



**Minutes of Ordinary Meeting
Held Wednesday 8 December 2021**

*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 A Johnson	(Chief Executive Officer)
Mr D Webster	(Acting Director Corporate and Community Services)
Mr C Young	(Director Operations)
Mr L Hannan	(Director Planning and Development)
Mr G Smith	(Director Finance)
Mrs K Jones	(Director HR and Customer Service)
Mrs S Pitkin	(Minute Secretary / Executive Assistant)
Ms K Cope	(Acting Communications Officer)

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Opening of Meeting

The Mayor, Cr Graeme Lehmann, opened the meeting at 9.02 am.

Leave of Absence

Nil

Confirmation of Minutes**Resolution**

Moved – Cr Wendt

Seconded – Cr Isidro

“THAT the Minutes of the Ordinary Meeting held Wednesday 24 November 2021 as circulated to all Members of Council be confirmed”.

Vote - Unanimous

Carried

Business arising out of minutes of previous meeting

Nil

Matters of Public Interest**Deputy Mayor Brieschke - Matters of public interest**

Council's Christmas Light Judging has concluded for 2021 with results to be announced later this week. I would like to thank all residents, businesses and associations who participated in this year's competition – your enthusiasm and passion 'shined' and it was great to see new entries.

The Toogoolawah Christmas Tree Carnival will be held this Saturday, 11 December, from 4 pm, Cressbrook Street, Toogoolawah.

Cr Cheryl Gaedtke - Matters of public interest*Christmas Spirit alive and well in Somerset*

Firstly, I acknowledge the hard work and immense effort provided by our community groups to successfully bring together any community event. Unfortunately, this Christmas, one Christmas event had to be cancelled, but for those groups who have had or about to hold Christmas celebrations, good on you for taking the initiative. The Kilcoy Christmas Carnival held on Saturday evening was a complete success, and the Christmas Spirit was on show for all to absorb and share. It is estimated that around 1300 attended the celebration. The organising committee advised that the event cost approximately \$18,000 and most of these costs were met by donations and or sponsorships. Some businesses provided not hundreds but thousands of dollars to make sure that no child was disadvantaged by providing free rides, free face painting, free entertainment, and free give ways. The ever popular fireworks were

held just prior to a storm that seem to just reach Kilcoy resulting in some rain and wind for a short period of time. The social wellbeing and community spirit created by such events will linger for quite some time. Sense of Community, it is in the DNA of every Somerset resident. Wishing for great weather for future Somerset Christmas events.

Mental Health Funding Shortfall

I've noticed increased reporting and public discussion around funding shortfalls with mental health. The level of investment in the mental health system appears to be declining. On the back of Covid-19, I understand there is increased presentation in people with mental health issues "Around the world". An issue for State and Federal Government to address sooner rather than later.

Cr Kylee Isidro - Matters of public interest

Reminder everyone that the Toogoolawah Christmas Tree Carnival is this Saturday. The group is working very hard to put on a successful event, and I wish them well.

Cr Jason Wendt - Matters of public interest

There are a few things I'd like to bring to everyone's attention.

Attended community meeting at Coominya, attended by businesses and community members. About divisions that government mandates may cause in our community. It is a mess. There are still rules and regulations to be discussed and hopefully we navigate through it as a community. As a rural community I think it affects us more than the government thought would happen in a city community.

Firstly, I make note of the 100th Birthday Celebration of Ivy Heck on Sunday the 28 November at Lowood. It's wonderful to see someone in our community who has been part of the foundation of our community to reach this milestone. Attending an event like this makes you realise how important foundation families have been to our community. Well done Ivy, and judging by the spring that she still has in her step, hopefully she'll be clocking up many more years.

Over the last week I have had the privilege along with Councillor Brieschke and 2 other judges to inspect the Christmas light displays in our region. Every time I look at one of these displays, I realise how many hours of time have gone into creating each display. There are also a number of people that don't enter the competition that have wonderful displays and I urge these people to put their names in the competition for next year. Even just to be on the list for people to know where you are and enjoy what you've worked so hard to establish. Well done everyone. It truly helps to bring the festive season alive in our region.

Last night I attended a dinner at Toogoolawah with my fellow Councillors to honour the volunteers that have worked all year and some of them many years in our information centres and various Council facilities. They Share their knowledge and their passion for our region to travelling visitors. These people are a true asset to our community, and we truly do appreciate the time that you volunteer for the betterment and enjoyment of our region to everyone that you meet. Thank you!

Cr Bob Whalley - Matters of public interest

I attended the Coominya Hall meeting last Friday as well. Wanted to let everyone know the hall was packed, full of good people, high profile business-people and they are all very concerned. They just want to be heard, is the clear message I got out of the meeting. They want us as leaders to voice the division and segregation that the mandates are causing already let alone what they will cause in the future. A strong message out of this meeting was the fact that their forefathers, our forefathers, all fought for freedoms of this country through Wars and they feel totally gutted that the Premier holds those freedoms to ransom. They want their message heard.

Cr Sean Choat - Matters of public interest

Under the current climate it is good to see the Christmas spirit coming out strongly. Yesterday I was pleased to see the spirit of Christmas is well and truly shining in the Somerset. Last week we saw the Kilcoy Progress Association bring forth its new Christmas Tree and my sincere thanks and congratulations to Sally and the team.

At the other end of the Region the Lowood and Districts Residents' Network have initiated a similar project and yesterday new Christmas laser lights were installed in the centre of town to light up some Christmas Cheer.

This was a great accomplishment by the group and I want to thank them all for their efforts. Led of course by Kay Paul with her husband Gordon, Peter Bowerman, Nigel and Alice Wolna, John and Judy Cummins, Tom and Lyn Eleison, Anita Laubscher, David Gordon, Dawn Lange, Cheryl T, Elaine Godfrey, Leon 'Rowdy' Harm, Kathy and Gordon Wadsworth, Rodney Clarkson and Bob and Marion Wilce - all of these locals worked hard to raise the funds to make this happen.

I want to give special mention to Tim from TJS Electrical of Lowood who generously gave of his time and skill to install the lights at no charge. It is great to see a local business like this giving back to the community and working with our local volunteers. I thank also Council's Debbie Chandler who made arrangements with very little notice to make the installation possible.

There will be a formal commissioning of the light display in the next week or so with the local community.

Mayor Lehmann - Matters of public interest

Mayor Lehmann made the following comments -

I acknowledge that our community holds different views associated with the State Government mandates that will come into effect on 17 December. I would like to advise the community that while these are State rules, Council is here to support all of our community. The Mayors across Queensland Local Governments have had teleconferences with the State Premier's Office to elevate the concerns of communities. The SEQ Mayors have also held teleconferences to enable us to work together to provide a more consistent approach as best as we can in challenging times. Presently, we don't know the full impact of the mandates imposed by the State. The last thing we want to see is that businesses and people suffer, and Council will do whatever we can to support our community. It is a very important issue, one of the biggest to hit the State. We need to work together to make sure everyone is heard. Hopefully, we can come up with some sensible resolutions.

On a happier note, I've been to a lot of school presentations in the last few weeks. Performances by the kids were great, and school bands are right up there. Great to hear them. It is good to see teachers and staff working with families. They are going a long way to solving some of the youth problems we have in the region through the schools. I wish them all a successful new year and a happy Christmas.

Declarable Conflicts of Interest

Mayor Lehmann stated that he will declare a conflict of interest in agenda item number 30, *Community Assistance Grants 2021-2022 - Somerset and Wivenhoe Fish Stocking Association*.

Cr Gaedtke stated that she will declare a conflict of interest in agenda item number 23, *RADF - Regional Arts Development Fund Committee Meeting - 15 November 2021*.

Cr Wendt stated that he will declare a conflict of interest in agenda item number 30, *Community Assistance Grants 2021-2022 - Somerset and Wivenhoe Fish Stocking Association*.

Andrew Johnson (Chief Executive Officer) stated he will declare a conflict of interest in the late agenda item, Endorsement sought for medium value contract – Supervisor Training.

Subject:	Tourist Accommodation Development Incentivisation (Infrastructure Charges) Policy
File Ref:	Policy Development
Action Officer:	SP—MO

Background/Summary

As part of the development assessment process, Council levies infrastructure charges on development to contribute towards Council's trunk infrastructure networks (stormwater, parks, and transport) in accordance with the *Planning Act 2016* and Council's Charges Resolution.

Whilst Council continues to offer reduced adopted charges when compared to adjoining urban local governments and the State's maximum adopted charges, it is considered appropriate to look towards providing further incentives for developing high demand tourist accommodation within the Somerset Region.

Council officers have reviewed various incentivisation schemes throughout South-East Queensland, and have determined that a new Council policy is the most appropriate mechanism to provide infrastructure charges reductions for targeted tourist accommodation development.

The proposed policy seeks to incentivise well planned tourist accommodation throughout the Somerset Region by reducing the amount of charges payable by 100% for eligible developments.

The incentive will apply to new development permits that take effect between the date of adoption and 30 June 2024, where for the following uses:

- Home-based business (accommodation component only)

- Hotel (accommodation component only)
- Nature-based tourism (accommodation component only)
- Resort complex (accommodation component only)
- Short-term accommodation
- Tourist park.

Development will be required to be completed within two years of the permit taking effect, and all conditions of the relevant approval being satisfied for the reduction to apply. The incentive is not available for permits given in response to compliance action.

The maximum reduction is \$50,000 per development and will be given through an infrastructure agreement that reduces the value of the levied charge prior payment being required.

Attachments

1. Proposed Tourist Accommodation Development Incentivisation (Infrastructure Charges) Policy

Recommendation

THAT Council adopt Policy PED/003 Tourist Accommodation Development Incentivisation (Infrastructure Charges) Policy.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Wendt

"THAT Council adopt Policy PED/003 Tourist Accommodation Development Incentivisation (Infrastructure Charges) Policy."

Carried

Vote - Unanimous

Subject:	Development Application No 21615 - Development Application for a Development Permit for Material Change of Use for Dwelling House (Secondary Dwelling)
File No:	DA21615
Action Officer:	SP-MO
Assessment No:	03626-30700-000

1.0 APPLICATION DETAILS

Subject Land

Location:	12 Poinciana Avenue, Rifle Range
Real property description:	26 SP312506
Site area:	4,369m ²
Current land use:	Vacant land
Easements/encumbrances:	Nil identified

Somerset Region Planning Scheme (Version Four)

Zone:	General residential zone - Park residential precinct
Overlays:	OM8 High impact activities management area overlay

South East Queensland Regional Plan 2017

Land use category: Urban Footprint

Application

Proposal: Dwelling House (Secondary Dwelling)

Category of assessment: Code assessment

Applicant details: Ruben Navarro
c/- ABS Town Planning Pty Ltd
PO Box 787
NEW FARM QLD 4005

Owner details: Ruben and Maria Navarro

Date application properly made: 25 October 2021

Referral agencies None required

Public notification Not required

RECOMMENDED DECISION

Approve the Development Application subject to the conditions and requirements contained in the schedules and attachments of this report.

2.0 PROPOSAL

The applicant proposes to construct a new dwelling house on the property, that contains both a primary and secondary dwelling. The proposed secondary dwelling is attached to and within the same building as the primary dwelling.

The proposed primary dwelling has a gross floor area of approximately 440m² and includes four bedrooms, a kitchen, multiple living spaces, bathrooms and a laundry.

The proposed secondary dwelling has a gross floor area of approximately 84m² and includes two bedrooms (shown as Bed 5 and 6 on the proposal plans), a living area, kitchen, bathroom, and provision for laundry within the garage area.

The total building has a gross floor area of approximately 524m². The secondary dwelling only has internal connection to the primary dwelling through the garage and has separate external entrances. The proposal plans do not provide for fire separation between the two dwellings.

The secondary dwelling is to be occupied by family members of the residents of the primary dwelling.

The application was received on 25 October 2021 and did not require public notification.

The application is to be assessed against the matters set out in section 45 and decided in accordance with section 60 of the *Planning Act 2016*.

3.0 SITE DETAILS AND SURROUNDING LAND USES

The site is a regular shaped allotment with frontage to Poinciana Avenue, which is a sealed road in Council's road register.

The site is within the Parklands at Clarendon Estate and is zoned General residential zone - Park residential precinct. Surrounding lots within the estate share this zoning, whilst lots further to the north and west are within the Emerging community or Rural zone, reflecting that this is

the edge of the urban area.

As a new estate, many lots along Poinciana Drive are currently vacant, however they will soon all be improved with dwelling houses and associated buildings and structures.

The development will be provided with a reticulated water connection, onsite wastewater treatment, and connection to the reticulated electricity or telecommunications networks.

The proposed development is not within 500m of any known intensive animal industry or extractive industry.

4.0 PLANNING ASSESSMENT – STATE PLANNING INSTRUMENTS

The application has been assessed in accordance with the requirements of the *Planning Act 2016*. In accordance with the Act, the assessment manager must assess the application against the assessment benchmarks within the following state planning instruments:

- the *State Planning Policy 2017*;
- the *South East Queensland Regional Plan 2017*;
- the *Planning Regulation 2017* (Schedule 10).

An assessment of the application against the state planning instruments is set out below.

4.1 State Planning Policy

A new State Planning Policy (SPP) came into effect on 3 July 2017 and is not currently reflected in the Somerset Region Planning Scheme. An assessment of the proposed development against the assessment benchmarks contained within Part E of the SPP is required.

The application has been assessed against the assessment benchmarks and the proposal is considered to comply.

4.2 South East Queensland Regional Plan 2017

The site is located within the Urban Footprint. The development application has been assessed against the provisions of the regional plan and the associated regulatory requirements and was found to be consistent.

4.3 Planning Regulation 2017 (Schedule 10)

The proposal does not impact on any regulated vegetation, is not located in proximity to a Queensland heritage place or local heritage place, is not known to be on the contaminated land or environmental management register, nor involves any environmentally relevant activities.

There are no assessment benchmarks from the Planning Regulation 2017 applicable to the development.

5.0 PLANNING ASSESSMENT – LOCAL PLANNING INSTRUMENTS

An assessment against the applicable local planning instruments is set out below.

5.1 Somerset Region Planning Scheme (Version Four)

5.1.1 Strategic Framework Assessment

An assessment against the Strategic Framework assessment was not required as this development application was subject to code assessment.

5.1.2 Code Compliance Summary

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

- (a) proposes an alternative outcome to the identified acceptable outcomes satisfying or not satisfying the corresponding performance outcomes; and
- (b) proposes an outcome where no acceptable outcome is stated in the code and the proposed outcome does not satisfy the corresponding performance outcome.

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
General residential zone code	Yes	PO5
Dwelling house code	Yes	PO1
Transport, access and parking code	Yes	Nil
Applicable Overlay Code	Compliance with Overall Outcomes	Performance Outcomes
None applicable	-	-

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

5.1.3 Performance Outcome Assessment

General residential zone code

Performance outcome	Acceptable outcome
Building setbacks	
PO5 Building setbacks: (a) provide a well-defined separation of built form between <i>adjoining premises</i> consistent with the semi-rural character of the precinct; and (b) do not detract from the amenity enjoyed by <i>adjoining premises</i> .	A05.2 Buildings and structures are setback a minimum 10 metres from the side and rear boundaries of the site.
Proposal The proposed attached dwellings require side setbacks of approximately 6.8 metres and 9.5 metres, and therefore does not achieve the minimum side setbacks sought by the acceptable outcome. The proposed dwelling achieves the front setback requirement, exceeding 15 metres.	
Planning comments The proposed setbacks retain a well-defined separation of built form between the building and the property boundaries that is consistent with the intended, low density character of the Park residential precinct. It is considered that the proposal will not unduly restrict access to natural light or breezes, ensuring amenity enjoyed at adjoining premises will be protected.	

It is recommended that the alternative solution to AO5.2 be accepted in this instance.

Dwelling house code

Performance outcome	Acceptable outcome
Building setbacks	
PO1 The scale, intensity, and siting of <i>dwelling houses</i> maintains the character and amenity of the locality.	AO1.4 The <i>dwelling house</i> is set back a minimum of 10 metres from all boundaries in the: <ul style="list-style-type: none"> (a) General residential zone—Park residential precinct; or (b) Rural residential zone; or (c) Emerging community zone.
Proposal As identified above, the proposed dwellings require side setbacks of approximately 6.8 metres and 9.5 metres, and therefore does not achieve the minimum side setbacks sought by the acceptable outcome. The proposed dwelling achieves the front setback requirement, exceeding 15 metres.	
Planning comments The proposed dwelling is of a scale, intensity and siting that is consistent with dwelling houses within park residential areas and generally consistent with the intended character for the estate.	
It is recommended that the alternative solution to AO1.4 be accepted in this instance.	

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 Infrastructure charges

The proposed development is for a secondary dwelling, which is identified as being a residential use under Somerset Regional Council Charges Resolution (No 1) 2021.

The draft infrastructure charges notice is attached and includes charges for the networks identified in the below sections of this report.

6.3 Water supply and sewerage

The subject land is located outside of the connections area and future connections area for both water and sewerage infrastructure under Urban Utilities' Netserv Plan. However, the property has access to the reticulated water network, and the dwelling will be required to connect to the network.

The site contains sufficient area for onsite treatment systems to be designed in accordance with the relevant regulatory requirements.

6.4 Electricity and telecommunications

The dwelling is to be connected to the reticulated electricity and telecommunications networks.

6.5 Stormwater/drainage

There are no known issues with the existing drainage of the site. Standard conditions have been included to demonstrate non-worsening for other properties.

Infrastructure charges for the stormwater network are applicable as the site is located within the Urban Footprint.

6.6 Transport network

Poinciana Avenue is a sealed road. The proposal is considered to provide adequate sight distances at the existing crossover location. A property access location application will be required to the installation of the driveway crossover.

Infrastructure charges for the transport network are applicable.

6.7 Parks and open space

The proposal is not considered to result in an unreasonable impact on Council's parks and open space network.

Infrastructure charges for the parks and open space network are not applicable as the site is located within the Remainder of Shire service catchment.

7.0 REFERRAL AGENCIES

In accordance with the *Planning Regulation 2017*, there are no referral agencies applicable for this application.

Council did not seek any third-party advice for this application.

8.0 PUBLIC NOTIFICATION

As the application is subject to code assessment, public notification was not required.

9.0 CONCLUSION

The proposed development is for a material change of use for a dwelling house (secondary dwelling) on land within the park residential precinct in Lowood. The proposed development complies with the acceptable outcomes of the relevant assessment benchmarks or provided alternative solutions achieving the performance outcomes. It is recommended that the application be approved, subject to the imposition of reasonable and relevant conditions as outlined in the schedules and attachments.

10.0 ATTACHMENTS

1. Proposal Plans
2. Draft Infrastructure Charges Notice

RECOMMENDED DECISION

1. THAT Council approve the Development Application for a Development Permit for Material Change of Use for Dwelling House (Secondary Dwelling) on land described as Lot 26 SP312506, situated at 12 Poinciana Avenue, Rifle Range, subject to the recommended conditions and requirements contained in the attachments to this report.
2. THAT the officer 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*.

SCHEDULE 1 – GENERAL CONDITIONS		
<i>Assessment Manager</i>		
No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Site Plan, drawn by Oracle Platinum Homes, reference P1246, sheet 1.01, rev. A, dated 26/07/2021. Ground Floor Plan, drawn by Oracle Platinum Homes, reference P1246, sheet 2.01, rev. A, dated 26/07/2021. Elevations, drawn by Oracle Platinum Homes, reference P1246, sheet 3.01, rev. A, dated 26/07/2021. Elevations, drawn by Oracle Platinum Homes, reference P1246, sheet 3.02, rev. A, dated 26/07/2021.	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 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.	Prior to the commencement of use.
1.5	The <i>secondary dwelling</i> is occupied by a relative of the principal <i>household</i> , which forms a single related <i>household</i> . <i>Note—Two dwellings for separate unrelated households on the same premises is deemed to be dual occupancy.</i>	At all times.
1.6	On-site effluent disposal is to be compliant with the relevant Australian standards.	Prior to the commencement of use.
1.7	Connect the development to the reticulated water, telecommunications, and electricity networks.	Prior to the commencement of use.
1.8	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
	Public Utilities/Infrastructure	
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times.
2.2	Bear the costs of works carried out to Council and utility	At all times.

	services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
	Stormwater drainage	
2.4	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
	Vehicle access	
2.5	All vehicular access shall provide convenient and safe access and egress from the site.	At all times.
2.6	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
	Erosion and sediment control	
2.7	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No	Condition	Timing
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times.
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase.

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

SCHEDULE 4 – ADVICE*Assessment Manager*

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

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

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

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

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*).

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.

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

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

Attachments for the Decision Notice include:

- Site Plan, drawn by Oracle Platinum Homes, reference P1246, sheet 1.01, rev. A, dated 26/07/2021.
- Ground Floor Plan, drawn by Oracle Platinum Homes, reference P1246, sheet 2.01, rev. A, dated 26/07/2021.
- Elevations, drawn by Oracle Platinum Homes, reference P1246, sheet 3.01, rev. A, dated 26/07/2021.
- Elevations, drawn by Oracle Platinum Homes, reference P1246, sheet 3.02, rev. A, dated 26/07/2021.
- Draft Infrastructure Charges Notice

Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

1. THAT Council approve the Development Application for a Development Permit for Material Change of Use for Dwelling House (Secondary Dwelling) on land described as Lot 26 SP312506, situated at 12 Poinciana Avenue, Rifle Range, subject to the recommended conditions and requirements contained in the attachments to this report.
2. THAT the officer 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*.

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, drawn by Oracle Platinum Homes, reference P1246, sheet 1.01, rev. A, dated 26/07/2021. Ground Floor Plan, drawn by Oracle Platinum Homes, reference P1246, sheet 2.01, rev. A, dated 26/07/2021. Elevations, drawn by Oracle Platinum Homes, reference P1246, sheet 3.01, rev. A, dated 26/07/2021. Elevations, drawn by Oracle Platinum Homes, reference P1246, sheet 3.02, rev. A, dated 26/07/2021.	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 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.	Prior to the commencement of use.
1.5	The <i>secondary dwelling</i> is occupied by a relative of the principal <i>household</i> , which forms a single related <i>household</i> . <i>Note—Two dwellings for separate unrelated households on the same premises is deemed to be dual occupancy.</i>	At all times.
1.6	On-site effluent disposal is to be compliant with the relevant Australian standards.	Prior to the commencement of use.
1.7	Connect the development to the reticulated water, telecommunications, and electricity networks.	Prior to the commencement of use.
1.8	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
Public Utilities/Infrastructure		
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times.
2.2	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 whether carried out by Council, or otherwise.	At all times.
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
Stormwater drainage		
2.4	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
Vehicle access		
2.5	All vehicular access shall provide convenient and safe access and egress from the site.	At all times.
2.6	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.

	Erosion and sediment control	
2.7	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No	Condition	Timing
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times.
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase.
3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> • Burn or bury waste generated in association with this development approval at or on the development site; nor • Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor • Stockpile any waste on the development site. 	At all times.
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> • Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or • Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water. 	During construction phase.
SCHEDULE 4 – ADVICE		
<i>Assessment Manager</i>		

This approval has effect in accordance with the provisions of section 71 of the *Planning Act 2016*, 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.

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*).

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.

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

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

Carried

Vote - Unanimous

Subject:	Development Application No 21579 - Development Application for a Development Permit for a Material Change of Use for a Dwelling House (Secondary Dwelling)
File No:	DA21579
Action Officer:	SP-MW
Assessment No:	02319-00000-000

1.0 APPLICATION SUMMARY

Subject Land

Location	1332 Brisbane Valley Highway, Fernvale
Real Property Description	Lot 232 CC3223
Area	4.382 hectares

Current land use	Dwelling house
Easements and Encumbrances	Not applicable

Somerset Region Planning Scheme Version Four

Zone	General residential
Precinct	Park residential
Overlays	OM1 Agricultural Land OM4 Bushfire Hazard OM8 HIA Management Area OM10 Landslide Hazard

Shaping SEQ: SEQ Regional Plan 2017

Land Use Category	Urban Footprint
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Application

Proposed development	Dwelling house (secondary dwelling)
Level of Assessment	Code assessable
Applicant/s	Janet Siljac C/- Allan Van Planning
Applicants contact details	PO Box 284 TOOWONG QLD 4066
Landowner/s	Paul and Deanna Siljac
Date application received	15 October 2021
Date properly made	28 October 2021

Referral Agencies	Nil
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Public notification	Not applicable
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RECOMMENDED DECISION

Approve the Development Application No 21579 subject to the requirements and conditions contained in the Schedules and Attachments.

2.0 PROPOSAL

The applicant proposes to a secondary dwelling on the subject property. The proposed secondary dwelling is to be a prefabricated relocatable home set on stumps.

The secondary dwelling is to consist of kitchen, dining room, living room, two bedrooms, single bathroom and laundry. Overall, the secondary dwelling has a total floor area of approximately 53.04m² which is less than half the gross floor area of the existing house.

The applicant has provided that the secondary dwelling will be occupied by a direct family member of the primary dwelling, forming a single household on the property.

The secondary dwelling is approximately 140 metres from the Brisbane Valley Highway, 17.33 metres from the nearest side boundary, three metres from an existing shed, and approximately 17 metres from the existing house. The secondary dwelling is not visible from the road due to being located behind the shed.

3.0 SITE DETAILS AND SURROUNDING LAND USES

The subject property is generally rectangular with the exception of a triangular portion in the

western corner of the site. The property is identified as being in the General residential zone and Park residential precinct in Fernvale. The property currently contains a dwelling and outbuildings.

The western third of the property slopes to the southwest, toward the Brisbane Valley Highway. The balance of the site slopes predominantly to the north

Within the immediate locality of the site, the land uses are predominantly rural residential in function.

4.0 STATE 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

As per section 2.1 of the Planning Scheme, the Minister has identified that the State Planning Policy (July 2014) has been integrated into the Planning Scheme. However, since the Somerset Region Planning Scheme came into effect, the State Planning Policy (SPP) 2017 has been updated. With respect to the subject property and proposed development, no outstanding State interests have been identified.

4.2 PLANNING REGULATION 2017

SCHEDULE 10 – Development assessment

Schedule 10 of the *Planning Regulation 2017* sets forth development assessment provisions and requirements set by the State.

The proposed development has been reviewed with respect to Schedule 10 of the Regulation and the State's Development Assessment Mapping System. The subject land is not listed on the contaminated land register, the development does not require the clearing of regulated vegetation or koala habitat, is not captured by any State referral requirements, and is in line with the requirements for the SEQRP.

The proposed secondary dwelling does not require further referral or assessment per the provisions of any of the component Parts of Schedule 10.

5.0 SOMERSET REGION PLANNING SCHEME (Version Four)

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 ASSESSMENT

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

CODE ASSESSMENT SUMMARY

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
General residential zone code	Yes	Achieves acceptable outcomes applicable
Dwelling house code	Yes	PO8
Transport, access and parking code	Yes	Achieves acceptable outcomes applicable
Applicable Overlay Code	Compliance with Overall Outcomes	Performance Outcomes
Bushfire hazard overlay code	Yes	Achieves acceptable outcomes applicable

Where the proposal does not achieve the required acceptable outcome, an assessment of the proposed alternative solution against the performance outcome criteria is presented in the following tables.

Dwelling house code

Performance outcomes	Acceptable outcomes
For accepted development subject to requirements and assessable development	
Secondary dwellings	
PO8 <i>Secondary dwellings:</i> (a) are designed and sited to maintain local character and amenity; (b) are visually compatible with the existing <i>dwelling house</i> ; and (c) are located in proximity to the principal <i>dwelling</i> .	AO8.3 The <i>secondary dwelling</i> is provided with at least one covered parking space.
Performance outcome assessment	
<i>Planning comments</i> The applicant requested this requirement be conditioned. The proposal is considered to achieve the intent of PO8.	

