



**Minutes of Ordinary Meeting
Held Wednesday 9 March 2022**

*Held at the Kilcoy Explore Centre
Hope Street, Kilcoy*

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 M McGoldrick	(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 H Golinski	(Minute Secretary / Executive Assistant)
Mrs K Cope	(Acting Communications Officer)

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Opening of Meeting

The Mayor, Cr Graeme Lehmann, opened the meeting at 9.01 am.

Leave of Absence

Nil

Confirmation of Minutes**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Brieschke

“THAT the Minutes of the Ordinary Meeting held 23 February 2022 as circulated to all Members of Council be confirmed”.

Carried

Vote - Unanimous

Business arising out of minutes of previous meeting

Nil

Matters of Public Interest**Matters of public interest – Cr Wendt**

I'd like to acknowledge and pay my respects to the dedicated men and women who have spent almost all of the last 2 weeks of their lives serving their local communities through the floods.

During my life I have been involved in many sleepless and high stress situations both in the veterinary industry and through the rural fire brigade but have never been part of such a large coordinated event. Any of you that were involved would know it is overwhelmingly tiring job to be involved in coordinating awareness or mitigating risk to people and property, or looking after people who were displaced. Individually we were tired, sick of drinking coffee and regularly overwhelmed by the magnitude of the event but, collectively as a team we were inspired. I can truly say that I am so proud to be part of this council and part of the somerset community and while I'd love to individually name people, I know there will be someone who deserves accolades that I will miss. From the people who manned the LDCC on some days which ran 24 hours and answered 500 plus calls from distressed and worried residents, to the organizations that coordinated with the LDCC to provide support, to the community (like the Red Cross, Dept of Communities, SEQwater, Urban Utilities, QPS, QAS, etc), to the men and women in the SES and the Rural Fire Services who tried to assist people that were stranded and notify people of danger in properties and road ways, to people who helped at evacuation centres to provide some level of comfort to residents who were displaced from their homes, to the businesses who helped to provide accommodation, hot showers, food and medical supplies to residents that were stranded, to the ADF personnel who helped to clean up what mess was left behind, to our field staff and contractors who continue to try and return some normality back to our local infrastructure – I say Thank You. You are part of what I love about being a resident of a country community.

We have a long way to go with our recovery efforts for our region and I just ask residents to be patient while we go through the process of restoring our infrastructure back to its pre-flood condition.

Matters of public interest – Cr Choat

This region and Council has come together very well and delivered in spades. In saying that I want to recognise the work of our evacuation centres. Our staff showed care compassion and professionalism. We have showed a real human side particularly for those along the lower Brisbane River. I won't name the staff, at the centres but I have no doubt that the care and compassion shown at these centres was shown right across the region.

Matters of public interest – Cr Brieschke

From my patch in Toogoolawah I would like to express my appreciation to Toogoolawah Progress Association, Toogoolawah Red Cross, Toogoolawah Show Society, SES police and ambulance for the assistance and help that was given to us at the evacuation centre. We only had a group of between 24-28 people and I'm extremely grateful for the help, advice and staff at the Council centre.

Matters of public interest – Cr Gaedtke

I wish to express heartfelt thanks to all emergency workers that have assisted in any way over the recent flood event. I also wish to acknowledge our Council Staff, local businesses, volunteers, community members, and Councillors who came together to assist and manage the flood emergency in many different ways. Community members opened up their hearts, wallets and homes to help stranded travellers. A huge thank you to Kilcoy Global Foods for transporting several boxes of groceries to the sixty odd stranded travellers on the eastern side of Kilcoy Creek. I offer sincere condolences to family, friends, loved ones and colleagues of those people who have lost their lives during this natural disaster.

The feeling around this natural disaster was summarized by a stranded traveller who offered the following words upon returning home after spending four days in the Kilcoy Refuge Centre. *".....You are all amazing, beautiful people. The kindness and generosity you shared towards us the "flood stranded" for 4 days was unbelievable. Words cannot express how grateful we are for everything you did. Donations of food, clothing, beds, linen, accommodation, access to showers and bathrooms etc. Kilcoy is an incredible town full of beautiful, gracious people who work together to make things happen and have fun along the way. Hula hoop competition was great addition. Proud to be an honorary local. We have returned home safely and will never forget your hospitality. Thank you all once again".*

Our thoughts and prayers are with the many other communities located in Queensland and New South Wales, that are struggling through this challenging and heartbreaking time.

Matters of public interest – Cr Isidro

I think Councillor Wendt has said it so well and I was so proud to be a part of this. We are resilient and while there has been tears and laughter, I just want to say thank you to everyone and a special thanks to the residents who have been wonderful and patient so far.

Matters of public interest – Mayor Lehmann

A big thank you to everyone, I understand that frustration creeps in after being cut off for a while. My heart goes out to the SES as we lost a life at the Lowood SES Centre. My heart goes out to their families, they do their best to try and help other people. It was really very good to see the councillors and all who stepped up in this event, place the community before themselves. The resilience of our community has been great.

Conflict of Interest

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

Subject:	Development Application No. 20929 Application for a Development Permit for a Material Change of Use for an Animal keeping (Kennels)
File No:	DA20929
Assessment No:	03847-50000-000
Action Officer:	SP-MW

1.0 APPLICATION DETAILS**Subject Land**

Location	212 Vineyard Road, Coominya
Real Property Description	Lot 2 RP800123
Area	37.36 hectares
Current land use	Oubuilding – Kennel operating without approval
Easements/Encumbrances:	None

Somerset Region Planning Scheme Version Four

Zone	Rural zone
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SEQ Regional Plan

Land Use Category	Regional Landscape and Rural Production Area
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Application

Proposal:	Animal keeping (Kennels) (20 dogs)
Category of Assessment	IMPACT
Applicant/s details:	Sarah Foster
Contact details:	C/- Diane Kerr and Associates 19 Frobisher Street SPRINGWOOD QLD 4127
Landowners:	Sarah Foster
Date application properly made:	7 June 2021

Referral Agencies

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

Public Notification

Submissions properly made	Three
Properly made:	Three
Not properly made:	Zero

Attachments

1. Breeding Kennel Site Layout Plan, Drawing No. SK 001 Issue A, prepared by Diane Kerr and Associates, dated April 2021 Proposal Plans
2. Breeding Kennel Floor Plan, Drawing No. SK 002 Issue A, prepared by Diane Kerr and Associates, dated April 2021
3. Breeding Kennel Elevations Plan, Drawing No. SK 003 Issue A, prepared by Diane Kerr and Associates, dated April 2021

4. Breeding Kennel Operation and Management Plan – 212 Vineyard Rd, Coominya, prepared by S Foster, updated 10 February 2022
5. Acoustic Report, Proposed Dog Breeding Kennel Revision R01H, 212 Vineyard Road Coominya, prepared by Acoustic Works, dated 10 February 2022
6. Draft Infrastructure Charges Notice

RECOMMENDED DECISION

Approve the Development Application No. 20929 subject to the requirements and conditions contained in the Schedules and Attachments.



Locality Plan of Lot 2 RP800123
Situated at 212 Vineyard Road, Coominya.

2.0 BACKGROUND AND PROPOSAL

2.1 Background

The Development Application seeks approval for a Development Permit for a Material Change of Use for Animal Keeping (Breeding Kennel) on land at 212 Vineyard Road, Coominya, formally described as Lot 2 RP800123.

The proposal came to Council's attention initially through complaints that the existing shed and surrounds on the site were being used for this purpose without any approvals.

2.2 Proposal

The applicant proposes to construct a 20m x 12m shed to contain the dogs.

An approval for a Temporary Dwelling has been issued, along with a separate Building approval for a Dwelling house.

The application proposes to establish Animal keeping (breeding kennel) housing 20 adult dogs (excluding pups up to the age of 3 months). *The dog breeds will generally include, but*

are not limited to: Golden Retrievers, Miniature Poodles, Miniature Retrievers and King Charles Cavalier Spaniels.

The operator has been breeding dogs for 5 years and is a full member of the breeder's association AAPDB (Australian Association of Pet Dog Breeders) which have a strict code of ethics and standards which must be followed in order to maintain membership. AAPDB verify that the code of ethics and standards are being followed via a mandatory annual audit of the kennels by a practicing veterinarian. This audit includes a detailed checklist provided by AAPDB that is filled out by the veterinarian. The operator is also registered on the Queensland Dog Breeder Register with a Breeder Identification Number and follows the "Queensland Animal Welfare Standards and Guidelines for Breeding Dogs and their Progeny".

The dogs will be accustomed to a routine kennel environment that will be operated by the owner. This ensures continuity, familiar and constant supervision, and routine feed and exercise times. The dogs will be retained within the confines of the kennel building and exercise yard areas at all times. In particular, the use of the outside exercise area will be limited to the hours of 7am to 7pm.

The pups are bred for sale and generally leave the property at 8 weeks of age. No potential purchasers will be permitted to visit the site. All sales are done on-line, and communication is via phone and email. The majority of pups go to interstate buyers, with pups delivered to the Brisbane airport by the operator. The only visits to the site by members of the public will be people from the South East Queensland area picking up their purchased pup. Collection of pups will be by appointment only and one buyer, with one car, is permitted per time slot. Buyers will not be permitted inside the kennel building to protect puppies against potential canine parvovirus (CPV) infection.

Parking, for buyers from the South East Queensland area, is available next to the existing shed on the northern side of the property. The only delivery vehicles will be a food delivery once or twice a month by a small courier truck. Everything else will be delivered by Australia Post and/or collected by the operator.

The property was re-fenced with mesh and electric fencing on all boundaries in December 2020 to exclude public access and outside dogs.

The owner / operator has prepared a "Breeding Kennel Operation and Management Plan" for the development.

A copy of the Revised Site Layout Plan and Detailed Site/Kennel Layout Plan are provided at Attachments 1-2.

Kennel facilities

The proposed kennel facility will be setback approximately 15 metres from the western boundary and setback 50m from the southern boundary of the site.

- **Kennel building:** The kennel building will be designed in a rectangular configuration to ensure the kennels contain noise. The facility will be constructed with new building materials and in accordance with the submitted revised Drawings and Revised Acoustic Report dated 10 February 2022, prepared by Acoustic Works.
- Kennel building dimensions: 20m x 12m (240m²) with a maximum height 4.766m.
- The internal pens are 5.7m long x 2m wide.
- The balance of the building will contain an office, kitchenette for the storage and preparation of food for the dogs, and a laundry and dog wash for washing of bedding and other canine related equipment.

- The building design will be of a sheet metal construction with a sheet metal pitched roof that will be internally lined with fibre cement sheeting and insulated Anticon blanket between the wall (and roof) and the internal sheeting.
- **Acoustic treatments:** All internal walls of the structure will be sound proofed in accordance with Sections 6.1.1 to 6.1.3 of the Acoustic report. Building treatments involving acoustic design will be installed as recommended in the Acoustic Report, Report, Revision R01H, dated 10 February 2022, prepared by Acoustic Works and reviewed by Trinity Consultants Australia.
- The kennels will be constructed with impervious reinforced concrete floors, with coving extending up the walls 400mm to protect the walls and improve cleaning.
- **Cooling/heating:** A reverse cycle air-conditioning unit will be installed to provide both cooling and heating. Ceiling fans will also be provided in the dog pen and kitchen/office area of the building.
- **External yards:** Each internal pen has an individual 6m x 2m external run, to provide an outdoor toileting area. Six external grassed exercise yards will be attached to the kennel building. These external exercise yards each have access to the larger external runs. Each external run will be a minimum 70m long by 6m wide (420m²).
- The individual canine enclosures and exercise areas and run enclosure(s) will have an area of 2,800m² and have both internal and external access.
- Dogs will only be permitted within the outdoor kennels/runs during day time periods under supervision.
- **Acoustic screening:** An Acoustic Screen fence 2.7m in height above finished ground level will be provided along the edge of all sides of the exercise runs, except for the south east end of the external area. All fences exceeding 2.0 metres requires a building approval. This is specified in the Acoustic report and takes precedence over the plans. The plan has been annotated to refer to a 2.7 metre high fence. The eastern end of the external run (which does not face toward houses) will comprise a 2.0m high mesh chain or hinge joint wire fence.
- **Water supply:** Two water tanks with a combined volume of 68,000 litres will be connected to the kennel building, to ensure a seven (7) day supply for the kennel is available always. It is noted that there are also two (2) existing potable water tanks onsite (with a combined capacity of approximately 40,000 litres) which service the existing shed and will service the temporary dwelling, as well as three (3) rural dams and a bore.
- **Internal layout:** The Internal kennel layout will include 10 separate sleeping enclosures, in an air-conditioned, insulated building. Hammock style dog beds of appropriate sizes for all dogs will be available in each kennel enclosure to keep the dogs off the floor.
- The utilities area within the building will include a washing machine for all animal related washing, work bench/sink, hydro bath, and dry food storage area.
- A Kennel Operation and Management Plan will be implemented.

2.3 Proposed operations

Noise

An acoustic report has been prepared by a suitably qualified person which identifies necessary and appropriate acoustic measures that must be installed to mitigate and ameliorate the noise effects of the proposed kennels on neighbouring dwellings.

The acoustic report has applied criteria consistent with a previous Planning and Environment Court Judgement relating to a previously approved kennel in the Somerset Regional Council area. This criteria is more stringent than the criteria within the Planning Scheme.

This report has been peer reviewed and is considered to provide appropriate measures to manage the noise impact posed by the development.

The recommended conditions package requires that the development be constructed and operated in accordance with the recommendations of the acoustic report. Additionally, the recommended conditions package includes specific acoustic levels that must be achieved post commencement. These additional criteria provide a clear framework for Council to monitor and enforce noise nuisance in the event of substantiated noise complaints resulting from the kennel.

Hours of operation

As a kennel, the proposed use operates 24 hours a day, every day of the year. However, restrictions are imposed on the times in which dogs may be within day yards and the unenclosed private yards.

The kennel management plan and acoustic reporting require that the dogs must be housed within the buildings between 6pm and 7am, with the use of outdoor day yards and private yard areas during daytime hours only (i.e. 7am to 6pm).

Visits by purchasers and for deliveries are also subject to conditions limiting hours of attendance.

Waste management

General waste (including food containers, cleaning papers, dust, hair/fur) will be collected and stored within bins throughout the property, before being placed within wheelie bins for weekly servicing.

Animal excrement will be collected at least twice daily from kennels and at least once daily from the day yards. The excrement is bagged, sealed, and placed within the wheelie bins for weekly servicing.

The new kennel building will be connected to a suitable onsite wastewater system for the treatment and onsite dispersal of wastewater. The final design of this system will be subject to a Plumbing and Drainage Approval from Council.

Complaint handling

Council has historically required that the holder of development permits for kennels (whether for boarding, breeding, or training purposes) keep records of complaints received regarding the kennel. It is considered appropriate that this kennel, through the management plan, include details as to how a person may contact the kennel managers with respect to any nuisance complaints.

As such, the recommended conditions of approval include a requirement to provide an amended management plan to identify a contact, including a 24/7 phone number, so that an affected person may contact the manager to advise of an environmental complaint. The conditions package also includes a record keeping requirement for complaints received.

It is important to note that this process is separate to powers that Council has for enforcing kennel related environmental nuisance complaints but provides affected persons with an opportunity to have concerns addressed in a timely manner by the manager.

2.4 Application Process

The application was received on 4 June 2021 and involved public notification. During the notification period, three (3) properly made submissions were received.

A detailed assessment of the matters raised by the submitters is outlined in section 8.2 of this report.

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 proposed development is located approximately 2 kilometres southeast of the township of Coominya. The site has an area of 37.36 hectares and is located within the Rural zone.

The land to the west and northwest contains smaller Rural lots ranging in area between 2.0 and 4.5 hectares. The land to the north, east and south comprises larger rural lots ranging in size between 26.49 hectares and 69.32 hectares.

The subject land includes frontage to Vineyard Road to the north and to the east by Road #5128. Both of these roads are unmade apart from a small section of Vineyard Road which provides access to the northwest corner of the site. The site is bounded to the south by the Brisbane Valley Rail Trail and by Mahons Road to the south of the Rail Trail.

The four nearest sensitive receptors to the kennel itself are located as follows:

- A single storey residential dwelling is located on the southern side of Mahons Road at 240 Mahons Road, approximately 170 metres from the proposed development.
- A single storey residential dwelling is located adjacent to the western site boundary at 188 Vineyard Road, approximately 280 metres from the proposed development.
- A single storey residential dwelling is located on the northern side of Vineyard Road at 197 Vineyard Road, approximately 260 metres from the proposed development.
- A single storey residential dwelling is located on the northern side of Vineyard Road at 213 Vineyard Road, approximately 340 metres from the proposed development.

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.

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.

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

4.3.1 Schedule 10, Part 10 – Koala habitat area

The site does not involve development on premises in a koala priority area

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

The development application has been assessed against the strategic framework of the planning scheme and is considered to overall support Council's strategic intent for the region. The following represents an overview of how the proposal aligns with each of the seven themes that collectively represent the policy intent of the planning scheme.

