



**Minutes of Ordinary Meeting  
Held Wednesday, 8 July 2020**

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

**Present**

Cr Graeme Lehmann	(Mayor)
Cr Helen Brieschke	(Deputy Mayor)
Cr Sean Choat	(Councillor)
Cr Cheryl Gaedtke	(Councillor)
Cr Kylee Isidro	(Councillor)
Cr Jason Wendt	(Councillor)
Cr Bob Whalley	(Councillor)
Mr G Smith	(Acting Chief Executive Officer) (Director Finance)
Mr C Young	(Director Operations)
Mr L Hannan	(Director Planning and Development)
Mrs K Jones	(Director HR and Customer Service)
Mrs S Pitkin	(Minute Secretary / Executive Assistant)
Ms M Maesele	(Communications and Marketing Manager)

**Apology**

Mr A Johnson	(Chief Executive Officer)
Mr M McGoldrick	(Director Corporate and Community Services)

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**Opening of Meeting**

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

**Leave of Absence**

Nil

**Confirmation of Minutes****Resolution**

Moved – Cr Choat

Seconded – Cr Brieschke

“THAT the Minutes of the Ordinary Meeting held Wednesday, 24 June 2020 as circulated to all Members of Council be confirmed.”

Carried

*Vote - Unanimous*

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

Nil

**Matters of Public Interest****Cr Brieschke - Matters of public interest***July*

Thurs 9 Brisbane Valley Interagency meeting via Zoom, 10 am.  
Sat 11 BVRT Eskapade Ride – Esk to Toogoolawah and back, 39 km.  
Sat 25 Operation Icebreaker will be held at Kilcoy Show Grounds

**Cr Gaedtke - Matters of public interest**

I read with interest a report titled Public Libraries as generators of community value and economic activity. The report found that the benefits generated by public libraries are at least double their costs. The report included direct benefits to users and non-users, and the support of economic activity in their local economies. Public libraries also act as an important safety net for disadvantaged and marginalised community members, promoting social equity as well as economic efficiency.

On 3 July, Kilcoy lost one of its legends, with the passing of Mr Kenneth Joseph Kuhn. At the age of 20 years (1942) Mr Kuhn enlisted into the Air Forces. He returned to Australia in 1946 and was discharged from the Services soon after. Ken met Iris McKay, and the couple were married in 1951 and who later moved to Kilcoy to run their own dairy farm. Money was very hard to come by, however they were successful in life working hard to make ends meet and to provide for their family of five children. Ken was always a very active member in the Kilcoy community. He was a real storyteller and very proud of his family and his life accomplishments. Ken would have celebrated his 98<sup>th</sup> birthday on 5 November. Rest in Peace Ken, I will miss your stoic and patriotic presence at our community events.

Tourism and businesses in our region have benefited from increased visitation to our towns and the Brisbane Valley Rail Trail (BVRT) over the past few weeks. Car groups, families,

walking groups, horse riders, bicycle riders and foodies are enjoying our region. One local accommodation business informed me that a group of walkers stayed overnight as part of their BVRT experience. The group normally fly overseas yearly to complete a walk, this year they stayed in their own country and even their own state to enjoy their hobby.

#### **Cr Isidro - Matters of public interest**

*July*

- 9 Brisbane Valley Interagency Meeting via Zoom
- 13 Toogoolawah District Progress Association AGM

#### **Cr Choat - Matters of public interest**

This week will see the retirement of Senior Sargeant Bruce Peel, Officer in Charge Lowood Police District. Senior Seargent Peel has made an incredible difference in matters of law and order in the district since taking up the role and has been visible across the community. He is a regular attendee to Council meetings and functions and is genuinely committed and attentive to the community.

The Queensland Police Service has a mandatory retirement age of 60 years. This is a surprise to most who cannot believe that such a practice is still sanctioned by government no less. Aside from the discriminatory nature of a mandatory retirement condition based on age, it is a practice that strips our police service of experience, skills and knowledge with no regard.

The railways removed their mandatory retirement age of 65 in 2007 a mandatory retirement age of 60 seems incredible considering the general age for retirement is now 67 and will in the not too distant future stand at age 70.

I call on the Premier and Opposition Leader to seriously reconsider this policy for the betterment of our community and to recognise the importance of experience in policing enabling our senior officers to continue to serve for as long as they determine and are able. I wish Senior Sargeant Peel well in his retirement and thank him for his dedicated service to our community and Queensland over many years. I hope that in the future, such decisions for senior police will be their decisions to make and not set by an out-dated policy.

#### **Cr Whalley - Matters of public interest**

Lowood Soccer Club kick off a reduced 10-week season this weekend and encouraging people to bring their own seats. In the interests of health and wellbeing of the children they have kicked off the season and will be giving it a shot.

#### **Conflict of Interest**

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

<b>Subject:</b>	<b>Development Application No 19405 – Development Application for a Development Permit for a Material Change of Use for a Secondary dwelling affected by the Flood Hazard Overlay</b>
<b>File No:</b>	<b>DA19405</b>
<b>Action Officer:</b>	<b>SP-MW</b>
<b>Assessment No:</b>	<b>03581-00000-000</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location	232 Rifle Range Road, Rifle Range
Real Property Description	Lot 2 RP32364
Area	40.772ha
Current land use	Farm land with existing house
Easements and Encumbrances	Nil

### Somerset Region Planning Scheme Version Three

Zone	Rural zone
Overlays	Agricultural Land Biodiversity Bushfire Flood Hazard High Impact Activity Management

### Shaping SEQ: SEQ Regional Plan 2017

Land Use Category	Regional Landscape and Rural Production Area
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### Application

Proposed development	Secondary Dwelling
Level of Assessment	Code assessable
Applicant/s	Patrick Gallagher c/ Urban Planners Queensland
Applicants contact details	PO Box 14 FORTITUDE VALLEY QLD 4006
Date application received	18 May 2020
Date properly made	18 May 2020

### Referral Agencies

Concurrence Agencies	Not applicable
Advice Agencies	Not applicable
Third Party Advice Agencies	Not applicable

## RECOMMENDED DECISION

Approve the Development Application No DA19405 subject to the requirements and conditions contained in the Schedules and Attachments.

## 2.0 PROPOSAL

The applicant has submitted an application for a material change of use to establish a new dwelling house being a secondary dwelling on the subject property, Lot 2 on RP32364, situated at 232 Rifle Range Road, Rifle Range.

The proposed secondary dwelling is to be single storey and will be a fully self-contained three bedroom house with living and dining rooms, and a front porch on the western side of the building and a rear verandah on the east side of the building.

The new dwelling is to be setback approximately 240 metres from the existing house on the site, and approximately 590 metres from the Rifle Range Road entrance to the property. The building is approximately 190 metres from the eastern boundary and 140 metres from the western boundary of the site.

The dwelling has a length of 18.6 metres and a width of 8.0 metres. The dwelling comprises 110.9m<sup>2</sup> of living area, with 37.9m<sup>2</sup> of verandah and patio. The secondary dwelling will be accessed via the existing driveway that serves the current house.

The proposed development is subject to code assessment for a secondary dwelling and is affected by the Agricultural Land and Flood Hazard overlays.

The applicant has provided a site plan, floor plan, and elevation plans as per Attachments 1 to 4. The application included a Planning report and assessment against the Rural zone code, Dwelling house code, Transport, Access and Parking code and Flood Hazard Overlay code.

The proposed secondary dwelling will be constructed near two existing outbuildings and structures, located centrally on the site, on the north facing slope. The northern part of the site is known to be prone to flooding but the proposed house location is in a location outside the existing Defined Flood Event.

The construction of the secondary dwelling was well advanced when Council's site inspection was carried out on 24 June 2020.

### **3.0 SITE DETAILS AND SURROUNDING LAND USES**

The property is described as Lot 2 on RP32364 and is situated at 232 Rifle Range Road, Rifle Range. The property is a large rural property with an area of 40.77ha and has been improved with a dwelling house, a number of outbuildings, dams, equestrian yards and paddocks. The property is cleared and contains scattered trees. The property backs onto Lockyer Creek.

The southern part of the site slopes northwards. The northern half of the site is relatively flat but drains generally in a north-easterly direction. The site does not drain to Rifle Range Road. The property is oriented generally north-south and is generally regular in shape however the site is located behind a number of smaller lots that front Rifle Range Road. Rifle Range Road runs in a northwest to southeast direction.

Predominately, the surrounding land uses to the east and west are rural in nature, consisting of similar size lots and typically contain detached dwellings and associated outbuildings. The existing small lots along Rifle Range Road at the southern end of the site vary in size between 4,047m<sup>2</sup> and 7,740m<sup>2</sup> and effectively function as park residential lots.

The property is not located in proximity to any known extractive resource activities or intensive animal industries.

### **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**

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

#### 4.2. SOUTH-EAST QUEENSLAND REGIONAL PLAN

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

#### 4.3. VEGETATION MANAGEMENT ACT 1999

The site contains limited stands of high value regrowth vegetation that is a Least Concern regional ecosystem according to the Department of Natural Resources, Mines and Energy Mapping. This vegetation is located adjacent to Lockyer Creek.

The site contains a small area of "Of Concern regional ecosystem" adjacent to the eastern boundary of the site. This area is part of an area of low lying, poorly drained land that holds water during rain events, and consists predominantly of marshy vegetation.

The remainder of the property including the development site is mapped as Category X regulated vegetation, however this land is clear of vegetation, and is generally exempt from requirements under vegetation management laws. The proposal does not include the clearing of any vegetation.

#### 4.4 ENVIRONMENTAL PROTECTION ACT 1994

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

### 5.0 COUNCIL ASSESSMENT

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

#### 5.1 Strategic Framework

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

#### 5.2 Code Compliance Summary

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
Rural Zone Code	Yes	PO7, PO8
Dwelling House Code	Yes	PO7
Transport, access and parking code	Yes	Complies with the relevant Acceptable Outcomes
Applicable Overlay Code	Performance Outcome Compliance	Is Alternative Solution Provided?
Agricultural Land Overlay	Yes	Complies with the relevant Acceptable Outcomes
Flood code	Yes	Complies with the relevant Acceptable Outcomes

The proposed development complies with all the relevant performance outcomes of the above codes.

Where the application does not achieve acceptable outcome criteria that is applicable, an assessment against the performance outcome criteria is presented in the following tables.

Rural zone code	
Performance outcomes	Acceptable outcomes
<b>For assessable development</b>	
<b>Amenity</b>	
<b>P07</b> The design, location and operation of development does not result in any undue adverse impact on the amenity of the locality, having regard to: <ul style="list-style-type: none"> <li>(a) hours of operation;</li> <li>(b) lighting;</li> <li>(c) noise;</li> <li>(d) dust, odour and other airborne emissions;</li> <li>(e) public health and safety;</li> <li>(f) traffic generation;</li> <li>(g) the use of advertising devices;</li> <li>(h) visual amenity; and</li> <li>(i) overlooking and privacy.</li> </ul>	<b>A07</b> No acceptable outcome provided.
<b>Performance outcome assessment</b>	
The proposed development is for a dwelling house being a secondary dwelling. This is a low impact development with no adverse impacts on amenity.	
<b>P08</b> Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: <ul style="list-style-type: none"> <li>(a) noise;</li> <li>(b) hours of operation;</li> <li>(c) traffic;</li> <li>(d) lighting;</li> <li>(e) advertising devices;</li> <li>(f) visual amenity;</li> <li>(g) privacy;</li> <li>(h) odour; or</li> <li>(i) emissions.</li> </ul>	<b>A08</b> No acceptable outcome provided.
<b>Performance outcome assessment</b>	
There are no known negative environmental impacts within the vicinity that the development must seek to ameliorate, including from extractive industries, air transport noise, road corridor noise, or infrastructure.	

Rural zone code	
Performance Outcomes	Examples
<b>P07</b> <i>Secondary dwellings:</i> <ul style="list-style-type: none"> <li>(a) are designed and sited to maintain local character and amenity;</li> <li>(b) are visually compatible with the existing <i>dwelling house</i>; and</li> <li>(c) are located in proximity to the principal <i>dwelling</i>.</li> </ul>	<b>A07.3</b> The <i>secondary dwelling</i> is provided with at least one covered parking space.



<b>Alternative Solution</b>
No comment provided
<b>Planning Comment</b>
The secondary dwelling is over 200m from the main house, but it is considered that this assists with passive surveillance of the northern part of the site. The application does not include a designated covered parking space, however there is an old shed approx. 12m north of the secondary dwelling that could be used for parking if necessary. In this instance, the development is considered to satisfy the performance outcome.

## 6.0 OTHER PLANNING CONSIDERATIONS

### Trunk Infrastructure and Services

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

#### 6.1 Water Supply and Sewerage

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

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

#### 6.2 Stormwater/Drainage

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

#### 6.3 Transport Network

The subject property has frontage to Rifle Range Road which is a sealed road, being a Council controlled road.

The proposed development is not considered to unreasonably burden upon local transport networks.

#### 6.4 Parks and Open Space Network

The proposed development is not considered to have any adverse impacts upon Council's parks and open space network.

#### 6.5 Services

The provision of electricity by way of overhead powerlines is available to the premises.

#### 6.6 Infrastructure Charges

Infrastructure charges are applicable for the development of a secondary dwelling. In this instance, the premises fall within Council's infrastructure catchments for the Transport Network only. An infrastructure charges notice has been prepared in accordance with Council's Infrastructure Charges Resolution (No 1) 2019 and will be supplied to the applicant.

#### 6.7 Environment

The proposed development will not result in environmental degradation.

#### 6.8 Heritage

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

Heritage Register or Council's Local Heritage Register.

## 7.0 STATE AGENCY REFERRALS

### Concurrence Agencies

There are no Concurrence Agencies relating to this application.

### Advice Agencies

There are no Advice Agencies relating to this application.

### Third Party Advice Agency

#### **South East Queensland Water (Seqwater)**

Not applicable

### Third Party Advice Agency

#### **Central SEQ Distribution-Retailer Authority (QUU)**

Not applicable

## 8.0 CONCLUSION

The proposed development application is for a Material Change of Use for a secondary dwelling on Rural zone property. The proposed development generally achieves the intended outcomes required under the Somerset Region Planning Scheme Version Three.

The proposed development complies with the acceptable outcomes of the relevant assessment benchmarks or provided alternative solutions for the performance outcomes. Conditions have been applied such that the development will be in compliance with the intentions of the Transport, access and parking code and in accordance with Council's design standards. The proposed development will be conditioned to be carried out generally in accordance with the development conditions attached to the Decision Notice.

## 9.0 ATTACHMENTS

1. Site Plan Callout, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.01, Revision C, Dated 2 March 2020.
2. Floor Plan, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.02, Revision E, Dated 13 March 2020.
3. Elevations, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.06, Revision D, Dated 13 March 2020.
4. Elevations, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.7, Revision D, Dated 13 March 2020.
5. Draft Infrastructure Charges Notice

## RECOMMENDED DECISION

1. THAT Council approve the Development Application for a Development Permit for a Material Change of Use for a Secondary dwelling on land described as Lot 2 on RP32364 and situated at 232 Rifle Range Road, Rifle Range 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 *Planning Act 2016*.

### SCHEDULE 1 – GENERAL CONDITIONS

*Assessment Manager*

No	Condition	Timing
1.1	Carry out the development generally in accordance with the	At all times

	material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	
	Site Plan Callout, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.01, Revision C, Dated 2 March 2020.	
	Floor Plan, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.02, Revision E, Dated 13 March 2020.	
	Elevations, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.06, Revision D, Dated 13 March 2020.	
	Elevations, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.7, Revision D, Dated 13 March 2020.	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme Version Three, 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	On-site effluent disposal is to be compliant with the relevant Australian standards.	Before the change happens
1.6	<p>Unless connected to a reticulated water supply network, provide a minimum water supply storage capacity of 45,000 litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development.</p> <p>OR</p> <p>Unless connected to a reticulated water supply network, provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 litres connected to service all domestic water consumption needs of the development.</p> <p><i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i></p>	Before the change happens
1.7	Building works and plumbing and drainage works approvals must be gained.	Prior to the commencement of use
	<b>Building Above Flood Level</b>	
1.8	Floor heights for habitable areas shall be a minimum of 800mm above the Defined Flood Event (DFE). The current DFE + 800mm is the <b>58.3 m AHD</b> .	Prior to occupation of the dwelling

<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
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
	<b>Stormwater</b>	
2.4	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
	<b>Erosion and Sediment Control</b>	
2.5	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul>	At all times
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> <li>▪ Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>▪ Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>▪ Stockpile any waste on the development site.</li> </ul>	At all times
3.4	The holder of this development approval must not:	During construction

	<ul style="list-style-type: none"> <li>▪ Release stormwater runoff into a roadside gutter / swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>▪ Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter / swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	phase
<b>SCHEDULE 4 – ADVISORY NOTES</b> <i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
<b>Currency Period</b> - 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> ).		

**Attachments for the Decision Notice include:**

- Site Plan Callout, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.01, Revision C, Dated 2 March 2020.
- Floor Plan, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.02, Revision E, Dated 13 March 2020.
- Elevations, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.06, Revision D, Dated 13 March 2020.
- Elevations, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.7, Revision D, Dated 13 March 2020.

**Resolution**

Moved – Cr Choat

Seconded – Cr Wendt

- “1. THAT Council approve the Development Application for a Development Permit for a Material Change of Use for a Secondary dwelling on land described as Lot 2 on RP32364 and situated at 232 Rifle Range Road, Rifle Range 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 *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. Site Plan Callout, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.01, Revision C, Dated 2 March 2020. Floor Plan, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.02, Revision E, Dated 13 March 2020. Elevations, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.06, Revision D, Dated 13 March 2020. Elevations, Drawn by P Carsburg, Westbuilt Homes, Drawing No. A.7, Revision D, Dated 13 March 2020.	At all times
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme Version Three, 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	On-site effluent disposal is to be compliant with the relevant Australian standards.	Before the change happens
1.6	Unless connected to a reticulated water supply network, provide a minimum water supply storage capacity of 45,000	Before the change happens

	<p>litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development.</p> <p>OR</p> <p>Unless connected to a reticulated water supply network, provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 litres connected to service all domestic water consumption needs of the development.</p> <p><i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i></p>	
1.7	Building works and plumbing and drainage works approvals must be gained.	Prior to the commencement of use
	<b>Building Above Flood Level</b>	
1.8	Floor heights for habitable areas shall be a minimum of 800mm above the Defined Flood Event (DFE). The current DFE + 800mm is the <b>58.3 m AHD</b> .	Prior to occupation of the dwelling
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
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
	<b>Stormwater</b>	
2.4	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
	<b>Erosion and Sediment Control</b>	
2.5	<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"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul>	At all times

<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> <li>▪ Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>▪ Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>▪ Stockpile any waste on the development site.</li> </ul>	At all times
3.4	The holder of this development approval must not: <ul style="list-style-type: none"> <li>▪ Release stormwater runoff into a roadside gutter / swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>▪ Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter / swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase
<b>SCHEDULE 4 – ADVISORY NOTES</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
<b>Currency Period</b> - 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> ).
<div style="text-align: right;"><u>Carried</u></div> <div>Vote – Unanimous</div>

<b>Subject:</b>	<b>Development Application No 19321 - Application for a Development Permit for a Material Change of Use for a Dwelling House affected by the Bushfire Hazard and Extractive Resources overlays</b>
<b>File No:</b>	<b>DA19321</b>
<b>Action Officer:</b>	<b>SP-MW</b>
<b>Assessment No:</b>	<b>02351-00000-000</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location	Knox Lane South, Fernvale
Real Property Description	Lot 2 on SP309443
Area	1.186 hectares
Current land use	Vacant, improved by an outbuilding

### Somerset Region Planning Scheme Version Three

Zone	Emerging Community
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### Shaping SEQ: SEQ Regional Plan 2017

Land Use Category	Urban Footprint
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### Application

Proposed development	Dwelling house
Level of Assessment	Code
Applicant/s	Chrystal Deguara

Applicants contact details	18 Sawmill Drive, Griffin QLD 4503
Date application received	3 April 2020
Date properly made	3 April 2020
<b>Referral Agencies</b>	None applicable
<b>Public Notification</b>	Not required

## RECOMMENDED DECISION

Refuse Development Application No DA19321 subject to the reasons for refusal.

## 2.0 PROPOSAL

The applicant proposes to establish a dwelling house in the northern region of the site. The dwelling house has a proposed setback of 46.9547m from the front boundary and 5m from the nearest side (northern) boundary. The dwelling house will be single storey, reaching an apex height of 6.501m from the ground level. The proposed area of development is predominantly cleared of vegetation. Access to the development will be from Knox Lane South, sharing an access with the northern adjoining lot.

The site is currently subject to a 1,049m<sup>2</sup> building envelope located in the north-western corner of the site, with a 90m setback from Knox Lane South and 10m setbacks to the two side boundaries. The building envelope was created as part of the previous subdivision, when the lot was subdivided from the adjoining larger lot to the north. The purpose of the building envelope is to restrict residential developments outside the envelope as the balance of the site is affected by the Extractive Industry Overlay, in particular the Transport Route Separation Area. The approved plan of subdivision is provided below.

The proposed dwelling house is setback 45m from Knox Lane South and is located in the Transport Route Separation Area. The dwelling house is proposed to be constructed outside the building envelope primarily due to the slope of the site.

The proposed plans of development are provided at **Attachment 2**.

## 3.0 SITE DETAILS AND SURROUNDING LAND USES

The subject site is a triangular shaped allotment, located in the periphery of Fernvale's Urban Footprint. The site is bounded by Knox Lane South to the east and by Emerging Community zoned land to the north, south and west. The subject site slopes from west to the east and southeast. The proposed area of development is cleared of significant vegetation.

Surrounding land uses are predominately residential in nature and function as large park residential properties. Lots to the east of Knox Lane South are rural in nature.

Knox Lane South is identified as being a future transport route for the Key resource area (KRA) No. 144 – Horse Mountain. The extractive industry in this KRA has not been actioned. This KRA has been identified by the state as a future Hardrock quarry, with transport between this resource and the Brisbane Valley Highway to be along Knox Lane, rather than via Banks Creek Road and through the Fernvale centre.

The proposed dwelling house is not located within 500m from any known intensive animal industry or extractive industry, but is proposed within the KRA Transport Route.

## 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 area of development 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.

### 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
Emerging community zone code	Yes	Alternative solution sought for PO3
Transport, access and parking code	Yes	Not required
Bushfire hazard overlay code	Yes	Alternative solution sought for PO2
Extractive resources overlay code	No	Alternative solution sought for PO5

Emerging community zone code	
Performance outcomes	Examples
<b>Building setbacks</b>	
<b>PO3</b> Building setbacks: (a) maintain a coherent streetscape; and (b) assist in the protection of the amenity of existing and future residential development.	<b>AO3.2</b> Buildings and structures are setback a minimum 10 metres from the side and rear boundaries of the site, unless varied by a development code.
<b>Performance outcome assessment</b>	
The proposed dwelling house is setback 5m from the nearest side (northern) boundary.  The dwelling house could be moved an additional 5m from the northern boundary, however the dwelling house has been located to minimise removal of vegetation. The proposed dwelling house is of a similar scale and size to other existing dwellings in the locality and therefore is not expected to create amenity impact to the adjoining neighbours.	

The site adjoins a 13.6ha lot to the north. The existing house on the property to the north is set approximately 85m from the common property boundary, and approximately 140m from the proposed house. It is considered the proposed reduction in setback to the side boundary would not impact detrimentally upon the amenity of the adjoining property.

### Bushfire hazard overlay code

<b>Performance outcomes</b>	<b>Examples</b>
<p><b>PO2</b> In Medium (potential intensity) Bushfire Hazard Areas as identified on <b>Bushfire Hazard Overlay Map OM-004a-b</b>, <i>buildings</i> and <i>structures</i> are sited:</p> <ul style="list-style-type: none"> <li>(a) in cleared areas where the environmental impacts of vegetation clearing are minimised;</li> <li>(b) on the area of the site which is least prone to bushfire hazard having regard to aspect, slope and vegetation;</li> <li>(c) to provide adequate setbacks between buildings, structures, and areas of identified bushfire hazard.</li> </ul>	<p><b>AO2</b> <i>Buildings</i> and <i>structures</i> in areas of Medium Bushfire (potential intensity) Hazard as identified on <b>Bushfire Hazard Overlay Map OM-004a-b</b>:</p> <ul style="list-style-type: none"> <li>(a) are located 100 metres from ridgelines;</li> <li>(b) are not located on north to west facing slopes;</li> <li>(c) have a firebreak with a minimum dimension of 20 metres.</li> </ul>
<p><b>PO3</b> In Medium (potential intensity) Bushfire Hazard Areas as identified on <b>Bushfire Hazard Overlay Map OM-004a-b</b>, development maintains the safety of people and property by providing an adequate and accessible water supply for fire-fighting purposes.</p>	<p><b>AO3</b> For uses involving new or existing buildings in areas of Medium (potential intensity) Bushfire Hazard as identified on <b>Bushfire Hazard Overlay Map OM-004a-b</b> each lot has:</p> <ul style="list-style-type: none"> <li>○ a reliable reticulated water supply that has sufficient flow and pressure characteristics for fire fighting purposes at all times (minimum pressure and flow in 10 litres a second at 200kPa); or</li> <li>○ an accessible on-site dam or tank with fire fighting fittings, or a swimming pool of not less than 40,000 litres.</li> </ul>

### Performance outcome assessment

A small part of the rear of the site is identified by the Planning Scheme to be affected by areas of Potential impact buffer. However, the most recent mapping provided by the State identifies approximately two thirds of the site, including both the building envelope and the applicant's proposed area of development to be affected by Medium Bushfire (potential intensity) Hazard. Council is currently in the process of adopting the latest information through proposed Major Amendment to the Somerset Region Planning Scheme.

The State's identification of the area comprising the site as subject to Medium Bushfire development does not preclude the development from locating within the approved building envelope. It is noted that the existing vegetation on the site is not designated by DNRME as regulated vegetation, nor is any of the vegetation on the site designated by DES as Core Koala Habitat.

The proposed location of the dwelling house would result in less vegetation clearing, however some clearing of vegetation will be required, particularly toward the southwest corner of the building.

An approval for the proposed dwelling house would include conditions that the house be provided with an adequate and accessible water supply for fire-fighting purpose.

#### Extractive resources overlay code

<b>Performance outcomes</b>	<b>Examples</b>
<b>Development within or adjoining a Transport route, Transport route separation area or Transport investigation area</b>	
<b>PO5</b> <i>Development does not materially increase the number of people living within the transport route separation area or transport investigation area.</i>	<b>AO5.1</b> <i>Development does not result in an increase in residential density within a transport route separation area or transport investigation area.</i>

#### Performance outcome assessment

##### Alternative solution

The applicant provided a statutory declaration that included the following comments:

*"I have tried to work within the constraints provided but have found it not to be viable as due to the slope of the land in that area after excavation, the placement of my dream home would require a 3m retaining wall to be built 5m behind the house, disadvantaging the lifestyle of myself and my family and giving us minimal ability to enjoy country living and views which is my primary reason for seeking an acreage property. Additional to the impact on the lifestyle of myself and my family we would be looking at having to pay around \$20,000 for the retaining wall as well as approximately an additional \$30,000 for driveway, fill and stabilising for the allocated location."*

*"I propose to have the dwelling constructed within the Transport Separation Area, set back approximately 50m from the front fence line of my property as shown in the prepared plans provided. The construction or placement of my dwelling will not interfere with the safe and efficient transportations of the extractive route, and the entry point to the property will remain the same."*

*"The dwelling will maintain a high level of safety and amenity for my family if approved to develop in the dream location, as outlined in the documents supplied, as we will be able to construct our primary outdoor living area behind the house, which will offer significant protection from the transport route. Also I am prepared to implement landscaping and fencing as well as install protective upgrades to the house such as awnings, roller shutters, double glazed windows and soundproofing materials such as insulation which will offer substantial protection from any resulting dust and noise that may arise from the transportation route. Additional to these measures, the dwelling will also be positioned behind a large 12m x 15m shed which will also provide abundant protection from the transport route activities."*

*"I am aware that my dwelling may be exposed to some dust, noise or vibrations during transport route operation times and am prepared for this. I will not issue any complaints or proceedings in relation to the safe and efficient transportation of the extractive resources if my dwelling is approved to be built in the proposed location on my lot."*

Additional comments were made on the application form with respect to the liveability of the house:

*“Further upgrades can be made to the house if needed (and we will be more than happy to install these if needed once the transport route becomes active) to provide maximum protection and create a high level of safety and amenity such as installing double glazed windows and sound proofing materials to insulate the inside of the house. Roller shutters can be attached to wall openings such as sliding doors and windows to provide maximum protection and weather proof awnings can be installed to the verandah areas to minimise dust from entering the house area.”*

#### *Planning comments*

The proposed dwelling house would be located within the Transport Route Separation Area. The subject lot is the result of a recent reconfiguration. A copy of the approved plan is located in Section 2 of this report.

As part of the reconfiguration approval, a building envelope was required on-site, located in the western section of the site, away from the transport route separation area. The building envelope is situated 90m from the Knox Lane South road reserve and 10m from the northern and southwest boundaries of the site. The proposed house is located 45m from Knox Lane South, entirely within the transport route separation area.

The building envelope for Lot 2 was specifically conditioned as a part of the reconfiguration to minimise impacts associated with the transport route serving KRA144 in order to protect residents. Council considered the building envelope to be necessary to protect future owners and maximise their amenity.

The property was purchased by the current owner with the building envelope in place.

It is acknowledged that the land contained within the building envelope has a slope of approximately 1 in 4, which is steeper than the area where the applicant has proposed the house. It is recognised that building within the building envelope would result in additional costs compared to the applicant's proposed location due to the building envelope being located on steeper ground and further from the road.

The applicant has advised of the need for a large retaining wall if they are to build within the building envelope. If the house was to be constructed in the proposed location, a retaining wall or site batter would still be required as the land has a slope of between 1 in 5 and 1 in 6 in proximity to the applicant's proposed house site, and the house is proposed to be constructed as slab on ground, therefore requiring cut and fill. The applicant's building plans submitted with the application (outside the building envelope) shows a proposed batter commencing approximately 2m behind the building.

With respect to views, it is noted the approved building envelope is located several metres higher than the proposed house location, which could be considered to provide the applicant with more views. (The proposed house is also oriented to face the rear of the shed, and views northward from the house would be limited due to the garage being located on that side of the house).

The timing of the noise attenuation/mitigation works to the house has not been made clear. On the applicant's statutory declaration, the impression is given that the additional building works may be incorporated into the original construction of the house, however the applicant's comments on the DA Form (and in Precinct Urban Planning's correspondence) give the impression that these upgrade works may occur after the transport route becomes operational.

With respect to complaints, it is noted the owner is not obliged to own the property in perpetuity. Nor is there any feasible mechanism available to Council to require upgrades

to be made to the dwelling house by the current owner or subsequent owners when the transport route becomes operational.

It is acknowledged that Horse Mountain Key Resource Area – KRA144 is currently not operational. There is no certainty to when the relevant Transport Route would be constructed and used, however the Key Resource Area reports from April 2016 include the following comments with respect to Key Resource Area 144:

*SIGNIFICANCE: The availability of hard rock resources in the western part of Southeast Queensland may become severely constrained in the near future as other resources are exhausted. This resource is one of the largest in the region and would be capable of meeting a significant part of the projected demand.*

*SEPARATION AREA: The steep ridges surrounding the site will provide additional screening however the maximum separation distance of 1000 metres is applied from the resource/processing area boundary. The surrounding land is zoned Rural and there are no dwellings within the proposed separation area.*

*TRANSPORT ROUTE: A transport corridor has been proposed in the current Esk Shire planning scheme, leading directly south over the Brisbane River to the Brisbane Valley via the existing Harris Road intersection. This would avoid truck traffic through the residential areas of Fernvale.*

The KRA has an area of approximately 315 hectares. The transport route connecting the KRA to the Brisbane Valley Highway would be approximately five kilometres long. When the KRA becomes operational, Knox Lane South will become the main transport route between the extractive operation and the Brisbane Valley Highway. The KRA development will require a bridge across the Brisbane River and construction of approximately five kilometres of road, including upgrades to existing Council maintained roads as well as construction of new roads. The cost of this infrastructure will be considerable. It is therefore likely that any extractive industry operating within the KRA will need to be large in order to offset the start-up costs of the development. As a result, the transport route will be likely to carry a larger number of heavy vehicles, and as such it is not considered appropriate to reduce proposed setbacks to the street.