5.3 OVERLAYS

The subject property is affected by the following overlays:

- OM1 Agricultural Land
- OM8 High Impact Activities Management Area
- OM10 Landslide Hazard

The development footprint either sits outside of the extent of these overlays or is not captured under section 5.9 of the Planning Scheme. The application does not require further assessment against any of the above corresponding overlay codes.

The Secondary dwelling is also located within the Potential impact buffer of the Bushfire hazard overlay code. The application has been supported by a Bushfire Management Report that sets out recommendations for management of bushfire risk on site. Conditions have been

applied to incorporate the recommendations of the Bushfire Management Report.

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 locality is not serviced by reticulated water and sewerage infrastructure. The proposal is to utilise a HSTP system (advanced secondary) with surface irrigation area. The development will be given Council's standard conditions regarding effluent disposal.

6.2 Stormwater/Drainage

The development will be conditioned to ensure that stormwater is to be directed to a lawful point of discharge.

6.3 Transport Network

The subject property has frontage onto Brisbane Valley Highway. The site is served by a service road which is a private road and not Council maintained road. The site will utilise the existing driveway onto the site.

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 Infrastructure Charges

Infrastructure charges are applicable for the development of a secondary dwelling in accordance with Council's Charges Resolution (No 1) 2021. In this case, infrastructure charges are applicable for Council's local road network only. A draft infrastructure charges notice has been prepared.

6.6 Environment

The proposed development will not result in environmental degradation.

6.7 Heritage

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

7.0 STATE AGENCY REFERRALS

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

8.0 CONCLUSION

The application is for a proposed secondary dwelling on land identified as being within the General residential zone and Park residential precinct in Fernvale. The proposed development complies with the acceptable outcomes of the relevant assessment benchmarks or provided alternative solutions for the performance outcomes. 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, drafted by Glendale Homes, Drawing no 2105-01 Sheet 00 Issue A, dated 6 June 2021
2. Floor Plan, drafted by Glendale Homes, Drawing no 2105-01 Sheet 01 Issue C, dated 4 June 2021
3. Elevations 1, 2, 3 & 4, drafted by Glendale Homes, Drawing no 2105-01 Sheet 02 Issue A, dated 5 August 2021
4. Bushfire Management Report, BMR:210802, Prepared by Aquila NRM, dated October 2021.
5. Draft Infrastructure charges notice

RECOMMENDED DECISION

1. THAT Council approve the Development Application No 21579 for a Development Permit for a Material Change of Use for a Dwelling House (Secondary Dwelling), on land described as Lot 232 on CC3223, and situated at 1332 Brisbane Valley Highway, Fernvale, subject to the requirements and conditions contained in the Schedules and Attachments.
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*.

SCHEDULE 1 – GENERAL CONDITIONS		
<i>Assessment Manager</i>		
No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Site Plan, drafted by Glendale Homes, Drawing no 2105-01 Sheet 00 Issue A, dated 6 June 2021.	
	Floor Plan, drafted by Glendale Homes, Drawing no 2105-01 Sheet 01 Issue C, dated 4 June 2021.	
	Elevations 1, 2, 3 and 4, drafted by Glendale Homes, Drawing no 2105-01 Sheet 02 Issue A, dated 5 August 2021.	
	Bushfire Management Report, BMR:210802, Prepared by Aquila NRM, dated October 2021.	
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 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	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Before the change happens

1.6	Building works and plumbing and drainage works approvals must be gained.	Before the change happens
1.7	Provide one covered parking space in proximity to the secondary dwelling.	Before the change happens
	Bushfire Hazard	
1.8	The development is to be carried out in accordance with the recommendations of the Bushfire Management Report, BMR:210802, prepared by Aquila NRM, dated October 2021	At all times
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
	Public Utilities/Infrastructure	
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times
2.2	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 whether carried out by Council, or otherwise.	At all times
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times
	Stormwater drainage	
2.4	Ensure stormwater drainage is directed to a lawful point of discharge.	At all times
2.5	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.6	Adjoining properties and roadways are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	At all times
	Vehicle access	
2.7	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with Somerset Regional Council Design Standards.	At all times
2.8	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway of the Brisbane Valley Highway to property boundary to an all-weather standard. <i>Note: All-weather standard is an access which is capable of being traversed by a two wheel drive vehicle during and after a storm event with no significant damage or deformation to the access. Maintenance will be performed to preserve the access</i>	At all times

	<i>as all weather. Drainage structures are to be placed in water courses that have flowing water greater than 200 mm in depth during non-storm events.</i>	
	Erosion and sediment control	
2.9	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No	Condition	Timing
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> • Burn or bury waste generated in association with this development approval at or on the development site; nor • Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor • Stockpile any waste on the development site. 	At all times
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> • Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or • Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and 	During construction phase

	result in a build-up of sand, silt or mud in the gutter, drain or water.	
SCHEDULE 4 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <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 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.		
Improvement works within the road reserve from the property boundary to the Brisbane valley Highway will not result in an obligation on Council to carry out construction and maintenance works in the future.		
This development approval is for the proposed development only. Any additional structures proposed may require their own planning approval and will be assessed on its own merits.		

Attachments for the Decision Notice include:

1. Site Plan, drafted by Glendale Homes, Drawing no 2105-01 Sheet 00 Issue A, dated 6 June 2021
2. Floor Plan, drafted by Glendale Homes, Drawing no 2105-01 Sheet 01 Issue C, dated 4 June 2021
3. Elevations 1, 2, 3 and 4, drafted by Glendale Homes, Drawing no 2105-01 Sheet 02 Issue A, dated 5 August 2021
4. Bushfire Management Report, BMR:210802, Prepared by Aquila NRM, dated October

2021.

5. Draft Infrastructure charges notice

Resolution

Moved – Cr Choat

Seconded – Cr Isidro

- “1. THAT Council approve the Development Application No 21579 for a Development Permit for a Material Change of Use for a Dwelling House (Secondary Dwelling), on land described as Lot 232 on CC3223, and situated at 1332 Brisbane Valley Highway, Fernvale, subject to the requirements and conditions contained in the Schedules and Attachments.
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*.

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, drafted by Glendale Homes, Drawing no 2105-01 Sheet 00 Issue A, dated 6 June 2021. Floor Plan, drafted by Glendale Homes, Drawing no 2105-01 Sheet 01 Issue C, dated 4 June 2021. Elevations 1, 2, 3 and 4, drafted by Glendale Homes, Drawing no 2105-01 Sheet 02 Issue A, dated 5 August 2021. Bushfire Management Report, BMR:210802, Prepared by Aquila NRM, dated October 2021.	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 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	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Before the change happens
1.6	Building works and plumbing and drainage works approvals must be gained.	Before the change happens
1.7	Provide one covered parking space in proximity to the secondary dwelling.	Before the change happens

	Bushfire Hazard	
1.8	The development is to be carried out in accordance with the recommendations of the Bushfire Management Report, BMR:210802, prepared by Aquila NRM, dated October 2021	At all times
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
	Public Utilities/Infrastructure	
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times
2.2	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 whether carried out by Council, or otherwise.	At all times
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times
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2.4	Ensure stormwater drainage is directed to a lawful point of discharge.	At all times
2.5	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.6	Adjoining properties and roadways are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	At all times
	Vehicle access	
2.7	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with Somerset Regional Council Design Standards.	At all times
2.8	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway of the Brisbane Valley Highway to property boundary to an all-weather standard. <i>Note: All-weather standard is an access which is capable of being traversed by a two wheel drive vehicle during and after a storm event with no significant damage or deformation to the access. Maintenance will be performed to preserve the access as all weather. Drainage structures are to be placed in water courses that have flowing water greater than 200 mm in depth during non-storm events.</i>	At all times
	Erosion and sediment control	
2.9	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at	At all times

	<p>all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	
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<i>Assessment Manager</i>		
No	Condition	Timing
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3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> • Burn or bury waste generated in association with this development approval at or on the development site; nor • Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor • Stockpile any waste on the development site. 	At all times
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SCHEDULE 4 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
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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.

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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.

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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.

Improvement works within the road reserve from the property boundary to the Brisbane valley Highway will not result in an obligation on Council to carry out construction and maintenance works in the future.

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

Carried

Vote - Unanimous

Subject:	Development Application No 21258 - Application for Operational Works (Vegetation Clearing)
File No:	DA21258
Action Officer:	SP-MW
Assessment No	34657-00000-000

1.0 APPLICATION SUMMARY

Subject Land

Location	Fox Street, Fernvale
Real Property Description	Lot 152 on F33616
Area	9.203 hectares
Current land use	House and outbuildings.

Easements and Encumbrances Not applicable

Somerset Region Planning Scheme

Zone General Residential
Precinct Not applicable

SEQ Regional Plan

Category Urban Footprint

Application

Proposed Development Operational Works (Vegetation Clearing)
Level of Assessment Code
Applicant/s Baird and Hayes Surveyors and Town Planners
Applicants contact details PO Box 867
 Ipswich QLD 4305
Land Owner/s details James Underwood and Associates Pty Ltd
Date properly made 10 August 2021

Referral Agencies

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

Attachments

1. Vegetation Management Plan, Prepared by Rob Friend and Associates Pty Ltd, Dated March 2021, Job No. J5542
2. Ecological and Bushfire Hazard Assessment Report, Fox Street Fernvale, Prepared by Rob Friend and Associates Pty Ltd, Revision 1, Dated 17 June 2019.

RECOMMENDED DECISION

THAT Council approve the Development Application DA20258 for an Operational Works for a Development Permit for Vegetation Clearing on land described as Lot 152 on F33616 and situated at Fox Street, Fernvale subject to the requirements and conditions contained in the Schedules and Attachments.

2.0 BACKGROUND TO APPROVAL

On 26 May 2010, Council approved DA8957 for Development Permit for Reconfiguring a Lot by subdivision for one lot into 108 lots over four stages. Subsequently on the 27 October 2010, Council issued a Negotiated Decision Notice for the Development Permit.

On 23 August 2012, Council approved DA11607 for Development Permit for Operational Works for Stages 1 and 2.

On 26 August 2015, Council approved a request to extend the currency period for an additional three years for both DA8957 and DA11607 and a permissible change to change the conditions of the original development approval.

On 2 October 2019, Council approved a request to extend the currency period for an additional two years, up to and including 11 September 2021.

On 8 July 2020, the former Minister for Infrastructure and Planning issued an extension notice

under section 275R of the *Planning Act 2016* extending the currency period for development approvals that were in effect on 8 July 2020. Accordingly, the currency period for DA8957 is taken to be approved to 11 March 2022.

On 3 August 2021, Council received an application to extend the currency period for four years. Council only approved an extension for six months, as the applicant had not addressed current planning scheme requirements.

On 1 September 2021, the Minister for State Development, Infrastructure Local Government and Planning issued an extension notice under section 275R of the *Planning Act 2016* extending the currency period for development approvals that were in effect on 1 September 2021. Based on the above six-month extension to currency period, the currency period has extended until 11 March 2023.

On 10 August 2021, Council received an Operational works application for removal of vegetation on site associated with the reconfiguring a lot approval.

3.0 PROPOSAL

Pursuant to Chapter 6 Section 260(1) and (3) and Section 261 of the *Planning Act 2016* the applicant has made a properly made development application and is seeking approval for an Operational Works for a Development Permit for Vegetation Clearing.

The application is made under the Somerset Region Planning Scheme.

The site is located in the General residential zone.

An application is required because clearing of vegetation within the above zone is not described as minor operational work and is therefore assessable development under the planning scheme.

4.0 PROPOSAL

The applicant proposed to clear vegetation which is associated with an existing Reconfiguring a Lot development permit (DA8957).

The existing approval proposes development within four stages. The applicant has proposed to clear all of the site as a single stage.

The applicant's Vegetation Management Plan has proposed the retention of six koala habitat trees, generally toward the eastern boundary of the site.

5.0 SITE DETAILS AND SURROUNDING LAND USES

The site is irregular in shape and contains one lot. The site has an area of 9.203 hectares. The site is currently occupied by an existing dwelling. The site is vegetated with more dense vegetation on the west and the south east parts of the site.

The site has frontage to Fox Street to the north, to Clive Street to the west, to Chatham Street to the south and the Brisbane Valley Rail Trail to the east.

The land to the north comprises developed general residential lots. The land to the west and south comprise Emerging community zoned properties of a similar scale that are used for residential purposes and are occupied with single detached dwellings and associated

outbuildings. The land to the east contains an existing shopping centre.

The land to the south and southwest contains areas of Core koala habitat that may constrain future development of those sites.

6.0 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.

6.1 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.

6.2 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 vegetation and Core koala habitat. The footprint of both mapping types replicate one another.



However, as the Reconfiguring a Lot approval had previously been issued, under the *Planning Regulation 2017* referral to the State government is not required.

6.3 Environmental Protection Act 1994

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

6.4 Planning Regulation 2017

The site does not trigger referral in accordance with the Planning Regulation 2017, therefore referral to the State Assessment and Referral Agency (SARA) will not be required.

7.0 COUNCIL ASSESSMENT

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

7.1 Strategic Framework

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

7.2 Code Compliance Summary

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
General residential zone code	Yes	Achieves acceptable outcomes applicable
Services, works and infrastructure code	Yes	Achieves acceptable outcomes applicable
Applicable Overlay Code	Performance Outcome Compliance	Is Alternative Solution Provided?
Biodiversity overlay code	Yes	PO14
Flood hazard overlay code	Yes	Nil

Biodiversity overlay code

Performance outcomes	Acceptable outcomes
For accepted development subject to requirements and assessable development	
Koalas	
<p>PO14 <i>Development 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.</i></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 – A supporting Ecological Site Assessment is prepared in accordance with SC6.1 – Planning Scheme Policy 1 – Ecological Site Assessment Guidelines.</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>AO14 The design and layout of development minimises adverse impacts on koalas, koala habitat values and habitat connectivity by:</p> <ul style="list-style-type: none"> (a) locating development in existing cleared areas and minimising the development footprint; (b) aligning new property boundaries to maintain important koala habitat areas; (c) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not adversely impact on koala habitat; (d) maximising the ecological connectivity between koala habitat areas by retaining continuous vegetated corridors; (e) ensuring that koala habitat is protected in its environmental context; (f) minimising fragmentation of koala habitat. <p><i>Note – A supporting Ecological Site</i></p>

	<i>Assessment is prepared in accordance with SC6.1 – Planning Scheme Policy 1 – Ecological Site Assessment Guidelines.</i>
Performance outcome assessment	
<p><i>Proposal</i></p> <p>All non-juvenile koala habitat trees within the mapped koala habitat area will be retained. However, if any trees are to be removed, then these will be offset in accordance with the State Government environmental Koala offset policy.</p> <p>The area in the south-eastern corner to be retained for storm water management can also include some offset plantings of Koala habitat trees should some be required to be removed as a natural consequence of the approved development.</p> <p><i>Planning comments</i></p> <p>Parts of the site were listed under the Somerset Region Planning Scheme as being subject to koala habitat. The site is subject to Core koala habitat under the State koala mapping, however the RAL approval predated the introduction of the Somerset Region Planning Scheme and the Environmental consultant's 2019 Ecological and Bushfire Hazard Assessment Report predated the State's Core koala habitat mapping and the state mapping.</p> <p>The Environmental consultant's March 2021 Vegetation Management Plan evaluated all of the vegetation on the site and referenced the location of the koala habitat trees on site. Conditions have been included with respect to management of the vegetation clearing and the requirement for the applicant to ensure State offset requirements are achieved.</p>	

8.0 OTHER PLANNING CONSIDERATIONS

8.1 Trunk Infrastructure and Services

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

8.2 Water Supply and Sewerage

The application is only for vegetation clearing. Provision of water supply and sewerage are not relevant to this application.

8.3 Stormwater/Drainage

The application is only for vegetation clearing. Stormwater works will be applicable as part of the development, however Stormwater network infrastructure charges are not applicable for the Operational Works application.

8.4 Transport

The application is only for vegetation clearing. Transport network infrastructure charges are not applicable for the Operational Works application.

8.5 Parks and Open space

Parks and open space infrastructure charges are not applicable for the Operational Works application.

8.6 Infrastructure charges

The proposed Operational Works are not subject to infrastructure charges.

8.7 Environment

The proposed development will not result in environmental degradation, however the

development proposes clearing of the entire site. Conditions have been applied to minimise impacts of the clearing.

8.8 Heritage

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

9.0 PUBLIC CONSULTATION

As the development was a code assessable development application, public notification for the development application was not required by the legislation.

10.0 STATE AGENCY REFERRALS

10.1 Concurrence Agencies

There are no Concurrence Agencies relating to this application.

11.0 CONCLUSION

The proposed development is for the clearing of vegetation over the entire area of an approved development at the above address. The development is located in a General residential zoned area. The applicant has provided reports completed by a suitably qualified professional to support the proposed application. 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. However, conditions restricting the extent of vegetation clearing have been included. 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.

12.0 ATTACHMENTS

1. Vegetation Management Plan, Prepared by Rob Friend and Associates Pty Ltd, Dated March 2021, Job No. J5542
2. Ecological and Bushfire Hazard Assessment Report, Fox Street Fernvale, Prepared by Rob Friend and Associates Pty Ltd, Revision 1, Dated 17 June 2019.

RECOMMENDED DECISION

1. THAT Council approve the Development Application No 21258 for a Development Permit for an Operational Works for Vegetation clearing on land described as Lot 152 F33616 and situated at Fox Street, Fernvale 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		
No	Condition	Timing
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	Vegetation Management Plan, Prepared by Rob Friend and	

	Associates Pty Ltd, Dated March 2021, Job No. J5542. Ecological & Bushfire Hazard Assessment Report, Fox Street Fernvale, Prepared by Rob Friend and Associates Pty Ltd, Revision 1, Dated 17 June 2019.	
1.2	Comply with relevant provisions of the Somerset Region Planning Scheme; Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises at all times during operational works.	At all times during Operational Works.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council over the subject land; and/or levied but not fully paid over the subject land.	Before Operational Works commences.
1.5	Vegetation clearing zones are to be clearly delineated to ensure that all areas affected by this VMP are readily identifiable.	At all times during vegetation clearing.
1.6	A licenced Wildlife Spotter Catcher is to be present on-site for all pre-clearing checks; and for the duration of all clearing operations, in every instance.	As part of Operational Works.
1.7	Required vegetation clearing is to be undertaken in accordance with the sequential clearing provisions of the Nature Conservation (Koala) Conservation Plan 2017.	As part of Operational Works.
1.8	Hollow-bearing trees proposed to be removed are to be dismantled by a DES-recognised fauna spotter-catcher and limbs dispersed within the retained vegetation areas.	During vegetation clearing.
1.9	Any of the trees listed within the Vegetation Management Plan dated March 2021 and proposed to be removed as a part of Table 1 – Tree identification list, are subject to offset provisions in accordance with the State government environmental koala offset policy.	Before Operational Works commences.
SCHEDULE 2 – ENGINEERING <i>Assessment Manager</i>		
No.	Condition	Timing
	Engineering	
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.
	Vehicle Access	
2.2	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 during Operational Works.
2.3	All vehicles shall enter and leave the site in a forward gear.	At all times during Operational Works.

2.4	All internal parking and circulation areas to be constructed and maintained with a minimum of gravel surfacing.	At all times during Operational Works.
	Erosion and Sediment Control	
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"> • Be required to install additional measures. • Be responsible for the restoration work. 	At all times.
2.6	The development is to generate no worsening of impacts within the downstream catchment.	At all times during Operational Works.
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
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.	At all times during Operational Works.
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> • Burn or bury waste generated in association with this development approval at or on the development site; nor • Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor • Stockpile any waste on the development site. 	At all times.
3.4	The holder of this development approval must not: <ul style="list-style-type: none"> • Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or • Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water. 	At all times during Operational Works.

Advice
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]
Relevant Period - Pursuant to Section 85 of the 'Planning Act' the approval will lapse if the first change of the use under the approval does not start within the 'relevant period' – two (2) years starting the day the approval takes effect.
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Operations department if in Council's opinion a dust nuisance exists.
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i>).
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.
Any contaminated materials or soils encountered during siteworks, are to be handled, stored and disposed of in accordance with the requirements of the relevant authority of the Queensland State Government. A person must not dispose of contaminated soil or a hazardous substance at a place other than at a place approved by the relevant authority of the Queensland State Government.
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 <i>Environmental Protection Act</i> .
Upon receiving the certification by a RPEQ, and submission and approval of as constructed

drawings and documentation, Council will accept the works as "On Maintenance".

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

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

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

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

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

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

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:

- Vegetation Management Plan, Prepared by Rob Friend & Associates Pty Ltd, Dated March 2021, Job No. J5542
- Ecological and Bushfire Hazard Assessment Report, Fox Street Fernvale, Prepared by Rob Friend and Associates Pty Ltd, Revision 1, Dated 17 June 2019.

This completes the report for DA21258.

Resolution	Moved – Cr Choat	Seconded – Cr Wendt
<p>"1. THAT Council approve the Development Application No 21258 for a Development Permit for an Operational Works for Vegetation clearing on land described as Lot 152 F33616 and situated at Fox Street, Fernvale subject to the requirements and conditions contained in the Schedules and Attachments.</p> <p>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 <i>Planning Act 2016</i>.</p>		

SCHEDULE 1 – GENERAL CONDITIONS		
No	Condition	Timing
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Vegetation Management Plan, Prepared by Rob Friend and Associates Pty Ltd, Dated March 2021, Job No. J5542. Ecological and Bushfire Hazard Assessment Report, Fox Street Fernvale, Prepared by Rob Friend and Associates Pty Ltd, Revision 1, Dated 17 June 2019.	At all times.
1.2	Comply with relevant provisions of the Somerset Region Planning Scheme; Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises at all times during operational works.	At all times during Operational Works.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council over the subject land; and/or levied but not fully paid over the subject land.	Before Operational Works commences.
1.5	Vegetation clearing zones are to be clearly delineated to ensure that all areas affected by this VMP are readily identifiable.	At all times during vegetation clearing.
1.6	A licenced Wildlife Spotter Catcher is to be present on-site for all pre-clearing checks; and for the duration of all clearing operations, in every instance.	As part of Operational Works.
1.7	Required vegetation clearing is to be undertaken in accordance with the sequential clearing provisions of the Nature Conservation (Koala) Conservation Plan 2017.	As part of Operational Works.
1.8	Hollow-bearing trees proposed to be removed are to be dismantled by a DES-recognised fauna spotter-catcher and limbs dispersed within the retained vegetation areas.	During vegetation clearing.
1.9	Any of the trees listed within the Vegetation Management Plan dated March 2021 and proposed to be removed as a part of Table 1 – Tree identification list, are subject to offset provisions in accordance with the State government environmental koala offset policy.	Before Operational Works commences.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No.	Condition	Timing
	Engineering	
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.

	Vehicle Access	
2.2	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 during Operational Works.
2.3	All vehicles shall enter and leave the site in a forward gear.	At all times during Operational Works.
2.4	All internal parking and circulation areas to be constructed and maintained with a minimum of gravel surfacing.	At all times during Operational Works.
	Erosion and Sediment Control	
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"> • Be required to install additional measures. • Be responsible for the restoration work. 	At all times.
2.6	The development is to generate no worsening of impacts within the downstream catchment.	At all times during Operational Works.
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
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.	At all times during Operational Works.
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> • Burn or bury waste generated in association with this development approval at or on the development site; nor • Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor • Stockpile any waste on the development site. 	At all times.
3.4	The holder of this development approval must not: <ul style="list-style-type: none"> • Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of 	At all times during Operational Works.

	<ul style="list-style-type: none"> sand, silt or mud in the gutter, drain or water; or Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water. 	
Advice		
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].		
Relevant Period - Pursuant to Section 85 of the ' <i>Planning Act</i> ' the approval will lapse if the first change of the use under the approval does not start within the 'relevant period' – two (2) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.		
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Operations department if in Council's opinion a dust nuisance exists.		
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i>).		
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.		
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.		
Any contaminated materials or soils encountered during siteworks, are to be handled, stored and disposed of in accordance with the requirements of the relevant authority of the Queensland State Government. A person must not dispose of contaminated soil or a hazardous substance at a place other than at a place approved by the relevant authority of the Queensland State Government.		
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 <i>Environmental Protection Act</i> .
Upon receiving the certification by a RPEQ, and submission and approval of as constructed drawings and documentation, Council will accept the works as "On Maintenance".
Council will bond the developer for an amount equal to 5% of the operational works and the Developer is required to maintain all works for a period of 12 months for civil works (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.
At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".
Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.
The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants
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."
<i>Carried</i>
<i>Vote - Unanimous</i>

Subject:	Development Application No 21416 - Development Application for a Development Permit for a Reconfiguring a Lot (One Lot into Two Lots)
File No:	DA21416
Action Officer:	SP – MO
Assessment No:	04701-10000-000

1.0 APPLICATION SUMMARY

Subject Land

Location: 811 Toogoolawah Biarra Road, Toogoolawah
 Real property description: Lot 41 SP139486
 Site area: 121.95 hectares
 Current land use: Dwelling house and agricultural/pastoral uses
 Easements/encumbrances: Nil identified

Somerset Region Planning Scheme (Version Four)

Zone: Rural zone
 Overlays: OM1 Agricultural land overlay
 OM3 Biodiversity overlay
 OM4 Bushfire hazard overlay
 OM5 Catchment management overlay
 OM7 Flood hazard overlay
 OM10 Landslide hazard overlay
 OM12 Scenic amenity overlay
 OM13 Stock route management overlay

South-East Queensland Regional Plan 2017

Land use category: Regional Landscape and Rural Production Area

Application

Proposal: Reconfiguring a lot (one lot into two lots)
 Category of assessment: Impact assessment
 Applicant details: D Walton
 c/- ONF Surveyors
 PO Box 896
 KINGAROY QLD 4610
 Owner details: John and Debra Walton
 Date application received: 9 September 2021
 Date application properly made: 9 September 2021

Referral Agencies None applicable
Public Notification Not applicable

RECOMMENDED DECISION

Approve the Development Application subject to the conditions and requirements contained in the schedules and attachments of this report.

2.0 PROPOSAL

This application seeks approval for a development permit for a reconfiguring a lot (one lot into two lots) on land at 811 Toogoolawah Biarra Road, Toogoolawah, formally described as Lot 41 SP139486. The application proposes a road severance, creating two parcels from the existing parcel, with the new boundaries being created along the road reserve of Toogoolawah Biarra Road.

The application does not propose further improvements, building works, or additional land uses for each of the created lots. The proposed plan of subdivision is provided in the attachments to this report.

Details of the proposed lots are as follows:

Existing lots	Existing area	Proposed lots	Proposed area
Lot 41	Existing Lot 41 has an area of 121.95 hectares.	Lot 1	Proposed Lot 1 has an area of 32.51 hectares.
		Lot 2	Proposed Lot 2 has an area of 89.44 hectares.

The proposal required impact assessment as each of the proposed lots is less than 100 hectares. No comments or submissions were received about the proposal.

The application will be assessed against the matters set out in section 45 and decided in accordance with section 60 of the *Planning Act 2016*.

3.0 SITE DETAILS AND SURROUNDING LAND USES

The site is an irregular shaped rural allotment with frontages to Toogoolawah Biarra Road. The site is improved with a dwelling house and associated rural buildings and structures, supporting the agricultural and pastoral nature of the land. The proposed dwelling, and most buildings and structures are to be retained on Proposed Lot 2. Proposed Lot 1 will be vacant, aside from a large shed located near the road frontage opposite the existing dwelling.

Land in the area is typically within the Rural zone, reflecting the primarily pastoral uses in the area. Lots are generally developed with dwelling houses and associated buildings and structures.

4.0 PLANNING ASSESSMENT – STATE PLANNING INSTRUMENTS

The application has been assessed in accordance with the requirements of the *Planning Act 2016*. In accordance with the Act, the assessment manager must assess the application against the assessment benchmarks within the following state planning instruments:

- the State Planning Policy 2017;
- the South East Queensland Regional Plan 2017;
- the *Planning Regulation 2017* (Schedule 10).

An assessment of the application against the state planning instruments is set out below.

