional growth.

The number of rateable properties has changed as follows:

<i>Date</i>	<i>Number of rateable properties</i>	<i>Growth in rateable properties</i>
30 June 2017	11,672	0.8%
30 June 2018	11,757	0.7%
30 June 2019	11,748	0%

4 November 2019

11,751

0%

Road maintenance detail

Councillors have previously requested additional information about road maintenance:

	<i>Rural</i> (\$000's)	<i>Urban</i> (\$000's)	<i>Total</i> (\$000's)
Bitumen road maintenance	194	125	319
Gravel road maintenance	912	15	927
Roadside drainage	160	61	221
Culvert maintenance	9	-	9
Vegetation maintenance	43	51	94
Traffic furniture	106	9	115
Linemarking	1	15	16
Total actual year to date	1,425	276	1,701
Expected pro-rata budget year to date	1,425	245	1,670

Please note, these are pro-rata year to date figures.

Council's total 2019/2019 road and street ordinary maintenance budget is \$4.8 million (maintenance only).

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

Road segment	(\$000's)
Atkinsons Dam R (bitumen) Ch3200-Ch5600	92
Bellthorpe Rd (gravel) Ch0-Ch11460	70
Esk Crows Nest (gravel) Ch26120-Ch34090	55
Kingaham Rd (gravel) Ch0-Ch8960	55
Monsildale Rd (gravel) Ch1630-Ch10200	50
Whiting St (bitumen) Ch80-Ch100	35
Diaper Rd (gravel) Ch0-Ch3000	31
Harris Rd (gravel) Ch120-Ch3340	30
Diaper Rd (gravel) Ch3000-Ch6200	28
Stanley Pocket R (bitumen) Ch0-Ch12030	27
Westvale Rd (gravel) Ch13550-Ch15210	26
Westvale Rd (gravel) Ch1340-Ch13550	25
Clarendon Rd (bitumen) Ch5750-Ch8860	24
Highwood La (gravel) Ch0-Ch2610	21
Voss Rd (gravel) Ch880-Ch2690	21
Monsildale Rd (gravel) Ch12000-Ch19100	21
O'Reillys Weir Rd (bitumen) Ch110-Ch4250	20
Highwood La (gravel) Ch2610-Ch6690	18
Fairneyview Fvale (gravel) Ch3500-Ch4850	18
Bellthorpe Park Rd (gravel) Ch0-Ch2680	18
Muckerts La (gravel) Ch1370-Ch2780	18
Mockers Rd (gravel) Ch50-Ch1380	18
Les Smith Dr (bitumen) Ch0-Ch140	17
McCulkins La (gravel) Ch0-Ch850	17
Larkhill Boundary Rd (gravel) Ch3330-Ch4350	17
Harpeng Rd Wivenhoe Pocket (gravel) Ch170-Ch1780	16
Patrick St Lowood (bitumen) Ch0-Ch310	14
Runges Rd (gravel) Ch740-Ch2140	14

E Summervilles Rd (gravel) Ch770-Ch2850	14
Church St Lowood (bitumen) Ch0-Ch340	13
Subtotal	<u>843 k</u>

Attachments

Financial reports and payment listings

Recommendation

THAT Council receive the financial reports for 1 July 2019 to 1 November 2019 including payments presented for the period 30 September 2019 to 4 November 2019 totalling \$8,553,318.82 and that the contents be noted.

Resolution

Moved – Cr Choat

Seconded – Cr Hall

"THAT Council receive the financial reports for 1 July 2019 to 1 November 2019 including payments presented for the period 30 September 2019 to 4 November 2019 totalling \$8,553,318.82 and that the contents be noted."

Carried*Vote - Unanimous*

Subject: Esk Racecourse unused road closure
File Ref: Roads - road closures - temporary
Action Officer: DFIN

Background/Summary

Consultants recently highlighted a potential incursion by Esk Racecourse over an unnamed road reservation. Around 150 square metres of the 9,694 sqm road reservation contains a bitumen road surface (part of what is known as FitzGerald Drive).

The recommendation below is intended to manage Council's risks in relation to the incursion.

Attachments

Map

Recommendation

THAT Council, pursuant to section 69 of the Local Government Regulation 2012 and in the interests of public safety, temporarily close the unnamed road immediately east of and bordering L17 SP161919 for all classes of traffic until 31 December 2100 except for the following classes of traffic:

- Emergency services vehicles;
- Vehicles using bituminised areas of the road reservation;
- Council vehicles and plant;
- Esk Jockey Club vehicles and plant;
- Other vehicles and uses as permitted by the Chief Executive Officer in writing.

Resolution

Moved – Cr Brieschke

Seconded – Cr Whalley

"THAT Council, pursuant to section 69 of the Local Government Regulation 2012 and in the interests of public safety, temporarily close

the unnamed road immediately east of and bordering L17 SP161919 for all classes of traffic until 31 December 2100 except for the following classes of traffic:

- Emergency services vehicles;
- Vehicles using bituminised areas of the road reservation;
- Council vehicles and plant;
- Esk Jockey Club vehicles and plant;
- Other vehicles and uses as permitted by the Chief Executive Officer in writing."

Carried

Vote - Unanimous

Subject:	Endorsement sought for a contract exceeding \$15,000 – Daniel Banditt Constructions - Polvin fencing at Kilcoy Racecourse
File Ref:	Grants - programs - Building our Regions
Action Officer:	DFIN

Background/Summary

As discussed on 23 October 2019, a permanent fence to provide for longer term protection of Kilcoy Racecourse Development project and to facilitate event management at the grounds was discussed with Kilcoy Race Club and Kilcoy Show Society representatives on site on 2 October 2019.

It was my understanding following this meeting that the proposed fence and gates were acceptable to all parties. As indicated on 23 October 2019, Kilcoy Race Club has offered to pay 50% of the cost of the fencing. Endorsement is sought for the entering into of a contract with Daniel Banditt Constructions as a medium sized contractual arrangement for the supply and installation of the proposed Polvin fence (total cost \$22,791 ex GST).

Attachments

Nil

Recommendation

THAT Council resolve, because of current construction of Kilcoy Racecourse Development and possession of the site by Daniel Banditt Constructions, that there is only one supplier reasonably available for the supply and installation of a Polvin Fence as shown in plan 1705.W22 being Daniel Banditt Constructions and that this supply be endorsed.

Resolution

Moved – Cr Hall

Seconded – Cr Whalley

"THAT Council resolve, because of current construction of Kilcoy Racecourse Development and possession of the site by Daniel Banditt Constructions, that there is only one supplier reasonably available for the supply and installation of a Polvin Fence as shown in plan 1705.W22 being Daniel Banditt Constructions and that this supply be endorsed."

Carried

Vote - Unanimous

Subject:	Sale of Land for overdue rates action - L 1 S89610 and L 11 S89610 at 12 Third Avenue and 9 Fourth Avenue, Somerset Dam Qld 4312
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.

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 Council endorse the service of notices in respect of property 01768-00000-000 using the provisions of section 239 of the *Local Government Act 2009*.

Resolution

Moved – Cr Whalley

Seconded – Cr Ogg

“THAT Council endorse the service of notices in respect of property 01768-00000-000 using the provisions of section 239 of the *Local Government Act 2009*.”

Carried

Vote - Unanimous

Subject:	Sale of Land for overdue rates action - L33 SP138833 at 77 Carralluma Crescent, Fernvale Qld 4306
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.

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 Council endorse the service of notices in respect of property 00899-50000-000 using the provisions of section 239 of the *Local Government Act 2009*.

Resolution

Moved – Cr Hall

Seconded – Cr Choat

"THAT Council endorse the service of notices in respect of property 00899-50000-000 using the provisions of section 239 of the *Local Government Act 2009*."

Carried

Vote - Unanimous

Subject:	Class rebate of rates - differential general rating category 204
File Ref:	Rates - rate payments - rebates
Action Officer:	DFIN

Background/Summary

On 10 July 2019, Council resolved to effectively defer the commencement date of differential general rating category 204 (banked development land renewable energy facilities) until 1 January 2020 through the application of a class concession.

The recommendation below, if adopted, would result in the new rating category not being applied for the whole of financial year 2019/2020.

Attachments

Nil

Recommendation

THAT Council grant a class concession under s122(1)(b) of the Local Government Regulation 2012 for hardship reasons where the class of ratepayers is identified as the owners of properties that meet the criteria of differential general rating category 204 as at the time of the rating categorisation decision for the period 1 January 2020 to 30 June 2020 and where the concession is identified as a partial rebate of general rates for the period 1 January 2020 to 30 June 2020 calculated as the difference in the gross general rates applicable for differential general rating category 204 and the gross general rates that would have applied if a material change of use development permit had not been issued allowing for the use of the land in whole or in part for a renewable energy facility.

Resolution

Moved – Cr Hall

Seconded – Cr Ogg

"THAT Council grant a class concession under s122(1)(b) of the Local Government Regulation 2012 for hardship reasons where the class of ratepayers is identified as the owners of properties that meet the criteria of differential general rating category 204 as at the time of the rating categorisation decision for the period 1 January 2020 to 30 June 2020 and where the concession is identified as a partial rebate of general rates for the period 1 January 2020 to 30 June 2020 calculated as the difference in the gross general rates applicable for differential general rating category 204 and the gross general rates that would have applied if a material change of use development permit had not been issued allowing for the use of the land in whole or in part for a renewable energy facility."

Carried

Vote - Unanimous

Subject:	State Highway 17 safety review
File Ref:	Traffic and transport - liaison - traffic and transport matters
Action Officer:	DFIN

Background/Summary

Council resolved as follows on 14 August 2019:

“THAT Council write to the State Transport Minister and that a review be undertaken of the Brisbane Valley Highway specifically Lawlers Bridge (Harlin) and the Bellfor’s Gap for the general safety concerns”.

Letters were then sent (copies attached) to the Minister for Transport and Main Roads, the Hon Mark Bailey MP on 23 August 2019, 4 October 2019 and 29 October 2019.

A response was received from the Minister for Transport and Main Roads on 30 October 2019 (copy attached) which indicates that the Minister’s interpretation of Council’s request has been for a narrow review of safety matters on the highway only at Lawlers Bridge, Harlin and at the Wanora Road and Drapers Road Intersection area.

Copies of safety reports by GHD Pty Ltd and RACQ (extracts attached) were sent to the Minister to assist the Department to undertake a general safety review of State Highway 17/ Brisbane Valley Highway. GHD confirmed amongst other things that the existing minimum sealed shoulder widths on State Highway 17 do not meet the relevant standards. RACQ’s report confirmed that 64% of vehicle kilometres travelled on State Highway 17 are rated two-star or less (the second worst safety rating).

Confirmation is sought that Council’s intention on 14 August 2019 was to seek a safety review for the entire State Highway 17 / Brisbane Valley Highway.

Attachments

- Queensland Times article 4 November 2019 – “\$14 million for upgrade”
- Letters to the Minister for Transport and Main Roads on 23 August 2019, 4 October 2019 and 29 October 2019
- Letter received from the Minister for Transport and Main Roads on 30 October 2019
- Extract of safety report by GHD Pty Ltd – minimum sealed shoulder width requirements
- RACQ Star Rating and Crash Risk AusRAP Assessment report

Recommendation

THAT Council clarifies with the Minister for Transport and Main Roads that a safety review is sought for all of Brisbane Valley Highway / State Highway 17 and not limited to sections where fatalities and serious accidents have recently occurred.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Ogg

“THAT Council clarifies with the Minister for Transport and Main Roads that a safety review is sought for all of Brisbane Valley Highway / State Highway 17 and not limited to sections where fatalities and serious accidents have recently occurred.”

Carried

Vote - Unanimous

Subject:	Somerset Dam safety upgrade adverse construction impact and legacy project report
File Ref:	Government relations - utilities - Seqwater
Action Officer:	DFIN

Background/Summary

Council resolved as follows on 23 October 2019:

THAT consistent with earlier discussions, Council seek written confirmation from Seqwater that it will fund the following legacy package for Somerset Dam village as part of the Somerset Dam safety upgrade to acknowledge the community impact of the upgrade:

<i>Coronation Hall car park formalisation</i>	<i>\$250,000</i>
<i>Kerb and channel, drainage and bitumen infill sealing, King Street and Albert Street and George Street near Plumb Park</i>	<i>\$350,000</i>
<i>Footpath from Coronation Hall to General Store/playground</i>	<i>\$300,000</i>
<i>New shelter, picnic table and electric barbecue at Plumb Park</i>	<i>\$40,000</i>
<i>Tennis Court resurfacing</i>	<i>\$20,000</i>
<i>Somerset Dam lookout formalisation</i>	<i>\$80,000</i>
<i>Total</i>	<i>\$1,040,000</i>

Council received an email from Seqwater relating to the Somerset Dam upgrade project on 28 October 2019 and communicated the above resolution to Seqwater on 29 October 2019.

Ms Elle Price of Seqwater confirmed on 4 November 2019 that Council will be invited to nominate one (1) elected Councillor representative for a proposed community reference group (CRG) which will consist of an unspecified total number of members.

This invitation to Council has not yet been issued and the timing of proposed CRG workshops indicates that these will be held both before and after the local government elections on 28 March 2020.

In requesting the resolved legacy package, Council's letter of 29 October 2019 flags the likelihood that the Somerset Dam township community is likely to significantly and adversely affected by construction works associated with the Somerset Dam safety upgrade.