The applicant also provided additional advice from Precinct Urban Planning with respect to the Transport Route Separation Area. The report includes the comment, *“In many respects, Council’s approval of the reconfiguration of the lot proposal in 2018 to facilitate the creation of the site acknowledges that the future establishment of a dwelling on the site would not adversely impact upon the safe and efficient operation of the haulage route.”*

This contention is not supported. The approval was issued subject to the provision of a building envelope outside of the Transport Route Separation Area, and included other conditions including a shared access point in order to minimise impacts of the future haul route. The RAL approval was granted because Lot 2 was able to provide a developable area outside of the Transport Route Separation Area. Precinct has also provided the following comments:

*“It is acknowledged that the assessment benchmarks in the 2017 State Planning Policy does not apply to the assessment of dwelling houses on existing lots (meaning that such developments are exempt from these requirements). Notwithstanding, the 2017 SPP does facilitate the potential for the number of people residing within the separation area of the haulage route to be increased to long as potential impacts are mitigated. This approach is supported in the guidance material associated with the mining and extractive resources State Interest. In the context of the proposal, the following is noted:*

- *The mapped KRAs are not currently being actively worked for extractive industry purposes. The timing for these KRAs to be activated is unknown (and in some respects, there are a range of access and operational matters that will need to be considered prior to either KRA being activated).*
- *As the KRAs are not operational, determining potential impacts from the future operation of the haulage route cannot be qualified or quantified at this point in time.*
- *The proposed dwelling is proposed to be located approximately 50m from Knox Lane, and behind an existing shed. The location of the shed can assist with mitigating potential impacts associated with the future operation of the haulage route. In addition, recreation space can be located to the rear of the dwelling to provide additional protection from the haulage route (which is a point raised in the guidance material).*
- *The applicant has provided a written acknowledgement that in the future, the dwelling may be affected by the operation of the haulage route. In this respect, the applicant has also acknowledged that if necessary, the building can be upgraded to incorporate necessary design features to assist with mitigating against the potential impact of noise, dust and vibration associated with the operation of the haulage route. It is considered that this acknowledgement addresses potential impacts as they currently relate to the site and development (i.e. potential impacts cannot be currently confirmed). A reasonable and relevant condition could be imposed where potential impacts are identified, and mitigation measures are implemented as necessary, in the event that the haulage route becomes operational as a result of the commencement of an extractive industry use. This could include a requirement for the applicant/owner to investigate the nature and severity of potential amenity impacts and have these identified and quantified by commissioning an appropriate specialist assessment(s). Further the applicant/owner would be required to consent to providing an undertaking that any required ameliorative measures are implemented."*

#### *Planning comments*

*Under the "State interest guidance material – Mining and extractive resources" Transport Route Separation Area is defined as "The area surrounding the transport route needed to maintain separation of people from undesirable levels of noise, dust and ground vibration produced as residual impacts from the transportation of extractive material. The distance is measured 100m from the centre line of the indicated transport route for a KRA."*

It is agreed with Precinct that a Dwelling house is not subject to the SPP. However, Precinct has not acknowledged that the RAL that created this lot was subject to the SPP, and a building envelope was provided as part of the assessment and approval of the RAL.

Dot point 1 is a pertinent statement. It is not known when the resource will be commenced however the protection of the asset, including the transport route, should be given weight. This is identified in the following state interest policies:

#### *(2) KRAs are protected by -*

- (a) ...*
- (b) ...*
- (c) avoiding land uses along the transport route and transport route separation area of a KRA that are likely to compromise the ongoing use of the route for the haulage of extractive materials;*
- (d) avoiding new development adjacent to the transport route that is likely to adversely affect the safe and efficient transportation of the extractive resource.*



Dot point 2 is relevant. The KRA is not operational, however an access route to an extractive industry is typified by the movement of heavy vehicles, with noise from laden and unladen vehicles. The existing area is not subject to significant noise impacts. As a result, noise impacts from the proposed transport route would be more impacting than in a noisy environment.

The shed referred to in Dot point 3 may have a mitigating effect on noise but only where the truck is directly between the shed and the house. Given the shed is 12m wide and a truck may exceed 20m in length, this is likely to only have a minimal mitigating effect.

Dot point 4 references the potential to upgrade the house in the future to provide noise mitigation. The “*State interest guidance material – Mining and extractive resources*” makes the following comments:

*“Sensitive land uses and developments that are incompatible with noise, dust and vibrations (which will be generated by the haulage of extractive materials), especially land uses that increase the number of residents, are not encouraged in the transport route separation area. Development that will increase the number of people working within the transport route separation area is not supported.*

*Development that increases the number of resident or workers would only be supported if they can demonstrate that they adequately mitigate the impacts of noise, dust and vibration generated by the current and future haulage of extractive materials along the transport route.”*

Despite Precinct’s advice that the house could be retrofitted to address these matters, this is an expensive exercise with no certainty that the results would be satisfactory. The applicant has provided generic advice with respect to potential acoustic mitigation, however has not provided sufficient advice to provide confidence that this outcome could be achieved.

Part of Lot 2 is outside of the Transport Route Separation Area and is able to be developed for a house. Council would have no issues with the construction of a Dwelling house within the building envelope. It is not obligatory for Council to approve a Dwelling house that is located outside the building envelope.

It is considered the development does not achieve compliance with Performance Outcome PO5 or Acceptable Outcome AO5.1.

## **6.0 OTHER PLANNING CONSIDERATIONS**

### **6.1 Trunk Infrastructure and Services**

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

### **6.2 Water Supply and Sewerage**

The subject land is not located within an area serviced by a reticulated water supply network and reticulated sewerage network. If approved, conditions would be included requiring the development be supplied with potable and drinking water and an on-site sewerage system compliant with the relevant Australian standard.

### **6.3 Stormwater/Drainage**

The proposed development is not considered to have any adverse impacts upon stormwater and drainage. There is no associated infrastructure charge for this type of development within the region.

If approved, a condition requiring the landowner to ensure stormwater is delivered to a legal point of discharge and designed in accordance with the Queensland Urban Drainage Manual would be included in the Schedules of condition.

#### **6.4 Transport network**

The proposed development is not considered to unreasonably burden local transport networks. This comment however does not relate to the strategic function of the transport route for the KRA. There is no associated infrastructure charge for this type of development within the region.

#### **6.5 Parks and Open space**

The proposed development is not considered to have any adverse impacts upon the Parks and open space network. There is no associated infrastructure charge for this type of development within the region.

#### **6.6 Infrastructure charges**

As discussed above, there are no infrastructure charges applicable to the development under Council's current Charges Resolution (No 1) 2019. Infrastructure charges were applicable with respect to the approved subdivision that created this lot.

#### **6.7 Environment**

The proposed development will not result in environmental degradation.

#### **6.8 Heritage**

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

### **7.0 STATE AGENCY REFERRALS**

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

### **8.0 CONCLUSION**

The development application is for approval of a Dwelling House within the Extractive Industry Overlay.

The site contains a building envelope that is outside of the overlay, but the applicant has proposed to locate the house within the area affected by the overlay. Notwithstanding the applicant's supporting information, it is considered the proposed house would be subject to impacts from the future transport route and the building envelope should be maintained as the location for a future house.

The proposed development does not demonstrate compliance with the acceptable outcomes of the relevant assessment benchmarks or provided satisfactory alternative solutions for the performance outcomes when it did not meet the acceptable outcomes.

The proposed development is therefore not supported in its current form.

### **9.0 DELEGATION OF AUTHORITY**

The Chief Executive Officer has the power to act as the Assessment Manager for applications received by Council under Chapter 3 of the *Planning Act 2016* and to decide applications under section 60 of the PA. Council granted this power on Wednesday, 28 June 2017. This delegation was reviewed by Council on 24 January 2018.

## 10.0 ATTACHMENTS

1. Site Plan, Detail Survey Lot 2 on SP309443 Knox Lane South, Fernvale, Prepared by Spencer Surveys, dated 6 March 2020.
2. Elevation Plan, prepared by Dixon Homes, Job No.: 143287, dated 21 April 2020.

## RECOMMENDED DECISION

1. THAT Council refuse the Development Application No DA19321 for a Development Permit for a Material Change of Use for a Dwelling House affected by Bushfire Hazard and Extractive Resources overlays on land described as Lot 2 on SP309443 and situated at Knox Lane South, Fernvale subject to the following grounds:
  - (1) The development does not comply with Purpose (1)(a) of the Extractive resources overlay code in that the Dwelling house would encroach onto the transport route separation area for an identified key resource area.
  - (2) The development does not comply with Purpose (2)(b) of the Extractive resources overlay code in that development occurring within or adjacent to transport routes or transport investigation areas may constrain or otherwise conflict with the safe and efficient transportation of the extractive resource.
  - (3) The development does not achieve the intent of Performance Outcome PO5 of the Extractive resources overlay code in that the Dwelling house would materially increase the number of people living within the *transport route separation area*.
  - (4) The development does not comply with Acceptable Outcome AO5.1 of the Extractive resources overlay code in that the Dwelling house would result in an increase in residential density within a *transport route separation area*.
2. THAT Council's report for this application be published to the website as Council's Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

### Resolution

Moved – Cr Gaedtke

Seconded – Cr Whalley

- "1. THAT Council refuse the Development Application No DA19321 for a Development Permit for a Material Change of Use for a Dwelling House affected by Bushfire Hazard and Extractive Resources overlays on land described as Lot 2 on SP309443 and situated at Knox Lane South, Fernvale subject to the following grounds:
- (1) The development does not comply with Purpose (1)(a) of the Extractive resources overlay code in that the Dwelling house would encroach onto the transport route separation area for an identified key resource area.
  - (2) The development does not comply with Purpose (2)(b) of the Extractive resources overlay code in that development occurring within or adjacent to transport routes or transport investigation areas may constrain or otherwise conflict with the safe and efficient transportation of the extractive resource.

(3) The development does not achieve the intent of Performance Outcome PO5 of the Extractive resources overlay code in that the Dwelling house would materially increase the number of people living within the *transport route separation area*.

(4) The development does not comply with Acceptable Outcome AO5.1 of the Extractive resources overlay code in that the Dwelling house would result in an increase in residential density within a *transport route separation area*.

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

Carried

Vote – Unanimous

<b>Subject:</b>	<b>Development Application No 19104 - Representations about Infrastructure Charges Notice - s125 of Planning Act 2016</b>
<b>File No:</b>	<b>DA19104</b>
<b>Action Officer:</b>	<b>PO-MS</b>
<b>Assessment No:</b>	<b>81368-00000-000</b>

#### Subject Land

Location	Kilcoy Murgon Road, Sheep Station Creek
Real Property Description	Lot 215 CG4179
Area	135.2 hectares
Current land use	Dwelling house and associated domestic outbuildings

#### SEQ Regional Plan 2009-2031

Designation	Regional Landscape and Rural Production Area
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#### Application

Level of Initial Assessment	Code assessment
Applicant	Mrs June Eaton C/- Allan Van Planning
Applicant for representations	Mrs June Eaton "Yednia" 2373 Kilcoy Murgon Road Sheepstation Creek QLD 4515

#### Referrals

Concurrence	Referral required to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) as per the following trigger under the <i>Planning Regulation 2017</i> :
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Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 - Material change of use of premises near a State transport corridor

#### ATTACHMENT

1. Infrastructure Charges Notice No 197, issued in relation to DA19104.

## RECOMMENDATION

THAT Council disagree with the representations made to Council appealing the infrastructure charges applied for development application DA19104.

## BACKGROUND

At the Ordinary Council Meeting of Wednesday 27 May 2020, Council resolved to grant approval for Development Application DA19104 for a material change of use for a dwelling house (secondary dwelling) on the property at Kilcoy Murgon Road, Sheep Station Creek, also described as Lot 215 on CG4179.

During the applicant's appeal period, the applicant has made representations to Council regarding the infrastructure charges notice issued by Council for the development.

In accordance with section 125 of the *Planning Act 2016*, the recipient of an infrastructure charges notice may make representations to the local government about the infrastructure charges during the appeal period.

The infrastructure charges notice issued for the development has been provided as per Attachment 1.

## APPLICANT REPRESENTATIONS

The applicant has made the following representations to Council regarding the infrastructure charges applied to the development of a secondary dwelling on the subject property:

*"I wish to appeal this Infrastructure Chargers Notice (File Reference DA19104) that I received late on Friday afternoon, 12th of June, on the grounds that the new dwelling is not bringing an(y) new persons onto the property, it is purely moving my adult daughter and her autistic son into a separate house from mine, and my adult disabled son, his partner and their two children into another house.*

*I have health issues and do not drive therefore my daughter is responsible for all my transport and has done for the last 13 years, no changes to any traffic using the property access. It seems completely unreasonable to pay this fee just because we wish to have some private space but still remain here together as a family. I could understand this if my children had not lived here with me full time since birth, and had moved away and returned, but this is not the case and nothing is changing where the use of the property is concerned.*

*This is not a material change of use, the dwelling house is merely logical need for space.*

*Please reconsider this charge as it is an extra charge for no changes to our present traffic circumstances".*

## OFFICER COMMENTS

The *Planning Act 2016* provides minimal guidance in relation to considering representations made about an infrastructure charges notice. Generally, section 125 of the Act provides the following:

1. That the recipient of an infrastructure charges notice may make representations to the local government about the infrastructure charges notice within the appeal period.

2. That the local government must consider the representations (*Note – no provisions are given regarding how or what considerations the local government must give to the representations*).
3. The local government may agree or disagree with the representations.
4. If the local government agrees with any of the representations, the local government must issue a negotiated infrastructure charges notice to the recipient.
5. The local government may only give 1 negotiated infrastructure charges notice.
6. If the local government does not agree with any of the representations, the local government must issue a decision notice about the decision to the recipient.

### **The application of infrastructure charges and Council's policy**

The development application for DA19104 was for a material change of use of premises for a dwelling house (secondary dwelling) to be established on the subject property.

The establishment of a secondary dwelling on a property represents in an expected increase in demand on Council's infrastructure networks within the Somerset region, and so, infrastructure charges were applied to the development in accordance with Council's current policy for infrastructure charges – *Charges Resolution (No. 1) 2019*. Council's infrastructure charges resolution has been adopted in accordance with the requirements of the *Planning Act 2016*.

Council's current policy on infrastructure charges deems it appropriate that infrastructure charges are applied for the development of a secondary dwelling, and these levied charges form part of Council's funding arrangements and contributions for the provision of infrastructure within the region.

Council's *Charges Resolution (No 1) 2019* is a public document and is readily available on Council's website. At no point either before or during the application and assessment process were Council's officers contacted by the applicant or the applicant's representative regarding the possible fees and charges applicable to the proposed development. If Council's officers were queried on any applicable charges, information and advice detailing the specific charges applicable would have been provided upon request.

As detailed on Infrastructure Charges Notice 197 (attached), the charges applied to the development were as follows:

1. Charges for stormwater network: **not applicable** – this does not apply as the premises are not in an urban area.
2. Charges for parks and open space network: **not applicable** – this does not apply as the premises are not within Council's public parks and community land service catchment area.
3. Charges for the transport network: **\$2,254** – this charge is applicable for all additional residential development (including secondary dwellings) within the Somerset region.

### **Matters raised in representations made by the applicant**

The applicant made several points in their representations to Council. Each point has been addressed below.

#### **Point 1:**

*"the new dwelling is not bringing an(y) new persons onto the property, it is purely moving my*

*adult daughter and her autistic son into a separate house from mine, and my adult disabled son, his partner and their two children into another house.”*

**Planning comments:**

Council’s infrastructure charges are not determined based on an applicant’s personal circumstances or living arrangements. Charges are applied based on the nature of the development being proposed and the presumed increase in demand on Council’s infrastructure that the new land use either implies or Council expects is likely to occur. It is worth noting that the secondary dwelling being the subject of the approval is for a four-bedroom, two-bathroom home. This is considered a comparably large secondary dwelling approved by Council and not a typical “granny flat” or ancillary dwelling.

Additionally, the applicant’s comments imply that there are three related households currently residing on the property. It is unclear from the representations if the households are residing within one or multiple dwellings. If more than one dwelling currently exists on the subject land it may be a historic arrangement as Council’s records indicate that the property has building approval for a single four-bedroom home, approved in 1964. No further building or planning approvals could be located in Council’s records. It should also be noted that Council has recently received a building approval from a private certifier for a separate dwelling house on another property owned by the applicant.

**Point 2:**

*“I have health issues and do not drive therefore my daughter is responsible for all my transport and has done for the last 13 years, no changes to any traffic using the property access.”...“I could understand this if my children had not lived here with me full time since birth, and had moved away and returned, but this is not the case and nothing is changing where the use of the property is concerned.”*

**Planning comments:**

As given above, Council only levies infrastructure charges where development is proposed that attracts an infrastructure charges contribution in line with Council’s policy. That noted, it is the officer’s opinion that the situation given above by the applicant does in fact represent an increase in usage of Council’s transport network infrastructure.

**Point 3:**

*“This is not a material change of use, the dwelling house is merely logical need for space.”*

**Planning comments:**

In Queensland, land use planning and development is governed by the *Planning Act 2016*. Under the Act, the definition for *material change of use* is given as follows:

**material change of use**, of premises, means any of the following that a regulation made under section 284(2)(a) does not prescribe to be minor change of use—

- (a) the start of a new use of the premises;
- (b) the re-establishment on the premises of a use that has been abandoned;
- (c) a material increase in the intensity or scale of the use of the premises.

The proposal of a dwelling house (secondary dwelling) on the premises represents **(a)** and/or **(c)** as given in the definition above. The proposal of a dwelling house (secondary dwelling) on a property in the Rural zone is categorised as assessable development under the Somerset Region Planning Scheme Version Three. The applicant did in fact make a development application for a material change of use for a dwelling house (secondary dwelling), in line with the legislative requirements under the *Planning Act 2016*.

Overall, the Infrastructure Charges Notice issued in relation to the development is considered

to be reasonable and should remain unchanged.

## RECOMMENDATION

1. THAT Council disagree with the representations made to Council appealing the infrastructure charges detailed in Infrastructure Charges Notice 197 issued for Development Application DA19104, applying to land described as Lot 215 on CG4179, and situated at Kilcoy Murgon Road, Sheep Station Creek.
2. THAT Council issue a decision notice informing the applicant of the outcome of Council's decision in accordance with the requirements of s125 of the *Planning Act 2016*.

### Resolution

Moved – Cr Brieschke

Seconded – Cr Whalley

- “1. THAT Council disagree with the representations made to Council appealing the infrastructure charges detailed in Infrastructure Charges Notice 197 issued for Development Application DA19104, applying to land described as Lot 215 on CG4179, and situated at Kilcoy Murgon Road, Sheep Station Creek.
2. THAT Council issue a decision notice informing the applicant of the outcome of Council's decision in accordance with the requirements of s125 of the *Planning Act 2016*.”

Carried

Vote – Unanimous

<b>Subject:</b>	<b>Development Application No 19220 - Application for a Development Permit for a Material Change of Use for Short Term Accommodation</b>
<b>File No:</b>	<b>DA19220</b>
<b>Action Officer:</b>	<b>SP-MJ</b>
<b>Assessment No:</b>	<b>02242-00000-000</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location	25 Cressbrook Street, Toogoolawah
Real Property Description	Lot 24 on SP208427
Area	1,216m <sup>2</sup>
Current land use	Existing commercial building

### 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	Short Term Accommodation
Level of Assessment	Code
Applicant/s	G Finegan
Applicants contact details	C/- ONF Surveyors



	PO Box 896 KINGAROY QLD 4610
Date application received	18 February 2020
Date properly made	18 February 2020
<b>Referral Agencies</b>	None applicable
<b>Public Notification</b>	Not required

## RECOMMENDED DECISION

Approve Development Application No. DA19220 subject to the requirements and conditions contained in the Schedules and Attachments.

### 2.0 PROPOSAL

The applicant proposes to establish a Short-Term Accommodation use on the site, utilising the existing building on-site, which was historically occupied as a bank and since then by a number of commercial operations. The proposed Short-Term Accommodation comprises seven bedrooms including one with disabled access and facilities on the lower floor. Bathroom facilities will be provided on both levels for guests. The kitchen and laundry facilities will also be provided on the ground level. The proposed development will be self-catered and be rented out in its entirety. No new buildings or structures have been proposed as part of the redevelopment. Other areas in the building such as the Sales area, vault, storage area and the kitchen located at the front of the property are separate to and will not be accessible from the proposed accommodation use.

The accommodation building is a double storey building constructed to the front boundary of the site. The accommodation building has an existing setback of 4.812m from the southern side boundary and an existing setback of 2.8m to the northern side boundary.

Pedestrian access to the accommodation area of the building is to be via a pathway leading to the Porch and Lobby area on the northern side of the building. This will be clearly defined at the frontage of the property as well as the rear of the building. Disabled Access will be available on the southern side of the property where ramps have been provided. The front room and kitchen area at the front of the building are separate to the Accommodation activity proposed and will not be accessible. Vehicle access is to be provided via the existing access handle from Cairnsroft Street, with carparking to be provided with an existing carport.

### 3.0 SITE DETAILS AND SURROUNDING LAND USES

The subject site is rectangular in shape with an access handle on the south-western side of the lot and currently has an existing building on site that was previously occupied by commercial operations. The lot has two roads defining its boundaries. The eastern frontage by Cressbrook Street and the western frontage by Cairnsroft Street. The site is located in the Centre zone, characterised at its Cressbrook Street frontage by commercial businesses of similar sizes. At the Cairnsroft Street frontage, the access handle adjoins a transport depot to the south and Centre zoned land which contains a dwelling house to the north.

### 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, known as *ShapingSEQ*.

The subject site is located within the Urban Footprint of *ShapingSEQ*. The proposed

development is consistent with the relevant requirements of *ShapingSEQ*. A referral in relation to *ShapingSEQ* was not required.

#### 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

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

#### 4.3 Environmental Protection Act 1994

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

### 5.0 COUNCIL ASSESSMENT

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

#### 5.1 Strategic Framework

The application was subject to code assessment, as such, in this instance assessment against the Strategic Framework was not required.

#### 5.2 Code Compliance Summary

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
Centre zone code	Yes	PO4 PO5
Short-term accommodation code	Yes	PO11 PO13
Services, works and infrastructure code	Yes	Complies with all relevant acceptable outcomes
Transport, access and parking code	Yes	P10

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

#### Performance Outcome Assessment

Centre zone code	
Performance Outcomes	Acceptable Outcomes
Centre design	
Performance Outcome Assessment	
<b>PO4</b> Development contributes to an attractive, vibrant and well-designed town centre where:  (a) development addresses the public realm; (b) building design, layout, and tenancy mix activates the street and pedestrian thoroughfares;	<b>AO4.3</b> Ground level facades which address the <i>primary street frontage</i> incorporate a glassed area of not less than 25 percent of the total area of the external wall.

(c) building services do not dominate the streetscape; and													
(d) conflict between pedestrians and vehicles is minimised.													
<b>Performance Outcome Assessment</b>													
The existing ground level façade is proposed which provides less than 25 percent glassed area. Notwithstanding this, the existing building enhances the immediate public realm and is considered to be consistent with the Toogoolawah town centre.													
<b>Performance Outcomes</b>	<b>Acceptable Outcomes</b>												
<b>Awnings</b>													
<b>Performance Outcome Assessment</b>													
<b>PO5</b> The main street/s of each town centre are provided with continuous awnings.  Awnings contribute to a human scale streetscape character, and promote pedestrian movement, comfort and safety.	<b>AO5</b> Awnings are provided to the following main streets: <table border="1"> <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>	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												
<b>Performance Outcome Assessment</b>													
The proposed development utilises the existing building, which doesn't currently incorporate an awning. The building façade is proposed to remain unchanged. Given the unique historical façade which the building possesses, the streetscape is considered to be appropriate.													

Short term accommodation code	
<b>Performance Outcomes</b>	<b>Acceptable Outcomes</b>
<b>Streetscape appearance</b>	
<b>PO11</b> The frontage of the <i>site</i> is landscaped to enhance the streetscape appearance in an urban zone.	<b>AO11.1</b> In an <i>urban area</i> a minimum 3 metre wide landscape strip is provided to the street frontage of the <i>site</i> .
<b>Performance Outcome Assessment</b>	
The proposed development is to be contained within an existing commercial development. The existing building is built to the Cressbrook Street frontage, as such landscaping is not able to be provided. The existing building is an attractive historic building, which enhances the streetscape. In this instance it is considered that the lack of landscaping will not detract from the streetscape appearance.	
<b>PO13</b> The <i>development</i> provides sufficient common open space on the <i>site</i> , which provides adequate and useable recreational areas required to service the needs of guests.	<b>AO13.1</b> The <i>development</i> provides open space for common guest recreation purposes at the following rates: <p>(a) 10 square metres for each</p>

	<i>habitable room</i> within a self-contained accommodation unit; and (b) 10 square metres for every 10 square metres, or part thereof, of the area provided for accommodation that is not self contained.
<b>Performance Outcome Assessment</b>	
Eight habitable rooms (seven bedrooms and kitchen) are proposed to be utilised for the Short-term Accommodation Use equating to 80m <sup>2</sup> of recreation space required. The proposed communal open space area adjacent the porch area up to the existing carport equates to approximately 60m <sup>2</sup> . Additional space extending past the defined area at the rear of the building is available. The nominated area would be considered adequate area to service the needs of guests.	

<b>Transport, access and parking code</b>	
<b>Performance Outcomes</b>	<b>Acceptable Outcomes</b>
<b>Vehicle standing and manoeuvring areas</b>	
<b>PO10</b> Vehicle standing and manoeuvring areas are of suitable standard for the intended use and the areas are constructed to a standard that avoids <i>environmental nuisance</i> .	<b>AO10.2</b> Internal manoeuvring and standing areas of the <i>site</i> are sealed.
<b>Performance Outcome Assessment</b>	
Planning Scheme Policy 4 – Design Standards identifies that the access handle and car parking areas should be sealed as part of the development. The applicant has made representations identifying that given the minor scale of the development and the historical commercial activities occurring from the subject land, this requirement is considered unreasonable. The applicant has instead suggested the following outcomes: <ul style="list-style-type: none"> <li>• The crossover between Cairnscroft Street and the property boundary is to be constructed with concrete.</li> <li>• The driveway along the access handle is to be hardstand with bitumen grindings/scrapings.</li> <li>• The carparking areas are to be hardstand with compacted gravel.</li> <li>• The disabled carpark is to be hardstand also, however to be dealt with through the Building Certifier as part of their process.</li> </ul> Council's design and development manager has reviewed the representations and has advised that in this instance given the low scale development the proposed access handle and car parking treatment is appropriate.	

## 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 the reticulated water supply network and therefore, a condition has been included in the Schedule of Conditions requiring the development to be supplied with and serviced by appropriate infrastructure.

### **6.3 Stormwater/Drainage**

The development application proposes no building works, as such the existing stormwater arrangement is to be maintained. A condition requiring the land owner to ensure that stormwater is delivered to a legal point of discharge has been included.

### **6.4 Transport network**

The proposed development is not considered to unreasonably burden upon local transport networks.

### **6.5 Parks and Open space**

Parks and open space is not a consideration for short term accommodation.

### **6.6 Infrastructure charges**

The proposed development is defined as a Accommodation (short term) by the Somerset Regional Council Charges Resolution (No 1) 2019. Charges for both the transport network and the stormwater network are both applicable to the development. Given the development proposes no additional impervious area and the subject land has historically been used for commercial purposes, in this instance, no infrastructure charges are proposed to be levied.

### **6.7 Services**

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

### **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 State Queensland Heritage Register or Council's Local Heritage Register.

## **7.0 STATE AGENCY REFERRALS**

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

## **8.0 CONCLUSION**

The proposed development application is for a Material Change of Use for Short Term Accommodation on property in the Centre zone. The proposed development generally achieves the intended outcomes required under the Somerset Region Planning Scheme Version Three. Toogoolawah is identified as being a Major Tourism Hub. The proposed accommodation is intended to provide accommodation for users of the Brisbane Valley Rail Trail which is consistent with the desired outcome of the planning scheme.

The proposed development complies with the acceptable outcomes of the relevant assessment benchmarks or provided alternative solutions for the performance outcomes. Conditions have been applied such that the development will be in compliance with the intentions of the Transport, access and parking code and in accordance with Council's design standards. The proposed development will be conditioned to be carried out generally in accordance with the development conditions attached to the Decision Notice.

## **9.0 ATTACHMENTS**

1. Amended Site Plan – Sheet 7 of 7 – Prepared by Robert Findlay Building Designer – dated 14 April 2020
2. Proposal Plans – Sheet 1 – 6 of 7 – Prepared by Findlay Building Designer – dated 21

January 2020

**RECOMMENDED DECISION**

1. THAT Council approve the Development Application No 19220 for a Development Permit for a Material Change of Use for Short Term Accommodation on land described as Lot 24 on SP208427 and situated at 25 Cressbrook Street, Toogoolawah.
2. THAT Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
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
	1. Amended Site Plan – Sheet 7 of 7 – Prepared by Robert Findlay Building Designer – dated 14 April 2020	
	2. Proposal Plans – Sheet 1 – 6 of 7 – Prepared by Findlay Building Designer – dated 21 January 2020	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times
1.3	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to commencement of use
1.4	A legible copy of the Council approved drawings and documents and the development approval package must be maintained on the site and kept available for inspection by site workers and Council officers.	During site / operational / building works.
1.5	Maintain the approved development generally in accordance with the approved drawings and documents, and any relevant Council engineering or other approval required by the conditions.	At all times
1.6	The short-term accommodation facilities including bedrooms and living areas are to be leased as a single booking. Any intensification requires an additional Material Change of Use application to Council.	At all times
1.7	The short-term accommodation is to be connected to the reticulated water and sewerage networks.	Prior to commencement of use and maintained at all times
1.8	Private open space to be provided to the north of the building, between the existing building and the boundary fence. The	Prior to commencement of

	open space is to have a minimum area of 60m2 and must be appropriately identified.	use and maintained at all times
1.9	Screen fencing is provided next to any vehicle movement or vehicle parking areas along the side or rear boundary of a <i>site</i> .	Prior to commencement of use and maintained at all times
1.10	Bicycle parking is to be provided in accordance with the <i>Australian Standards AS2890.3</i> and <i>AUSTROADS Guide to Traffic Management Part 11: Parking</i> .	Prior to commencement of use and maintained at all times
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times
<b>VEHICLE ACCESS</b>		
2.2	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
2.3	The landowner is responsible for construction and maintenance of vehicular access for the property.	At all times
2.4	All vehicles shall enter and leave the site in a forward gear	At all times
2.5	The Applicant is to construct a vehicle access in general accordance with Council's standard drawing SRC-ROAD-013. The access is to be concrete from the road carriageway to the property boundary.	Prior to Commencement of use
<b>CAR PARKING</b>		
2.6	Provide on-site car parking for two (2) vehicles, including one (1) space for disabled persons in accordance with Council Planning Scheme.  Construct and maintain the vehicle manoeuvring and parking areas of hard standing material such as gravel, concrete, bitumen or asphalt in accordance with Australian Standards.  The disabled space area is to be designed in accordance with AS2890 and <i>Somerset Regional Council Design Standards</i> . Disabled car parking spaces need not be designated (marked) where there will be a total of five (5) or less car parking spaces, but the space is to be provided.	Prior to Commencement of use
2.7	Provide secure bicycle parking and associated support facilities for a minimum of two (2) bicycles in accordance with AS2890.	Prior to commencement of use

	<b>REFUSE STORAGE AREA</b>	
2.8	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 metre high solid fence or wall.	Prior to commencement of use
2.9	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.	Prior to commencement of use
	<b>VISUAL AND GENERAL AMENITY</b>	
2.10	Any graffiti within the proposed development must be removed immediately.	At all times
2.11	All plant and air conditioning is to be visually screened from the street.	At all times
	<b>INDOOR AND OUTDOOR LIGHTING</b>	
2.12	Lighting must be provided to the following areas of the site: <ul style="list-style-type: none"> <li>The entries and exits of the approved building.</li> <li>The pathways between the parking areas and the entrances/exits of the building/s.</li> <li>Throughout car parking areas.</li> </ul>	Prior to commencement of use
2.13	The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by: <ul style="list-style-type: none"> <li>Not causing nuisance by way of light spill or glare at adjacent properties and roadways.</li> <li>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.</li> <li>Directing lighting onto the subject land and away from neighbouring properties.</li> <li>Using shrouding devices to preclude light overspill onto surrounding properties where necessary.</li> <li>Not operating lighting that uses sodium lights or flare plumes.</li> </ul>	Prior to commencement of use
	<b>STORMWATER</b>	
2.14	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.15	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> <li>Be required to install additional measures.</li> <li>Be responsible for the restoration work.</li> </ul>	At all times



2.16	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
2.17	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
<b>SCHEDULE 3 – ADVICE</b>		
<i>Assessment Manager</i>		
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].		
The Currency Period for this approval is in accordance with section 85 of the <i>Planning Act 2016</i> .		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.		
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Operations department if in Council's opinion a dust nuisance exists.		
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i> ).		
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.		
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits		
All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act (as amended)</i> and the <i>workplace Health and Safety Regulation (as amended)</i> .		
All Operational Work is to comply with relevant codes for design and construction.		

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

Biosecurity Queensland to 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](http://www.daf.qld.gov.au/fireants)

The Applicant has the Right of Appeal to the Planning and Environment Court regarding the conditions of this approval.

Should the Applicant notify Council in writing that the conditions of approval are accepted without dispute and that the right of appeal to the Court will not be exercised, the Decision Notice may be taken to be the development permit.