4.1 STATE PLANNING POLICY

A new State Planning Policy (SPP) came into effect on 3 July 2017 and is not currently reflected in the Somerset Region Planning Scheme. An assessment of the proposed development against the assessment benchmarks contained within Part E of the SPP is required.

The application has been assessed against the assessment benchmarks and the proposal is considered to comply.

4.2 SOUTH EAST QUEENSLAND REGIONAL PLAN 2017

The site is located within the Regional Landscape and Rural Production Area. The development application has been assessed against the provisions of the regional plan and the associated regulatory requirements and was found to be consistent.

The proposal is not prohibited development as a road severance is exempt subdivision under the regional plan regulatory provisions.

4.3 **PLANNING REGULATION 2017 (SCHEDULE 10)**

The development application did not require assessment against any of the assessment benchmarks within the Regulation.

The proposal is not located in proximity to a Queensland heritage place or local heritage place, is not known to be on a contaminated land register, nor involves any environmentally relevant activities.

The site contains areas of vegetation mapped as being regulated vegetation as well as koala habitat areas. The proposal does not involve clearing of the mapped areas or result in additional accepted clearing works being able to occur.

5.0 **PLANNING ASSESSMENT – LOCAL PLANNING INSTRUMENTS**

An assessment against the applicable local planning instruments is set out below.

5.1 **SOMERSET REGION PLANNING SCHEME (VERSION FOUR)**

5.1.1 **Strategic Framework Assessment**

It is considered that the proposal, noting its compliance with the zone, overlay, and development codes in parts 6, 7, and 8 of the planning scheme, appropriately advances the strategic policy intent of the planning scheme.

5.1.2 **Code Compliance Summary**

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

- (a) Proposes an alternative outcome to the identified acceptable outcomes satisfying or not satisfying the corresponding performance outcomes; and
- (b) Proposes an outcome where no acceptable outcome is stated in the code and the proposed outcome does not satisfy the corresponding performance outcome.

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
Reconfiguring a lot code	Yes	PO1, PO11
Services, works and infrastructure code	Yes	Nil
Transport, access and parking code	Yes	Nil
Applicable Overlay Code	Compliance with Overall Outcomes	Performance Outcomes
Agricultural land overlay code	Yes	PO1
Biodiversity overlay code	Yes	Nil
Bushfire hazard overlay code	Yes	PO5
Catchment management overlay code	Yes	Nil
Flood hazard overlay code	Yes	Nil
Landslide hazard overlay code	Yes	Nil
Stock route management overlay code	Yes	Nil

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

5.1.3 Performance Outcome Assessment

Reconfiguring a lot code

Performance outcome		Acceptable outcome
Lot size and subdivision design		
PO1 Lot size and dimensions: (a) provide sufficient area for the siting and construction of buildings and structures; (b) provide for safe vehicular and pedestrian access; (c) respond appropriately to site characteristics including slope of the land and topography; and (d) are consistent with the intended character of the zone.		AO1.1 The minimum <i>lot</i> size and dimensions complies with Table 8.3.4.3.B – Minimum Lot Size and Dimensions.
Extract from Table 8.3.4.3.B – Minimum lot sizes and dimensions		
Zone/precinct	Minimum lot size	Minimum frontage
Rural zone	100 hectares	300 metres
Proposal The proposal does not accord with the minimum lot size requirements of Table 8.3.4.3.B, as the proposal would result in a lot sizes of 32.51 and 89.44 hectares.		
Planning comments The application seeks a road severance, to separate two detached portions of the same allotment along the existing constructed road. The proposed lots will provide sufficient size and dimensions for the siting of future buildings and structures, are appropriately designed to respond to the natural characteristics of the area and are consistent with the intended character of the zone. It is recommended that the alternative solution be accepted in this instance.		
Movement network and access		
PO11 Access to existing or future public transport services is provided where practicable and reasonably necessary having regard to the location of the <i>site</i> and access to public transport.		AO11 All lots are located within 500 metres (radial distance) of an existing or potential public transport route.
Proposal The proposal is not located within an area that may be serviced by an existing or potential public transport route.		

Planning comments

The proposal is for a road severance of a rural lot. It is neither practicable nor reasonably necessary for rural allotments to be within proximity to a public transport route.

It is recommended that the alternative solution be accepted in this instance.

Agricultural land overlay code

Performance outcome	Acceptable outcome
PO1 Loss, fragmentation, alienation or diminished capacity of agricultural land is avoided unless: (a) an overriding need exists for the development in terms of public benefit; (b) no suitable alternative site exists; (c) loss or fragmentation is minimised to the extent possible.	Where for Reconfiguring a Lot in the Rural zone AO1.3 Reconfiguring a lot does not result in the creation of a lot with an area less than 100 hectares on land identified as Agricultural Land Class A or Class B or Important Agricultural Areas on the Agricultural land overlay maps OM01a-b .
Proposal The proposal does not result lots meeting the minimum 100 hectares requirements.	
Planning comments The proposal does not result in any additional loss, fragmentation, alienation, or diminished capacity of agricultural land as the proposal seeks to subdivide the road by way of road severance, with all existing boundaries remaining.	
It is recommended that the alternative solution be accepted in this instance.	

Bushfire hazard overlay code

Performance outcome	Acceptable outcome
Vehicular access (including fire fighting and emergency evacuation)	
PO5 In Medium (potential intensity) Bushfire Hazard Areas as identified on Bushfire hazard overlay map OM-004a-b , vehicular access is designed to mitigate against bushfire hazard by: (a) ensuring adequate access for fire fighting and other emergency vehicles; (b) ensuring adequate access for the evacuation of residents and emergency personnel in an emergency situation, including alternative safe access routes should access in one direction be blocked in the event of a fire; (c) providing for the separation of	AO5.1 Development for Reconfiguring a Lot in a Medium (potential intensity) Bushfire Hazard Area as identified on Bushfire hazard overlay map OM-004a-b incorporates a perimeter road firebreak that: (a) is located between the boundary of the lots and stands of <i>native vegetation</i> ; (b) has a minimum cleared width of 20 metres; (c) has a constructed road width of 6 metres; (d) is constructed to an all weather standard. AO5.2 The road design is capable of providing access for fire fighting and other emergency vehicles. AO5.3 In areas of Medium (potential intensity) Bushfire Hazard as identified on Bushfire hazard overlay

<p>developed areas and adjacent bushland.</p>	<p>map OM-004a-b, roads are provided in accordance with the following:</p> <ul style="list-style-type: none"> (a) Roads are designed and constructed with a maximum gradient of 12.5 percent; (b) Cul-de-sacs are not used except where: <ul style="list-style-type: none"> (i) a perimeter road designed in accordance with AO5.1 isolates the development from hazardous vegetation; and (ii) provided with alternative access linking the cul-de-sac to other through roads; and (iii) the maximum length of the cul-de-sac is 200 metres. <p>OR</p> <p>AO5.4 Where it is not practicable to provide perimeter road firebreaks in accordance with AO5.1, fire maintenance trails are provided in accordance with the following:</p> <ul style="list-style-type: none"> (a) located as close as possible to the boundaries of the lot and the adjoining hazardous vegetation; (b) the minimum cleared width is not less than 6 metres; (c) the formed width is not less than 2.5 metres; (d) the formed gradient is not greater than 15 percent; (e) vehicular access is provided at both ends; (f) passing bays and turning areas are provided for fire-fighting appliances either located on public land or in an access easement that is granted in favour of the Local Government and QFES.
<p>Proposal The acceptable outcomes seek to ensure an appropriate interface between new lots and bushfire fronts.</p> <p>Planning comments These acceptable outcomes are intended to support urban and/or residential reconfigurations and are not practical responses in a rural road severance situation. The proposed reconfiguration meets the performance outcome as the site is afforded significant open expanses outside of the mapped bushfire hazard area. These areas adjoin the road and contain the extent of existing development and are the most logical areas for future development on Proposed Lot 1.</p> <p>The proposal provides adequate access for firefighting and other emergency vehicles whilst ensuring safe evacuation of residents and emergency personnel in an emergency situation.</p>	

It is recommended that the alternative solution be accepted in this instance.

5.1.4 Overall Outcome Assessment

The proposal is considered to comply with all the relevant performance outcomes. As such, a detailed assessment of the overall outcomes was not required.

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 Infrastructure charges

Under the Somerset Regional Council Charges Resolution (No. 1) 2021, infrastructure charges are applicable to reconfiguring a lot in the Rural zone. The draft infrastructure charges notice is attached to this report.

6.3 Water supply and sewerage

The subject land is located outside of the connections area and future connections area for both water and sewerage infrastructure under Urban Utilities' Netserv Plan.

The proposal does not alter existing water storage or wastewater treatment on Proposed Lot 2. Future development on Proposed Lot 1 will require onsite water storage and wastewater treatment systems in accordance with the relevant requirements at the time.

6.4 Electricity and telecommunications

As the land is within the Rural zone, the planning scheme does not require connection to reticulated electricity and telecommunications networks. However, electricity and telecommunications services are understood to be available to both lots.

The existing electricity supply lines for the area are located within Proposed Lot 1, and as such the connection for the dwelling (to be retained on Proposed Lot 2) will also traverse Proposed Lot 1.

The recommended conditions of approval require a licenced surveyor certify that all property connections are entirely within the lots that they serve.

6.5 Stormwater/drainage

There are no known issues with the existing drainage of the site. Conditions have been included to demonstrate non-worsening for other properties.

Infrastructure charges for the stormwater network are not applicable as per the land is not within the Urban Footprint.

6.6 Transport network

The property gains access from Toogoolawah Biarra Road, which is a sealed trunk collector road in Council's road register.

Infrastructure charges for the transport network are applicable.

6.6 Parks and open space

The proposal is not considered to result in an unreasonable impact on Council's parks and open space network.

Infrastructure charges for the parks and open space network are not applicable as the property is not located within an identified service catchment area.

7.0 REFERRAL AGENCIES

In accordance with the *Planning Regulation 2017*, there are no referral agencies applicable for this application.

Council did not seek any third party advice for this application.

8.0 PUBLIC NOTIFICATION

The application was subject to impact assessment, and public notification was required. The application was publicly notified in accordance with the requirements of the *Development Assessment Rules* as follows:

- (a) Public notification was served to all adjoining landowners on 27 October 2021.
- (b) A notice was published in the Kilcoy Sentinel newspaper on 28 October 2021.
- (c) A notice in the prescribed form was placed on the premises on 28 October 2021 and maintained for the minimum period of 15 business days.

No submissions were received.

9.0 CONCLUSION

The proposed development is for a road severance. The development will create two rural lots separated by Toogoolawah Biarra Road. The proposal generally achieves the intended outcomes sought by the Somerset Region Planning Scheme (Version Four).

10.0 ATTACHMENT

- 1. Proposed Subdivision, drawn by ONF Surveyors, reference 5553P/1, dated 23/01/2015.

RECOMMENDED DECISION

- 1. THAT Council approve the Development Application for a Development Permit for a Reconfiguring a Lot (One lot into Two lots) on land described as Lot 41 SP139486, situated at 811 Toogoolawah Biarra Road, Toogoolawah, subject to the recommended conditions and requirements contained in the attachments to this report.
- 2. THAT the officer 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*.

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

	Proposed Subdivision, drawn by ONF Surveyors, reference 5553P/1, dated 23/01/2015.	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.3	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to Council's endorsement of the Plan of Subdivision.
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.	Prior to Council's endorsement of the Plan of Subdivision.
1.5	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources. Currently, the amount is set at \$39 per allotment.	Prior to Council's endorsement of the Plan of Subdivision.
1.6	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve. OR Provide evidence from the relevant service provider that they support the service connection not being wholly contained within the lot.	Prior to Council's endorsement of the Plan of Subdivision.
1.7	Remove any services made redundant as a result of the development and reinstate the land.	Prior to Council's endorsement of the Plan of Subdivision.
SCHEDULE 2 – ENGINEERING <i>Assessment Manager</i>		
No	Condition	Timing
	GENERAL ENGINEERING	
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 Council's endorsement of the Plan of Subdivision.
2.2	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Prior to Council's endorsement of the Plan of Subdivision.
	VEHICLE ACCESS	
2.3	All vehicular access shall provide convenient and safe access and egress from the site in accordance with Somerset Regional Council Design Standards.	At all times.

2.4	The landowner is responsible for maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times.
	STORMWATER	
2.5	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
	EROSION AND SEDIMENT CONTROL	
2.6	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. 	At all times.
SCHEDULE 3 – ADVICE		
<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 plan of subdivision is not provided to the local government within the 'currency period' – being four (4) 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.		
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.		
The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants		

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:

- Proposed Subdivision, drawn by ONF Surveyors, reference 5553P/1, dated 23/01/2015.

Resolution	Moved – Cr Gaedtke	Seconded – Cr Whalley
“1.	THAT Council approve the Development Application for a Development Permit for a Reconfiguring a Lot (One lot into Two lots) on land described as Lot 41 SP139486, situated at 811 Toogoolawah Biarra Road, Toogoolawah, subject to the recommended conditions and requirements contained in the attachments to this report.	
2.	THAT the officer report for this application be published to the website as Council’s Statement of Reasons in accordance with s63(5) of the <i>Planning Act 2016</i> .”	

SCHEDULE 1 – GENERAL CONDITIONS

Assessment Manager

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Proposed Subdivision, drawn by ONF Surveyors, reference 5553P/1, dated 23/01/2015.	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.3	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to Council's endorsement of the Plan of Subdivision.
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.	Prior to Council's endorsement of the Plan of Subdivision.
1.5	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources. Currently, the amount is set at \$39 per allotment.	Prior to Council's endorsement of the Plan of Subdivision.

1.6	Provide certification from a Licenced Surveyor that all services (eg water, sewerage, drainage, electricity, tele-communications) are wholly contained within the lot that they serve. OR Provide evidence from the relevant service provider that they support the service connection not being wholly contained within the lot.	Prior to Council's endorsement of the Plan of Subdivision.
1.7	Remove any services made redundant as a result of the development and reinstate the land.	Prior to Council's endorsement of the Plan of Subdivision.
SCHEDULE 2 – ENGINEERING <i>Assessment Manager</i>		
No	Condition	Timing
GENERAL ENGINEERING		
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 Council's endorsement of the Plan of Subdivision.
2.2	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Prior to Council's endorsement of the Plan of Subdivision.
VEHICLE ACCESS		
2.3	All vehicular access shall provide convenient and safe access and egress from the site in accordance with Somerset Regional Council Design Standards.	At all times.
2.4	The landowner is responsible for maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times.
STORMWATER		
2.5	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
EROSION AND SEDIMENT CONTROL		
2.6	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. 	At all times.

SCHEDULE 3 – 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 plan of subdivision is not provided to the local government within the 'currency period' – being four (4) 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.

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

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

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

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

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."

Carried

Vote - Unanimous

Subject:	Development Application No 21394 - Development Application for a Development Permit for a Reconfiguring a Lot for Subdivision (One Lot into Four Lots)
File No:	DA21394
Action Officer:	SP – MO
Assessment No:	02703-00000-000

1.0 APPLICATION SUMMARY

Subject Land

Location:	Jensens Swamp Road, Lowood (formerly 52 Jensens Swamp Road)
Real property description:	2 SP327739 (formerly part of Lot 5 RP176587)
Site area:	19,210m ²
Current land use:	Vacant land
Easements/encumbrances:	Nil identified

Somerset Region Planning Scheme (Version Four)

Zone:	General residential zone - Park residential precinct
Overlays:	OM8 High impact activities management area overlay

South East Queensland Regional Plan 2017

Land use category:	Urban Footprint
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Application

Proposal:	Reconfiguring a lot (one lot into four lots)
Category of assessment:	Code assessment
Applicant details:	E R Lowood Properties Pty Ltd c/- Plan A Town Planning PO Box 1661 MILTON QLD 4064
Owner details:	ER Lowood Properties Pty Ltd
Date application received:	3 September 2021
Date application properly made:	3 September 2021

Referral Agencies	Energex, as an advice agency
Public Notification	Not applicable

RECOMMENDED DECISION

Approve the Development Application subject to the conditions and requirements contained in the schedules and attachments of this report.

2.0 PROPOSAL

This application seeks approval for a development permit for a reconfiguring a lot (one lot into four lots) on land at Jensens Swamp Road, formally described as Lot 2 SP327739. The application proposes to create four new park residential lots each exceeding 4,000m². Each of the new lots will be provided with a connection to the reticulated water network and a sealed property access to Jensens Swamp Road.

The application does not propose further improvements, building works, or additional land

uses for each of the created lots. The proposed plan of subdivision is provided in the attachments to this report.

Details of the proposed lots are as follows:

Existing lots	Existing area and frontage	Proposed lots	Proposed area and frontage
Lot 2	Existing Lot 2 has an area of 19,210m ² and a frontage of approximately 210 metres to Jensens Swamp Road, and approximately 88 metres to Lowood Minden Road.	Lot 1	Proposed Lot 1 has an area of 4,197m ² and a frontage of 55 metres to Jensens Swamp Road.
		Lot 2	Proposed Lot 2 has an area of 4,500m ² and a frontage of 47.9 metres to Jensens Swamp Road.
		Lot 3	Proposed Lot 3 has an area of 4,500m ² and a frontage of 47.9 metres to Jensens Swamp Road.
		Lot 4	Proposed Lot 4 has an area of 5,992m ² and a frontage of 60 metres to Jensens Swamp Road, and 88 metres to Lowood Minden Road. As a result of road dedication requirements, the area of this lot will be reduced, however will remain above the 4,000m ² minimum.

The property is proposing the ultimate development for the site, with no further reconfiguration of the proposed lots anticipated in the future. As such, it is necessary to ensure that the reconfiguration does not compromise future infrastructure upgrades. Council has identified a requirement to upgrade the intersection of Lowood Minden Road and Jensens Swamp Road to provide channelised right turning and auxiliary left turning lanes in both directions of Lowood Minden Road. This results in additional land requirements to accommodate the future intersection.

The applicant has not proposed to dedicate the land, instead providing Lot 4 with sufficient area to accommodate a future road resumption by Council. The recommended conditions package requires that the land be dedicated to Council for unidentified trunk infrastructure, and that a refund of infrastructure charges be given as outlined on the attached draft infrastructure charges notice.

The application will be assessed against the matters set out in section 45 and decided in accordance with section 60 of the *Planning Act 2016*.

3.0 SITE DETAILS AND SURROUNDING LAND USES

The site is a near rectangular shaped allotment with frontages to Jensens Swamp Road and Lowood Minden Road. The lot has recently been registered, having been part of a previously approved subdivision (Council reference DA19831). The site is currently unimproved land, however a constructed access to Jensens Swamp Road, water, and electricity connection to the lot were provided as part of the previous subdivision approval.

Jensens Swamp Road forms the southern edge of Lowood's urban footprint. As such, land north and east of the site is generally zoned park residential and improved with dwelling houses on land exceeding 4,000m². Land south of Jensens Swamp Road is generally within the Rural zone, and consists of larger allotments improved with dwellings and associated buildings/structures.

4.0 PLANNING ASSESSMENT – STATE PLANNING INSTRUMENTS

The application has been assessed in accordance with the requirements of the *Planning Act 2016*. In accordance with the Act, the assessment manager must assess the application against the assessment benchmarks within the following state planning instruments:

- the State Planning Policy 2017;
- the South East Queensland Regional Plan 2017;
- the *Planning Regulation 2017* (Schedule 10).

An assessment of the application against the state planning instruments is set out below.

4.1 STATE PLANNING POLICY

A new State Planning Policy (SPP) came into effect on 3 July 2017 and is not currently reflected in the Somerset Region Planning Scheme. An assessment of the proposed development against the assessment benchmarks contained within Part E of the SPP is required.

The application has been assessed against the assessment benchmarks and the proposal is considered to comply.

4.2 SOUTH EAST QUEENSLAND REGIONAL PLAN 2017

The site is located within the Urban Footprint. The development application has been assessed against the provisions of the regional plan and the associated regulatory requirements and was found to be consistent.

4.3 PLANNING REGULATION 2017 (SCHEDULE 10)

The development application did not require assessment against any of the assessment benchmarks within the Regulation.

The site does not contain areas of vegetation mapped as being regulated vegetation or koala habitat, is not located in proximity to a Queensland heritage place or local heritage place, is not known to be on a contaminated land register, nor involves any environmentally relevant activities.

5.0 PLANNING ASSESSMENT – LOCAL PLANNING INSTRUMENTS

An assessment against the applicable local planning instruments is set out below.

5.1 SOMERSET REGION PLANNING SCHEME (VERSION FOUR)

5.1.1 Strategic Framework Assessment

An assessment against the Strategic Framework assessment was not required as this development application was subject to code assessment.

5.1.2 Code Compliance Summary

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

- (a) Proposes an alternative outcome to the identified acceptable outcomes satisfying or not satisfying the corresponding performance outcomes; and
- (b) Proposes an outcome where no acceptable outcome is stated in the code and the proposed outcome does not satisfy the corresponding performance outcome.

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
Reconfiguring a lot code	Yes	PO6, PO11
Services, works and infrastructure code	Yes	Nil
Transport, access and parking code	Yes	Nil
Applicable Overlay Code	Compliance with Overall Outcomes	Performance Outcomes
Nil identified	-	-

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

5.1.3 Performance Outcome Assessment

Reconfiguring a lot code

Performance outcome	Acceptable outcome
Lot layout	
PO6 Reconfiguring a lot integrates with existing and planned <i>development</i> on adjoining land and the broader locality, having regard to: <ul style="list-style-type: none"> (a) road connections; (b) infrastructure; (c) pedestrian paths and bikeways; and (d) open space networks. 	AO6 No acceptable outcome provided.
Proposal The proposal does not integrate with the planned road infrastructure works adjoining the land.	
Planning comments Council has progressed plans for the upgrade of the Lowood Minden Road Jensens Swamp Road intersection, including by recently acquiring land on the south-western side of the intersection. The proposed works do not form part of the Local Government Infrastructure Plan, however the timing of the reconfiguration makes consideration of any intersection upgrade or land acquisition relevant to the application.	
The applicant has requested that a non-prejudice area be applied over the area subject of the proposed works, and that Council acquire land in the future at the time the works are undertaken or otherwise integrated into the Local Government Infrastructure Plan.	
For the reasons identified in section 6.6 of this report, it is not considered appropriate to defer the acquisition of the land to the future property owner while the <i>Planning Act 2016</i> provides an appropriate mechanism for the dedication of, and payment for, the land for unidentified trunk infrastructure.	
As such, the recommended conditions package requires the dedication of the land, and the	

draft infrastructure charges notice identifies an appropriate offset/refund to be given for the value of the land.

It is considered that the proposal, subject to the recommended conditions package, will achieve the performance outcome.

Movement network and access

PO11

Access to existing or future public transport services is provided where practicable and reasonably necessary having regard to the location of the *site* and access to public transport.

AO11

All lots are located within 500 metres (radial distance) of an existing or potential public transport route.

Proposal

The proposal is not located within an area that may be serviced by an existing or potential public transport route.

Planning comments

The subdivision is for a park residential development that is within walking distance of Lowood Minden Road, a higher order road. There is currently no public transport route within 500 metres radial distance of this location, as it is not reasonably necessary for the State to provide such a service.

It is considered that if were practical or reasonably necessary to provide a public transport route servicing this area, that the proposed lot arrangement would provide a suitable level of pedestrian connectivity to such a route.

It is recommended that the alternative solution be accepted in this instance.

5.1.4 Overall Outcome Assessment

The proposal is considered to comply with all the relevant performance outcomes. As such, a detailed assessment of the overall outcomes was not required.

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 Infrastructure charges

Under the Somerset Regional Council Charges Resolution (No. 1) 2021, infrastructure charges are applicable to reconfiguring a lot in the General residential zone. The draft infrastructure charges notice is attached to this report.

6.3 Water supply and sewerage

The subject land is located outside of the connections area and future connections area for both water and sewerage infrastructure under Urban Utilities' Netserv Plan.

The applicant proposes to connect the development to the reticulated water network, noting that the existing lot has a recent water connection. Wastewater will be managed by suitable onsite wastewater systems installed as part of the future building process for each dwelling.

Infrastructure charges for the water supply and sewerage networks are managed by Urban Utilities, separate from this development application.

6.4 Electricity and telecommunications

The recommended conditions of approval require each lot to be connected to a reticulated electricity and telecommunications networks.

The recommended conditions of approval also require a licenced surveyor certify that all property connections are entirely within the lots that they serve.

6.5 Stormwater/drainage

The property is not located within a mapped flood hazard area, however is subject to overland flows during a Q100 rain event. The proposal plans include an easement area for the conveyance of the overland flow during this level event, and the recommended conditions package ensures that the easement is created for this purpose.

Infrastructure charges for the stormwater network are applicable as per the land is within the Urban Footprint and are as shown on the attached draft notice.

6.6 Transport network

The property gains access from Jensens Swamp Road, which is a Collector Street in Council's road hierarchy, and also fronts to Lowood Minden Road, which is a Trunk Collector and a Local Road of Regional Significance. Council is planning to undertake a significant upgrade of the intersection to provide channelised right turning and auxiliary left turning lanes in both directions of Lowood Minden Road.

The intersection upgrade requires additional land to be acquired from both sides of Lowood Minden Road, and Council has recently completed acquisition of land on the south-western corner of the intersection. Council's design drawings have indicated an area of approximately 1,000m² will be required from proposed Lot 4 for the expanded intersection, battering and associated verges.

The proposed intersection works are not identified in Council's Local Government Infrastructure Plan, and as such are not identified trunk infrastructure works. However, the *Planning Act 2016* allows for unidentified trunk infrastructure to be provided through necessary infrastructure conditions.

It is recommended that the land be dedicated as part of this development application through a necessary infrastructure condition, provided in the recommended conditions package at Condition 2.9. This condition requires the dedication of the land shown on Council's project drawings as part of the survey plan endorsement and title registration.

As a trunk infrastructure item, the applicant is entitled to an offset or refund for the establishment cost for the land. In accordance with the Charges Resolution, the estimated establishment cost for the land dedication is \$70,360.00 (at 30 June 2021). This value exceeds the total levied charge (\$23,829.00), and results in a refund of \$46,531.00.

Section 8.3.6 of the Charges Resolution provides Council's adopted policy position to the form of the refund to be given, in that the refund will be proved as either an:

- (a) Infrastructure demand credit, in the first instance and where agreed to with the applicant; or
- (b) Cash payment refund.

Details of the calculation are provided on the attached draft infrastructure charges notice.

6.6 Parks and open space

The proposal is not considered to result in an unreasonable impact on Council's parks and open space network.

Infrastructure charges for the parks and open space network are applicable as the property is located within an identified service catchment area and are as shown on the attached draft notice.

7.0 REFERRAL AGENCIES

In accordance with the *Planning Regulation 2017*, the application required referral to Energex as an advice agency. Energex advised, in its referral agency response dated 17 September 2021, that it had no requirements.

Council did not seek any third party advice for this application.

8.0 PUBLIC NOTIFICATION

As the application is subject to code assessment, public notification was not required.

No comments or submissions were received.

9.0 CONCLUSION

The proposed development is for a one into four lot subdivision. The development will provide four park residential lots that comply with the minimum lot size and frontage width requirements. The proposed lots will be afforded with sealed property accesses and connection to the reticulated water network.

The proposed development, subject to the recommended conditions package, generally achieves the intended outcomes sought by the Somerset Region Planning Scheme (Version Four).

10.0 ATTACHMENTS

1. Proposed Subdivision Plan
2. Council Drawing of Proposed Intersection Works
3. Draft Infrastructure Charges Notice

RECOMMENDED DECISION

1. THAT Council approve the Development Application for a Development Permit for a Reconfiguring a Lot (one lot into four lots) on land described as Lot 2 SP327739, situated at Jensens Swamp Road, Lowood, subject to the recommended conditions and requirements contained in the attachments to this report.
2. THAT the officer 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*.