Settlement pattern

The proposal advances the settlement pattern of the region as it provides for a well-placed use in the Rural zone that does not compromise other rural activities from occurring nor compromise the role and function of Centre or Industry zoned land.

Element 3.3.10 of this theme provides specific outcomes for the development of high impact activities within the region, and seeks to ensure that the urban, rural residential, rural lifestyle and tourism focus areas are protected from impacts of high impact activities. High impact activities, such as kennels, must be appropriately located to protect the health, wellbeing, amenity and safety of communities and individuals from the impacts of air, noise, and odour emissions.

The proposal has demonstrated that, despite being located within the High impact management area, the impacts of the development on surrounding communities can be managed such that noise, odour and other amenity considerations do not unreasonably impact on neighbouring residents. The recommended conditions package provides appropriate measures for construction, operation, monitoring, and compliance of the use to address noise concerns from the boarding kennel operation.

Natural environment

The development is considered to have been appropriately designed to mitigate noise and odour environmental impacts and is not considered to compromise the long-term planning for the Coominya area.

Natural resources

The proposal does not involve any impact on an identified natural resource, including agricultural land, extractive resources or forestry. The proposal is located outside the area identified as Agricultural Land overlay. The proposal is located within the Lower Risk Catchment Area and is separated from the nearest watercourse (Lockyer Creek) by several hundred metres.

Community identity and regional landscape character

The community identity and regional landscape character of the region is not affected by the proposal, as the development does not compromise the existing or planned character of the

regions centres, townships or rural living areas, and, subject to the recommended conditions package, is appropriately controlled to maintain the open landscape character of the rural area.

Economic development

The proposal does not impact on the continued development of Council's town centres network nor the industrial development areas within each town. The proposal enables a business providing rural economic opportunities.

Infrastructure and services

The provision of infrastructure and services at the development site meets the desired standard of service and the standard requirements set out in the development codes and Local Government Infrastructure Plan.

Transport

Vineyard Road is a no-through road. The subject site is located at the end of the trafficable section of Vineyard Road. There would be little demand to extend Vineyard Road further to the east due to the flood prone nature of the land to the east of the trafficable section of the road.

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
Rural zone code	Yes	PO13, PO14
Animal keeping code	Yes	PO5, PO8
Services, works and infrastructure code	Yes	Complies with all relevant acceptable outcomes
Transport, access and parking code	Yes	PO7
Applicable Overlay Code	Compliance with Overall Outcomes	Performance Outcomes
Agricultural land overlay code	Yes	Complies with all relevant acceptable outcomes
Catchment management overlay code	Yes	Complies with all relevant acceptable outcomes
Flood hazard overlay code	Yes	Complies with all relevant acceptable outcomes
High impact activities management area overlay code	Yes	Complies with all relevant acceptable outcomes

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

5.1.3 Performance Outcome Assessment

Rural zone code

Performance outcome	Acceptable outcome
Amenity	
PO13 The design, location and operation of development does not result in any undue adverse impact on the amenity of the locality, having regard to: <ul style="list-style-type: none"> (a) hours of operation; (b) lighting; (c) noise; (d) dust, odour and other airborne emissions; (e) public health and safety; (f) traffic generation; (g) the use of <i>advertising devices</i>; (h) visual amenity; and (i) overlooking and privacy. 	AO13 No acceptable outcome provided.
PO14 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) lighting; (e) <i>advertising devices</i>; (f) visual amenity; (g) privacy; (h) odour; or (i) emissions. 	AO14 No acceptable outcome provided.
<p><u>Proposal</u> Council officers are aware that there are existing negative environmental impacts, particularly regarding noise, as a result of the existing unapproved use on the site.</p> <p>This application seeks to address negative environmental impacts created by the existing breeding kennel operations through the development of a contemporary kennel building meeting current acoustic standards.</p> <p><u>Performance Outcome Assessment</u> The site has been the subject of complaints from neighbours. The applicant has been operating without approval from an existing shed on the site which is closer to Vineyard Road and closer to the complainants than the proposed development. The existing building and enclosures are not constructed to the standards required for a development of this type.</p> <p>The application has been supported by technical acoustic reporting that has determined the requirements for the mitigation and amelioration of noise impacts on surrounding sensitive receptors. Council engaged a suitably qualified person to peer review the submitted acoustic material. The peer reviewer made recommendations to Council and the applicant for changes to the proposal which result in improved acoustic measures and</p>	

advised Council officers on the imposition of reasonable and relevant conditions with respect to noise matters.

The application material also included preliminary design for wastewater treatment and disposal systems to demonstrate sufficient land dispersal area exists for the development. This design will be subject to a further plumbing and drainage approval from Council.

The submitted kennel management plan identifies the hours of operation and demonstrates the use will involve minimal traffic movements of persons who do not work on site.

The attachments to this report include a comprehensive set of development conditions designed to address environmental impacts that may result from the operation of the boarding facility, including:

- noise;
- odour;
- lighting;
- stormwater/wastewater discharge;
- visual amenity;
- operational hours;
- privacy.

It is considered that the proposed development achieves the performance outcomes PO13 and PO14 in this instance, subject to the imposition of the recommended development conditions package accompanying this report.

Animal keeping code

Performance outcome	Acceptable outcome
Siting	
<p>PO5 The activity maintains the amenity of the locality and is on a <i>site</i> which:</p> <p>(a) has a suitable shape, slope and area to provide adequate setbacks of <i>animal enclosures</i> from:</p> <p>(i) <i>site</i> boundaries;</p> <p>(ii) on-site <i>dwellings</i>;</p> <p>(iii) public roads; and</p> <p>(iv) <i>sensitive land uses</i> on other <i>premises</i>;</p> <p>(b) is sufficiently elevated to facilitate ventilation and drainage; and</p> <p>(c) is not subject unreasonable risks from natural hazards.</p>	<p>AO5.1 The following separation distances are provided for <i>animal enclosures</i>:</p> <p>(a) 50 metres to a <i>road</i> frontage;</p> <p>(b) 15 metres from side and rear boundaries;</p> <p>(c) 15 metres from a <i>dwelling</i> on the same <i>premises</i>;</p> <p>(d) 50 metres from a <i>dwelling</i> on another <i>premises</i> or 200 metres for a <i>kennel</i> or <i>aviary</i>; and</p> <p>(e) 500 metres from another <i>kennel</i>.</p> <p>AO5.2 The area of the <i>site</i> utilised for the activity:</p> <p>(a) has a slope of less than 10 per cent;</p> <p>(b) is not subject to flooding; and</p> <p>(c) is not subject to bushfire.</p>
<p>Proposal The proposal seeks alternative solutions to AO5.1 part (d). The proposal is more than 50 metres from a road frontage, over 15m from a side or rear boundary, and over 500 metres from another kennel.</p>	

The acoustic report lodged with the report and amended in response to peer review by a suitably qualified party, has provided recommendations with respect to the mitigation of noise from the use. The report has been accepted and conditions incorporating the report will be applied to any approval.

Additionally, the proposal seeks an alternative solution to AO5.2 part (b) as part of the site is subject to the Flood hazard overlay. The proposal has demonstrated compliance with the acceptable outcomes of the Flood hazard overlay code, through ensuring the development will have floor levels above 53.3m AHD.

Performance Outcome Assessment

The proposed kennel building is approximately 170 metres from the nearest sensitive receptor. As indicated, the building will be insulated to minimise noise from within the building.

The proposed development incorporates open air runs to the east of the proposed shed. These will be shielded from the sensitive receptor by the building and the acoustic fencing around the runs.

The site is considered to have a suitable shape, dimensions, and slope to appropriately locate the kennel building, and exercise yards. The accompanying acoustic report has demonstrated that the boarding kennel can operate within the required acoustic levels, and the recommended conditions package provides for the ongoing monitoring and compliance of noise to ensure the protection of amenity from noise nuisance.

The site is not considered to be subject from unreasonable risks posed by natural hazards, as the development area is not subject to significant slope or flood hazards, and bushfire hazards are appropriately addressed by compliance with the Bushfire hazard overlay code.

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

Managing operational impacts

PO8

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

Note - To demonstrate compliance with PO8, Council may require the preparation of an acoustic report which addresses anticipated noise impacts associated with the proposal.

AO8.1

Exterior walls of enclosed *buildings, structures and animal enclosures* are constructed of noise attenuating materials including but not limited to clay, concrete, masonry or solid concrete.

Proposal

The proposal seeks to slightly vary the materials used for the external walls of the buildings. The enclosed pens are to be constructed from metal, however the acoustic treatment of the walls and roof will be maximised through the inclusion of insulation and plaster board.

Performance Outcome Assessment

The application has been supported by an acoustic assessment that demonstrates that the materials and finishes of each kennel building will achieve the necessary acoustic requirements during all periods.

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

Transport, access and parking code

Performance outcome	Acceptable outcome
Car parking locations and treatment	
PO7 Car parking location minimises impacts on the streetscape and contributes to the intended character of the zone and locality.	A07.1 Car parking is located behind or within a building. A07.2 The location of visitor parking is discernible from the street or alternatively appropriate signage is provided.
<u>Proposal</u> No parking has been shown on the plans submitted. <u>Performance Outcome Assessment</u> Parking locations have not been shown on the plan, however there is sufficient room for parking to be provided on site. Two parking spaces have been conditioned: one for an employee and one for a visitor. The property is at the end of a street, and parking has little visual impact upon surrounding properties. It is considered that provision of parking area in front of the existing shed does not result in any undue impact on the streetscape and supports the intended character of the locality through the site being within a rural area and at the end of a no-through road. The separation of the car parking and manoeuvring from the kennel building also reduces potential for disturbance of the dogs. It is recommended that the alternative solution to A07.1 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 animal keeping, which is identified as being a high impact rural 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.

The development will be benefitted by water tanks totalling 68,000 litres which will ensure suitable water supply for the needs of the proposed development. Additional water sources, including tanks, are available for the other buildings on the site.

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

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

6.4 Electricity and telecommunications

As the development is in the Rural zone, the planning scheme does not require the development to connect to reticulated electricity or telecommunications networks. Notwithstanding, the applicant has advised that the kennel building will be connected to the reticulated electricity network.

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 the site is located outside of the Urban Footprint.

6.6 Transport network

Vineyard Road is a Council road. The site is located at the end of the road.

The planning scheme provides the minimum number of carparking space on a per-staff member basis. As such, the established parking area provides a sufficient number of car parking spaces to meet the Transport, access and parking code requirements.

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.

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

8.1 Notification requirements

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 13 July 2021.
- (b) A notice was published in The Somerset newspaper on 14 July 2021.
- (c) A notice in the prescribed form was placed on the premises on 14 July 2021 and maintained for the minimum period of 15 business days until 5 August 2021.

Council received the Notice of Compliance on 6 August 2021, confirming that public notification had been undertaken in accordance with the statutory requirements.

8.2 Summary of issues of objection and officer responses

During the notification period, three properly made submissions were received. Each of the three submissions opposes the development.

There were no submissions deemed not properly made and no submissions in favour of the proposal.

A summary of the issues raised in the submission are as follows:

Issue:

Concerns about the amount of additional traffic generated by the proposal. Where will people park if there is already one customer there?

Comment:

Vineyard Road is a no-through road. The property is at the end of Vineyard Road. No additional through traffic will be generated by this use.

Minimal additional traffic will be generated by the use. The Management Plan sets out that only one person will be attending the site to collect a puppy. Unbooked visits by potential purchasers will not be accommodated.

This is not considered to be sufficient reason to refuse the development.

Issue:

There is no one resident on the property to look after the dogs. How can the dogs be managed remotely and barking taken care of in a timely manner when no one living there?

Comment:

The owner / operator will be resident on site. At this point the applicant is operating from site without approval from the existing shed.

Officers would not recommend the operation of the use without a Dwelling house on site. A separate application for a Dwelling house has been lodged, and the applicant has received approval for a temporary dwelling in the interim

This is not considered to be sufficient reason to refuse the development.

Issue:

We are very close to the property and hear a lot of noise from the dogs that are currently on the property.

Even if there are sound proof walls for the animals when they are enclosed, this will not be the case when the adult dogs and the puppies are outside in the play pens.

The runs face east which is oriented toward our property.

Comment:

The applicant submitted an acoustic report prepared by AcousticWorks. This was peer reviewed by Trinity Consultants Australia. The peer review recommended additional treatment which was incorporated into the most recent version of the acoustic report.

The proposed kennel is located further from the submitter than the existing unapproved operation.

The runs are oriented to the east which is away from all of the submitters.

The runs will be fenced with acoustic fencing on the north, west and south sides, which will direct noise generally in an eastward direction.

A kennel management plan has been proposed, which includes the use of bark collars to train the dogs not to bark.

With respect to other breeder developments, it is recognised that some developments have created noise issues, however the proposed use is proposed to operate in a best practice manner, with acoustically treated buildings and external runs. It is not clear whether the other operators that have been creating issues have been constructed to current standards.

Issue:

The site is not fenced properly. Multiple dogs are getting out of the property and onto other peoples properties and the road.

Comment:

The existing arrangement is not satisfactory. While upgrades have been made to the site, the proposed development requires construction to provide a compliant solution. The proposed development includes conditions to prevent digging out under fences.

Issue:

Concern about dogs in oestrus attracting wild dogs.

Comment:

Wild dogs entering a rural property can be shot. This is consistent with the submitters advice regarding dogs escaping from the subject site and entering their property.

Issue:

The owner is living in the shed.

Comment:

The owner indicated that she is living off site, however is there early in the morning and leaves late in the evening.

The conditions of approval require there to be a resident/caretaker on site to ensure the kennel can be managed.

Issue:

The site is subject to flooding. Our property is in direct line of this shed. In the event of flooding, my concern relates to the damage that can be done by debris to our property and infrastructure if the owner's shed or part of it lands on our property.

Comment:

The objector's property varies in level between approximately 58m and 51m AHD.

The applicant's property varies in level between approximately 55m AHD and 51m AHD

The proposed finished floor level of the kennel is located at a height of approximately 53.3m AHD, above the flood level for the site.

It is considered this issue is not relevant to the application.

Issue:

How will human and animal effluent be dealt with?

Comment:

Separate effluent disposal systems will be required for the human and canine wastes.

9.0 CONCLUSION

The application involves the development of a breeding kennel for a maximum of 20 dogs, excluding puppies. The development includes a new kennel building with runs to the east of the building. The impacts associated with the expansion of the breeding kennel facility have been assessed and with the imposition of the recommended conditions package, it is recommended that the application be approved.

10.0 ATTACHMENTS

1. Breeding Kennel Site Layout Plan, Drawing No. SK 001 Issue A, prepared by Diane Kerr and Associates, dated April 2021 (as annotated)
2. Breeding Kennel Floor Plan, Drawing No. SK 002 Issue A, prepared by Diane Kerr and Associates, dated April 2021
3. Breeding Kennel Elevations Plan, Drawing No. SK 003 Issue A, prepared by Diane Kerr and Associates, dated April 2021
4. Breeding Kennel Operation and Management Plan – 212 Vineyard Rd, Coominya, prepared by S Foster, updated 10 February 2022
5. Acoustic Report, Proposed Dog Breeding Kennel Revision R01H, 212 Vineyard Road Coominya, prepared by Acoustic Works, dated 10 February 2022
6. Draft Infrastructure Charges Notice

RECOMMENDED DECISION

1. THAT Council approve the Development Application for a Development Permit for Material Change of Use for Animal Keeping (Kennel – 20 dogs) on land described as Lot Lot 2 RP800123, situated at 212 Vineyard Road, Coominya, 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.	At all times.
	Breeding Kennel Site Layout Plan, Drawing No. SK 001 Issue A, prepared by Diane Kerr and Associates, dated April 2021 (as annotated)	
	Breeding Kennel Floor Plan, Drawing No. SK 002 Issue A, prepared by Diane Kerr and Associates, dated April 2021	
	Breeding Kennel Elevations Plan, Drawing No. SK 003 Issue A, prepared by Diane Kerr and Associates, dated April 2021	

	Breeding Kennel Operation and Management Plan – 212 Vineyard Rd, Coominya, prepared by S Foster, updated 10 February 2022	
	Acoustic Report, Proposed Dog Breeding Kennel Revision R01H, 212 Vineyard Road Coominya, prepared by Acoustic Works, dated 10 February 2022	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Prior to commencement of use.
1.5	Provide residential accommodation for a resident / caretaker to manage the kennel	Prior to commencement of use and to be maintained.
1.6	The kennel building and acoustic fences are to be constructed from non-reflective materials.	At all times.
	Maximum Capacity	
1.7	The total number of dogs boarded on the site must not exceed Twenty (20) dogs.	At all times.
	Floor level	
1.8	(a) Construct the shed with a minimum finished floor level of 53.3m AHD. (b) Construct the exercise yards with a minimum level of 53.3m AHD.	Prior to commencement of use.
	Fencing	
1.9	Construct fencing for the outdoor animal enclosures in accordance with the recommendations of the acoustic report. <i>Note: A building approval is required for any fences exceeding 2.0 metres in height.</i>	Prior to the commencement of use and to be maintained.
1.10	Ensure that the fencing surrounding each run and yard is constructed such that dogs are prevented from digging beneath the fence.	Prior to the commencement of use and to be maintained.
	Water and wastewater	
1.11	Ensure the kennel is connected to a reliable water supply.	At all times.
1.12	Connect the kennel building to a suitable wastewater treatment system. <i>Note: Wastewater treatment systems will require plumbing and drainage</i>	Prior to the commencement of the use.