**Attachments for the Decision Notice include:**

1. Amended Site Plan – Sheet 7 of 7 – Prepared by Robert Findlay Building Designer – dated 14 April 2020
2. Proposal Plans – Sheet 1 – 6 of 7 – Prepared by Findlay Building Designer – dated 21 January 2020

**Resolution**

Moved – Cr Isidro

Seconded – Cr Gaedtke

1. THAT Council approve the Development Application No 19220 for a Development Permit for a Material Change of Use for Short Term Accommodation on land described as Lot 24 on SP208427 and situated at 25 Cressbrook Street, Toogoolawah.
2. THAT Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

**SCHEDULE 1 – GENERAL CONDITIONS**

*Assessment Manager*

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	1. Amended Site Plan – Sheet 7 of 7 – Prepared by Robert Findlay Building Designer – dated 14 April 2020.	
	2. Proposal Plans – Sheet 1 – 6 of 7 – Prepared by Findlay Building Designer – dated 21 January 2020.	
1.2	Comply with the relevant provisions of the Somerset Region	At all times

	Planning Scheme, Planning Scheme Policies and Local Laws.	
1.3	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to commencement of use
1.4	A legible copy of the Council approved drawings and documents and the development approval package must be maintained on the site and kept available for inspection by site workers and Council officers.	During site / operational / building works.
1.5	Maintain the approved development generally in accordance with the approved drawings and documents, and any relevant Council engineering or other approval required by the conditions.	At all times
1.6	The short-term accommodation facilities including bedrooms and living areas are to be leased as a single booking. Any intensification requires an additional Material Change of Use application to Council.	At all times
1.7	The short-term accommodation is to be connected to the reticulated water and sewerage networks.	Prior to commencement of use and maintained at all times
1.8	Private open space to be provided to the north of the building, between the existing building and the boundary fence. The open space is to have a minimum area of 60m <sup>2</sup> and must be appropriately identified.	Prior to commencement of use and maintained at all times
1.9	Screen fencing is provided next to any vehicle movement or vehicle parking areas along the side or rear boundary of a <i>site</i> .	Prior to commencement of use and maintained at all times
1.10	Bicycle parking is to be provided in accordance with the <i>Australian Standards AS2890.3</i> and <i>AUSTROADS Guide to Traffic Management Part 11: Parking</i> .	Prior to commencement of use and maintained at all times
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times
<b>VEHICLE ACCESS</b>		
2.2	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
2.3	The landowner is responsible for construction and	At all times

	maintenance of vehicular access for the property.	
2.4	All vehicles shall enter and leave the site in a forward gear	At all times
2.5	The Applicant is to construct a vehicle access in general accordance with Council's standard drawing SRC-ROAD-013. The access is to be concrete from the road carriageway to the property boundary.	Prior to Commencement of use
<b>CAR PARKING</b>		
2.6	Provide on-site car parking for two (2) vehicles, including one (1) space for disabled persons in accordance with Council Planning Scheme.  Construct and maintain the vehicle manoeuvring and parking areas of hard standing material such as gravel, concrete, bitumen or asphalt in accordance with Australian Standards.  The disabled space area is to be designed in accordance with AS2890 and <i>Somerset Regional Council Design Standards</i> . Disabled car parking spaces need not be designated (marked) where there will be a total of five (5) or less car parking spaces, but the space is to be provided.	Prior to Commencement of use
2.7	Provide secure bicycle parking and associated support facilities for a minimum of two (2) bicycles in accordance with AS2890.	Prior to commencement of use
<b>REFUSE STORAGE AREA</b>		
2.8	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 metre high solid fence or wall.	Prior to commencement of use
2.9	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.	Prior to commencement of use
<b>VISUAL AND GENERAL AMENITY</b>		
2.10	Any graffiti within the proposed development must be removed immediately.	At all times
2.11	All plant and air conditioning is to be visually screened from the street.	At all times
<b>INDOOR AND OUTDOOR LIGHTING</b>		
2.12	Lighting must be provided to the following areas of the site: <ul style="list-style-type: none"> <li>The entries and exits of the approved building.</li> <li>The pathways between the parking areas and the entrances/exits of the building/s.</li> <li>Throughout car parking areas.</li> </ul>	Prior to commencement of use
2.13	The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:	Prior to commencement of

	<ul style="list-style-type: none"> <li>Not causing nuisance by way of light spill or glare at adjacent properties and roadways.</li> <li>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.</li> <li>Directing lighting onto the subject land and away from neighbouring properties.</li> <li>Using shrouding devices to preclude light overspill onto surrounding properties where necessary.</li> <li>Not operating lighting that uses sodium lights or flare plumes.</li> </ul>	use
	<b>STORMWATER</b>	
2.14	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.15	<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"> <li>Be required to install additional measures.</li> <li>Be responsible for the restoration work.</li> </ul>	At all times
2.16	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
2.17	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
<b>SCHEDULE 3 – ADVICE</b>		
<i>Assessment Manager</i>		
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].		
The Currency Period for this approval is in accordance with section 85 of the <i>Planning Act 2016</i> .		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		

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

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

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

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

This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits

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.

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The Applicant has the Right of Appeal to the Planning and Environment Court regarding the conditions of this approval.

Should the Applicant notify Council in writing that the conditions of approval are accepted without dispute and that the right of appeal to the Court will not be exercised, the Decision Notice may be taken to be the development permit."

Vote – Unanimous

Carried

<b>Subject:</b>	<b>Development Application No 19314 - Application for a Development Permit for Reconfiguring a Lot by Subdivision (One into Two Lots) and creating access easement</b>
<b>File No:</b>	<b>DA19314</b>
<b>Action Officer:</b>	<b>SP-MW</b>
<b>Assessment No:</b>	<b>80172-00000-000</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location	5 Robson Street, Kilcoy
Real Property Description	Lot 15 on RP3343
Area	1,142m <sup>2</sup>
Current land use	Residential – Dwelling house

### Somerset Region Planning Scheme Version Three

Zone	General residential
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### ShapingSEQ

Land Use Category	Urban Footprint
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### Application

Proposed Development	Subdivision – One into Two Lots and Creating an access easement
Category of Assessment	Code
Applicant/s	E Clarke, G Turner and A Sargent
Applicants contact	C/- ONF Surveyors PO Box 896 KINGAROY QLD 4610
Date application received	2 April 2020
Date properly made	2 April 2020

### Referral Agencies

Referral to the Department of State Development, Manufacturing, Infrastructure and Planning required:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 3 – Reconfiguring a lot near State-controlled road intersection

### Public Notification

Not required

## RECOMMENDED DECISION

Approve the Development Application No 19314 subject to the requirements and conditions contained in the Schedules and Attachments.

## 2.0 PROPOSAL

The applicant proposes to subdivide the subject lot and create two General residential lots and an access easement which will provide access to the newly created rear allotment. The subject site is currently identified as General residential zone by the Planning Scheme.

The applicant has not proposed further improvements, building works or additional land uses as part of the application. The proposed plan of subdivision is provided at **Attachment 1**.

Details of the proposed lots are as of follow:

Proposed Lot	Proposed Area	Proposed Frontage (Dimension)
Lot 1	662m <sup>2</sup>	20.12m (including 3.5m wide access and services easement servicing proposed Lot 2)
Lot 2	754m <sup>2</sup>	0m (Lot served by 3.5m wide access and services easement)

The proposed development complies with the minimum lot sizes stipulated by the Planning Scheme for lots created in the General residential zone.

Both proposed lots will be accessed from Robson Street. Proposed Lot 1 will utilise the existing available access to Robson Street and proposed Lot 2 will be a battle-axe block, located to the rear of proposed Lot 1. A 3.5m wide access easement is proposed to be created, allowing access to the proposed rear allotment. The proposed easement burdens proposed Lot 1 and benefits proposed Lot 2. The 3.5m wide easement will be sealed as per Council's Design Standard. Both lots will be serviced by reticulated water and sewerage networks and electrical and telecommunication infrastructures.

After the subdivision, the existing Dwelling house on-site will be located on proposed Lot 1. The existing Domestic outbuilding currently straddling the proposed new common boundary will be removed to accommodate the proposed subdivision. The subdivision represents a typical infill development.

### 3.0 SITE DETAILS AND SURROUNDING USES

The subject site is a regular shaped residential property, located within Kilcoy's Urban Footprint. The site exhibits a fall from the north-western corner of the site to the south-eastern corner. The site is currently improved by an existing Dwelling house and associated Domestic outbuildings. The site is not subject to significant vegetation, habitat corridors, watercourses or cultural features. The surrounding land uses are residential in nature.

### 4.0 STATE ASSESSMENT

The 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 2017*, also known as *ShapingSEQ*.

#### 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 is located in Class X area regulated vegetation management area but does not require referral to the State in accordance with the *Planning Regulation 2017*.

#### 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**

Per the *Planning Regulation 2017*, the application requires referral to the State as it is located within 100m from a State-controlled road intersection, additional lots are created and there is a proposed changed access.

On 21 May 2020, the State Assessment Referral Agency (SARA) provided advice that there were no requirements for the proposed reconfiguration. No conditions were provided.

A copy of SARA's advice is provided at Attachment 2.

### 5.0 **COUNCIL ASSESSMENT**

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

#### 5.1 **Strategic Framework**

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

#### 5.2 **Code Compliance Summary**

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
Reconfiguring a lot code	Yes	Alternative solution provided for PO11
Services, works and infrastructure code	Yes	Complies with the relevant Acceptable Outcomes
Transport, access and parking code	Yes	Complies with the relevant Acceptable Outcomes

#### **Reconfiguring a lot code**

<b>Performance outcomes</b>	<b>Examples</b>
<b>Movement network and access</b>	
PO11 Rear <i>lot</i> access is appropriately managed to reduce vehicular conflict and provide legal access.	AO11.1 The minimum width of an access handle for rear lots is: <ul style="list-style-type: none"> <li>6 metres for residential activities; and</li> <li>8 metres for other activities.</li> </ul>
<b>Performance outcome assessment</b>	
<p>The applicant originally proposed a 3m wide access easement. The applicant amended the width of the access easement to 3.5m in response to Council's information request. This provides a 0.5m offset from the edge of the access easement on proposed Lot 1 to the existing Dwelling house.</p> <p>Council's Operations section has confirmed the easement width provides sufficient width for vehicular access and other relevant infrastructure to serve the rear lot, and has provided relevant conditions.</p>	

### 6.0 **OTHER PLANNING CONSIDERATIONS**

#### 6.1 **Trunk Infrastructure and Services**

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

## **6.2 Water Supply and Sewerage**

The subject land is located within an area serviced by a reticulated water supply network and reticulated sewer network. Conditions have been included requiring the development to be connected to these networks and provide connection certificates as part of the plan sealing process.

## **6.3 Stormwater/Drainage**

The applicant has proposed to construct a kerb along the southern side of the access easement to prevent overland flow discharging on the lots to the south of the site. This outcome has been accepted by Council's Operations section.

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

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

## **6.4 Transport network**

The proposed development is not considered to unreasonably burden upon local transport networks. There is an associated infrastructure charge for development of this type in the Region.

## **6.5 Parks and Open space**

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

## **6.6 Infrastructure charges**

As discussed above, Infrastructure Charges are applicable for development of this type under Council's current *Infrastructure Charges Resolution (No 1) 2019*.

## **6.7 Environment**

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

## **6.8 Heritage**

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

## **7.0 CONCLUSION**

The proposed development is for a one into two lot subdivision and creating an access easement infill development. The development will create two general residential allotments. The proposed lots comply with the minimum lot sizes for general residential allotments.

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.

## 8.0 ATTACHMENTS

1. Proposed Subdivision for E Clarke at 5 Robson Street, Kilcoy, prepared by ONF Surveyors dated 26 May 2020.
2. SARA Response, reference 2004-16579 SRA, dated 21 May 2020.
3. Draft Infrastructure Charges Notice for DA19314.

## RECOMMENDED DECISION

1. THAT Council approve the Development Application No 19314 for a Development Permit for a Reconfiguring a lot for subdivision (One into two lots) and creating an access easement on land described as Lot 15 on RP3343 and situated at 5 Robson Street, Kilcoy subject to the requirements and conditions contained in the Schedules and Attachments.
2. THAT Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Proposed Subdivision for E Clarke at 5 Robson Street, Kilcoy, prepared by ONF Surveyors dated 26 May 2020.	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A Licensed Surveyor must install new Survey Marks in their correct positions in accordance with the Survey Plan and the work must be certified in writing.	Prior to Plan of Subdivision Endorsement Request.
1.4	A Licensed Surveyor must certify in writing that: (a) any structures located over any new boundary have been removed. Relevant approvals must be gained for the removal of any structures. (b) the boundary clearances for any existing buildings that are to remain on the site comply with the relevant provisions of the planning scheme and the <i>Building Act 1975</i> (unless varied by this Decision Notice).	Prior to Plan of Subdivision Endorsement Request.
1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to Plan of Subdivision Endorsement Request.
1.6	Pay to Council the applicable amount for the issue of new valuations by the Department of Natural Resources, Mines and Energy for the new allotments.	Prior to Plan of Subdivision Endorsement Request.

	Currently, the amount is set at \$38 per allotment.	
	<b>Utility services and infrastructure</b>	
1.7	<p>Connect the development to a reticulated water supply, sewerage connection, electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each new allotment.</p> <p>Where proposed allotments front existing overhead electricity or telecommunications services, these lots may connect directly to such service to the approval and requirements of the service provider.</p>	Prior to Plan of Subdivision Endorsement Request.
1.8	<p>The applicant must provide underground water supply, roofwater, and conduits for electricity and telecommunications, installed for the full length of the access easement for proposed Lot 2 in accordance with acceptable standards of the relevant regulatory authority.</p> <p>Services are to be provided adjacent to the southern boundary of proposed Lot 1 in order to maximise separation from the existing house on Lot 1.</p>	Prior to Plan of Subdivision Endorsement Request.
1.9	The applicant must provide written evidence (eg. connection certificate) from each particular service provider stating either that each lot has been connected to the applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Plan of Subdivision Endorsement Request.
1.10	Any existing roof-water conduits, electrical conduits, irrigation piles, telecommunication conduits, reticulated water conduits, and any other utility conduits common to both proposed lots shall be terminated within each proposed lot.	Prior to Plan of Subdivision Endorsement Request.
	<b>Easements</b>	
1.11	<p>Dedicate an access and service easement burdening proposed Lot 1 for the benefit of proposed Lot 2 as per the proposed plan of subdivision, for the purpose of providing access and services and maintenance of the said access, at no cost to Council.</p> <p>A copy of the easement document is to be submitted to Council for record purposes and to accompany the survey plan upon lodgement with Council.</p>	Prior to Plan of Subdivision Endorsement Request.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>Public Utilities/Infrastructure</b>	
2.1	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to Plan of Subdivision Endorsement Request.

2.2	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	Prior to Plan of Subdivision Endorsement Request.
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Prior to Plan of Subdivision Endorsement Request.
2.4	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times.
<b>Vehicle Access</b>		
2.5	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Design Standards</i> .	Prior to Compliance Assessment.
2.6	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary and to the adjacent neighbouring driveway in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
2.7	Construct a minimum 3 metre wide sealed driveway for the full length of the access and service easement to proposed Lot 2 in accordance with Council standards. Construct and maintain the driveway of hard standing material such as concrete, asphalt or bitumen in accordance with Australian Standards.	Prior to Plan of Subdivision Endorsement Request.
<b>Stormwater drainage</b>		
2.8	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
2.9	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> .	At all times.
2.10	Install a kerb along the length of the driveway along the southern property boundary to direct any stormwater to the Robson Street frontage and install a roofwater pipe from proposed Lot 2 through the proposed easement to Robson Street.	Prior to Plan of Subdivision Endorsement Request.
2.11	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 Plan of Subdivision Endorsement Request.
<b>Erosion and Sediment Control</b>		
2.12	Erosion and sedimentation controls shall be implemented, as	Prior to Plan of

	necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul>	Subdivision Endorsement Request.
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	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.
3.2	The holder of this development approval must not: <ul style="list-style-type: none"> <li>(a) Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>(b) Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>(c) Stockpile any waste on the development site.</li> </ul>	During construction phase.
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> <li>(a) Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>(b) Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase.
<b>SCHEDULE 4 – CONCURRENCE AGENCY</b>		
<b>State Assessment and Referral Agency (SARA)</b>		
<i>Concurrence Agency Response</i>		
<i>Agency Response: No Conditions Applicable</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 provide advice, comply with all the referral agency responses and include conditions exactly as stated in the response.		
SARA, as a Concurrence Agency has assessed the impact of the proposed development against the purposes of the State Development Assessment Provisions and has advised no conditions are applicable in accordance with section 56(1) of the <i>Planning Act 2016</i> .		
Concurrence Agency response dated 21 May 2020 and referenced as 2004-16579 SRA.		
Concurrence Agency response will be attached to Council's Decision Notice for DA19314.		

**SCHEDULE 5 – 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 four (4) years starting the day the approval takes effect.

This approval requires Council to approve a plan of subdivision before the plan can be registered or otherwise recorded, pursuant to Part 9. Section 69 of the *Planning Regulation 2017*.

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

The form *Application to Approval Plan of Subdivision [version 1.0 effective 3 July 2017]* must be completed by the person requesting development assessment of this conditional approval. The form must be submitted to Council and must be accompanied by the relevant fees, and a compliance summary of development conditions. If there is insufficient space on the form, the person must attach extra pages outlining compliance.

Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.

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

Separate development approval is required for any Building Work, Operational 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.

Any further development of the site may require further approvals.

**Attachments for the Decision Notice include:**

1. Proposed Subdivision, 5 Robson St Kilcoy, prepared by ONF Surveyors, Drawing No. 8614P/1, Dated 26 May 2020.
2. Department of State Development, Manufacturing, Infrastructure and Planning, SARA Response – 5 Robson Street, Kilcoy, Signed by Warren Oxnam, SARA Ref. 2004-16579 SRA, Dated 21 May 2020, Pages 1 to 2.

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Choat

"1. THAT Council approve the Development Application No 19314

for a Development Permit for a Reconfiguring a lot for subdivision (One into two lots) and creating an access easement on land described as Lot 15 on RP3343 and situated at 5 Robson Street, Kilcoy subject to the requirements and conditions contained in the Schedules and Attachments.

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

## **SCHEDULE 1 – GENERAL CONDITIONS**

### **ASSESSMENT MANAGER**

<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Proposed Subdivision for E Clarke at 5 Robson Street, Kilcoy, prepared by ONF Surveyors dated 26 May 2020.	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A Licensed Surveyor must install new Survey Marks in their correct positions in accordance with the Survey Plan and the work must be certified in writing.	Prior to Plan of Subdivision Endorsement Request.
1.4	A Licensed Surveyor must certify in writing that:  (a) any structures located over any new boundary have been removed. Relevant approvals must be gained for the removal of any structures. (b) the boundary clearances for any existing buildings that are to remain on the site comply with the relevant provisions of the planning scheme and the <i>Building Act 1975</i> (unless varied by this Decision Notice).	Prior to Plan of Subdivision Endorsement Request.
1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to Plan of Subdivision Endorsement Request.
1.6	Pay to Council the applicable amount for the issue of new valuations by the Department of Natural Resources, Mines and Energy for the new allotments.  Currently, the amount is set at \$38 per allotment.	Prior to Plan of Subdivision Endorsement Request.
	<b>Utility services and infrastructure</b>	
1.7	Connect the development to a reticulated water supply, sewerage connection, electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is	Prior to Plan of Subdivision Endorsement Request.



	available to each new allotment.  Where proposed allotments front existing overhead electricity or telecommunications services, these lots may connect directly to such service to the approval and requirements of the service provider.	
1.8	The applicant must provide underground water supply, roofwater, and conduits for electricity and telecommunications, installed for the full length of the access easement for proposed Lot 2 in accordance with acceptable standards of the relevant regulatory authority.  Services are to be provided adjacent to the southern boundary of proposed Lot 1 in order to maximise separation from the existing house on Lot 1.	Prior to Plan of Subdivision Endorsement Request.
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 the applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Plan of Subdivision Endorsement Request.
1.10	Any existing roof-water conduits, electrical conduits, irrigation piles, telecommunication conduits, reticulated water conduits, and any other utility conduits common to both proposed lots shall be terminated within each proposed lot.	Prior to Plan of Subdivision Endorsement Request.
	<b>Easements</b>	
1.11	Dedicate an access and service easement burdening proposed Lot 1 for the benefit of proposed Lot 2 as per the proposed plan of subdivision, for the purpose of providing access and services and maintenance of the said access, at no cost to Council.  A copy of the easement document is to be submitted to Council for record purposes and to accompany the survey plan upon lodgement with Council.	Prior to Plan of Subdivision Endorsement Request.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>Public Utilities/Infrastructure</b>	
2.1	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to Plan of Subdivision Endorsement Request.
2.2	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	Prior to Plan of Subdivision Endorsement Request.
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved	Prior to Plan of Subdivision

	development.	Endorsement Request.
2.4	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times.
	<b>Vehicle Access</b>	
2.5	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Design Standards</i> .	Prior to Compliance Assessment.
2.6	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary and to the adjacent neighbouring driveway in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
2.7	Construct a minimum 3 metre wide sealed driveway for the full length of the access and service easement to proposed Lot 2 in accordance with Council standards. Construct and maintain the driveway of hard standing material such as concrete, asphalt or bitumen in accordance with Australian Standards.	Prior to Plan of Subdivision Endorsement Request.
	<b>Stormwater drainage</b>	
2.8	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
2.9	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> .	At all times.
2.10	Install a kerb along the length of the driveway along the southern property boundary to direct any stormwater to the Robson Street frontage and install a roofwater pipe from proposed Lot 2 through the proposed easement to Robson Street.	Prior to Plan of Subdivision Endorsement Request.
2.11	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 Plan of Subdivision Endorsement Request.
	<b>Erosion and Sediment Control</b>	
2.12	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> </ul>	Prior to Plan of Subdivision Endorsement Request.

	<ul style="list-style-type: none"> <li>Be responsible for the restoration work.</li> </ul>	
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	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.
3.2	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>(a) Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>(b) Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>(c) Stockpile any waste on the development site.</li> </ul>	During construction phase.
3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>(a) Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>(b) Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter / swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase.
<b>SCHEDULE 4 – CONCURRENCE AGENCY</b>		
<b>State Assessment and Referral Agency (SARA)</b>		
<i>Concurrence Agency Response</i>		
<i>Agency Response: No Conditions Applicable</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 provide advice, comply with all the referral agency responses and include conditions exactly as stated in the response.		
SARA, as a Concurrence Agency has assessed the impact of the proposed development against the purposes of the State Development Assessment Provisions and has advised no conditions are applicable in accordance with section 56(1) of the <i>Planning Act 2016</i> .		
Concurrence Agency response dated 21 May 2020 and referenced as 2004-16579 SRA.		
Concurrence Agency response will be attached to Council's Decision Notice for DA19314.		
<b>SCHEDULE 5 – ADVICE</b>		
<i>Assessment Manager</i>		
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]		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' –		

being four (4) years starting the day the approval takes effect.
This approval requires Council to approve a plan of subdivision before the plan can be registered or otherwise recorded, pursuant to Part 9. Section 69 of the <i>Planning Regulation 2017</i> .
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.
The form <i>Application to Approval Plan of Subdivision [version 1.0 effective 3 July 2017]</i> must be completed by the person requesting development assessment of this conditional approval. The form must be submitted to Council and must be accompanied by the relevant fees, and a compliance summary of development conditions. If there is insufficient space on the form, the person must attach extra pages outlining compliance.
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.
Separate development approval is required for any Building Work, Operational 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.
Any further development of the site may require further approvals."
<div style="text-align: right;"><u>Carried</u></div> <div>Vote – Unanimous</div>

<b>Subject:</b>	<b>Development Application No 18864 - Application for a Development Permit for a Material Change of Use for a Service Station and a Food and Drink Outlets</b>
<b>File No:</b>	<b>DA18864</b>
<b>Assessment No:</b>	<b>2327-00000-000</b>
<b>Action Officer:</b>	<b>SP-MJ</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location

1296 Brisbane Valley Highway, Fernvale

Real Property Description	Lot 1 RP180891
Area	5.467 hectares
Current land use	Vacant

### **Somerset Region Planning Scheme Version Three**

Zone	Emerging Community
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### **ShapingSEQ**

Land Use Category	Urban Footprint
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### **Application**

Proposed development	Service Station and a Food and drink outlets
Level of Assessment	Impact
Applicant/s	Fernvale Qld Pty Ltd
Applicants contact details	c/- Veris PO Box 1038 Fortitude Valley QLD 4006 Attn: Drew Westbrook
Date application received	3 September 2019
Date properly made	

### **Referral Agencies**

Referral to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) was required for the following trigger:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the Planning Regulation 2017 for Development application for a Material Change of Use within 25m of a State-controlled road

### **Public Notification**

A total of 3 submissions were received

## **RECOMMENDED DECISION**

Approve the Development Application No 18864 subject to the requirements and conditions contained in the Schedules and Attachments.

## **2.0 PROPOSAL**

The applicant proposes to establish a mixed-use commercial development, comprising a Service station and a Food and drink outlets on the site. The development will be completed in a single stage. The proposed plans of development are provided in **Attachment 1**.

The subject site was previously improved by a Service station and was demolished approximately 20 years ago. The subject site also previously had a development approval for a Commercial premise (comprising of a vehicle and machinery showroom, produce store, retail warehouse, takeaway food premise, car wash and bottleshop), hotel, vehicle repair station, warehouses and advertising devices. The approval has since lapsed. A new development application for a smaller scale mixed use commercial development has now been submitted.

The proposed Service station retail area and the Food and drink outlets are proposed to be located within the one building. The proposed Food and drink outlets will be serviced by an

attached drive-through facility. An enclosure for a refuse storage area will also be attached to the building.

The proposed Service station will provide refuelling to both cars and trucks. The car and truck fuel dispensing areas are separated. The fuel dispensing forecourts will not be connected to the retail building. The proposed development is located at the western-central portion of the site, close to the Brisbane Valley Highway frontage. The applicant has proposed separate underground fuel storage tanks for cars and trucks. A total of eight fuel dispensers (double-sided) will be installed for the proposed development.

Although the site has two street frontages, Brisbane Valley Highway to the west and Allen Road to the east, the applicant has proposed to utilise Brisbane Valley Highway as the sole entrance to the development as Allen Road is unformed. Two new access points will be constructed. The first access point, located in the northern region of the site will allow entry and exit to the development. The second access point, located in the southern region of the site will be exit only.

The proposed hours of operation for the development is 6:00 am to 7:00 pm Monday to Sunday. A total of 16 car parking spaces will be provided. The applicant has proposed two pylon advertising signs, located on the Brisbane Valley Highway frontage. The proposed development will be appropriately landscaped. An air/water point will also be provided near the shop building.

Stormwater detention basins will also be located on-site for stormwater drainage and treatment.

### **3.0 SITE DETAILS AND SURROUNDING LAND USES**

The subject site is an irregular shaped allotment with two street frontages, Brisbane Valley Highway to the west and Allen Road (unformed) to the east. The subject site slopes away to the north-east and south-east from the proposed shop location and contains some regrowth vegetation areas. The site has a site area of 5.46 hectares.

The surrounding land uses are predominately rural residential uses. The lands immediately adjoining the subject site is identified as Emerging community zone by the Planning Scheme. The subject site is located in Fernvale's Urban Footprint but is located approximately 1.3km south-east of Fernvale's commercial area. The site is not known to be flooded.

### **4.0 ASSESSMENT – STATE LEGISLATION**

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

#### **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, the only relevant component that appears to have been updated is the Bushfire hazard mapping, which has included additional areas of mapped hazards. The proposed development site area is located within the Potential buffer area as per both the State and the Planning scheme mapping.

#### **4.2 VEGETATION MANAGEMENT ACT 1999**

As per the Department of State Development, Manufacturing, Infrastructure and Planning's Development Assessment Mapping System, the site contains Category C of regulated vegetation. However, the proposed development will not involve the removal of these vegetation and therefore, in accordance with the *Planning Regulation 2017*, referral to the State government is not required.

#### 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

As the site adjoins a State controlled road, in accordance with the *Planning Regulation 2017*, referral to the State Assessment and Referral Agency (SARA) will be required. Correspondence from SARA has been provided as an attachment.

### 5.0 COUNCIL ASSESSMENT

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

#### 5.1 Strategic Framework

The proposed development is for a Service station and a Food and drink outlets. Both uses are included within the Centre activities defined activity group (Schedule 1, SC1.1.1, Table SC1.1.1.2) and the site is identified as Emerging community zone by the current version of the Planning Scheme.

Council's Strategic Framework supports the proposed development. Specifically, in Section 3.6.4.1 (f) Specific outcomes for Element – Town identity – Fernvale:

The frontage of the Brisbane Valley Highway to the south of the *Brisbane Valley Highway Fernvale Centre Strip* on **Strategic Framework Map 3D-Town identity-Fernvale**, part of the *Fernvale Image Management Area*, maintains a primarily undeveloped, green, non-commercial character. Minor commercial development (for example, a Service station) that is isolated, well-landscaped and does not detract from providing an attractive, non-commercial entry into the town centre from the south may be permitted.

The proposed development is located to the south of the Brisbane Valley Highway Fernvale Centre Strip and is a minor commercial development for a Service station and a Food and drink outlets. The development is also isolated and will be appropriately landscaped.

#### Code Compliance Summary

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

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

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
Emerging community zone code	Yes	Alternative solution provided for PO5 and PO8.
Business activities code	Yes	Alternative solutions provided for PO2, PO3, PO4, PO7, PO10, PO14 and PO18.
Services, works and infrastructure code	Yes	Complies
Transport, access and parking code	Yes	Alternative solutions provided for PO5, PO7 and PO11
Biodiversity overlay code	Yes	Alternative solutions provided PO14 and PO18

Bushfire overlay code	Yes	Complies
Infrastructure overlay code	Yes	Complies
Scenic amenity overlay code	Yes	Alternative solutions provided PO2

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

### Performance Outcome Assessment

Emerging community zone code	
Performance outcomes	Examples
<b>Building scale</b>	
<b>PO5</b> Building scale maintains a very low intensity consistent with the residential activities and specific rural uses expected in the zone.	<b>AO5</b> <i>Site cover</i> does not exceed 5 percent.
<b>Performance outcome assessment</b>	
The building has a GFA of about 408m <sup>2</sup> within a total site area of 5.46ha which equates to less than 1% site cover. The paved area is 5,898m <sup>2</sup> which equates to approximately 10% site cover. Given the majority of the site will remain undeveloped and relatively small GFA the development, the performance outcome is considered to be achieved.	
Performance outcomes	Examples
<b>Amenity</b>	
<b>PO8</b> The design, location and operation of development does not result in any undue adverse impact on the amenity of the locality, having regard to: <ul style="list-style-type: none"> <li>(a) hours of operation;</li> <li>(b) lighting;</li> <li>(c) noise;</li> <li>(d) dust, odour and other airborne emissions;</li> <li>(e) public health and safety;</li> <li>(f) traffic generation;</li> <li>(g) the use of <i>advertising devices</i>;</li> <li>(h) visual amenity; and</li> <li>(i) overlooking and privacy.</li> </ul>	<b>AO8</b> No acceptable outcome provided.
<b>Performance outcome assessment</b>	
<b>Alternative solution</b> Given the current low-density development of the area, the development will introduce alterations to the amenity. The applicant has submitted a Noise Impact Assessment for the proposed development. The Assessment has included recommendations to be included to restrict noise emission from the development. <p>All external lighting installed for the development will be conditioned to prevent light spillage or glare to adjacent properties and roadways.</p> <p>Dust, odour and other airborne emissions have been considered and where relevant conditions have been included. Access to the development will be from the Brisbane Valley Highway, a</p>	



State-controlled road. The State has reviewed the proposal and provided conditions where relevant.

The applicant has proposed two 10m pylon signs along the Brisbane Valley Highway frontage, near the proposed area of the development. The pylon sign will be illuminated and be of a similar design to other modern Service station pylon signs. Illuminated signs will also be installed on the canopy fascia.

A Landscape Concept Plan has also been submitted. The applicant has proposed a landscape strip along the front boundary of the site which is intended to reduce the visual amenity impacts.

The development is unlikely to affect the privacy amenity of the nearby sensitive land uses as the proposed development is adequately separated from these existing land uses.

Overall, the development has been assessed and the potential environmental impacts have been conditioned to ensure the impacts on the surrounding local area are minimised.

#### Business activities code

Performance outcomes	Examples
<b>Corner sites</b>	
<b>PO2</b> Where located on a <i>corner lot</i> on a main street, or a <i>site</i> with frontages to public or semi-public spaces, or a <i>site</i> terminating important vistas, building design expresses and emphasises the importance of its location through architectural expression and landscape treatments.  <i>Note - Main streets are identified in the Centre zone code.</i>	<b>AO2.1</b> No acceptable outcome provided.
<b>Performance outcome assessment</b>	
Although the site is a corner lot, bounded by the Brisbane Valley Highway and Allen Road, only Brisbane Valley Highway is a formed road. It is expected that the corner of the site will remain in its more natural state just north of the main entry/exit to the development from the Brisbane Valley Highway.	
<b>Main street awnings</b>	
<b>PO3</b> Awnings contribute to the establishment of a 'main street' character and awnings are designed and located to: <ul style="list-style-type: none"> <li>(a) provide climatic protection;</li> <li>(b) contribute to the establishment of continuous shelter;</li> <li>(c) integrate with adjoining shelters;</li> <li>(d) ensure pedestrian safety while not causing <i>environmental nuisance</i> to surrounding residents; and</li> <li>(e) permit the establishment of street trees; and</li> <li>(f) prevent accidental damage from vehicles.</li> </ul>	<b>AO3.1</b> Development on main streets is provided with awnings that: <ul style="list-style-type: none"> <li>(a) abut pedestrian footpaths;</li> <li>(b) include under awning lighting;</li> <li>(c) protect the normal flow of pedestrians;</li> <li>(d) is continuous across the frontage/s of the <i>site</i> (except for vehicle access points);</li> <li>(e) align to provide continuity with shelter on <i>adjoining premises</i>;</li> <li>(f) extends from the face of the building or the property line;</li> <li>(g) do not extend past a vertical plane</li> </ul>

	<p>of 1.5 metres inside the kerb to enable street trees to be planted and grow or 0.6 metres inside the kerb where trees are established;</p> <p>(h) have a 0.5 metre clearance to any tree trunk and main branches; and</p> <p>(i) are cantilevered from the main building with any posts within the footpath being non-load-bearing.</p>
<b>Performance outcome assessment</b>	
<p>No awnings are proposed along the frontage of the site given the context of the location and being outside of the town centre. The development is of a typical Service station development where the building is setback away from the front boundary. Landscape strip will be provided along the frontage of the site where the proposed development is located. As the development does not front a defined “main street”, the performance outcome is considered to be achieved.</p>	
<b>Built form and materials</b>	
<p><b>PO4</b></p> <p>The building form and finishes contribute to the established or emerging character of the zone and locality.</p>	<p><b>AO4.1</b></p> <p>No acceptable outcome provided.</p>
<b>Performance outcome assessment</b>	
<p>The applicant has proposed design of the development be incorporated with aluminium timber look battens with vertical trellis, colourbond cladding and energy efficient shopfront glazing with aluminium feature screening and powder coat finish. The development includes landscaping to reduce the aesthetic impacts of the development on the locality.</p> <p>The proposed building form and finishes is a modern design for similar commercial developments. Given the style of the development the performance outcome is considered to be achieved.</p>	
<b>Interface with sensitive land uses or public open space</b>	
<p><b>PO7</b></p> <p>The <i>business activity</i> provides an attractive interface that enhances the visual appearance of commercial buildings that adjoin public open space and land or used or intended for <i>sensitive land uses</i>.</p>	<p><b>AO7.1</b></p> <p>Where the <i>business activity</i> adjoins a public open space and land or used or intended for use by <i>sensitive land uses</i>, the following is provided along the common boundary:</p> <p>(a) a minimum 3 metre wide landscape strip; and</p> <p>(b) screen fencing to a minimum height of 1.8 metres.</p>
<b>Performance outcome assessment</b>	
<p>The subject site adjoins a single lot to the south-east. The subject has a large lot size and the proposed area of development is located in excess of 15m from the common boundary with the adjoining lot, it is therefore considered the development will not create negative visual interface with the lot. The development will also incorporate landscaping as part of the development. A minimum 3m wide landscaped lawn strip will also be provided along the frontage of the area of development.</p>	

The nearest existing sensitive land use is a Dwelling house, located approximately 80m west of the proposed area of the development, on the opposite side of the Brisbane Valley Highway.