SCHEDULE 1 – GENERAL CONDITIONS		
<i>Assessment Manager</i>		
No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting	At all times.

	documentation and the plan(s) listed below, except where amended by these conditions of approval.	
	Proposed Subdivision Plan, drawn by Morgan Consulting Engineers, reference 21146/SK01 Rev C, dated 28 October 2021 (to be amended under Condition 1.2).	
1.2	Obtain Council approval of an amended Subdivision Plan identifying the area of the required dedication under Condition 2.9 to be removed from Lot 4. Lot 4 is to retain the minimum lot size of 4,000m ² .	Prior to request for endorsement of the Plan of Subdivision.
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.4	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of the Plan of Subdivision.
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 request for endorsement of the Plan of Subdivision.
1.6	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources. Currently, the amount is set at \$39 per allotment.	Prior to request for endorsement of the Plan of Subdivision.
1.7	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, tele-communications) are wholly contained within the lot that they serve.	Prior to request for endorsement of the Plan of Subdivision.
1.8	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times.
2.2	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.
2.3	It is required that the design and construction of civil components of the Operational Work are to be certified by a	Prior to request for endorsement of the

	Registered Professional Engineer Queensland (RPEQ), including certification that the works have been undertaken in general accordance with the approved plans, specifications and to Council's requirements.	Plan of Subdivision.
2.4	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Prior to request for endorsement of the Plan of Subdivision.
GENERAL SERVICES		
2.5	Connect the development to a reticulated water supply, electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment. Where proposed allotments front existing overhead electricity or telecommunication service, these lots may connect direct to such service to the approval and requirements of the service provider.	Prior to request for endorsement of the Plan of Subdivision.
2.6	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 request for endorsement of the Plan of Subdivision.
EARTHWORKS		
2.7	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.8	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times.
ROADWORKS		
2.9	Dedicate Road Reserve along the frontage of Lot 4 in general accordance with Plan 2766_1610_0805_101 to 2766_1610_0805_103. This condition is imposed under section 128 of the <i>Planning Act 2016</i> .	Prior to request for endorsement of the Plan of Subdivision.
2.10	Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to request for endorsement of the Plan of Subdivision.
VEHICLE ACCESS		
2.11	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 request for endorsement of the Plan of Subdivision.

2.12	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	Prior to request for endorsement of the Plan of Subdivision.
2.13	The Applicant is to construct vehicle accesses for proposed Lots 1, 2, 3, and 4 in general accordance with Council's standard drawing SRC-ROAD-016. The access is to be sealed with a minimum of a two-coat bitumen seal.	Prior to request for endorsement of the Plan of Subdivision.
	STORMWATER	
2.14	Stormwater Drainage and flows are to have a non worsening effect on adjoining, upstream, or downstream landholders.	At all times.
2.15	The development does not increase the flood hazard for other properties.	At all times.
	EASEMENTS	
2.16	Dedicate land subject to flooding during a 1% Average Exceedance Probability (AEP) or Q100 flood event as an easement for drainage purposes as shown in plan 21146/SK01 Rev C. The easement is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council's Solicitor shall prepare all documentation.	Prior to request for endorsement of the Plan of Subdivision.
	EROSION AND SEDIMENT CONTROL	
2.17	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
2.18	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.
2.19	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> i) Milling; ii) Chipping and/or mulching iii) Disposal at an approved waste disposal facility. 	At all times.

	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.	
SCHEDULE 3 – ADVICE		
<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 plan of subdivision is not provided to the local government within the 'currency period' – being four (4) 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.		
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.		
The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants		
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:

- Proposed Subdivision Plan, drawn by Morgan Consulting Engineers, reference 21146/SK01 Rev C, dated September 2021.
- Preliminary Project Drawing for Lowood Minden Road Jensens Swamp Intersection, drawn by Somerset Regional Council, reference 2766_1610_0805_101, no date
- Preliminary Project Drawing for Lowood Minden Road Jensens Swamp Intersection,

- drawn by Somerset Regional Council, reference 2766_1610_0805_102, no date
- Preliminary Project Drawing for Lowood Minden Road Jensens Swamp Intersection, drawn by Somerset Regional Council, reference 2766_1610_0805_103, no date

Resolution

Moved – Cr Whalley

Seconded – Cr Wendt

- “1. THAT Council approve the Development Application for a Development Permit for a Reconfiguring a Lot (one lot into four lots) on land described as Lot 2 SP327739, situated at Jensens Swamp Road, Lowood, subject to the recommended conditions and requirements contained in the attachments to this report.
2. THAT the officer 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*.

SCHEDULE 1 – GENERAL CONDITIONS*Assessment Manager*

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Proposed Subdivision Plan, drawn by Morgan Consulting Engineers, reference 21146/SK01 Rev C, dated 28 October 2021 (to be amended under Condition 1.2).	At all times.
1.2	Obtain Council approval of an amended Subdivision Plan identifying the area of the required dedication under Condition 2.9 to be removed from Lot 4. Lot 4 is to retain the minimum lot size of 4,000m ² .	Prior to request for endorsement of the Plan of Subdivision.
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.4	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of the Plan of Subdivision.
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 request for endorsement of the Plan of Subdivision.
1.6	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources. Currently, the amount is set at \$39 per allotment.	Prior to request for endorsement of the Plan of Subdivision.
1.7	Provide certification from a Licenced Surveyor that all services	Prior to request for

	(eg water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	endorsement of the Plan of Subdivision.
1.8	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times.
2.2	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.
2.3	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including certification that the works have been undertaken in general accordance with the approved plans, specifications and to Council's requirements.	Prior to request for endorsement of the Plan of Subdivision.
2.4	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Prior to request for endorsement of the Plan of Subdivision.
GENERAL SERVICES		
2.5	Connect the development to a reticulated water supply, electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment. Where proposed allotments front existing overhead electricity or telecommunication service, these lots may connect direct to such service to the approval and requirements of the service provider.	Prior to request for endorsement of the Plan of Subdivision.
2.6	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 request for endorsement of the Plan of Subdivision.
EARTHWORKS		
2.7	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.8	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot	At all times.

	be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	
	ROADWORKS	
2.9	Dedicate Road Reserve along the frontage of Lot 4 in general accordance with Plan 2766_1610_0805_101 to 2766_1610_0805_103. This condition is imposed under section 128 of the <i>Planning Act 2016</i> .	Prior to request for endorsement of the Plan of Subdivision.
2.10	Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to request for endorsement of the Plan of Subdivision.
	VEHICLE ACCESS	
2.11	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 request for endorsement of the Plan of Subdivision.
2.12	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	Prior to request for endorsement of the Plan of Subdivision.
2.13	The Applicant is to construct vehicle accesses for proposed Lots 1, 2, 3, and 4 in general accordance with Council's standard drawing SRC-ROAD-016. The access is to be sealed with a minimum of a two-coat bitumen seal.	Prior to request for endorsement of the Plan of Subdivision.
	STORMWATER	
2.14	Stormwater Drainage and flows are to have a non worsening effect on adjoining, upstream, or downstream landholders.	At all times.
2.15	The development does not increase the flood hazard for other properties.	At all times.
	EASEMENTS	
2.16	Dedicate land subject to flooding during a 1% Average Exceedance Probability (AEP) or Q100 flood event as an easement for drainage purposes as shown in plan 21146/SK01 Rev C. The easement is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council's Solicitor shall prepare all documentation.	Prior to request for endorsement of the Plan of Subdivision.
	EROSION AND SEDIMENT CONTROL	
2.17	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a	At all times.

	<p>downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	
2.18	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.
2.19	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> i) Milling; ii) Chipping and/or mulching iii) Disposal at an approved waste disposal facility. <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times.
SCHEDULE 3 – ADVICE		
<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 plan of subdivision is not provided to the local government within the 'currency period' – being four (4) 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.		
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		

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

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

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."

Carried

Vote - Unanimous

Subject:	Economic Development and Tourism Advisory Committee Report 16 November 2021
File Ref:	2020-2024 Economic Development and Tourism Advisory Committee
Action Officer:	KVISO (Veronica Eagle)

Background/Summary

A meeting of the Somerset Regional Council Economic Development and Tourism Advisory Committee was held on Tuesday, 16 November 2021

Attachments

Meeting Report Somerset Regional Council Economic Development and Tourism Advisory Committee.

Recommendation

THAT the Economic Development and Tourism Advisory Committee report of the meeting held Tuesday, 16 November 2021 be received, and the contents noted.

Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

"THAT the Economic Development and Tourism Advisory Committee report of the meeting held Tuesday, 16 November 2021 be received, and the contents noted."

Carried

Vote - Unanimous

Subject:	Application for Keeping more than maximum number of animals – Lot 7 RP150636 - 04660-00000-000 - 568 Esk Crows Nest Road Biarra
File Ref:	Licensing - local laws - Keeping of Animals
Action Officer:	RSO (Sharmaine Hunter)

Background/Summary

Application Details

Council received an application to keep four dogs from the owner of 568 Esk Crow's Nest Road, Biarra, which is 6.074Ha and in the Rural zone. The application relates to small and medium breeds including two fox terriers and two border collies.

Regulatory Services Officers conducted an inspection of the site with the property occupier on 17 November 2021 and noted the following:

- There is one dwelling located on the property.
- Three dogs are microchipped, and one is de-sexed.
- The dogs are housed in enclosed pens.
- The property fencing is constructed of weld mesh panel fencing and is in good condition and adequate to contain dogs at time of inspection.

Assessment Summary

Complaint History

Council has received complaints regarding dogs kept at this property. The complaint was regarding dogs wandering at large and excess dogs (CSR 1290034). The matter was investigated and wandering and enclosure notices were issued to the dog owner. Enclosures were erected by the dog owner to contain the dogs and no further complaints have been received regarding the matter.

Submissions

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

Local Law Assessment

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

Criteria:	Compliance (Y/N)
(1) Whether the premises on which the animal or animals can be effectively and comfortably kept on the premises.	Y
Comments: The four dogs can be comfortably and effectively housed.	
(2) Whether a residence exists on the premises.	Y
Comments: A one storey dwelling exists on the premises	
(3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of <i>Local Law No. 2 (Animal Management) 2011</i> .	Y
Comments: The enclosure at the time of inspection meets the requirements of schedule 8 of <i>Subordinate Local Law No. 1.5 (Keeping of Animals) 2011</i> , preventing the dogs from going under over or through the fence and are made from firm and strong materials.	

(4) Whether the applicant for the approval or some other suitable person to supervise the animal or animals will be resident on the premises on which the animal or animals are to be kept.	Y
Comments: Applicant resides at the residence.	
(5) Whether the animal or animals will be properly supervised.	Y
Comments: Applicant's daughter stops in to check on the dogs during the day.	
(6) If the application relates to the keeping of dogs or cats – whether the animals identified in the application are registered with the local government.	Y
Comments: Two dogs are registered with Council.	
<p>(7) If section 14 of the <i>Animal Management Act</i> applies to the applicant for the approval - whether the applicant has complied with the requirements of the section.</p> <p>14. Owner must ensure cat or dog is implanted:</p> <p>1) A person who is or becomes an owner of a cat or dog that is not implanted with a PPID must ensure the cat or dog is implanted with a PPID before it is 12 weeks old unless the person has a reasonable excuse.</p> <p>Maximum penalty—20 penalty units.</p> <p>Note — A cat or dog that is more than 12 weeks old on the commencement of this section need not be implanted with a PPID unless it is supplied. See section 43Y.</p> <p>2) It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove—</p> <p>a) here is a signed veterinary surgeon's certificate for the cat or dog stating that implanting it with a PPID is likely to be a serious risk to the health of the cat or dog; or</p> <p>b) for a dog, the ownership is to use it as—</p> <p>(i) a government entity dog; or</p> <p>(ii) a working dog; or</p> <p>(iii) another class of dog prescribed under a regulation.</p>	Y
Comments: Three of the four dogs are microchipped the fourth dog is 18 years of age so is not required to be.	
(8) Whether the applicant is a suitable person to hold the approval.	Y
Comments: Council has no information to suggest that the applicant is not a suitable person.	

<p>(9) Whether the grant of the approval for the prescribed activity on the premises is likely to –</p> <ul style="list-style-type: none"> a) cause nuisance, inconvenience or annoyance to occupiers of adjoining land; or b) affect the amenity of the surrounding area; or c) have a deleterious effect on the local environment or cause pollution or other environmental damage. 	N
<p>Comments:</p> <ul style="list-style-type: none"> a) Not likely to cause a nuisance – Enclosures have been erected on the property to contain the dogs. b) Not likely to affect the amenity surrounding area. c) Not likely to affect the environment. 	
<p>(10) If the application relates to the keeping of cats –</p> <ul style="list-style-type: none"> a) whether the cats have been desexed; and b) whether the cats have been fitted with an approved microchip. 	N/A
<p>Comments:</p>	
<p>(11) If the application relates to the keeping of an animal or animals on multi residential premises –</p> <ul style="list-style-type: none"> a) whether the applicant - is entitled to make use of a common area; and b) whether the applicant has exclusive possession and control of the whole or a part of the common area for the purpose of keeping the animal or animals; and c) whether the applicant has the written permission of the person or body which manages or controls the common area to use the common area, or a part of the common area, for the purpose of keeping the animal or animals. 	N/A
<p>Comments:</p>	
<p>(12) Where the animal or animals are to be kept on premises other than multi residential premises and the applicant is not the owner of the premises - whether the applicant has the written permission of the owner of the premises to keep the animal or animals on the premises.</p>	N/A
<p>Comments:</p>	
<p>(13) Whether the applicant has been refused a similar type of approval by the local government or another local government.</p>	N
<p>Comments: The applicant has not been refused a similar application.</p>	
<p>(14) If the application relates to the keeping of dogs on an allotment, the local government may only grant an approval if it is satisfied that no dog which is a regulated dog is kept on the allotment.</p>	N
<p>Comments: No regulated dog resides at the property.</p>	

(15) If the application relates to the keeping of up to 4 dogs over the age of 3 months on an allotment which is located outside a designated area and has an area of 10,000m ² or more – whether the applicant for the approval is a current member of an approved entity.	N/A
Comments:	
(16) If the application relates to the keeping of up to 6 dogs over the age of 3 months on an allotment which is located outside a designated area and has an area of 20,000m ² or more – whether the applicant for the approval is an accredited breeder.	Y
Comments: The allotment is located outside of the designated area having an area of 6.074 hectares or 60,740m ² . The application is to keep four dogs at the property. The accredited breeder number is BIN0009012104214.	

Attachments

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

Recommendation

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

1. On land described as Lot 7 on RP150636, situated at 568 Esk Crows Nest Road Biarra;
2. For dogs described in **Schedule 1** below; and
3. Subject to the conditions set out in **Schedule 2** below.

Schedule 1

Description of dogs:					
Name	Breed	Colour	Sex (M/F)	Desexed (Y/N)	Microchip No.
Bella	Border Collie	Black and White	F	N	953010005528734
Thor	Border Collie	Red and White	M	N	953010002530498
Bow - tie	Fox Terrier	Brown and White	M	Y	943094320358838
Kujo	Fox Terrier	Black and Tan	M		Not microchipped 18 years of age

Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

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

1. On land described as Lot 7 on RP150636, situated at 568 Esk

2. Crows Nest Road Biarra;
For dogs described in **Schedule 1** below; and
3. Subject to the conditions set out in **Schedule 2** below.

Schedule 1**Description of dogs:**

Name	Breed	Colour	Sex (M/F)	Desexed (Y/N)	Microchip No.
Bella	Border Collie	Black and White	F	N	953010005528734
Thor	Border Collie	Red and White	M	N	953010002530498
Bow - tie	Fox Terrier	Brown and White	M	Y	943094320358838
Kujo	Fox Terrier	Black and Tan	M		Not microchipped 18 years of age

Schedule 2

No	CONDITION
1.0	LOCAL LAW
1.1	The approval holder must take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises.
1.2	The approval holder must at all times maintain a proper enclosure in accordance with Schedule 8 of <i>Subordinate Local Law No. 2 (Animal Management 2011)</i> .
1.3	The approval holder must ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining premises.
1.4	The approval holder must ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person.
1.5	The approval holder must ensure that any enclosure in which the dogs are kept is maintained in: <ul style="list-style-type: none"> (i) a clean and sanitary condition and disinfected regularly; and (ii) an aesthetically acceptable condition.
1.6	The approval is limited to the dogs identified in Schedule 1 of this approval.
1.7	The approval holder must be an accredited breeder.
1.8	The dogs identified in Schedule 1 of this approval must hold registration with Somerset Regional Council.
1.9	The approval holder must at all times comply with provisions of the <i>Animal Management (Cats and Dogs) Act 2008</i> . <i>Carried</i> <i>Vote - Unanimous</i>

Subject:	Application for Keeping more than maximum number of animals - Lot 15 RP840745 - 03674-00000-000 - 480 Clarendon Road Clarendon
File Ref:	Licencing - local laws - Keeping of Animals
Action Officer:	SRSO (Mark Ballin)

Background/Summary

Application Details

Council received an application to keep six dogs from the occupier of 480 Clarendon Road, Clarendon, which is 4.174Ha in size and in the Rural zone. The application relates to small and medium breeds including one Jack Russell and one Labrador. No additional dogs are currently at the premises, additional dogs are to be acquired following approval.

Regulatory Services Officers conducted an inspection of the site with the property occupier on Monday 13 September 2021 and noted the following:

- There is one dwelling located on the property.
- Both dogs at the address are microchipped and one is de-sexed (Jack Russell).
- The dogs have access to the house yard.
- The property fencing is constructed of 1.2m high dog mesh fencing and a hidden fence and is in good condition and adequate to contain dogs at time of inspection. There is also a large separate pen in the house yard for the Labrador

Assessment Summary

Complaint History

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

Submissions

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

Local Law Assessment

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

Criteria:	Compliance (Y/N)
(1) Whether the premises on which the animal or animals can be effectively and comfortably kept on the premises.	Yes
Comments: The fencing and enclosures for the animals appeared at the time of inspection to be able to house the dogs effectively and comfortably.	
(2) Whether a residence exists on the premises.	Yes
Comments: Single storey weatherboard and colourbond building exists on the property.	
(3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of <i>Local Law No. 2 (Animal Management) 2011</i> .	Yes
Comments: The property fencing is constructed of 1.2m high dog proof wiring and is adequate to contain the dogs being kept on the property. The southern fence is also constructed of Colorbond. There is also buried dog proofing control wire around the complete property 1 metre	

off each boundary. Both dogs at the property are fitted with control collars.	
(4) Whether the applicant for the approval or some other suitable person to supervise the animal or animals will be resident on the premises on which the animal or animals are to be kept.	Yes
Comments: The applicant resides at the property.	
(5) Whether the animal or animals will be properly supervised.	Yes
Comments: The applicant is at home to supervise the animals.	
(6) If the application relates to the keeping of dogs or cats – whether the animals identified in the application are registered with the local government.	Yes
Comments: Two Dogs; 1. 'HARVEY'; 2. 'CHARLIE' are currently registered with Somerset Council. If approved all other dogs will be required to be registered.	
<p>(7) If section 14 of the Animal Management Act applies to the applicant for the approval - whether the applicant has complied with the requirements of the section.</p> <p><i>14. Owner must ensure cat or dog is implanted</i></p> <p><i>1) A person who is or becomes an owner of a cat or dog that is not implanted with a PPID must ensure the cat or dog is implanted with a PPID before it is 12 weeks old unless the person has a reasonable excuse.</i></p> <p><i>Maximum penalty—20 penalty units.</i></p> <p><i>Note — A cat or dog that is more than 12 weeks old on the commencement of this section need not be implanted with a PPID unless it is supplied. See section 43Y.</i></p> <p><i>2) It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove—</i></p> <p><i>a) here is a signed veterinary surgeon's certificate for the cat or dog stating that implanting it with a PPID is likely to be a serious risk to the health of the cat or dog; or</i></p> <p><i>b) for a dog, the ownership is to use it as—</i></p> <p><i>(i) a government entity dog; or</i></p> <p><i>(ii) a working dog; or</i></p> <p><i>(iii) another class of dog prescribed under a regulation.</i></p>	Yes
Comments: All dogs at the property - HARVEY, CHARLIE are microchipped.	
(8) Whether the applicant is a suitable person to hold the approval.	Yes
Comments: Council does not have any information that indicates that the applicant is not a suitable person.	

<p>(9) Whether the grant of the approval for the prescribed activity on the premises is likely to –</p> <ul style="list-style-type: none"> a) cause nuisance, inconvenience or annoyance to occupiers of adjoining land; or b) affect the amenity of the surrounding area; or c) have a deleterious effect on the local environment or cause pollution or other environmental damage. 	No
<p>Comments: Council has no information to indicate that the number of dogs proposed to be kept on the allotment are likely to cause a nuisance.</p>	
<p>(10) If the application relates to the keeping of cats –</p> <ul style="list-style-type: none"> a) whether the cats have been desexed; and b) whether the cats have been fitted with an approved microchip. 	N/A
<p>Comments:</p>	
<p>(11) If the application relates to the keeping of an animal or animals on multi residential premises –</p> <ul style="list-style-type: none"> a) whether the applicant - is entitled to make use of a common area; and b) whether the applicant has exclusive possession and control of the whole or a part of the common area for the purpose of keeping the animal or animals; and c) whether the applicant has the written permission of the person or body which manages or controls the common area to use the common area, or a part of the common area, for the purpose of keeping the animal or animals. 	N/A
<p>Comments:</p>	
<p>(12) Where the animal or animals are to be kept on premises other than multi residential premises and the applicant is not the owner of the premises - whether the applicant has the written permission of the owner of the premises to keep the animal or animals on the premises.</p>	N/A
<p>Comments:</p>	
<p>(13) Whether the applicant has been refused a similar type of approval by the local government or another local government.</p>	No
<p>Comments: To council's knowledge the applicant has not been refused a similar type of approval.</p>	
<p>(14) If the application relates to the keeping of dogs on an allotment, the local government may only grant an approval if it is satisfied that no dog which is a regulated dog is kept on the allotment.</p>	No
<p>Comments: No regulated dog resides at the allotment</p>	
<p>(15) If the application relates to the keeping of up to 4 dogs over the age of 3 months on an allotment which is located outside a designated area and has an area of 10,000m² or more – whether the applicant for the approval is a current</p>	N/A

member of an approved entity.	
Comments:	
(16) If the application relates to the keeping of up to 6 dogs over the age of 3 months on an allotment which is located outside a designated area and has an area of 20,000m ² or more – whether the applicant for the approval is an accredited breeder.	Yes
Comments: The property is 41,740sq metres in size. The applicant is going to breed Labradoodle's. A female Labradoodle has been acquired and added to the Schedule 1 (Description of Dogs) section and a photo attached in Attachment 2. The applicant is a Registered Breeder QDBR No: CRM0271051	

Attachments

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

Recommendation

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

1. On land described as Lot 15 on RP840745, situated at 480 Clarendon Road, Clarendon.
2. For dogs described in **Schedule 1** below and a further three (3) dogs of same breed type; and
3. Subject to the conditions set out in **Schedule 2** below.

Schedule 1

Description of dogs:					
Name	Breed	Colour	Sex (M/F)	Desexed (Y/N)	Microchip No.
Harvey	Labrador	Golden	M	N	953010001339120
Charlie	Jack Russell	White and Cream	M	Y	953010000272775
Molly	Labradoodle	Chocolate	F	N	956000010919068

Schedule 2

No.	CONDITION
1.0	LOCAL LAW
1.1	The approval holder must take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of

	other premises.
1.2	The approval holder must at all times maintain a proper enclosure in accordance with Schedule 8 of <i>Subordinate Local Law No. 2 (Animal Management 2011)</i> .
1.3	The approval holder must ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining premises.
1.4	The approval holder must ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person.
1.5	The approval holder must ensure that any enclosure in which the dogs are kept is maintained in: <ul style="list-style-type: none"> (i) a clean and sanitary condition and disinfected regularly; and (ii) an aesthetically acceptable condition.
1.6	The approval is limited to the dogs identified in Schedule 1 of this approval and three (3) additional dogs.
1.7	The approval holder must be an accredited breeder.
1.8	The dogs identified in Schedule 1 of this approval and three (3) additional dogs must hold registration with Somerset Regional Council.
1.9	The approval holder must at all times comply with provisions of the <i>Animal Management (Cats and Dogs) Act 2008</i> .

Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

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

1. On land described as Lot 15 on RP840745, situated at 480 Clarendon Road, Clarendon.
2. For dogs described in **Schedule 1** below and a further three (3) dogs of same breed type; and
3. Subject to the conditions set out in **Schedule 2** below.

Schedule 1**Description of dogs:**

Name	Breed	Colour	Sex (M/F)	Desexed (Y/N)	Microchip No.
Harvey	Labrador	Golden	M	N	953010001339120
Charlie	Jack Russell	White and Cream	M	Y	953010000272775

Molly	Labradoodle	Chocolate	F	N	956000010919068
Schedule 2					
No.	CONDITION				
1.0	LOCAL LAW				
1.1	The approval holder must take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises.				
1.2	The approval holder must at all times maintain a proper enclosure in accordance with Schedule 8 of <i>Subordinate Local Law No. 2 (Animal Management 2011)</i> .				
1.3	The approval holder must ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining premises.				
1.4	The approval holder must ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person.				
1.5	The approval holder must ensure that any enclosure in which the dogs are kept is maintained in: (i) a clean and sanitary condition and disinfected regularly; and (ii) an aesthetically acceptable condition.				
1.6	The approval is limited to the dogs identified in Schedule 1 of this approval and three (3) additional dogs.				
1.7	The approval holder must be an accredited breeder.				
1.8	The dogs identified in Schedule 1 of this approval and three (3) additional dogs must hold registration with Somerset Regional Council.				
1.9	The approval holder must at all times comply with provisions of the <i>Animal Management (Cats and Dogs) Act 2008</i> . <i>Carried</i> <i>Vote - Unanimous</i>				

Subject:	Application for Keeping more than maximum number of animals – Lot 3 RP15005 - 00964-00000-000 - 12 Wells Street Linville
File Ref:	Licencing - Local Laws - Keeping of Animals
Action Officer:	RSO (Sharmaine Hunter)

Background / Summary

Application Details

Council received an application to keep three dogs from the owner of 12 Wells Street, Linville, which is 1.583Ha in land area and located in the Rural zone. The application relates to small and large breeds including one Dachshund, one Bull Arab X Boxer and one Wolfhound X Bull Arab.

Regulatory Services Officers conducted an inspection of the site with the property occupier on

27 July 2021 and noted the following:

- There is one dwelling located on the property.
- All dogs are microchipped, and two dogs are de-sexed
- The small dogs have access to an area behind the house.
- The large dogs are housed in separate pens.
- The property fencing is constructed of chain wire fencing and is in good condition and adequate to contain dogs at time of inspection.

Assessment Summary

Complaint History

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

Submissions

During the submission period, Council did receive a submission from persons who were in receipt of the notification. This submission was stating no objections to the application, provided that the appropriate fencing is in place.