Attachments

Email from Seqwater of 28 October 2019, extract from website and nomination form
Letter to Seqwater of 29 October 2019
Letter from Seqwater (undated) received 5 November 2019

Recommendation

THAT Council receive the report about Somerset Dam safety upgrade adverse construction impact and legacy project of 4 November 2019 and the contents noted.

Resolution

Moved – Cr Hall

Seconded – Cr Ogg

“THAT Council receive the report about Somerset Dam safety upgrade adverse construction impact and legacy project of 4 November 2019 and the contents noted.

THAT Council request Seqwater when planning and undertaking procurement processes for the upcoming Somerset Dam upgrade project that it ensures that it provides opportunities for sole operators and small to medium enterprises from the Somerset Regional Council area to participate competitively in the project."

Carried

Vote - Unanimous

Subject:	Sale of Land for overdue rates action - L10 SP177069 at 300 Grays Road, Royston Qld 4515
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.

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 Council endorse the service of notice in respect of property 80782-20000-000 using the provisions of section 239 of the *Local Government Act 2009*.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Choat

"THAT Council endorse the service of notice in respect of property 80782-20000-000 using the provisions of section 239 of the *Local Government Act 2009*."

Carried

Vote - Unanimous

Subject:	Further round of Drought Communities Program
File Ref:	Grants - programs - Drought Communities Program
Action Officer:	DFIN

Background/Summary

Council resolved as follows on 12 September 2018:

"THAT Council identifies the widening the bitumen seal on Esk Crows Nest Road to 7m from chainage 9.7 to chainage 13.0 at an estimated \$1 million cost as its Drought Communities Program extension project."

A representative from the office of the Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management, the Hon David Littleproud MP contacted the Acting Chief Executive Officer on 7 November 2019 advising of an additional round of the

Drought Communities Program to provide up to \$1 million to support rural communities in drought-affected regions through local government capital works.

While guidelines were not available as at 7 November 2019, the Acting Chief Executive Officer was advised that the funds would be required to be expended by December 2020.

The previous round also required funds to be spent in a short timeframe on projects that go beyond the planned activities of the council.

Council wrote to Minister Littleproud in August 2019 setting out the positive economic and employment effects of the previous Esk Crows Nest Road widening and strengthening project in requesting further funding for the drought communities program (letters to and from the Minister attached).

Council can quickly prepare a further \$1 million shovel ready project to further widen Esk Crows-Nest Road. This is a local road of regional significance which is used to transport cattle and fodder to a large rural production area. Around 90 trucks per day have been counted on this road previously. The road also provides maintenance access to the Wivenhoe to Toowoomba Pipeline.

Council engineers are confident this project can be delivered before 31 December 2020 using local contractors provided outside engineering support is available and LGAQ / Local Buy tender exemptions are applied.

Attachments

Letter to the Hon David Littleproud MP of 14 August 2019
 Letter from the Hon David Littleproud MP of 23 July 2019
 Letter from A and M Civil Contracting Pty Ltd of 14 August 2019

Recommendation

THAT Council identifies the widening the bitumen seal on Esk Crows Nest Road at an estimated \$1 million cost as its 2019/2020 Drought Communities Program project.

Resolution

Moved – Cr Hall

Seconded – Cr Ogg

"THAT Council identifies the widening the bitumen seal on Esk Crows Nest Road at an estimated \$1 million cost as its 2019/2020 Drought Communities Program project."

Carried

Vote - Unanimous

Subject:	Somerset Regional Council Anti-Bullying response
File Ref:	Community Services – Youth Development – Youth Services
Action Officer:	YEO

Background/Summary

In February 2018 the Premier and Minister for Trade appointed the Queensland Anti-Cyberbullying Taskforce. This 16-member Taskforce was *"established to develop a proposed framework to address cyberbullying of children and young people in Queensland and to recommend community and government action."*

The final report, *Adjust our Settings: A community approach to address cyberbullying among children and young people in Queensland*, was provided to the Premier and Minister for Trade on 14 September 2018.

The report includes a proposed Queensland anti-cyberbullying framework and 29 recommendations to address cyberbullying of children and young people in Queensland. The Queensland Government response to this report was released on 15 October 2018 by the Premier and Minister for Trade. All 29 recommendations made by the Taskforce were accepted or accepted in principle by the Queensland Government.

On 27 September 2019 the Director-General wrote to Somerset Regional Council regarding Recommendation 8 which states:

The Taskforce recommends the Queensland Government:

- write to State sporting, youth and community bodies requesting policies to prevent and intervene in bullying and cyberbullying be developed and implemented;
- ensure sporting and community bodies involving children and young people that receive Queensland Government funding are required to have and implement policies to prevent and intervene in bullying and cyberbullying.

In their letter, the Department of Local Government, Racing and Multicultural Affairs recognised the important work Somerset Regional Council does as a key stakeholder for communities, regardless of the fact that our organisation's sole focus is not on children and young people. As we do work with these groups, as per recommendation 8(a), the Department is asking Council to consider implementing or reviewing such anti-bullying and anti-cyberbullying policies as appropriate. The Department also stated that they will advise our organisation of a response in relation to recommendation 8(b) in the near future.

With regard to recommendation 8(a), regarding anti-bullying and anti-cyberbullying policies, Council does not have any specific internal policies that refer to bullying or cyberbullying in relation to staff interactions or working with the public, including working with young people. This is due to Council procedures and policies adhering to relevant legislature which ensures employees and the public are protected across a broad range of potential harm. This is inclusive of such legislation as the *Public Interest Disclosure Act 2010*, the *Anti-Discrimination Act 1991* and the *Human Rights Act 2019* which comes into effect on 1 January 2020.

In addition, those staff who are expected to work with children are required to hold a positive notice blue card, which falls under the *Working with Children (Risk Management and Screening) Act 2000* and the *Working with Children (Risk Management and Screening) Regulation 2011* legislation, and are required to comply with all other relevant legislation, such as the *Child Protection Act 1999*. Staff who work with children are made aware of such relevant requirements through their position descriptions.

As Council comply with relevant overarching legislation, creating an anti-bullying or anti-cyberbullying policy for working with young people would be effectively repetitive and/or potentially contradictory. As an example, Somerset Libraries implements a Young People in the Library Policy. This policy does not specifically cover any aspects of anti-bullying or anti-cyberbullying, or other larger human rights issues, as the policy is focused upon supervision. The general safety and welfare of young people falls under overarching legislation and is therefore not required to be included. It should, however, be noted that not all children and youth may be aware of such legislation or where to go to report or get support.

Council events and activities that host children and youth include, but are not limited to, the following events:

- School Holiday Programs, Somerset Schools' Sports Cup, National Youth Week, Teddy Bears Picnic, Somerset Youth Leadership Camp, Australia Day Celebrations, Support Services Expos and various Somerset Libraries events.

Council staff also attend various events, programs and sessions held by other organisations and institutions in which children and youth are in attendance and Somerset Libraries staff work with and around children and youth on a day-to-day basis. Due to certain Council staff working with children and youth on a regular basis, the current cyber landscape for youth and the contents of the report, Government response and letter, it would be remiss to not recognise the need to address bullying and cyberbullying. This, however, does not necessarily require policy implementation, but perhaps training for relevant staff. This could include information about what to do to if they see instances of bullying or cyberbullying, how to develop events and other activities in a way to avoid bullying and cyberbullying incidents, and how to support children and youth experiencing incidents of bullying or cyberbullying.

With regard to recommendation 8(b), which the Department will soon advise Council on, it should be noted that Council's Community Assistance Grants do not currently include any criteria regarding the policies that an organisation applying for a grant has in place. With the Department accepting, or accepting in principle, all recommendations made in the report it can be assumed that Queensland Government funding applications will soon require organisations to have policies to prevent and intervene in bullying and cyberbullying. This inclusion should be considered in relation to the Community Assistance Grants and also be considered for support for our local sporting and community bodies that may need assistance in updating and including such policies.

In addition to the recommendations addressed in the Department's letter, it should also be recognised that other aspects of the report should be noted by Council. *Adjust our Settings: A community approach to address cyberbullying among children and young people in Queensland* outlines that everyone in the community must play a role in addressing cyberbullying. As the report states –

"Cyberbullying is a serious and complex issue in Queensland, nationally and internationally. Multiple responses are necessary to reduce the prevalence of cyberbullying and respond effectively when it occurs."

As such, in addition to considering implementing or reviewing policies as appropriate, Council should consider additional actions to address bullying and cyberbullying. This could include the following actions:

Recommendation	Action	Respondent
<p>6 - The Taskforce recommends the Queensland Government:</p> <ul style="list-style-type: none"> • initiate state-wide public awareness and education campaigns for adults and children and young people about preventing, reducing and responding to bullying and cyberbullying, to be co-created with a diverse group of young 	Support public awareness campaigns created by the Queensland Government and other relevant bodies.	Councillors and relevant Council officers, particularly Somerset Libraries staff, the YEO and the CDC

Queenslanders.		
7 - The Taskforce recommends the Queensland Government deliver a comprehensive online portal which is accessible and inclusive for all members of the community that provides information and advice that links to relevant services and agencies.	Support the creation of a comprehensive online portal through promotion and potential inclusion on relevant Council documents.	Councillors and relevant Council officers, particularly Somerset Libraries staff, the YEO and the CDC
9 - The Taskforce recommends the Queensland Government allocate grants to youth organisations, to enable young people to develop and undertake anti-bullying and anti-cyberbullying initiatives in their school or local community.	Support youth and/or youth organisations in development of anti-bullying or anti-cyberbullying initiatives.	YEO and CDC
All recommendations	Be aware of the entire report and its recommendations to ensure local services working in this space are supported and connected.	CDC, YEO, DCCS and Councillors

Attachments

Adjust our Settings: A community approach to address cyberbullying among children and young people in Queensland

View online:

<https://www.thepremier.qld.gov.au/newsroom/cyberbullying-gov-response.aspx>

Recommendation

THAT Council allow relevant staff (ie those who regularly work with children) to undertake training to be made more aware of how to tackle bullying and cyberbullying.

Resolution

Moved – Cr Ogg

Seconded – Cr Brieschke

"THAT Council allow relevant staff (ie those who regularly work with children) to undertake training to be made more aware of how to tackle bullying and cyberbullying."

Carried

Vote - Unanimous

Subject: Local Government Elections - Saturday 28 March 2020
File Ref: Governance - Elections - 2020-24 Administration
Action Officer: DCORP

Background/Summary

Mrs Ann Bichel of Gatton has been appointed by the Electoral Commission Queensland (ECQ)

as the Returning Officer (RO) for the Local Government Election to be held Saturday 28 March 2019. Mrs Bichel has extensive experience in Local, State and Federal elections.

In an endeavour to assist with office accommodation and thereby reduce the overall cost of the Council elections to Council (current estimate \$193,000) offers were made to ECQ to assist with accommodating the RO and with polling booths. ECQ has assessed each of the polling booths, provided Council with a list and asked for comment. That was provided and an answer given. The only location no longer to be used is Coronation Hall.

A list was provided for other office accommodation and pre-polling. That list was provided to ECQ and Mrs Bichel. Some of the sites were visited. Mrs Bichel was concerned about the potentially large unacceptable travel claims that she would make if a location too far away from Gatton was chosen for her office and the pre-poll location. Her focus was on Esk initially where she visited the Lyceum Room and the Sim Lord Room. Mrs Bichel has then visited the Fernvale Community Hall and Fernvale Futures.

Mrs Bichel would like to use the Fernvale Futures building. The request is attached.

Council are able to provide the main meeting room and another smaller lockable office/room. It will mean that regular meetings for groups within that time period will need to be moved to the Fernvale Community Hall. It is hoped that the other regular bookings will still be able to be assisted but with a smaller office.

Attachments

- Attachment 1 – ECQ advice about Electoral Booths
- Attachment 2 – Questionnaire from ECQ
- Attachment 3 – ECQ Advice regarding election costs
- Attachment 4 – Request from RO for use of the office at Fernvale Futures

Recommendation

1. THAT Council provide the main meeting room and additional lockable office space at Fernvale Futures, Fernvale for eight (8) weeks to the Returning Officer for the 2020 Local Government Elections as an office for the returning officer and a pre-polling location at a cost of \$6,500; and
2. THAT Council write to the returning officer and the Electoral Commission Queensland (ECQ) requesting consideration be given to making pre-poll voting available at other locations in the region.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Ogg

1. THAT Council advise the returning officer and the ECQ that it requests that the returning officer's office be located more centrally in the region to better serve the whole community.
2. THAT Council write to the returning officer and the Electoral Commission Queensland (ECQ) requesting consideration be given to making pre-poll voting available at other locations in the region."

Carried

Vote - Unanimous

Adjournment of meeting

The meeting adjourned at 10.05 am for morning tea, resuming a 10.30 am.

Subject:	After hours key call out
File Ref:	Council properties - usage - 2019-2020 – Council hire agreements and bookings
Action Officer:	CSSA

Background/Summary

Over the past few years, there have been many community events booked for a Saturday, Sunday or public holiday in Council's parks that require access to power. As part of the approved process for these events via the booking procedure, the event organisers are instructed to pick up and return keys to a nominated Council office by close of business and return keys to Council on the next business day.

Event organisers are increasingly not picking up the keys as instructed and are calling Council after hours to open locks to the power boxes. Council officers have been called out after hours to attend these sites to give access to power boxes etc. For example, a straightforward case (officer can visit with key) can cost around \$300, and more complex issues (eg key needs to be located and involve multiple officers) may easily double.