### Emissions

#### PO9

Noise is managed in accordance with accepted standards and the use is of a scale, intensity, and duration that maintains the amenity of the surrounding area and nearby *sensitive land uses*, and the enjoyment of public open spaces.

#### AO9.1

No acceptable outcome provided.

### Performance outcome assessment

The applicant has provided a Noise Impact Assessment. The development has been assessed against the State's *Environmental Protection (Noise) Policy 2019* and other relevant environmental noise policies.

The Assessment has recommended a number of measures to achieve adequate control of noise emission from the development and to address any reverse acoustical amenity issues.

The main noise emission generated from the development will be limited to vehicle movements off the highway and general communication between people using the facility during standard trading hours.

Fuel and goods delivery vehicles and waste collection vehicles will also be restricted access to the approved hours only.

### CPTED

#### PO10

The *site* layout and design incorporates crime prevention through environmental design (CPTED) principles.

#### AO10.1

No acceptable outcome proposed.

### Performance outcome assessment

Visibility within and to/from the site will be increased by the proposal. Landscaping will be designed to maintain visual amenity whilst not creating an unsafe environment.

In accordance with *CPTED Guidelines for Queensland: p.40*, the proposed development of a Service station must:

- Provides maximum surveillance within the building and from within the building to the pump and other areas;
- Provides maximum surveillance from the street to the pump and other areas; and
- Expands the range of services (Food and drink outlet) to make the place busier by expanding the reasons for visiting.
- The proposed development will achieve the above requirements.

### Location

#### PO14

The *service station site* and/or development:

(a) minimises potential for pedestrian

#### AO14.1

No acceptable outcome provided.

vehicle conflict; (b) protects the function and operation of the road network; (c) is consistent with the role of the road in respect to road hierarchy; (d) is suitable in respect to the amenity expectations and character of the surrounding locality	
<b>Performance outcome assessment</b>	
<p>The proposed development has been designed to minimise pedestrian and vehicle conflict within the main use areas by providing car parking spaces immediately adjacent to the buildings. Access to the site by cyclists can also utilise the proposed main entry/exit crossover. The proposed development is at the southern entrance to the Fernvale urban area and opposite to the site is rural-residential type housing. The proposed built form and use will reinforce the sense of arrival and slowing of traffic into more built up area.</p> <p>The State has reviewed the proposed development and has provided conditions in relation to the access requirements to the Brisbane Valley Highway.</p>	
<b>Hours of operation</b>	
<b>PO18</b> The hours of operation avoids <i>environmental nuisance</i> and does not detrimentally impact on <i>sensitive land uses</i> .	<b>AO18.1</b> Where the <i>premises</i> adjoins land used or intended to be used for a <i>sensitive land uses</i> , the hours of operation are between 6am and 7pm Monday to Sunday.
<b>Performance outcome assessment</b>	
The development will be able to operate in excess of the stipulated operating hours where noise conditions are satisfied. Given the separation of the development from adjoining sensitive land uses, additional trading hours are considered reasonable.	

### Transport, access and parking code

<b>Performance outcomes</b>	<b>Examples</b>
<b>Site access</b>	
<b>PO5</b> Vehicular access points are positioned along the frontage where they do not impact on the safety, capacity and operation of the existing road network having regard to:  (a) the amount and type of vehicular traffic; (b) the type of use and traffic generation; (c) the current and future on-street parking arrangements; (d) proximity to intersections; and (e) available sight distances.	<b>AO5.1</b> Where the <i>site</i> has two street frontages, vehicular access is provided from the minor street.  <b>AO5.2</b> Direct access is not provided to an arterial or higher order <i>road</i> .
<b>Performance outcome assessment</b>	
The site has two street frontages, the Brisbane Valley highway (a State-controlled road) and Allen Road, an unformed Council controlled road. The development will only be accessed from the Brisbane Valley Highway. As the development will be accessed from a State controlled road, referral to the State department was required under the <i>Planning</i>	

*Regulation 2017.* The State has since provided a response with conditions and response is provided as an attachment.

#### Car parking locations and treatments

##### PO7

Car parking location minimises impacts on the streetscape and contributes to the intended character of the zone and locality.

##### AO7.1

Car parking is located behind or within a building.

#### Performance outcome assessment

The proposed vehicle parking areas for the development will be visible from the Brisbane Valley Highway.

The proposed development is of a typical design and standard of development for a Service station. The proposed design is of a similar to other existing Service stations in the Region. Proposed landscaping will soften the visual impact of the development.

#### Car parking locations and treatments

##### PO11

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

##### AO11.1

Internal driveways do not exceed 50 metres in length.

#### Performance outcome assessment

The internal driveways proposed are in excess of the 50 metre length. The driveway length has been designed to ensure driver safety when entering and exiting the site. The driveway is considered to soften the visual appearance of the development.

#### Biodiversity overlay code

Performance outcomes	Examples
<b>Koalas</b>	
<p><b>PO14</b></p> <p><i>Development</i> is sufficiently setback and minimises impacts on koalas, koala habitat values, and koala habitat connectivity and employs measures to manage impacts on koala biodiversity values.</p> <p><i>Note - Koalas are listed as vulnerable under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Referral under the EPBC is required for certain actions.</i></p> <p><i>Note - Where a suitably qualified person demonstrates that the mapped koala habitat values attributed to the site are not present on the site the above performance outcome may not apply (subject to Council discretion).</i></p>	<p><b>Where in a Primary Habitat Area</b></p> <p><b>AO14.1</b></p> <p>No clearing of <i>native vegetation</i> is undertaken within areas mapped as bushland koala habitat – primary habitat areas on <b>Biodiversity overlay maps OM-003c-d</b>, except in the <i>urban area</i> and only where it is demonstrated that there is no alternative to its removal and where <i>koala habitat trees</i> are incorporated into the proposed site layout.</p> <p><b>Where in a Secondary Habitat Area</b></p> <p><b>AO14.2</b></p> <p>No acceptable outcome provided.</p> <p><b>Where for Material Change of Use</b></p> <p><b>AO14.3</b></p> <p>A minimum setback of 50 metres is provided between <i>buildings</i> and <i>structures</i> and areas mapped as bushland koala habitat on <b>Biodiversity overlay maps OM-003c-d</b>.</p>
<p><b>PO18</b></p> <p>Landscaping enhances koala habitat values</p>	<p><b>AO18.1</b></p> <p>Landscaping comprises local <i>koala habitat</i></p>

through the development <i>site</i> and assists in providing for unimpeded koala movement within and across the <i>site</i> .	<i>trees.</i>
<b>Performance outcome assessment</b>	
<p>The proposed development is identified to be affected by both the koala Primary and Secondary Habitat Areas. The applicant has provided an Ecological Assessment Report to support the proposed development.</p> <p>The Report has concluded that the proposed development layout will involve the removal of four Non-juvenile Koala Habitat Trees (NJKHT) in the mapped Primary and Secondary Habitat Areas. One additional NJKHT that is unmapped by the Koala Conservation Overlay will also be removed. Furthermore, ground truthing of Primary and Secondary Habitat Areas within the development footprint found that koala habitat values are highly degraded along the site's western boundary and road reserve for the Brisbane Valley Highway. Areas of the highest quality habitat on site (Vegetation Community A) will be entirely retained and will continue to support koala biodiversity values in the post-development scenario.</p> <p>In order to ensure development impacts are mitigated, compensatory planting will be provided to ensure there is a net gain of koala habitat trees on the site. The compensatory planting will involve installation and maintenance of 15 <i>Eucalyptus tereticornis</i> (forest red gum) trees (i.e. a 3:1 replacement ratio). The tube stock plantings are to be installed within in a degraded area that is 600 m<sup>2</sup> in size. The compensatory planting will enhance the overall function of koala habitat values on site by improving ecological connectivity to adjoining properties and reducing edge effects to Vegetation Community A. The location of the compensatory planting area will also improve buffer functionality between the highest quality koala habitat values (Vegetation Community A) and the outer extent of the proposed development footprint.</p>	

### Scenic amenity overlay code

<b>Performance outcomes</b>	<b>Examples</b>
<b>Buildings within high scenic amenity area</b>	
<p><b>PO2</b> <i>Development within a high scenic amenity area identified on the <b>Scenic amenity overlay maps OM012a-b</b>:</i></p> <ul style="list-style-type: none"> <li>(a) maintains and enhances the landscape character and scenic amenity values of the locality and the Somerset region;</li> <li>(b) is not visible from the skyline or positioned on a ridgeline when viewed from a <i>Highway or Main road</i>;</li> <li>(c) is fully screened by an existing natural landform or vegetation, or will be fully screened by <i>native vegetation</i> within 5 years of construction when viewed from a <i>Highway or Main road</i>;</li> <li>(d) retains existing vegetation and incorporates landscaping to visually soften built form elements;</li> <li>(e) incorporates building materials and</li> </ul>	<p><b>AO2.1</b> <i>Buildings</i> do not exceed 8.5 metres or 2 storeys in height.</p> <p><b>AO2.2</b> <i>Buildings, structures</i> and operational works are located a minimum of 50 metres from ridges or peaks within <i>high scenic amenity areas</i> identified on <b>Scenic amenity overlay maps OM-012a-b</b>.</p> <p><b>AO2.3</b> Where within <i>high scenic amenity areas</i> identified on <b>Scenic amenity overlay maps OM-012a-b</b> no vegetation clearing occurs:</p> <ul style="list-style-type: none"> <li>(a) within 100 metres of ridgelines or peaks;</li> <li>(b) on land with a slope greater than 15 percent;</li> <li>(c) within 100 metres of waterways;</li> <li>(d) within 100 metres of wetlands;</li> </ul>

<p>(f) external finishes that are compatible with the visual amenity and the landscape character of the locality; and</p> <p>minimises visual impacts on the high scenic amenity area in terms of:</p> <ul style="list-style-type: none"> <li>(i) the scale, height and setback of <i>buildings</i>;</li> <li>(ii) the extent of earthworks and impacts on the landform including the location and configuration of <i>roads</i> and driveways.</li> </ul>	<p>(e) unless where in accordance with Part 8.2 - <b>Bushfire hazard Overlay Code</b>.</p>
<b>Performance outcome assessment</b>	
<p>The proposed development is located in areas identified as a High scenic amenity area by the Scenic amenity overlay. The development will be incorporated with appropriate landscaping to visually soften built form elements. The Landscape Masterplan is provided as an attachment.</p> <p>The landscape work will predominately include:</p> <ul style="list-style-type: none"> <li>• Presentation landscape works to the street ensuring low groundcover/shrub plantings and tree planting so that sightlines are maintained;</li> <li>• Landscape works associated with stormwater management;</li> <li>• Turfing of batter areas as a result of engineering works; and</li> <li>• Street tree plantings within islands as appropriate.</li> </ul>	

## 6.0 OTHER PLANNING CONSIDERATIONS

### Trunk Infrastructure and Services

#### 6.1 Water Supply/Sewerage

The subject land is located within an area serviced by the reticulated water supply network and sewerage network. The applicant will therefore be required to satisfy the requirements of the service provider and provide evidence.

The subject land is outside the reticulated sewerage network, and as such will be serviced by on-site effluent disposal system.

#### 6.2 Stormwater/Drainage

A Conceptual Stormwater Management Plan has been provided as part of the application. The report determines that the analysis of pre and post-development stormwater flows for the development, through the use of trapped sag pits, pipe networks and open detention basins within the site, the total post development stormwater flows can be reduced to be at or below pre-development levels. The peak flows at the outlet locations are considered to not cause an 'actionable nuisance' on any downstream properties, state-controlled roads or stormwater structures.

Therefore, the development is seen to achieve a case of 'non-worsening' or not incurring 'an actionable nuisance' to all downstream properties, State-controlled roads, stormwater structures and other assets. The development is seen to comply with the requirements of the 'Lawful Point of Discharge'.

As the subject land is located within the Urban Footprint, Stormwater Network Infrastructure Charges can be levied. An Infrastructure Charges Notice for the proposed development incorporates a charge for the Stormwater Network.

### **6.3 Roads**

As the site adjoins the Brisbane Valley Highway, a State controlled road, and access to the development will be from said road, referral to the State was therefore required. The State has since reviewed the application and provided correspondence provided as an attachment.

The State has provided conditions requiring upgrades to the State controlled road as part of the development.

There are transport network infrastructure charges associated for the proposed development.

### **6.4 Parks and Open space**

There are no applicable parks and open space infrastructure charges associated for the proposed development.

### **6.5 Infrastructure Charges**

Both a Service station and Food and drink outlets are categorised by Council's Charges Resolution (No. 1) 2019 as being Commercial (Retail). The resolution identifies that the development is subject to charges relating to the stormwater and transport network. A discount for previous approved land uses has not been proposed, as the most recent approval for a service station has lapsed and no evidence has been provided that suggests that relevant charges were paid for the unconstructed development. Given the land is currently zoned emerging community purposes, a discount for a single residential dwelling has been provided as the planning scheme considers the subject land could have been utilised for residential purposes.

### **6.6 Environment**

The proposed development is unlikely to result in environmental degradation. The applicant has submitted a Noise Impact Assessment for the proposed development. The Assessment has included recommendations to be included to restrict noise emission from the development.

The development will be conditioned to be sealed, minimising any dust pollution. With odour and other airborne emissions created by the proposed development, conditions will be included requiring the applicant to install vapour recovery control equipment. Vapour recovery control equipment aims to capture petrol vapours before they enter the atmosphere and are designed in two stages, VR1 and VR2. VR1 captures displaced vapours from storage tanks when a tanker delivers petrol to the Service station while VR2 captures displaced vapours at the bowsers while a motorist refuels.

The application has been assessed against the planning scheme requirements for koala habitat, as the development application was lodged prior to the State's koala provisions coming into effect.

### **6.7 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 PUBLIC CONSULTATION**

As the development was an impact assessable development application, public notification for the development application was required by the legislation. The public notification period



began on the 29 January 2020 and finished on the 21 February 2020.

During the period, a total of three submissions were received in relation to the proposed development. Two submissions were against the development application while one submission provided support.

Broadly, the submitters raised issues can be divided into 6 matters. These matters are:

1. Traffic issues;
2. Scenic amenity issues;
3. Noise and light pollution issues;
4. Drainage issues;
5. Servicing (sewer) and water catchment issues; and
6. Economic needs issues.

All matters are outlined below:

#### **Matter 1: Traffic issues**

Concerns were raised by submitters in regard to additional traffic generated by the proposed development. The submitters raised the following issues:

- The existing 100km/hr speed limit and increased traffic movements due to the proposal will make the current road arrangement even more dangerous, in particular access to nearby properties and general likelihood of accidents;
- Proposed southern exit affecting nearby existing driveway access;
- Sightline;
- This section of the Brisbane Valley Highway is designated as 100kph zone. This is considered by many drivers to be too fast along this area and dangerous driving such as inappropriate overtaking occurs regularly. This will affect on existing accesses in the area, making it dangerous. If more traffic movement is added then road accidents will happen;
- The verges along this section of the Highway are not wide enough for cars and trucks to be able to take evasive action if necessary.
- No traffic impact assessment has been provided.

#### **Officer Comment:**

As the site adjoins the State-controlled road and new access points are created for the proposed development, the application was required to be referred to the State Assessment and- Referral Agency per the *Planning Regulation 2017*.

The State has since reviewed the application and has provided correspondence supporting the application. As part of the approval issued, development conditions requiring the upgrading of the Brisbane Valley Highway has been provided. These upgrades comprise of:

- For the northern access (entry and exit):
  - A Channelised Right Turn allowing northbound traffic to enter the site from this entrance;
  - An Auxiliary Left Turn allowing southbound traffic to enter the development from this entrance; and
  - A driveway capable of supporting heavy duty vehicle.
- For the southern access (exit only):
  - A driveway capable of supporting heavy duty vehicles.

A chevron break will also be provided to allow access for existing driveway access. The break in the chevron will be wide enough to accommodate a car, which will facilitate access to the immediately adjoining property located to the south of the subject land.

Traffic advice prepared by a suitably qualified professional was also provided to support the application.

### **Matter 2: Scenic amenity**

Concerns were raised by submitters in regard to the scenic amenity of the proposed development. The submitters raised the following issues:

- Great part of the site is affected by the Scenic amenity overlay. It is unclear whether the footprint of the Service station would require removal of the young macadamia trees and would be preferred to stay as it was associated with the old Service station; and
- The proposed development does not comply with the character and amenity of the local area and is not a development anticipated in the Emerging community zone by the Planning Scheme.

### **Officer's comment**

The proposed development is for a small-scale Service station and is relatively isolated, located approximately 1.3km from the existing Fernvale commercial area. The development is not expected to detract from the current non-commercial entry into the town centre from the south. The development will also be provided with well-maintained landscaping. Native tree planting will be conducted at the rear of the site and will offset any significant vegetation removed as a result of the proposed development.

### **Matter 3: Noise and Light Pollution Issues**

Concerns were raised by submitters in regard to noise and light pollution generated by the proposed development. The submitters raised the following issues:

- Hours of operation are a reasonable restriction of any light pollution (e.g. From signage) that may reach the nearby resident; and
- The current 24 hours operated Service station in Fernvale has become a noise nuisance to surrounding homes because of the gatherings of motorcycles and utilities around midnight.

### **Officer comment**

The applicant has proposed, and conditions will be imposed on the proposed hours of operation of the development. The applicant has prepared a Noise impact assessment that supports the proposed development and provided the following conditions to be included in the Schedule of Conditions:

- Mechanical plant is to be selected and installed to achieve compliance with specific noise level specification;
- All grates and caps are either bolted in place or located away from driveway/forecourt areas; and
- The PA system at the site is to be used for safety purposes only. For example, to issue warnings or directions to patrons.

Other requirements include directing any light emissions are away from adjoining residents and any lighting must meet the appropriate relevant standards for proximity to residence.

**Matter 4: Drainage issue**

Concerns were raised by submitters in regard to the proposed stormwater management of the site.

**Officer comment:**

The applicant has provided a stormwater management plan to support the proposed development. Council's engineer has reviewed the plan and has no objection on the development. Relevant conditions regarding stormwater will be included.

**Matter 5: Servicing (sewer and water catchment issues)**

Concerns were raised by submitters in regard to the proposed development being located in a non-serviced area for Sewerage and water.

**Officer comment:**

Appropriate conditions will be included requiring the development to be provided and serviced by on-site sewerage treatment system that meets the current relevant Australian and Seqwater standards and guidelines.

**Matter 6: Needs issues**

A submitter has raised concern that the development has not provided a Need Analysis demonstrating the need for such use in the area and therefore the development is not warrant for an approval. The submitter has cited the following reasons:

- There are existing commercial premises and approved commercial premises that already contain the mix of uses proposed in the immediate trade area;
- The applicant has not demonstrated a need for additional services that have already been provided for; and
- If approved, this application would lead to over servicing, detrimental impact and loss of trade.

**Officer Comment:**

The Planning Scheme does not have requirements requiring applications to be supported by a Need Analysis, addressing above matters. The Planning Scheme also does not stipulate the number of Service stations or Food and drink outlets permitted within any particular location.

The Planning Scheme also does not stipulate the number of Service stations or Food and drink outlets permitted within any particular location.

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

**Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)**

**State Assessment and Referral Agency (SARA)**

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 1910-13228 SRA and dated 2 April 2020. Refer to attachment 8 and Schedule 4 of the recommend conditions.

**Advice Agencies**

There are no Advice Agencies relating to this application.

**Third Party Advice Agency****Seqwater**

Third Party Advice about the development was sought from Seqwater. The advice has been

considered by Council officers and where relevant, conditions have been included.

## 9.0 CONCLUSION

The proposed development is for the establishment of a mixed use commercial development comprising a Service station and two Food and drink outlets. The development is located at the periphery of the Fernvale township. The proposed design of the development is consistent with other similar commercial developments in the Somerset region and wider South-East Queensland. The applicant has provided reports and studies completed by a suitably qualified professional to support the proposed application. The State has also reviewed the application and provided their support, with conditions to be included in the Decision Notice. The proposed development generally 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.

## 10.0 ATTACHMENTS

1. Proposed Site Plan – Reference No 19139-DA02 – Revision C – 21 November 2019 – prepared by Verve Building Design Co.
2. Site Elevations and perspectives – Reference No. 19139 - DA03 and DA04 – Revision A – dated 2 September 2019
3. Conceptual Stormwater Management Plan – Reference No. S1617287 – Issue 1 – December 2019 – prepared by Kehoe Myers
4. Ecological Assessment Report – Reference No. 19098-1 – January 2020 – prepared by Element Ecology Pty Ltd
5. Landscape Architectural Development RFI Submission – prepared by Butler and Webb Pty Ltd
6. Noise Impact Assessment – Reference 19-1138.R01 – prepared by Acoustics RB Pty Ltd – dated January 2020
7. Additional Noise Impact Assessment – Reference RB/1901138.R03 – prepared by Acoustics RB Pty Ltd – dated 30 April 2020.
8. State Assessment and Referral Agency – Concurrence Agency response dated 2 April 2020 and referenced 1909-13226 SRA
9. Draft Infrastructure Charges Notice

## RECOMMENDED DECISION

1. THAT Council approve the Development Application for a Development Permit for a Material Change of Use for a Service station and Food and drink outlets on land described as Lot 1 RP180891 and situated at 1296 Brisbane Valley Highway, Fernvale 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 *Planning Act 2016*.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
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 Site Plan – Reference No. 19139-DA02 – Revision C – 21 November 2019 – prepared by Verve Building Design	

	Co.	
	Site Elevations and perspectives – Reference No. 19139 - DA03 and DA04 – Revision A – dated 2 September 2019	
	Conceptual Stormwater Management Plan – Reference No. S1617287 – Issue 1 – December 2019 – prepared by Kehoe Myers	
	Ecological Assessment Report – Reference No. 19098-1 – January 2020 – prepared by Element Ecology Pty Ltd	
	Landscape Architectural Development RFI Submission – prepared by Butler and Webb Pty Ltd	
	Noise Impact Assessment – Reference 19-1138.R01 – prepared by Acoustics RB Pty Ltd – dated January 2020	
	Additional Noise Impact Assessment – Reference RB/1901138.R03 – prepared by Acoustics RB Pty Ltd – dated 30 April 2020.	
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 Material Change of Use of this site is for the purpose of a Service station and Food and drink outlets, and may include any ancillary activities, where these activities remain incidental to and necessarily associated with the approved commercial activities of all times.	At all times
1.6	If applicable, Building permits and Plumbing and Drainage permits must be gained.	Before the commencement of use
	<b>BUILDING DESIGNS</b>	
1.7	<p>External details of the buildings, facade treatment and external materials, colours and finishes must be consistent with the approved drawings and documents. Any design changes to the approved drawings and document must receive Council's written approval.</p> <p><i>Note: The requirement to use particular materials and finishes is imposed only for the purpose of achieving a built form outcome that displays architectural merit. Council has not assessed the materials and finishes for compliance with the Building Act, the Building Fire Safety Regulation, the Building</i></p>	At all times

	<i>Regulation, the Building Code of Australia, the Queensland Development Code, relevant Australian Standards, fire safety standards or any other relevant requirement of a statutory authority with regard to building work.</i>	
	<b>ACCESS FOR PEOPLE WITH DISABILITIES</b>	
1.8	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
	<b>ACCESS WITHIN THE SITE</b>	
1.9	Provide pedestrian prioritised pathway and access within the site to the front doors of the Service station, Food and drink outlets and toilets in accordance with the approved drawings. The pathway must be differentiated in colour and texture from the driveway service.	At all times
	<b>SAFETY, SECURITY AND PUBLICLY ACCESSIBLE FACILITIES</b>	
1.10	The development and hard landscaping must not comprise of highly reflective materials that create slippery or otherwise hazardous conditions.	At all times
1.11	Public toilet and parent room location must be readily apparent from public areas of the subject land.	At all times
	<b>ADVERTISING DEVICE</b>	
1.12	All signage and advertising devices are to comply with the relevant <i>Subordinate Local Law (Installation of Advertising Devices)</i> and any subsequent Local Laws.	At all times
1.13	If required, obtain appropriate permits from the Department of Mains Road for the advertising devices.	Before the commencement of use
	<b>UNDERGROUND STORAGE TANK</b>	
1.14	This approval is for the storage of 440KL (maximum) of petrol/diesel, comprising of four underground tanks (110KL each).	At all times
1.15	<p>In the event the development has been affected by flood/flood water, the following guidelines published by Workplace Health and Safety Queensland should be followed:</p> <ul style="list-style-type: none"> <li>Do not receive new product until the UST system integrity is proven;</li> <li>Do not assume everything is in order because water did not flood over the Service station. The water table could have risen and caused problems;</li> <li>Make sure the power is off to any UST system related equipment, including dispensers, pumps, and other</li> </ul>	Prior to the commencement of the use and then to be maintained

	<ul style="list-style-type: none"> <li>associated devices;</li> <li>Determine if product has leaked from the UST system. If a leak is discovered, isolate the area to prevent unauthorised access and notify the relevant authorities;</li> <li>Determine if water or debris has entered the UST system. Use daily inventory control and stock reconciliation as a method of leak detection. Daily checks for water with water-finding paste for several days can assist in determining if the system is tight;</li> <li>If excess water is found or inventory control shows a loss of product, a suitably qualified person / contractor should be engaged to determine if the liquid should be removed from the tank. A full integrity test should be conducted and any repairs completed before the tank is put back into service;</li> <li>Check and clean all equipment including pumps, shear valves, fill pipes, and vent lines;</li> <li>Clean and empty spill boxes and sumps, including those under the dispensers. Inspect the piping and fittings for damage and possible leaks. The interstitial space in double walled tanks and pipe work must be drained and flushed out and the leak detection system checked to ensure it is functioning as designed;</li> <li>Ensure any work carried out on the UST system is conducted by appropriately qualified person / contractor;</li> <li>Maintain certification from the qualified person/ contractor conducting the work that all aspects of the UST system have been checked and safe to return to service once again; and</li> <li>Return power to the UST system only after being cleared by a suitably qualified electrical contractor</li> </ul>	
1.16	<p>Underground tanks are to be designed and installed in accordance with the following:</p> <ol style="list-style-type: none"> <li>Be non-corrodible and be constructed of either fibre-reinforced thermosetting resin (fibreglass) that is compatible with the product or a steel inner wall and a fibre-reinforced thermosetting resin composite (fibreglass) outer wall with an interstitial space between the 2 walls;</li> <li>Be double walled and have an interstitial space between the 2 walls of the tanks that is capable of being monitored for any breach of either the inner or outer wall of the tank;</li> <li>All tanks are to meet the requirements of AS1692-2006 Steel tanks for flammable and combustible liquids, UL 1316 Glass fibre reinforced underground storage tanks for petroleum products, alcohols and alcohol gasoline mixtures or the equivalent; and</li> <li>Have an overfill protection valve is to be installed in the drop tube of the tank and calibrated to prevent the tank from being filled in excess of 98% of its capacity (An</li> </ol>	Prior to the commencement of the use and then to be maintained

	overfill alarm is to be installed to visually and audibly alert persons in the vicinity of the tank).	
	<b>PETROLEUM PRODUCTS</b>	
1.17	Store and dispense petroleum products in accordance with AS1940-2004 The Storage and Handling of Flammable and Combustible Liquids.	Prior to commencement of the use and then to be maintained
	<b>SECURITY LIGHTING</b>	
1.18	<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.</p> <p>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.</p> <p>Ensure lighting over publicly accessible 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.</p> <p>Lighting must be maintained by the owner of the building in a safe and good working order.</p>	Prior to commencement of use and then to be maintained
1.19	<p>External lighting shall be provided to ensure safety of the users of the development by:</p> <ul style="list-style-type: none"> <li>• Providing Lighting that is designed, installed and regulated in accordance with the parameters outlined in <i>Australian Standard AS 1158</i></li> <li>• The use of vandal resistant lighting in public or publicly accessible areas.</li> </ul> <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>	Prior to commencement of use
1.20	<p>Lighting must be provided to the following areas of the site:</p> <ul style="list-style-type: none"> <li>• The entries and exits of the approved building.</li> <li>• The pathways between the parking areas and the entrances/exits of the building/s.</li> <li>• Throughout car parking areas.</li> </ul>	Prior to commencement of use
1.21	The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:	Prior to commencement of use and then to be



	<ul style="list-style-type: none"> <li>Not causing nuisance by way of light spill or glare at adjacent properties and roadways.</li> <li>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.</li> <li>Directing lighting onto the subject land and away from neighbouring properties.</li> <li>Using shrouding devices to preclude light overspill onto surrounding properties where necessary.</li> <li>Not operating lighting that uses sodium lights or flare plumes.</li> </ul>	maintained
	<b>ACCESS</b>	
1.22	New vehicular access to the Brisbane Valley Highway is not to be established unless prior approvals are given by the State/Council (if required).	At all times
	<b>HOURS OF OPERATION</b>	
1.23	The hours of operation for the proposed development is 24 hours Monday to Friday, excluding Saturday and Sunday where limited to 6am to 7pm.	At all times
	<b>SEQWATER</b>	
1.24	Prevent stormwater intrusion of the refuelling area, the refuelling area to be graded and drained to a containment vessel, if required off-site disposal of contaminants is expected.	At all times
1.25	Fuel delivery parking space is included within a bunded refuelling area, for both the car and truck refuelling locations.	At all times
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>ENGINEERING</b>	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work
2.2	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times
2.3	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times
2.4	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and</li> </ul>	Prior to commencement of use

	<p>certified with the Operational Work application.</p> <ul style="list-style-type: none"> <li>• Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	
	<b>LANDSCAPING</b>	
2.5	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At All times
2.6	The developer is to prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved by Council. Any amendments approved by Council are taken to be a part of the approved Landscape Plan.	Prior to commencement of use
	<b>GENERAL SERVICES</b>	
2.7	Connect the development to a reticulated water supply, electricity supply (underground within the site), and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority.	Prior to commencement of use
	<b>ROADWORKS</b>	
2.8	Provide written approval from the Department of Transport and Main Roads to carry out works on a State controlled road.	Prior to commencement of external operational works within the state-controlled road reserve.
2.9	Provide documentary evidence from the Department of Transport and Main Roads that works have been completed.	Prior to commencement of use
	<b>VEHICLE ACCESS</b>	
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.	At all times
2.12	All vehicles shall enter and leave the site in a forward gear.	At all times
2.13	The vehicle access must be designed to accommodate the largest vehicle intended to access the site accommodating the turn movements of the design vehicle, and ensuring there is no requirement for the design vehicle to cross into the opposing lane.	As part of Operational Works

	<b>CAR PARKING</b>	
2.14	Provide on-site car parking for sixteen (16) vehicles, including one (1) spaces for disabled persons in accordance with Council 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> .	Prior to commencement of use
2.15	Provide secure bicycle parking and associated support facilities for a minimum of two (2) bicycles in accordance with AS2890.	Prior to commencement of use
2.16	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	Prior to commencement of use
2.17	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete or asphalt in accordance with Australian Standards.	At all times
	<b>REFUSE STORAGE AREA</b>	
2.18	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 metre high solid fence or wall.	Prior to commencement of use
2.19	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
	<b>VISUAL AND GENERAL AMENITY</b>	
2.20	Any graffiti within the proposed development must be removed immediately.	At all times
2.21	All plant and air conditioning is to be visually screened from the street.	At all times
	<b>INDOOR AND OUTDOOR LIGHTING</b>	
2.22	The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by: <ul style="list-style-type: none"> <li>• Providing Lighting that is designed, installed and regulated in accordance with the parameters outlined in <i>Australian Standard AS 1158</i>.</li> <li>• Not causing nuisance by way of light spill or glare at adjacent properties and roadways.</li> <li>• 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.</li> <li>• Directing lighting onto the subject land and away from neighbouring properties.</li> <li>• Using shrouding devices to preclude light overspill onto</li> </ul>	Prior to commencement of use