Local Law Assessment

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

Criteria:	Compliance (Y/N)
(1) Whether the premises on which the animal or animals can be effectively and comfortably kept on the premises.	Y
Comments: The three dogs can be comfortably and effectively housed.	
(2) Whether a residence exists on the premises.	Y
Comments: A one storey dwelling exists on the premises.	
(3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of <i>Local Law No. 2 (Animal Management) 2011</i> .	Y
Comments: The enclosure meets the requirements of Subordinate Local Law No 2, preventing the dogs from going under, over or through the fence and are made from firm and strong materials.	
(4) Whether the applicant for the approval or some other suitable person to supervise the animal or animals will be resident on the premises on which the animal or animals are to be kept.	Y
Comments: The applicant and the applicant's wife currently reside on the premises. There is also another couple live on the property.	
(5) Whether the animal or animals will be properly supervised.	Y
Comments: The applicant's wife is available to supervise the dogs.	
(6) If the application relates to the keeping of dogs or cats – whether the animals identified in the application are registered with the local government.	Y

Comments: Two dogs currently registered with Council.	
(7) If section 14 of the Animal Management Act applies to the applicant for the approval - whether the applicant has complied with the requirements of the section.	
<p>14. <i>Owner must ensure cat or dog is implanted</i></p> <p>1) <i>A person who is or becomes an owner of a cat or dog that is not implanted with a PPID must ensure the cat or dog is implanted with a PPID before it is 12 weeks old unless the person has a reasonable excuse.</i></p> <p><i>Maximum penalty—20 penalty units.</i></p> <p><i>Note — A cat or dog that is more than 12 weeks old on the commencement of this section need not be implanted with a PPID unless it is supplied. See section 43Y.</i></p> <p>2) <i>It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove—</i></p> <p>a) <i>here is a signed veterinary surgeon's certificate for the cat or dog stating that implanting it with a PPID is likely to be a serious risk to the health of the cat or dog; or</i></p> <p>b) <i>for a dog, the ownership is to use it as—</i></p> <p style="padding-left: 40px;"><i>(i) a government entity dog; or</i></p> <p style="padding-left: 40px;"><i>(ii) a working dog; or</i></p> <p style="padding-left: 40px;"><i>(iii) another class of dog prescribed under a regulation.</i></p>	
Comments: All three dogs are microchipped.	
(8) Whether the applicant is a suitable person to hold the approval.	Y
Comments: Council has no information to suggest that the applicant is not a suitable person.	
(9) Whether the grant of the approval for the prescribed activity on the premises is likely to –	N
<p>a) cause nuisance, inconvenience, or annoyance to occupiers of adjoining land; or</p> <p>b) affect the amenity of the surrounding area; or</p> <p>c) have a deleterious effect on the local environment or cause pollution or other environmental damage.</p>	
Comments:	
<p>a) Not likely to cause a nuisance.</p> <p>b) Not likely to affect the amenity of the surrounding area.</p> <p>c) Not likely to affect the surrounding environment.</p>	
(10) If the application relates to the keeping of cats –	N/A

a) whether the cats have been desexed; and b) whether the cats have been fitted with an approved microchip.	
Comments:	
(11) If the application relates to the keeping of an animal or animals on multi residential premises – a) whether the applicant - is entitled to make use of a common area; and b) whether the applicant has exclusive possession and control of the whole or a part of the common area for the purpose of keeping the animal or animals; and c) whether the applicant has the written permission of the person or body which manages or controls the common area to use the common area, or a part of the common area, for the purpose of keeping the animal or animals.	N/A
Comments:	
(12) Where the animal or animals are to be kept on premises other than multi residential premises and the applicant is not the owner of the premises - whether the applicant has the written permission of the owner of the premises to keep the animal or animals on the premises.	N/A
Comments:	
(13) Whether the applicant has been refused a similar type of approval by the local government or another local government.	N
Comments: The applicant has not been refused a similar application.	
(14) If the application relates to the keeping of dogs on an allotment, the local government may only grant an approval if it is satisfied that no dog which is a regulated dog is kept on the allotment.	N
Comments: No regulated dog resides at the property.	
(15) If the application relates to the keeping of up to 4 dogs over the age of 3 months on an allotment which is located outside a designated area and has an area of 10,000m ² or more – whether the applicant for the approval is a current member of an approved entity.	Y
Comments: The allotment is located outside of the designated area and has an area of 15,830m ² or 1.583Ha. The applicant is a member of the Cattle Dog and Kelpie Club of Qld Inc. There are currently three dogs residing at the residence.	
(16) If the application relates to the keeping of up to 6 dogs over the age of 3 months on an allotment which is located outside a designated area and has an area of 20,000m ² or more – whether the applicant for the approval is an accredited breeder.	N/A
Comments:	

Attachments

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

Recommendation

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

1. On land described as Lot 3 on RP15005, situated at 12 Wells Street, Linville.
2. For dogs described in **Schedule 1** below; and
3. Subject to the conditions set out in **Schedule 2** below.

Schedule 1

Description of dogs:					
Name	Breed	Colour	Sex (M/F)	Desexed (Y/N)	Microchip No.
Frank Burns	Dachshund	Tan	M	Y	953010002256239
Snoop	Bull Arab X Boxer	White with Brown Spots	M	Y	953010004365918
Bubba	Wolfhound X Bull Arab	White	M	N	978102100288877

Schedule 2

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

1.6	The approval is limited to the dogs identified in Schedule 1 of this approval.
1.7	The approval holder must be a current member of an approved entity. Upon expiry of the approved entity membership, the approval holder is to forward a copy of the renewed membership to Council.
1.8	The dogs identified in Schedule 1 of this approval must hold registration with Somerset Regional Council.
1.9	The approval holder must at all times comply with provisions of the <i>Animal Management (Cats and Dogs) Act 2008</i> .

Resolution

Moved – Cr Wendt

Seconded – Cr Choat

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

1. On land described as Lot 3 on RP15005, situated at 12 Wells Street, Linville.
2. For dogs described in **Schedule 1** below; and
3. Subject to the conditions set out in **Schedule 2** below.

Schedule 1**Description of dogs:**

Name	Breed	Colour	Sex (M/F)	Desexed (Y/N)	Microchip No.
Frank Burns	Dachshund	Tan	M	Y	953010002256239
Snoop	Bull Arab X Boxer	White with Brown Spots	M	Y	953010004365918
Bubba	Wolfhound X Bull Arab	White	M	N	978102100288877

Schedule 2**No. CONDITION****1.0 LOCAL LAW**

1.1	The approval holder must take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises.
1.2	The approval holder must at all times maintain a proper enclosure in accordance with Schedule 8 of <i>Subordinate Local Law No. 2 (Animal Management 2011)</i> .
1.3	The approval holder must ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining premises.
1.4	The approval holder must ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person.
1.5	The approval holder must ensure that any enclosure in which the dogs are kept is maintained in:

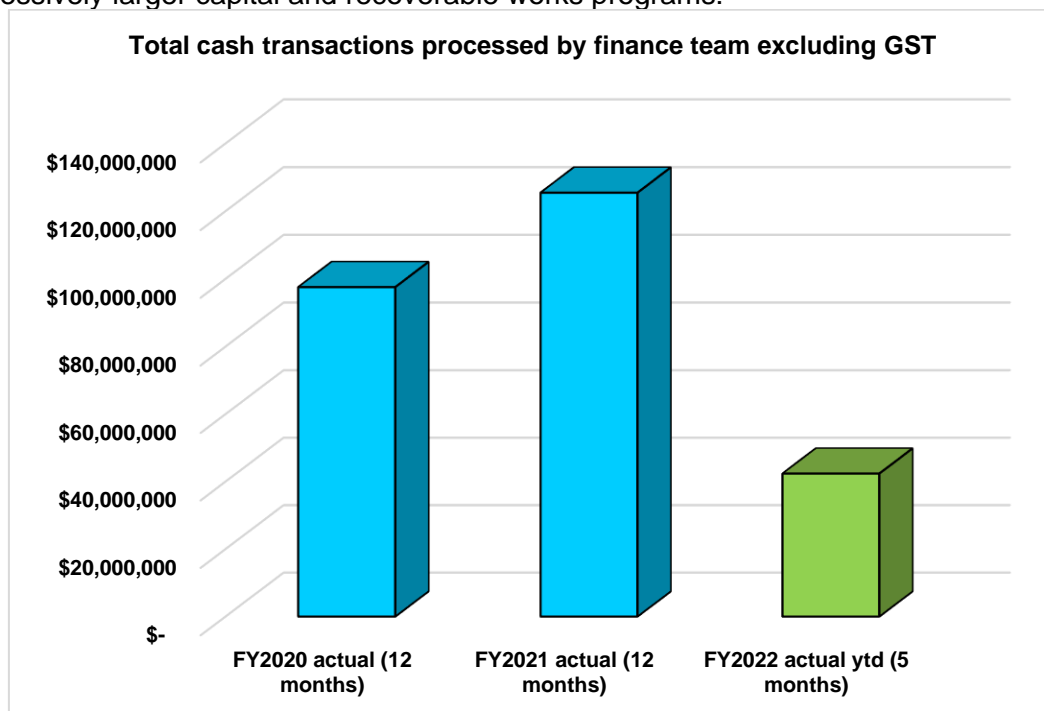
	(i) a clean and sanitary condition and disinfected regularly; and (ii) an aesthetically acceptable condition.
1.6	The approval is limited to the dogs identified in Schedule 1 of this approval.
1.7	The approval holder must be a current member of an approved entity. Upon expiry of the approved entity membership, the approval holder is to forward a copy of the renewed membership to Council.
1.8	The dogs identified in Schedule 1 of this approval must hold registration with Somerset Regional Council.
1.9	The approval holder must at all times comply with provisions of the <i>Animal Management (Cats and Dogs) Act 2008</i> . <div style="text-align: right;"><u>Carried</u></div> <div>Vote - Unanimous</div>

Subject: Finance report 1 July 2021 to 29 November 2021 File Ref: Monthly reporting - finance Action Officer: DFIN

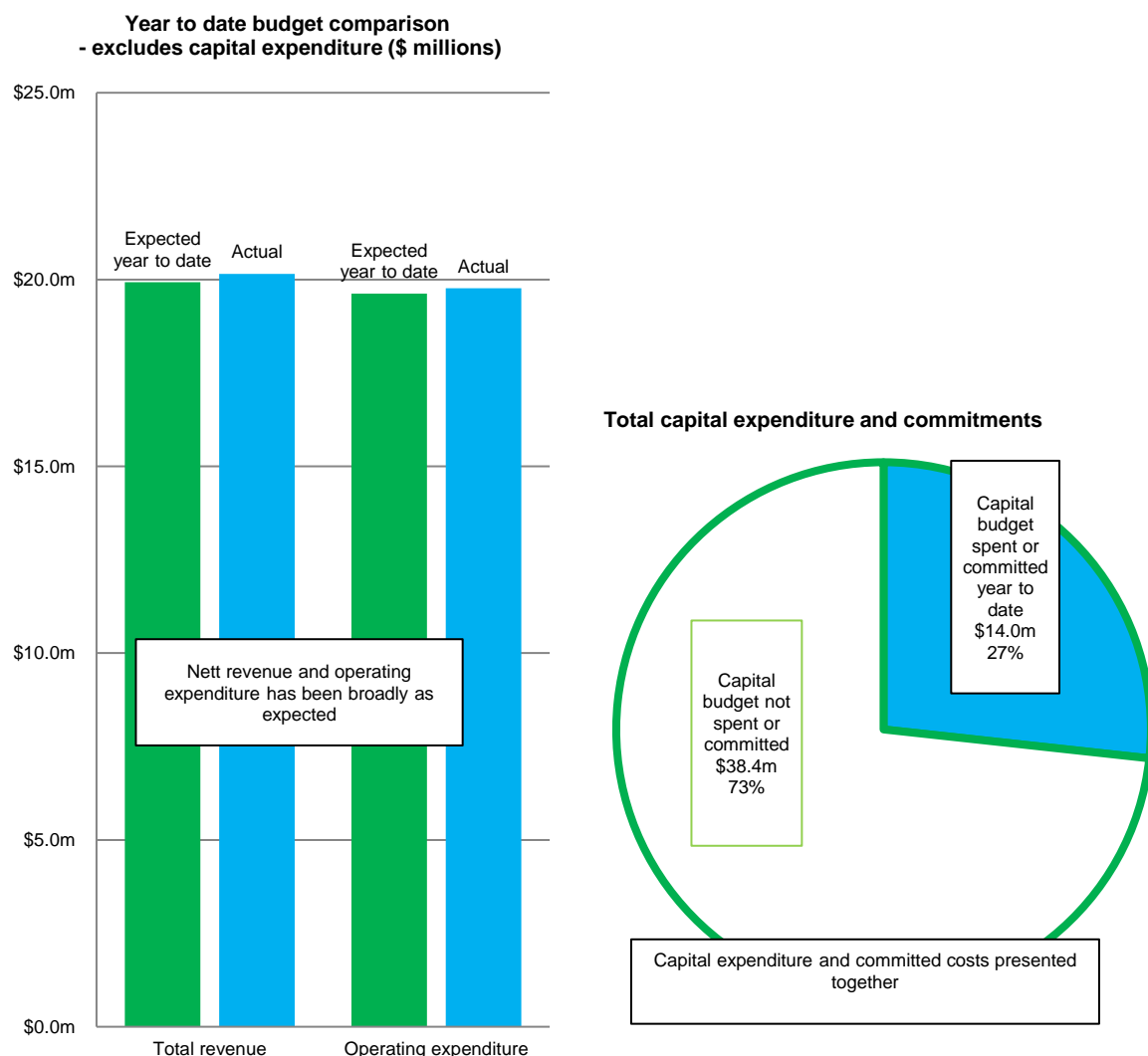
Background/Summary

Financial reports

Reports for the period 1 July 2021 to 29 November 2021 are attached detailing the progress that has been made in relation to Council's FY2022 budget as required by Local Government Regulation 2012 s204. The finance team has processed ~\$42M in transactions for the first five months of FY2022. Transaction volumes increased significantly in FY2021 with progressively larger capital and recoverable works programs:



Results for the year to date are summarised as follows:



Competitive grants

- On 20 October 2021, Council was advised by the Department of Industry, Science, Energy and Resources that our application seeking \$687,950 under the Australian Government's competitive Building Better Regions Fund round 5 towards the Lowood Minden Road – Minden Village home safer and sooner project had been successful and offering "to discuss the options relating to potentially changing the scope of the project." Council has forwarded a proposed change of scope proposal to the Departments of Industry and Infrastructure seeking to shift the project and funding to between the Zabels Road North and Millewski Road intersections.
- Council officers lodged an application under the Australian Government's Black Summer Bushfire Recovery Grants Program (BSBRGP) on 23 August 2021 as follows:

<i>BSBRGP competitive project application</i>	<i>Project value</i>	<i>Funding sought</i>
Fernvale Firewall - construct a 4.3km long, 20m wide firebreak along the southern boundary of the Fernvale urban footprint development area including 3.8 km of bitumen sealed roads (Muckerts and McCulkins Lanes) for emergency access and egress and 0.5km of cleared	\$6,777,433	\$4,500,000

fire appliance access route near residential areas including undergrounding of powerlines.		
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- Council officers also lodged a second BSBRGP application on 29 September 2021 as follows:

<i>BSBRGP competitive project application</i>	<i>Project value</i>	<i>Funding sought</i>
Somerset/ Brisbane Boundary Firewall - construct a 1.67km long, 9 to 20m wide firebreak along the boundary between the Somerset and Brisbane LGAs including new bitumen sealed roads (Waverley and Sheppards Roads) which will facilitate emergency access and egress.	\$1,709,815	\$854,907

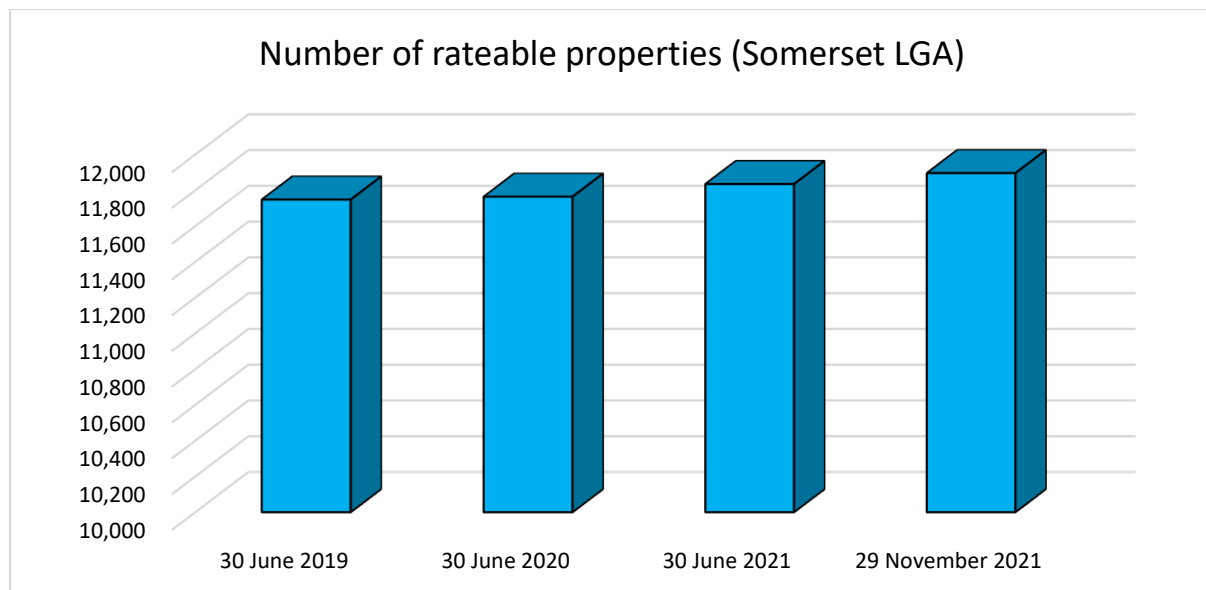
- Council officers lodged an application under the Australian Government's Queensland's Fishing Infrastructure Grants Program on 24 September 2021 as follows:

<i>Queensland's Fishing Infrastructure Grants Program</i>	<i>Project value</i>	<i>Funding sought</i>
Mid-Brisbane River recreation safety and security CCTV project. Council seeks funding to permanently install CCTV to permanently achieve improvements to the recreational fishing and boating experience along Queensland's mid-Brisbane River. Qld Police support the project as it will create "a safer area for the community to conduct recreational activities and an increase in usage by the community".	\$70,169.15	\$63,000

- Council officers lodged applications for \$31,711 in solar projects at the Lowood and Esk SES buildings under the 2022-23 SES Support Grant offered by Queensland Fire and Emergency Services on 17 November 2021 seeking 75% funding
- Council officers are preparing several library, tourism, road and bridge funding applications under the Australian Government's Building Better Regions Fund round 6, Preparing Australian Communities Program, Bridges Renewal Program and Heavy Vehicle Safety and Productivity Program. Council officers are also preparing for Queensland Government funding programs – Building our Regions and the Local Government Grants and Subsidies Program (LGGSP) which are expected to be available shortly.

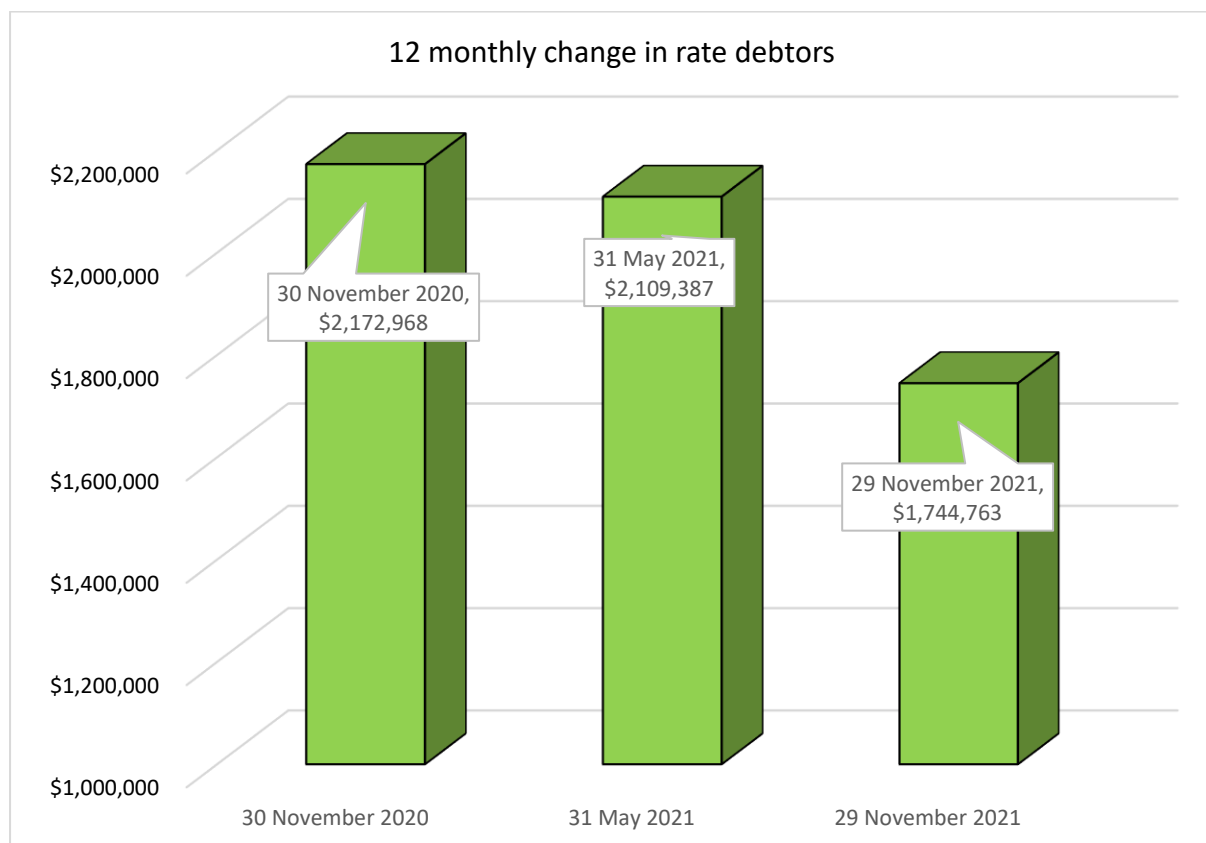
Growth

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



Rates

Rates are issued in six monthly cycles. Total rate debtors at comparable dates (generally after the due dates) over the past 12 months were as follows:



Council officers recently prepared 38 notices of intention to sell land for overdue rates totalling \$290,616 in overdue rates which were issued on 19 November 2021. Council is working with the owners of these properties and their mortgagees to recover overdue rates without incurring legal costs where possible.

Investments

Council relies on interest revenue to keep rates at the lowest possible level. Interest rates have been at historic lows. An investment summary is attached detailing interest earnings from Queensland Treasury Corporation (QTC) and other sources. QTC interest rates have been variable and were 0.36% net during October 2021 and 0.75% net in September 2021.

Council's key investment strategy has been to maintain two interest-bearing credit facilities totalling \$43.8 million to Urban Utilities (UU) which fund infrastructure such as Lowood wastewater treatment plant as well as providing mutual benefit to both UU and Council. These carry a combined weighted average interest rate of 2.11%. Council is currently working with Urban Utilities and state authorities to establish a third credit facility of \$10 million.

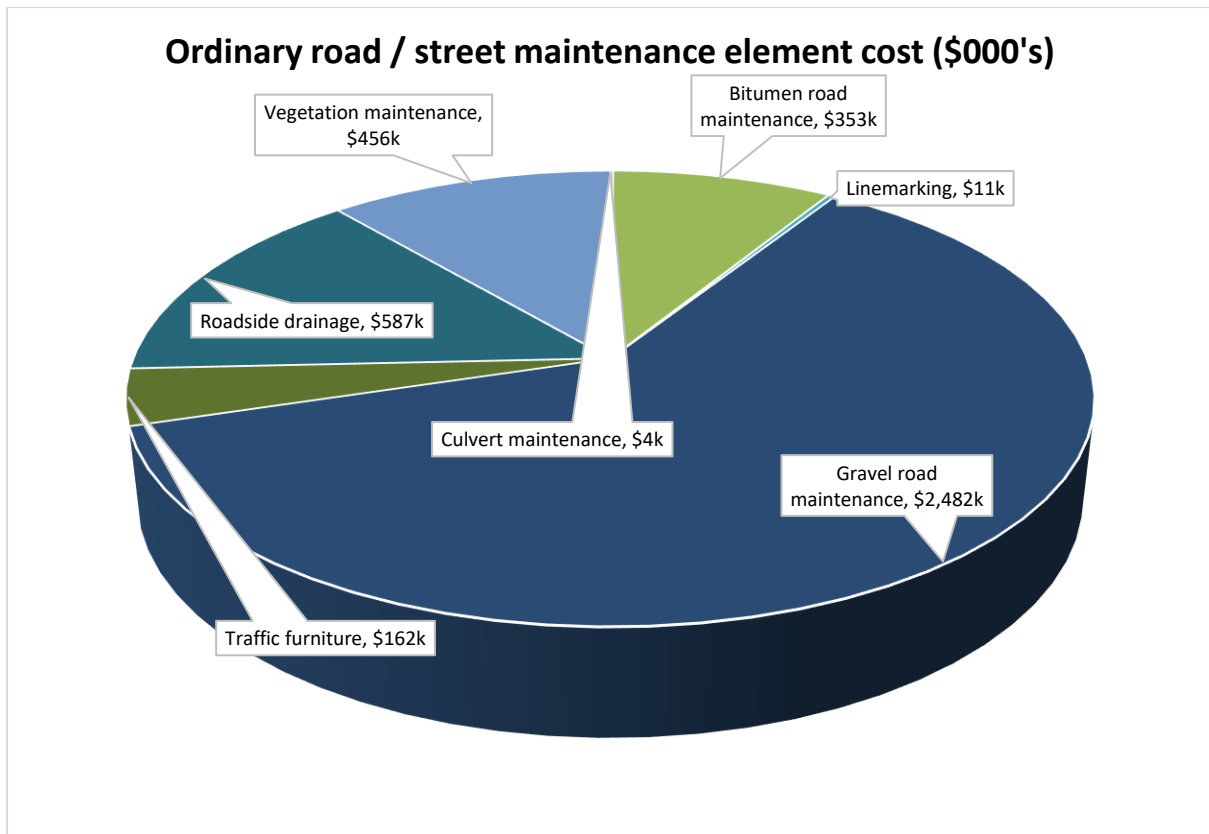
Ordinary road maintenance detail

Ordinary road maintenance costs exceed pro rata budget as below:

Maintenance type	Total (\$000's)
Bitumen road maintenance	353
Gravel road maintenance	2,482
Roadside drainage	587
Culvert maintenance	4
Vegetation maintenance	456
Traffic furniture	162
Linemarking	11
Total actual year to date	4,055
Expected pro-rata budget year to date	2,297

While overall Council operating costs are within pro rata budget expectations, road maintenance costs exceed budget and are being closely monitored.

Council has recently won Department of Transport and Main Roads (DTMR) contracts on the State Road network within Somerset LGA which would help fund a once-off increase in allocation at the second budget review.