It should be noted that currently there is no application fee to make an application to Council to book a park and/or reserve to hold a community event.

Council facilities which do incur a booking fee are also noting similar instances of hirers not picking up appropriate keys despite reminders from Council Officers.

Attachments

NIL

Recommended Action / Outcome

THAT Council's Fees and Charges be amended to include a call-out fee of \$400 to be charged to event organisers who fail to pick up any required keys from a Council office prior to the event and request that a Council officer attend outside of working hours to deliver keys/enable access.

Resolution

Moved – Cr Whalley

Seconded – Cr Hall

"THAT Council's Fees and Charges be amended to include a call-out fee of \$400 to be charged to event organisers who fail to pick up any required keys from a Council office prior to the event and request that a Council officer attend outside of working hours to deliver keys/enable access."

Vote - Unanimous

Carried

Subject:	Operations Report for October 2019
File Ref:	Governance – Reporting – Officer Reports
Action Officer:	CSSA (Debbie Chandler)

Background/Summary

Technical Design Team (Michael Kinion)

This team has is continuing to progress the surveys and detailed designs for the 2019-2020 capital works program. They have provided support to the construction crews on the roadworks at the construction of Lowood Hills Road and Short Street, Lowood, Erskine Street, Fernvale, Cressbrook Street footpath project in Toogoolawah, Gregors Creek Road, Cloake Street, Coominya, Hope Street and Mary Street, Kilcoy. The team has also provided support for the construction of Buaraba Creek Bridges.

The Technical Design team continue to set out traffic counters within the region to maintain our current information. The Technical Design team have updated our asset information for the stormwater in Kilcoy, the road hierarchy data and road segment data to match the traffic counter information.

Permit	Oct-19	Oct-18
Property Searches	59	73
Land access Permit	21	72
Property Access Applications	8	17
National Heavy Vehicle Regulator Permits – TMR Dwellings	3	14
National Heavy Vehicle Regulator Permits – TMR Other	4	22
National Heavy Vehicle Regulator Permits – Portal	4	0

Background/Summary – Works Department (Rob Bouchier)

Weather Conditions:

Weather is continuing to be fine and dry.

Gary Eastell - Foreman:

Northern Maintenance Crew (Nigel Valentine)

This crew has completed works on Erskine Street kerb, channel, widening and footpath project. The crew is continuing with maintenance and has completed works on Ivory Creek Road, Glenmaurie Road, Huntley Road, Glen Esk South Road, Mount Mulgowie Road, Limberg Road and Bowdens Lane.

Excavator crew (Dave Bandit)

There have been eight burials during October. The crew has been working on drainage at Erskine Street kerb and footpath project in Fernvale. It has also assisted the northern crew as required and attended to illegal dump site clean ups as needed.

Landfill (Rob Hester)

The waste operations are continuing as normal at Esk Landfill.

Wayne Kohler - Foreman:

Southern Maintenance Crew (Thomas Varney)

This crew has completed maintenance works on Jones Road, Brightview, Kieran Lane and Banffs Lane. The crew has also completed works on Cloake Street, Coominya with the seal being placed mid-month. Other works include widening of Lowood Hills Road and some clean-up work from a recent storm at Linnings Road.

Esk Concrete Crew (Ron Ratcliff)

This crew completed work on the footpath project at Walters Street, Lowood. Work has now commenced on drainage and reconstruction in Short Street, Lowood. This project will be ongoing for some time.

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

This crew has completed the project on Gregors Creek Road and prima seal was placed on 17 October. A final seal for the entire section is being arranged for the week beginning 4 November, weather permitting. There is a section on the Kilcoy side of the river that will require guardrail in the near future, it is hopeful that sufficient funds remain to complete this work.

This crew has now moved back to Kilcoy and have made a start on the Hope and Mary Street reconstruction project. It is envisaged that this section (BP corner) of the works will be completed by mid-December with only the running surface (60mm asphalt) to be done in conjunction with the rest of Mary Street.

Kilcoy 2 Grader Crew (Acting Peter Cobbin)

This crew has completed maintenance work on Highwood Lane, Grays Road, Arnolds Road North and currently on Kangaroo Creek Road.

Bob Peters – Foreman:**Bitumen Crew**

This crew has been continuing with TMR RMPC works repairing pavement problems. Other works include Harlin asphalt edges and shoulder repairs, complete and seal approaches to new bridge in Whiting Street, Moore along with repairs and asphalt to Main Street, Moore.

HD 45 Crews

Our HD 45 trucks continue repairing potholes over the TMR and Council networks along with sealing new works. Due to staff training/away/moved on, these crews are used to bolster numbers in the bitumen crew as required.

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

Work is continuing with construction of the two replacement culverts on Buaraba Creek Road. The slabs for the pavement joining the two culverts will be completed the week of 4 November with the removal of side track and clean up remaining to be done.

Kilcoy Concrete Crew: (Kerry Kubler)

This crew has completed cross road pipe and associated pits in Eskdale Street. The bitumen crew has now sealed it. The replacement footpath in Cressbrook Street is progressing and should be completed the week beginning 11 November. The crew will then be returning to Kilcoy for ongoing projects.

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

This crew is continuing with various customer service requests. Other work included signs and plaques for Daisy Road airfield memorial, footpath maintenance for trip hazards in the Lowood area, street blade renewal program for Colinton, Kilcoy, Jimna and Mt Stanley areas. It has also undertaken pipe, culvert and drainage cleanouts in Kilcoy areas as per CSR requests, four depots have been line marked for foot traffic in designated areas, animal carcass removal from roads in urban areas, storm damage debris removal from Esk to Tarampa areas including the rail trail, tree and branch trimming all areas and hand sweeping intersections at Somerset Dam Village and Kilcoy areas.

Repair Crew 2: (Steve Nutley Ganger)

This crew is continuing to work in conjunction with repair crew one to complete projects mentioned above.

Department of Transport and Main Roads (TMR) Works (Steve Mow)

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

- Forest Hill Fernvale Road pavement rehabilitation - this is now complete with the second and final coat of line marking being installed on Monday 4 November.
- Brisbane Valley Highway, batter protection near Fernvale, the batter works are complete with minor works on the access road still to be done
- D'Aguilar Highway (Mary Street) Kilcoy pavement rehabilitation – work has commenced at the BP service station with Hope St being closed to through traffic. The design of the William St intersection is being finalised where possible taking into account feedback from affected stakeholders

Works carried out by Contractors

- Yellow Gully Bridge, Atkinson Dam Rd (Ark Construction) - traffic is likely to be on the bridge on Friday 8 November. Removal of side track, minor works and site tidy up still to be done.
- Pakleppas Bridge, Whiting St, Moore (Kay Associates) – the contractor has completed the structural bridge section; SRC has completed the road approaches. This project is complete.

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

The Esk crew is continuing to undertake garden and tree maintenance activities. The crew is continuing to take annual leave during off-peak period.

Esk and Lowood Mowing Crew:

The mowing crew is undertaking garden and tree maintenance activities, general cleaning and park facility maintenance activities. This crew is continuing to take annual leave during off-peak period.

Kilcoy Mowing Crew and Gardeners

The Kilcoy mowing crew and gardeners are undertaking garden and tree maintenance activities, general cleaning and park facility maintenance activities. This crew is continuing to take annual leave during off-peak period.

SRC Slasher Operators:

Slasher operators are undertaking adhoc mowing activities and flail mowing. The crew is also assisting other crews and is continuing to take annual leave during off-peak period.

Town Stewards:

The town stewards are undertaking their normal duties. The town stewards are continuing to take annual leave during off-peak period.

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

This month the mechanics have had the usual repairs, service and scheduled maintenance of Council fleet and have undertaken the following:

- Inspect and supply annual COI (certificate of inspection) for registration purposes on

eight smaller truck. These inspections are carried out inhouse by workshop staff that are qualified AE (approved examiners) at the Council workshop which is an AIS (approved inspection station) with TMR.

- P599 Fuso water truck construction and maintenance crew 1 Kilcoy - replace 4 x torque rod bushes in rear suspension.
- P570 Hino tip truck Esk landfill - replace leaking body hoist ram.
- P246 JCB backhoe Esk concrete crew - hydraulic pilot relief valve and backhoe side shift cable failed and both have been replaced under warranty.
- P113 John Deere Grader construction and maintenance 2 Kilcoy had an intermittent fault in the operator's screen which was found to be a connection fault at the base of the steering column.
- One repair carried out on IWS trucks.
- One new lease vehicle for the month.
- Monthly check and start test on emergency gensets were carried out at Esk office, Fernvale Futures and Kilcoy Depot.
- Group 3 Floating Plant six monthly servicing has been carried out.
- Commenced quarterly trailer inspections on all Council trailers and SES trailers and will be complete early October.
- Quarterly electrical test and tag on Council's portable electrical items and half yearly test and tag on all SES electrical items has been carried out.

Welding Crew:

The welding crew has carried out various repairs to Council assets in parks, gardens and buildings around the region, assembled and installed hand rail in Walters Street, Lowood, repaired damaged front gate at Lowood works depot, installed curved plastic angle fish baffles into culvert pipes at the Charlies Gully project and carried out various repairs to Council plant.

Hire Plant:

Council has been using hired rollers, excavators and water trucks as required, hired concrete and water filled barriers for the Kilcoy project and RPQ has commenced sealing works for Council as per the new tender.

Reflect Info:

- TMR – RMPC shows 1576 defects with 187 accomplishments, still waiting on a contract approval.
- Local Roads has 1936 defects recorded with 1668 accomplishments.
- Somerset Bridges has 225 completed inspections with a new round of Level 1 inspections progressing.

Background/Summary – Waste Management (Adam Staunton)

Waste Management

Month to date figures	October	YTD
Leviable Waste to Landfill (Esk)		
- From Kilcoy	121.98t	466.02t
- From Coominya, Harlin and Esk	98.42t	344.60t
- Kerbside Pickups – Ipswich Waste Services	487.52t	1889.95t
- Other	35.42t	64.14t
Total leviable Waste to Landfill (Esk)	743.34t	2,764.71t
Levy Payable (approximate, excluding GST)	\$55,750.50	\$207,353.30

Dockets issued (number of transactions)	811	3,315
Illegal Dumping	1.02t	3.02t

Garage Sale Trail

Australia's annual Garage Sale Trail was held on the 19 and 20 October and was promoted heavily by Council. This was the first year Council participated in this worthwhile initiative with 55 garage sales registered via Council's Garage Sale Trail microsite.

Get ready week (13-19 October)

Toogoolawah and Esk SES groups held a BBQ stall to spread the preparedness message as part of Get Ready week. Council provided material funded out of Get Ready funds.

Disaster Management

- Evacuation centre management training held for Incident Management Team on 10 October. 20+ staff in attendance, including a number of community members from the Moore and Somerset Dam areas.
- Workshop with Bureau of Meteorology (BOM) to discuss new products from BOM that will be available this coming wet/storm season
- Discussion held with BOM and Lockyer Valley Regional Council regarding Glenore Grove becoming a forecast location
- Workshop run by QRA to discuss Strategic Floodplain Management Planning and Disaster Management – to ensure consistency between each of the LGA areas.
- Commenced the updating of the Somerset Local Recovery Sub Plan to bring it into lines of the State Recovery Plan.
- Training has been scheduled in November for the following:
 - o WaterRide
 - o Local Disaster Coordination Centre – modules 1 and 2

Background/Summary – Customer Service Requests (Debbie Chandler)

Council received 502 customer service requests for the month of October 2019. A copy of the report is attached for your information.

Month	No of CSR's received	For comparison month	No of CSR's received
Jul-19	522	Jul-18	377
Aug-19	476	Aug-18	365
Sept-19	581	Sept-18	410
Oct-19	502	Oct-18	389

There was a 113 increase in the number of customer service requests recorded compared to the same time last year. The increase was because of 72 facilities maintenance requests being captured on the customer service system that were not captured in 2018 and an increase in number of animal control requests because of the number of unregistered dogs being recorded this year (86) compared with same time last year (34). Below is a summary of types of requests received for October 2019.

Animal control	111
Environmental health/declared plants and animals	25
Facilities maintenance	72
Illegal dumping	8
Local laws	30

Parks and Gardens	8
Roads-Bridges-Drainage	116
Wheelie bins	52
Other	80
Total	502

Attachment

Customer service request report for month of October 2019.

Recommendation

THAT Council receive the Operations Report for October 2019 and the contents noted.

Resolution

Moved – Cr Brieschke

Seconded – Cr Gaedtke

"THAT Council receive the Operations Report for October 2019 and the contents noted."

Carried

Vote - Unanimous

Subject:	Roadside Memorial Policy
File Ref:	Corporate management - policy - policy register
Action Officer:	CSSA

Background/Summary

Council officers presented a report to Council's Workshop meeting held on 23 October 2019 providing options for a Roadside Memorial Policy.

At the Workshop, it was supported that a report to be brought back to Council's Ordinary meeting to consider the Roadside Memorial Policy.

The proposed Roadside Memorial Policy allows for fresh flowers only, as a temporary roadside memorial. A copy of the recommended Roadside Memorial Policy is attached and presented to Council for its consideration.

Attachments

Roadside Memorial Policy

Recommendation

THAT Council adopt the Roadside Memorial Policy set out below -



Policy Subject/Title:

Roadside Memorial Policy

Policy Number:

OP / ..