	<p>surrounding properties where necessary.</p> <ul style="list-style-type: none"> <li>• Not operating lighting that uses sodium lights or flare plumes.</li> </ul>	
	<b>STORMWATER</b>	
2.23	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.24	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
2.25	Stormwater Drainage shall be constructed in general accordance with Conceptual Stormwater Management Plan issue 1, prepared by Kehoe Myers and dated December 2019.	As part of Operational Works
2.26	Attenuate the difference between pre-and post-developed flows.	As part of Operational Works
2.27	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works
2.28	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
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.29	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction 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"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul>	At all times
2.30	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
2.31	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 Operational Works
2.32	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed	At all times

	of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	
2.33	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 as a result of the operations shall be disposed of to an approved disposal facility.	At all times
2.34	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
2.35	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 minimize disturbance during construction work.	As part of Operational Works
<b>ONSITE EFFLUENT DISPOSAL SYSTEM</b>		
2.36	The applicant shall demonstrate to the satisfaction of Council that all on-site wastewater can be adequately disposed of on-site.	Prior to commencement of use
<b>SCHEDULE 3 – ENVIRONMENTAL</b> <i>Assessment Manager</i>		
	<b>UNDERGROUND PETROLEUM STORAGE SYSTEM - CERTIFICATION</b>	
3.1	Provide certification from a suitably qualified person that the Underground Petroleum Storage System (UPSS) is designed, installed and tested in accordance with the following minimum requirements:  <ul style="list-style-type: none"> <li>• Leak Prevention Tanks <ul style="list-style-type: none"> <li>○ non-corrodible tank (4.2.1 AS4897)</li> <li>○ secondary containment (4.2.3 AS4897)</li> <li>○ overfill protection (4.4.2 AS4897)</li> </ul> </li> <li>• Leak Prevention Piping <ul style="list-style-type: none"> <li>○ non-corrodible product piping (4.3.1 AS4897)</li> <li>○ supply piping with secondary containment (4.3.3 AS4897)</li> <li>○ fill point spill containment (4.3.5 AS4897)</li> </ul> </li> <li>• Leak Prevention Dispensers <ul style="list-style-type: none"> <li>○ dispenser sump (4.4.1 AS4897)</li> </ul> </li> <li>• Other <ul style="list-style-type: none"> <li>i. earthing of UPS system (4.4.4 AS4897)</li> <li>ii. tank pit observation well/s (4.4.4 AS4897)</li> </ul> </li> </ul>	Prior to commencement of use and to be maintained at all times

	<ul style="list-style-type: none"> <li>• Vapour Recovery <ul style="list-style-type: none"> <li>◦ VR1 vapour recovery (4.3.6 AS4897)</li> </ul> </li> <li>• System Integrity <ul style="list-style-type: none"> <li>◦ an equipment integrity test of the system has been carried out in accordance with the written directions of a suitably qualified and experienced person, and</li> <li>◦ the system has been certified, by the person by whom the test was carried out, as having satisfied the test.</li> </ul> </li> </ul>	
	<b>DISPENSING AREAS AND FORECOURTS</b>	
3.2	Dispensing areas and forecourts are to be designed and installed in accordance with the following:	
	<p>Forecourt - FDA to be Impervious</p> <ul style="list-style-type: none"> <li>• All ground surfaces within fuel dispensing areas shall be made of impervious material such as concrete or equivalent (note: asphalt is not suitable) and all gaps and/or cracks shall be filled so that the impervious barrier and integrity is maintained.</li> </ul>	Prior to commencement of use and to be maintained at all times
	<p>Forecourt - Non-FDA to be Impervious</p> <ul style="list-style-type: none"> <li>• All non-fuel dispensing forecourt surfaces not under canopy shall be constructed of concrete or equivalent (asphalt is considered suitable for non-dispensing areas) and all gaps and/or cracks shall be filled so that the impervious barrier and integrity is maintained.</li> </ul>	Prior to commencement of use and to be maintained at all times
	<p>Forecourt - Demarcation</p> <ul style="list-style-type: none"> <li>• Fuel dispensing areas must be clearly delineated from other areas such as remote air/water supply areas, uncovered forecourt areas, access roads, general parking bays, etc. by methods such as a painted line on the ground, roll-over bunds, different coloured concrete etc. Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the delineated areas.</li> </ul>	Prior to commencement of use and to be maintained at all times
	<p>Forecourt - Signage For Drains</p> <ul style="list-style-type: none"> <li>• Drainage inlets located in the vicinity of the general forecourt area shall be provided with signage indicating the fate of flow such as "flows to treatment system" or "flows to containment sump".</li> </ul>	Prior to commencement of use and to be maintained at all times
	<p>Forecourt - Canopy Design</p> <ul style="list-style-type: none"> <li>• Fuel dispensing areas shall be covered by a roof or canopy to minimise stormwater entering the dispensing area. The roof or canopy shall overhang by a</li> </ul>	Prior to commencement of use and to be maintained at all times

	horizontal distance of $\frac{1}{4}$ of the canopy clearance height out from the vertical above the boundary of the demarcated fuel dispensing area.	
	Containment Vessel	Prior to commencement of use and to be maintained at all times
	<ul style="list-style-type: none"> <li>Fuel dispensing areas and under canopy Tanker Delivery Standing Areas shall be graded to an approved hydrocarbon separator that achieves the following criteria prior to discharge to stormwater - <ul style="list-style-type: none"> <li>Less than 5ppm (mg/L) Total Petroleum Hydrocarbons (TPH),</li> <li>Greater than or equal to 80% reduction in Total Suspended Solids (TSS), and</li> <li>Greater than or equal to 90% reduction in gross pollutants.</li> </ul> </li> </ul>	
	Containment Vessel - Fuel Delivery Outside of Canopy	Prior to commencement of use and to be maintained at all times
	<ul style="list-style-type: none"> <li>All spills and leaks from bulk fuel transfer activities outside of the forecourt canopy area (i.e. fuel tanker trucks delivering to bulk fuel storages on site) must be contained on-site. Tanker Delivery Standing Areas outside of the canopy shall be constructed so that contaminated run-off is automatically diverted to an approved hydrocarbon separator that achieves the following criteria prior to discharge to stormwater - <ul style="list-style-type: none"> <li>Less than 5ppm (mg/L) Total Petroleum Hydrocarbons (TPH),</li> <li>Greater than or equal to 80% reduction in Total Suspended Solids (TSS), and</li> <li>Greater than or equal to 90% reduction in gross pollutants.</li> </ul> </li> </ul>	
	Forecourt - Spill Kits	Prior to commencement of use and to be maintained at all times
	<ul style="list-style-type: none"> <li>Spill kits shall be provided and maintained in strategic locations. They shall be appropriate in size, type and equipment to the identified hazards. Kits shall consist of, but not be limited to, the following: <ul style="list-style-type: none"> <li>oil absorbent materials</li> <li>impervious drain covers</li> <li>drip trays</li> <li>spades, funnels</li> <li>hydrocarbon compatible containers</li> <li>appropriate PPE.</li> </ul> </li> </ul>	
	<b>LEAK DETECTION FOR UPSS</b>	
3.3	<p>Install and implement the following minimum leak detection measures:</p> <p>Statistical inventory analysis with the following capabilities:</p>	Prior to commencement of the use and to be maintained at all

	<ul style="list-style-type: none"> <li>can detect a leak from any portion of the underground storage system;</li> <li>uses equipment that has been installed, calibrated and commissioned in accordance with the manufacturer's instructions;</li> <li>is capable of detecting a leak at a rate of 0.76 litres per hour or more with at least 95% accuracy and a probability of false detection of 0.05 or less (USEPA),</li> <li>has been certified by an independent third party, consistent with the current USEPA protocols and system of verification (USEPA 1990)</li> <li>reports with a frequency of not less than monthly, and</li> <li>is operated by a suitably trained person.</li> </ul> <p><b>OR</b></p> <p>Automatic tank gauging.</p>	times														
3.4	Electronic line leak detection (pressure piping); or Safe suction (suction piping).	Prior to commencement of the use and to be maintained at all times														
3.5	Tank pit observation wells.	Prior to commencement of the use and to be maintained at all times														
<b>NOISE</b>																
3.6	Vehicles conducting waste collection must not enter or leave the development site between the hours of 6pm and 7am Monday to Saturday and at all on Sundays.	At all times														
3.7	All grates and manhole covers within the premises must be kept tight to prevent vibrational noise due to vehicle movement.	At all times														
3.8	The PA system at the site is to be used only for safely purposes; i.e. to issue warnings or directions to patrons.															
3.9	<p>Noise levels for intermittent and short duration noise sources measured at a <b>Noise Sensitive Place</b> must not exceed the following levels:</p> <table border="1"> <thead> <tr> <th>Time Period</th><th>Noise Level Parameter</th><th>Noise Level Limit, dBA</th></tr> </thead> <tbody> <tr> <td>Day (07:00-18:00)</td><td>LAeq,T</td><td>50</td></tr> <tr> <td>Evening (18:00-22:00)</td><td>LAeq,T</td><td>50</td></tr> <tr> <td rowspan="2">Night (22:00-07:00)</td><td>LAeq,T</td><td>49</td></tr> <tr> <td>LAmx,T</td><td>65</td></tr> </tbody> </table>	Time Period	Noise Level Parameter	Noise Level Limit, dBA	Day (07:00-18:00)	LAeq,T	50	Evening (18:00-22:00)	LAeq,T	50	Night (22:00-07:00)	LAeq,T	49	LAmx,T	65	At all times
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	LAmx,T	65														
3.10	Mechanical plant is to be selected and installed to achieve	At all times														



	<p>compliance with the following noise level specification.</p> <p>When measured externally at the most exposed facade of any nearby residence, the component sound pressure level, <math>L_{(Aeq, adj, 15 min)}</math>, due to operation of all fixed mechanical plant and equipment serving all elements of the service station building should not exceed the following noise level limits:</p> <ul style="list-style-type: none"> <li>• Day (ie. 07:00-18:00): Background noise level +3 dBA</li> <li>• Evening (ie. 18:00-22:00): Background noise level +3 dBA</li> <li>• Night (22:00-07:00): Background noise level +0 dBA</li> </ul>	
3.11	Mechanical plant must be designed and installed to comply with condition 3.10 above.	Prior to commencement of the use and to be maintained at all times
3.12	Parking of refrigerated trucks is prohibited, other than in the designated truck standing bay as designated in drawing number 19139-DA02.	At all times
	<b>NUISANCE</b>	
3.13	Notwithstanding any other condition of this development approval, this approval does not authorise any release of contaminants which causes or is likely to cause an environmental nuisance beyond the boundaries of the approved place.	At all times
3.14	No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to increase the risk of causing environmental nuisance beyond the boundaries of the approved place.	At all times
	<b>WASTE MANAGEMENT</b>	
3.15	<p>All general waste produced as part of the operation must be disposed of through either:</p> <ol style="list-style-type: none"> <li>The number of standard waste services as determined by Council; or</li> <li>A private agreement with a licensed waste disposal contractor through an exemption granted by Council.</li> </ol>	At all times
3.16	The approval holder must provide an impervious, screened area which is drained as required by Council, where all waste containers are placed.	At all times
3.17	Where waste bins are to be serviced on site; the area must be designed and constructed so that waste collection vehicles enter the leave the site in a forward gear.	At all times

**SCHEDULE 4 – REFERRAL AGENCY****Department of State Development Manufacturing Infrastructure and Planning  
Concurrence Agency Response**

4.1	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 all referral agency responses and include conditions exactly as stated in the response.
4.2	Concurrence Agency response dated 2 April 2020 and referenced 1909-13226 SRA.
4.3	Concurrence Agency response will be attached to Council's Decision Notice for DA18864.

**SCHEDULE 5 – ADVICE***Assessment Manager*

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

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

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

The *Planning Act 2016* provides for a person to make a change to this development application outside the 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.

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.

**Attachments for the Decision Notice include:**

- Proposed Site Plan – Reference No. 19139-DA02 – Revision C – 21 November 2019 – prepared by Verve Building Design Co.
- Site Elevations and perspectives – Reference No. 19139 - DA03 and DA04 – Revision A – dated 2 September 2019
- Conceptual Stormwater Management Plan – Reference No. S1617287 – Issue 1 – December 2019 – prepared by Kehoe Myers
- Ecological Assessment Report – Reference No. 19098-1 – January 2020 – prepared by Element Ecology Pty Ltd
- Landscape Architectural Development RFI Submission – prepared by Butler and Webb

- Pty Ltd
- Noise Impact Assessment – Reference 19-1138.R01 – prepared by Acoustics RB Pty Ltd – dated January 2020
- Additional Noise Impact Assessment – Reference RB/1901138.R03 – prepared by Acoustics RB Pty Ltd – dated 30 April 2020.
- State Assessment and Referral Agency – Concurrence Agency response dated 2 April 2020 and referenced 1909-13226 SRA

<b>Resolution</b>	Moved – Cr Choat	Seconded – Cr Whalley
<p>“1. THAT Council approve the Development Application for a Development Permit for a Material Change of Use for a Service station and Food and drink outlets on land described as Lot 1 RP180891 and situated at 1296 Brisbane Valley Highway, Fernvale subject to the requirements and conditions contained in the Schedules and Attachments.</p> <p>2. THAT the Council report for this application be published to the website as Council’s statement of reasons in accordance with the <i>Planning Act 2016</i>.</p>		

#### **SCHEDULE 1 – GENERAL CONDITIONS**

*Assessment Manager*

<b>No</b>	<b>Condition</b>	<b>Timing</b>
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 Site Plan – Reference No 19139-DA02 – Revision C – 21 November 2019 – prepared by Verve Building Design Co.</p> <p>Site Elevations and perspectives – Reference No. 19139 - DA03 and DA04 – Revision A – dated 2 September 2019</p> <p>Conceptual Stormwater Management Plan – Reference No. S1617287 – Issue 1 – December 2019 – prepared by Kehoe Myers</p> <p>Ecological Assessment Report – Reference No. 19098-1 – January 2020 – prepared by Element Ecology Pty Ltd</p> <p>Landscape Architectural Development RFI Submission – prepared by Butler and Webb Pty Ltd</p> <p>Noise Impact Assessment – Reference 19-1138.R01 – prepared by Acoustics RB Pty Ltd – dated January 2020</p> <p>Additional Noise Impact Assessment – Reference RB/1901138.R03 – prepared by Acoustics RB Pty Ltd – dated 30 April 2020.</p>	At all times
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times

1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Before the change happens
1.5	The Material Change of Use of this site is for the purpose of a Service station and Food and drink outlets, and may include any ancillary activities, where these activities remain incidental to and necessarily associated with the approved commercial activities of all times.	At all times
1.6	If applicable, Building permits and Plumbing and Drainage permits must be gained.	Before the commencement of use
	<b>BUILDING DESIGNS</b>	
1.7	External details of the buildings, facade treatment and external materials, colours and finishes must be consistent with the approved drawings and documents. Any design changes to the approved drawings and document must receive Council's written approval.  <i>Note: The requirement to use particular materials and finishes is imposed only for the purpose of achieving a built form outcome that displays architectural merit. Council has not assessed the materials and finishes for compliance with the Building Act, the Building Fire Safety Regulation, the Building Regulation, the Building Code of Australia, the Queensland Development Code, relevant Australian Standards, fire safety standards or any other relevant requirement of a statutory authority with regard to building work.</i>	At all times
	<b>ACCESS FOR PEOPLE WITH DISABILITIES</b>	
1.8	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
	<b>ACCESS WITHIN THE SITE</b>	
1.9	Provide pedestrian prioritised pathway and access within the site to the front doors of the Service station, Food and drink outlets and toilets in accordance with the approved drawings. The pathway must be differentiated in colour and texture from the driveway service.	At all times
	<b>SAFETY, SECURITY AND PUBLICLY ACCESSIBLE FACILITIES</b>	
1.10	The development and hard landscaping must not comprise of highly reflective materials that create slippery or otherwise	At all times

	hazardous conditions.	
1.11	Public toilet and parent room location must be readily apparent from public areas of the subject land.	At all times
	<b>ADVERTISING DEVICE</b>	
1.12	All signage and advertising devices are to comply with the relevant <i>Subordinate Local Law (Installation of Advertising Devices)</i> and any subsequent Local Laws.	At all times
1.13	If required, obtain appropriate permits from the Department of Mains Road for the advertising devices.	Before the commencement of use
	<b>UNDERGROUND STORAGE TANK</b>	
1.14	This approval is for the storage of 440KL (maximum) of petrol/diesel, comprising of four underground tanks (110KL each).	At all times
1.15	<p>In the event the development has been affected by flood/flood water, the following guidelines published by Workplace Health and Safety Queensland should be followed:</p> <ul style="list-style-type: none"> <li>• Do not receive new product until the UST system integrity is proven;</li> <li>• Do not assume everything is in order because water did not flood over the Service station. The water table could have risen and caused problems;</li> <li>• Make sure the power is off to any UST system related equipment, including dispensers, pumps, and other associated devices;</li> <li>• Determine if product has leaked from the UST system. If a leak is discovered, isolate the area to prevent unauthorised access and notify the relevant authorities;</li> <li>• Determine if water or debris has entered the UST system. Use daily inventory control and stock reconciliation as a method of leak detection. Daily checks for water with water-finding paste for several days can assist in determining if the system is tight;</li> <li>• If excess water is found or inventory control shows a loss of product, a suitably qualified person / contractor should be engaged to determine if the liquid should be removed from the tank. A full integrity test should be conducted and any repairs completed before the tank is put back into service;</li> <li>• Check and clean all equipment including pumps, shear valves, fill pipes, and vent lines;</li> <li>• Clean and empty spill boxes and sumps, including those under the dispensers. Inspect the piping and fittings for damage and possible leaks. The interstitial space in double walled tanks and pipe work must be drained and flushed out and the leak detection system checked to ensure it is functioning as designed;</li> <li>• Ensure any work carried out on the UST system is</li> </ul>	Prior to the commencement of the use and then to be maintained

	<p>conducted by appropriately qualified person / contractor;</p> <ul style="list-style-type: none"> <li>• Maintain certification from the qualified person/contractor conducting the work that all aspects of the UST system have been checked and safe to return to service once again; and</li> <li>• Return power to the UST system only after being cleared by a suitably qualified electrical contractor</li> </ul>	
1.16	<p>Underground tanks are to be designed and installed in accordance with the following:</p> <ol style="list-style-type: none"> <li>Be non-corrodible and be constructed of either fibre-reinforced thermosetting resin (fibreglass) that is compatible with the product or a steel inner wall and a fibre-reinforced thermosetting resin composite (fibreglass) outer wall with an interstitial space between the 2 walls;</li> <li>Be double walled and have an interstitial space between the 2 walls of the tanks that is capable of being monitored for any breach of either the inner or outer wall of the tank;</li> <li>All tanks are to meet the requirements of AS1692-2006 Steel tanks for flammable and combustible liquids, UL 1316 Glass fibre reinforced underground storage tanks for petroleum products, alcohols and alcohol gasoline mixtures or the equivalent; and</li> <li>Have an overfill protection valve is to be installed in the drop tube of the tank and calibrated to prevent the tank from being filled in excess of 98% of its capacity (An overfill alarm is to be installed to visually and audibly alert persons in the vicinity of the tank).</li> </ol>	Prior to the commencement of the use and then to be maintained
	<b>PETROLEUM PRODUCTS</b>	
1.17	Store and dispense petroleum products in accordance with AS1940-2004 The Storage and Handling of Flammable and Combustible Liquids.	Prior to commencement of the use and then to be maintained
	<b>SECURITY LIGHTING</b>	
1.18	<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.</p> <p>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.</p> <p>Ensure lighting over publicly accessible 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.</p>	Prior to commencement of use and then to be maintained

	Lighting must be maintained by the owner of the building in a safe and good working order.	
1.19	<p>External lighting shall be provided to ensure safety of the users of the development by:</p> <ul style="list-style-type: none"> <li>• Providing Lighting that is designed, installed and regulated in accordance with the parameters outlined in <i>Australian Standard AS 1158</i></li> <li>• The use of vandal resistant lighting in public or publicly accessible areas.</li> </ul> <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>	Prior to commencement of use
1.20	<p>Lighting must be provided to the following areas of the site:</p> <ul style="list-style-type: none"> <li>• The entries and exits of the approved building.</li> <li>• The pathways between the parking areas and the entrances/exits of the building/s.</li> <li>• Throughout car parking areas.</li> </ul>	Prior to commencement of use
1.21	<p>The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:</p> <ul style="list-style-type: none"> <li>• Not causing nuisance by way of light spill or glare at adjacent properties and roadways.</li> <li>• 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.</li> <li>• Directing lighting onto the subject land and away from neighbouring properties.</li> <li>• Using shrouding devices to preclude light overspill onto surrounding properties where necessary.</li> <li>• Not operating lighting that uses sodium lights or flare plumes.</li> </ul>	Prior to commencement of use and then to be maintained
	<b>ACCESS</b>	
1.22	New vehicular access to the Brisbane Valley Highway is not to be established unless prior approvals are given by the State/Council (if required).	At all times
	<b>HOURS OF OPERATION</b>	
1.23	The hours of operation for the proposed development is 24 hours Monday to Friday, excluding Saturday and Sunday where limited to 6am to 7pm.	At all times
	<b>SEQWATER</b>	
1.24	Prevent stormwater intrusion of the refuelling area, the refuelling area to be graded and drained to a containment	At all times

	vessel, if required off-site disposal of contaminants is expected.	
1.25	Fuel delivery parking space is included within a bunded refuelling area, for both the car and truck refuelling locations.	At all times
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
No	Condition	Timing
	<b>ENGINEERING</b>	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work
2.2	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times
2.3	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times
2.4	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to commencement of use
	<b>LANDSCAPING</b>	
2.5	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At All times
2.6	The developer is to prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved by Council. Any amendments approved by Council are taken to be a part of the approved Landscape Plan.	Prior to commencement of use
	<b>GENERAL SERVICES</b>	
2.7	Connect the development to a reticulated water supply, electricity supply (underground within the site), and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority.	Prior to commencement of use
	<b>ROADWORKS</b>	
2.8	Provide written approval from the Department of Transport and	Prior to



	Main Roads to carry out works on a State controlled road.	commencement of external operational works within the state-controlled road reserve.
2.9	Provide documentary evidence from the Department of Transport and Main Roads that works have been completed.	Prior to commencement of use
	<b>VEHICLE ACCESS</b>	
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.	At all times
2.12	All vehicles shall enter and leave the site in a forward gear.	At all times
2.13	The vehicle access must be designed to accommodate the largest vehicle intended to access the site accommodating the turn movements of the design vehicle, and ensuring there is no requirement for the design vehicle to cross into the opposing lane.	As part of Operational Works
	<b>CAR PARKING</b>	
2.14	Provide on-site car parking for sixteen (16) vehicles, including one (1) spaces for disabled persons in accordance with Council 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> .	Prior to commencement of use
2.15	Provide secure bicycle parking and associated support facilities for a minimum of two (2) bicycles in accordance with AS2890.	Prior to commencement of use
2.16	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	Prior to commencement of use
2.17	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete or asphalt in accordance with Australian Standards.	At all times
	<b>REFUSE STORAGE AREA</b>	
2.18	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 metre high solid fence or wall.	Prior to commencement of use

2.19	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
	<b>VISUAL AND GENERAL AMENITY</b>	
2.20	Any graffiti within the proposed development must be removed immediately.	At all times
2.21	All plant and air conditioning is to be visually screened from the street.	At all times
	<b>INDOOR AND OUTDOOR LIGHTING</b>	
2.22	<p>The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:</p> <ul style="list-style-type: none"> <li>• Providing Lighting that is designed, installed and regulated in accordance with the parameters outlined in <i>Australian Standard AS 1158</i>.</li> <li>• Not causing nuisance by way of light spill or glare at adjacent properties and roadways.</li> <li>• 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.</li> <li>• Directing lighting onto the subject land and away from neighbouring properties.</li> <li>• Using shrouding devices to preclude light overspill onto surrounding properties where necessary.</li> <li>• Not operating lighting that uses sodium lights or flare plumes.</li> </ul>	Prior to commencement of use
	<b>STORMWATER</b>	
2.23	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.24	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
2.25	Stormwater Drainage shall be constructed in general accordance with Conceptual Stormwater Management Plan issue 1, prepared by Kehoe Myers and dated December 2019.	As part of Operational Works
2.26	Attenuate the difference between pre and post developed flows.	As part of Operational Works
2.27	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works
2.28	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

	<b>EROSION AND SEDIMENT CONTROL</b>	
2.29	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction 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"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul>	At all times
2.30	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
2.31	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 Operational Works
2.32	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	At all times
2.33	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> <li>i) Milling;</li> <li>ii) Chipping and/or mulching</li> <li>iii) Disposal at an approved waste disposal facility.</li> </ul> <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
2.34	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
2.35	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
	<b>ONSITE EFFLUENT DISPOSAL SYSTEM</b>	
2.36	The applicant shall demonstrate to the satisfaction of Council that all on-site wastewater can be adequately disposed of on-	Prior to commencement of

	site.	use
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
	<b>UNDERGROUND PETROLEUM STORAGE SYSTEM - CERTIFICATION</b>	
3.1	<p>Provide certification from a suitably qualified person that the Underground Petroleum Storage System (UPSS) is designed, installed and tested in accordance with the following minimum requirements:</p> <ul style="list-style-type: none"> <li>• Leak Prevention Tanks <ul style="list-style-type: none"> <li>○ non-corrodible tank (4.2.1 AS4897)</li> <li>○ secondary containment (4.2.3 AS4897)</li> <li>○ overfill protection (4.4.2 AS4897)</li> </ul> </li> <li>• Leak Prevention Piping <ul style="list-style-type: none"> <li>○ non-corrodible product piping (4.3.1 AS4897)</li> <li>○ supply piping with secondary containment (4.3.3 AS4897)</li> <li>○ fill point spill containment (4.3.5 AS4897)</li> </ul> </li> <li>• Leak Prevention Dispensers <ul style="list-style-type: none"> <li>○ dispenser sump (4.4.1 AS4897)</li> </ul> </li> <li>• Other <ul style="list-style-type: none"> <li>i. earthing of UPS system (4.4.4 AS4897)</li> <li>ii. tank pit observation well/s (4.4.4 AS4897)</li> </ul> </li> <li>• Vapour Recovery <ul style="list-style-type: none"> <li>○ VR1 vapour recovery (4.3.6 AS4897)</li> </ul> </li> <li>• System Integrity <ul style="list-style-type: none"> <li>○ an equipment integrity test of the system has been carried out in accordance with the written directions of a suitably qualified and experienced person, and</li> <li>○ the system has been certified, by the person by whom the test was carried out, as having satisfied the test.</li> </ul> </li> </ul>	Prior to commencement of use and to be maintained at all times
	<b>DISPENSING AREAS AND FORECOURTS</b>	
3.2	<p>Dispensing areas and forecourts are to be designed and installed in accordance with the following:</p> <p>Forecourt - FDA to be Impervious</p> <ul style="list-style-type: none"> <li>• All ground surfaces within fuel dispensing areas shall be made of impervious material such as concrete or equivalent (note: asphalt is not suitable) and all gaps and/or cracks shall be filled so that the impervious barrier and integrity is maintained.</li> </ul> <p>Forecourt - Non-FDA to be Impervious</p> <ul style="list-style-type: none"> <li>• All non-fuel dispensing forecourt surfaces not under</li> </ul>	<p>Prior to commencement of use and to be maintained at all times</p> <p>Prior to commencement of use and to be</p>

canopy shall be constructed of concrete or equivalent (asphalt is considered suitable for non-dispensing areas) and all gaps and/or cracks shall be filled so that the impervious barrier and integrity is maintained.	maintained at all times
Forecourt - Demarcation	Prior to commencement of use and to be maintained at all times
<ul style="list-style-type: none"> <li>Fuel dispensing areas must be clearly delineated from other areas such as remote air/water supply areas, uncovered forecourt areas, access roads, general parking bays, etc. by methods such as a painted line on the ground, roll-over bunds, different coloured concrete etc. Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the delineated areas.</li> </ul>	
Forecourt - Signage For Drains	Prior to commencement of use and to be maintained at all times
<ul style="list-style-type: none"> <li>Drainage inlets located in the vicinity of the general forecourt area shall be provided with signage indicating the fate of flow such as "flows to treatment system" or "flows to containment sump".</li> </ul>	
Forecourt - Canopy Design	Prior to commencement of use and to be maintained at all times
<ul style="list-style-type: none"> <li>Fuel dispensing areas shall be covered by a roof or canopy to minimise stormwater entering the dispensing area. The roof or canopy shall overhang by a horizontal distance of <math>\frac{1}{4}</math> of the canopy clearance height out from the vertical above the boundary of the demarcated fuel dispensing area.</li> </ul>	
Containment Vessel	Prior to commencement of use and to be maintained at all times
<ul style="list-style-type: none"> <li>Fuel dispensing areas and under canopy Tanker Delivery Standing Areas shall be graded to an approved hydrocarbon separator that achieves the following criteria prior to discharge to stormwater - <ul style="list-style-type: none"> <li>Less than 5ppm (mg/L) Total Petroleum Hydrocarbons (TPH),</li> <li>Greater than or equal to 80% reduction in Total Suspended Solids (TSS), and</li> <li>Greater than or equal to 90% reduction in gross pollutants.</li> </ul> </li> </ul>	
Containment Vessel - Fuel Delivery Outside of Canopy	Prior to commencement of use and to be maintained at all times
<ul style="list-style-type: none"> <li>All spills and leaks from bulk fuel transfer activities outside of the forecourt canopy area (i.e. fuel tanker trucks delivering to bulk fuel storages on site) must be contained on-site. Tanker Delivery Standing Areas outside of the canopy shall be constructed so that contaminated run-off is automatically diverted to an approved hydrocarbon separator that achieves the</li> </ul>	

	<p>following criteria prior to discharge to stormwater -</p> <ul style="list-style-type: none"> <li>○ Less than 5ppm (mg/L) Total Petroleum Hydrocarbons (TPH),</li> <li>○ Greater than or equal to 80% reduction in Total Suspended Solids (TSS), and</li> <li>○ Greater than or equal to 90% reduction in gross pollutants.</li> </ul>	
	<p>Forecourt - Spill Kits</p> <ul style="list-style-type: none"> <li>• Spill kits shall be provided and maintained in strategic locations. They shall be appropriate in size, type and equipment to the identified hazards. Kits shall consist of, but not be limited to, the following: <ul style="list-style-type: none"> <li>○ oil absorbent materials</li> <li>○ impervious drain covers</li> <li>○ drip trays</li> <li>○ spades, funnels</li> <li>○ hydrocarbon compatible containers</li> <li>○ appropriate PPE.</li> </ul> </li> </ul>	Prior to commencement of use and to be maintained at all times
	<b>LEAK DETECTION FOR UPSS</b>	
3.3	<p>Install and implement the following minimum leak detection measures:</p> <p>Statistical inventory analysis with the following capabilities:</p> <ul style="list-style-type: none"> <li>• can detect a leak from any portion of the underground storage system;</li> <li>• uses equipment that has been installed, calibrated and commissioned in accordance with the manufacturer's instructions;</li> <li>• is capable of detecting a leak at a rate of 0.76 litres per hour or more with at least 95% accuracy and a probability of false detection of 0.05 or less (USEPA),</li> <li>• has been certified by an independent third party, consistent with the current USEPA protocols and system of verification (USEPA 1990)</li> <li>• reports with a frequency of not less than monthly, and</li> <li>• is operated by a suitably trained person.</li> </ul> <p><b>OR</b></p> <p>Automatic tank gauging.</p>	Prior to commencement of the use and to be maintained at all times
3.4	Electronic line leak detection (pressure piping); or Safe suction (suction piping).	Prior to commencement of the use and to be maintained at all times
3.5	Tank pit observation wells.	Prior to commencement of

		the use and to be maintained at all times														
	<b>NOISE</b>															
3.6	Vehicles conducting waste collection must not enter or leave the development site between the hours of 6pm and 7am Monday to Saturday and at all on Sundays.	At all times														
3.7	All grates and manhole covers within the premises must be kept tight to prevent vibrational noise due to vehicle movement.	At all times														
3.8	The PA system at the site is to be used only for safely purposes; i.e. to issue warnings or directions to patrons.															
3.9	Noise levels for intermittent and short duration noise sources measured at a <b>Noise Sensitive Place</b> must not exceed the following levels: <table border="1" data-bbox="300 875 1082 1093"> <thead> <tr> <th>Time Period</th><th>Noise Level Parameter</th><th>Noise Level Limit, dBA</th></tr> </thead> <tbody> <tr> <td>Day (07:00-18:00)</td><td>LAeq,T</td><td>50</td></tr> <tr> <td>Evening (18:00-22:00)</td><td>LAeq,T</td><td>50</td></tr> <tr> <td rowspan="2">Night (22:00-07:00)</td><td>LAeq,T</td><td>49</td></tr> <tr> <td>LAmaz,T</td><td>65</td></tr> </tbody> </table>	Time Period	Noise Level Parameter	Noise Level Limit, dBA	Day (07:00-18:00)	LAeq,T	50	Evening (18:00-22:00)	LAeq,T	50	Night (22:00-07:00)	LAeq,T	49	LAmaz,T	65	At all times
Time Period	Noise Level Parameter	Noise Level Limit, dBA														
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Night (22:00-07:00)	LAeq,T	49														
	LAmaz,T	65														
3.10	Mechanical plant is to be selected and installed to achieve compliance with the following noise level specification.  When measured externally at the most exposed facade of any nearby residence, the component sound pressure level, $L_{(Aeq, adj, 15 min)}$ , due to operation of all fixed mechanical plant and equipment serving all elements of the service station building should not exceed the following noise level limits: <ul style="list-style-type: none"> <li>Day (ie. 07:00-18:00): Background noise level +3 dBA</li> <li>Evening (ie. 18:00-22:00): Background noise level +3 dBA</li> <li>Night (22:00-07:00): Background noise level +0 dBA</li> </ul>	At all times														
3.11	Mechanical plant must be designed and installed to comply with condition 3.10 above.	Prior to commencement of the use and to be maintained at all times														
3.12	Parking of refrigerated trucks is prohibited, other than in the designated truck standing bay as designated in drawing number 19139-DA02.	At all times														
	<b>NUISANCE</b>															
3.13	Notwithstanding any other condition of this development approval, this approval does not authorise any release of contaminants which causes or is likely to cause an	At all times														

	environmental nuisance beyond the boundaries of the approved place.	
3.14	No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to increase the risk of causing environmental nuisance beyond the boundaries of the approved place.	At all times
	<b>WASTE MANAGEMENT</b>	
3.15	All general waste produced as part of the operation must be disposed of through either:  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
3.16	The approval holder must provide an impervious, screened area which is drained as required by Council, where all waste containers are placed.	At all times
3.17	Where waste bins are to be serviced on site; the area must be designed and constructed so that waste collection vehicles enter the leave the site in a forward gear.	At all times
<b>SCHEDULE 4 – REFERRAL AGENCY</b> <b>Department of State Development Manufacturing Infrastructure and Planning</b> <b>Concurrence Agency Response</b>		
4.1	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 all referral agency responses and include conditions exactly as stated in the response.	
4.2	Concurrence Agency response dated 2 April 2020 and referenced 1909-13226 SRA.	
4.3	Concurrence Agency response will be attached to Council's Decision Notice for DA18864.	
<b>SCHEDULE 5 – ADVICE</b> <i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being six (6) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the 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.