	<i>approval.</i>	
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.	Prior to commencement of use.
2.2	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	Prior to commencement of use.
2.3	Provide two allocated gravel parking spaces for one (1) employee and for one (1) visitor.	Prior to commencement of use.
2.3	All fill associated with the creation of the flood free runs shall be clean fill.	Prior to commencement of use.
2.4	Any batters at the edge of the fill shall have a slope no more than 1V:4H	Prior to commencement of use.
2.5	Any earthworks associated with the fill shall be certified by a Registered Professional Engineer Queensland.	Prior to commencement of use.
2.6	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Prior to commencement of use.
	Stormwater drainage	
2.7	Ensure stormwater drainage is directed to a lawful point of discharge.	Prior to commencement of use.
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
3.1	All buildings, structures, fittings, fixtures and grounds forming part of this development approval must be maintained: (a) in a serviceable condition; (b) in a state of good repair and efficient action; (c) in a clean, sanitary condition; (d) free of an accumulation of materials that may form a harbour to vermin or pests; and (e) free of vermin and pest infestations.	At all times.
3.2	All solid waste generated from the occupation of the development must be collected and packaged appropriately for disposal at an	At all times.

	approved waste disposal facility. If the on-site disposal system for kennel wastewater fails, liquid waste must be disposed of at an approved waste disposal facility.	
3.3	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Council unless otherwise authorised by Council.	During construction phase(s) of the development.
3.4	The holder of this development approval must not: (a) burn or bury waste generated in association with this development approval at or on the development site; or (b) allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; or (c) stockpile any waste on the development site.	At all times.
3.5	Only rain water from uncontaminated areas may drain directly into the stormwater system or waters.	At all times.
3.6	Waste waters from enclosures are to be drained so as not to cause nuisance to adjoining properties.	At all times.
3.7	All wastewater from the kennel blocks including wash down waters are to pass through an approved secondary effluent disposal system.	At all times.
3.8	All spillage of waste, contaminants and other materials are not to be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or materials into any storm water system or waters.	At all times.
3.9	Animal feed is to be stored in insect and vermin proof containers.	At all times.
3.10	Excreta, food scraps and other material that is or is likely to become offensive is to be collected daily; and if not immediately removed from the premises, kept in a waste container in accordance with condition 3.12.	At all times.
3.11	All enclosures which form part of the development are to be constructed and maintained in a manner so as to: (a) be kept clean and in a sanitary condition; (b) prevent the escape of any animal kept in the enclosure; (c) protect the safety of staff and the public; (d) be in a state of good order and repair; (e) reduce the risk of injury to any animal kept in the enclosure; (f) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; (g) be able to be effectively cleaned and sanitised; (h) all indoor enclosures shall be constructed with impervious materials; and (i) ensure the comfort of any animal kept in the enclosure and use	At all times.

	its best endeavours to limit the spread of disease.	
3.12	Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the premises are to be provided and regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition. Containers are to be designed and maintained to prevent the ingress of water and vermin.	At all times.
3.13	All complaints received by the applicant relating to operations at the kennel facility must be recorded in a register with the following details: <ul style="list-style-type: none"> (a) nature, time and date of complaint; (b) type of communication (telephone, letter, personal etc.); (c) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded); (d) response and investigation undertaken as a result of the complaint; (e) name of person responsible for investigating complaint; and (f) action taken as a result of the complaint investigation and signature of responsible person. 	At all times.
3.14	All incidents occurring at the kennel facility (e.g. environmental incidents, workplace accidents) must be recorded in a register and kept at the premises with the following details: <ul style="list-style-type: none"> (a) time, date and details of the incident; (b) how the incident occurred; (c) the action taken to remedy the incident; (d) the investigations into the incident; and recommendations following the incident. 	At all times.
3.15	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance or environmental harm to any premises beyond the boundaries of the development site.	At all times.
SCHEDULE 4 – Kennel Facilities: Acoustic Design and Construction		
<i>Assessment Manager</i>		
	Kennel Building	
4.1	Provide certification from a suitably qualified person that the design of the kennel building meets the requirements contained in the report titled, <i>Proposed Dog Breeding Kennel 212 Vineyard Road Coominya – Acoustic Report</i> , dated 10 February 2022, by Acoustic Works.	Prior to the commencement of the use.
4.2	Provide certification from the suitably qualified person, that the installation and construction of the kennel building is in accordance with the report titled, <i>Proposed Dog Breeding Kennel 212 Vineyard Road Coominya – Acoustic Report</i> , dated 10 February 2022, by Acoustic Works and the design certified under condition 4.1.	Prior to the commencement of the use.
4.3	Openings on the southern and eastern facades of the kennels are not to be opened between 6pm and 7am. Ingress and egress during this period	To be maintained.

	must only occur via doors on the northern facade.	
4.4	(a) A background sound system shall be installed in the kennel building to provide masking sound. (b) A video and intercom system shall be provided to the interior of the kennel building. This should be configured so that it can be used to monitor all dogs and communicate with them at any time of the day or night.	Prior to the commencement of the use and to be maintained.
	Acoustic Barrier	
4.5	Provide certification from a suitably qualified person that the design of the acoustic barrier meets the requirements contained in the report titled, <i>Proposed Dog Breeding Kennel 212 Vineyard Road Coominya – Acoustic Report</i> , dated 10 February 2022, by Acoustic Works, and the noise limits listed in condition 5.2.	Prior to the commencement of the use.
4.6	Provide certification from the suitably qualified person, that the installation and construction of acoustic barriers are in accordance with the report titled, <i>Proposed Dog Breeding Kennel 212 Vineyard Road Coominya – Acoustic Report</i> , dated 10 February 2022, by Acoustic Works and the design certified under condition 4.5.	Prior to commencement of the use.
	Ventilation	
4.7	Provide certification from a suitably qualified person that the design of the ventilation installed on the kennel building achieves the nominated noise limits listed in condition 5.2.	Required only if the selected ventilation system penetrates the external façade or roof of the kennel building.
4.8	Provide certification from a suitably qualified person that the installation and construction of the ventilation installed on the kennel building is in accordance with the design certified under condition 4.7.	Required only if the selected ventilation system penetrates the external façade or roof of the kennel building.
	Mechanical Plant	
4.9	Mechanical plant must be selected and installed so that the limits set at condition 5.2 are not exceeded at adjacent dwellings.	At all times.
4.10	The limits contained in condition 5.2 apply to the component noise level generated by all items of mechanical plant operating simultaneously or in combination at any one time.	At all times.
4.11	Individual items of plant must be selected so that their contribution to the emission does not result in an exceedance of the limits contained in condition 5.2.	At all times.
SCHEDULE 5 – Kennel Management		

<i>Assessment Manager</i>		
5.1	Dog Bark Management and Staff Training	
	5.1.1 Dog barking, howling and related vocalisations are to be actively controlled.	At all times.
	5.1.2 To ensure that dog barking is actively controlled and minimised the applicant must prepare and fully comply with a Bark Management Plan which details the means by which barking will be managed. The Plan must set out in sufficient detail the procedures to be strictly undertaken by all staff relating to but not limited to: (a) control of dog barking in the kennel facilities in respect of:- (i) verbal command/interactions; (ii) additional exercise; (iii) use of ultrasonic "pet training devices" and (iv) other separation procedures. (b) the requirement for ongoing monitoring of the kennel facility for dogs that cause excessive barking and the procedures for dealing with these dogs.	Prior to the commencement of the use and to be maintained.
	5.1.3 The Bark Management Plan must be reviewed by the kennel operator annually to ensure that it is kept current.	Prior to the commencement of the use and to be maintained.
	5.1.4 The Bark Management Plan shall be incorporated in the kennel facilities standard operational procedures and must be available for inspection by Council officers upon request.	Prior to the commencement of the use and to be maintained.
	5.1.5 The kennel operator must ensure that all staff (including casual and seasonal staff) complete training in a way which ensures that staff understand the requirements and are competent in using the procedures in the Bark Management Plan to adequately control dog barking. The training must address: (a) the procedures for controlling dog barking in accordance with the Bark Management Plan; (b) the operational procedures of the kennel facility; (c) emergency procedures and response to incidents; and (d) complaint handling.	Prior to the commencement of the use and to be maintained.
	5.1.6 All new staff must complete the training within one month of commencement of the employment date at the kennel facilities.	Prior to the commencement of the use and to be maintained.
	5.1.7 The applicant must keep a record to demonstrate that all staff have satisfactorily completed training within one month of the commencement date; or if re-training an employee is required.	Prior to the commencement of the use and to be

		maintained.								
	5.1.8 Retraining of a staff member is required if the employee fails to comply with the Bark Management Plan or the operational procedures of the kennel. Retraining of all staff is required if any modification is made to the Bark Management Plan or changes are made to the operational procedures of the kennel.	Prior to the commencement of the use and to be maintained.								
5.2	Operational Noise Limits									
	5.2.1 Noise from dogs at the kennel facility must be limited such that the A-weighted average maximum noise level, $L_{Amax, avg}$ when measured at any affected noise sensitive place must not exceed: (a) the background noise level + 10dBA for daytime hours (7 am to 6 pm); (b) the background noise level + 5dBA for evening hours (6pm to 10pm); (c) the background noise level + 5 dBA for nighttime hours (10 pm to 7 am); or (d) the noise limits specified in Table A, whichever is greater. Table A Noise Limits $L_{Amax, avg}$ dBA <table><tr><td>Period</td><td>Noise Limit $L_{Amax, avg}$ dBA</td></tr><tr><td>Day (7 am - 6 pm)</td><td>38</td></tr><tr><td>Evening (6pm – 10pm)</td><td>30</td></tr><tr><td>Night (10 pm - 7 am)</td><td>27</td></tr></table>	Period	Noise Limit $L_{Amax, avg}$ dBA	Day (7 am - 6 pm)	38	Evening (6pm – 10pm)	30	Night (10 pm - 7 am)	27	At all times.
Period	Noise Limit $L_{Amax, avg}$ dBA									
Day (7 am - 6 pm)	38									
Evening (6pm – 10pm)	30									
Night (10 pm - 7 am)	27									
	5.2.2 The component noise from the kennel facility must be limited such that the adjusted A-weighted equivalent continuous noise level, $L_{Aeq, adj, 15 min}$ when measured at any affected noise sensitive place must not exceed: (a) the background noise level + 3 dBA for daytime hours (7 am to 6 pm); (b) the background noise level + 3 dBA for evening hours (6 pm to 10 pm); (c) the background noise level + 0 dBA for night time hours (10 pm to 7 am); or (d) the noise limits specified in Table B , whichever is greater. Table B Noise Limits $L_{Aeq, adj, 15 min}$ dBA <table><tr><td>Period</td><td>Noise Limit $L_{Aeq, adj, 15 min}$ dBA</td></tr><tr><td>Day (7 am - 6 pm)</td><td>35</td></tr><tr><td>Evening (6 pm - 10 pm)</td><td>30</td></tr><tr><td>Night (10 pm - 7 am)</td><td>25</td></tr></table>	Period	Noise Limit $L_{Aeq, adj, 15 min}$ dBA	Day (7 am - 6 pm)	35	Evening (6 pm - 10 pm)	30	Night (10 pm - 7 am)	25	At all times.
Period	Noise Limit $L_{Aeq, adj, 15 min}$ dBA									
Day (7 am - 6 pm)	35									
Evening (6 pm - 10 pm)	30									
Night (10 pm - 7 am)	25									
	5.2.3 Measurement Procedures: For the purposes of measuring the noise limits in conditions 5.2.1 and 5.2.2, the following procedures must be used: (a) Sound measurement instrumentation, measurement and reporting shall be in accordance with the provisions of AS1055: 2018. Acoustics-Description and Measurement	As required.								

	<p>of Environmental Noise</p> <p>(b) Measurements must be conducted with the sound measurement instrumentation set to "Fast" time response and "A" frequency weighting.</p> <p>(c) The Background Noise Level ($L_{A90,T}$):-</p> <p>(i) during the relevant time period, T, refers to the average minimum A-weighted sound level in the absence of the noise under consideration.</p> <p>when statistical analysis is used, the background noise level shall be taken as that noise level which is exceeded for 90 percent of the relevant time period, T (that is, the $L_{A90,T}$).</p>														
	<p>5.2.4 For condition 5.2.1:</p> <p>(a) Sound levels from the kennelled dogs shall be monitored for a period of not less than thirty (30) minutes on not fewer than three (3) separate occasions randomly selected.</p> <p>(b) On each such occasion:-</p> <p>(i) at least ten (10) maximum sound levels from the dogs (barks or other vocalisations) shall be measured and recorded; and</p> <p>(ii) the arithmetic average of the individual maximum sound levels due to the dogs (the average maximum level) shall be compared with the noise limits given in Table A.</p> <p>The noise emission from the kennelled dogs shall be deemed to be unacceptable if so rated on two (2) out of three (3) occasions.</p>	As required.													
	<p>5.2.5 For condition 5.2.2:</p> <p>(a) The Measured Noise Level: The measured noise level shall be determined as the equivalent continuous sound pressure level in dBA due to noise from the subject site during the relevant assessment period, T. A measurement interval of 15 minutes shall be used, except where this period is insufficient to provide a true representation of the characteristics of the noise under consideration.</p> <p>(b) Where the noise exhibits tonal or impulsive characteristics, the measured noise level shall be adjusted in accordance with Schedule A.</p> <p>Schedule A: Adjustments to the Measured Noise Level</p> <table border="1"> <thead> <tr> <th colspan="2">Characteristics of the noise</th><th>Adjustment dBA</th></tr> </thead> <tbody> <tr> <td rowspan="2">Tonal components:</td><td>If the tonal components are just perceptible</td><td>2</td></tr> <tr> <td>If the tonal components are readily perceptible</td><td>5</td></tr> <tr> <td rowspan="2">Impulse Components:</td><td>If the impulse components are just</td><td>2</td></tr> <tr> <td>If the impulse components are readily perceptible</td><td>5</td></tr> </tbody> </table>	Characteristics of the noise		Adjustment dBA	Tonal components:	If the tonal components are just perceptible	2	If the tonal components are readily perceptible	5	Impulse Components:	If the impulse components are just	2	If the impulse components are readily perceptible	5	As required.
Characteristics of the noise		Adjustment dBA													
Tonal components:	If the tonal components are just perceptible	2													
	If the tonal components are readily perceptible	5													
Impulse Components:	If the impulse components are just	2													
	If the impulse components are readily perceptible	5													

	The Adjusted Measured Noise Level, or in situations where no adjustments are applied, the Measured Noise Level, shall be compared with the noise limits given in Table B .	
	<p>5.2.6 Time and Place of Measurement:</p> <p>(a) Noise from the kennel facility and the background noise level must be measured in the vicinity of the affected residential premises. The measurement position shall be at least 3.5m from the affected residential premises as well as any other building or sound reflecting structure, but in any case shall be not more than (i) 20m from any residential premises during the day and evening time periods, and (ii) 5m from any residential premises during the night time period.</p> <p>(b) The microphone height must be 1.5m above local ground level except where this height would be insufficient to provide representative measurement of noise levels at all habitable levels of the relevant residential premises. In such cases the microphone height must be equivalent to 1.5m above the floor height of the highest habitable floor or at a height equivalent to the centre of the window of the most affected habitable room in the building, whichever is higher.</p> <p>(c) The noise from the kennel facility and the background noise level must be measured at a time which is as close as practicable to the time of day that the noise is alleged to be excessive.</p> <p>(d) Where it is not practical to measure the background level in the absence of the noise from the kennel facility, the background level may be measured at another similar location where noise from the kennel facility is absent but the background noise level is considered to be equivalent to that at the affected residence.</p>	As required.
	Acoustical Assessment – Compliance Monitoring	
5.3	The applicant must commission an acoustic assessment and associated report of the kennel operations, conducted by a suitably qualified acoustical consultant in order to confirm/assess the degree of compliance with the conditions of this approval. Council may also request that Council's appointed acoustical engineer participate in, and/or observe, the work undertaken for the assessment.	Upon request by Council.
5.4	A copy of the report mentioned in condition 5.3 must be submitted to Council within 7 days of its completion.	Within 7 days of the completion of the report.
SCHEDULE 6 – 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 *Planning Act 2016*.

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

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

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

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

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

That the Council report for this application be published to the website as Council's statement of reasons in accordance with the *Planning Act 2016*.