Responsible Unit:	Director Operations
Legislative or Regulatory Reference:	<i>Local Government Act 2009 Part 3, Division 1 Transport Operations (Road Use Management) Act 1995</i> <i>Chapter 5, Part 1 Subordinate Local Law No 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011</i>
Authorised by:	Somerset Regional Council
Authorised on:	...
Review / Amendment dates:	

1. Purpose

The purpose of this policy is to guide Council staff for managing and, where necessary, removing or relocating roadside memorials in response to a complaint or issues of safety and nuisance within the Somerset Regional Council controlled areas.

Somerset Regional Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products. As a result of this review, changes may be made to this policy from time to time, and all workers and others are required to comply with those changes.

2. Scope

The policy is to ensure that all road users are provided with a safe road environment. Council acknowledges that when touched by tragedy, family and friends may find that a roadside memorial gives comfort and helps with the grieving process. However, Council is mindful that roadside memorials must be appropriate in size and location and not create a safety hazard or nuisance to nearby landholders. Council desires that family, friends and road users remain safe while attending a roadside memorial that is appropriately installed.

3. Definitions

Temporary Roadside Memorial: Fresh flowers within the road reserve to commemorate or indicate a road fatality. Memorials must be within the dimensions outlined in Section 4.2 of this policy.

Monuments (permanent commemorations) are not permitted within a road reserve.

4. Policy Statement

Council does not encourage the placement of roadside memorials within Council controlled areas, but recognises that some members of the community may wish to temporarily commemorate the passing of a loved one because of a road accident by installing a temporary roadside memorial.

This policy has been developed to ensure that roadside memorials are placed in a safe location for family and friends, can be easily maintained, not cause a nuisance for adjacent or nearby landholders and will cause minimum distraction or hazard to other road users.

Unless otherwise approved by Council in writing, all memorials are to be temporary with fresh flowers that naturally decompose over time.

4.1 Location

A temporary roadside memorial should be located in a position where:

- Are placed in a safe location far off the roadway and as close to the road boundary as possible. Such as the far side of the roadside drain and a minimum of 3m away from the roadway shoulder.
- Location does not obstruct on road maintenance activities, including slashing.
- Not distract driver's attention from the driving task or interfere with the role of any traffic control item.
- Does not cause issues for nearby property owners or users of the area.
- Not be hazardous to passing traffic and/or pedestrians.
- Not impede utility services, emergency services or maintenance of the road reserve.
- Not compromise the safety of road users or visitors. Examples of location where memorials are not permitted include traffic islands, medians or roundabouts.
- Not affixed to power poles, trees or any traffic control item.
- Not permitted for animals.
- Consider alternatives such as cemeteries for memorials.
- Fresh flowers are allowed, while plastic flowers, memorabilia, pictures and the like are not allowable.

4.2 Construction

A temporary roadside memorial must be fresh flowers only, and if required, with biodegradable wrapping. However, no wrapping is preferable.

Temporary roadside memorials shall be contained within the following dimensions:

- Height 500 mm
- Width 300 mm
- Depth 200 mm (flower stems may be partially buried below ground)

Temporary roadside memorials that exceed these dimensions, may be removed by Council as per section 4.4 of this policy.

4.3 Visiting and Maintenance

Council will not accept responsibility for the maintenance of any roadside memorial, or the loss, damage, removal or relocation of roadside memorials that may occur due to road maintenance, construction activities or vandalism.

Care must be taken at all times when attending a roadside memorial. Any person visiting a memorial must park their vehicles clear of the road. And take due care of the safety of others including motorists, pedestrians and cyclists.

4.4 Relocation and removal

Council Officers will attempt to contact and consult the relevant person(s) responsible for erection of a temporary roadside memorial prior to the removal or relocation. A temporary roadside memorial may be relocated or removed due to one of the following:

- There may be times when road works are required at the location of a temporary roadside memorial. When this is required, Council will safely and carefully relocate the temporary roadside memorial for the duration of the works and then replace it if

practicable.

- If the memorial obstructs the completed road works, it may be moved to a new location.
- In instances when a temporary roadside memorial becomes a road safety hazard, relocation or removal will occur in a safe manner.
- Any objection or complaint from nearby residents or road users regarding any aspects of temporary roadside memorials, including the activity of visitors to the memorial, will be carefully considered and if necessary, the temporary roadside memorial will be relocated or removed.

Should Council need to relocate a temporary roadside memorial for any reason outlined above, while remaining careful as possible during moving, Council does not accept any responsibility for damage to roadside memorials during this activity.

5. Effective From


This policy is effective from ...

6. Date of Resolution

This policy was approved by the Chief Executive Officer and adopted by the Somerset Regional Council at the Ordinary Meeting of ...

Signed:

Date:

Resolution	Moved – Cr Whalley	Seconded – Cr Choat
	"THAT Council adopt the Roadside Memorial Policy set out below -	
<div></div>		
Policy Subject/Title:	Roadside Memorial Policy	
Policy Number:	OP / ...	
Responsible Unit:	Director Operations	
Legislative or Regulatory Reference:	<i>Local Government Act 2009 Part 3, Division 1 Transport Operations (Road Use Management) Act 1995 Chapter 5, Part 1 Subordinate Local Law No 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011</i>	
Authorised by:	Somerset Regional Council	
Authorised on:		
Review / Amendment dates:		
1. Purpose		
The purpose of this policy is to guide Council staff for managing and, where necessary, removing or relocating roadside memorials in response to a complaint or issues of safety and		

nuisance within the Somerset Regional Council controlled areas.

Somerset Regional Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products. As a result of this review, changes may be made to this policy from time to time, and all workers and others are required to comply with those changes.

2. Scope

The policy is to ensure that all road users are provided with a safe road environment. Council acknowledges that when touched by tragedy, family and friends may find that a roadside memorial gives comfort and helps with the grieving process. However, Council is mindful that roadside memorials must be appropriate in size and location and not create a safety hazard or nuisance to nearby landholders. Council desires that family, friends and road users remain safe while attending a roadside memorial that is appropriately installed.

3. Definitions

Temporary Roadside Memorial: Fresh flowers within the road reserve to commemorate or indicate a road fatality. Memorials must be within the dimensions outlined in Section 4.2 of this policy.

Monuments (permanent commemorations) are not permitted within a road reserve.

4. Policy Statement

Council does not encourage the placement of roadside memorials within Council controlled areas, but recognises that some members of the community may wish to temporarily commemorate the passing of a loved one because of a road accident by installing a temporary roadside memorial.

Council does encourage traditional locations for memorials, such as cemeteries.

This policy has been developed to ensure that roadside memorials are placed in a safe location for family and friends, can be easily maintained, not cause a nuisance for adjacent or nearby landholders and will cause minimum distraction or hazard to other road users.

Unless otherwise approved by Council in writing, all memorials are to be temporary with fresh flowers that naturally decompose over time.

4.1 Location

A temporary roadside memorial should be located in a position where it:

- Consider alternatives such as cemeteries for memorials.
- Is placed in a safe location far off the roadway and as close to the road boundary as possible. Such as the far side of the roadside drain and a minimum of 3m away from the roadway shoulder.
- Does not obstruct on road maintenance activities, including slashing.
- Does not distract driver's attention from the driving task or interfere with the role of any traffic control item.
- Does not cause issues for nearby property owners or users of the area.
- Is not hazardous to passing traffic and/or pedestrians.
- Is not impeding utility services, emergency services or maintenance of the road

reserve.

- Is not compromising the safety of road users or visitors. Examples of location where memorials are not permitted include traffic islands, medians or roundabouts.
- Is not affixed to power poles, trees or any traffic control item.
- Is not permitted for animals.

4.2 Construction

A temporary roadside memorial must be organic flowers only, and if required, with biodegradable wrapping. However, no wrapping is preferable.

Temporary roadside memorials shall be contained within the following dimensions:

- Height 500mm
- Width 300mm
- Depth 200mm (flower stems may be partially buried below ground)

Temporary roadside memorials that exceed these dimensions, may be removed by Council as per section 4.4 of this policy.

4.3 Visiting and Maintenance

Council will not accept responsibility for the maintenance of any roadside memorial, or the loss, damage, removal or relocation of roadside memorials that may occur due to road maintenance, construction activities or vandalism.

Care must be taken at all times when attending a roadside memorial. Any person visiting a memorial must park their vehicles clear of the road. And take due care of the safety of others including motorists, pedestrians and cyclists.

4.4 Relocation and removal

Council Officers will attempt to contact and consult the relevant person(s) responsible for erection of a temporary roadside memorial prior to the removal or relocation. A temporary roadside memorial may be relocated or removed due to one of the following:

- There may be times when road works are required at the location of a temporary roadside memorial. When this is required, Council will safely and carefully relocate the temporary roadside memorial for the duration of the works and then replace it if practicable.
- If the memorial obstructs the completed road works, it may be moved to a new location.
- In instances when a temporary roadside memorial becomes a road safety hazard, relocation or removal will occur in a safe manner.
- Any objection or complaint from nearby residents or road users regarding any aspects of temporary roadside memorials, including the activity of visitors to the memorial, will be carefully considered and if necessary, the temporary roadside memorial will be relocated or removed.

Should Council need to relocate a temporary roadside memorial for any reason outlined above, while remaining careful as possible during moving, Council does not accept any

responsibility for damage to roadside memorials during this activity.

5. Effective From

This policy is effective from ...

6. Date of Resolution

This policy was approved by the Chief Executive Officer and adopted by the Somerset Regional Council at the Ordinary Meeting of ...

Signed:

Date: "

Carried

Vote - Unanimous

Subject:	Stormwater Drainage Inspection Summary Report, Kilcoy
File Ref:	Roads - maintenance - drainage – stormwater drainage
Action Officer:	AE (Sarath Manatunga)

Background/Summary

Council had engaged Proterra Group in April – May 2019 to provide condition assessment report and imagery for Council's stormwater drainage network in Kilcoy. The purpose of this task was to follow a proactive strategy by achieving current asset condition and take remedial action to any potential risk areas.

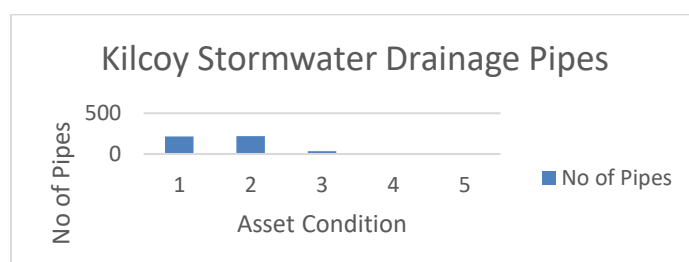
Council currently owns approximately 56 km of stormwater underground drainage pipe of which there is about 10.5 km drainage pipe is in Kilcoy area.

The outcomes of this inspection are as follows:

- Received detailed condition report as well as video footage of pipes.
- Pipe defects and service issues have been identified.
- Confirmation of asset inventory, attribute and dimension details.
- Provide confidence in estimation of remaining useful life and the calculation of the depreciated replacement cost as part of the asset valuation process.

Around 600 drainage pipe segments are in Kilcoy area. Due to accessible difficulties it was unable to carry out condition assessment for around 120 pipe segments.

Overall, the Kilcoy township stormwater network is in very good condition with majority assets holding a structural score of 1 and 2 in a scale of 1 to 5 where 1 stands for "as new" and 5 stands for "requires replacement". The below graph represents the stormwater drainage condition in Kilcoy area.



After reviewing inspection report Council officers have identified short-term maintenance works to be completed (ie flushing, cleaning, patching, etc.) and have identified longer-term renewals and/or refurbishment of any structural issues to be presented with future budget allocations.

Attachments

Sample images of poor condition pipes.
Kilcoy SW issues Location Map

Recommendation

THAT Council receive the Stormwater Drainage Inspection Summary Report for Kilcoy and that the contents noted.

Resolution

Moved – Cr Hall

Seconded – Cr Whalley

"THAT Council receive the Stormwater Drainage Inspection Summary Report for Kilcoy and that the contents noted."

Carried

Vote - Unanimous

Subject:	Esk Garden and Lifestyle Fair 2020 - Request for Council Support and Use of Pipeliner Park to Hold Event - Saturday 20 June 2020
File Ref:	Council properties - usage - 2019-2020 - council hire agreements and bookings / 2019-2020 - bookings - parks and reserves (1148643)
Action Officer:	CSSA

Background/Summary

The organisers of the Esk Garden and Lifestyle Fair have approached Council seeking approval and support to hold their 2020 Esk Garden and Lifestyle Fair in Pipeliner Park, Esk on Saturday, 20 June 2020.

This event has been held in Pipeliner Park for the past three years and have been very successful and no complaints have been received by Council.

Each year the number of people through the gate to this event has increased:

2018 – 2,900 people
2019 – 3,500 people

And the projection for 2020 is 4,000 people through the gate.

The event will open to the public from 8 am to 3 pm on Saturday, 20 June 2020. It is proposed to have 120 sites with each site being 3m x 3m. All stallholders will be required to have current public liability insurance in an amount of not less than \$20,000,00 and stalls selling food at this event will be required to have food licences issued under the *Food Act 2006* as required.

Organisers including some stall holders will start setting up on Friday, 19 June 2020 with all stallholders to be set up and vehicles removed from Pipeliner Park by 7am on Saturday, 20 June 2020. In the application, the organisers have stated that they would require a few members to sleep on site in a campervan Friday night for security. It should be noted that

camping on Council land is prohibited under Council's Local Law No 4 (Local Government Areas, Facilities and Road) 2011 and Subordinate Local Law No 4 (Local Government Controlled Areas, Facilities and Roads) 2011.