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."

Vote – Unanimous

Carried

**Subject:** Planning and Building Services Monthly Report - June 2020  
**File Ref:** Governance - Reporting - Officer Reports  
**Action Officer:** DPAD, ESM, SP, SBC, NRMO

## Report

A summary of the Department's activities during the month of June 2020 is provided for Council's information.



## Planning Development Applications

During the month the following Development Applications were received:

Assessment Type	May 2020	June 2020
Building Works assessable against the Planning Scheme	8	6
Material Change of Use	3	2
Reconfiguring a Lot	5	2
Operational Works	2	1
Combined Applications	-	-
<b>Total</b>	<b>18</b>	<b>11</b>

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

During the month the following Development Applications were decided:

Approved/Refused	May 2020	June 2020
Refused - Council	1	-
Approved - Council	3	3
Approved - Delegated Authority	6	9
<b>Total</b>	<b>10</b>	<b>12</b>

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***

The Appeal is against Council's decision to refuse the development application. The trial was undertaken from 8 June to 12 June 2020 with a final judgement expected in the coming weeks.



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

The Appeal is against Council's decision to refuse the development application and has been the subject to preliminary proceedings and expert reviews to-date. The matter is set for review on 3 July 2020 at which the Court will determine the likely date for the hearing.

#### Building Development Approvals

A total of forty (40) building approvals were issued in the region for May 2020.

##### **Assessment Type: Building Works**

Status	April 2020	May 2020
Accepted	37	46
Approved - Council	14	8
Approved - Private Certifier	15	32
Info Request	4	5
Finalised	19	37

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

#### Building Compliance Matters

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

##### **May 2020:**

Unapproved building works at Colinton, Sandy Creek, Wivenhoe Pocket, Toogoolawah, Gregors Creek, Fernvale, Mount Hallen, Moore and Glamorgan Vale.

Unlawful use of buildings at Moore, Fernvale and Mount Hallen.



#### Plumbing Compliance Permits and Inspections

A total of eighteen (18) plumbing and drainage approvals were issued in the region for June 2020.

**Assessment Type: Plumbing Approval**

Status	May 2020	June 2020
Approved	13	18
Info Request	6	10
Total	19	28

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

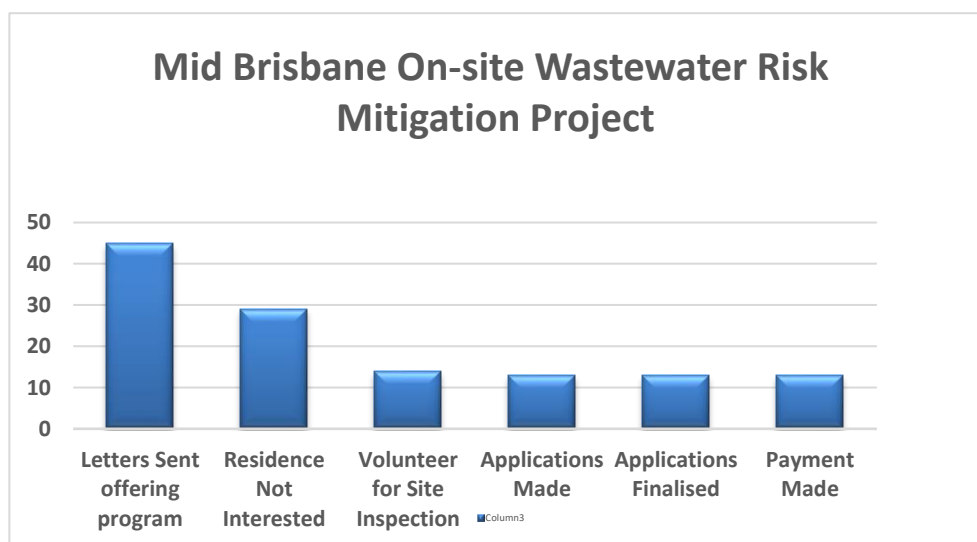
The number of home sewerage treatment plants on Council's register is 1963 of which 72 or 3.66% are currently overdue for servicing. Letters have been sent to the owners of these systems to ensure compliance.

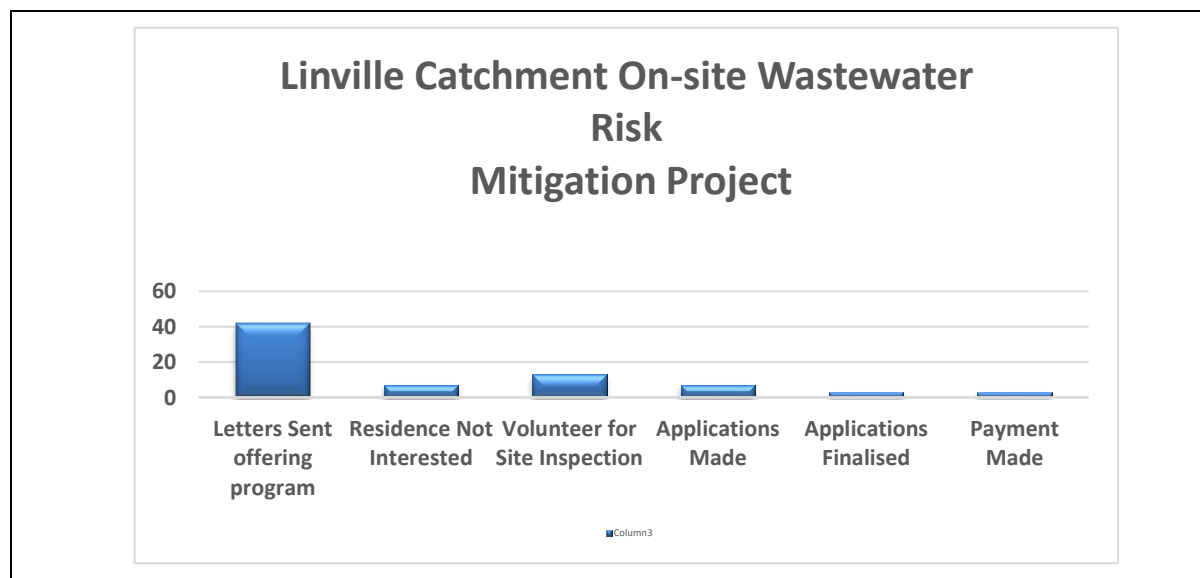
**Mid-Brisbane River and Linville Risk Mitigation Program**

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 and Linville township 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 Seqwater.

Please see table's below for current figures of Mid Brisbane and Linville Programs:





### Environmental Health Services

#### Toolbox overview

The below figures reflect the customer sessions on Somerset Regional Council's content on Toolbox for the months of April and May.

#### Visitors to Council content

	April 2020	May 2020
<b>Users</b>	70	316
<b>Sessions</b>	99	397
<b>Pageviews</b>	268	821
<b>Pages/Session</b>	2.71	2.07
<b>Avg. Session Duration</b>	3m33s	3m3s
<b>Downloads</b>	56	156

#### Most popular content

Top content pages	Unique Pageviews	
	April 2020	May 2020
<b>Noise Pollution</b>	37	45
<b>Food</b>	27	34
<b>How to start a food business</b>	17	-
<b>Do I need a food business licence?</b>	15	-
<b>Home based activities</b>	15	-
<b>Cats and dogs</b>	-	239
<b>Other animals</b>	-	54

#### 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](http://www.somerset.imalert.com.au)

A total of 87 users completed the training during the month of June.

### Swimming Pool Water Quality Monitoring

Swimming pool water samples were not collected this month as the Toogoolawah, Kilcoy and Lowood pools are currently closed and will reopen for the swimming season in late September 2020. Sampling for compliance with the *Queensland Health Water Quality Guidelines for Public Aquatic Facilities, September 2019* will recommence at that time.



### 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 Government. The first school based immunisation clinics were conducted Tuesday 3 March 2020. Clinics scheduled for June have been postponed due to Covid-19 restrictions and Council will work with QLD Health on the delivery of the program moving forward.

### Mosquito Monitoring

Officers are currently planning the 2021 mosquito surveillance program in conjunction with Queensland Health proposed to be conducted in various towns and villages in the region from January to March 2021.



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**. Figures for the month of June were not available at the time of preparation of this report.

### Pest Management

The following is a report on activities in the Pest Management sections for the months of May and June.

#### Invasive Animal Control

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

#### Wild dogs

1080 baits injected:

	May 2020	June 2020
Bryden	-	10
Scrub Creek	8	-
Black Jack Creek	32	-
Mt Archer	10	-
Sheep Station Creek	21	-
<b>Total</b>	<b>71</b>	<b>10</b>



**Dingo scalps presented:**

	May 2020	June 2020
Diaper	-	11
Kilcoy	-	14
Mt Byron	-	2
Esk Hampton	-	3
Eskdale	-	3
Coal Creek	-	3
Biarra	-	6
Mt Halen	-	8
Crossdale	-	3
Buaraba	-	4
<b>Total</b>	-	<b>55</b>

**Feral pigs**

1080 baits injected:

	May 2020	June 2020
Eskdale	-	32
<b>Total</b>	-	<b>32</b>

**Feral pig scalps presented:**

	May 2020	June 2020
Mt Byron	-	1
<b>Total</b>	-	<b>1</b>

**Rabbits:**

- Officers have been working with landholders to control rabbit infestations in the following areas:

- May: Kilcoy, Hazeldean, Minden, Lowood.
- Fernvale, Hazeldean, Prenzlau, Mt Beppo, Kilcoy showgrounds

- 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:

**May:**

- **Groundsel** –Tarampa.
- **Fireweed** – Borallon, Fernvale, Glamorgan Vale.
- **Giant rats tail grass** – Mt Kilcoy, Sandy Creek, Wivenhoe Pocket, Esk, Monsildale, Fernvale.
- **Annual Ragweed** –Toogoolawah, Linville.
- **Lantana** – Sandy Creek, Gregors Creek, Toogoolawah.
- **Mother of Millions** – Coominya, Prenzlau, Fernvale, Wanora, Biarra, Minden, Clarendon, Toogoolawah, Wivenhoe Pocket, Lowood, Esk, Mt Byron, Glamorgan Vale.
- **Prickly Pear** – Toogoolawah.
- **Parthenium** – Linville.
- **Main Roads Element 5** – D'Aguilar Highway, Brisbane Valley Highway lantana



control

- **Herbicide applied** –18,283L.
- **Lantana Control** – Mechanical removal of lantana was conducted along Gregors Creek Road and the intersection of the Brisbane Valley Highway and the D'Aguilar Highway with herbicide control carried out on Cooeembari Road, Gregors Creek Road, Mary Smokes Road, Toogoolawah-Biarra Road, Contract herbicide sprayer employed to treat lantana along Mary Smokes Road.

#### June:

- **Groundsel** – Harlin.
- **Fireweed** – Prenzlau, Fernvale.
- **Giant rats tail grass** – Mt Kilcoy, Sandy Creek, Wivenhoe Pocket, Mt Tarampa.
- **Annual Ragweed** –Toogoolawah, Mt Byron, Mt Glorious, Colinton.
- **Lantana** – Mt Kilcoy, Eskdale.
- **Mother of Millions** – Esk, Lowood, Coominya, Wivenhoe Pocket, Atkinson Dam, Mt Halon, Prenzlau, Fernvale, Mt Tarampa, Minden, Clarendon, Toogoolawah, Neurum.
- **Prickly Pear** – Coal Creek, Fernvale.
- **Parthenium** – Woolmar.
- **Main Roads Element 5** – Brisbane Valley Highway mechanical removal of lantana.
- **Council managed infrastructure** – Lowood-Minden Rail Trail, Council bridges.
- **Herbicide applied** –16,190L.
- **Lantana Control** – Mechanical removal of lantana was conducted along Brisbane Valley Highway, Esk Crows-Nest Road and the Coominya area.



#### Compliance under the *Biosecurity Act 2014*:

	May 2020	June 2020
<b>Information notices</b>	2	3
<b>Biosecurity Orders</b>	-	-
<b>Enter and Clear action</b>	-	-
<b>Total</b>	<b>2</b>	<b>3</b>

#### Animal Management

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

## Natural Resource Management

### Land for Wildlife

- No New Land for Wildlife sign-up during June due to Covid 19 restrictions, however it is anticipated that property sign-ups will recommence in July with distancing measures employed.
- Officer participation in Land for Wildlife Steering Committee meeting held 3 June 2020.
- Officer facilitation of a botanical survey at Bloodwood Creek Nature Refuge at Crossdale (comprising 3 adjoining Land for Wildlife properties) 26 June 2020.



### Somerset Flora and Fauna



- Ongoing feedback and consultation regarding the State Government review of Koala provisions – Meeting with State representatives 15 June 2020 regarding mapping amendment/review options.
- Progressing Matters of Local Environmental Significance (MLES) to inform future Planning Scheme review – documentation has been prepared for a selective Expression of Interest process with appropriate consultancies organisations in July 2020.
- Preliminary review of Council's Management of Flying Fox Roosts Policy, in alignment with a proposed dead animal handling procedure – Undertaken in collaboration with Workplace Health and Safety Officer – 25 June 2020.

### Catchment Management

- Resilient Rivers Project Updates:
  - Planting has been completed across the 4 properties included in the Black Snake Creek Project, and pending establishment, begins a period of 1 year contracted maintenance. Meeting held with Contractor regarding progress update 3 June 2020.
  - A final draft options paper has now been completed and provided to project partners for consideration. It is anticipated that Consultants will present the findings to Council representatives in late July 2020 to help refine the options to progress details, preferred designs to conclude the project engagement.
- The steering committee has decided progress the Upper Brisbane and Stanley Catchment Action Plan through virtual engagement/s over the coming weeks to ensure this project progresses within the current restrictions. Stakeholders will be contacted and engaged through the most suitable "virtual" means available in each instance.
- Officer participation to finalise the Department of Environment and Science lead Walking the Landscape catchment story for the Upper Brisbane Catchment. This information forms the benchmark/background for the current Catchment Action Plan project in the Upper Brisbane and Stanley Catchments – 12 June 2020.
- Stage 3 of the On-site Wastewater Mitigation Program is ongoing, with Council





Plumbing officers engaging properties in Linville Township, and further properties along the Mid Brisbane River (in a continuation of Stage 2 delivery). A program meeting was held virtually with Somerset Regional Council Staff, and Seqwater representation on 11 June 2020 to refine program delivery processes, and discuss further delivery assessment/options in the Fernvale and Glamorgan Vale districts.

### Offsets – Planting



- Delivery of Councils 2019/20 Capital Works Offsets:
  - Kilcoy – Approximately one third of the planting at Yowie Park has been completed and is currently being maintained by Council staff. Preparations have been made to finalise this planting pending a suitable time, with materials acquired – 12 June 2020. Anticipate planting in July 2020.
  - Toogoolawah – Planting in new gardens along the rail trail corridor is complete and is being maintained by Council staff
  - Lowood – Planting of trees on this site has been completed and is being maintained by contractors until established.
- An offset planting along Kilcoy creek has commenced with fencing and planting layout preparations completed. This planting is supported with funding from Department of Transport and Main Roads, and SEQ Water. Planting (by contractors) will proceed when climatic conditions allow – Currently scheduled for early July 2020.

### Collaborations

- Continued consultation regarding the establishment of a collaborative Canoe trail across the Brisbane River Catchment. Ipswich City Council is currently drafting Canoe Trail signage and symbology to support a broader collaborative canoe trail.
- Facilitated working bee at Greenhide Reserve – Linville, supporting Friends of the Forest Moore in their restoration works in this small but significant forest – 1 June 2020.
- Meeting with Member for Lockyer, Community, and West Moreton Landcare to discuss a planting opportunity in a Council park at Minden to assist with mitigation of sound and views from the Warrego highway to residential areas – 4 June 2020.

### Consultation and Assessment

- Facilitated clean-up of debris from emergency fire clearing in Jimna township for proposed burn-off of stacked timber – 9 June 2020. This burn is anticipated for 1 July 2020 pending conditions.
- A further meeting of Jimna stakeholder took place on 17 June 2020 to establish some fire management principles moving forward. NRM Officer to facilitate a burn plan and schedule for the Town reserves in collaboration with key stakeholders.
- Officer participation in the Council Pest Management Committee meeting – 2 June 2020.
- Officer participation in Spatial Data meeting with DNRME regarding data collaboration and opportunity – 29 June 2020.

### Recommendation

THAT the Department of Planning and Development Monthly Report for June 2020 be received and the contents noted.

**Resolution**

Moved – Cr Isidro

Seconded – Cr Wendt

“THAT the Department of Planning and Development Monthly Report for June 2020 be received and the contents noted.”

Carried

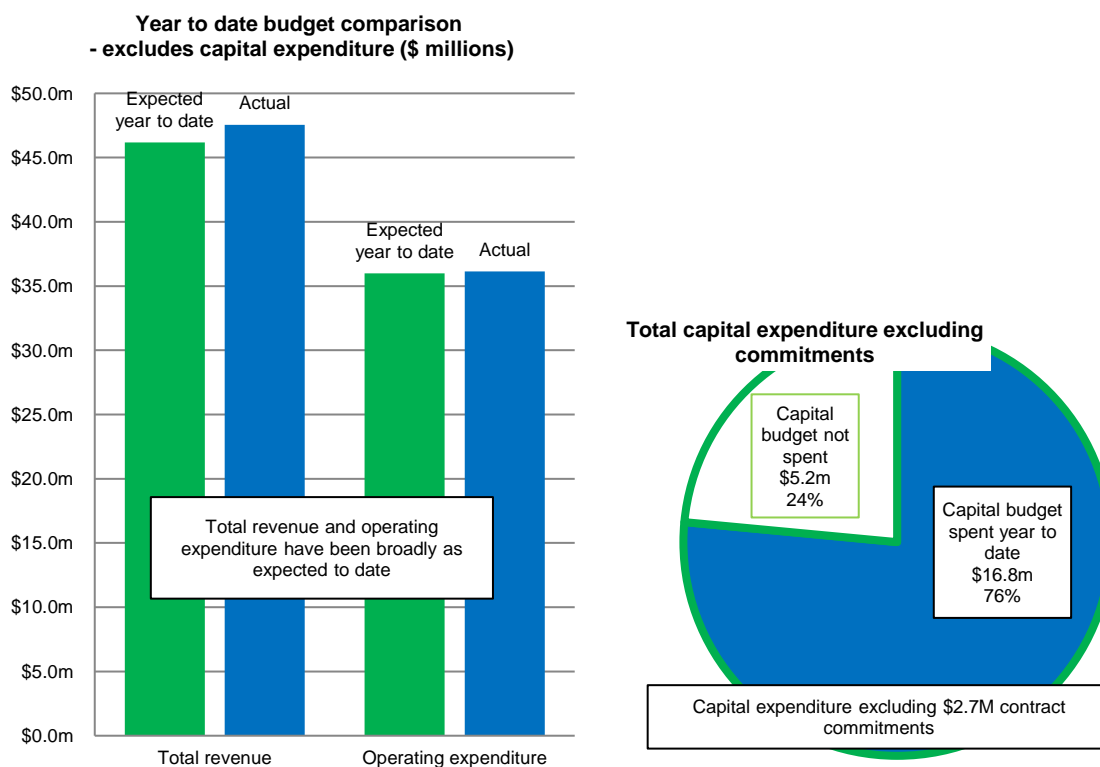
Vote - Unanimous

<b>Subject:</b>	<b>Financial reports - 1 July 2019 to 27 June 2020</b>
<b>File Ref:</b>	<b>Monthly financial statements</b>
<b>Action Officer:</b>	<b>DFIN</b>

**Background/Summary****Financial reports**

Month end financial reports for the period 1 July 2019 to 27 June 2020 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. The reports are unaudited and are subject to accrual accounting and other adjustments. Officers will prepare year-end financial statements for audit over coming months.

Financial results are summarised indicatively as follows:



A list of payments is also provided as previously requested. This is not a statutory requirement and discloses Council's support of local suppliers.

**Grants**

Council is awaiting advice about competitive grant applications including the following.

- In June 2020, Council officers applied for funding under the Queensland Government's competitive Growing Tourism Infrastructure Fund for the \$2.16 million "Brisbane Valley

- Rail Trail Install stabilised pavements and concrete surfaces – Fernvale to Esk” project.  
An application is due on 3 July 2020 under the Queensland Government’s competitive Unite and Recover Community Stimulus package part 2 for the following:

<i>Competitive (part 2) project</i>	<i>Total Project Cost</i>	<i>Council co-contribution</i>
Brisbane Valley Rail Trail Install stabilised pavements and concrete surfaces – Fernvale to Esk, Coominya	\$2,164,915	\$1,082,458
Somerset’s link to the SEQ Trade and Enterprise Spine - Lowood - Minden Road widening - Green Valley Road section	\$3,399,200	\$1,699,600

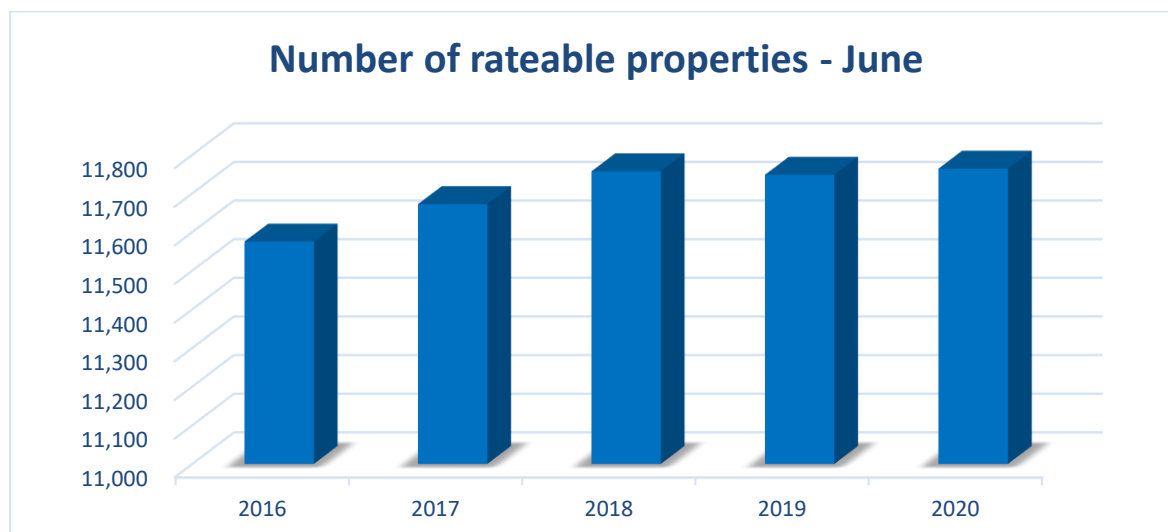
- In late May 2020, Council officers submitted applications under the Australian Government’s competitive Heavy Vehicles Safety and Productivity Program and Bridges Renewal Program for the following \$12.2 million of proposals consistent with Council’s resolution of 25 March 2020. This program was open to State Governments as well as local governments. Applications were limited to a maximum of five.

<i>Nominated BRP projects</i>	<i>Total Project Cost</i>	<i>Council co-contribution</i>
Doolan Deck Bridge Network Borate Salt Diffuser Rod Installation, Strengthening and Renewal	\$1,551,934	\$775,967
Replace Braeburn Road Bridge	\$280,314	\$140,157
Replace Copley Lane Sandy Creek Bridge	\$471,086	\$235,543

<i>Nominated HVSP projects</i>	<i>Total Project Cost</i>	<i>Council co-contribution</i>
Esk - Crows Nest Road bitumen sealing stage 1 chainage 26.060 km to 30.150 km (Maria Creek Road intersection)	\$4,611,521	\$2,611,521
Lowood - Minden Road widening and strengthening – Litzows Rd to Lukritz Rd section	\$5,272,600	\$3,272,600

### Growth

Rateable property data provides an indication of regional growth. The total number of rateable properties increased to June 2018 as follows:



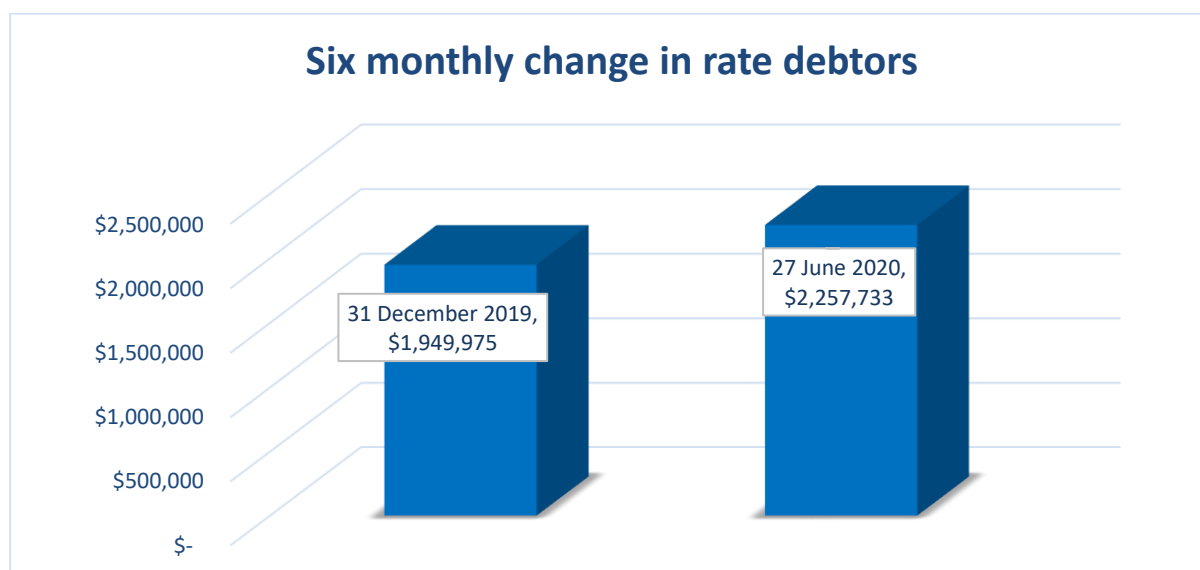
## Rates

Consistent with Council's new revenue policy, Council authorised the commencement of one sale of lands action on 27 May 2020.

A notice of intention to sell a property for overdue rates and charges of \$248,384 was issued on 24 June 2020.

Rates are issued in six monthly cycles. The most recent notices were issued on 25 February 2020 and had a revised due date of 1 June 2020. The original due date was 7 April 2020.

Rate debtors at the date of this report and as at six months prior (when there was no extension) were as follows:



## Investments

Council's 2019/2020 revised budget interest revenue is \$2.08 million or \$177 per rateable property for the year.

Interest rates have been falling. Council resolved on 26 June 2019 to endorse the entering into of an agreement for a second credit facility with Urban Utilities (QUU) of \$30 million to help sustain Council's long term non-rate revenue.

Council already has one QUU credit facility of \$13.8 million in place. This new investment requires State Government approval. Queensland Urban Utilities and Council have both applied for and are awaiting this approval.

## System installations

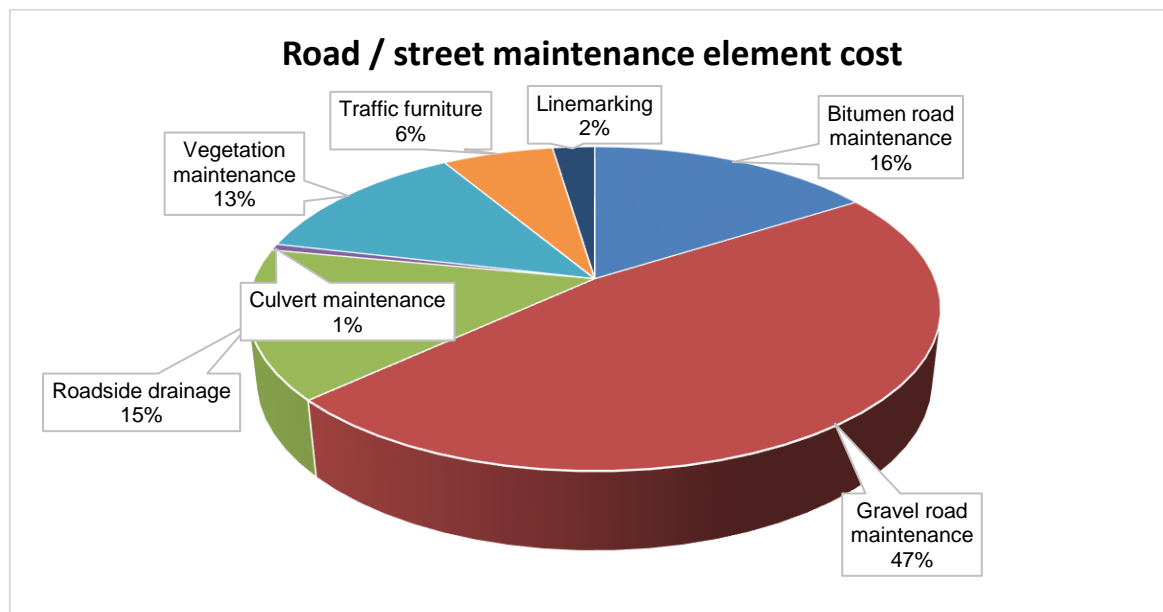
Council has successfully installed and is now using the following new systems:

- Vendor Panel – an electronic tendering and quotation management system
- NAB Flexi-purchase – a mobile phone-based credit card system. Credit card purchases increased 76% over the past year to accelerate payments to suppliers

## Road maintenance detail

Councillors have previously requested additional information about road maintenance:

<i>(Excludes some accrued costs)</i>	<i>Rural</i> (\$000's)	<i>Urban</i> (\$000's)	<i>Total</i> (\$000's)
Bitumen road maintenance	545	196	741
Gravel road maintenance	2,172	16	2,188
Roadside drainage	441	251	692
Culvert maintenance	28	2	30
Vegetation maintenance	356	237	593
Traffic furniture	244	43	287
Linemarking	66	43	109
Total actual year to date	3,852	788	4,640
Expected pro-rata budget year to date	4,118	709	4,827



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

Road segment	(\$000's)
Esk Crows Nest (gravel) Ch26120-Ch34090	120
Atkinsons Dam Rd (bitumen) Ch3200-Ch5600	92
Bellthorpe Rd (gravel) Ch0-Ch11460	70
Mt Byron Rd (gravel) Ch2020-Ch15370	60
Banffs La (gravel) Ch0-Ch3050	57
Larsens Rd (gravel) Ch3870-Ch5920	55
Kingham Rd (gravel) Ch0-Ch8960	55
Monsildale Rd (gravel) Ch1630-Ch10200	50
Muckerts La (gravel) Ch1370-Ch2780	43
Spring Creek Rd (gravel) Ch60-Ch4210	40
Brennan Rd (gravel) Ch100-Ch4020	36
Stanley Pocket Rd (bitumen) Ch0-Ch12030	31
Diaper Rd (gravel) Ch0-Ch3000	31
Boyces Rd (gravel) Ch0-Ch2460	30
Harris Rd (gravel) Ch120-Ch3340	30
Western Branch (gravel) Ch14050-Ch27110	30
Diaper Rd (gravel) Ch3000-Ch6200	28
Westvale Rd (gravel) Ch13550-Ch15210	26
Seib St (gravel) Ch0-Ch340	26
Westvale Rd (gravel) Ch1340-Ch13550	25
Clarendon Rd (bitumen) Ch5750-Ch8860	24

Silverleaves Rd (gravel) Ch40-Ch2150	24
Highwood La (gravel) Ch2610-Ch6690	24
Twah Biarra Rd (bitumen) Ch4390-Ch9960	23
Highwood La (gravel) Ch0-Ch2610	23
Kiernan La (gravel) Ch0-Ch1570	22
Zernike La (gravel) Ch20-Ch1100	22
OReillys Weir Rd (bitumen) Ch110-Ch4250	21
Kangaroo Creek Rd (gravel) Ch3190-Ch7830	21
Voss Rd (gravel) Ch880-Ch2690	21
Subtotal	<u>1,160k</u>

### Attachments

Financial reports and payment listings

### Recommendation

THAT Council receive the financial reports for 1 July 2019 to 27 June 2020 including payments presented for the period 1 June 2020 to 29 June 2020 totalling \$9,538,949.29 and that the contents be noted.