Attachments for the Decision Notice include:

- Breeding Kennel Site Layout Plan, Drawing No. SK 001 Issue A, prepared by Diane Kerr and Associates, dated April 2021 Proposal Plans
- Breeding Kennel Floor Plan, Drawing No. SK 002 Issue A, prepared by Diane Kerr and Associates, dated April 2021
- Breeding Kennel Elevations Plan, Drawing No. SK 003 Issue A, prepared by Diane Kerr and Associates, dated April 2021
- Breeding Kennel Operation and Management Plan – 212 Vineyard Rd, Coominya, prepared by S Foster, updated 10 February 2022
- Acoustic Report, Proposed Dog Breeding Kennel Revision R01H, 212 Vineyard Road Coominya, prepared by Acoustic Works, dated 10 February 2022
- Infrastructure Charges Notice

Resolution

Moved – Cr Isidro

Seconded – Cr Wendt

1. "THAT Council approve the Development Application for a Development Permit for Material Change of Use for Animal Keeping (Kennel – 20 dogs) on land described as Lot Lot 2 RP800123, situated at 212 Vineyard Road, Coominya, 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. Breeding Kennel Site Layout Plan, Drawing No. SK 001 Issue A, prepared by Diane Kerr and Associates, dated April 2021 (as annotated) Breeding Kennel Floor Plan, Drawing No. SK 002 Issue A, prepared by Diane Kerr and Associates, dated April 2021 Breeding Kennel Elevations Plan, Drawing No. SK 003 Issue A, prepared by Diane Kerr and Associates, dated April 2021 Breeding Kennel Operation and Management Plan – 212 Vineyard Rd, Coominya, prepared by S Foster, updated 10 February 2022 Acoustic Report, Proposed Dog Breeding Kennel Revision R01H, 212 Vineyard Road Coominya, prepared by Acoustic Works, dated 10 February 2022	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Prior to commencement of use.
1.5	Provide residential accommodation for a resident / caretaker to manage the kennel	Prior to commencement of use and to be maintained.
1.6	The kennel building and acoustic fences are to be constructed from non-reflective materials.	At all times.
	Maximum Capacity	
1.7	The total number of dogs boarded on the site must not exceed Twenty (20) dogs.	At all times.
	Floor level	
1.8	(a) Construct the shed with a minimum finished floor level of 53.3m AHD. (b) Construct the exercise yards with a minimum level of 53.3m AHD.	Prior to commencement of use.
	Fencing	
1.9	Construct fencing for the outdoor animal enclosures in accordance with the recommendations of the acoustic report.	Prior to the commencement of use and to be

	<i>Note: A building approval is required for any fences exceeding 2.0 metres in height.</i>	maintained.
1.10	Ensure that the fencing surrounding each run and yard is constructed such that dogs are prevented from digging beneath the fence.	Prior to the commencement of use and to be maintained.
	Water and wastewater	
1.11	Ensure the kennel is connected to a reliable water supply.	At all times.
1.12	Connect the kennel building to a suitable wastewater treatment system. <i>Note: Wastewater treatment systems will require plumbing and drainage approval.</i>	Prior to the commencement of the use.
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.	Prior to commencement of use.
2.2	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	Prior to commencement of use.
2.3	Provide two allocated gravel parking spaces for one (1) employee and for one (1) visitor.	Prior to commencement of use.
2.3	All fill associated with the creation of the flood free runs shall be clean fill.	Prior to commencement of use.
2.4	Any batters at the edge of the fill shall have a slope no more than 1V:4H	Prior to commencement of use.
2.5	Any earthworks associated with the fill shall be certified by a Registered Professional Engineer Queensland.	Prior to commencement of use.
2.6	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Prior to commencement of use.
	Stormwater drainage	
2.7	Ensure stormwater drainage is directed to a lawful point of discharge.	Prior to commencement of use.
SCHEDULE 3 – ENVIRONMENTAL		

<i>Assessment Manager</i>		
3.1	<p>All buildings, structures, fittings, fixtures and grounds forming part of this development approval must be maintained:</p> <ul style="list-style-type: none"> (f) in a serviceable condition; (g) in a state of good repair and efficient action; (h) in a clean, sanitary condition; (i) free of an accumulation of materials that may form a harbour to vermin or pests; and (j) free of vermin and pest infestations. 	At all times.
3.2	<p>All solid waste generated from the occupation of the development must be collected and packaged appropriately for disposal at an approved waste disposal facility.</p> <p>If the on-site disposal system for kennel wastewater fails, liquid waste must be disposed of at an approved waste disposal facility.</p>	At all times.
3.3	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Council unless otherwise authorised by Council.	During construction phase(s) of the development.
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> (d) burn or bury waste generated in association with this development approval at or on the development site; or (e) allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; or (f) stockpile any waste on the development site. 	At all times.
3.5	Only rain water from uncontaminated areas may drain directly into the stormwater system or waters.	At all times.
3.6	Waste waters from enclosures are to be drained so as not to cause nuisance to adjoining properties.	At all times.
3.7	All wastewater from the kennel blocks including wash down waters are to pass through an approved secondary effluent disposal system.	At all times.
3.8	All spillage of waste, contaminants and other materials are not to be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or materials into any storm water system or waters.	At all times.
3.9	Animal feed is to be stored in insect and vermin proof containers.	At all times.
3.10	Excreta, food scraps and other material that is or is likely to become offensive is to be collected daily; and if not immediately removed from the premises, kept in a waste container in accordance with condition 3.12.	At all times.
3.11	All enclosures which form part of the development are to be	At all times.

	constructed and maintained in a manner so as to:	
	<ul style="list-style-type: none"> (a) be kept clean and in a sanitary condition; (b) prevent the escape of any animal kept in the enclosure; (c) protect the safety of staff and the public; (d) be in a state of good order and repair; (e) reduce the risk of injury to any animal kept in the enclosure; (f) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; (g) be able to be effectively cleaned and sanitised; (h) all indoor enclosures shall be constructed with impervious materials; and (i) ensure the comfort of any animal kept in the enclosure and use its best endeavours to limit the spread of disease. 	
3.12	Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the premises are to be provided and regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition. Containers are to be designed and maintained to prevent the ingress of water and vermin.	At all times.
3.13	<p>All complaints received by the applicant relating to operations at the kennel facility must be recorded in a register with the following details:</p> <ul style="list-style-type: none"> (a) nature, time and date of complaint; (b) type of communication (telephone, letter, personal etc.); (c) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded); (d) response and investigation undertaken as a result of the complaint; (e) name of person responsible for investigating complaint; and (f) action taken as a result of the complaint investigation and signature of responsible person. 	At all times.
3.14	<p>All incidents occurring at the kennel facility (e.g. environmental incidents, workplace accidents) must be recorded in a register and kept at the premises with the following details:</p> <ul style="list-style-type: none"> (a) time, date and details of the incident; (b) how the incident occurred; (c) the action taken to remedy the incident; (d) the investigations into the incident; and recommendations following the incident. 	At all times.
3.15	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance or environmental harm to any premises beyond the boundaries of the development site.	At all times.
SCHEDULE 4 – Kennel Facilities: Acoustic Design and Construction		
<i>Assessment Manager</i>		
	Kennel Building	

4.1	Provide certification from a suitably qualified person that the design of the kennel building meets the requirements contained in the report titled, <i>Proposed Dog Breeding Kennel 212 Vineyard Road Coominya – Acoustic Report</i> , dated 10 February 2022, by Acoustic Works.	Prior to the commencement of the use.
4.2	Provide certification from the suitably qualified person, that the installation and construction of the kennel building is in accordance with the report titled, <i>Proposed Dog Breeding Kennel 212 Vineyard Road Coominya – Acoustic Report</i> , dated 10 February 2022, by Acoustic Works and the design certified under condition 4.1.	Prior to the commencement of the use.
4.3	Openings on the southern and eastern facades of the kennels are not to be opened between 6pm and 7am. Ingress and egress during this period must only occur via doors on the northern facade.	To be maintained.
4.4	a) A background sound system shall be installed in the kennel building to provide masking sound. b) A video and intercom system shall be provided to the interior of the kennel building. This should be configured so that it can be used to monitor all dogs and communicate with them at any time of the day or night.	Prior to the commencement of the use and to be maintained.
	Acoustic Barrier	
4.5	Provide certification from a suitably qualified person that the design of the acoustic barrier meets the requirements contained in the report titled, <i>Proposed Dog Breeding Kennel 212 Vineyard Road Coominya – Acoustic Report</i> , dated 10 February 2022, by Acoustic Works, and the noise limits listed in condition 5.2.	Prior to the commencement of the use.
4.6	Provide certification from the suitably qualified person, that the installation and construction of acoustic barriers are in accordance with the report titled, <i>Proposed Dog Breeding Kennel 212 Vineyard Road Coominya – Acoustic Report</i> , dated 10 February 2022, by Acoustic Works and the design certified under condition 4.5.	Prior to commencement of the use.
	Ventilation	
4.7	Provide certification from a suitably qualified person that the design of the ventilation installed on the kennel building achieves the nominated noise limits listed in condition 5.2.	Required only if the selected ventilation system penetrates the external façade or roof of the kennel building.
4.8	Provide certification from a suitably qualified person that the installation and construction of the ventilation installed on the kennel building is in accordance with the design certified under condition 4.7.	Required only if the selected ventilation system penetrates the external façade or roof of the kennel building.

	Mechanical Plant	
4.9	Mechanical plant must be selected and installed so that the limits set at condition 5.2 are not exceeded at adjacent dwellings.	At all times.
4.10	The limits contained in condition 5.2 apply to the component noise level generated by all items of mechanical plant operating simultaneously or in combination at any one time.	At all times.
4.11	Individual items of plant must be selected so that their contribution to the emission does not result in an exceedance of the limits contained in condition 5.2.	At all times.
SCHEDULE 5 – Kennel Management		
<i>Assessment Manager</i>		
5.1	Dog Bark Management and Staff Training	
	5.1.1 Dog barking, howling and related vocalisations are to be actively controlled.	At all times.
	5.1.3 To ensure that dog barking is actively controlled and minimised the applicant must prepare and fully comply with a Bark Management Plan which details the means by which barking will be managed. The Plan must set out in sufficient detail the procedures to be strictly undertaken by all staff relating to but not limited to: (a) control of dog barking in the kennel facilities in respect of:- (i) verbal command/interactions; (ii) additional exercise; (iii) use of ultrasonic "pet training devices" and (iv) other separation procedures. (b) the requirement for ongoing monitoring of the kennel facility for dogs that cause excessive barking and the procedures for dealing with these dogs.	Prior to the commencement of the use and to be maintained.
	5.1.3 The Bark Management Plan must be reviewed by the kennel operator annually to ensure that it is kept current.	Prior to the commencement of the use and to be maintained.
	5.1.4 The Bark Management Plan shall be incorporated in the kennel facilities standard operational procedures and must be available for inspection by Council officers upon request.	Prior to the commencement of the use and to be maintained.
	5.1.6 The kennel operator must ensure that all staff (including casual and seasonal staff) complete training in a way which ensures that staff understand the requirements and are competent in using the procedures in the Bark Management Plan to adequately control dog barking. The training must address: (a) the procedures for controlling dog barking in accordance with the Bark Management Plan;	Prior to the commencement of the use and to be maintained.

	(b) the operational procedures of the kennel facility; (c) emergency procedures and response to incidents; and (d) complaint handling.									
	5.1.6 All new staff must complete the training within one month of commencement of the employment date at the kennel facilities.	Prior to the commencement of the use and to be maintained.								
	5.1.7 The applicant must keep a record to demonstrate that all staff have satisfactorily completed training within one month of the commencement date; or if re-training an employee is required.	Prior to the commencement of the use and to be maintained.								
	5.1.8 Retraining of a staff member is required if the employee fails to comply with the Bark Management Plan or the operational procedures of the kennel. Retraining of all staff is required if any modification is made to the Bark Management Plan or changes are made to the operational procedures of the kennel.	Prior to the commencement of the use and to be maintained.								
5.2	Operational Noise Limits									
	5.2.7 Noise from dogs at the kennel facility must be limited such that the A-weighted average maximum noise level, $L_{Amax, avg}$ when measured at any affected noise sensitive place must not exceed: (a) the background noise level + 10dBA for daytime hours (7 am to 6 pm); (b) the background noise level + 5dBA for evening hours (6pm to 10pm); (c) the background noise level + 5 dBA for nighttime hours (10 pm to 7 am); or (d) the noise limits specified in Table A, whichever is greater. Table A Noise Limits $L_{Amax, avg}$ dBA <table><tr><td>Period</td><td>Noise Limit $L_{Amax, avg}$ dBA</td></tr><tr><td>Day (7 am - 6 pm)</td><td>38</td></tr><tr><td>Evening (6pm – 10pm)</td><td>30</td></tr><tr><td>Night (10 pm - 7 am)</td><td>27</td></tr></table>	Period	Noise Limit $L_{Amax, avg}$ dBA	Day (7 am - 6 pm)	38	Evening (6pm – 10pm)	30	Night (10 pm - 7 am)	27	At all times.
Period	Noise Limit $L_{Amax, avg}$ dBA									
Day (7 am - 6 pm)	38									
Evening (6pm – 10pm)	30									
Night (10 pm - 7 am)	27									
	5.2.8 The component noise from the kennel facility must be limited such that the adjusted A-weighted equivalent continuous noise level, $L_{Aeq, adj, 15 min}$ when measured at any affected noise sensitive place must not exceed: (a) the background noise level + 3 dBA for daytime hours (7 am to 6 pm); (b) the background noise level + 3 dBA for evening hours (6 pm to 10 pm); (c) the background noise level + 0 dBA for night time hours (10 pm to 7 am); or (d) the noise limits specified in Table B , whichever is greater. Table B Noise Limits $L_{Aeq, adj, 15 min}$ dBA	At all times.								

	<table><tr><th>Period</th><th>Noise Limit $L_{Aeq, adj, 15 min}$ dBA</th></tr><tr><td>Day (7 am - 6 pm)</td><td>35</td></tr><tr><td>Evening (6 pm - 10 pm)</td><td>30</td></tr><tr><td>Night (10 pm - 7 am)</td><td>25</td></tr></table>	Period	Noise Limit $L_{Aeq, adj, 15 min}$ dBA	Day (7 am - 6 pm)	35	Evening (6 pm - 10 pm)	30	Night (10 pm - 7 am)	25	
Period	Noise Limit $L_{Aeq, adj, 15 min}$ dBA									
Day (7 am - 6 pm)	35									
Evening (6 pm - 10 pm)	30									
Night (10 pm - 7 am)	25									
	<p>5.2.9 Measurement Procedures: For the purposes of measuring the noise limits in conditions 5.2.1 and 5.2.2, the following procedures must be used:</p> <ul style="list-style-type: none">(a) Sound measurement instrumentation, measurement and reporting shall be in accordance with the provisions of AS1055: 2018, Acoustics-Description and Measurement of Environmental Noise(b) Measurements must be conducted with the sound measurement instrumentation set to "Fast" time response and "A" frequency weighting.(c) The Background Noise Level ($L_{A_{bg,T}}$):-<ul style="list-style-type: none">(i) during the relevant time period, T, refers to the average minimum A-weighted sound level in the absence of the noise under consideration. <p>when statistical analysis is used, the background noise level shall be taken as that noise level which is exceeded for 90 percent of the relevant time period, T (that is, the $L_{A90,T}$).</p>	As required.								
	<p>5.2.10 For condition 5.2.1:</p> <ul style="list-style-type: none">(a) Sound levels from the kennelled dogs shall be monitored for a period of not less than thirty (30) minutes on not fewer than three (3) separate occasions randomly selected.(b) On each such occasion :-<ul style="list-style-type: none">(i) at least ten (10) maximum sound levels from the dogs (barks or other vocalisations) shall be measured and recorded; and(ii) the arithmetic average of the individual maximum sound levels due to the dogs (the average maximum level) shall be compared with the noise limits given in Table A. <p>The noise emission from the kennelled dogs shall be deemed to be unacceptable if so rated on two (2) out of three (3) occasions.</p>	As required.								
	<p>5.2.11 For condition 5.2.2:</p> <ul style="list-style-type: none">(a) The Measured Noise Level: The measured noise level shall be determined as the equivalent continuous sound pressure level in dBA due to noise from the subject site during the relevant assessment period, T. A measurement interval of 15 minutes shall be used, except where this period is insufficient to provide a true representation of the characteristics of the noise under consideration.(b) Where the noise exhibits tonal or impulsive characteristics, the measured noise level shall be adjusted in accordance with Schedule A.	As required.								
Schedule A: Adjustments to the Measured Noise Level										

	Characteristics of the noise		Adjustment dBA	
	Tonal components:	If the tonal components are just perceptible	2	
		If the tonal components are readily perceptible	5	
	Impulse Components:	If the impulse components are just	2	
		If the impulse components are readily perceptible	5	
The Adjusted Measured Noise Level, or in situations where no adjustments are applied, the Measured Noise Level, shall be compared with the noise limits given in Table B .				
	5.2.12 Time and Place of Measurement: (a) Noise from the kennel facility and the background noise level must be measured in the vicinity of the affected residential premises. The measurement position shall be at least 3.5m from the affected residential premises as well as any other building or sound reflecting structure, but in any case shall be not more than (i) 20m from any residential premises during the day and evening time periods, and (ii) 5m from any residential premises during the night time period. (b) The microphone height must be 1.5m above local ground level except where this height would be insufficient to provide representative measurement of noise levels at all habitable levels of the relevant residential premises. In such cases the microphone height must be equivalent to 1.5m above the floor height of the highest habitable floor or at a height equivalent to the centre of the window of the most affected habitable room in the building, whichever is higher. (c) The noise from the kennel facility and the background noise level must be measured at a time which is as close as practicable to the time of day that the noise is alleged to be excessive. (d) Where it is not practical to measure the background level in the absence of the noise from the kennel facility, the background level may be measured at another similar location where noise from the kennel facility is absent but the background noise level is considered to be equivalent to that at the affected residence.			As required.
	Acoustical Assessment – Compliance Monitoring			
5.3	The applicant must commission an acoustic assessment and associated report of the kennel operations, conducted by a suitably qualified acoustical consultant in order to confirm/assess the degree of compliance with the conditions of this approval. Council may also request that Council’s appointed acoustical engineer participate in, and/or observe, the work undertaken for the assessment.			Upon request by Council.
5.4	A copy of the report mentioned in condition 5.3 must be submitted to Council within 7 days of its completion.			Within 7 days of the completion

	of the report.
SCHEDULE 6 – 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 applicants appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.	
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.	
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Manager of Operations if in his opinion a dust nuisance exists.	
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <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."	
<i>Carried</i>	
<i>Vote - Unanimous</i>	

Subject:	Request for Exemption Certificate for temporary events at Jimna Base Camp
File Ref:	Exemption Certificate EC0060
Action Officer:	SP-MW

Background/Summary

BT Town Planning Consultancy has lodged an application for an Exemption Certificate over the Jimna Base Camp located at 21 School Road, Jimna, also described as Lot 11 LX2539 for the operation of temporary events.