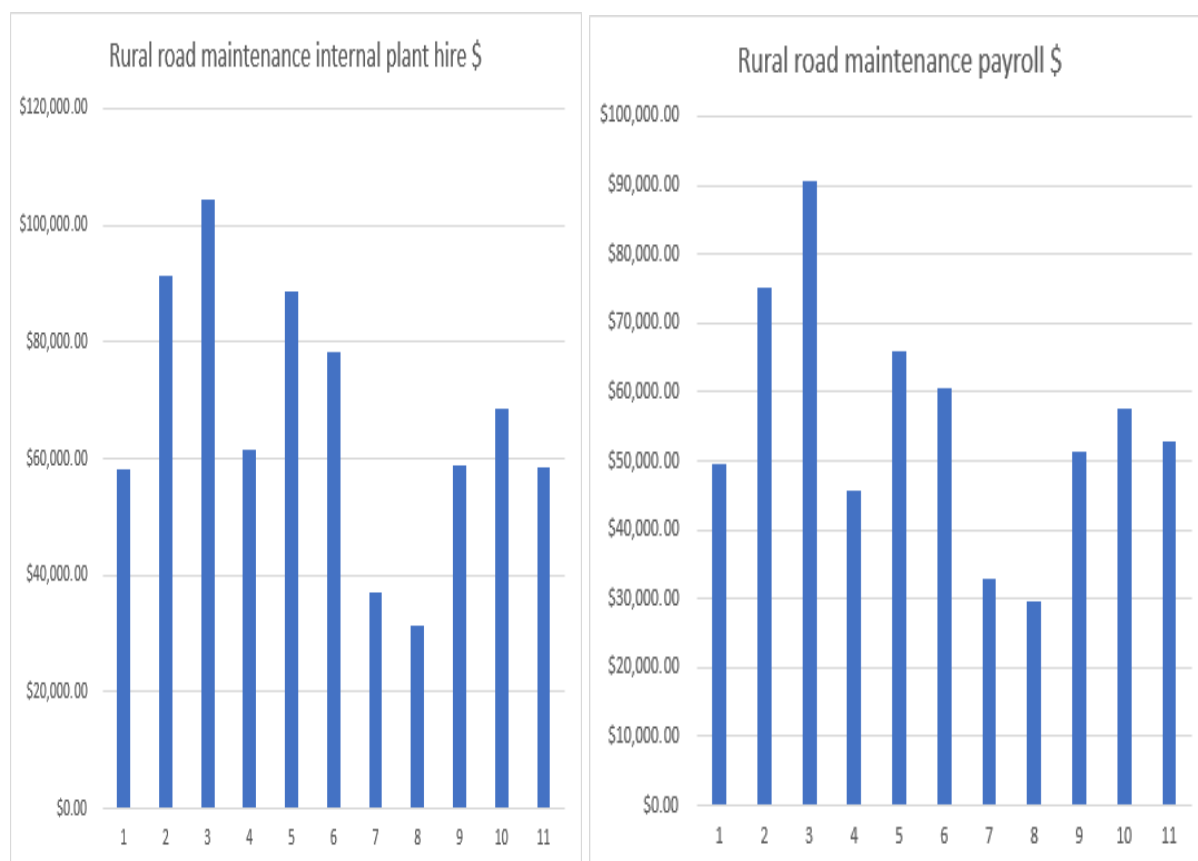
As previously requested, Council's 30 most costly road segments for ordinary maintenance for the year to date were as below. Costs per linear metre have been added for context.

Road segment	Cost (\$'000's)	Cost per metre (\$)
Bellthorpe Rd (gravel) Ch0-Ch11460	159	14
Kingaham Rd (gravel) Ch0-Ch8960	120	13
Diaper Rd (gravel) Ch3000-Ch6200	79	25
Banks Creek Rd (gravel) Ch4670-Ch12870	79	10
Westvale Rd (gravel) Ch1340-Ch13550	77	6
Ivory Creek Rd (gravel) Ch10150-Ch12590	73	30
Yabba Rd (gravel) Ch0-Ch3330	58	17
Sunday Creek Rd (gravel) Ch1690-Ch3390	55	32
Mt Byron Rd (gravel) Ch2020-Ch15370	54	4
Kimballa Rd (gravel) Ch8780-Ch9850	50	46
Hope St (bitumen) Ch0-Ch230	49	213
Silverleaves Rd (gravel) Ch40-Ch2150	48	23
West Branch Rd Xing35Ch19065-19070	43	
Waverley Rd (gravel) Ch100-Ch1200	42	38
Cressbrook Cab (gravel) Ch8280-Ch13860	41	7
Yielo Rd (gravel) Ch5100-Ch15500	41	4
Ivory Creek Rd (gravel) Ch12590-Ch15230	40	15
Glenhowden Rd (gravel) Ch30-Ch1580	39	25
Morden Rd (gravel) Ch1880-Ch6470	38	8
Kipper Creek Rd (gravel) Ch6360-Ch10710	37	9
Mt Byron Rd (gravel) Ch160-Ch1170	37	37
Mt Buggery Rd (gravel) Ch0-Ch990	36	36
Mt Byron Rd (gravel) Ch15370-Ch19310	35	9

William St Kilcoy (bitumen) Ch110-Ch410	32	107
Banks Creek Rd (gravel) Ch3300-Ch4670	32	23
Mt Mulgowie Rd (gravel) Ch840-Ch3100	32	14
Monsildale Rd (gravel) Ch1630-Ch10200	30	4
Cressbrook Cabo (gravel) Ch3900-Ch6630	30	11
Watsons Rd (bitumen) Ch0-Ch4870	29	6
Cressbrook Ck Rd (gravel) Ch680-Ch4890	29	7
Subtotal (\$000's)	1,544	

Road maintenance costs trends by fortnight

The largest components of rural road maintenance costs are in plant and labour with inconsistent fortnightly expenditure trends since July 2021 as below.



Special road maintenance

In addition to ordinary bitumen road maintenance, expenditure on special road maintenance including resealing of bitumen roads has been budgeted of \$1.793M. Reseals will be completed out over coming months.

Attachments

Financial reports and payment listings

Recommendation

THAT Council receive the financial reports for 1 July 2021 to 29 November 2021 and payments

presented for the period 26 October 2021 to 30 November 2021 totalling \$9,887,547.10 and that the contents be noted.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Wendt

"THAT Council receive the financial reports for 1 July 2021 to 29 November 2021 and payments presented for the period 26 October 2021 to 30 November 2021 totalling \$9,887,547.10 and that the contents be noted."

Carried*Vote - Unanimous*

Subject:	Endorsement sought for medium value contract - consultancy
File Ref:	External audit
Action Officer:	DFIN

Background/Summary

Council has been working with stakeholders and a consultant to plan Kilcoy recreation grounds including changes to camping facilities and site entrances. Budget endorsement is sought for this project.

Attachments

Nil

Recommendation

THAT Council endorses use of the \$40,000 budget for Kilcoy showgrounds entry works for Kilcoy recreation grounds master planning by Alliance Planning including planning for changes to camping and access.

Resolution

Moved – Cr Whalley

Seconded – Cr Wendt

"THAT Council endorses use of the \$40,000 budget for Kilcoy showgrounds entry works for Kilcoy recreation grounds master planning by Alliance Planning including planning for changes to camping and access."

Carried*Vote - Unanimous*

Subject:	Somerset Rail Trail Fun Run or Ride - 2022 Event Beneficiary Agreement
File Ref:	Recreation and Cultural Services - Event Management - 2022 - 2023 – Somerset Rail Trail Fun Run or Ride
Action Officer:	EO

Background/Summary

Per the Sport and Recreation Officer's (Acting Manager Recreation and Tourism) report, Somerset Rail Trail Fun Run or Ride (SRTFRR) – Workshop Report, 3 August 2021, the EO has negotiated with the Ipswich Hospital Foundation to be the Event Beneficiary for the 19th Annual SRTFRR to be held on Sunday, 10 July 2022.

The Ipswich Hospital Foundation (IHF) is a not-for-profit charity, providing support to the community in the health and fitness arena as well as funding for the provision of medical equipment, staff education, training and professional development, health and medical research and scholarships for West Moreton Health.

The IHF has previously supported the SRTFRR through the provision of race equipment including tables, chairs, race timing clock and marquees.

The IHF in collaboration with the EO have drafted an Expression of Support for the 19th SRTFRR (attached). In summary, SRC will donate \$2 from every entry to the IHF, incorporate the IHF logo in promotional content and include check boxes to 'donate' and "opt in" to the IHF newsletter as part of the participant registration process. The IHF will provide promotional support and assist in the recruitment of volunteers for the event.

This agreement provides Council with an opportunity to promote the event to a wider audience and an opportunity to raise funds and awareness for a great cause. The agreement has been reviewed and is supported by the AMRT.

Attachments

1. 19SRTFRR IHF Expression of Support

Recommendation

THAT Council approve the Expression of Support with the Ipswich Hospital Foundation for the 19th Annual Somerset Rail Trail Fun Run or Ride.

Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

"THAT Council approve the Expression of Support with the Ipswich Hospital Foundation for the 19th Annual Somerset Rail Trail Fun Run or Ride."

Vote - Unanimous

Carried

Subject:	Business Networking Events
File Ref:	2020 - 2021 Somerset Business Networking
Action Officer:	EO (Jacqui O'Connor)

Background/Summary

The third Business Networking event for 2021 drew almost seventy people to hear the line-up of agriculture business-related speakers at Lowood on Thursday, 25 November 2021.

Wet weather forced formalities and networking opportunities indoors at the Lowood and District Golf Club with catering provided by the local Brisbane Valley Protein team.

The event was funded through the Local Economic Recovery Program, jointly funded by the Australian and Queensland Governments of the Disaster Recovery Funding Arrangements.

Attachments

1. Thriving in Agriculture Business Networking Event – Post-Event Report

Recommendation

THAT Council receive the Thriving in Agriculture Business Networking Post Event Report and that the contents be noted.

Resolution

Moved – Cr Isidro

Seconded – Cr Gaedtke

"THAT Council receive the Thriving in Agriculture Business Networking Post Event Report and that the contents be noted."

Carried

Vote - Unanimous

Subject:	Election Signage Policy Review
File Ref:	Corporate Management - Policy - Policy Development
Action Officer:	DCORP

Background/Summary

A review has been undertaken of the Election Signs Policy C/004 (Attachment 1). This Policy relies on Subordinate Local Law 1.4 – Installation of Advertising Devices for the head of power. The subordinate Local Law and Policy are only able to operate on areas of land that come under the responsibility of Council. Main Roads are areas of land which generally are not within the power of Council to control. In circumstances where Council or Council contractors are operating within the Road Reserve Council are required to abide by Laws, Policies and Procedures imposed by the State.

Council's Election Signs Policy has been used since when it was first adopted in 2013 to control election signage erected by candidates for Local, State and Federal elections that area erected within the region. The Policy provides to Council staff by permitting a number of signs, requiring a Bond to be paid and sets in place where signs may be erected. Not all sites can be controlled particularly private property and Main Roads.

Signage on Main Roads can be controlled utilising the provisions of Section 7 and Schedule 5 of the Local Law. The TMR Chief Executive's approval is required for signage on Main Roads. Main Roads have in place the Manual of Uniform Traffic Control Devices which they apply when an applicant proposes a sign on a Main Road.

Council can continue to control Election Signs either in a way that is very prescriptive or less so. That latter approach is much easier to implement and monitor. The latter approach means that Council can utilise all the provisions within Sub-ordinate Local Law 1.4 and repeal the Policy. No administrative processes would be required from Council other than providing advice to candidates and removing signs that don't meet the standard/s. Election Signage needs to be incorporated into the Local Law to enable some specification of the appropriate signage and to set out the times places and conditions under which signs may be erected.

The complication would be the application of the Local Law to Main Roads. This can be overcome by Council indicating to the TMR Chief Executive that Council will apply the MUTCD to all signage including election signage. Council will administer the placement of inappropriate signage and the placement of signs on Main Roads based on Main Roads Standards. Legal advice has been obtained and that advice indicates that where other Councils have taken this approach TMR approval has been granted.

Legal advice has been obtained about the repeal of the Policy, amendment of the Local Law and the processes required to make the amendments active. The relevant documentation to amend the local law, write to the Minister for Transport, Advertise the changes and make a resolution to amend have been forwarded and incorporated into this report.

Since the presentation of the Subordinate Local Law at the September Ordinary Meeting where the matter was deferred the following changes have (based on advice by the Planning and Development Department been made to the Sub-ordinate Local Law:

- Section 3 (2)(h)(i) – remove “and parallel to”
- Section 3 (2)(h)(iii) – amend to read “not be installed so as to cause a safety hazard **or obstruction** to any traffic...”
- Section 3 (2)(k) and (l) – remove reference to “in the rural area”
- Add new Section 3(2)(n) must not be installed in a local government controlled area as defined by *Local Law No. 1 (Administration) 2011*.

This type of amendment to the Local Law will mean that Council will be taking a simple and less problematic approach to the implementation of the Policy by incorporating the Policy into the Local Law, no longer require deposits or limit the numbers of signs erected in the region. The signs need to meet the basic criteria of size and shape and the position of the sign on local or state roads is specifically set. If the candidate breaches these requirements Council would simply remove the sign and ask the candidate to come and collect the sign.

Council officers have designed a fact sheet which incorporates all the requirements that need to be met in order that candidates for any election abide by Council's subordinate Local Law. (Attachment 6)

Attachments

Attachment 1 – Election Sign Policy C004

Attachment 2 – Subordinate Local Law 1.4 Installation of advertising devices 2011

Attachment 3 - Anti-competitive provisions of Installation of Advertising Devices No 1 2021
 Attachment 4 – Draft Advertisement
 Attachment 5 – Installation of Advertising Devices (Amendment) SLL (No.1) 2021
 Attachment 6 – Somerset Regional Council Fact Sheet for Election Signs

Recommendation

THAT Somerset Regional Council resolves to propose to make *Installation of Advertising Devices (Amendment) Subordinate Local Law (No 1) 2021* which amends *Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2011*.

Resolution

Moved – Cr Brieschke

Seconded – Cr Choat

“THAT Somerset Regional Council resolves to propose to make *Installation of Advertising Devices (Amendment) Subordinate Local Law (No 1) 2021* which amends *Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2011*.”

Carried

Vote – 6 For
 1 Against

Subject:	RADF - Regional Arts Development Fund Committee Meeting - 15 November 2021
File Ref:	2020 - 2021 - RADF
Action Officer:	CCSO

Declarable Interest - Cr Cheryl Gaedtke

Cr Gaedtke stated -

I inform this meeting that I have a declarable conflict of interest in this matter (as defined in section 150EN of the *Local Government Act 2009*). The nature of my interest is that a funding application was presented to the Regional Arts Development Fund Committee (RADF) from Noosa Film Academy for a project titled 'The Choice'. As part of their application, Noosa Film Academy included a screenshot of a comment by myself, and I acknowledge that this may create a perception of a conflict of interest. The screenshot was taken from social media, and I only became aware of its inclusion before the RADF meeting. In the attachment to Item 22 on the Ordinary Council Agenda, the RADF meeting report, you will note that I declared this potential conflict of interest to committee members to ensure complete disclosure.

I wish to participate in the decision in relation to this matter due to my expertise in the subject matter held by me as a Councillor and the interest is not considered to be sufficient to undermine my ability to form an impartial view and exercise my vote in the public interest.

I acknowledge that eligible Councillors must now determine, pursuant to section 150ES of the *Local Government Act 2009*, whether I:

- may participate in the decision about the matter, including by voting on the matter; OR
- must leave the meeting, including any area set aside for the public, and stay away from the meeting while the eligible Councillors discuss and vote on the matter.

Resolution

Moved – Cr Brieschke

Seconded – Cr Choat

“THAT Cr Gaedtke is not required to leave the meeting and may remain and participate and vote on this matter by reason of her expertise in the subject matter held by her as a Councillor and the interest is not considered to be sufficient to undermine her ability to form an impartial view and exercise her vote in the public interest.”

Carried*Vote - Unanimous***Background/Summary**

The Regional Arts Development Funding Committee met on Monday, 15 November 2021 to discuss miscellaneous items of business. The meeting report from the meeting is attached.

Attachments

1. Meeting Report for RADF Meeting of 15 November 2021
2. Proposed RADF Terms of Reference 15 November 2021

Recommendation

1. THAT Council receive the meeting report for the RADF Committee meeting held on Monday, 15 November 2021;
2. THAT Council approve the following -
 - (a) An amount of \$2,130.40 for Helene Hawes project – “Ballet for Seniors”.
 - (b) An amount of \$25,300 for the Somerset Regional Council project – “Somerset Region Cultural Projects”.
 - (c) An amount of \$6,000 for the Noosa Film Academy project – “The Choice”.
 - (d) An amount of \$3,000 for curation of the Toogoolawah and District History Group project – “A Refresh”.
 - (e) The Acquittal Reports for Acting for Screen Workshop Roadshow, The Damned Symphony and Writers Retreat be received.
 - (f) The updated terms of reference for the Regional Arts Development Fund Committee be adopted.

Resolution

Moved – Cr Wendt

Seconded – Cr Whalley

“1. THAT Council receive the meeting report for the RADF Committee meeting held on Monday, 15 November 2021;

2. THAT Council approve the following -

- (a) An amount of \$2,130.40 for Helene Hawes project – “Ballet for Seniors”.

- (b) An amount of \$25,300 for the Somerset Regional Council project – “Somerset Region Cultural Projects.”
- (c) An amount of \$6,000 for the Noosa Film Academy project – “The Choice”.
- (d) An amount of \$3,000 for curation of the Toogoolawah and District History Group project – “A Refresh”.
- (e) The Acquittal Reports for Acting for Screen Workshop Roadshow, The Damned Symphony and Writers Retreat be received.
- (f) The updated terms of reference for the Regional Arts Development Fund Committee be adopted."

*Carried**Vote - Unanimous*

Subject:	SCCAC – Somerset Civic Centre Advisory Committee Meeting - 22 November 2021
File Ref:	Somerset Civic Centre Advisory Committee
Action Officer:	CCSO

Background/Summary

The Somerset Civic Centre Advisory Committee (SCCAC) met on Monday, 22 November 2021 to discuss miscellaneous items of business. The meeting report from the meeting is attached.

Attachments

Meeting Report for SCCAC Meeting of 22 November 2021
SCCAC Terms of Reference 22 November 2021

Recommendation

1. THAT Council receive the meeting report for the SCCAC meeting held on Monday, 22 November 2021 and the contents be noted.
2. THAT the updated Terms of Reference for The Somerset Civic Centre Advisory Committee be adopted.

Resolution

Moved – Cr Choat

Seconded – Cr Isidro

- "1. THAT Council receive the meeting report for the SCCAC meeting held on Monday, 22 November 2021 and the contents be noted.
2. THAT the updated Terms of Reference for The Somerset Civic Centre Advisory Committee be adopted."

*Carried**Vote - Unanimous*

Subject:	Application for Licensed Gate - Brennan Road, Redbank Creek
File Ref:	Laws and enforcement - licences - gates and grids (1321423)
Action Officer:	CSSA

Background/Summary

Council is in receipt of an application to install and licence a new gate between Lot 46 CSH662 and Lot 29 CA31879.

The applicant (Toowoomba Regional Council) does not own the properties on both sides of the road at the proposed location where the new gate will be erected. However, no objections were received from the adjoining property owners. The applicant advises that the installation of the gate will deter access by the public to the unconstructed section of Brennan Road which belongs to Toowoomba Regional Council while still providing unrestricted access to property owners. The proposed location allows sufficient room for a vehicle to turn around at this location whilst minimising any additional vegetation clearing and allowing for ease of fence / gate construction.

The application to install and licence a new gate was advertised in The Somerset on Wednesday, 29 September 2021. Council received no objections at the close of the objection period, 27 October 2021.

One of Council's standards conditions is that the approaches must be sealed for a distance of five metres either side of the gate. However, due to the location of this gate on Brennan Road, it is recommended that this condition is relaxed.

It should be noted that any approvals issued by Council, for gates or grids, are issued subject to the condition that, Council can withdraw the permission at a later time.

Attachments

Location map – Attachment 1

Standard conditions and gate approach sign layout – Attachment 2

Recommendation

1. THAT Council approve the application to install and licence a new gate to be erected on Brennan Road between Lot 46 CSH662 and Lot 29 CA31879, as per Council's standard conditions and standard drawing SRC-ROAD-027; and
2. THAT due to the proposed location of the gate on Brennan Road, Redbank Creek, the relaxation of the bitumen sealing of the approaches either side of the gate for 5m be relaxed.

Resolution

Moved – Cr Wendt

Seconded – Cr Choat

- "1. THAT Council approve the application to install and licence a new gate to be erected on Brennan Road between Lot 46 CSH662 and Lot 29 CA31879, as per Council's standard conditions and standard drawing SRC-ROAD-027; and
2. THAT due to the proposed location of the gate on Brennan

Road, Redbank Creek, the relaxation of the bitumen sealing of the approaches either side of the gate for 5m be relaxed."

Carried

Vote - Unanimous

Subject:	Esk Garden and Lifestyle Fair 2022 - Request for Council Support and Use of Pipeliner Park to Hold Event - Saturday 18 June 2022
File Ref:	Council properties - usage - 2019-2020 - Council hire agreements and bookings - 2021-2022 - bookings - parks and reserves (1339099)
Action Officer:	CSSA

Background/Summary

The organisers of the Esk Garden and Lifestyle Fair have approached Council seeking approval and support to hold their 2022 Esk Garden and Lifestyle Fair in Pipeliner Park, Esk on Saturday, 18 June 2022.

This event was held in Pipeliner Park in 2017, 2018, 2019 and 2021. This event has been a very successful event and Council has not received any complaints since the event has been held in Pipeliner Park.

In 2018 there were 2,900 people through the gate, 2019 there were 3,500 people through the gate and in 2021, there were approximately 5,000 visitors to the event.

The event will open to the public from 8 am to 3 pm on Saturday, 18 June 2022. The organisers will be asking for a gold donation from visitors attending the fair. The event will have plant and gardening, food and drink stalls and a chainsaw sculptor. All sites will be 3m x 3m in size. Stalls selling food at this event will be required to have food licences issued under the *Food Act 2006* as required. Wherever possible, organisers will engage local community groups for their food outlets.

Organisers will commence marking out the sites on Thursday, 16 June 2022. On Friday, 17 June 2022, they will set up the area with gazebos, tables, chairs, signage, bunting and yarn bombing as well as early bird stallholders. Only cars unloading or loading items would be allowed on site.

It is noted that the weekly Esk Markets will be on, however, both events are planned to proceed together.

A copy of their proposal and layout plans have been attached for Councillor's information.

Public Liability Insurance

As a standard condition, Somerset Regional Council requires all event holders to hold \$20 million public liability insurance.

Toilets

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

Traffic Management

The organisers have contacted a Traffic Management Company to review the overall parking and traffic flow around the venue and Esk. As this process takes place, there may be some changes to the site layout of the event.

Due to the expected large number of visitors (up to 5,000) and vehicles to this event and possible parking and traffic issues, it is recommended that the organisers should be required to provide a traffic management plan for this event.

Off Street Car Parking

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

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

Trees in Woollen Jumpers

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

This has been done in previous years with no complaints.

Chainsaw Sculptor

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

Loading Zone

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

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

Bus Drop Off

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

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

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

Bus Parking

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

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

Council Assistance

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

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

Attachments

Application and layout plans for Pipeliner Park

Recommendation

1. THAT Council, under Council's Local Law No 1 (Administration) 2001 and Subordinate Local Law No 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011, grant permission to use Pipeliner Park for the Esk Garden Lifestyle Fair 2020 to be held on Saturday, 18 June 2021 subject to the following conditions:

1.	The approval is limited to Pipeliner Park in Esk as identified on the approved site plan and as outlined in the event application unless otherwise stated in Council's approval conditions.
2.	The approval is limited to operation on Saturday, 18 June 2022 between the hours of 8 am and 3 pm. Setup for the event may commence at 8 am Thursday, 16 June 2022 for marking out sites and 8am on Friday, 17 June, setting up of gazebos, tables, chairs, signage, bunting and yard bombing as well as early bird stallholders may start and clean up must be completed by 5.30 pm Saturday 18 June 2021.
3.	The approval holder must have Council's approval on site at the event and be able to produce for inspection by an authorised person on demand.
4.	All displays and vehicles are to be removed from the site by 5.30 pm on Saturday, 19 June 2021.
5.	Camping is not permitted on Council land.
6.	The approval holder must keep the area in a clean and tidy state, and the approval holder is required to adequately provide for the collection and disposal of waste

	generated by the event.															
7.	No tent pegs or stakes to be used within the park for setting up of gazebos and bunting unless prior approval on the location has been sought from Council's Parks and Gardens Foreman to ensure there is no underground services in the area where the tent pegs will be placed.															
8.	Stallholder vehicles accessing the park must only be via the existing walking tails within the park.															
9.	<div>The approval holder must provide and maintain the following number of toilets and sanitary conveniences:</div> <table><tr><th colspan="3">Males</th><th colspan="2">Females</th></tr><tr><td>WC</td><td>Urinals</td><td>Hand Basins</td><td>WC</td><td>Hand Basins</td></tr><tr><td>4</td><td>8</td><td>6</td><td>12</td><td>6</td></tr></table>	Males			Females		WC	Urinals	Hand Basins	WC	Hand Basins	4	8	6	12	6
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11.	The activity must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> .															
12.	The activity must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken.															
13.	A Traffic Management Plan including a Traffic Guidance Scheme to be forwarded to Council in advance of the event for approval.															
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16.	The approval holder must ensure that the design and construction of all structures that form part of the activity are safe and appropriate for the nature of the activity proposed and the number of people expected to attend.															
17.	<div>All buildings, structures, vehicles, facilities or equipment used in the operation of the event must be maintained at all times:</div> <ul style="list-style-type: none">• In good working order; and• In good state of repair; and• In a clean and sanitary condition															
18.	All temporary signage for the event must be displayed on private property only and are only to be displayed 14 days prior to the event, and all signage must be removed from display one (1) day after the event.															
19.	The approval holder must provide all necessary equipment and take all practical measures to ensure the safety of the people attending the activity.															

20.	The approval holder must ensure that a food license issued under the <i>Food Act 2006</i> is obtained (to the extent that is required) by all stall holders selling food at the event by contacting the Environmental Health Section of Somerset Regional Council for further information.
21.	Ensure that the local Police Department has been advised and all required Police Permits have been obtained.
22.	The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the event. A certificate of currency must list Somerset Regional Council as an interested party and must be submitted to Council prior to the operation of the event.
23.	<p>The permit holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.</p> <p>“Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.</p>
24.	The approval holder will be responsible for ensuring that all operators of activities at this event have current public liability insurance in an amount of not less than \$20,000,000. The approval holder is required to have a copy of all public liability certificates of currencies on hand during the event.
25.	In the event of prevailing wet weather, a joint inspection of ground conditions is to be conducted with the approval holder and Council’s Parks and Gardens Foreman. Should the grounds be deemed unsuitable for the purpose of the event and no other arrangements can be made, the event will be cancelled.
26.	The buses are permitted to park on the grassed area in front of the Esk Showgrounds and the buses must enter and depart this area from FitzGerald Drive. The buses are not permitted to park next to Esk Hampton Road and the bus parking area must be appropriately signed and delineated to prevent buses parking too close to Esk Hampton Road.
27.	<p>A COVID Safe Event Checklist will need to be completed and display a Statement of Compliance and approved COVID documents will need to be provided to Council before the event. Appropriate Covid documents can be found from the following websites:</p> <p>General information: https://www.covid19.qld.gov.au/government-actions/covid-safe-events#_hosting-an-event</p>

	<p>Statement of compliance: https://www.covid19.qld.gov.au/data/assets/pdf_file/0020/132572/statement-of-compliance-event-checklist.pdf</p> <p>COVID Safe Event Checklist: https://www.covid19.qld.gov.au/data/assets/pdf_file/0014/132701/covid-safe-event-checklist.pdf</p> <p>Frequently asked questions: https://www.covid19.qld.gov.au/data/assets/pdf_file/0019/132571/industry-framework-covid-safe-events-faqs.pdf</p> <p>If they are hosting a BBQ, they are also required to following the Industry Safe Plan for Retail Food Service – a full list of the approved Industry Plans can be found here: https://www.covid19.qld.gov.au/government-actions/approved-industry-covid-safe-plans</p> <p>And details on how you plan to meet the requirements as outlined above.</p>
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2. THAT the Valley of the Lakes Garden Club be advised that Council is able to offer the following assistance and should they wish to take advantage of any or all of the below listed items they should make application to Council for a community assistance grant:-

28.	Supplying 18 x community bins to Pipeliner Park to assist with waste management during the event.
29.	Access to power supply and water within Pipeliner Park during the event.
30.	Provision of road signs including no parking signs and bus parking signs.
31.	Provide two town stewards for a maximum of eight hours on Saturday, 18 June 2022 to assist with setting up and packing down of the park, waste management, cleaning and stocking of toilets and ensuring that the site is cleaned and secure at the end of the event on Saturday, 18 June 2022.

3. FURTHER THAT:

32.	Council install Event Ahead Signs on BVRT at both ends of Pipeliner Park, Esk to provide advance warning to cyclists using BVRT of event within the park and request for cyclists to slow down and be aware of pedestrians within the park.
33.	Council officers advise Department of Transport and Main Roads of event.