### Resolution

Moved – Cr Whalley

Seconded – Cr Wendt

“THAT Council receive the financial reports for 1 July 2019 to 27 June 2020 including payments presented for the period 1 June 2020 to 29 June 2020 totalling \$9,538,949.29 and that the contents be noted.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Resilient Rivers funding comparison</b>
<b>File Ref:</b>	<b>COMSEQ</b>
<b>Action Officer:</b>	<b>DFIN</b>

### Background/Summary

Council resolved as follows on 10 June 2020:

*“THAT Somerset Regional Council continue to provide an annual contribution to the Resilient Rivers initiative CIP (circa \$26,000 / annum) and a continued, proactive representation on the Resilient Rivers Taskforce.”*

and

*“THAT a report be brought back to Council outlining comparisons between member Councils contributions versus environmental levies to the Resilient Rivers Initiative.”*

Comparing Brisbane and Somerset, Brisbane City Council's (BCC) FY2021 budget details a commitment to contribute \$827,000 to the resilient rivers program (attached).

This is ~32 times the proposed Somerset amount above of \$26,000.

2018/2019 environmental levy income and total net rates and utilities income figures are attached (source Department of Local Government Racing and Multicultural Affairs (DLGRMA)). BCC's environmental levy income was ~638 times that of Somerset. BCC's total net rates and charges income was around ~51 times that of Somerset.

If resilient rivers contributions were made in proportion to relative environmental levy income

(compared to Brisbane City Council's \$827,000), then Somerset would need to contribute \$1,296 for FY2021. If resilient rivers contributions were made in proportion to relative total net rate income, then Somerset would need to contribute \$16,133 for FY2021.

In the circumstances and notwithstanding the resolution of 10 June 2020, Council's Natural Resource Management Officer has discussed with Council of Mayors SEQ representatives a resilient rivers contribution for FY2021 of \$12,911 including GST. COMSEQ agree to this contribution.

#### Attachments

Extract from Brisbane City Council FY2021 budget  
Extract from DLGRMA comparative rate revenue report – FY2019

#### Recommendation

THAT Council receive the report about comparative resilient rivers funding and that the proposed FY2021 contribution of \$12,911 including GST be endorsed.

#### Resolution

Moved – Cr Whalley

Seconded – Cr Brieschke

“THAT Council receive the report about comparative Resilient Rivers funding and that the proposed FY2021 contribution of \$12,911 including GST be endorsed.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>State consultation over legislative change - sale or acquisition of land for overdue rates</b>
<b>File Ref:</b>	<b>Government relations - departments</b>
<b>Action Officer:</b>	<b>DFIN</b>

#### Background/Summary

The Department of Local Government Racing and Multicultural Affairs (DLGRMA) is consulting with councils over proposed changes affecting the process of sale or acquisition of land for overdue rates with submissions due on 13 July 2020.

This is Council's primary rate debt collection tool.

Council does not engage debt collectors and generally does not use court action to collect rate debts.

The workability of the sale of lands legislation is therefore important to Somerset Regional Council.

The changes proposed by the State appear to be an improvement on the current process and it is recommended that they be actively supported.

#### Attachments

Policy position paper from DLGRMA - consultation draft - sale or acquisition of land for overdue rates

#### Recommendation

THAT a submission be lodged with the Department of Local Government Racing and

Multicultural Affairs supporting the proposed amendments outlined in the “policy position paper - consultation draft - sale or acquisition of land for overdue rates”.

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Whalley

“THAT a submission be lodged with the Department of Local Government Racing and Multicultural Affairs supporting the proposed amendments outlined in the “policy position paper - consultation draft - sale or acquisition of land for overdue rates”.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Rationalising unviable freehold lots - Emergency Management Levy</b>
<b>File Ref:</b>	<b>State Government Emergency Management Levy</b>
<b>Action Officer:</b>	<b>DFIN</b>

**Background/Summary**

Council reduced its surplus landholdings by 125 freehold lots during 2017/2018 and 2018/2019. Most of the 125 lots were of a shape, size or position that meant they were unviable for housing, including access restriction strips that were one metre or narrower.

Action was taken with these unviable lots to either:

- Sell them to neighbouring property owners as additional titles. The total nett proceeds from selling unviable properties in FY2018 and FY2019 was \$48,515 excluding GST; or
- Abolish or convert the lots to a tenure that does not attract State Government Emergency Management Levy (such as road reservation)

The potential implications of holding onto access restriction strips as freehold land include:

- liability under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*
- liability for State Government Emergency Management Levy

Council still holds 14 access restriction strips adjoining State Controlled Roads. This frontage limits the lots potential value to neighbouring property owners as additional titles because the Department of Transport and Main Roads may become involved in any potential realignment of boundaries application involving them. It is recommended that Council abolish these remaining unviable titles to save on future operating costs. 10 registered plans showing the 14 access restriction strips are attached.

**Attachments**

Registered plans of access restriction strips - L995 RP148835 / Coominya Connection Road, L997 RP148835 / Coominya Connection Road, L2 RP213665 / Brisbane Valley Highway, L121 RP866869 / Wivenhoe Somerset Road, L122 RP866869 / Wivenhoe Somerset Road, L998 RP148836 / Coominya Connection Road, L101 RP853165 / Forest Hill Fernvale Road, L26 RP844468 / Forest Hill Fernvale Road, L117 RP816952 / Wivenhoe Somerset Road, L118 RP816952 / Wivenhoe Somerset Road, L125 RP866870 / Wivenhoe Somerset Road, L100 RP813051 / Esk Kilcoy Road, L101 RP813051 / Esk Kilcoy Road and L13 RP841423 / D'Aguilar Highway



### Recommendation

THAT Council authorise the Chief Executive Officer to lodge any documentation required to convert Council's remaining access restriction strips to tenures that do not attract State Government Emergency Management Levy.

#### Resolution

Moved – Cr Isidro

Seconded – Cr Choat

“THAT Council authorise the Chief Executive Officer to lodge any documentation required to convert Council's remaining access restriction strips to tenures that do not attract State Government Emergency Management Levy.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>VendorPanel Proposal</b>
<b>File Ref:</b>	<b>Information - Acquisition - Software</b>
<b>Action Officer:</b>	<b>SPO</b>

### Background/Summary

VendorPanel is electronic tendering and quotation software that also has contract management capabilities that Council has successfully used over the past year.

VendorPanel and Local Buy, which is a business of the Local Government Association of Queensland (LGAQ) have developed a joint agreement called NexGen that includes the VendorPanel licence for FY2021 (which would otherwise cost \$14,193.03 including GST) as well as some additional features at no cost to Council.

Nex Gen is the LGAQ supported, Local Buy funded procurement ecosystem available to every Queensland Council for free. It includes VendorPanel as the underlying procurement platform, and the package includes:

**Nex Gen Procurement Portal:** a Council branded portal (including tools, policies, procedures) that allows access to a range of systems, tools, data (where approved), procurement services, the sharing of knowledge within the council and their broader organisation. This includes a tailored VendorPanel 'How to Buy Guide' relevant to each council.

**Procurement Platform via VendorPanel:** a fully enabled VendorPanel system for suppliers and Council to connect whether it be for a simple quote or a full open market tender with visibility of all agreements (Council's and Local Buy's panels) and the Local Supplier Marketplace. This is Council's instance of the system, which can be administered in the same way Council would if it went directly to VendorPanel. As part of the Nex Gen offering, this instance of Vendor Panel provides full functionality, including supplier intelligence and a continuous development pipeline.

**Supplier Intelligence Data:** access to a range of supplier information, e.g. Indigenous, Social Enterprises etc. to allow for supplier profiling. This means Council will not incur the cost of an individual licence(s) or the development costs to have this reflected in Council's instance of VendorPanel.

**Procurement Data Analytics and Benchmarking:** production of dashboards and reports that allow Council to make data-driven decisions about spend, suppliers and process while having the ability to respond to statutory and community requirements. Council's data remains

under its control; Council determines who has access, and to what level it will share with the broader council community.

#### Attachments

Decision of 29 May 2019 – background to acquiring VendorPanel software

#### Recommendation

THAT Council accept the offer for Local Buy / VendorPanel Nex Gen.

#### Resolution

Moved – Cr Whalley

Seconded – Cr Choat

“THAT Council accept the offer for Local Buy / VendorPanel Nex Gen.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Revision of Somerset Library Policies</b>
<b>File Ref:</b>	<b>Corporate Management - Policy - Policy Development</b>
<b>Action Officer:</b>	<b>(RL) Regional Librarian</b>

#### Background/Summary

Somerset Council provides free access to computers as part of the information services to patrons through the Somerset library service. Somerset Libraries are pleased to make this service available as part of the commitment to provide free and open access to information, educational and cultural resources for Library patrons of all ages and backgrounds.

To ensure fair and even-handed access to the computer resources for all patrons, rules and procedures have been devised to help regulate computer access at Somerset Libraries. By using the library's computer service, patrons agree to this usage policy.

The *Public Internet Use Policy* has been updated to include the use of personal devices on council's wireless service, a user privacy statement and guidance with regards to downloading and interactive networking.

The *Collection Development Policy* has been developed as a planning tool to give direction and focus to the selection and collection practice that is consistent with the Library's strategic plan and the overall direction, goals and objectives of the Library. This policy contributes to Somerset Regional Councils Corporate Plan 2016-2021.

The *Collection Development Policy* has been updated to include changes in selection methods and council's collection of online resources such as eBooks, eAudio Books, eMagazines and databases.

The purpose of the *Library Membership Policy* is to provide the necessary information to customers regarding requirements for membership and their borrowing rights and responsibilities.

The *Library Membership Policy* has been updated to reflect changes in loan conditions and membership requirements.

#### Attachments

C/009 Public Internet Use Policy  
C/023 Collection Development Policy

## C/007 Library Membership Policy

**Recommendation**

THAT Council adopt the revised C/023 Collection Development Policy, C/007 Library Membership Policy and C/009 Public Internet Access Policy for Libraries as set out.

<b>Resolution</b>	Moved – Cr Choat Seconded – Cr Brieschke “THAT Council adopt the revised C/023 Collection Development Policy, C/007 Library Membership Policy and C/009 Public Internet Access Policy for Libraries as follows –
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**Policy Subject/Title:** Collection Development Policy  
**Policy Number:** C/023

**Responsible Officer:** Regional Librarian  
**Related Policies / Procedures:** Council Procurement Policy  
**Authorised by:** Somerset Regional Council  
**Authorised on:** 27 March 2013 (Doc ID 667004)

**Review / Amendment dates:** 11 July 2013 (Doc ID 711676 /no amendment)  
20 May 2020 [Doc ID ....]

**1. OBJECTIVE**

The objectives of this policy are to:

- ensure the provision of, and access to, resources to support the information, educational, recreational and cultural needs of the Somerset Community.
- Provide a balanced range of resources to cater for the ongoing needs of the Somerset community
- Provide a balance of popular, bestselling material and enduring works
- facilitate community participation in the selection of library resources; and
- provide a formally endorsed framework of guidelines and procedures for the development, acquisition and maintenance of the library collections.

**2. PURPOSE**

The purpose of Somerset Regional Council Public Libraries is to provide all individuals in the community with a selection of books and other materials to aid the individual in the pursuit of recreation and lifelong learning and to foster a love of reading.

Because of the volume of publishing, as well as the limitations of budget and space, the library must have a Collection Development policy with which to meet community interests and needs.

Funding for the resources budget is derived largely from the State Library of Queensland.

An annual collection framework, taking into consideration the requirements of the *Queensland Public Library Standards and Guidelines*, community demographics, and collection analysis and evaluation, is developed to ensure the appropriate development of the collection and disbursement of the resources budget.

The collection development policy is used by the library staff in the selection of materials and also serves to acquaint the general public with the principles of selection.

### **3. SCOPE**

This policy applies to all council staff and council contractors involved in the selection, acquisition, maintenance and weeding of items in the library collection.

### **4. POLICY**

#### **Responsibility for Selection**

The ultimate responsibility for selection of library materials rests with the Regional Librarian who operates within the framework of the policies determined by the Local Government.

This responsibility may be shared with other members of the library staff; however, because the Regional Librarian must be available to answer to the Council and the general public for actual selections made, the Regional Librarian has the authority to reject or select any item contrary to the recommendations of the staff.

#### **Methods of selection**

Selection and acquisition of library materials is undertaken in accordance with Council's purchasing policies and guidelines and the provision of some categories of material is subject to a tender process. A variety of methods are used for selection and acquisition:

- Blanket orders within specified criteria
- Standing orders for particular authors or series titles
- Online ordering via vendor and publishers' websites
- Specific title orders
- Book drops by library suppliers
- Warehouse visits
- Bookshop visits
- Supplier stock updates
- Bulk author or series orders with suppliers
- Subscriptions

All of these methods are informed by the following sources:

- Reviews in professional journals
- Reviews in trade journals
- Reviews in specialist journals
- Reviews in general media;
- Publishers websites
- Online newsletters and journals
- Social media interest
- Blogs – authors, readers, bookshops
- Customer requests and suggestions

- Professional publishing and collection development knowledge

Standing orders are established for a number of areas and reviewed on a regular basis.

Standing orders exist for the following:

- Adult fiction authors
- Adult Non-fiction authors
- Junior/teenage authors
- Junior/teenage series
- Picture books/ board books

### **Criteria for Selection**

Resources considered for selection must satisfy one or more of the following general criteria:

- Current or potential interest, relevance or significance to the community
- High standards of quality in content, expression and accuracy
- An Australian work, written by a person born or residing in Australia, or set in Australia
- Fills a gap in, complements, or supplements the existing collection
- High physical and technical standard, considering format, durability over multiple borrowings, size, binding, audio and visual quality
- Materials not readily available elsewhere
- Does not duplicate material available in local educational institutions
- Special local, social or historical significance
- Attention and interest of critics, reviewers or public
- Reasonable price, appropriate to the resource and balanced against probable usage.

Every member of the Somerset community shall have the right to suggest materials for the consideration of purchase by the library service. Specific titles requested by registered members of the library service may be purchased if they meet the criteria for collection development. Material not suitable for purchase may be obtained on interlibrary loan.

Materials prohibited by law will not be considered for inclusion in the collection. Council is obliged to comply with decisions made under lawful federal or state prohibition, for example by the Classification Board.

Council is not a censoring body. No material will be rejected or removed from the library solely on the basis of artisan or doctrinal disapproval, or because of concern that children may access some materials intended for adult use. Parents or guardians are responsible for the suitability of materials perused or borrowed by their child.

### **Collection evaluation and assessment**

The collection needs continuous evaluation to ensure that the library is fulfilling its goal to provide materials in a timely manner to meet patrons' interests and needs. Statistical tools (circulation reports, collection turnover and fill rates) as well as patron input via community surveys, requests for titles and feedback are also useful in evaluating the collection.

A stock take is undertaken at each branch at least once every two years. After the stock take, 'unaccounted items' are deleted from the library bibliographic database.

### **Retention and Withdrawal**

An up-to-date, attractive and useful collection is maintained through a continual withdrawal

and replacement process. Replacement of worn volumes is dependent upon current demand, usefulness, more recent acquisitions, and availability of newer editions.

This ongoing process of weeding is the responsibility of the library. Withdrawn materials will be handled in a similar manner and under the same authority as donated materials.

### **Scope of Collection**

#### *Fiction*

Aims to provide readers with access to a broad selection of popular and contemporary fiction, by both Australian and international authors. Consideration is given to award winning fiction, emerging and local writers.

#### *Non- Fiction*

The non-fiction collection aims to support and stimulate the cultural, informational and recreational wants and needs of the community. Non-fiction will be considered in print, talking books and as eBooks. Materials relevant to children, teenagers and adults will cover a wide range of subjects, literacy levels and intellectual content, but with lesser emphasis on tertiary level resources. Technical, legal and medical works will be evaluated in terms of appropriate cost, suitability and content for intended users. This also applies to professional texts. Where appropriate, emphasis will be given to Australian material.

Textbooks and curriculum related materials will only be provided where the materials also serve the public or where they provide information not otherwise available. The responsibility for the provision of textbooks and research materials for students lies with the educational institution at which they are enrolled, but the public library will provide materials which supplement and enrich the reference and recreational needs of students of all ages.

#### *Magazines*

Magazines are provided for children, teenagers and adults.

The subscription list is reviewed periodically, when consideration is given to the aforementioned criteria for selection, but also specific considerations such as:

- a) Frequency of publication
- b) Consistency of publication
- c) Reliability of delivery
- d) Projected use assessed against price of subscription
- e) Projected use assessed against digital subscription

The period for which copies of a title will be kept is dependent on physical condition, frequency of publication, subject content and space.

#### *EBooks*

This collection consists of fiction and non-fiction according to the selection criteria. Unlike physical books, the library can only select ebooks for which its vendors hold digital rights. Usage of titles can be restricted by publishers and titles can be withdrawn or made unavailable for relicence. Pricing structures vary making some acquisitions uneconomic.

#### *EResources*

Somerset Libraries are members of a consortium of QLD public libraries which subscribes to a suite of databases. Subscription to additional databases occurs when financially possible and in line with collection selection criteria.

Somerset Libraries provides access to a collection of eBooks, eAudiobooks, eMagazines and databases. Selection and management of these collections is subject to consortia

agreements, licencing agreements, and digital rights management.

#### *Picture books*

This collection is aimed at children from 0-12 years old, although some of the collection is intended to appeal to a wider audience. The collection includes board books, stories without words, stories to be read to children, ABC and concept books and books dealing with sensitive issues. Picture books can range from simple stories through to sophisticated content for older children. The emphasis is on quality illustration and text with an appropriate relationship between text and illustration to tell the story. A range of picture books are also available online.

#### *Beginner Reads*

This collection is aimed at beginner readers and provides a transition for the newly independent reader from picture books to junior fiction. All types of stories are included, as well as some nonfiction content, with the emphasis on short books with large, clear type and illustrations which enhance the story. Books with simple language and lively stories are preferred. Other books with more challenging vocabulary, which provide the beginner reader with a sense of achievement and encourage them to proceed to longer and more substantial stories, are also included.

#### *Large Print*

Large print books are provided for patrons who have a sight disability or who have a preference for materials with a larger typeface. The collection consists of both fiction and general interest non-fiction, such as biographies, travel and health.

#### *Audio Books*

This collection aims to provide access to a wide range of books on compact disc and via eaudio for adults, teenagers and children. Both fiction and non-fiction titles are purchased. Priority is given to unabridged materials.

#### *Local History*

Material relating to the local area is collected in various formats for use in the library. Only duplicates or second copies will be available for inter-library loan.

#### *DVD*

The aim of the DVD collection is to support information, educational, cultural and recreational needs for people of all ages and the provision of alternative resources to those widely available from commercial outlets.

Recreational films and series for adults will also be collected with an emphasis on collecting works with one or more of the following attributes:

- Screen adaptations of literary works
- Classic or iconic status
- Australian made productions
- Dramatic works screened on public broadcasting stations
- A finite series
- Subtitles in English as well as other languages and the ability to switch on captions
- Works that support cultural identity.

Where possible the library service will seek to acquire DVDs that provide subtitles to assist people with hearing impairment or people learning a language. Some music titles are also collected, including concerts and film clips.

Multiple copies may be purchased for high demand material.

MA 15+ and R-rated material which meets the selection criteria may be purchased, and staff will be alerted to restriction via the library management system.

The library does not attempt to compete with commercial DVD outlets which provide multiple copies of a wide range of popular and blockbuster titles.

The collection is limited by budgetary parameters, availability and provision of titles closely aligned with high community demand.

Animated films for children are also acquired.

Wherever possible region free or region 4 (Australasia) DVDs only are purchased.

#### *Adult Literacy/ Skills for Life*

This collection aims to support those in the community with literacy and/or English as a second language needs. It will provide support for both individual informal self-directed learning, as well as formal programs, teachers and tutors. The collection will contain a broad range of materials ranging from basic first readers' resources to advanced grammar texts and teacher resources. The collection will include online resources, multi-media kits and books.

#### *Languages Other than English*

Material is available in a range of languages to support clients whose original language is not English, or those clients learning languages other than English or wishing to read a language other than English. This material may be on loan from other libraries and not from part of the permanent stock of the library.

### **Interlibrary Loan**

The library cannot collect comprehensively in every subject area due to a number of factors including space and budget. Therefore, interlibrary loan is used to obtain from other libraries those materials that are beyond the scope of this library's collection.

In return for utilising interlibrary loan to satisfy the needs of our patrons, Somerset Libraries may lend its materials to other libraries through the same interlibrary loan network, and to make an effort to have its current holdings listed in a tool that is accessible by other libraries throughout the state.

### **Gifts and Donations**

The library accepts gifts of books and other materials with the understanding that they will be added to the collection only if appropriate and needed. If they are not needed because of duplication, poor condition, or dated information the Regional Librarian may dispose of them as they see fit. The same criteria of selection that are applied to purchased materials are also applied to gifts.

Donated items suitable for inclusion in the general lending collections must:

- meet the basic selection guidelines
- be published material in demand
- be in an appropriate format for public library usage
- be in robust condition ready for loan

Donated material accepted into the collection will be reviewed on a regular basis.



## Censorship and Intellectual freedom

Although materials are carefully selected, differences of opinion may arise regarding suitable materials. The Somerset Regional Council Public Library Service refers issues related to censorship to the Public and Indigenous Library Service, State Library of Queensland's statement:

*In accordance with the State Library's Intellectual Freedom Policy and the affirmation of ALIA's Statement on free access to information (2001), Somerset Regional Council Public Library Service defends the right to provide an unbiased source of recorded knowledge and ideas for all clients. The collection aims to be representative and balanced. The State Library does not initiate censorship of any material, although it is obliged to abide by Commonwealth and State Government law on banned and restricted publications. Somerset Regional Council Public Library Service also supports the following Australian Library and Information Association policy statements which can be visited at [www.alia.org.au](http://www.alia.org.au)*

### 5. EFFECTIVE FROM

This policy is effective from

### 6. DATE OF RESOLUTION

This policy was approved by the Chief Executive Office and adopted by the Somerset Regional Council at the Ordinary Meeting of 8 July 2020.

Signed: ...

Dated: ...



**Policy Subject/Title:** Library Membership Policy  
**Policy Number:** C/007

<b>Responsible Officer:</b>	Regional Librarian
<b>Legislative or Regulatory Reference:</b>	Library Act 1988
<b>Related Policies / Procedures:</b>	Public Internet Use Policy Children and Young People Policy
<b>Authorised by:</b>	Somerset Regional Council
<b>Authorised on:</b>	29 June 2009 (Doc Id 407836)
<b>Review / Amendment dates:</b>	27 March 2013 (Doc Id 667004) 11 July 2013 (Doc Id 711676 / no amendment) 1 June 2020

### 1. OBJECTIVE

The objective of the library membership policy is to provide the necessary information to customers regarding requirements for membership and their borrowing rights and responsibilities.

### 2. BACKGROUND

Somerset Regional Council Libraries provides a wide range of resources for library members to utilise and borrow to enhance their recreational, information and cultural needs.

### **3. PURPOSE**

The purpose of the library membership policy is to provide the necessary information to customers regarding requirements for membership and their borrowing rights and responsibilities.

### **4. SCOPE**

Library membership enables customers to utilise and borrow material from all public library locations within Somerset Region.

### **5. POLICY**

- a. Membership of Somerset Libraries is freely available to anyone who has proof of their current home address.
- b. To obtain library membership, residents need to complete a membership application form and provide one of the following items as proof of identity, which shows their name and current residential address:

- Driver's licence
- Council rates notice
- Tenancy agreement / rental receipt
- Electricity account
- Telephone account
- Centrelink card
- Bank statement
- Vehicle registration
- Student card

- c. Non-residents visiting long term can join Somerset Libraries if they are sponsored by a current library member who will take responsibility for their borrowing.

Sponsored applicants must have their membership application signed by a person who accepts responsibility for rules and regulations governing membership of the sponsored applicant.

- d. To obtain library membership, non-permanent residents also need to complete a membership application form and provide identification as listed in b.
- e. Institutional membership is available to businesses, aged care facilities, kindergartens, schools and local organisations. Normal adult membership rights apply. One form of acceptable identification must include a Staff ID card OR certification of employment in the form of a letter on letterhead which includes the ABN number.
- f. Applicants under the age of 16 years will require their parent or legal guardian's signature on their membership application form. This person must also show proof of their name and current residential address. The parent or guardian then undertakes responsibility for the library membership, including internet and computer access as well as loans.
- g. A Somerset Regional Council Libraries membership card must be presented when

borrowing from any of the public library location.

- h. If a library card is not presented, suitable identification may be requested as proof of name and address.
- i. A Somerset Regional Council Libraries membership card must be presented by members under the age of 16 years when accessing the Internet computers provided by the library service.
- j. If collecting items on behalf of another customer, their library card must be produced, unless it is a parent borrowing items for their child.
- k. Loan limits will be set by the Regional Librarian and will be consistent across all library branches. There will be sub-limits for certain types of material depending on their availability and popularity.
- l. Loan periods will be set by the Regional Librarian and will be consistent across all library branches. Loan periods for high demand items may be reduced.
- m. Renewals may be applied for if items are not requested by another customer.
- n. Items may be returned to any Somerset Regional Library branch, or outside operating hours, via the after-hours return chutes.
- o. Items already on loan, or held at other locations within Somerset Regional Council Libraries, may be reserved. Reservation limits will be set by the Regional Librarian and will be consistent across all library branches.
- p. Items not held in any of the branches may be requested for purchase or for loan from another library service. Request limits will be set by the Regional Librarian and will be consistent across all library branches.
- q. Items not available for loan include:
  - Newspapers
  - Reference material
  - Local History material
  - ipads and tablet devices
  - Not for Loan material
- r. If any item is not returned, is lost, materially defaced or damaged, or is stolen from the borrower's care, the member (or the parent or legal guardian if under 16 years) who has borrowed the item at the time of the loss shall pay the associated replacement cost and processing fees.
- s. Any customer who loses their library card and does not notify the library staff of the loss will be responsible to council to make good any loss to the library caused by the cards misuse by any other person.
- t. Replacement copies are only accepted if the item is exactly the same format and edition as the original and in new or excellent condition. A processing fee will be charged to cover the cost of preparing the item for borrowing.
- u. Library membership categories available are:

<b>Customer category</b>	<b>Definition</b>	<b>Loan conditions</b>	<b>Other conditions</b>
Adult	Person aged 16 years and over	30 items/ 4 weeks 15 reservation limit	
Junior	Person aged under 16 years	30 items/ 4 weeks 15 reservation limit	Aged restricted access to MA 15+ and R rated DVD/videos
Institution	Business, Aged Care facility, Kindergarten, Local organisation.	60 items/ 12 weeks 30 reservation limit	Need to register with proof of placement.

## 6. DATE OF RESOLUTION

This original policy was approved by the Chief Executive Office and adopted by the Somerset Regional Council at the Ordinary Meeting of 29 June 2009.

Signed:                      Date:



**Policy Subject/Title:** PUBLIC INTERNET USE POLICY  
**Policy Number:** C/009

**Responsible Officer:** Regional Librarian  
**Authorised by:** Somerset Regional Council  
**Authorised on:** 29 June 2009 (Doc Id 407836)  
**Review / Amendment dates:** 27 March 2013 (Doc Id 667004)  
 11 July 2013 (Doc Id 711676 / no amendment)  
 19 May 2020

## 1. OBJECTIVE

The objective of this policy is to:

- Ensure fair and equitable access to the Internet as an information resource.
- Establish guidelines for acceptable use of the Internet within Somerset Regional Council Library branches.
- Ensure the safety and integrity of Somerset Regional Council's information technology network.

## 2. BACKGROUND

Somerset Regional Council Libraries provide access to the internet for members of the local community and visitors alike. Providing access to information technology, in particular the internet supports the library services objective to enable the provision of information beyond the confines of the library service collection.

## 3. PURPOSE

The purpose of the public internet use policy is to outline the terms and conditions under which Somerset Regional Council Libraries provides internet access to library customers and visitors. The policy also outlines what is deemed as unacceptable use of the facilities.

#### **4. SCOPE**

This policy applies to use of the Internet from public access computers in all Somerset Council Library branches. Use of wireless Internet access on personal mobile devices within the libraries is subject to the same principles of appropriate use.

#### **5. POLICY**

Somerset Regional Council Libraries provides public access to internet terminals at each branch together with free Wi-Fi. Users release and discharge Somerset Regional Council from any liability which might arise from the use of the service, including in relation to defamatory, offensive or insulting material or any breach of copyright. Users should be aware that involvement in illegal acts through accessing the library services' internet facilities may be subject to prosecution by local, state or federal authorities.

##### **Conditions of use**

Somerset Regional Council Libraries does not control the content of material available via the internet nor does it filter the content.

Somerset Regional Council Libraries cannot guarantee the quality of information on the internet. It is the responsibility of the user to determine the validity, quality, currency and relevancy of the information accessed.

Somerset Regional Council Libraries supports the rights of users to access information of their choice regardless of format. The library service promotes and facilitates responsible access to quality networked information for all users, including children and young people.

For equitable access to computers for all users, there is a total time limit of three hours per person per day. Computers may be booked for up to one hour at a time.

##### **Children**

Parents and guardians are responsible for their children's access to Library resources, including electronic information.

Children under the age of 16 years must have the consent of their parent or guardian before using library computers to access the Internet.

Parents and guardians are encouraged to work with their children in using the Internet.

Library staff are available to assist with children's information and access needs; however the Library does not accept responsibility for monitoring their Internet access.

##### **Unacceptable use**

Users may not access the Library's Internet facilities to transmit materials and/or statements that are:

- Illegal, fraudulent or part of any unlawful activity
- Slanderous, libellous or defamatory
- Offensive, obscene, pornographic or in bad taste
- Abusive or threatening of violence
- Incitement to break the law

- Harassment based on age, sex, race, disability or other protected status
- Anonymous or repeated messages designed to threaten, annoy or torment

Customers who infringe these conditions may be asked and may have their Internet session terminated or be denied access to the service. Those who refuse to comply with staff directives may be denied further access to Somerset Regional Council Libraries.

Illegal acts involving the use of Somerset Libraries internet resources may be subjected to prosecution by local, state or federal authorities.

## **6. COPYRIGHT**

Users are responsible for complying with international and federal laws protecting copyrighted material.

Somerset Libraries has no liability or responsibility resulting from copyright infringement by users.

When printing or downloading material from the Internet, users should refer to and comply with any copying directives given by the author of the material.

## **7. PRIVACY**

The Library respects users' rights to privacy and does not monitor information or sites accessed by clients. However, Somerset Libraries may be required to provide Internet logs to officers legally empowered to investigate use of the Internet where there are reasonable grounds for that officer to suspect illegal use.

## **8. SECURITY**

Security in the online environment cannot be guaranteed and Internet users are warned that all Internet transactions and communications are vulnerable to unauthorised use. The Library does not recommend using public access computers for purchasing, banking or other financial transactions.

The Library cannot assume responsibility for the safety and security of any transactions carried out on the Internet, including loss of data, funds or identity theft that may result from use of the Internet in the library.

Users are advised to log out of services and refrain from entering sensitive information, such as tax file numbers and banking details, while using library facilities.

## **9. DOWNLOADING**

Downloading files and copying them to an external storage device is permitted, as long as executable software is not opened on the hard drive of public access computers. Note that files are not retained on public access computers.

## **10. ELECTRONIC COMMUNICATION AND INTERACTIVE NETWORKING**

Users are permitted to access email, web-based games, chat and social networking services, but must observe the Library's policy on inappropriate use of public access computers.

## **11. WIRELESS ACCESS**

Wireless Internet access is available from all Library branches for use by anyone with an

Internet-enabled mobile device. The Library is not responsible for the security of communication over the wireless network.

Where Library customers or visitors are using their own internet-enabled device, appropriate use of the device is governed by the principles of this policy.

## **12. FEES**

Somerset Libraries provide free access to the Internet, including electronic communication services, as part of its mission in meeting the information needs of the community.

## **13. INFRINGEMENT OF CONDITIONS OF USE**

Users who do not comply with the Library's conditions of use may have their Internet session terminated or be denied access to the service.

## **14. CONTROLS**

This policy may be reviewed at any time.

## **15. DATE OF RESOLUTION**

This policy was approved by the Chief Executive Office and adopted by Somerset Regional Council at the Ordinary Council meeting held 8 July 2020.

Signed: ...

Date: ...."

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Lutheran Services Request for Extension of Mayoral Gala Charity Ball Grant Acquittal Period</b>
<b>File Ref:</b>	<b>Community services - service provision - Community Development</b>
<b>Action Officer:</b>	<b>CDC</b>

### **Background/Summary**

In November 2019, Council resolved to support an application by Lutheran Services (Somerset Community Services) to develop a pilot transport service to support residents in need of transportation to hospital, medical and dental appointments. This was to augment the Commonwealth Home Support Service funding, which was proving inadequate to meet the demands for transport in the region, due to the very limited public transport options. The pilot was to run through to 30 June 2020, with acquittal by late 2020.

Shortly after the funds were transferred, Lutheran Services experienced staff losses, with the new coordinator only being appointed in late February. Volunteers were unable to be recruited or the service commenced, before the pandemic hit, preventing its implementation.

On 17 June, Council received a letter from the new service coordinator, Carole Evans requesting an extension to the grant acquittal period, to allow the pilot transport system to be developed, once COVID-19 restrictions are eased sufficiently to allow volunteers to be recruited and trained. A timeframe has not been suggested but based on the difficulties experienced in meeting demand during the last six months of each financial year, an extension of twelve months would be most beneficial in meeting the needs of residents.

### Attachments

Letter from Lutheran Services dated 17 June 2020

### Recommendation

THAT Council approve an extension of twelve months to the original approval granted at the meeting dated 27 November 2019, with the same conditions.

#### Resolution

Moved – Cr Isidro

Seconded – Cr Wendt

“THAT Council approve an extension of twelve months to the original approval granted at the meeting dated 27 November 2019, with the same conditions.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Somerset Regional Sporting Infrastructure and Club Development Strategy - 2020-21</b>
<b>File Ref:</b>	<b>Recreation and Cultural Services - Service Provision - Recreation Facilities</b>
<b>Action Officer:</b>	<b>SRO</b>

### Executive Summary

Council currently has no overarching sporting infrastructure development strategy. The Council Parkland Strategy does not provide the direction required.