The application relates to a previous approval for 'Campground and Holiday Accommodation' (DA15315) and Temporary Entertainment Event (Music Festival) Application (80036-00000-000) Your Ref: 1314082.

It is understood Council requires the applicant to now formalise use of the site for future events. Further the site's use for such events is considered by Council to be best defined as Major sport, recreation, and event facility before any future events proceed. Major sport, recreation, and event is defined under the current planning scheme as "the use of premises for large-scale events, including, for example, major sporting, recreation conference or entertainment events."

Specifically the Exemption Certificate sought is best described within the definition as Temporary Entertainment Events in the form of:

- *Event/s over a maximum of seven (7) days per calendar year.*

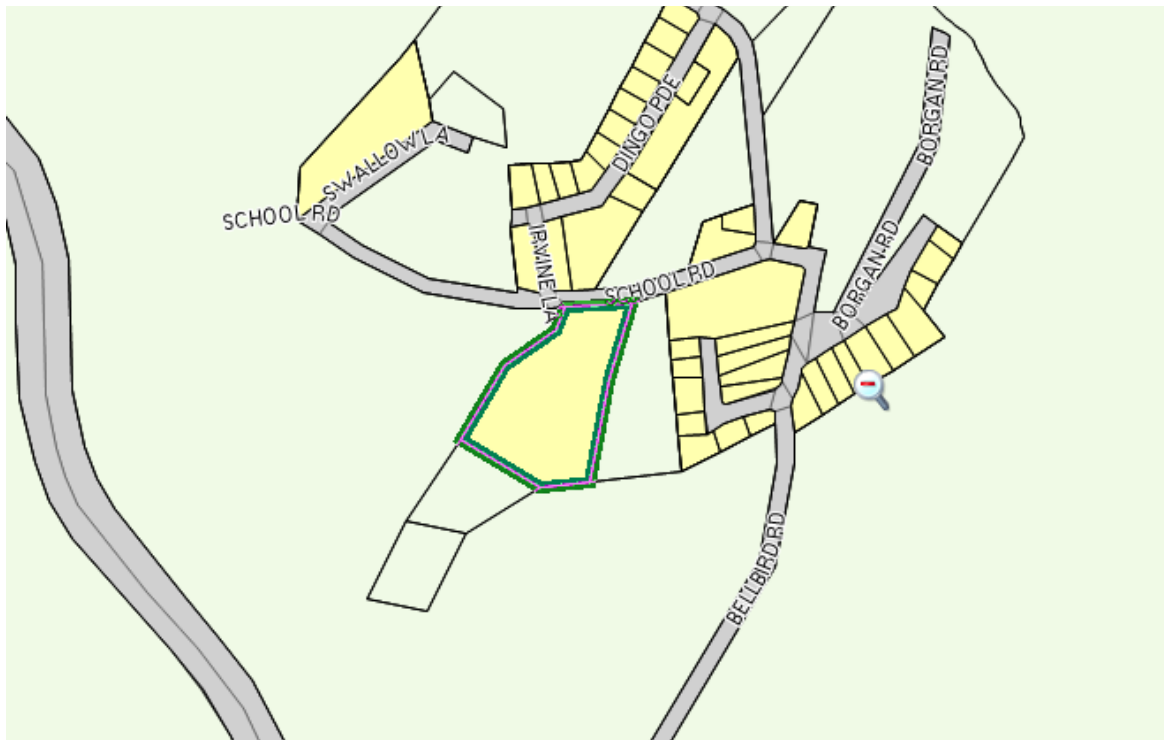
The site is considered well suited to the proposed use on the basis:

- *The site's ability to successfully host such events has now been well demonstrated, most recently by hosting the Jimna Rocks Festival in May 2021;*
- *The site is more characteristic of a Rural zone and/or Recreation and open space zone for which a Temporary Entertainment Event Application can permit events for up to 7 days per calendar year. In particular, the site features:*
 - *2.432ha land area largely cleared and supporting a single storey dwelling (i.e. former school principal's residence), the former school classrooms, sealed tennis court, large school oval and ancillary amenities block and effluent disposal system;*
 - *The site immediately adjoins State Forest and Reserve land only. It does not adjoin any privately owned lots;*
 - *The nearest private dwelling is located approximately 77m from the nearest onsite building, being the existing school principal's office. We note this dwelling is screened by approximately 65m of dense and established vegetation;*
- *In close proximity, on the corner of School Road, is the Jimna community hall, which itself hosts community events;*
- *The site has approximately 78m frontage and direct access onto School Road, which is fully sealed;*
- *Existing vehicular entry and exit point to the site which is sealed and considered to have good visibility in both directions along School Road leading to safe and serviceable access; and*
- *The site is situated central to Jimna Township which has good connectivity with a rational system of roads providing a direct access link to all areas within wider locality.*

Each event proposal will be screened by the applicant first for suitability to the facilities that Jimna Base Camp has to offer, as well as consideration to the local residences. As the type of events may differ between organiser to organiser, each proposal will be somewhat unique. On this basis, the applicant will accept a condition requiring the following plans/documents to be prepared/updated and submitted to Council within a nominated timeframe prior to each event:

- *Event management plan*
- *Noise management plan*
- *Traffic management plan*
- *Insurance certificate to the value of \$20 million, which notes Somerset Regional Council as an interested party.*

The subject land is identified in the *Township* zone as shown on the locality plan below. The adjoining land to the east, west and south is within the Rural zone, within which this type of use would be subject to the temporary use provisions of the Planning Scheme for a *Major sport, recreation, and entertainment facility*.



**Locality Plan of Lot 11 LX2539
Situated at 21 School Road, Jimna**

Council had commenced consideration of the Jimna Rocks 2022 Festival as a temporary event, however during the assessment process concluded that the development would trigger a Material change of use due to being within the Rural zone.

The proposed use would be defined as major sport, recreation and entertainment facility which means the use of premises for large-scale events, including, for example, major sporting, recreation conference or entertainment events.

The existing approval for a Recreational Use (Campground and Holiday Accommodation) (DA15315) included the following discussion:

It is proposed that the existing oval be converted into a campground, with holiday accommodation provided in the old principal's residence. The old school building, which contains a self-contained kitchen, will be retained for a common use area and will be used to display the information on the history of the local area and the ecology of the region's natural surroundings. There will be a new kiosk built in the ground floor of the school building to provide service to campground guests. The proposal is intended to increase the tourism offerings in the northern part of the region and provide local employment opportunities in the Jimna township. It is proposed that the campground will accommodate a maximum of 250 persons during peak periods, but these numbers are not expected on a regular basis but rather at specific and infrequent times throughout the year. The ancillary kiosk will have a maximum floor area of 40m² and the proposed development is intended to provide tourist accommodation 24 hours a day and seven days a week.

The applicant has advised that, due to the costs and compliance requirements associated with having an on-site effluent disposal system with the capacity to treat the effluent generated by more than 21 equivalent persons (EP), they are happy for the application to be conditioned so that there will be a maximum number of people to be accommodated as part of the campground. The EP calculations relevant for a

campground determine a maximum of 35 people before the system is one which would require an Environmentally Authority for an Environmentally Relevant Activity. As the number of regular and on-going users will be maintained in this way, all conditions recommended for inclusion are based on a maximum of 35 campground guests.

Conditions 1.5 – 1.8 of the existing Decision Notice (DA15315) states:

1.5	Unless otherwise approved by Council, the maximum number of people to be accommodated on the campground will be thirty-five (35).	At all times.
1.6	One-off events where the number of people accommodated at the campground will exceed thirty-five (35) will be limited to three times per calendar year and require Council's prior endorsement	At all times.
1.7	The applicant must prepare and submit, for the approval of Council's Chief Executive Officer, a site-based management plan (SBMP) which includes specific details on the arrangements which will be made for periods where the number of campground guests will exceed thirty-five (35) people for the following: <ul style="list-style-type: none"> • Water management; and • Land management; and • Solid and liquid waste management; and • Amenities; and • Environmental nuisance; and • Public safety 	Within three months of this approval taking effect.
1.8	One-off events where the number of people accommodated at the campground will exceed thirty-five (35) must comply with the approved SBMP required by condition 1.7.	At all times.

Section 46(3) of the *Planning Act 2016* allows the local government to give an exemption certificate if any other following apply:

- i. the effects of the development would be minor or inconsequential, considering the circumstances under which the development was categorised as assessable development;
 - ii. the development was categorised as assessable development only because of particular circumstances that no longer apply;
 - iii. the development was categorised as assessable development because of an error.
- (i) The effects of the development would be minor or inconsequential.
No building works would be proposed as a part of this development. Temporary facilities such as stages, portable toilets, marquees, gazebos and the like would be located on site for the duration of the event and removed afterwards.

The development does not enable use of the site for this purpose more than seven days in a calendar year. Any use for this purpose for more than seven days total in a calendar year would trigger an Impact assessable Material change of use. Without going into detail, an application for more than seven days would involve permanent buildings and structures, significant upgrades to effluent disposal arrangements and traffic and parking arrangements.

It is proposed that this seven day amount be separate to the three events listed in conditions 1.5 to 1.8 of DA15315. The effects of the development are considered to *be minor and inconsequential* in the circumstances in which the development was categorised as assessable development, in that the proposed use is highly constrained in terms of duration within a calendar year and will not involve any permanent structures or buildings as a consequence of the use.

In summary, the effect of the development is inconsequential considering the small number of days and events that can be accommodated through the use of the site for this purpose.

- (ii) the development was categorised as assessable development only because of particular circumstances that no longer apply;

Council has not implemented a change to the scheme, nor a policy that had been accepted by the State, nor a version of the planning scheme that had been approved but not yet adopted, that would alter the particular circumstances for this type of development.

It is considered the proposal therefore does not comply with the criteria applicable under Section 46 (3).

- (iii) the development was categorised as assessable development because of an error.

The site is contained within the Township zone. The site is surrounded on all sides by land within the Rural zone.

The zoning within the Jimna township is a mixture of Township and Rural zoning. The rural zoned land is owned or managed by Somerset Regional Council, Telstra Australia and the Department of Resources.

It is considered the proposal does not comply with the criteria applicable under Section 46 (3).

The Exemption Certificate will be limited to the extent specified. Any future development or change of use may trigger the need for a material change of use application.

Attachments

Letter from BT Town Planning seeking an exemption certificate.

Recommendation

THAT Council approve the request for an Exemption Certificate for major sport, recreation and entertainment facility under the *Planning Act 2016*, on land described as Lot 11 LX2539, and situated at 21 School Road, Jimna, subject to the following criteria:

- (a) The currency period for this exemption certificate is for two years from the date of this certificate.
- (b) Limited to a maximum of seven days per calendar year.

- (c) All events utilising this exemption require a temporary event permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011.

Resolution

Moved – Cr Whalley

Seconded – Cr Wendt

“THAT Council approve the request for an Exemption Certificate for major sport, recreation and entertainment facility under the *Planning Act 2016*, on land described as Lot 11 LX2539, and situated at 21 School Road, Jimna, subject to the following criteria:

- (a) The currency period for this exemption certificate is for two years from the date of this certificate.
- (b) Limited to a maximum of seven days per calendar year.
- (c) All events utilising this exemption require a temporary event permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011”.

Carried

Vote - Unanimous

Subject:	Disaster Recovery Funding Arrangements (DRFA) procurement
File Ref:	2022 floods
Action Officer:	DFIN

Background/Summary

The Local Government Regulation 2012 and Council's procurement policy govern Council procurement.

It is recommended given the large scale of the 22-28 February 2022 flood event that:

- Council procurement policy requirements around quotations be relaxed where the purchase relates to counter disaster operations or emergent works as defined in the DRFA guidelines. These are temporary stages of the recovery (up to 3 months). It is envisaged that this would apply to all delegated officers
- Council endorses the application of the exception to quotation and tender requirements under s235 (c) of the Local Government Regulation 2012 until 31 May 2022 for purchases approved by the Chief Executive Officer only

Attachments

Nil

Recommendation

THAT notwithstanding the procurement policy, the Chief Executive Officer or delegate be empowered to authorise the purchase of goods or services which are the subject of Disaster Recovery Funding Arrangements under either the counter disaster operations or emergent works headings in respect of the February 2022 declared event between 22 February 2022 and 31 May 2022 to the value of \$15,000 without obtaining quotations and that relevant portions of the standing arrangements section of the policy be set aside for these purchases.

THAT notwithstanding the procurement policy, the Chief Executive Officer be empowered to authorise the purchase of goods or services which are the subject of Disaster Recovery Funding Arrangements under either the counter disaster operations or emergent works headings in respect of the February 2022 declared event without first obtaining quotations or tenders between 22 February 2022 and 31 May 2022 as deemed appropriate under s235 (c) of the Local Government Regulation 2012 including where standing arrangements are in place.

Resolution

Moved – Cr Brieschke

Seconded – Cr Gaedtke

1. “ THAT notwithstanding the procurement policy, the Chief Executive Officer or delegate be empowered to authorise the purchase of goods or services which are the subject of Disaster Recovery Funding Arrangements under either the counter disaster operations or emergent works headings in respect of the February 2022 declared event between 22 February 2022 and 31 May 2022 to the value of \$15,000 without obtaining quotations and that relevant portions of the standing arrangements section of the policy be set aside for these purchases.
2. THAT notwithstanding the procurement policy, the Chief Executive Officer be empowered to authorise the purchase of goods or services which are the subject of Disaster Recovery Funding Arrangements under either the counter disaster operations or emergent works headings in respect of the February 2022 declared event without first obtaining quotations or tenders between 22 February 2022 and 31 May 2022 as deemed appropriate under s235 (c) of the Local Government Regulation 2012 including where standing arrangements are in place.”

Carried*Vote - Unanimous*

Subject:	Action under section 130 of the Local Government Regulation 2012
File Ref:	2022 floods
Action Officer:	DFIN

Background/Summary

It is recommended that Council use section 130 of the Local Government Regulation 2012 to potentially save administrative costs in respect of rate payments received during April 2022 and to recognise potential economic challenges due to severe flooding across Somerset.

The due date shown on rate notices that issued on 22 February 2022 was 5 April 2022.

The regulation says:

130 (7) The local government may, by resolution, change the discount period to end on a later day (the new discount day).

130 (8) However, if the discount period is changed under subsection (7), the local government must also, by resolution, change the due date for payment to a later day that is no earlier than the new discount day.

Attachments

Nil

Recommendation

THAT Council under subsections 130 (7) and (8) of the Local Government Regulation 2012, change the discount date and the due date for payment for the current rating period to 31 May 2022.

Resolution

Moved – Cr Wendt

Seconded – Cr Whalley

“THAT Council under subsections 130 (7) and (8) of the Local Government Regulation 2012, change the discount date and the due date for payment for the current rating period to 31 May 2022”.