Resolution

Moved – Cr Choat

Seconded – Cr Wendt

- “1. THAT Council, under Council’s Local Law No 1 (Administration) 2001 and Subordinate Local Law No 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011, grant permission to use Pipeliner Park for the Esk Garden Lifestyle Fair 2022 to be held on Saturday, 18 June 2022 subject to the following conditions:

1.	The approval is limited to Pipeliner Park in Esk as identified on the approved site plan and as outlined in the event application unless otherwise stated in Council's approval conditions.															
2.	The approval is limited to operation on Saturday, 18 June 2022 between the hours of 8 am and 3 pm. Setup for the event may commence at 8 am Thursday, 16 June 2022 for marking out sites and 8 am on Friday, 17 June, setting up of gazebos, tables, chairs, signage, bunting and yard bombing as well as early bird stallholders may start and clean up must be completed by 5.30 pm Saturday 18 June 2021.															
3.	The approval holder must have Council's approval on site at the event and be able to produce for inspection by an authorised person on demand.															
4.	All displays and vehicles are to be removed from the site by 5.30 pm on Saturday, 19 June 2021.															
5.	Camping is not permitted on Council land.															
6.	The approval holder must keep the area in a clean and tidy state, and the approval holder is required to adequately provide for the collection and disposal of waste generated by the event.															
7.	No tent pegs or stakes to be used within the park for setting up of gazebos and bunting unless prior approval on the location has been sought from Council's Parks and Gardens Foreman to ensure there is no underground services in the area where the tent pegs will be placed.															
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2. THAT the Valley of the Lakes Garden Club be advised that Council is able to offer the following assistance and should they wish to take advantage of any or all of the below listed items they should make application to Council for a community assistance grant:-

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3.	FURTHER THAT:
32.	Council install Event Ahead Signs on BVRT at both ends of Pipeliner Park, Esk to provide advance warning to cyclists using BVRT of event within the park and request for cyclists to slow down and be aware of pedestrians within the park.
33.	Council officers advise Department of Transport and Main Roads of event." <i>Vote - Unanimous</i> <i>Carried</i>

Subject:	2022-2023 Cycle Network Local Government Grants Program
File Ref:	Grants and subsidies - programs - cycle grants
Action Officer:	DDM

Background/Summary

Council has been advised by the Department of Transport and Main Roads (TMR) that the 2022-2023 Cycle Network Local Governments Grants Program has opened. The application closing date is 17 December 2021, and the program will be announced in June/July 2022 through the publication of the Queensland Transport and Roads Investment Program (QTRIP).

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

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

Council previously received grants under 2016-17, 2017-18, 2018-19, 2019-20, 2020-21 and 2021-22 programs.

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

An endorsement is sought for applying for the construction of the below principal route under 2022-2023 Cycle Network Local Governments Grants Program.

Project	Description	Project Cost
Tarampa to Lowood Shared Path Design	Design of 2.5 m off-road shared path from Sea Eagle Drive to Tarampa	\$100,000

Attachments

Priority Route Maps for 2022-23 project – attachment 1

Recommendation

1. THAT Council applies for funding under the 2022-2023 Cycle Network Local Governments Grants Program for the Tarampa to Lowood Shared Path Design.
2. THAT Council confirm that Council funding of 50% of the estimated project cost is available as Council's partner cash contribution towards each 2022-2023 Cycle Network Local Governments Grants Program proposal.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

- "1. THAT Council applies for funding under the 2022-2023 Cycle Network Local Governments Grants Program for the Tarampa to Lowood Shared Path Design.
2. THAT Council confirm that Council funding of 50% of the estimated project cost is available as Council's partner cash contribution towards each 2022-2023 Cycle Network Local Governments Grants Program proposal."

Carried

Vote - Unanimous

Subject:	2022-2023 Walking Local Government Grants Program
File Ref:	Grants and subsidies - programs - cycle grants
Action Officer:	DDM

Background/Summary

Council has been advised by the Department of Transport and Main Roads (TMR) that the 2022-2023 Walking Local Government Grants Program has opened. The application closing date is 17 December 2021, and the program will be announced in June/July 2022 through the publication of the Queensland Transport and Roads Investment Program (QTRIP).

The objective of the program is to assist local governments to identify where to invest in cost-effective improvements to create better places to walk. The new Walking Local Government Grants (WLGG) will initially be targeted at developing walking network plans (WNPs) and priority works programs. WNPs focus on walking precincts of up to two kilometres around primary destinations such as public transport, schools and town centres, and result in works programs to make the plan a reality. WLGG will provide 50:50 matched funding to Queensland local governments.

The Walking Local Government Grants Program is a compliment to the Principal Cycle Network Plan and will assist Council on footpath and infrastructure planning.

An endorsement is sought for applying for the Walking Local Government Grants of the below townships.

Project	Project Cost
Lowood	\$40,000
Fernvale	\$40,000

Esk	\$40,000
Toogoolawah	\$40,000
Kilcoy	\$40,000
Total	\$200,000

Attachments

N/A

Recommendation

1. THAT Council applies for funding under the 2022-2023 Walking Local Government Grants Program for Lowood, Fernvale, Esk, Toogoolawah and Kilcoy.
2. THAT Council confirm that Council funding of 50% of the estimate project cost is available as Council's partner cash contribution towards each 2022-2023 Walking Local Government Grants Program proposal.

Resolution

Moved – Cr Choat

Seconded – Cr Brieschke

- “1. THAT Council applies for funding under the 2022-2023 Walking Local Government Grants Program for Lowood, Fernvale, Esk, Toogoolawah and Kilcoy.
2. THAT Council confirm that Council funding of 50% of the estimate project cost is available as Council's partner cash contribution towards each 2022-2023 Walking Local Government Grants Program proposal.”

Carried

Vote - Unanimous

Subject: Operations Report for November 2021
File Ref: Governance - Reporting - Officer Reports
Action Officer: CSSA (Debbie Chandler)

Background/Summary

Technical Design Team

Design Team (Michael Kinion)

This team is currently finalising the last designs for the 2021/2022 capital works budget program. The design team continues to provide support to the construction crews on various construction projects including Kennedy Street stormwater projects - Kilcoy, Mangerton Street, Eskdale Road and George Street projects - Toogoolawah and Banks Creek Road project - Fernvale. The design team also continue to provide support to external contractors along the Brisbane Valley Rail Trail - Lowood and Lowood Minden Road - Minden.

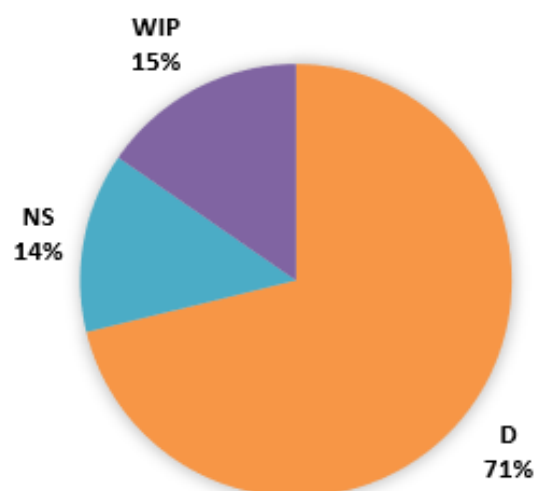
The Technical Design team continue to set out traffic counters within the region, as noted below and provide continual assessment of Council infrastructure to ensure our information

remains current within our asset system. The “Design Program Status” pie charts below show the current progress of the designs for financial year 2021/2022.

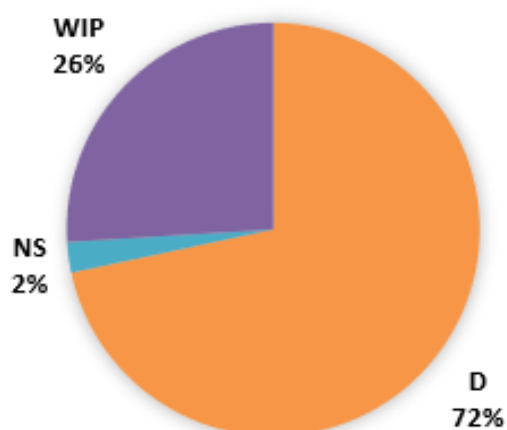
Permit	Nov-2021	Nov-2020
Land Access Permit	38	81
Property Access Applications	15	18
National Heavy Vehicle Regulator Permits Processed	11	5

Design Budget Progression

DESIGN PROGRAM STATUS (BY COUNT)



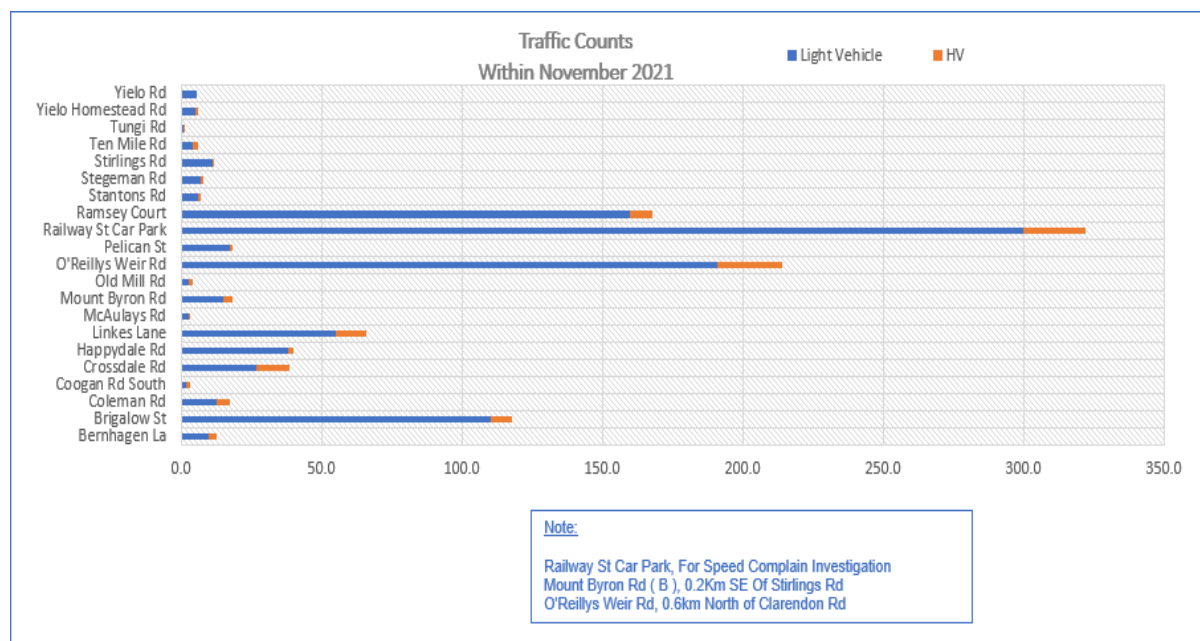
DESIGN PROGRAM STATUS (BY BUDGET)



Traffic Counts

The Technical Design team continue to set out traffic counters within the region, as noted

below, to maintain our current information and update our asset system with the latest information.



Works Department

Day Labour Works

- Eskdale Street stormwater drainage works completed in October.
- Drainage structure improvements continue on the stormwater network in Toogoolawah and Kilcoy is progressing including Taylor Street, Kilcoy Pool drainage, Brown Street and Kennedy Street – Kilcoy.
- Mangerton Street drainage and road reconstruction works is progressing for completion with sealing planned for early December.
- Banks Creek Road, Fernvale – kerbing and drainage works in progress.
- Gravel maintenance on following roads in the northern and southern regions completed this month including Ryans Road - Coominya, Sandford Street - Moore, Burrows Street – Moore and Waverley Road, Lake Manchester.
- Grading crews completing works in the Monsildale and Crossdale areas.
- Signage upgrades and repairs of road signs throughout the region have continued.
- Mowing and slashing works on Council and DTMR road are continuing. Slashing and spraying of culvert and armour rails are in progress.

Workshop

- Completed repairs, services, and scheduled maintenance of Council fleet.
- Monthly check and start test on emergency gensets were carried out at Esk Civic Centre, Esk Administration office, Fernvale Futures and Kilcoy depot.
- Carried out operational inspections on all Council playgrounds and carried out repairs where required.

Department of Transport and Main Roads (TMR) Works

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

- Repairing potholes, edge breaks and sealing of patches on pavement repairs over the TMR and Council networks.
- TMR Stage 1 Stabilisation Brisbane Valley Highway works – extended pavement

repairs removing old asphalt patches in large quantities. Completion mid-December. This is making good, recycled gravel for use on gravel roads.

- Stage 2 Stabilising works submission to DTMR for continuation of current works on DTMR network of Brisbane Valley Highway, Esk Hampton Road and Wivenhoe Somerset Road.
- Tree clearing works completed on road shoulders on Esk Hampton Road and Wivenhoe Somerset Road
- Guard rail repairs and improvements at several locations on Brisbane Valley Highway and D'Aguilar Highway.

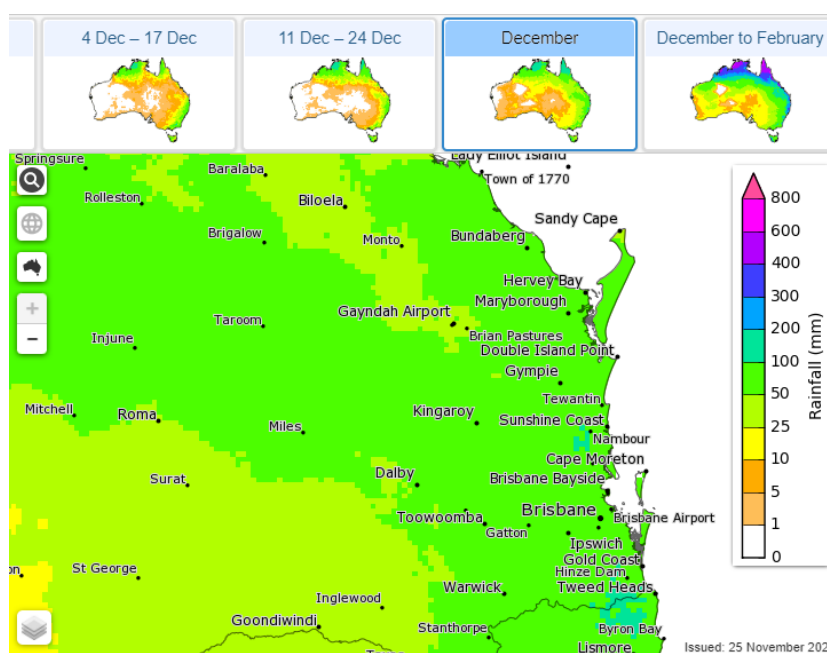
Works carried out by Contractors

- A&M Civil undertaking grading of Lake Manchester Road, O'Conner Road, Ryans Road, Pakleppa Road, Neithe Road and Waverly Road completed this month.
- Esk landfill stage 4 works in progress by Brown contractors with cell excavation works.
- A&M Civil Contractors continuing with stabilising works on Brisbane Valley Highway for November.
- Lowood Minden Road project – Brown Contractors progressing culvert construction and road reconstruction.
- Glenrock fire break trail path and drainage works in progress with Brown Contractors.
- BVRT Lowood to Fernvale section in progress with Brown Contractors.
- Sandy Creek Fire Break Trail Path construction in progress with Brown Contractors.
- A&M Civil constructing Fernvale sports park pipeline construction works reaching practical completion end of November.
- RPQ sealing program following on the TMR Stabilisation work segments identified for reseal under TMR direction.

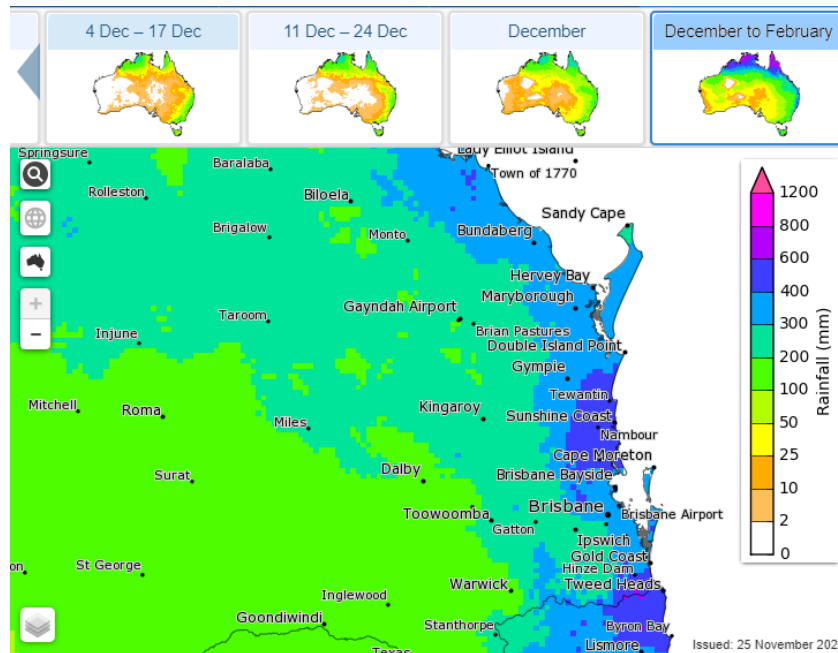
Weather Outlook

A La Niña weather event is underway in the Pacific for the second consecutive year, meaning a wet summer for Australia. It will also likely mean cooler days, more tropical cyclones, and an early onset of the first rains of the wet season across the north.

December to February rainfall is likely to be above median for eastern Queensland – 70-75% in patches.



Outlook for December (these are the most likely totals – i.e. 75% chance)



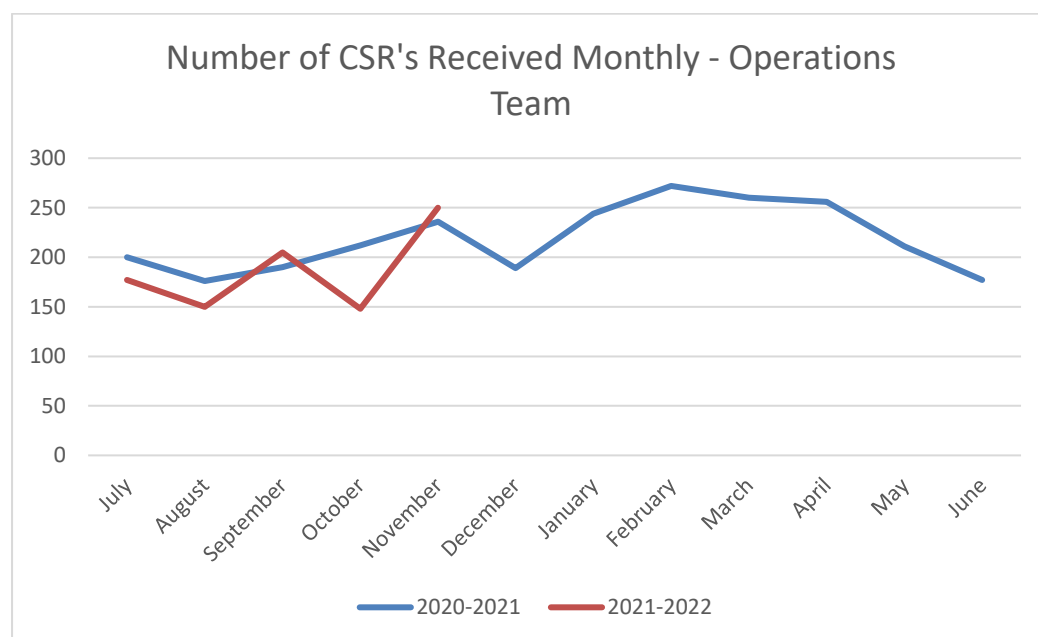
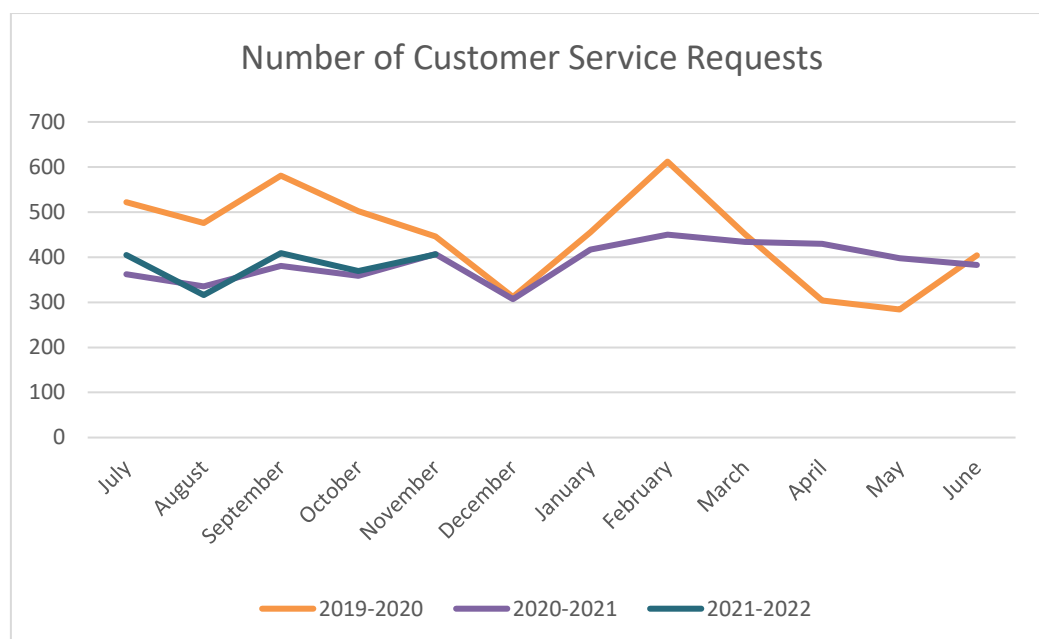
Outlook for December to February (these are the most likely totals – i.e. 75% chance)

Disaster Management

- Development of the Esk Bushfire Evacuation Plan complete and presented to LDMG.
- Queensland Emergency Risk Management Framework (QERMF) is in final review. LDMG members engagement largely complete.
- Participated in a two-part Black Swan exercise as part of the Brisbane River Interagency group.
- Pfizer clinic held at the Lowood Showgrounds on the 18 November.
- Pfizer pop-up clinic held at the Atkinson Dam Waterfront Caravan Park on the 23 November.
- LDMG Meeting held on the 17 November.
- Held discussions with local landowners regarding the creation of a fire break along Breens Lane, off Esk Crows Nest Road.
- QFES conducted Coordination Centre (modules 1 and 2) training on 18 November for LDCC Staff.
- Participated in West Moreton Health vaccination discussions.
- WaterRide systems tested, and GIS Intelligence systems improved.
- Discussions held with Conservation Volunteers Australia for management of Spontaneous Volunteers.
- Application to provide NBN Satellite service to Fernvale Futures was successful (3 years).
- Discussions held with Department of Resources and Seqwater to perform bushfire mitigation activities in the area around the Somerset Dam Village.
- Responded to flooding 27 and 30 November, Lockyer Creek and Upper Brisbane.

Customer Service Requests

Council received 406 customer service requests for the month of November 2021. A copy of the report is attached for your information.



Note – Facility maintenance CSR's are now part of Operations and have been included.

	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
Cemeteries	2	2	0	2	2	0	0	2	0	1	2
Departmental reviews	0	0	2	0	0	2	1	0	0	0	0
Fences on roadways	1	0	1	1	0	0	0	0	0	0	0
Illegal dumping clean ups	6	5	4	7	4	9	7	4	8	11	13
Overgrown Council land	7	12	1	4	2	1	0	2	3	2	1

Parks including mowing, cleaning/maintenance park equipment including public toilets, tables and chairs, shade shelters etc.	5	11	7	15	7	13	4	2	5	6	13
Roads - bitumen	21	27	30	20	24	17	17	17	20	6	15
Roads - gravel	15	35	42	49	25	19	20	13	16	7	18
Roads - drainage	23	10	16	8	15	6	8	7	6	9	14
Roads - culverts	2	2	3	2	2	1	3	0	2	3	4
Roads - vegetation	36	55	44	49	28	16	21	16	27	15	27
Roads - footpaths	4	9	6	11	7	8	4	2	4	4	13
Roads - linemarking	2	1	1	0	1	1	0	0	1	1	0
Roads - bridgework	1	1	0	0	0	0	0	0			0
Roads - traffic furniture	18	15	24	18	19	19	9	11	21	12	22
Rural Property Number	3	5	3	3	8	6	9	6	4	5	5
Stormwater issues within private properties	1	1	4	2	1	2	1	1	0	0	0
Waste management	3	2	0	0	0	1	1	0	1	0	1
Wheelie bins (IWS) -											
Cancellation of extra services	3	4	3	2	2	1	1	1	9	2	1
Damaged lids and wheels	11	7	5	6	8	11	11	9	9	6	10
Replacement Split Bins	26	25	21	23	15	12	23	24	22	18	20
New Services	2	4	10	9	6	5	11	18	6	11	14
Extra services	12	13	6	1	6	6	6	5	7	11	9
Stolen bins	6	1	5	8	11	7	2	3	10	7	5
Missed services	26	10	5	6	5	1	6	0	1	0	1
Contractor Requests	3	0	5	3	1	3	2	1	1	1	1
Wheelie bins (Cleanaway) -											
Cancellation of extra services	1	0	0	0	0	1	1	0			0
Damaged lids and wheels	1	5	3	1	3	2	0	2	5	2	1
Replacement Split Bins	1	5	5	1	4	0	1	0	10	3	2
New Services	1	5	3	0	1	4	2	2	2	2	5
Extra services	0	2	0	1	3	1	2	0	2	0	1
Stolen bins	0	0	1	2	0	2	3	2	1	2	1
Missed services	0	0	0	2	0	0	1	0	1	1	0
Contractor Requests	1	0	0	0	1	0	0	0	1	0	0
Facilities											

Air conditioning											1
Carpentry, painting, tiling and flooring N/A											7
Electrical											4
Equipment, furniture and fixtures											3
Grounds maintenance											1
Plumbing											11
Roofing and guttering											2
Security, locks and CCTV											2
	244	272	260	256	211	177	177	150	205	148	250
<i>Note: Facility maintenance included within Operations from 1 November 2021</i>											

Attachment

Customer service report for November 2021 - attachment 1

Recommendation

THAT Council receive the Operations Report for November 2021 and that the contents noted.

Resolution

Moved – Cr Whalley

Seconded – Cr Wendt

"THAT Council receive the Operations Report for November 2021 and that the contents noted."

Carried

Vote - Unanimous

Subject:	Community Assistance Grants 2021-2022 – Somerset and Wivenhoe Fish Stocking Association
File Ref:	Community Relations – Sponsorships – Donations - Doc Id 1345810
Action Officer:	DHRCS

Declarable Interest - Cr Jason Wendt

Cr Wendt stated -

I inform this meeting that I have a declarable conflict of interest in this matter (as defined in section 150EN of the *Local Government Act 2009*). The nature of my interest is that I am a member of the Somerset and Wivenhoe Fish Stocking Association. I propose to leave and stay away from the place where the meeting is being held while this matter is being discussed and voted on.

Declarable Interest - Mayor Graeme Lehmann

Mayor Lehmann stated -

I inform this meeting that I have a declarable conflict of interest in this matter (as defined in section 150EN of the *Local Government Act 2009*). The nature of my interest is that I am a member of the Somerset and Wivenhoe Fish Stocking Association, and I attend and chair meetings of the Association. I propose to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

Cr Wendt left the meeting at 9.48 am.

Mayor Lehmann left the meeting at 9.48 am.

Deputy Mayor Helen Brieschke took over as Chair of the meeting at 9.48 am.

Background/Summary

An out of rounds Community Assistance Grant application has been received from Somerset and Wivenhoe Fish Stocking Association for the donation of a decommissioned State Emergency Service (SES) boat / trailer.