It is recommended that the organisers be advised that camping is not permitted on Council land and that other arrangements will need to be put in place, for example, maybe hire a security company.

A copy of their proposal and layout plans have been attached for Councillors information.

Toilets

Public toilets are available in Heap Street, Esk to be used for this event. Organisers will be providing 16 portable toilets for the event. These toilets will require access to water and the event organisers have requested access to Council's water supply within the park for these toilets.

Off Street Car Parking

The organisers are proposing to have off street parking on the section of Pipeliner Park shown in red on the untitled map attached. Organisers are proposing to use SES members to direct traffic.

This area has been used in previous years for off street parking and there have been no issues.

Trees in Woollen Jumpers

The organisers propose to wrap the trees with woollen jumpers within the area of Pipeliner Park that is being used for this event on Friday and will be removed on Saturday afternoon when the event has finished.

This has been done in previous years with no complaints.

Chainsaw Sculptor

The organisers have advised that a chainsaw sculptor will be at the event. The chainsaw sculptor will be using a groundsheet to collect sawdust/shavings and any spillage will be raked and removed. A sidewall will also be placed on the windy side of the gazebo to prevent sawdust from blowing over the grounds. The organisers have advised that where the chainsaw sculptor will be placed, they believe it will not cause any noise issues to any residents and/or businesses.

Loading Zone

The organisers have requested the use of the closed section of Railway Street, Esk for customers to pick up heavy items they have purchased. The organisers will have 1-2 people controlling and monitoring the vehicles.

The organisers have used this area in previous years for collection of heavy items purchased. Council officers are unaware of any issues and/or complaints regarding this practice.

Bus Drop Off

Organisers have requested to use the section of Heap Street between Railway Street and carparking bays for buses to unload and pick up passengers. The organisers have stated that they would close this area to vehicles except for buses. Bus loading signs would be erected and the area will be marshalled by persons working for the event organisers.

The carparking bays in front of the public toilets will not be affected by the bus zone.

This area has been used in previous years for buses to drop off and pick up of passengers. The event organisers have advised that usually there is only one bus dropping off or picking up and maybe on occasion there may be a second bus. However, they have never had any issues for the buses or passengers using this area.

Bus Parking

The organisers have requested approval to allow the buses to park on the grassed area in front of the Esk Showgrounds. The buses have parked in this location in previous years without any issues.

It is recommended that the buses are allowed to park in the grassed area in front of the Esk Showgrounds and the buses must enter and depart this area from FitzGerald Drive. Further, the buses are not permitted to park next to Esk Hampton Road and the bus parking area must be appropriately signed and delineated to prevent buses parking too close to Esk Hampton Road.

Council Assistance

The event organisers are seeking support from Council to assist with the following:

- 18 x extra wheelie bins;
- traffic cones;
- no parking signs;
- bus parking signs;
- bollards;
- barrier signs;
- Access to power;
- Access to water;
- Two Council employees to assist.

It is noted that Council no longer provides consumable items as part of its support to local community groups. Consumable items include barrier mesh, traffic cones and bollards.

However, in previous years, as part of Council's support to the Esk Garden and Lifestyle Fair, Council has supplied organisers up to 100 traffic cones.

It is recommended that the event organisers be advised that if barrier mesh is required, it can be purchased and traffic cones and bollards can be hired from either hiring companies for example, Kennards or traffic control companies may be able to assist.

Attachments

Application and layout plans for Pipeliner Park.

Recommendation

1. THAT Council, under Council's Local Law No 1 (Administration) 2001 and Subordinate Local Law No 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011, grant permission to use Pipeliner Park for the Esk Garden Lifestyle Fair 2020 to be held on Saturday, 20 June 2020 subject to the following conditions:

1.	The approval is limited to Pipeliner Park in Esk as identified on the approved site plan and as outlined in the event application unless otherwise stated in Council's approval conditions.
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2.	The approval is limited to operation on Saturday, 20 June 2020 between the hours of 8 am and 3 pm. Setup for the event may commence at 8 am Friday, 19 June 2020 and clean up must be completed by 5.30 pm Saturday 20 June 2020.			
3.	The approval holder must have Council's approval on site at the event and be able to produce for inspection by an authorized person on demand.			
4.	All displays and vehicles are to be removed from the site by 5.30 pm on Saturday, 20 June 2020.			
5.	Camping is not permitted on Council land.			
6.	The approval holder must keep the area in a clean and tidy state, and the approval holder is required to adequately provide for the collection and disposal of water generated by the event.			
7.	No tent pegs or stakes to be used within the park for setting up of gazebos and bunting unless prior approval on the location has been sought from Council's Parks and Gardens Foreman to ensure there is no underground services in the area where the tent pegs will be placed.			
8.	Stallholder vehicles accessing the park must only be via the existing walking tails within the park.			
9.	The approval holder must provide and maintain the following number of toilets and sanitary conveniences:			
		Males		Females
	<i>WC</i>	<i>Urinals</i>	<i>Hand Basins</i>	<i>WC</i>
	4	8	6	12
				6
10.	The number of toilets to be provided included the number of existing public toilets within Pipeliner Park (Heap Street) and the leased Railway Station. The approval holder is required to clean and/or stock these public conveniences with supplies during and after the Esk Garden and Lifestyle Fair.			
11.	The activity must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> .			
12.	The activity must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken.			
13.	The activity must not unreasonably detract from the amenity of the area in which the event is located.			
14.	The activity must not create a safety risk.			
15.	The approval holder must ensure that the design and construction of all structures that form part of the activity are safe and appropriate for the nature of the activity proposed and the number of people expected to attend.			

16.	<p>All buildings, structures, vehicles, facilities or equipment used in the operation of the event must be maintained at all times:</p> <ul style="list-style-type: none"> • In good working order; and • In good state of repair; and • In a clean and sanitary condition
17.	All temporary signage for the event must be displayed on private property only and are only to be displayed 14 days prior to the event, and all signage must be removed from display one (1) day after the event.
18.	The approval holder must provide all necessary equipment and take all practical measures to ensure the safety of the people attending the activity.
19.	The approval holder must ensure that a food license issued under the <i>Food Act 2006</i> is obtained (to the extent that is required) by all stall holders selling food at the event by contacting the Environmental Health Section of Somerset Regional Council for further information.
20.	Ensure that the local Police Department has been advised and all required Police Permits have been obtained.
21.	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 \$20,000,000. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the event. A certificate of currency must list Somerset Regional Council as an interested party and must be submitted to Council prior to the operation of the event.
22.	<p>The permit holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.</p> <p>“Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.</p>
23.	The approval holder will be responsible for ensuring that all operators of activities at this event have current public liability insurance in an amount of not less than \$20,000,000. The approval holder is required to have a copy of all public liability certificates of currencies on hand during the event.
24.	In the event of prevailing wet weather, a joint inspection of ground conditions is to be conducted with the approval holder and Council’s Parks and Gardens Foreman. Should the grounds be deemed unsuitable for the purpose of the event and no other arrangements can be made, the event will be cancelled.
25.	The buses are permitted to park on the grassed area in front of the Esk Showgrounds

	and the buses must enter and depart this area from FitzGerald Drive. The buses are not permitted to park next to Esk Hampton Road and the bus parking area must be appropriately signed and delineated to prevent buses parking too close to Esk Hampton Road.
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2. FURTHER THAT Council advise the Valley of the Lakes Garden Club that Council is able to offer the following assistance and should they wish to take advantage of any or all of the below listed items they should make application to Council for a community assistance grant:

26.	Supplying 18 x community bins to Pipeliner Park to assist with waste management during the event.
27.	Access to power supply and water within Pipeliner Park during the event.
28.	Provision of road signs including no parking signs, bus parking signs and barrier board signs if available.
29.	Provide two (2) town stewards for a maximum of eight (8) hours on Saturday, 20 June 2020 to assist with setting up and packing down of the park, assisting with the guiding of vehicles in and out of the park, waste management, cleaning and stocking of toilets and ensuring that the site is cleaned and secure at the end of the event on Saturday, 20 June 2020.

Resolution

Moved – Cr Choat

Seconded – Cr Ogg

- “1. THAT Council, under Council’s Local Law No 1 (Administration) 2001 and Subordinate Local Law No 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011, grant permission to use Pipeliner Park for the Esk Garden Lifestyle Fair 2020 to be held on Saturday, 20 June 2020 subject to the following conditions:

1.	The approval is limited to Pipeliner Park in Esk as identified on the approved site plan and as outlined in the event application unless otherwise stated in Council’s approval conditions.
2.	The approval is limited to operation on Saturday, 20 June 2020 between the hours of 8 am and 3 pm. Setup for the event may commence at 8 am Friday, 19 June 2020 and clean up must be completed by 5.30 pm Saturday 20 June 2020.
3.	The approval holder must have Council’s approval on site at the event and be able to produce for inspection by an authorized person on demand.
4.	All displays and vehicles are to be removed from the site by 5.30 pm on Saturday, 20 June 2020.
5.	Camping is not permitted on Council land.
6.	The approval holder must keep the area in a clean and tidy state, and the approval holder is required to adequately provide for the collection and disposal of water generated by the event.

7.	No tent pegs or stakes to be used within the park for setting up of gazebos and bunting unless prior approval on the location has been sought from Council's Parks and Gardens Foreman to ensure there is no underground services in the area where the tent pegs will be placed.				
8.	Stallholder vehicles accessing the park must only be via the existing walking tails within the park.				
9.	The approval holder must provide and maintain the following number of toilets and sanitary conveniences:				
Males			Females		
	<i>WC</i>	<i>Urinals</i>	<i>Hand Basins</i>	<i>WC</i>	<i>Hand Basins</i>
	4	8	6	12	6
10.	The number of toilets to be provided included the number of existing public toilets within Pipeliner Park (Heap Street) and the leased Railway Station. The approval holder is required to clean and/or stock these public conveniences with supplies during and after the Esk Garden and Lifestyle Fair.				
11.	The activity must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> .				
12.	The activity must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken.				
13.	The activity must not unreasonably detract from the amenity of the area in which the event is located.				
14.	The activity must not create a safety risk.				
15.	The approval holder must ensure that the design and construction of all structures that form part of the activity are safe and appropriate for the nature of the activity proposed and the number of people expected to attend.				
16.	All buildings, structures, vehicles, facilities or equipment used in the operation of the event must be maintained at all times:				
	<ul style="list-style-type: none"> • In good working order; and • In good state of repair; and • In a clean and sanitary condition 				
17.	All temporary signage for the event must be displayed on private property only and are only to be displayed 14 days prior to the event, and all signage must be removed from display one (1) day after the event.				
18.	The approval holder must provide all necessary equipment and take all practical measures to ensure the safety of the people attending the activity.				
19.	The approval holder must ensure that a food license issued under the <i>Food Act 2006</i> is obtained (to the extent that is required) by all stall holders selling food at the event by contacting the Environmental Health Section of Somerset Regional Council for further				

	information.
20.	Ensure that the local Police Department has been advised and all required Police Permits have been obtained.
21.	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 \$20,000,000. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the event. A certificate of currency must list Somerset Regional Council as an interested party and must be submitted to Council prior to the operation of the event.
22.	<p>The permit holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.</p> <p>“Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.</p>
23.	The approval holder will be responsible for ensuring that all operators of activities at this event have current public liability insurance in an amount of not less than \$20,000,000. The approval holder is required to have a copy of all public liability certificates of currencies on hand during the event.
24.	In the event of prevailing wet weather, a joint inspection of ground conditions is to be conducted with the approval holder and Council’s Parks and Gardens Foreman. Should the grounds be deemed unsuitable for the purpose of the event and no other arrangements can be made, the event will be cancelled.
25.	The buses are permitted to park on the grassed area in front of the Esk Showgrounds and the buses must enter and depart this area from FitzGerald Drive. The buses are not permitted to park next to Esk Hampton Road and the bus parking area must be appropriately signed and delineated to prevent buses parking too close to Esk Hampton Road.
2.	FURTHER THAT Council advise the Valley of the Lakes Garden Club that Council is able to offer the following assistance and should they wish to take advantage of any or all of the below listed items they should make application to Council for a community assistance grant:
26.	Supplying 18 x community bins to Pipeliner Park to assist with waste management during the event.
27.	Access to power supply and water within Pipeliner Park during the event.
28.	Provision of road signs including no parking signs, bus parking signs and barrier board signs if available.

29.	Provide two (2) town stewards for a maximum of eight (8) hours on Saturday, 20 June 2020 to assist with setting up and packing down of the park, assisting with the guiding of vehicles in and out of the park, waste management, cleaning and stocking of toilets and ensuring that the site is cleaned and secure at the end of the event on Saturday, 20 June 2020."
	<u>Carried</u>
	<i>Vote - Unanimous</i>

Subject:	Regional Road and Transport Group 2019-20 to 2023-24 Program Review
File Ref:	Governance - reporting - 2016-2020 - Officer reports approved for Council meetings
Action Officer:	DDM

Background/Summary

With the announcement that additional funding has been allocated to the 2022-23 and 2023-24 Transport Infrastructure Development Scheme (TIDS) Program in the State Budget, the TIDS program requires review. In the case of Somerset, this will mean Council's TIDS allocation of \$598,746 with an equal amount supplied by Council will extend to 2023-24.