Carried

Vote - Unanimous

Subject: Revenue policy FY2023
File Ref: Financial management – budgeting – budget
Action Officer: DFIN

Background/Summary

Local governments are required to review their revenue policies annually and in sufficient time to allow an annual budget that is consistent with the revenue policy to be adopted for the next financial year under S193 of Local Government Regulation 2012.

A proposed revenue policy is recommended for adoption consistent with this requirement and broadly consistent with revenue policy FY2022.

Attachments

Revenue policy FY2022

Recommendation

THAT the following policy be adopted:



Policy Subject/Title:

Revenue Policy FY2023

Policy Number:

F/001

Policy Subject/Title:	Revenue Policy FY2023
Responsible Officer:	Director Finance
Legislative or Regulatory Reference:	<i>Local Government Act 2009</i> and Regulation
Related Policies / Procedures:	Revenue statement
Authorised by:	Somerset Regional Council
Authorised on:	9 March 2022
Review/Amendment dates:	This policy is reviewed annually

1. OBJECTIVE

Council aims to fulfil a statutory requirement through adoption of this revenue policy under section 193 of the Local Government Regulation 2012.

2. BACKGROUND

Council is required to review its revenue policy each financial year under section 193 of the Local Government Regulation 2012.

3. PURPOSE

The revenue policy sets guidelines for the development of Council's budget, revenue measures and other financial matters as outlined.

4. SCOPE

The policy applies to Somerset Regional Council and all persons and entities that contribute or might contribute revenue to the Council.

5. POLICY

Section numbers referred to below relate to the Local Government Regulation 2012.

• s193(1)(a)(i) The principles that the local government intends to apply in the financial year for levying rates and charges

Rates and charges are levied to enable Council to meet its recurrent and capital costs.

Differential general rates will be levied on all rateable land in the Region. In Council's opinion, differential general rating enables there to be a more equitable relationship between revenue raised from particular land and the circumstances relevant to that land than would be the case under a standard rating system where rates are levied at a single rate in the dollar on all rateable land.

In determining its differential rating system, Council's objective is to ensure the fair and consistent application of lawful rating and charging principles, without bias, taking account of all relevant considerations, and disregarding all irrelevant considerations.

For the 2022/2023 financial year, the Council will levy general rates on land on the basis of differential rating categories determined having regard to a variety of matters including but not limited to: -

- land use;
- land location;
- availability of services;
- consumption of services;
- land area;
- valuation; and
- such other relevant qualities of the land or its use.

For utility charges, and other rates or charges for particular services or functions (regulatory or otherwise) the guiding principle is that of user pays, with the overall level of revenue raised by each charge being based so far as practicable upon the full cost price of providing the service or facility concerned.

Council will meet legal requirements for the cost effective levying of rates including providing all required information on rate documents.

• s193(1)(a)(ii) The principles that the local government intends to apply in the financial year for granting concessions for rates and charges

Council may grant rate remissions or deferrals on the grounds of financial hardship on a case-by case but consistent basis.

Financial hardship does not necessarily mean simple inability to pay.

Council will administer the State Government Pensioner Rate Subsidy Scheme under the scheme rules for the maximum benefit of landowners.

Council may allow concessions to certain classes of pensioner landowners for rating equity reasons. The conditions of any concessions will be outlined in the local government's revenue statement and budget resolutions.

• s193(1)(a)(iii) The principles that the local government intends to apply in the financial year for recovering overdue rates and charges

Council will inform ratepayers with arrears of rates of the powers it may use in collecting outstanding rates including legal action, application of interest penalties, loss of discounts, release of information to mortgagees and other parties with interests in properties, sale of lands and any other potential action.

Council may offer assistance to people to access their own superannuation if applicable.

Council's recovery action will be cost effective.

Council will not enter into arrangements that limit its legal power to recover rates.

Following each rating period, Council will forward reminder letters to owners with overdue rates where appropriate or courtesy advices to ratepayers who have missed discounts.

Legal rate recovery actions or referrals to debt collectors may be authorised by the Chief Executive Officer.

Council is to receive twice each financial year recommendations for sale of lands for overdue rates actions covering all properties for which actions may legally be commenced except where the overdue rates or charges exceed the rateable valuation of the land. Where this situation applies, a recommendation to acquire the land for overdue rates may be made.

Where Council invokes section 130 (7) of the Local Government Regulation 2012 to set a later discount date than indicated on a rate notice and this has clearly resulted in a credit balance for a local ratepayer equal to the discount available, Council will write to the local ratepayer advising that the account is in credit.

Council is to receive a recommendation to commence sale of land for overdue rates and charges action whenever an infrastructure charge becomes overdue for a period of more than three years.

• s193(1)(a)(iv) The principles that the local government intends to apply in the financial year for cost-recovery methods

Council may seek to recover costs of the matters permitted under section 97 of the Local Government Act 2009.

Costs to be recovered with cost-recovery fees may include all direct and indirect costs of the providing the relevant facility, service or activity including cash and non-cash costs and including but not limited to the cost of capital, corporate overheads and depreciation.

Council will not seek to impose a taxation component for any cost-recovery fee.

Council may charge less than the full cost of providing the relevant facility, service or activity when setting any cost-recovery fee.

• s193(1)(b) The purpose of concessions granted for rates and charges

Various concessions may be granted for rates and charges including retaining the concessions of a predecessor council or for any of the matters permitted by law as it is assumed that the types of concessions allowable by law are permitted for a valid purpose.

The conditions of any concessions will be outlined in the local government's revenue statement and budget resolutions.

• s193(1)(c) The extent to which physical and social infrastructure costs for a new development are to be funded by charges for the development

Developers may be required to pay the full costs of any increased capacity in the physical infrastructure due to any new developments, and where appropriate, a contribution towards social infrastructure changes required to cater for the increase or changes in population

caused by new developments.

6. EFFECTIVE FROM

This policy is effective from 9 March 2022 in respect of the 2022/2023 financial year.

7. CONTROLS

This policy is subject to controls outlined in the financial management risk register.

8. DATE OF RESOLUTION

This policy was approved by the Chief Executive Officer and adopted by the Somerset Regional Council at the Ordinary Meeting of 9 March 2022.

Signed:

Dated:

Resolution

Moved – Cr Isidro

Seconded – Cr Choat

“THAT the following policy be adopted:



Policy Subject/Title:

Revenue Policy FY2023

Policy Number:

F/001

Policy Subject/Title:

Revenue Policy FY2023

Responsible Officer:

Director Finance

Legislative or Regulatory Reference:
2009 and Regulation

Local Government Act

Related Policies / Procedures:

Revenue statement

Authorised by:
Council

Somerset Regional

Authorised on:

9 March 2022

Review/Amendment dates:
annually

This policy is reviewed

1. OBJECTIVE

Council aims to fulfil a statutory requirement through adoption of this revenue policy under section 193 of the Local Government Regulation 2012.

2. BACKGROUND

Council is required to review its revenue policy each financial year under section 193 of the Local Government Regulation 2012.

3. PURPOSE

The revenue policy sets guidelines for the development of Council's budget, revenue measures and other financial matters as outlined.

4. SCOPE

The policy applies to Somerset Regional Council and all persons and entities that contribute or might contribute revenue to the Council.

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In determining its differential rating system, Council's objective is to ensure the fair and consistent application of lawful rating and charging principles, without bias, taking account of all relevant considerations,

and disregarding all irrelevant considerations.

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- land use;
- land location;
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For utility charges, and other rates or charges for particular services or functions (regulatory or otherwise) the guiding principle is that of user pays, with the overall level of revenue raised by each charge being based so far as practicable upon the full cost price of providing the service or facility concerned.

Council will meet legal requirements for the cost effective levying of rates including providing all required information on rate documents.

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Council may allow concessions to certain classes of pensioner landowners for rating equity reasons. The conditions of any concessions will be outlined in the local government's revenue statement and budget resolutions.

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Council will inform ratepayers with arrears of rates of the powers it may use in collecting outstanding rates including legal action, application of interest penalties, loss of discounts, release of information to mortgagees and other parties with interests in properties, sale of lands and any other potential action.

Council may offer assistance to people to access their own superannuation if applicable.

Council's recovery action will be cost effective.

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• s193(1)(a)(iv) The principles that the local government intends to apply in the financial year for cost-recovery methods

Council may seek to recover costs of the matters permitted under section 97 of the Local Government Act 2009.

Costs to be recovered with cost-recovery fees may include all direct and indirect costs of the providing the relevant facility, service or activity including cash and non-cash costs and including but not limited to the cost of capital, corporate overheads and depreciation.

Council will not seek to impose a taxation component for any cost-recovery fee.

Council may charge less than the full cost of providing the relevant facility, service or activity when setting any cost-recovery fee.

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Various concessions may be granted for rates and charges including retaining the concessions of a predecessor council or for any of the matters permitted by law as it is assumed that the types of concessions allowable by law are permitted for a valid purpose.

The conditions of any concessions will be outlined in the local government's revenue statement and budget resolutions.

• **s193(1)(c) The extent to which physical and social infrastructure costs for a new development are to be funded by charges for the development**

Developers may be required to pay the full costs of any increased capacity in the physical infrastructure due to any new developments, and where appropriate, a contribution towards social infrastructure changes required to cater for the increase or changes in population caused by new developments.

6. EFFECTIVE FROM

This policy is effective from 9 March 2022 in respect of the 2022/2023 financial year.

7. CONTROLS

This policy is subject to controls outlined in the financial management risk register.

8. DATE OF RESOLUTION

This policy was approved by the Chief Executive Officer and adopted by the Somerset Regional Council at the Ordinary Meeting of 9 March 2022.

Signed:

Dated:”.

Carried

Vote - Unanimous

Subject:	Finance report
File Ref:	Monthly reporting/ finance
Action Officer:	DFIN

Background/Summary

Funding flood restoration and the importance of good asset data

Somerset was disaster-declared effective 27 February 2022. Council is eligible for Federal/State assistance including for restoration of essential public assets.

Systems are being established to capture flood restoration costs with sufficient detail to qualify for funding as required under the Queensland Disaster Funding Guidelines 2021.

The 2011 and 2013 events in Somerset cost a combined \$143M for asset restoration and related matters.

In December 2021, Council engaged Shepherd Services to survey the road network including capturing images and condition data about all 1,500km of Council's constructed roads.

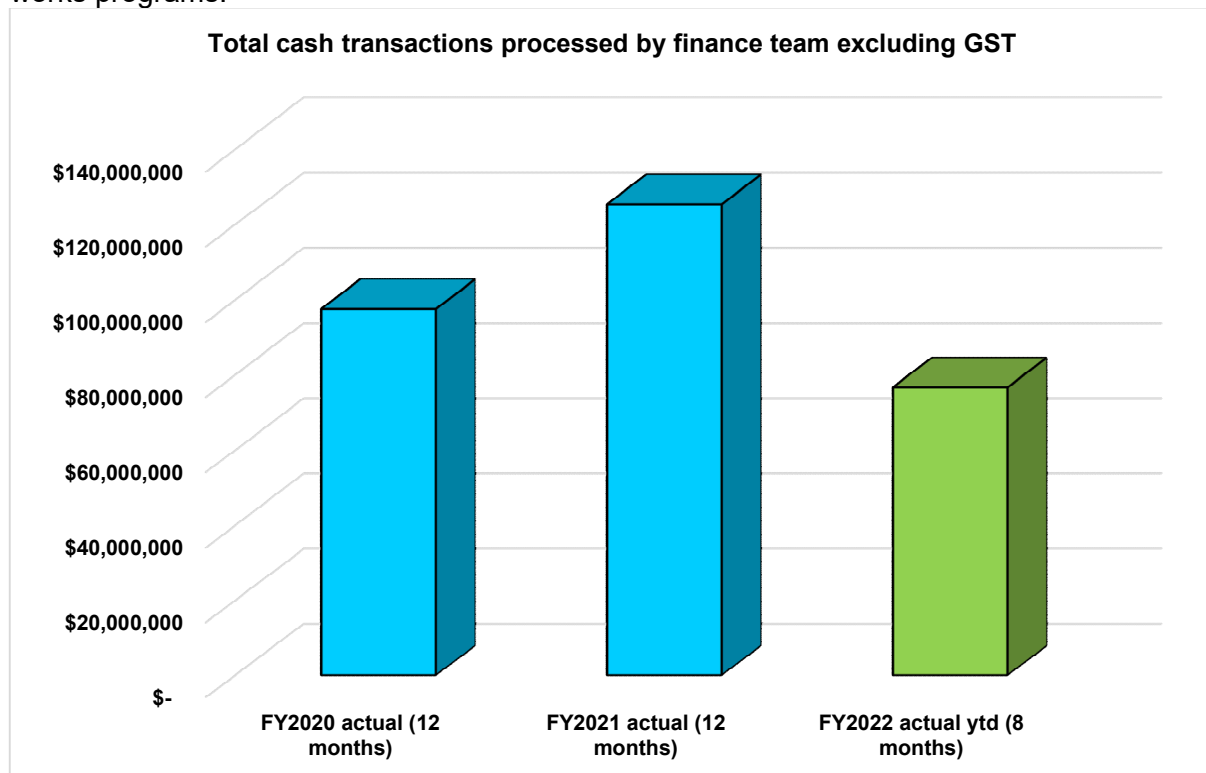
Fortunately, the \$65,877 road survey was completed four weeks before the flood and enables us to prove the pre-disaster condition of assets - as required in the funding guidelines.

Financial reports

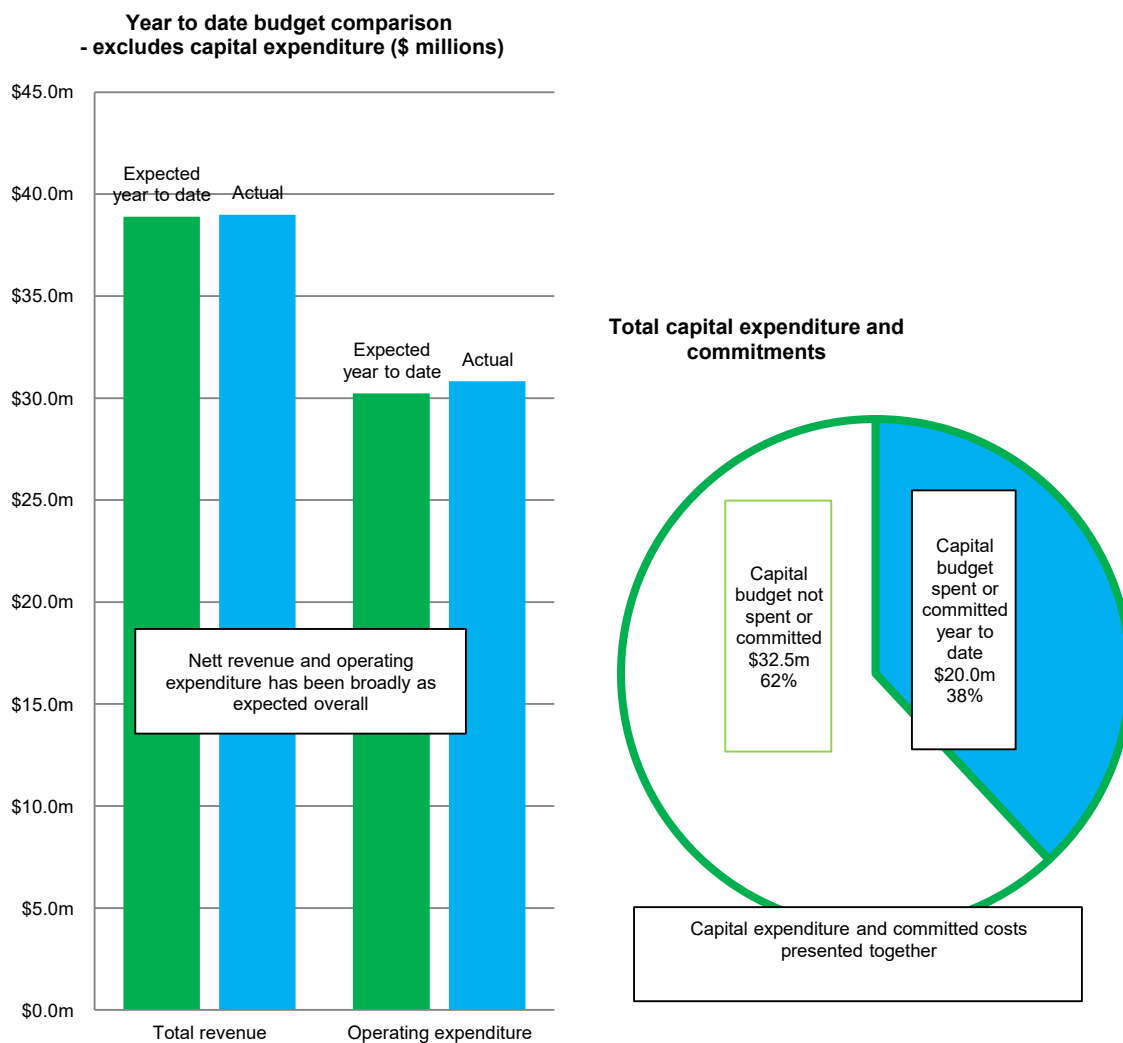
Reports for the period 1 July 2021 to 28 February 2022 are attached detailing the progress that has been made in relation to Council's FY2022 budget as required by Local Government Regulation 2012 s204.