Strategy should be in place for sport and recreation infrastructure. Sporting infrastructure can have significant impact on the health, social welfare and economic well-being of communities. Council also receives regular ad hoc facility development requests from sport and recreation clubs and groups that may be reconciled into a larger strategy.

The following report evaluates 36 Somerset sport and recreation facilities and highlights 12 sport and recreation infrastructure projects for Council to prioritise for the 2020-21 financial year (in order); Fernvale Sports Park Development, Kilcoy Indoor Sports Centre Re-Development Plan, Lowood Swimming Pool Re-Development Plan, Toogoolawah Tennis Courts Refurbishments, Drought Proofing Lowood Sports, Lighting Somerset – LED Upgrade Project, Brisbane Valley Rail Trail Ongoing Development, Kilcoy Town Centre Sport and Recreation Precinct Plan, Toogoolawah Community Gym Relocation, Somerset Outdoor Recreation Facility Identification and Planning and Heating of the Toogoolawah Swimming Pool.

It is important to work with Somerset sport and recreation clubs to develop facilities and their internal capacity as they are Council's key partner in driving success at each site. An evaluation of sport and recreation clubs within the region has identified that membership / recruitment, communication and governance are key areas of development. The evaluation also identified clubs at risk of ceasing operations, with strategies to be put in place to support / monitor their progression.

It is proposed that 90 per cent of the infrastructure projects can be progressed and 20 per cent completed within the 2020-21 financial year with the support of Council.

It is intended that the strategy be updated annually to reflect changes within the community and market, as well as capture unforeseen projects.



**Background / Context**

Council is often responding to high cost facility maintenance or development reactively. Council is also fielding ad hoc requests for facility development. Whilst these requests are not without merit it is often difficult to prioritise them and reconcile them with a greater Council strategy.

Council does have the Parkland Strategy (2017) in place, though the strategy mainly pertains to the creation of open space recreational areas in conjunction with residential growth. The Strategy does not adequately account for the sporting facilities and specific health and recreation pursuits.

A KPMG report commissioned by Sport Australia (formerly the Australian Sports Commission), lists a range of social, health and economic benefits in investing in community infrastructure, including:

- Human capital uplift;
- Green space enhancement;
- Enhanced social inclusion;
- Increased community pride;
- Increased levels of trust amongst the community;
- Positive role modelling;
- Reduction in crime and anti-social behavior;
- Elite sporting outcomes;
- The availability of disaster response / community meeting places;
- Personal health benefits;
- Health system benefits;
- Reduced risk of health accidents;
- Increased economic activity;
- Increased employee productivity;
- Increased employment opportunities;
- Increased volunteer participation; and
- Induce visitation.

**Purpose**

The purpose of the Somerset Region Sporting Infrastructure and Club Development Strategy is to provide health, social and economic benefits for the residents of the Somerset region efficiently. The strategy identifies and prioritises projects that will enhance sporting facilities and improve Somerset sporting club capacity.

**Scope**

The Strategy focusses on Somerset Regional Council sport and recreation infrastructure development. The strategy does not include Council parks or future parks (with the exception of Kilcoy), National Parks, State Reserves (where Council does not have tenure) or SEQ Water facilities. The strategy also does not include privately or not-for-profit owned facilities, including but not limited to the; Esk Bowls Club, Esk Golf Clubhouse, Kilcoy Bowls Club, Kilcoy Districts Football Clubhouse, Kilcoy Golf Course, Lowood Bowls Club, Lowood Golf Club, Lowood Scouts Hall, Lowood Showgrounds, Toogoolawah Golf Club and Toogoolawah Showgrounds. The SRO will continue to provide advice to the groups overseeing these facilities regarding strategy development and grant funding opportunities.

The strategy also does not include Queensland Education Department owned facilities (with the exception of the Esk State School Swimming Pool, which Council hires). The SRO does

acknowledge that these facilities have an opportunity for significant community use. There are 19 public schools with the Somerset Region; three high schools and 16 primary schools.

The strategy integrates 17 separate plans or reports as outlined in Attachment 1; six drafted by the SRO, two drafted by DCORP and nine drafted by external contractors.

It is intended that the strategy be updated annually to reflect changes within the community and market, as well as capture unforeseen projects.

### ***Facility Evaluation and Prioritisation***

Each facility has been ranked from highest to lowest priority based on Council's assessment of the facility's 'gaps' to optimal performance. The following factors have been considered in assessing each facility's gaps to performance:

- Ability of the facility / infrastructure to provide a safe user experience
- Ability of the facility / infrastructure to provide a satisfactory user experience i.e. does it meet a standard above its most basic function and will it encourage repeat usage
- Ability of the facility / infrastructure to meet the standard as designated by Council i.e. local, district, regional, state or national
- Ability and / or opportunities available at the facility to have a beneficial impact on the community through social, health and economic development

A total of 36 sport and recreation facilities have been evaluated.

### ***Facility and Infrastructure Development***

Based on facility evaluations the following priorities are recommended for the 2020-21 financial year:

#### **1. Fernvale Sports Park Development**

Increase standard to regional level facility through drafting and implementing master plan for site, creating additional facilities and upgrading existing facilities, creating and implementing facility management and governance structure, and attracting existing or new clubs to the site i.e. little athletics and soccer. There is also the additional potential to attract a private secondary school institution to the site.

The amenities building extension, installation of lighting towers on the oval, installation of cricket nets and turf wicket block, and construction of a recycled water pipeline from the new Lowood Sewerage Treatment plant have been budgeted by Council for the 2020/21 financial year.

Planning works to create a detailed masterplan, incorporating detailed building and field designs is estimated to cost \$350,000. These works currently remain unbudgeted. An application was submitted to the Queensland Government Building Our Regions Program in 2019. This application was unsuccessful.

The facility currently has four permanent users including the Brisbane Valley Rattlers AFC, Somerset Storm Netball Club, Marburg Mount Crosby Thunder Cricket Club and Fernvale State School. All permanent users are currently seen as being 'on track', with potential for future growth.

#### **2. Kilcoy Indoor Sports Centre Re-Development Plan**

Maintain the facility's district level status through refurbishing and extending the current facility.

The improved facility would feature increased capacity for gymnastics and health and fitness. The facility would also have improved functionality to host more sports i.e. basketball and tennis. The enhanced facility could be used as an entertainment hall for the district and as an emergency shelter. An enhanced facility design would be drafted concurrently with a master plan for the Kilcoy town centre sport and recreation precinct (Aston Park to Yowie Park).

This project is currently unbudgeted. There is also no funding application pending to support the project. The cost of preparing a detailed, 'shovel-ready' design is estimated to be \$50,000-\$70,000 which would include architectural designs and consultancy fees (i.e. structural engineer, electrical engineer, hydraulic engineer, geotechnical engineer, services locating and surveyors).

In addition to members and casual users there are two permanent user groups of the facility; the Kilcoy Gymnastics Club and Kilcoy Army Cadets. Both have potential for future growth though are constrained by the size and configuration of the facility.

### **3. Lowood Swimming Pool Re-Development Plan**

Maintain or develop a new facility to ensure that facility's district status is maintained. The current facility is quickly moving toward its end of life, specifically the plant room. Currently no solutions have been resolved with regards to the facility's future. Multiple options are currently being considered, including refurbishing the current facility, building a new facility adjacent to the current facility and building a new facility closer to the town centre. All options would incur a significant investment from Council, from approximately \$3 million to \$10 million.

In addition to the over 14,000 entries to the swimming pool, the Lowood & District Swimming Club is based at the site. Membership is steady at the club, though there is potential for future growth.

### **4. Toogoolawah Tennis Court Refurbishments**

Refurbish the Toogoolawah Tennis Courts to ensure that they remain a useable asset for the local community. The courts require significant refurbishment of the concrete base and replacing of the artificial playing surface.

Council has allocated budget for the project in the 2020/21 budget. The works to repair the playing surface have been quoted at \$89,000 to \$95,000 (exclusive of GST).

The Toogoolawah Tennis Club is based at the club and maintains a small but consistent membership. The quality of playing surface at the Toogoolawah Tennis Courts is a matter of urgency for the club.

### **5. Drought Proofing Lowood Sports**

Construct a recycled water pipeline from the 'old' Lowood Water Treatment Plant to the Lowood Showgrounds, Lowood Recreation Complex, Lowood Golf Club and Brisbane Valley Rail Trail.

This project is in the early stages of feasibility research, but stands to have a significant impact on the operations of three sporting clubs and the local show society. Cost estimates for this project are currently unavailable, though it is anticipated that the costs would be less than the Fernvale Sports Park Pipeline.

The three local sporting clubs that would directly benefit from the project (Brisbane Valley Soccer Club, Lowood & District Golf Club and Lowood Tarampa District JRLC) are currently in a stable financial position, with stable memberships and potential for growth.

## **6. Lighting Somerset – LED Upgrade Project**

Install upgraded LED lighting at four major outdoor recreation facilities throughout the region; Fernvale Sports Park, Lowood Recreation Complex, Esk Recreation Grounds and Hopetoun Sports Fields. Fernvale requires upgraded electricity to the site and the installation of lighting towers. Lowood requires the replacing of the current towers.

LED lighting infrastructure will significantly reduce operating costs for clubs and Council, through lighting efficiencies, and significantly improve the quality of lighting. Currently, with the exception of Kilcoy, all fields are unable to safely host evening competition events due to poor lighting. LED lighting will sufficiently light facilities and will not require new lighting towers for Esk or Kilcoy.

All facilities are currently utilising metal halide bulbs. LED bulbs have an operating cost saving of approximately 40 per cent and have a lifespan 8 to 12 times greater than metal halide bulbs.

The quoted cost to complete these works is \$860,000 (exclusive of GST); \$250,000 – Fernvale, \$350,000 – Lowood, \$95,000 – Esk and \$165,000 – Kilcoy. This project is currently 77 per cent funded. This funding includes all works at Fernvale and Esk, and one field each at Lowood and Kilcoy. Lighting all three fields at Lowood is a priority. Solutions are to be identified to resolve this.

Lighting all three fields at Lowood is a priority. An additional \$200,000 is required to install lighting on the remaining two fields. It is recommended that Council apportion budget to ensure sufficient lighting of these fields.

There are currently six sporting clubs or groups based at the listed facilities, which will be affected by lighting upgrades; Brisbane Valley Bulls JRLC, Brisbane Valley Rattlers Junior AFC, Brisbane Valley Soccer Club, Esk & District Touch Football, Kilcoy District Football Club and Lowood Tarampa District JRLC. Lighting upgrades may also have the ability to attract additional users to sites, particularly the Fernvale Sports Park.

## **7. Brisbane Valley Rail Trail Ongoing Development**

Increase the structural standard, encourage a partnered management approach, improve supporting infrastructure (signage) and encourage and promote local business support to ensure that the asset is recognised as a nationally significant asset. The BVRT is Australia's longest recreational rail trail and arguably Somerset's most significant tourism asset.

In 2020 a user research program will be completed giving all stakeholders a greater understanding of the visitor market utilising the trail. Future strategic priorities include creating an organisation / management structure to oversee the management and promotion of the trail, infrastructure investment and business development programs to partner with and enhance local businesses ability to be able to cater to the demands of tourism.

Somerset Regional Council has committed \$15,000 (exclusive of GST) to the research project which has been matched by TMR. Further ongoing investment is subject to TMR strategic planning and funding initiatives.

## **8. Kilcoy Town Centre Sport and Recreation Precinct Plan**

Develop a master plan to govern the future development of the Kilcoy Town Centre Sport and Recreation Precinct, from Aston Park to Yowie Park, including concept designs and costings where appropriate. This is an underutilized area that has great capacity to become a quality sport and recreation precinct for the entire region.

This project is currently unbudgeted. There is also no funding application pending to support this project. Preliminary works including feasibility research and community liaison can be conducted by the SRO in conjunction with other internal departments. There will be costs involved in developing concept designs for new infrastructure and graphic design work. These costs are currently unknown.

#### **9. Kilcoy Tennis Courts Plan**

The future of this facility is uncertain. Management of the facility may revert to Council or perhaps the Kilcoy State High School (KSHS) should they wish. There may be an option to hand management of the facility over to KSHS and incorporate tennis facilities into an enhanced Kilcoy Indoor Sports Centre.

Confirmation of the future of the Kilcoy Tennis Courts does not require financial resources. The SRO is to provide Council with a recommendation or update by June 2021.

#### **10. Toogoolawah Community Gym Relocation**

Increase the capability of the facility to meet a district level standard through building a new facility adjacent to the Toogoolawah Swimming Pool which features an increased gym space and fitness class space, internal amenities, increased storage capabilities, kiosk / catering facilities and other enhanced services.

Funding to complete the project has been sourced through the Queensland Government Active Community Infrastructure funding program. Council has also budgeted \$108,000 toward the construction of a new facility. Council will also be required to cover any cost overruns.

A lot amalgamation of the swimming pool and new community gym lots was submitted to the Queensland Department of Natural Resources, Mines and Energy in April 2020. The purchase of the reserve land on which the pool sits is currently unbudgeted.

At the conclusion of the current management leases for the Toogoolawah Community Gym and Toogoolawah Swimming Pool it is intended that there will be a single lease to manage both facilities. The current leases conclude 31 August 2022. The Toogoolawah Swimming Pool will require refurbishment to convert the current kiosk to a first aid room.

#### **11. Somerset Outdoor Recreation Facility Identification and Planning**

Identify and secure land within the Somerset region for the purpose of establishing an outdoor recreation facility for the region, with a specific emphasis on mountain biking and hiking. Planning and feasibility research would occur upon confirmation of securing a site.

Council approved the CEO to negotiate tenure for an identified location, in line with at the 10 June 2020 meeting.

This project is currently unbudgeted. The estimated cost to develop a comprehensive feasibility study and plan would be \$100,000.

#### **12. Heating of the Toogoolawah Swimming Pool**

Install electric heat banks to ensure pool is sufficiently heated and re-purpose the kiosk room into a first aid room in conjunction with the building of the new Community Gym.

Funding to complete the project has been sourced through the Queensland Government

Active Community Infrastructure funding program. Council has also budgeted \$108,000 toward the construction of a new facility. Council will also be required to cover any cost overruns.

### **Outcomes / Measures**

Within the 2020-21 Financial Year:

- Progress over 90 per cent of projects
- Complete over 20 per cent of projects

### **Clubs**

It is important to work with Somerset sport and recreation clubs to develop facilities and their internal capacity as they are Council's key partner in driving success at each site. An analysis has been conducted on all sport and recreation clubs and groups within the Somerset Region. Each club has been evaluated based on their Membership, Governance, Finances, Facilities, Coaching and Communications. Please note that the analysis is indicative based on available information and correspondence with clubs.

Based on analysis the following priority areas have been identified:

1. Continue to build and maintain positive working relationships with clubs.
2. Continue to work with clubs on key themes / gap areas to develop their capability in workshop / group settings:
  - a. Membership (attracting and maintaining members)
  - b. Communication (enhance club communications and messaging)
  - c. Governance (succession planning and sharing the load)
3. Reach out to clubs that have been identified as at risk of ceasing operations; obtain further information, identify specific areas of concern, identify solutions and / or monitor progress.

### **Attachments**

Bibliography - Reports Utilised

### **Recommendation**

1. THAT Council note the contents of the report and endorse the Somerset Region Sporting Infrastructure and Club Development Strategy for 2020-21.
2. THAT Council authorise an additional budget allocation of \$200,000 toward the installation of LED lighting infrastructure on all three playing fields at the Lowood Recreation Complex at the next budget review.

### **Resolution**

Moved – Cr Whalley

Seconded – Cr Gaedtke

- "1. THAT Council note the contents of the report and endorse the Somerset Region Sporting Infrastructure and Club Development Strategy for 2020-21, with the addition of Toogoolawah Bowls Club to the scope of the strategy.
2. THAT Council authorise an additional budget allocation of \$200,000 toward the installation of LED lighting infrastructure on

all three playing fields at the Lowood Recreation Complex at the next budget review.”

Carried

*Vote – Unanimous*

<b>Subject:</b>	<b>West Moreton Land Care - Rail Trail Project - Stage Completion</b>
<b>File Ref:</b>	<b>SRC - Community Relations - ceremonies - official openings</b>
<b>Action Officer:</b>	<b>DCORP</b>

### Background/Summary

The West Moreton Land Care Group (WMLC) have written to Council regarding their celebration morning tea to recognise the workers and assistance they have received in achieving the completion of a significant stage of the Rail Trail Project.

Ms Jean Bray, Secretary to the group has requested assistance with a morning tea celebration on site on the 11 August 2020. Mrs Bray is seeking assistance with morning tea.

The Mayor and Councillors will be invited along with other guests representing the various funding partners and the workers.

Details of the celebration morning tea and the special guest along with the concept proposal for the Botanic Gardens is attached.

### Attachments

Attachment 1 - Request for assistance from Jean Bray – Secretary West Moreton Land Care  
Attachment 2 - Concept plan for the Botanic Gardens project – Clarendon Rd

### Recommendation

THAT Council provide assistance to the West Moreton Land Care Group for their morning tea celebration on site on 11 August 2020, with the provision of Covid-safe pre-packaged morning tea and water.

### Resolution

Moved – Cr Choat

Seconded – Cr Whalley

“THAT Council provide assistance to the West Moreton Land Care Group for their morning tea celebration on site on 11 August 2020, with the provision of Covid-safe pre-packaged morning tea and water.”

Carried

*Vote – Unanimous*

<b>Subject:</b>	<b>Operation of Harlin Refuse and Recycling Centre - Continuation of Current Opening Hours</b>
<b>File Ref:</b>	<b>Waste management - contracting - Coominya Harlin Kilcoy transfer station (1205724)</b>
<b>Action Officer:</b>	<b>CSSA</b>

### Background/Summary

At Council's Special Meeting held Wednesday, 25 March 2020, Council resolved:

1. THAT Council approve the reduction in days of operation of the Harlin Refuse and Recycling Centre to Friday to Sunday inclusive.
2. THAT the Chief Executive Officer is empowered to make further changes to waste operations in response to impacts of the COVID-19 virus.

Correspondence has been received from Council's contractors, Kaine Diverse Group Pty Ltd (KDG) requesting approval to continue opening of the Harlin Refuse and Recycling Centre Friday to Sunday inclusive on a permanent basis. This is due the very low patronage on Wednesdays and Thursdays prior to the temporary closure. The closure of Harlin on Wednesdays and Thursdays would mean that the only refuse and recycle centre open on these days would be Coominya.

Council received five complaints in the first week of the change of hours of the Harlin Refuse and Recycling Centre but since the first week, Council has not received any complaints.

Prior to COVID-19, when the facility was opened five days per week, on average, there were 34 patrons visiting the site weekly with most of the patrons being on Saturday or Sunday. Since COVID-19 (27 May to 21 June 2020), the facility has been opening Friday to Sunday inclusively and it has been averaging 22 patrons per week with no identified increase in illegal dumping.

#### Attachments

NIL

#### Recommendation

THAT Council approve the continuation of the reduction in days of operation of the Harlin Refuse and Recycling Centre, Friday to Sunday inclusively, on a permanent basis or until such time demand dictates otherwise.

#### Resolution

Moved – Cr Brieschke

Seconded – Cr Wendt

“THAT Council approve the continuation of the reduction in days of operation of the Harlin Refuse and Recycling Centre, Friday to Sunday inclusively, on a permanent basis or until such time demand dictates otherwise.”

Carried

*Vote – Unanimous*

<b>Subject:</b>	<b>Burttons Bridge, Borallon - Temporary Closure to Through Traffic</b>
<b>File Ref:</b>	<b>Roads - Road Closures -Temporary</b>
<b>Action Officer:</b>	<b>AWM</b>

#### Background/Summary

Council's application for grant funding to provide Burton's Bridge, Borallon with strengthening works under the 2018-19 Queensland Disaster Resilience Fund (QDRF) was successful.

Burton's Bridge is a single lane doolan deck composite bridge, located over the Brisbane River on E-Summerville Road. The river at this location has steep banks, which when combined with the risk of periodic heavy flows, makes the option of a side-track both expensive and susceptible to damage. Installation of scaffolding was also considered, however, would add an addition \$90,000 to the job and would still remain susceptible to damage from any heavy flows. There is no alternative route to the properties to get around the bridge.



The use of a Bridge Inspection Unit (BIU) to access the underside of the bridge from the bridge deck is the most economic method to undertake the works, however, requires the temporary closure of the bridge. The BIU is a mobile crane/scaffold configuration so it is inefficient to work under traffic as the unit would need to stop, demobilise and then set up again each time a vehicle needed to pass.

To facilitate the most efficient and safe way to undertake these works it proposed the E Summerville Road be temporarily closed between 7am to 5:30pm from 17 August to 30 September, 2020, with temporary access being made available from between 10am to 10.15 am, 12.30pm to 1.00pm and 3.30pm to 3.45pm if required. Emergency access will be made available as soon as possible if needed.

Council officers have spoken with residents directly impacted by these works. The periodic opening will assist these residents to undertake their daily trips beyond the bridge. As a minimum, the proposed road closure would be advertised to the community in the following manner:

- Local Newspapers;
- Letter drops to residents directly affected by road closure; and
- Variable Message Sign erected 7 – 10 days prior to closure.

### **Corporate Plan**

- Corporate Plan Theme: Well Planned Somerset
- Corporate Plan Strategy: Apply a planned approach to roadworks and drainage to ensure all roads receive appropriate maintenance in a structured, timely and efficient way.

These works will arrest decay of the bridge sub-structure and super-structure resulting in an extended useful life of the asset.

### **Attachments**

NIL

### **Recommendation**

THAT Council ratify the decision to temporarily close E Summerville Road to through traffic from 17 August to 30 September 2020 between 7am to 5:30pm for the duration of the maintenance of Burtons Bridge, subject to access being maintained to local residents (at certain times) and such temporary road closure being advertised.

### **Resolution**

Moved – Cr Choat

Seconded – Cr Whalley

“THAT Council ratify the decision to temporarily close E Summerville Road to through traffic from 17 August to 30 September 2020 between 7am to 5:30pm for the duration of the maintenance of Burtons Bridge, subject to access being maintained to local residents (at certain times) and such temporary road closure being advertised.”

*Carried*

*Vote – Unanimous*

<b>Subject:</b>	<b>Community Assistance Grants 2019 - 2020 – Toogoolawah and District History Group Inc – Doc Id 1200807</b>
<b>File Ref:</b>	<b>Community Relations – Sponsorships – Donations</b>
<b>Action Officer:</b>	<b>DHRCS</b>

### Background/Summary

To assist with the costs associated with the purchase and installation of two 3600mm x 1200mm aluminum heritage signs with UV laminate. The signage will include a directional sign for the Toogoolawah History Museum and a second sign identifying the location of the historic Brisbane Valley Line (now the Brisbane Valley Rail Trail). Both signs will feature an image of a historical steam train. Signage to be placed on the shed at the Toogoolawah History Museum.

Amount requested:	\$ 2,200
Total cost of project:	\$ 2,200
Amount granted:	\$ 2,200

### Assessor's Summary

The Toogoolawah History Museum is managed by a group of volunteers at the former Toogoolawah Railway Station. The museum offers a display of Toogoolawah's history along with providing a family history search service.

The applicant states the installation of the directional signage will increase tourism in the Toogoolawah area by directing visitors to the Toogoolawah History Museum and in-turn visitors will visit local cafes, shops and the Visitor Information Centre.

A second sign will identify the location of the historic Brisbane Valley Line, now the Brisbane Valley Rail Trail, one of the main tourism features in Somerset. Both signs will feature an image of a historic steam train.

The Toogoolawah History Museum building is owned by Somerset Regional Council and the group have an agreement with Council regarding the use of the facility. The group state they have been implementing a long-term development plan to increase patronage, and have been approved for five community assistance grants since 2013.

Approval is sought by the applicant from Council, to make an alteration to the premises by installing exterior signage on the shed which forms part of L 13 of SP132927, as per clause 6.2 and 6.6 of the groups license agreement:

***Toogoolawah and District History Group Licence Agreement - Toogoolawah and District History Group Inc over Part of L13 SP132927 formerly Toogoolawah Railway Station - 1 July 2019 to 30 June 2020***

#### **6.2 ALTERATION OF PREMISES**

*The Licensee will not construct any building or other improvement or alter or add to any building or other improvement on the Land without the prior written consent of the Licensor.*

#### **6.6 EXTERIOR SIGNS**

**6.6.1** *The Licensee must not erect, paint, write or attach any sign, for which the Licensee receives or is entitled to receive any rent, licence fee or other reward, upon any part of the Licensed Premises.*

**6.6.2** *Without limiting Clause 6.6.1, the Licensee must not erect, paint, write or attach any sign upon any part of the Licensed Premises without the Licensor's prior consent.*

6.6.3 Any sign erected, painted, written or attached upon any part of the Licensed Premises without the Licensor's prior consent may be taken away by the Licensor without notice at the Licensee's expense.

6.6.4 If any sign is erected, painted, written or attached upon any part of the Licensed Premises, on, termination it must be removed and taken away by the Licensee and the Licensed Premises returned to its original condition at the Licensee's expense.

The installation of the signage is subject to the applicant ensuring the signage meets the requires of a *Wall Sign* under Section 22 of Subordinate Local Law 1.4 for Advertising Devices 2011.

### **Subordinate Local Law 1.4 for Advertising Devices 2011**

#### **22. Wall Sign**

- a) the advertising device must only be displayed on the wall of a building; and
- b) the advertising device must not project in excess of 100mm from the wall to which it is affixed; and
- c) the advertising device must not project beyond any edge of the wall unless this improves the appearance of the building or the premises on which it is painted or affixed; and
- d) the advertising device must integrate, and be compatible, with the architecture of the building on which it is painted or affixed; and
- e) the dimensions of the advertising device must bear a reasonable relationship to the size of the wall on which it is painted or affixed; and
- f) the advertising device must be consistent, in colour and appearance, with buildings and natural features of the environment in which it is situated; and
- g) the advertising device-
  - (i) may be illuminated internally; but
  - (ii) must not be externally illuminated; and
- h) if illuminated-the illumination of the advertising device must not diminish the amenity of the locality; and
- i) the advertising device must be installed without "guide wires" or exposed supporting framework; and
- j) the face area of the advertising device must not cover more than 75% of the area of the wall on which it is painted or affixed.

Relevant Council officers have confirmed the signage meets these requirements.

<b>Attachments</b>
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Nil

<b>Recommendation</b>
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1. THAT Council grant approval for the Toogoolawah and District History Group Inc. to install two 3600mm x 1200mm aluminum heritage signs with UV laminate on the shed within the grounds of the Toogoolawah History Museum, L 13 of SP132927, as per clause 6.2 and 6.6 of the groups licence agreement dated 1 July 2019 to 30 June 2020, Doc Id 1144542.
2. THAT Council grant approval for the signage, as outlined in correspondence from the Toogoolawah and District History Group (Doc Id 1203290) confirming the applicant meets the requirements of *Subordinate Local Law 1.4 for Advertising Devices 2011*.
3. THAT the application as summarised in this report be approved for funding and \$2,200

be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist with the costs associated with the purchase and installation of two 3600mm x 1200mm aluminum heritage directional signs with UV laminate to be placed on the shed at the Toogoolawah History Museum.

4. THAT the final signage design proofs be provided to and approved by the Chief Executive Officer or delegate prior to installation.

<b>Resolution</b>	Moved – Cr Gaedtke	Seconded – Cr Wendt
	<p>“1. THAT Council grant approval for the Toogoolawah and District History Group Inc. to install two 3600mm x 1200mm aluminum heritage signs with UV laminate on the shed within the grounds of the Toogoolawah History Museum, L 13 of SP132927, as per clause 6.2 and 6.6 of the groups licence agreement dated 1 July 2019 to 30 June 2020, Doc Id 1144542.</p> <p>2. THAT Council grant approval for the signage, as outlined in correspondence from the Toogoolawah and District History Group (Doc Id 1203290) confirming the applicant meets the requirements of <i>Subordinate Local Law 1.4 for Advertising Devices 2011</i>.</p> <p>3. THAT the application as summarised in this report be approved for funding and \$2,200 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist with the costs associated with the purchase and installation of two 3600mm x 1200mm aluminum heritage directional signs with UV laminate to be placed on the shed at the Toogoolawah History Museum.</p> <p>4. THAT the final signage design proofs be provided to and approved by the Chief Executive Officer or delegate prior to installation.”</p> <p style="text-align: right;"><u>Carried</u></p> <p><i>Vote – Unanimous</i></p>	

<b>Subject:</b>	<b>Somerset Race Club Sponsorship</b>
<b>File Ref:</b>	<b>Community Relations - Sponsorships - Donations</b>
<b>Action Officer:</b>	<b>CMM</b>

#### Background/Summary

Somerset Regional Council has in the past few years provided sponsorship to the Kilcoy Race Club and Esk Jockey Club to support country racing.

Council is in receipt of correspondence from the Esk Jockey Club (Doc 1207049) seeking sponsorship for trophies for its race meet in July.

Council has previously offered sponsorship to the Kilcoy Race Club and the Esk Jockey Club for the sum of \$1000 to support the race clubs.

#### Attachments

Nil

<b>Recommendation</b>
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1. THAT Somerset Regional Council provide the Kilcoy Race Club Inc with the sum of \$1000 plus GST, such amount to be granted through council's advertising promotional budget allocation, for sponsorship for a race in 2020.
2. THAT Somerset Regional Council provide the Esk Jockey Club Inc with the sum of \$1000 plus GST, such amount to be granted through council's advertising promotional budget allocation, for sponsorship for a race in 2020.

<b>Resolution</b>	Moved – Cr Brieschke	Seconded – Cr Isidro
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| <ol style="list-style-type: none"> <li>“1. THAT Somerset Regional Council provide the Kilcoy Race Club Inc with the sum of \$1000 plus GST, such amount to be granted through council's advertising promotional budget allocation, for sponsorship for a race in 2020.</li> <li>2. THAT Somerset Regional Council provide the Esk Jockey Club Inc with the sum of \$1000 plus GST, such amount to be granted through council's advertising promotional budget allocation, for sponsorship for a race in 2020.”</li> </ol> |
|---|

*Carried*

*Vote – Unanimous*

<b>Meetings authorised by Council</b>
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Nil

<b>Mayor and Councillor Reports</b>
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**Cr Brieschke - Councillor report**

*June*

- 25 Visited proposed COVID Works for Queensland projects at Kilcoy facilities with the Honourable Minister Stirling Hinchliffe, CEO, Councillor Gaedke and Councillor Isidro, Mr and Mrs Con Searle.
- 30 Visit to Toogoolawah Men's Shed.

*July*

- 1 Meeting with Ms C Barker, Linville Progress Association, Councillor Isidro, Director of Planning and Development and Director Operations.
- 3 Key Partner Group Fortnightly COVID update with West Moreton Health Service – teleconference.
- 7 Visit to proposed Service Station development, Fernvale.

**Cr Gaedtker - Councillor report**

- 24 June Council Ordinary Meeting  
Council Workshop Meeting
- 25 June Hon Minister Stirling Hinchliffe MP visit to Somerset  
The Minister was shown examples of Council working with community to deliver projects funded under COVID-19 Works for Queensland.  
Local Recovery Group Meeting #1  
Storytime @ Home with Somerset Libraries recording

26 June	Inaugural Local Recovery Group meeting.
27 June	Kilcoy District Progress Alliance Executive Committee meeting.
30 June	Kilcoy Interagency Meeting. Community Builder Webinar.
01 July	Somerset Dam and District Progress Assn Committee meeting. Joan Bell and Frank Murray presented the association with a framed historic record of the Brennan family and their property Silverton Homestead.
02 July	Brisbane Valley Heritage Trails Committee meeting – Kilcoy. The group provided a submission to the Brisbane Valley Rail Trail Strategic Plan, and the need for heritage tourism to be included. A discussion took place around the perfect opportunity for our region to tell its story, based on the reply from the submission.
02 July	COVID Recovery Human and Social Sub Group Meeting.
07 July	Community Builder Webinar. Kilcoy Tennis Club AGM.

There has been a great deal of community interest shown towards recent council initiatives – Christmas Decorations project, SEQ Food Trails and Grant Guru.

A news article describes a jobs bonanza will be rolled out in a national \$1 billion plan to stop millions of tonnes of waste being shipped off overseas while tackling the growing unemployment crisis. For Queensland, it means tens of millions of dollars in new investment for recycling facilities right across the state. Queensland is a major exporter of almost one million tonnes of recyclables, and more than any other state except for Victoria.

### **Cr Isidro - Councillor report**

#### *June*

24	Council Meeting
25	Meeting Kilcoy with Minister Hinchcliffe

#### *July*

1	Meeting with resident in Linville
6	Meeting with resident in Esk
7	Meeting with resident in Fernvale
8	Council meeting

### **Cr Wendt - Councillor report**

#### *June*

24	Ordinary Council meeting
24	Councillor Workshop meeting

#### *July*

7	Meeting for Lowood Recreational Grounds Committee AGM
7	Lowood Recreational Grounds monthly meeting

#### **Resolution**

Moved – Cr Whalley

Seconded – Cr Isidro

"THAT Council receive the verbal and written reports of Crs Brieschke, Gaedtke, Isidro and Wendt and that the contents be noted."

*Carried*

*Vote – Unanimous*

**Receipt of Petition**

Nil

**Consideration of notified motions**

Nil

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

Nil

**Items for reports for future meetings**

Nil

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

There being no further business, the Mayor, Cr Graeme Lehmann closed the meeting at 9.35 am.