Council is advised that the additional TIDS funding provided to 2023-24 is not guaranteed beyond this time. The program, therefore, may change in future years once the actual budget allocations are realised. The original base allocation of \$300,776 (TIDS) with an equal amount supplied by Council would revert to years beyond 2023-24.

To meet the requirements of the Regional Roads and Transport Alliance, the amended TIDS program needs to be presented to the Northern South-East Queensland Roads and Transport Group (NSEQ RRTG). The NSEQ RRTG Technical Committee is scheduled to meet on 21 November 2019 where this matter will be discussed with endorsement by the Executive Committee on the 6 February 2020. It is noted that the NSEQ RRTG is very flexible in regards to member Councils reviewing project delivery, on the proviso that the overall budget allocation remains unchanged.

Attachment one (1) shows the existing 2019-20 to 2022-23 TIDS program as last reviewed by Council in January 2019, and Attachment two (2) shows the revised 2019-20 to 2023-24 program. Council Officer's provide the following commentary with regard to the revised program:

- The 2020/21 allocation for Esk Crows Nest Road to Taylors Bridge has been reassessed with the final design and extent of works now clearly defined with required funds included on the program to complete this section.
- An emerging pavement rehabilitation issue on Atkinson Dam Road has been added to the 2020/21 program. The section of road had the seal repaired in June 2019, but requires additional work to build up the pavement depth to accommodate heavy vehicles using the route.
- The allocation for Esk Crows Nest Road from Ch 1.95 to 4.7 has been allocated over two financial years 2020/21 and 2021/22 to accommodate other works on Esk Crows Nest and Atkinson Dam Road (above). With completion of other projects on the road, this project will complete widening to double lanes for the full length of the sealed

sections of Esk Crows Nest Road.

- The rehabilitation project on Lowood-Minden Road has been allocated to 2022/23. Note that Council is applying to the Heavy Vehicle Safety and Productivity Programme for this project.
- Mary Smokes Creek Road/Sandy Creek Road intersection project has been brought forward to 2022/23 with the increased funding.
- Project to extend the seal for Esk Crows Nest Road from end of seal towards Maria Creek Road has been brought forward to 2023/24 with the increased funding.

Council is requested to consider and endorse the revised 2019/20 to 2023/24 TIDS program to allow it to be approved by the NSEQ RRTG.

Attachments

Attachment 1 – Existing TIDS Program Development 2019-20 to 2022-23
Attachment 2 – Revised TIDS Program Development 2019-20 to 2023-24

Recommendation

THAT Council endorse the revised TIDS Programs 2019-20 to 2023-24 for presentation to the Northern South-East Queensland Regional Roads and Transport Group Executive Meeting for approval.

Resolution

Moved – Cr Whalley

Seconded – Cr Brieschke

“THAT Council endorse the revised TIDS Programs 2019-20 to 2023-24 for presentation to the Northern South-East Queensland Regional Roads and Transport Group Executive Meeting for approval.”

Carried

Vote - Unanimous

Subject: Toogoolawah Railway Precinct Entrance
File Ref: Roads - Design and Construction - Roads
Action Officer: TOO (Chol Lueth)

Background/Summary

Council has received concerns from the community about vehicles parked on the immediate north side of the Toogoolawah Railway precinct entrance blocking driver visibility when entering onto Cressbrook Street.

Council officers investigated and assessed the visibility at the entrance for the safe intersection sight distance in accordance with the Australian Standard 2890 1:2004 (AS/NZS 2890).

The entrance into the Railway station services more than a private property and for this exercise, it has been treated as “an access driveway other than domestic” per AS/NZS 2890. The AS/NZS 2890 states that the minimum safe sight distance for 40kph frontage road speed is 35m.

The actual visibility distances observed onsite are shown below:

Visibility to the north (with a vehicle parked in most immediate northern parking bay) =

18m

Visibility to the north (with a vehicle parked in the second most immediate northern parking bay) = 36m

The reason for the reduction in visibility to the north of the entrance is primarily due to vehicles parking in the provided parallel parking bays. The vehicle is considered a blocking hazard.

If the parked vehicles are not present, the sight distance is 50m.

Accordingly, to comply with AS/NZS 2890, the first parking bay north of the entrance should be removed by hatching out the area to exclude parking. The cost to do this work is minimal and will be funded from road maintenance.

Attachments

Sketch – Toogoolawah Railway Precinct Entrance Sight Distance Check.

Recommendation

THAT Council remove one carpark most immediate north of the Toogoolawah Railway precinct entrance to provide safer sight distance required by AS/NZS 2890 and that this work is funded from road maintenance.

Resolution

Moved – Cr Whalley

Seconded – Cr Hall

"THAT Council remove one carpark most immediate north of the Toogoolawah Railway precinct entrance to provide safer sight distance required by AS/NZS 2890 and that this work is funded from road maintenance."

Carried

Vote - Unanimous

Subject:	Kilcoy Showgrounds RV Dump Point Relocation
File Ref:	Government Relations - Utilities Departments Liaison - 2019 - 2020 - QUU - Queensland Urban Utilities
Action Officer:	CD

Background/Summary

At the Ordinary Council meeting on the 14 August 2019, the following was resolved:

"THAT Council seek required approvals to relocate the Kilcoy showgrounds dump point to east of Ferling Way closer to the entrance to the complex with disposal of material into the pump out pit 50 metres to the west of the Trackside Pavilion. A report be brought back to Council on the proposed location following investigations."

This report is now prepared in response to the relocation of the existing Kilcoy Dump Point at Kilcoy Showgrounds.

Following a site inspection, the proposal is to relocate the existing RV Dump Point from between the showgrounds buildings to the southwest corner of the property. The current site is problematic during events and not in the ideal place located beside amenities and other buildings hosting community functions. Attached is a plan showing the location of the existing

dump point and proposed site.

As part of the relocation, the dump point would require a new connection to the QUU sewer network via a manhole in Hedley Park as the internal showgrounds sewer plumbing was not able to be used due to grade limitations. Council officers have liaised with QUU to attain their preliminary advice on the matter. Preliminary advice is that:

- The site is suitable for relocation of the dump point, in that it is secure and confident it can be supervised. The additional load at the connection point is considered immaterial compared to the carrying capacity of the sewer.
- The new “pull-over” area is an improvement to the existing condition.
- The proposed collaborative approach between Council and QUU will limit connection costs as an existing QUU stub may be utilised.

Council officers have also identified on the attached plan a location that could be considered to relocate the Kilcoy Showgrounds Caretaker. Should Council desire, these works could be facilitated at the same time to minimise future cost. Council officer’s discussed this matter with the caretaker at Kilcoy Showgrounds, with no objection received.

Should Council be satisfied with the above outcome and relocation of the dump point, Council Officer’s will move forward with calling quotations for these works. As indicated in the report in August, the indicative cost for these works is about \$24,000 plus GST for the relocation which includes a new hardstand area but which excludes Queensland Urban Utilities (QUU) connection fees.

Attachments

Kilcoy Showgrounds RV Dump_000 - Kilcoy Showgrounds RV Dump – Location Plan
Kilcoy Showgrounds RV Dump_101 - Kilcoy Showgrounds RV Dump – General Layout

Recommendation

THAT Council supports the relocation of the Kilcoy Dump Point to the southwest boundary and the Kilcoy Showground caretaker, with the costs of the project be incorporated into Council’s next budget review.

Resolution

Moved – Cr Whalley

Seconded – Cr Ogg

“THAT Council supports the relocation of the Kilcoy Dump Point to the southwest boundary and the Kilcoy Showground caretaker, with the costs of the project be incorporated into Council’s next budget review.”

Carried

Vote - Unanimous

Subject:	2020 - 2021 Cycle Network Local Government Grants Program
File Ref:	Grants and subsidies - programs - cycle grants
Action Officer:	DDM

Background/Summary

Council has been advised by the Department of Transport and Main Roads (TMR) that the

2020-2021 Cycle Network Local Governments Grants Program has opened. The application closing date is 13 December 2019, and the program will be announced in June/July 2020 through the publication of the Queensland Transport and Roads Investment Program (QTRIP).

The objective of the program is to encourage more people to cycle, more frequently in Queensland by accelerating the delivery of the principal cycle network across the State. The program is to work with local governments to deliver best practice, high quality and safe cycling infrastructure and facilities on principal cycle networks across Queensland.

Local Governments with a published Principal Cycle Network Plan (PCNP) are eligible to apply for a fifty percent grant for the design and/or construction of high-quality cycling infrastructure on the highest priority routes of the principal cycle network.

Council previously received grants under 2016-17, 2017-18, 2018-19 and 2019-20 programs for the following projects:

- Prospect Street from Park Street to Peregrine Drive, Lowood (Completed)
- Brisbane Valley Highway from Clive Street to Brouff Road, Fernvale (Completed)
- William Street (Kilcoy) Cycle Facilities Design (Completed)
- Prospect Street (Lowood) Shared Use Bridge Design and Construction (Completed)
- D'Aguilar Highway (Kilcoy) Shared Path Design and Construction (Completed)
- Esk Shared Path Design and Construction (Completed)
- Toogoolawah High School Shared Path Design and Construction (Completed)
- Forest Hill Fernvale Road (Lowood) Shared Path Design and Construction - Peregrine to Sea Eagle Dr (Completed)
- Somerset – Bicycle Parking Installation (Completed)
- Fernvale Data Counter (Completed)
- Clive Street Shared Path (Fernvale) Design and Construction
- Prospect Street (Lowood) Shared Path Design and Construction – Park to Main St
- Shared path on rail trail (Lowood) from Main Street to Walter Street gully
- William Street (Kilcoy) Separated Cycle Facilities from Kennedy to Carseldine Street

The routes focus on journeys to work, school, and social/utility trips. Only Principal routes are eligible for funding under the program.

- **Principal routes** form the spine or main routes from which local cycle networks are built from. Principal routes connect residential areas to major trip attractors such as public transport, park and rides, schools, shopping and commercial centres, industrial areas, and regional recreational facilities.

The program has higher design requirements to deliver the highest priority routes in a region's principal cycle network and encourage more people to cycle more often for transport purposes. Shared facilities may also be useful to pedestrians, mobility scooters, roller blades, scooters, skateboards and others by providing a smooth surface within urban areas to support alternative ways to travel rather than driving. Projects eligible for funding include:

- Off-road shared paths (2.5m minimum, 3.0m desired);
- On-road bicycle lanes which are physically separated from motorised traffic;
- Advisory lanes;
- On-road facilities including bike lanes, shoulder widening, line marking, lane and intersection reconfiguration;
- Crossing provisions including at-grade treatments, bridges and underpasses;

- Mid-trip and end-of-trip facilities (ie bike racks, cycle repair stations, lockers, drinking water, showers, toilets, etc.);
- Directional and route signage;
- Lighting;
- Data collection for monitoring and reporting on the performance of cycling infrastructure (ie counters);
- Marketing, communication, promotion and engagement activities.

TMR has indicated that they would investigate providing On-road bike lanes along main roads in the town areas when they come up for surface renewal.

An endorsement is sought for applying for the construction of the below principal routes under 2020-2021 Cycle Network Local Governments Grants Program. The routes are listed in order of suggested priority, and the Priority Route Maps of the proposed sections in each town are attached:

Priority	Project	Description	Project Cost
1	Shared path on rail trail (Lowood) from Walter Street gully to Patrick Street	Stage 2 to install 2.5m off-road shared path from Main Street to Patrick Street	\$430,000
2	William Street (Kilcoy) Separated Cycle Facilities from Kennedy Street to Kilcoy Creek	Stage 2 of William Street Cycle Facilities Concept Design	\$353,000

TMR has previously awarded funds to cover 50% of the estimated cost for the “Shared path on rail trail (Lowood) from Walter Street gully to Patrick Street Stage 2” as part of the previous 2019-20 funding round grant. Council is asked to confirm 50% funding of the estimated project cost is available as Council’s partner cash contribution for this section.

Attachments

Priority Route Maps for 2020-21 projects

Recommendation

1. THAT Council applies for funding under the 2020-2021 Cycle Network Local Governments Grants Program for the following projects:
 - (a) William Street (Kilcoy) Separated Cycle Facilities from Kennedy Street to Kilcoy Creek
2. THAT Council confirm that Council funding of 50% of the estimated project cost is available as Council’s partner cash contribution towards each 2020-2021 Cycle Network Local Governments Grants Program proposal.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

- “1. THAT Council applies for funding under the 2020-2021 Cycle Network Local Governments Grants Program for the following projects:
 - (a) William Street (Kilcoy) Separated Cycle Facilities from Kennedy Street to Kilcoy Creek

2. THAT Council confirm that Council funding of 50% of the estimated project cost is available as Council's partner cash contribution towards each 2020-2021 Cycle Network Local Governments Grants Program proposal."

Carried*Vote - Unanimous*

Subject:	Review of No Bicycle Signage on Footpaths
File Ref:	Roads - design and construction - roads - signs - directional - road name - regulatory - speed
Action Officer:	DDM

Background/Summary

This report is provided as a review by Council Officer's following enquiries from customers. The request raised concerns about bicycles being prohibited from Somerset Council footpaths.

As background, town CBD areas of Lowood, Fernvale, Esk and Toogoolawah have signage prohibiting bicycles on footpaths. These signs were installed after a Works Committee Meeting of the former Esk Shire Council in May 1998. The State Regulations at that time required that signage prohibiting bicycles were erected on all footpaths where bicycles are not permitted.