The finance team has processed \$77M in transactions for the financial year to date including grants, rates and contract revenue transactions and payments to suppliers and employees.

Transaction volumes have increased in recent years with larger capital and recoverable works programs:



Results for the year to date are summarised as follows:



Competitive grants

- On 24 February 2022, Council was advised that it had been partially successful with two applications under the Australian Government's Black Summer Bushfire Recovery Grants Program (BSBRGP). Council officers are negotiating with officers of the Department of Industry about the terms of funding including what can be funded:

BSBRGP competitive project application	Project value	Funds sought	Funding offered
Fernvale Firewall	\$6,777,433	\$4,500,000	\$800,000
Somerset/ Brisbane Boundary Firewall	\$1,709,815	\$854,907	\$500,000

- On 18 February 2022, Council was advised that the following application under the Australian Government's Queensland's Fishing Infrastructure Grants Program was successful:

Queensland's Fishing Infrastructure Grants Program	Project value	Funding offered
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	\$70,169	\$63,000

project as it will create "a safer area for the community to conduct recreational activities and an increase in usage by the community".		
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- Council officers lodged an application under the Australian Government's Preparing Australian Communities Program (PACP) on 22 December 2021 as follows:

PACP competitive project application	Project value	Funding sought
Somerset priority evacuation routes Austroads improvement project. Widen the bitumen surface (to 7.0m) and formation (to 9.0m) of 3 single-lane key evacuation routes (total 8.21km) being sections of Main St Lowood, Ivory Creek Rd and Toogoolawah-Biarra Rd. A review into the adequacy of evacuation routes has identified the need to widen those routes in line with Austroads-recommended widths for trunk roads. Widening the evacuation routes will reduce the risk of road crash incidents during an evacuation by 22 – 36 %. The key evacuation routes carry a total 1,078 vehicles a day including 93 heavy vehicles highlighting their importance to the local community and economy and provide important regional links.	\$7,092,476	\$3,546,238

- Council officers lodged an application under the Australian Government's Heavy Vehicle Safety and Productivity Program (HVSP) on 11 January 2022 as follows:

HVSP competitive project application	Project value	Funding sought
Widen and strengthen 1.3km of Lowood Minden Road from chainage 8.13km to ch9.45km near the intersection of Kisslings Road.	\$1,434,204	\$1,147,363

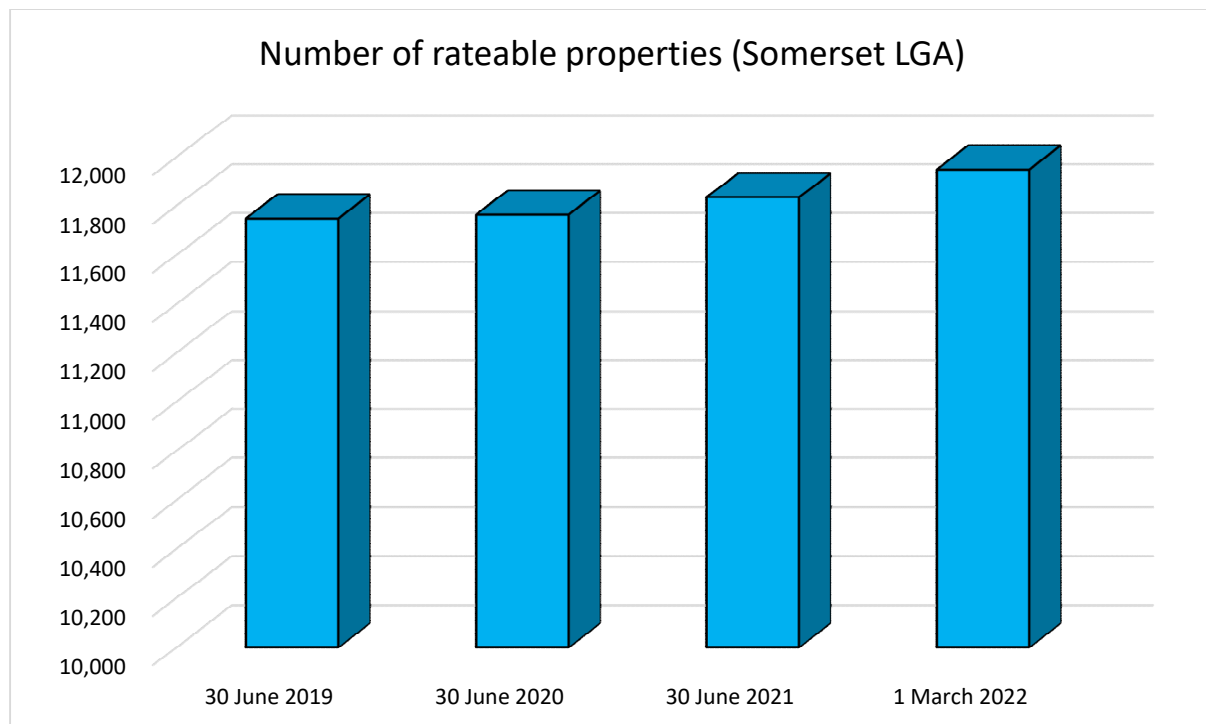
- Council officers lodged the following applications under the Australian Government's Building Better Regions Fund on 7 and 9 February 2022

Building Better Regions Fund round 6 application	Project value	Funds sought
Brisbane Valley Rail Trail Mountain Bike Park. By 30 November 2024, Council will construct 28 km of walking and/or mountain bike trails on Mt Glen Rock, Esk in the centre of the Brisbane Valley Rail Trail - Australia's longest. The resulting development on Council freehold land will meet the Mountain Bike Australia criteria for a riding destination of Local to Regional Significance (Otium Planning Group). The project will capitalise on the Brisbane Valley Rail Trail which drew 34,674 visitors through Esk alone in 2021 at 11.9% annual growth and will attract 4000 new visitor nights and 1600 new day trip visitors to the region. This modest growth in visitation will support 8 full time equivalent jobs in a high unemployment area. The project will provide improved health and social outcomes.	\$5,031,818	\$2,515,909
Toogoolawah Gateway Centre. By 2025, Council will construct Toogoolawah Gateway Centre (TGC) with a roofed area of 564m2 and 26 car parks to host a new Toogoolawah library, wellness hub including rooms for visiting medical professionals and visitor facilities for Brisbane Valley Rail Trail users. Toogoolawah has poor health indicators, lacks health services and public transport. Providing health care services locally will provide health benefits to local residents, while a new library meeting recommended public library space requirements will facilitate learning and social interaction. TGC will be located on the Brisbane Valley Rail Trail with facilities to support and attract visitors to benefit the local economy. The current 84m2 library will also become a wellness hub.	\$2,500,000	\$1,250,000

- 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 also developing further proposals under the Australian Government's Bridges Renewal Program and Heavy Vehicle Safety and Productivity Program and under the Queensland Local Government Grants and Subsidies Program (LGGSP)

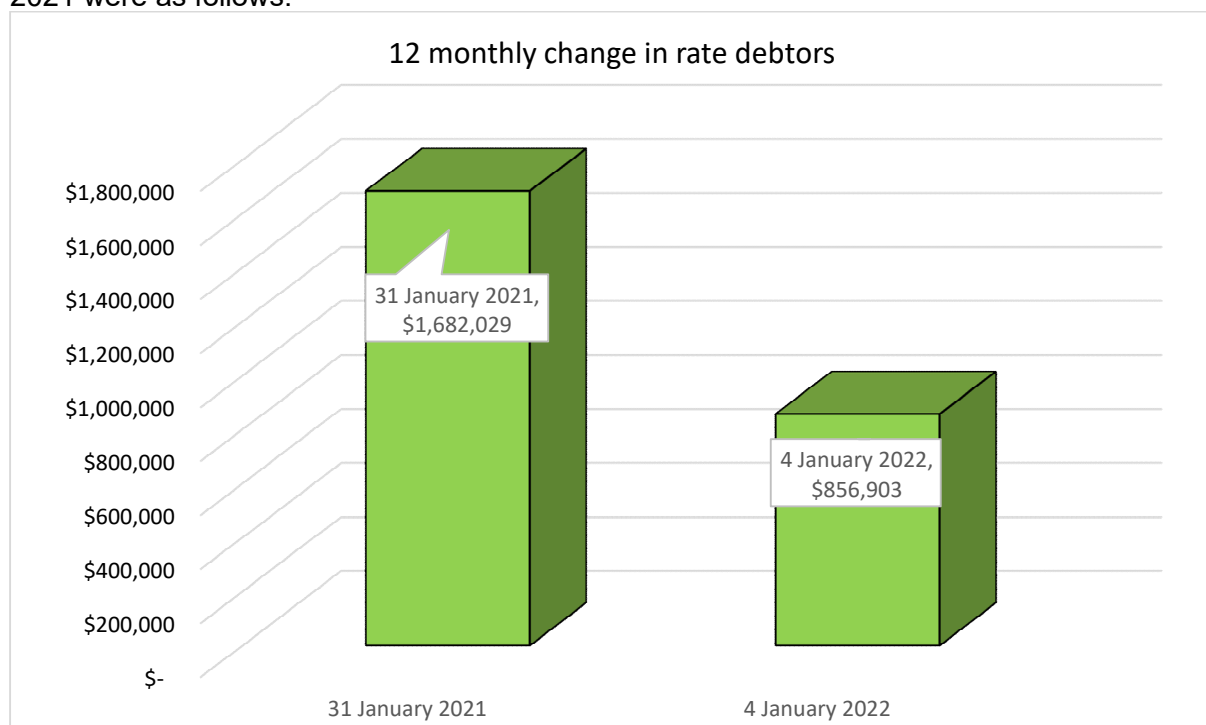
Growth

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) prior to the issue of rate notices on 22 February 2022 and 23 February 2021 were as follows:



Council issued 38 notices of intention to sell land for overdue rates on 19 November 2021. Council is working with the owners of these properties and their mortgagees to recover overdue rates without incurring legal costs

Investments

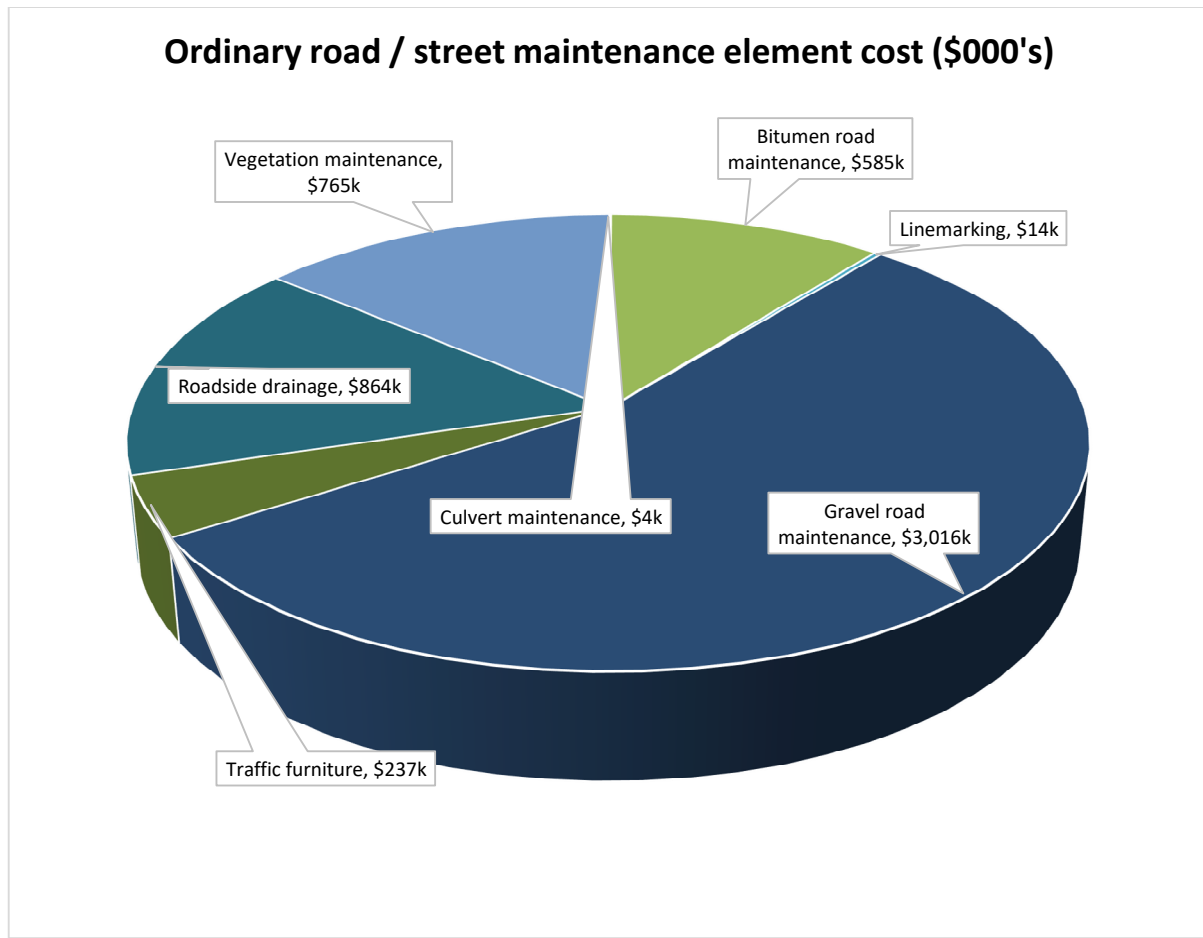
Council relies on interest revenue to keep rates at the lowest possible level. Interest rates are at historic lows. An investment summary is attached detailing interest earnings from Queensland Treasury Corporation (QTC) and other sources. QTC interest rates have been variable and were 0.45% net during February 2022. Council's key investment strategy has been to maintain interest-bearing credit facilities totalling \$43.8 million to Urban Utilities (UU) which help fund infrastructure like 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. This is expected to be in place in July 2022.

Ordinary road maintenance detail

Ordinary road maintenance costs exceed pro rata budget as below:

Maintenance type	Total (\$000's)
Bitumen road maintenance	585
Gravel road maintenance	3,016
Roadside drainage	864
Culvert maintenance	4
Vegetation maintenance	765
Traffic furniture	237
Linemarking	14
Total actual year to date	<u>5,485</u>
Expected pro-rata budget year to date	<u>3,654</u>

Overall Council net operating costs are within pro rata budget expectations however maintenance costs exceed budget.



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	161	14
Kingaham Rd (gravel) Ch0-Ch8960	120	13
Banks Creek Rd (gravel) Ch4670-Ch12870	89	11
West Brnch RdXing35Ch19065-19070	87	
Mt Byron Rd (gravel) Ch2020-Ch15370	82	6
Diaper Rd (gravel) Ch3000-Ch6200	79	25
Westvale Rd (gravel) Ch1340-Ch13550	77	6
Ivory Creek Rd (gravel) Ch10150-Ch12590	73	30
Monsildale Rd (gravel) Ch12000-Ch19100	72	10
Monsildale Rd (gravel) Ch1630-Ch10200	66	8
Kimballa Rd (gravel) Ch8780-Ch9850	59	55
Yabba Rd (gravel) Ch0-Ch3330	58	17
Sunday Creek Rd (gravel) Ch1690-Ch3390	55	33
Waverley Rd (gravel) Ch100-Ch1200	52	47
Patrick Estate Rd (bitumen) Ch240-Ch720	50	104
Hope St (bitumen) Ch0-Ch230	49	213
Silverleaves Rd (gravel) Ch40-Ch2150	48	23
Mt Byron Rd (gravel) Ch160-Ch1170	42	41
Kimballa Rd (gravel) Ch9850-Ch13670	42	11

Cressbrook Cab (gravel) Ch8280-Ch13860	41	7
Yielo Rd (gravel) Ch5100-Ch15500	41	4
Ivory Creek Rd (gravel) Ch12590-Ch15230	40	15
Mt Byron Rd (gravel) Ch15370-Ch19310	40	10
Glenhowden Rd (gravel) Ch30-Ch1580	39	25
Morden Rd (gravel) Ch1880-Ch6470	38	8
Kipper Creek Rd (gravel) Ch6360-Ch10710	38	9
Mt Buggery Rd (gravel) Ch0-Ch990	36	36
Banks Creek Rd (gravel) Ch3300-Ch4670	33	24
William St Kilcoy (bitumen) Ch110-Ch410	32	108
Mt Mulgowie Rd (gravel) Ch840-Ch3100	32	14
Subtotal (\$000's)	1,771	

Special road maintenance/ renewal

In addition to ordinary bitumen road maintenance, expenditure on special road maintenance including resealing of bitumen roads has been budgeted of \$1.793M. Reseals were scheduled for March 2022.