Amount requested: In-kind support

Total cost of project: -

Amount recommended to be granted: Nil

Assessor's Summary

The applicant states:

The Somerset and Wivenhoe Fish Stocking Association (SWFSA) are seeking in kind support from Council in the form of donation of a decommissioned SES boat / trailer that can be used for the following:

- Release of native Australian fish as part of the recreational fish enhancement program where native fish fingerlings are released into local waterways; primarily in lakes Somerset and Wivenhoe but also some other waterways in the Somerset Region eg Atkinsons Dam, upper Brisbane /Stanley Rivers and tributaries.
- Support Somerset Regional Council / Seqwater by assisting in reacting to fish kills that may occur.
- Release of Mary River Cod in the upper Brisbane and Stanley River and tributaries.
- Placement of fish attracting devices into lakes Somerset and Wivenhoe to improve recreational fishing opportunities.
- Monitoring / research on fish populations in Somerset region.

Currently SWFSA utilise members personal boats which are of a mixed build, age and compatibility with the purpose being used.

The applicant states that should the application be successful the registration, insurance and maintenance of the boat / trailer would become the responsibility of SWFSA.

Assessor's comments

As part of decommissioning the SES boat / trailer, Council was nominated as the owner. Accordingly, it becomes Council discretion of how the items are disposed of.

On receiving the community assistance grant application from SWFSA, Council officers consulted with Queensland Fire and Emergency Services (QFES) to ensure that they are satisfied with the intent of offering the decommissioned boat / trailer to a community group as in-kind support.

The only requirement from QFES is that all SES markings etc. are removed from the boat / trailer. Council's State Emergency Service Coordinator has confirmed this has occurred.

From a financial perspective the decommissioned SES boat/trailer is fully depreciated and considered zero value. An extract from Council 2021/2022 Procurement Policy, F/008 follows:

H. DISPOSAL OF LAND AND NON-CURRENT ASSETS AND VALUABLE NONCURRENT ASSET

The Regulation obliges Council to define "valuable non-current assets" for the purposes of contracting by reference to their apparent value. Council confirms that the limits set are as follows for the indicated asset classes:

- for land—\$1
- for plant or equipment—\$5000
- for another type of non-current asset—\$10000

Therefore, per Council Procurement Policy, the decommissioned SES boat / trailer is not considered a valuable non-current asset and Council does not need to invite written tenders or offer for sale by auction as per Section 227 in the Local Government Regulation 2012.

227 Valuable non-current asset contract—tenders or auction needed first

(1) *A local government can not enter into a valuable non-current asset contract unless it first—*

- (a) invites written tenders for the contract under section 228; or*
- (b) offers the non-current asset for sale by auction.*

(2) *This section is subject to division 4.*

Attachments

Nil

Recommendation

THAT the application as summarised in this report be recommended for approval and in-kind support be granted to the Somerset and Wivenhoe Fish Stocking Association (SWFSA) for the donation of the decommissioned State Emergency Service (SES) boat / trailer on an as is / where is basis with the SWFSA to assume responsibility for registration, insurance and maintenance of the boat / trailer.

Resolution

Moved – Cr Choat

Seconded – Cr Whalley

"THAT the application as summarised in this report be recommended for approval and in-kind support be granted to the Somerset and Wivenhoe Fish Stocking Association (SWFSA) for the donation of the decommissioned State Emergency Service (SES) boat / trailer on an as

is / where is basis with the SWFSA to assume responsibility for registration, insurance and maintenance of the boat / trailer."

Carried

Vote - Unanimous

Cr Brieschke vacated as Chair of the meeting at 9.51 am.

Mayor Lehmann and Cr Wendt returned to the meeting at 9.51 am.

Mayor Lehmann took over as Chair of the meeting at 9.51 am.

Subject:	Community Assistance Grants 2021-2022 The Toogoolawah District Men's Shed Inc.
File Ref:	Community Relations - Sponsorships - Donations - Doc Id 1323233
Action Officer:	DHRCS

Background/Summary

To assist with the costs associated with improvement projects at The Toogoolawah Men's Shed located at 96 Bellambi Street, Toogoolawah to significantly increase the capacity of the group.

Amount requested:	\$14,800
Total cost of project:	\$16,300
Amount recommended to be granted:	\$14,800

Assessor's Summary

The applicant states:

These four sub-projects are part of larger plans including a new shed (separately funded) with the overall vision to cater for more men to utilise the facilities. This brings value to the community via sharing skills in meaningful recreation.

The sub-projects include:

- Converting a disused concrete water tank into a safe storage space.
- Building safe driveways / pathways from the tank structure and between buildings.
The above has been quoted \$14,700 which minus the estimated labour costs brings the amount down to \$8,500.
- Alteration of bathroom and adding two new toilets.
- Adding a disabled access ramp.
The above has been quoted \$12,600 which minus the estimated labour costs brings the amount down to \$6,500.

Please note a building application has been submitted to Council for this project, and the building application fee of \$1,300 has been paid, with several outstanding actions including but not limited to the requirement to submit and obtain approval of plumbing and drainage works associated with the project.

The volunteers from the Men's Shed will be assisting the builder with completing the works

and acknowledge they may face greater professional building labour costs than anticipated. Hence as the larger project unfolds, the group may apply for funding through other agencies or depending on the success of these, may also seek further funding through Council.

Attachments

Nil

Recommendation

THAT the application as summarised in this report be recommended for funding and \$14,800 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, pending approval of building application DA No 21236 including associated plumbing and drainage approval, to assist with the costs associated with converting the existing reservoir tank to storage and sanitary facility improvement projects at the Toogoolawah Men's Shed.

Resolution

Moved – Cr Whalley

Seconded – Cr Brieschke

"THAT the application as summarised in this report be recommended for funding and \$14,800 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, pending approval of building application DA No 21236 including associated plumbing and drainage approval, to assist with the costs associated with converting the existing reservoir tank to storage and sanitary facility improvement projects at the Toogoolawah Men's Shed."

Carried

Vote - Unanimous

Subject:	Community Assistance Grants 2021-2022 - Esk Jockey Club
File Ref:	Community Relations - Sponsorships - Donations - Doc Id 1339829
Action Officer:	DHRCS

Background/Summary

An out of rounds Community Assistance Grant has been lodged by the Esk Jockey Club seeking assistance from Council for:

- Cost associated with repairs to the groups bore pump motor; and
- Cost associated with the installation of a Telstra booster and outlets to benefit the Esk Jockey club, Esk Campdraft and the Esk Show Society.

Amount requested for the new motor for bore pump:	\$2,176.90
Total cost of new motor pump:	\$2,176.90
Amount contributed by Esk Jockey Club:	\$0

Amount requested for Telstra booster and outlets:	\$ 675.97
Total amount of installation:	\$1,275.97
Amount contributed by Esk Jockey Club, Esk Campdraft and the Esk Show Society	\$ 600

Total amount requested:**\$2,852.87****Assessor's Summary**

The applicant states:

- The Esk Jockey Club is a community sporting organisation whose aims are to meet the sporting needs of its members, owners, trainers, jockeys and residents of Somerset and surrounding areas.
- The two (2) year old bore pump motor used at the grounds required repair and was out of warranty.
- A new motor was urgently required to prepare the track for the 18 December race meeting.
- At the time the issue occurred, the group were seeking immediate funding to rectify the matter in order to prepare the racetrack for the 18 December race meeting.
- The Chief Executive Officer was made aware of the matter and due to the urgent nature of the request, provided support for the group to proceed with the required repairs and to seek funding via the community assistance grants process retrospectively.
- The group also require a Telstra booster and outlets to be installed to allow the use of eftpos at varying locations on the grounds.
- This improvement would benefit the Esk Jockey Club, Esk Campdraft and the Esk Show Society for payments at future events held on the grounds.
- They do not expect there to be any further funding required for these two projects.

Assessor's note: The Telstra booster was installed and paid for by the Esk Jockey Club on 31/04/21.

Attachments

Nil

Recommendation

THAT the application as summarised in this report be recommended for funding and \$2,852.87 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist with the costs associated repairs to the Esk Jockey Club bore pump motor and with the installation of a Telstra booster and outlets to benefit the Esk Jockey Club, Esk Campdraft and the Esk Show Society.

Resolution

Moved – Cr Choat

Seconded – Cr Wendt

"THAT the application as summarised in this report be recommended for funding and \$2,852.87 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist with the costs associated repairs to the Esk Jockey Club bore pump motor and with the installation of a Telstra booster and outlets to benefit the Esk Jockey Club, Esk Campdraft and the Esk Show Society."

Carried

Vote - Unanimous

Subject:	Endorsement sought for medium value contract – Supervisor Training
File Ref:	Personnel - training and development
Action Officer:	DHRCS (Kerri-Lee Jones)

Declarable Conflict of Interest - Mr. Andrew Johnson, CEO

I inform this meeting that I have a conflict of interest in this matter as defined in Council Policy C/037 Employee Conflict of Interest. The nature of my interest is that I am the Queensland Vice-President of the Institute of Public Works Engineering Australasia, Queensland. I intend to leave the meeting while this matter is being discussed and voted on.

Mr. Johnson left the meeting at 9.54 am.

Background/Summary

The operational works section of Somerset Regional Council's (SRC) has requested the delivery of industry specific and customised training for the varying level of supervisors within the team to improve operational efficiencies across the organisation.

The Institute of Public Works Engineering Australia – Queensland (IPWEAQ) are recognised as industry experts in the local government environment and can deliver customised training to include specific supervisory and technical topics to meet SRC's specifications, on-site and within required timeframes.

While the purchase is consistent with budget allocation, the delivery cost of industry specific customised supervisory training for Somerset Regional Council would be a medium value contract under the Local Government Regulation 2012 and therefore requires Council endorsement under s235 of the Local Government Regulation 2012.

Attachments

Nil

Recommendation

THAT Council resolves that because it is satisfied there is only one supplier who is reasonably available to deliver industry specific and tailored training for the varying level of supervisors in a local government environment, the use of Institute of Public Works Engineering Australia – Queensland (IPWEAQ) be endorsed without quotation.

Resolution

Moved – Cr Choat

Seconded – Cr Wendt

"THAT Council resolves that because it is satisfied there is only one supplier who is reasonably available to deliver industry specific and tailored training for the varying level of supervisors in a local government environment, the use of Institute of Public Works Engineering Australia – Queensland (IPWEAQ) be endorsed without quotation."

Carried

Vote - Unanimous

Mr. Johnson returned to the meeting at 9.55 am.

Subject:	Acknowledgement of Traditional Custodians - Embracing heritage to incorporate all cultures, Protocol Number CEO/002
File Ref:	Government relations - policy - implementation of government policies
Action Officer:	CEO

Background

On 20 December 2013, Somerset Regional Council adopted Policy C/025 - Acknowledgement of Traditional Owners. This Policy has not routinely been implemented at Council run and Council led events. There has been further discussion regarding the implementation of this Policy at Council events and functions, and this report is to assist in coming to a consensus about how to go forward with a practice of acknowledgement of traditional owners.

History in our region

Somerset is home to the First Nations Peoples of Jagera, Ugarapul, Yuggera, Kabi and Jinibara people. After the exploration of the Brisbane Valley made by Matthew Flinders in 1799 and John Oxley in 1823, there were many more explorers to follow, the most extensive discoveries being made by Alan Cunningham in 1829.

In the spirit of being inclusive, all levels of Government have over time introduced measures to respectfully acknowledge Australia's First Peoples.

The mandate of Local Governments as stated in the *Local Government Act 2009 (Qld)* section 4(2) -

- (a) transparent and effective processes and decision-making in the public interest;
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services;
- (c) democratic representation, social inclusion and meaningful community engagement;
- (d) good governance of, and by, local government;
- (e) ethical and legal behaviour of councillors and local government employees.

Council's Vision from the 2021-26 Corporate Plan outlines the desire to be 'cohesive and connected'. Further, a specific strategy (Item 2.3) in the Corporate Plan describes Council's aspiration to embrace the Somerset region's heritage, to incorporate both Indigenous and European cultural heritage.

Our Vision

The Somerset region, with its unique identity and proud heritage, is vibrant, cohesive and connected, providing the foundations for a prosperous rural lifestyle.

In fulfilling Council Corporate Plan Vision and objectives, and to comply with the tenets of the *Local Government Act 2009* and the realisation of local government principles, Council's current Policy C/025, while targeting specific actions and setting an agenda for inclusion by Somerset Regional Council of First Nations People, it is suggested that this policy become a guideline to be implemented at events and meetings in our region.

Attachments

1. Protocol CEO / 002 - Acknowledgement of Traditional Custodians - Embracing heritage to incorporate all cultures

Recommendation

1. THAT Council remove Policy C/025 - Acknowledgement of Traditional Owners from the policy register.
2. THAT Council adopt the Acknowledgement of Traditional Custodians - Embracing heritage to incorporate all cultures, Protocol Number CEO/002.

**PROTOCOL CEO/002****Acknowledgement of Traditional Custodians
Embracing heritage to incorporate all cultures**

Responsible Officer: Chief Executive Officer
Authorised by: Somerset Regional Council
Authorised on: 8 December 2021
Review / Amendment dates:

1. OBJECTIVE

Somerset is home to the First Nations Peoples of Jagera, Ugarapul, Yuggera, Kabi Kabi and Jinibara people.

Pursuant to the *Local Government Act 2009 (Qld)* section 4(2), Council aspires to have -

- (c) democratic representation, social inclusion and meaningful community engagement.

In meeting the objectives of Council 2021-2026 Corporate Plan, Strategy 2.3, Council aspires to -

- 2.3 Embrace and promote the Somerset region's heritage, to incorporate both Indigenous and European cultural heritage.

This Protocol confirms that Council will have an inclusive, collaborative and sensitive approach to working with local Traditional Custodian groups and all cultures to meet the requirements of the Local Government Act 2009 and Council's strategic framework.

2. PURPOSE

The purpose of "Welcome to Country" and "Acknowledgement of Country" recognises the unique position of First Nations People in Australian culture and history.

First Nations People are the original custodians of the land. This unique position is to be recognised and incorporated as part of official protocol and events to enable the wider community to share First Nations People culture and heritage and facilitate better relationships between Indigenous people and all other Australians.

Council remains committed to valuing the contribution of all cultures within our region and the significance that all cultures have provided to shape the region's heritage. Accordingly, an additional statement has been included in this protocol to embrace and promote all cultures.

3. SCOPE

This Protocol applies to elected Council members and employees who conduct meetings, events or deliver services on behalf of Council.

4. THE "ACKNOWLEDGEMENT OF COUNTRY"

- (a) An "Acknowledgement of Country" is a means by which all people can show respect for First Nations People culture and heritage and the ongoing relationship the Traditional Custodians have with their land. "Acknowledgement of Country" should occur at the beginning of a ceremony or an official meeting, preferably as the first item.

As per the objective and purpose of this protocol, an additional statement is included to compliment the "Acknowledgement of Country" to embrace and promote all cultures.

- (b) "Acknowledgement of Country" may be used at Council meetings, public events or ceremonies. On such occasions, a Chair or Speaker may begin by using the following acknowledgement:

I'd like to begin by acknowledging the Traditional Custodians of the country on which we meet today.

Further, we embrace and promote the Somerset region's heritage to incorporate all cultures, their beliefs and aspirations.

5. THE "WELCOME TO COUNTRY"

- (a) A "Welcome to Country" is where the Traditional Custodians welcome people to their land. Steps should be taken to ensure that the appropriate representative is invited to perform the "Welcome" because it is a significant recognition and a formal process. A "Welcome to Country" should always occur in the opening ceremony of the event in question, preferably as the first item.
- (b) The "Welcome to Country" is conducted by a representative of the local Traditional Custodians who welcome the delegates and all in attendance. Protocols in relation to the performing of the "Welcome to Country" ceremony are well established in most First Nations People communities. If there is uncertainty in regards to appropriate "Welcome to Country" advice may be sought from the relevant State Government Department (currently the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships)
- (c) A "Welcome to Country" may consist of a single speech by the representative of the local First Nations People, or it may include a performance of some description. Performances may include a traditional welcome song, a traditional dance, a didgeridoo performance or a combination of any of the above.

6. NEGOTIATING A "WELCOME TO COUNTRY"

- (a) In negotiating a "Welcome to Country" ceremony it is essential that initial contact is made with the appropriate Traditional Custodian representative. In this regard,

guidance should be sought from the relevant State Government Department (Refer 5(b) above).

- (b) The First Nations People representative should be contacted personally and then through a formal letter of invitation. All arrangements thereafter for the “Welcome to Country” should be mutually negotiated. It is very important that the First Nations People representative has been involved in, and is comfortable with the arrangements. This may include the format of the ceremony, who should be invited, who should perform the “Welcome to Country” and how that person will be recognized for their time and commitment.

7. CULTURAL PROTOCOLS TO BE OBSERVED

- (a) There are certain Indigenous protocols that must be observed:
- (i) The practice of not mentioning the name of a deceased Indigenous person, or displaying photographic images of a deceased person, unless agreed to by the relevant family;
 - (ii) Sensitivity to knowledge that is specific to gender (commonly referred to as “Women’s Business or “Men’s Business”);
 - (iii) Appropriate acknowledgement of guest artists that are either from or supported by the local community.
- (b) In most cases, members of the First Nations People will advise staff of intrusive behavior and / or if they are not permitted to discuss the protocol or ceremony with staff because of age, gender status or because staff do not belong to their tribal group.

Signed Date:
 Andrew Johnson, Chief Executive Officer

Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

- "1. THAT Council remove Policy C/025 - Acknowledgement of Traditional Owners from the policy register.
2. THAT Council adopt the Acknowledgement of Traditional Custodians - Embracing heritage to incorporate all cultures, Protocol Number CEO/002.



PROTOCOL CEO / 002

**Acknowledgement of Traditional Custodians
 Embracing heritage to incorporate all cultures**

**Responsible Officer:
 Authorised by:**

Chief Executive Officer
 Somerset Regional Council

Authorised on: 8 December 2021
Review / Amendment dates:

1. OBJECTIVE

Somerset is home to the First Nations Peoples of Jagera, Ugarapul, Yuggera, Kabi and Jinibara people.

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- (c) democratic representation, social inclusion and meaningful community engagement.

In meeting the objectives of Council 2021-2026 Corporate Plan, Strategy 2.3, Council aspires to -

- 2.3 Embrace and promote the Somerset region's heritage, to incorporate both Indigenous and European cultural heritage.

This Protocol confirms that Council will have an inclusive, collaborative and sensitive approach to working with local Traditional Custodian groups and all cultures to meet the requirements of the Local Government Act 2009 and Council's strategic framework.

2. PURPOSE

The purpose of "Welcome to Country" and "Acknowledgement of Country" recognises the unique position of First Nations People in Australian culture and history.

First Nations People are the original custodians of the land. This unique position is to be recognised and incorporated as part of official protocol and events to enable the wider community to share First Nations People culture and heritage and facilitate better relationships between Indigenous people and all other Australians.

Council remains committed to valuing the contribution of all cultures within our region and the significance that all cultures have provided to shape the region's heritage. Accordingly, an additional statement has been included in this protocol to embrace and promote all cultures.

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- (a) An "Acknowledgement of Country" is a means by which all people can show respect for First Nations People culture and heritage and the ongoing relationship the Traditional Custodians have with their land. "Acknowledgement of Country" should occur at the beginning of a ceremony or an official meeting,

preferably as the first item.

As per the objective and purpose of this protocol, an additional statement is included to compliment the “Acknowledgement of Country” to embrace and promote all cultures.

- (b) “Acknowledgement of Country” may be used at Council meetings, public events or ceremonies. On such occasions, a Chair or Speaker may begin by using the following acknowledgement:

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- (b) The “Welcome to Country” is conducted by a representative of the local Traditional Custodians who welcome the delegates and all in attendance. Protocols in relation to the performing of the “Welcome to Country” ceremony are well established in most First Nations People communities. If there is uncertainty in regards to appropriate “Welcome to Country” advice may be sought from the relevant State Government Department (currently the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships)
- (c) A “Welcome to Country” may consist of a single speech by the representative of the local First Nations People, or it may include a performance of some description. Performances may include a traditional welcome song, a traditional dance, a didgeridoo performance or a combination of any of the above.

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- (a) In negotiating a “Welcome to Country” ceremony it is essential that initial contact is made with the appropriate Traditional Custodian representative. In this regard, guidance should be sought from the relevant State Government Department (Refer 5(b) above).
- (b) The First Nations People representative should be contacted personally and then through a formal letter of invitation. All

arrangements thereafter for the “Welcome to Country” should be mutually negotiated. It is very important that the First Nations People representative has been involved in, and is comfortable with the arrangements. This may include the format of the ceremony, who should be invited, who should perform the “Welcome to Country” and how that person will be recognized for their time and commitment.

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 - (i) The practice of not mentioning the name of a deceased Indigenous person, or displaying photographic images of a deceased person, unless agreed to by the relevant family;
 - (ii) Sensitivity to knowledge that is specific to gender (commonly referred to as “Women’s Business or “Men’s Business”);
 - (iii) Appropriate acknowledgement of guest artists that are either from or supported by the local community.
- (b) In most cases, members of the First Nations People will advise staff of intrusive behavior and / or if they are not permitted to discuss the protocol or ceremony with staff because of age, gender status or because staff do not belong to their tribal group.

Signed:
Andrew Johnson, Chief Executive Officer"

Date:

Carried

Vote - Unanimous

Meetings authorised by Council

Nil

Mayor and Councillor Reports

Deputy Mayor Brieschke - Councillor report

November 2021

- 24 Ordinary Council Meeting, Esk.
- 25 SRC Business Networking Event, Lowood Golf Course
- 26 Urban Utilities Special General Meeting, Brisbane
- 29 Somerset Christmas Light Judging, Kilcoy and Linville areas

December 2021

- 1 Meeting with Esk State School Principal

- 2 Somerset Youth Mental Health Workshop, Esk
- 3 Esk Tennis and Girl Guides Club House meeting
- Somerset Christmas Light Judging, Lowood and Fernvale areas
- 6 Somerset Christmas Light Judging, Toogoolawah and Esk areas
- 7 SRC Volunteers Christmas Function

Cr Gaedtke - Councillor report

November 2021

- 24 Ordinary Council Meeting - Esk
- 24 Council Workshop 26 – Esk
- 25 Business Forum – Thriving in Agriculture Event – Lowood Golf Club
- 26 Movement to Music – Kilcoy Gym
- 26 Meeting with local community member - Kilcoy
- 26 Kilcoy Recreation Grounds Committee Meeting
- 30 Kilcoy Interagency Meeting
- 30 Kilcoy Indoor Sports Centre Steering Committee – Presentation of Concept Plans
- 30 Kilcoy Rodeo AGM and General Meeting

December 2021

- 01 Somerset Dam and District Progress Assn monthly meeting
- 02 Brisbane Valley Heritage Trail Committee AGM and monthly meeting – Yarraman
- 03 Turn the Lights On – Kilcoy Shines
- 03 Linville State School Annual Awards – Moore
- 04 Kilcoy Christmas Carnival
- 07 Volunteer Famil and Christmas Function – Toogoolawah and Esk
- 07 Kilcoy State School Annual Awards 3-6 years

Cr Gaedtke Spoke to the following Items -

- *Business Forum – Thriving in Agriculture Event – Lowood Golf Club*
- *Somerset Dam and District Progress Association*
Regarding Department of Parks agreement to facilitate the request to burn sections at risk around the Somerset Dam Village.
- *Linville State School Annual Awards – Moore*
A lovely Certificate of Appreciation certificate was presented to Council in recognition of ongoing support made to the school during 2021.
- *Turn the Lights on - Kilcoy Shines and Kilcoy Christmas Carnival Events*

Cr Isidro - Councillor report

November 2021

- 25 Business Forum - Thriving in Agriculture
- 26 Draw on Condensery Activity
- 30 KISC Re-development committee meeting, Kilcoy

December 2021

- 1 Somerset Youth Mental Health workshop, Esk
- 3 Esk Tennis and Girl Guides steering committee meeting, Esk
- 3 Turning on Christmas lights, Kilcoy
- 7 Famil volunteer dinner, Toogoolawah

Last Friday my daughters attended the Let's Draw activity at the Condensery as part of Catherine O'Donnell's exhibition up there. Everyone had a ball, all ages attended this event. It is amazing to see the great artists we have out there. We wouldn't ordinarily have the opportunity to do something like this, and I congratulate the Curator for thinking outside the box and delivering this to the community.

Cr Brieschke added that she also attended and talking to some of the people participating were quite serious about what they were putting on the wall, and I hope it is being photographed.

Cr Wendt - Councillor report

Councilor Jason Wendt Report for period 24/11/2021- 07/12/2021

November 2021

- 24 Ordinary Council Meeting – Esk
Workshop Meeting - Esk
- 25 Camp Duckadang Visit – Linville
Business Forum – Lowood Gold Club
- 28 Ivy Heck's 100th Birthday Celebration – Lowood

December 2021

- 01 Fernvale Sports Park Advisory Committee - Fernvale
- 02 Christmas Lights Judging
- 03 Public Meeting Business Owners – Coominya
- 05 Christmas Lights Judging
- 06 Christmas Lights Judging
- 07 Christmas Function for Volunteers - Toogoolawah

Cr Choat - Councillor report

November 2021

- 10 Council General Meeting and Workshop - Council Chambers Esk
- 11 Fernvale Recreation Grounds Committee Meeting
- 14 Mass St Brendan's Lowood
- 15 Fernvale Community Association General Meeting
- 16 Economic Development Meeting
- 16 Lowood and Districts Residents' Network Meeting
- 17 Kilcoy State High School Annual Awards Ceremony
- 21 Mass St Brendan's Lowood
- 23 Visit to Camp Duckadang Linville
- 24 Council General Meeting and Workshop - Council Chambers Esk
- 27 Just Dance Lowood Annual Recitals
- 28 Mass St Brendan's Lowood

December 2021

- 3 Glamorgan Vale Annual Presentation Night
- 4 Working Bee St Francis Xavier Church Coominya
- 5 Centenary Mass and Celebrations St Francis Xavier Catholic Church Coominya
- 5 Esk Community Choir Annual Christmas Concert – Civic Centre
- 6 Nanango Community Christmas Celebration – Deb Frecklington's Office Kingaroy

7 Somerset Regional Council Annual Volunteers Thank You Celebration – Toogoolawah

Resolution	Moved – Cr Whalley	Seconded – Cr Brieschke
<p>"THAT Council receive the verbal and written reports of Councillors Brieschke, Gaedtke, Isidro, Wendt and Choat and that the contents be noted."</p>		
<p style="text-align: right;"><u>Carried</u></p>		
<p style="text-align: center;">Vote - Unanimous</p>		

Receipt of Petition

A Petition has been received from Catherine Peart, Principal Petitioner, 88 Burns Street, Fernvale Q 4306 7 December 2021 from the residents and ratepayers of Somerset Regional Council as follows -

"It is willed by the Community (below) signed in the Somerset Region of Queensland that you act on our behalf as our elected Mayor, CEO and Councillors to write a letter to Annastacia Palaszczuk, State Premier of Queensland stating that we will not allow medical apartheid, coercion, segregation and mandates that threaten to ruin small business and create irreversible divide in our community in the Somerset Region. We have hear [sic] your considerations and ask you to join other local councils in Queensland in making this stand and declaring we are a Region that promotes freedom of choice and supports small business.

There will be devastating damage done to our local business and long lasting and irresveraible [sic] harm done to the community if medical apartheid is allowed to continue to flourish in our Region and mandates become legislation. Our forefathers fought for us to be free, they sacrificed their lives for our country and the lifestyle we Australians have enjoyed until early 2020 and now we are being told we are 'rewarded' with freedom, like our freedom is something any government has the right to bargain with. This needs to be stopped now and as our local representatives you are the people to take it from here and let the QLD Govt know "Not in Somerset".

Resolution	Moved – Cr Choat	Seconded – Cr Wendt
<p>"THAT the Petition received by Council on 7 December 2021 regarding COVID19 State Government mandates be received and that a report be brought back to a future Council Ordinary meeting."</p>		
<p style="text-align: right;"><u>Carried</u></p>		
<p style="text-align: center;">Vote - Unanimous</p>		

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 10.07 am.