The current legislation, Transport Operations (Road Use Management—Road Rules) Regulation 2009, section 250, provides rules and guidance. In short, the rider of a bicycle riding on a footpath or shared path must— (a) keep to the left of the footpath or shared path unless it is impracticable to do so; and (b) give way to any pedestrian on the footpath or shared path. Section 252, in short, says the rider of a bicycle must not ride on a length of road or footpath to which a no bicycles sign, or a no bicycles road marking, applies.

On review of this matter, much has changed since signs were installed post the May 1998 decision. With the adoption of the Principal Cycle Network and the development of the Brisbane Valley Rail Trail, Council has encouraged more people to cycle through our Region, with this growth expected to continue. Accordingly, Council Officers reviewed bicycle signage in the CBD areas that include large awning areas with posts, outdoor dining, an exhibition of store goods, mobile signage and the like outside businesses. These are areas of restricted space where pedestrians may exit unexpectant from buildings. It was noted that many of these areas have space along the road or road shoulder for cyclists to use, but are typically used by more experienced riders. Options Council may wish to consider include:

1. Removing all existing bicycle prohibition signage. Users would still need to abide by rules of the Transport Operations (Road Use Management—Road Rules) Regulation 2009, section 250.
2. Removing existing bicycle prohibition signage, but erect 'Cyclist Dismount' signs at key areas in town CBD areas. This does not prohibit the use but encourages awareness. (see Attachment 1: Map of proposed 'cyclist dismount' areas)
3. The existing bicycle prohibition signage be left in place.

Attachments

Attachment 1: Map of proposed 'cyclist dismount' areas

Attachment 2: Example of areas of concern

Recommendation

- | |
|---|
| <ol style="list-style-type: none"> 1. THAT Council removes existing bicycle prohibition signage in town CBD areas. 2. THAT Council erect 'Cyclists Dismount' signs at areas in town CBD areas at appropriate locations where high pedestrian interaction exist. |
|---|

Resolution	Moved – Cr Gaedtke	Seconded – Cr Brieschke
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- | |
|---|
| <ol style="list-style-type: none"> "1. THAT Council removes existing bicycle prohibition signage in town CBD areas. 2. THAT Council erect 'Cyclists Dismount' signs at areas in town CBD areas at appropriate locations where high pedestrian interaction exist." |
|---|

Carried

Vote - Unanimous

Subject:	Parking Options – Mary Street, Kilcoy
File Ref:	Traffic and Transport – Design and Construction - Parking Facilities (737128)
Action Officer:	CD (Gary Love)

Background/Summary

With construction works commencing in Mary Street, Kilcoy, and the proposal to install a built out pedestrian refuge crossing on the northern section of Mary Street, Council officers have reviewed the options of parking arrangements along the entire length of Mary Street. The options considered include the existing 60-degree reverse-in parking, 60-degree nose-in parking, 45-degree nose-in parking and parallel parking as detailed in Australian Standard AS2890.5.

Councillors are advised that this topic has been discussed on multiple occasions over recent years and previously deferred until an opportunity, as available now with roadworks, became real. In 2014/15, a parking survey was completed to review the effectiveness of reverse-in parking in Mary Street, Kilcoy. At that time, the survey indicated that the parking spaces were not fully utilised and that only about 62% of motorist managed to park their vehicle satisfactorily within the bays provided. The remainder were on or over the parking lines or reversed over the back of the bay. Crash history provided by the Department of Transport and Main Roads (TMR) indicates that of the six incidents in Mary Street, Kilcoy in the last fifteen years, that two of these were related to reverse parking (or 33%). The other crash history generally relates to incidents at intersections.

This report primarily focuses on parking along Mary Street. Council officers are also working with community members about parking in Hope Street in front of the recreation facilities (swimming pool, etc.) and Yowie Park. Parking within these areas is about optimising existing parking, but not altering the parking style (i.e. present nose-in parking will remain).

When considering alternative options for parking arrangements, Council needs to remain mindful of the following performance criteria; Motorist Safety, Traffic Flow and as Mary Street is on the adopted Principal Cycle Network, the Department of Transport and Main Roads require Council to consider cyclist interaction. While the number of on-street parking is an

important factor for the local community, it is not a consideration under AS2890.5. It should be noted that the pedestrian refuge crossing will remove four available car parking spaces from Mary Street; however, this pedestrian refuge is considered an essential requirement of the project. The final location remains under review but will be positioned to minimise the impact on parking to local business.

Mary Street Angle Parking Options

60-degree nose-in parking

Concerning 60-degree nose-in parking, Council Officers noted that this option would maintain a similar number of parking spaces to that of existing reverse-in parking. Officer's noted that additional parking could be marked in Mary Street to increase the number of available parking spaces.

However, 60-degree nose-in parking provides the least amount of space between the parking bays and the through lane edge line (manoeuvring width) with widths varying between 0.8m and 1.9m. AS2890.5 states that a minimum manoeuvring width of 2.1m is required between the road edge line and the rear of the 60-degree parking bay. Given this, with the maximum available width of 1.9m, there is insufficient manoeuvring width as required by Australian Standards; therefore 60-degree nose-in is an unacceptable option, with respect to the Australian Standards. For the projected number of 60-degree nose-in bays, three disabled parking bays would be required to comply with AS2890.6.

Further, the 60-degree nose-in parking does not allow for any future on-street cycle lanes as desirable for the principal cycle network in Mary Street, Kilcoy.

60-degree reverse-in parking – the existing arrangement

Similar to above, the existing 60-degree reverse-in parking on Mary Street does not conform to the required manoeuvring width requirements of AS2890.5, and does not allow for future on-street cycle lanes as required under the principal cycle network. Accordingly, keeping the current parking bay marking is contrary to the requirements of AS2890.5 and does not support cycle movement. However, as this an existing arrangement, Council could continue with the status quo but needs to be mindful of the potential legal risk of this option, and the likely need to change the arrangement in the future, should Council wish to pursue installation of cycle lanes.

45-degree nose-in parking

Regarding 45-degree nose-in parking, Council Officers noted that this option would decrease the number of spaces in comparison to the existing layout of parking by about 14 spaces (to be confirmed once pedestrian crossing location is finalised). The manoeuvring width that would exist between the parking bays at 45-degrees and the through traffic edge line would vary between 1.1m and 2.2m.

AS2890.5 states that a minimum manoeuvring width of 1.2 m is required between the road edge line and the rear of the 45-degree parking bay. This manoeuvring width would not be achievable for a section on the southbound carriageway of Mary Street between Royston Street and Hope Street, as required by Australian Standards; therefore 45-degree nose-in parking becomes an unacceptable option, at this location.

The manoeuvring width is sufficient on the northbound carriageway between Hope Street and Royston Street and both carriageways between Royston Street and William Street for the provision of 45-degree nose-in parking although Council Officers have concerns regarding the safety of vehicle reversing out and having to utilise the through carriageways to exit from the parking bays. Even though AS2890.5 states that it is acceptable for vehicles to have an

allowable encroachment onto the trafficked lane of 2.5m this still has the potential for drivers reversing onto oncoming traffic which may lead to an incident or the slowing / stopping of large vehicles in the centre of town. This practice is contrary to the purpose of the present improvements to Mary, Hope and William Streets where continuous traffic flow is a primary objective.

As outlined above, 45-degree nose-in parking cannot be provided for the entire length of Mary Street, which may lead to driver confusion with the necessary provision of various parking layouts. This limited width would also rule out the possibility of providing cycle lanes at this location in the future. For the projected number of 45-degree nose-in bays, three disabled parking bays would be required to comply with AS2890.6.

30-degree nose-in parking

This option was considered, but not progressed, as it produced the worst scenario of number of parking spaces lost and considered unfavourable.

Parallel Parking

With respect to parallel parking, Council Officers noted that this option would decrease the number of spaces in comparison to the existing layout of parking by about 14 (to be confirmed once pedestrian crossing location is finalised). Similar to 45 degree nose in parking. The manoeuvring width that would be provided between the parallel parking bays and the through traffic edge line would vary between 3.3m and 4.4m.

AS2890.5 states *“the limitations which should be observed when determining if parallel parking should be provided are under low speed conditions (i.e. not exceeding 60km/h) the width from kerb to the left-hand edge of the nearest trafficked lane is the parking bay width plus 0.5m clearance”*.

Given that the minimum clearance provided is 3.3m, the minimum clearance of 0.5m is easily provided and provides addition width for the provision of future cycle lanes. With a 2.6m wide parking bay, the clearance of between 3.3m and 4.4m would allow for vehicles to safely pull up and reverse into a parallel bay clear from any trafficked lane.

Parallel parking provides greater space for drivers and passengers to enter/exit their vehicle. For the projected number of parallel bays, three disabled parking bays would be required to comply with Table B1 of AS2890.6.

Parallel parking would provide the safest form of parking along Mary Street for both pedestrians and motorists, with the number of potential conflicts points significantly reduced, in comparison to angle parking. However, this increase in safety comes with a reduction in on-street parking bays directly in front of local shop owners and businesses.

It is noted that Kilcoy is the last town in the Somerset Region without parallel parking. Angle parking has previously been removed from other town centres in Somerset Region that are serviced by State Controlled Roads, and replaced with parallel parking, for traffic safety reasons.

Opportunities to mitigate the loss of parking

To mitigate the loss of parking, Council may wish to consider additional parking areas close to the central business district (cbd) as follows:

- Encouraging the use of underutilised off-street parking at shops and businesses. Council could liaise with landholders and offer to promote their parking facilities.

- Formalise and line mark additional parking bays on the southern section of Mary Street (Eastern side) which will provide 17 bays.
- Additional parking has been created on Eckel Court behind the IGA, and at the Kilcoy Bridge rest area.
- Future parking (16 bays initially) is proposed to be provided on William Street, east of the clock roundabout as part of planned works already budgeted. Safe pedestrian crossing points are incorporated into the design to allow defined routes to the cbd.
- Businesses are encouraged to provide parking as per Council's planning scheme guidelines.

Summary

In summary, Options available to Council are:

- Retain the status quo as 60-degree reverse-in parking, noting it does not comply with AS2890.5 and does not support future cycle lanes.
- Change to parallel parking that meets the requirements of AS2890.5 and allows for cycle lanes to be incorporated into the present design. This option is considered to offer Council the lowest risk when considering traffic and community safety.

Attachments

Table "Mary Street – Parking Options" which lays out the comparisons associated with each option explored.

Recommendation

THAT Council:

1. Implement parallel parking along the entire length of Mary Street, Kilcoy.
2. Request the Department of Transport and Main Roads to incorporate parallel parking along Mary Street into the design drawings for the D'Aguilar Highway (Hope/Mary/William Streets), Kilcoy.

Resolution

Moved – Cr Hall

Seconded – Cr Whalley

"THAT Council:

1. Implement parallel parking along the entire length of Mary Street, Kilcoy.
2. Request the Department of Transport and Main Roads to incorporate parallel parking along Mary Street into the design drawings for the D'Aguilar Highway (Hope/Mary/William Streets), Kilcoy."

Carried

Vote - Unanimous

Subject:	Request for disaster financial assistance from Jimna Sport Club Inc and Jimna Community Development Association Inc
File Ref:	Disaster management
Action Officer:	DOPER

Background

Council is in receipt of correspondence from Ross Davies and Trevor Byrnes of Jimna on behalf of the Jimna Community Development Association and the Jimna Sport Club Inc, seeking a contribution for disaster financial assistance to fund the use of a bulldozer to clear property around the Jimna township to assist in containment of bush fires.

Recommendation

Resolution

Moved – Cr Whalley

Seconded – Cr Brieschke

“THAT Council advise the Jimna Sporting Club Inc and Jimna Community Development Association Inc that it will fund up to \$5,000 for hire of plant to support the Jimna community with emergency firebreaks in coming days, noting that this funding is not in retrospect for past works already coordinated by others.

THAT Council directly engage with plant contractors already established onsite in Jimna to perform these works.”

Carried

Vote - Unanimous

Subject:	Community Assistance Grant – Somerset Excellence Bursary 2019 – 2020 – Samantha Bremner, Doc Id 1148653
File Ref:	Community Relations – Sponsorships – Somerset Excellence Bursaries
Action Officer:	DHRCS

Attachments

Council has received an application for a Somerset Excellence Bursary as follows:

Applicant	Event	Venue and Date	Level
Denise Bremner on behalf of Samantha Bremner	Queensland School Sport 10-12 Years Cricket State Championships	Toowoomba – 9 October 2019	Regional

These applications are considered as part of the Community Assistance Grant Policy which provides funding of Somerset Excellence Bursaries at a Regional, State or National Level.

Attachments

Nil

Recommendation

THAT Council grant a Sporting Excellence Bursary to the following applicant:

Applicant	Event	Venue and Date	Level
Denise Bremner on behalf	Queensland School Sport 10-12	Toowoomba – 9	Regional

of Samantha Bremner	Years Cricket State Championships	October 2019	
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Resolution	Moved – Cr Choat Seconded – Cr Ogg “THAT Council grant a Sporting Excellence Bursary to the following applicant:		
Applicant	Event	Venue and Date	Level
Denise Bremner on behalf of Samantha Bremner	Queensland School Sport 10-12 Years Cricket State Championships	Toowoomba – 9 October 2019	Regional
Vote - Unanimous			<u>Carried</u>

Subject:	Agreement between Somerset Regional Council and Fishing Freshwater
File Ref:	Event Management – 2019 Reel Wivenhoe Classic
Action Officer:	CMM (Brad Weier)

Background/Summary

Following the delivery of this year's Reel Wivenhoe Classic, there was a debrief held with all Councillors and Fishing Freshwater regarding the conduct of the 2019 event as well as future events.

Following that debrief and further discussions on the matter, Council requested that options be investigated for future events at Somerset lakes. In order for the Council to meet its obligations and requirements in accountability, transparency and conduct when hosting such events, the Council was wanting to review the structure and delivery of the event.

Attachments

Nil

Recommended Action / Outcome

1. THAT Council terminate the agreement with Fishing Freshwater and investigate other options for future events at Somerset lakes.
2. THAT Council retain the event names and branding *Reel Wivenhoe Classic* and *Reel Somerset Classic* for use by Council.

Resolution	Moved – Cr Ogg Seconded – Cr Whalley “1. THAT Council terminate the agreement with Fishing Freshwater and investigate other options for future events at Somerset lakes. 2. THAT Council retain the event names and branding <i>Reel Wivenhoe Classic</i> and <i>Reel Somerset Classic</i> for use by Council.”
Vote - Unanimous	
<u>Carried</u>	

Subject:	Tourism and Promotions Report October 2019
File Ref:	Tourism - Promotions
Action Officer:	CMM

Background

The following is the October 2019 summary of activities for Somerset visitor information centres.

Statistics

	Somerset	Brisbane	Other SEQ	Rest of state	Interstate	International	Total
Esk VIC	136	69	116	61	84	31	497
Kilcoy VIC	160	213	94	35	109	42	653
Fernvale VIC	211	116	100	29	32	25	513
SRAG / TVIC	162	49	60	16	33	7	327

Motivators

	First	Second	Third
Esk	Maps and directions	Glen Rock Gallery	Tourist drives
Kilcoy	Maps and directions	Caravan and camping	Tourist drives
Fernvale	Maps and directions	Room hire	Brisbane Valley Rail Trail
SRAG / TVIC	The Condensery	Maps and directions	Heritage

Merchandise

	First	Second	Third	Total value
Esk	Bumper sticker	Magnet	Postcard	\$21
Kilcoy	Water bottle	Stubby cooler	Bumper sticker	\$23
Fernvale	Postcard	Magnet	-	\$18
SRAG / TVIC	Water bottle	-	-	\$5

Volunteers

	Active	Non-active	Total	Resignations	New
Esk	10	3	13	0	0
Kilcoy	11	0	13	0	1
Fernvale	20	0	20	0	2
SRAG / TVIC	11	0	10	1	0

Volunteer acknowledgment and engagement

The next volunteer famil is scheduled for Thursday, 5 December for International Volunteers Day. Volunteer Christmas presents featuring the updated Experience Somerset branding have been ordered and will be distributed on the day.

Room bookings

	Number	Total value
Esk VIC	1	0
Kilcoy VIC	10	\$858
Fernvale VIC	23	\$2,164
Fernvale Community Hall	17	\$351
Fernvale Showgrounds	2	\$472

Somerset Regional Art Gallery – The Condensery

Budding Talents, a showcase of work by students from Lowood, Kilcoy and Toogoolawah state high schools, closed on Sunday, 3 November. Neil Degney's *You Are Here* + officially opened on Saturday, 9 November. The exhibition explores the relationship between camera-phone connectivity, photography, art and popular culture. It includes a free Smartphone Image Editing Workshop to be held on Tuesday, 26 November.

Glen Rock Art Gallery (Esk Visitor Information Centre)

The October exhibition coordinated by SASI featured the work of Stephanie Mann from Friday, 4 October to Wednesday, 6 November.

Events

Australia Day: Planning for the 2020 Australia Day Awards nominations and ceremony continues. The Events Officer is planning a more family friendly event with a 'country picnic' themed morning tea including large lawn games, live music, picnic rugs and hay bales. Nominations for awards are due to close on 29 November. The judging panel has been confirmed.

Floating Land Professional Development and Symposium: From Tuesday 22 to Thursday 24 October the Events Officer was supported by Creative Arts Alliance to attend the Floating Land Professional Development and Symposium events hosted by Noosa Regional Gallery. The two-day event provided the opportunity for networking and collaboration between international, national and local Noosa and Sunshine Coast artists and cultural leaders. The program focused on the dynamics of art and the environment.

Somerset Garden Competition: The 2019 competition received 18 entries. Entrants were invited to morning tea on Thursday, 17 October where winners were announced. Open gardens were held on Saturday, 26 October and Sunday, 27 October.

Somerset Christmas Lights Competition: Artwork has been approved and promotion is expected to start in the first week of November. Interest from sponsors has been strong, with Mitre 10 Fernvale confirmed as the competition's major sponsor. This year online entries will be promoted via the council website and also on social media.

Internal event support: The Events Officer is providing logistical support to various council departments including the CEO for the whole of organisation team building day, the Wellness Committee for the production of the 2020 staff wall calendar and a council family fun day with canoeing, fishing and lawn games, and to the social club for the council staff Christmas party.

Forward planning for 2020: Forward planning for logistical support of events produced by the Community Development team is now underway with timelines, budgets, event briefs and objectives being drafted. Events include the Somerset Rail Trail Fun Run or Ride, school holiday activities and community engagement picnic.

Event procedure review: A full review of current operating procedures is being undertaken with the view to streamline and improve communication between teams for event related marketing, graphic design and planning. This is an ongoing project with the expectation of a full review to be completed within six months.

Promotions

Creating online content for free listings with the Australian Tourism Data Warehouse (ATDW) is ongoing. This will increase the online presence for tourism in Somerset. Operators have been encouraged to create their own ATDW listing. Regional events have also been added to ATDW to be distributed to various websites including Visit Brisbane and Queensland.com. Events are updated on the Experience Somerset website. Graphic design and promotional material and merchandise to support events is created by the tourism team on an ongoing basis.

Social media

Facebook

- Experience Somerset: 2,304 likes (+30 on previous month)
- Somerset Regional Art Gallery – The Condensery: 558 (+8)
- Somerset Rail Trail Fun Run: 1,495 (+1)
- Reel Wivenhoe Classic: 856 (+5)

Instagram

- Experience Somerset: 902 (+14)

Experience Somerset website

- Pageviews: 4,867

	First	Second	Third
Top locations	Brisbane (2,335)	Sydney (274)	Gold Coast (168)

Most popular pages: Somerset Park Campground, Boating and Fishing, Events.

Other

- Officers are preparing a series of Experience Somerset flyers (or fact sheets). These are currently under development.

- Information was sent to tourism operators about ATDW's 25 per cent discount to list their business and become part of the TEQ Best of Queensland Experiences program.
- Council received discount codes for operators for a further ATDW discount.

Attachments

Nil

Recommendations

THAT Council receive the Tourism and Promotions Report for the month of October 2019 and that the contents be noted.

Resolution

Moved – Cr Whalley

Seconded – Cr Ogg

"THAT Council receive the Tourism and Promotions Report for the month of October 2019 and that the contents be noted."

Carried

Vote - Unanimous

Meetings authorised by Council

Nil

Mayor and Councillor Reports

Cr Choat - Councillor report

23/10/2019 Council General Meeting and Workshop
 23/10/2019 Regional Development Australia Board Meeting
 26/10/2019 Relay for Life 2019 Fernvale

I want to make comment on the Fernvale Relay for Life which was a great community activity for a cause which impacts our community leaving no family untouched. Thanks to our Mayor and his band Play'n' Up for the entertainment for the day, Cr Cheryl Gaedtke as Relay Patron and Cr Whalley for his attendance. In particular I want to pay tribute to Simon Moss who was the Face of the Relay this year. Simon is an outstanding young father of Fernvale who is a survivor of cancer and who does our community proud with attitude and spirit.

Congratulations to Brisbane Valley Rattlers Junior AFL Club, Lowood State High School, Fernvale Community Church and the North Ipswich Girl Guides for sporting teams in this year's event. Thanks to the Fernvale Lions for bring this all together and the Lowood QCWA for their catering.

It was my pleasure to have been Master of Ceremonies and commentate for the event and I look forward to the community making 2020 a big year for the Relay for Life in Somerset.

26/10/2019 Glamorgan Vale State School P&C Bush Dance Fundraiser
 29/10/2019 Toogoolawah State High 2019 Awards Presentation

30/10/2019	Lowood State High 2019 Awards Presentation
9/10/2019	St Edmunds College 2019 Awards Presentation
2/11/2019	Lowood QCWA Cent Auction Fundraiser for LLAC Infant Manikin Project
2/11/2019	Kilcoy District Chaplaincy Annual Fundraiser
3/11/2019	Marburg Show Society Committee Annual Social
11/11/2019	Lowood Remembrance Day Commemorations
11/11/2019	Somerset Council Pest Management Meeting
12/11/2019	Lowood-Fernvale Bendigo Bank Annual General Meeting

Cr Gaedtke - Councillor report

23 October	Brisbane Valley Kilcoy Landcare Group AGM Due to the inability to gather a quorum, the AGM was rescheduled for 6 November.
24 October	IPWEAQ Conference I attended the conference on this particular day and enjoyed the conversation and the well-presented engineered community projects. I was pleased to learn that the Rural Engineers won the 'Great Debate' - Rural Engineers are more adaptable than their City Counterparts.
24 October	Kilcoy Chamber of Commerce and Community Inc Monthly Meeting. A meeting with little public attendance.
26 October	Fernvale Relay for Life – Fernvale Lions As Patron of the Fernvale Relay for Life, I offer my thanks and congratulations to the Fernvale Lions Club for organising this extremely important event. I look forward to the next Relay for Life in our region.
29 October	Kilcoy RSL – Morning Tea Kilcoy Interagency Meeting Toogoolawah State High School 32 nd Annual Awards
30 October	Lowood State High School Presentation Night
31 October	Brisbane Valley Kilcoy Landcare – informal meeting
01 November	Kilcoy State High School 57 th Annual Awards Ceremony
04 November	Meeting with local resident – economic benefit Kilcoy
06 November	Somerset Dam & District Progress Assn. monthly meeting It was interesting to meet an older resident who is in the position to share a great deal of history of the Somerset Dam and Village.
06 November	Brisbane Valley Kilcoy Landcare Group AGM A very progressive meeting. A huge vote of thanks to Cr Helen Brieschke for presenting a draft set of Model Rules for the group to adopt at the AGM. The time and effort taken to provide this current and workable administrative tool is very much appreciated.
07 November	Brisbane Valley Heritage Trails Committee monthly meeting. A very well attended meeting, with the decision to award Ms Kate Dohle with Life Membership of the group.
08 November	Kilcoy Memorial Hall – Evacuation Centre. Visited staff to learn of current situation.
09 November	Jimna Bushfire Briefing – Kilcoy Memorial Hall. Around fifty people attended the briefing. The local police commented on the positive and compliant manner that Jimna residents undertook emergency directions. After exchanging information, the Jimna residents were invited to ask questions. It was a very well received briefing. The Jimna residents offered their heartfelt thanks to all staff and volunteers who are keeping them, their homes and their animals safe.
10 November	Breakfast Under the Trees – St Mary's Church-Kilcoy

This event was held to fund raise for those who are suffering from the current drought, and to pray for rain. A lovely morning at an exquisite venue.

11 November Remembrance Day – Kilcoy RSL

11 November Kilcoy State School P and C Meeting

12 November Tourism and Economic Advisory Committee Meeting - Esk

12 November Fernvale-Lowood Bendigo Bank Branch AGM – Fernvale

Resolution

Moved – Cr Whalley

Seconded – Cr Brieschke

"THAT the verbal and written reports of Councillors Choat and Gaedtke be received and the contents noted."

Carried

Vote - Unanimous

Receipt of Petition

Nil

Consideration of notified motions

Cr Whalley presented written notification at the Ordinary Meeting held 23 October 2019 of his intention to move at the Ordinary meeting to be held on 13 November 2019:

THAT the motion passed at the Ordinary Meeting held 9 October 2019 as follows:

THAT Council write again to the Minister and the Leader of the Opposition regarding Council's objection to the proposed appointment of the Board for Glamorgan Vale Water, and include the letter referred to by Cr Choat which was received by participants in the Glamorgan Vale Water Board Scheme.

be rescinded.

Resolution

Moved – Cr Whalley

Seconded – Cr Ogg

"THAT the motion passed at the Ordinary Meeting held 9 October 2019 as follows:

THAT Council write again to the Minister and the Leader of the Opposition regarding Council's objection to the proposed appointment of the Board for Glamorgan Vale Water, and include the letter referred to by Cr Choat which was received by participants in the Glamorgan Vale Water Board Scheme.

be rescinded."

Carried

Vote - Unanimous

Reception of notices of motion for next meeting

Nil

Items for reports for future meetings**Introduction of a bounty on feral pigs**

Cr Hall stated that as we are currently in a drought situation, and with the serious swine flu threat, that Council officers bring a report to the next Council meeting regarding the implementation of a bounty on feral pigs in the Somerset region.

Resolution

Moved – Cr Hall

Seconded – Cr Choat

“THAT Council officers bring a report to the next Council meeting regarding the implementation of a bounty on feral pigs in the Somerset region.”

Carried*Vote - Unanimous***Closure of Meeting****Summary**

There being no further business, the Mayor, Cr Graeme Lehmann closed the meeting at 11.09 am.