Attachments

Financial reports and payment listings

Recommendation

THAT Council receive the financial reports for 1 July 2021 to 28 February 2022 and payments presented for the period 31 January 2022 to 28 February 2022 totalling \$6,538,851.55 and that the contents be noted.

Resolution

Moved – Cr Wendt

Seconded – Cr Choat

“THAT Council receive the financial reports for 1 July 2021 to 28 February 2022 and payments presented for the period 31 January 2022 to 28 February 2022 totalling \$6,538,851.55 and that the contents be noted”.

Carried

Vote - Unanimous

Subject: Toogoolawah Condensery energy use options

File Ref: Electricity

Action Officer: DFIN

Background/Summary

Toogoolawah Condensery has the highest nett energy use of any Council building.

Peak Services (report attached) were engaged to analyse energy consumption on site and:

- have quantified the significant increase in power usage at the Condensery and the reasons for the increase while confirming that the existing 15kW solar plant is operating and generating power as expected

- recommend Council expands “the capacity of the existing 15kW solar power plant in order to offset the daytime electricity consumption. High level estimations indicate an additional 20kW solar power plant (is required) to offset the existing grid power consumed during the day.”

The most relevant grant program that might fund an increase in PV solar at the Condensery closes for applications on 18 March 2022.

Attachments

Peak Services report – Toogoolawah Art Gallery Detailed Consumption Analysis of 18 February 2022

Recommendation

THAT Council endorse the installation of up to 20kW of further rooftop PV solar at Toogoolawah Condensery including on the southern side of the building and authorise the Chief Executive Officer to apply for funding for this installation including committing any required Council co-contribution

Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

“THAT Council endorse the installation of up to 20kW of further on ground PV solar at Toogoolawah Condensery and authorise the Chief Executive Officer to apply for funding for this installation including committing any required Council co-contribution”.

Carried

Vote - Unanimous

Subject: New exterior signage for The Condensery – Somerset Regional Art Gallery

File Ref:

Action Officer: GC

Background/Summary

On 8 September 2021 Council approved the revision of the logo and a new visual identity for the gallery by design agency Goldi, following recommendation from The Condensery – Somerset Regional Art Gallery Advisory Committee. The new logo and branding package were delivered in December 2021 and implementation of the new branding package begun following Council ratification on 19 January 2022.

As part of the branding package Goldi have provided designs for greater wayfinding and signposting for the gallery, including plans for new exterior signage to replace outdated and illegible existing signage. The proposed external sign will clearly signpost the brand and name ‘The Condensery’, minimising visual confusion and creating a welcoming and appealing entrance for visitors. In addition, the new signage concept has been proposed to maximise legibility and visibility from the highway with long lasting stainless-steel three-dimensional channel lettering and rear illumination for 24-hour vibrancy and safety.

The Condensery – Somerset Regional Art Gallery Advisory Committee considered and discussed the signage designs and quotes provided at their 7 February meeting and recommended a 3D fabricated 80mm deep stainless-steel sign with opal acrylic fronts with LED face illumination be installed on the exterior of The Condensery.

Attachments

Attachment 1: a-sign

Attachment 2: Colour Chiefs

Attachment 3: Advanced electrical and air solutions quote for power connection

Recommendation

THAT Council consider a budget allocation in 2022/23 of \$14,600 (ex GST) for the supply and installation of new exterior sign.

Resolution

Moved – Cr Brieschke

Seconded – Cr Gaedtke

“THAT Council consider a budget allocation in 2022/23 of \$14,600 (ex GST) for the supply and installation of new exterior sign”.

Carried

Vote - Unanimous

Subject:	Best of Brisbane Region Experiences Support Program
File Ref:	Tourism/Promotions
Action Officer:	TDO

Background/Summary

Tourism and Events Queensland (TEQ) developed the Best of Queensland Experiences Program, an innovative program that guides the Queensland tourism industry to deliver exceptional customer experiences, create positive word of mouth, help to attract more visitors, grow expenditure and increase market share.

To increase the number of operators reaching BoQE status, within the Brisbane region, the Brisbane Economic Development Agency (BEDA) as the regional tourism organisation and associated Councils received funding through TEQ's Contestable Funding Program 2021-2022 to develop the Best of Brisbane Region Support Program (BoBRE). Council will be contributing up to \$10,000 and will receive matched funding to carryout the mentor program in the region.

The BoBRE Support Program was designed by consultants, Linda Tillman and Jayne Jennings who were engaged by BEDA to create a program to help businesses reach the BoQE status and deliver exceptional visitor experiences, boost their bookings, sales and reviews through a practical manual and mentoring program. This program is the first of its kind in Queensland.

Each local government area sought expressions of interest for six tourism businesses to participate in the mentoring program. The program will offer targeted one on one support through face to face and online mentoring sessions, valued over \$3000 per operator. The program will run for 11 weeks from Monday, 14 March 2022 and cover 13 modules to help the selected businesses reach the BoQE status for the 2022-2023 financial year.

Somerset received eight expressions of interest from the following tourism businesses:

- One Tree Canoe
- The Hollow Log Country Retreat
- The Stonehouse Retreat
- Esk Grand Hotel
- The Linville Hotel
- Out There Cycling
- Sister Bake Co
- Kai Lounge

The following six tourism businesses would likely benefit the most from this mentoring program and increase the level of tourism experiences offered within the region:

- One Tree Canoe Company
- The Hollow Log Country Retreat
- The Stonehouse Retreat
- Esk Grand Hotel
- The Linville Hotel
- Out There Cycling

All Somerset tourism businesses will have the opportunity to download the BoBRE Support Program manual to work through at their own pace. Council officers will be able to assist additional tourism businesses with this program to strive for Best of Queensland Experiences status and improve and increase tourism offerings within the region

Attachments

CONFIDENTIAL - Expressions of Interest forms from

- One Tree Canoe
- The Hollow Log Country Retreat
- The Stonehouse Retreat
- Esk Grand Hotel
- The Linville Hotel
- Out There Cycling
- Sister Bake Co
- Kai Lounge

Recommendation

THAT Council endorse the selections of the One Tree Canoe Company, The Hollow Log Country Retreat, The Stonehouse Retreat, the Esk Grand Hotel, the Linville Hotel and Out There Cycling to be the Somerset Region Local Government Area participants in Best of Brisbane Region Experiences Support Program.

Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

“THAT Council endorse the selections of the One Tree Canoe Company, The Hollow Log Country Retreat, The Stonehouse Retreat, the Esk Grand Hotel, the Linville Hotel and Out There Cycling to be the Somerset Region Local Government Area participants in Best of Brisbane Region Experiences Support Program”.

Carried

Vote - Unanimous

Subject: Budget request – Art Beat Festival

File Ref:

Action Officer: ACM

Background/Summary

The Art Beat Festival was an annual festival run by the Creative Arts Alliance with the support of Council and successfully delivered on the grounds of The Condensery in 2019 and 2021, (2020 festival was cancelled due to COVID 19).

June 2021 saw the end of council's three-year deal with Creative Arts Alliance, with the organisations remit, priorities and funding realigned in late 2021 due to a restructure from Arts Queensland.

The 2019 and 2021 Art Beat festival received considerable financial and staff support from Creative Arts Alliance with CAA investing a total of \$30 744 in the 2021 Art Beat festival alongside council's contribution of \$15 000.

Considering the ongoing activation via current programming and public workshops at The Condensery under the leadership of the Gallery Curator, and the change in financial and staff resourcing from CAA to Council, the reallocation of existing budget for the 2022 Art Beat Festival is requested.

It is proposed that the \$15 000 is split evenly and used for two specific projects which will be used to leverage further grant funding for The Condensery and the Civic Centre.

Project 1 - Condensery Website. Allocation of \$7500 would be included in budget as part of a grant application to create a website for The Condensery which would include a region wide public art and gallery trail.

The grant application is part of the *Cultural Tourism Accelerator program – Experience Initiative* which supports an initiative that *adds an offer or experience to an existing program, to increase visitation or extend the visitor experience of 'place.'*

If the grant application were not to be successful, the allocation of \$7500 would contribute significantly to the creation of a website for The Condensery without the Public Art trail component.

Project 2 – Ten Stories. The allocation of \$7500 would be included in budget as part of council's contribution in several grant applications to facilitate the project – Ten Stories. The project is designed as a celebration of the Somerset Civic Centre 10-year anniversary and demonstrates council's commitment to arts and culture within the region. The project

includes dance workshops and performance, song writing workshops, creative writing and drama performance – culminating in a community festival in September 2022.
Funding opportunities to be applied for include Arts Activate and the Independent Creation Fund.

Attachments

Recommended Action

THAT Council approve the reallocation of \$15 000 for the Art Beat Festival to the following projects:

1. \$7500 for the creation of a website for The Condensery – Somerset Regional Art Gallery
2. \$7500 to be include in budget as council's contribution for the Civic Centre - Ten Stories grant applications.

Resolution

Moved – Cr Brieschke

Seconded – Cr Gaedtkke

“THAT Council approve the reallocation of \$15 000 for the Art Beat Festival to the following projects:

1. \$7500 for the creation of a website for The Condensery – Somerset Regional Art Gallery
2. \$7500 to be include in budget as council's contribution for the Civic Centre - Ten Stories grant applications”.

Carried

Vote - Unanimous

Subject: Tender 1249 – Lowood Swimming Pool Refurbishment

File Ref: SRC/Corporate Management/Tendering-Quotations/

Action Officer: DCORP-A/MRT

Background/Summary

Council has received funding of \$1,996,731 from the Queensland Department of Local Government and Planning SEQ Community Stimulus Program to fund the Lowood Swimming Pool Refurbishment project. The total project value based on the application was \$3,993,462.

Council advertised Tender 1249 – Lowood Swimming Pool Refurbishment on Tuesday 18 January 2022 through Vendor Panel, using specifications, concept plans and documentation prepared by Geneng Solutions and Aquatic One. This was the second tender for the Lowood Swimming Pool Refurbishment following Council's decision to reject all tenders submitted as part of Tender 1241 in December 2021.

The documentation for Tender 1249 specified two tender options: Option A and Option B. Option A specified the renovation of the existing 25m pool, utilising a modular pool liner system, including provision of a new ramp, stairs and wet deck gutter, as well new filtration and chemical dosing systems, and a new water play area to replace the existing toddler pool. Option B specified the replacement of the current pool shell with a new reinforced

concrete tiled pool that includes a ramp, stairs and wet deck gutters. All other specifications of Option B were the same as Option A.

A compulsory tender site inspection was held on Thursday 27 January 2022. Prospective tenderers were exempt from the compulsory tender site inspection if they attended the previous site inspection for Tender 1241 held on 15 October 2021. Four prospective tenderers attended the site inspections.

The tender closed on Friday 17 February 2022. A total of four conforming tenders were received, two tenders for Option A and two tenders for Option B. A summary of the tenders is confidentially attached for reference.

As part of their submission, tenderers were invited to submit amendments to the specification requirements and outline potential cost implication to Council. Two tenderers provided amendments.

A panel comprising Council Officers and representatives of Geneng Solutions and Aquatic One have reviewed all tenders (see attachment). The panel found the Option B tender from Ozcrete Pools Pty Ltd to represent the best value for money for Council.

Ozcrete Pools Pty Ltd have also offered an amendment for the sand filter specification. Ozcrete Pools Pty Ltd have proposed to install Emaux Sand Filters on the project offering a reduction in price of \$15,000 excluding GST. These filters offer the same specifications as the filters prescribed in the tender and are used extensively by QBuild.

Council has previously confirmed the engagement of Geneng Solutions to provide contractual management and superintendent / project management services for this project.

Attachments

Confidential Attachment – Tender Response Evaluation – Tender 1249 Lowood Swimming Pool Refurbishment

Recommendation

THAT Council

1. Accept the Option B tender submission form Ozcrete Pools Pty Ltd totalling \$2,777,439 excluding GST for Tender 1249 – Lowood Swimming Pool Refurbishment.
2. Accept the Ozcrete Pools Pty Ltd amendment offer to install Emaux Sand Filters for a saving of \$15,000 excluding GST.
3. Authorise the CEO to approve reasonable cost variations for the project in line with the construction contract management procedures.

Resolution

Moved – Cr Whalley

Seconded – Cr Gaedtke

“THAT Council

1. Accept the Option B tender submission form Ozcrete Pools Pty Ltd totalling \$2,777,439 excluding GST for Tender 1249 – Lowood Swimming Pool Refurbishment.

2. Accept the Ozcrete Pools Pty Ltd amendment offer to install Emaux Sand Filters for a saving of \$15,000 excluding GST.
3. Authorise the CEO to approve reasonable cost variations for the project in line with the construction contract management procedures”.

Carried

Vote - Unanimous

Subject:	Moore Hall – Centenary Celebrations
File Ref:	Roads / Road Closures / Temporary
Action Officer:	CSSA

Background/Summary

Correspondence has been received from the Moore Hall Committee advising they will be celebrating 100 years of operation in April 2022. They plan to hold a Centenary Ball on Friday, 22 April, open days on Saturday 23 April and Sunday 24 April and an Anzac Day Dawn Service Day on 25 April.

Feedback received and current expectations is that the events will draw a considerable inflow of visitors. To facilitate expected visitors, the Moore Hall Committee propose to close part of Lennox Street, from the intersection of Main Street North to the end of the hall property on Lennox Street from noon on Friday, 22 April until 3pm on Saturday, 23 April 2022.

This area would be used to set up food stalls and coffee van for the ball and tables and chairs for the visitors under portable gazebos for shade.

The temporary road closure will affect five property owners, however, the Moore Hall Committee have approached the affected property owners who have advised in writing that they do not object and support the temporary closure and will access their properties via Eskdale Street, Moore.

The Moore Hall Committee have provided a layout plan for the use of the temporary road closure and also a copy of their current public liability insurance certificate up to the value of \$20 million for this event for Council's records.

Council officers have no objections for this temporary road closure providing approval is sought from the Queensland Police Service for a temporary road closure and an approved traffic management plan and traffic guidance scheme is provided to Somerset Regional Council prior to the event.

Attachments

Recommendation

THAT Council offers no objection to the temporary road closure of Lennox Street, Moore from the intersection of Main Street North to the end of the Moore Hall property from 12pm, Friday, 22 April to 3pm, Saturday, 23 April 2022 subject to the following conditions:-

- Approval is given from the Queensland Police Service for the temporary road closure.
- An approved traffic management plan and traffic guidance scheme is provided to Somerset Regional Council prior to the event.
- The Moore Hall Committee will be responsible for any damage incurred to the roadway which may be caused from this event.

Resolution

Moved – Cr Wendt

Seconded – Cr Brieschke

“THAT Council offers no objection to the temporary road closure of Lennox Street, Moore from the intersection of Main Street North to the end of the Moore Hall property from 12pm, Friday, 22 April to 3pm, Saturday, 23 April 2022 subject to the following conditions:-

- Approval is given from the Queensland Police Service for the temporary road closure.
- An approved traffic management plan and traffic guidance scheme is provided to Somerset Regional Council prior to the event.
- The Moore Hall Committee will be responsible for any damage incurred to the roadway which may be caused from this event”.

Carried*Vote - Unanimous***Subject: Restoration of disaster damaged unformed roads****File Ref:****Action Officer: DOPER****Background/Summary**

Council has a large unformed road network, part of which forms property access for some more remote and/or single properties. In accordance with Council's Policy OP/002 Upgrading and Maintenance Works on Unformed and Unused Roads, these roads are maintained only within pre-defined levels as outlined below:

In this situation, providing plant is working in the area, and at the direction of the Manager Operations Council may undertake such minor maintenance to a maximum value of \$2,000 (e.g. load of gravel/fill spread with a suitable machine) as is necessary to provide a dry weather (only) access along the road.

The focus of this maintenance has always been to address safety defects.

It is noted that, similar to 2011, a number of unformed roads have experienced longitudinal deep scours that will require maintenance work to deliver a safe dry weather access along the road, that is likely to exceed the policy maximum value.

For the purposes of restoration of these assets as a result of damage caused during the 2022 flood and heavy rainfall, a temporary increase of this upper limit is sought to address safety defects.

Attachments

Recommendation

THAT the Chief Executive Officer is authorised to approve expenditure on unsealed roads above the policy amount of \$2,000, upon receipt of a recommendation from the Director Operations outlining the damage being repaired and the estimated amount required to undertake these works.

Resolution

Moved – Cr Whalley

Seconded – Cr Brieschke

“THAT the Chief Executive Officer is authorised to approve expenditure on unsealed roads above the policy amount of \$2,000, upon receipt of a recommendation from the Director Operations outlining the damage being repaired and the estimated amount required to undertake these works”.

Carried

Vote - Unanimous

Subject: Community Assistance Grants 2021-2022 – Esk Jockey Club Inc
File Ref: Community Relations – Sponsorships – Donations - Doc Id 1374427
Action Officer: DHRCS

Background/Summary

An out of rounds Community Assistance Grant application has been received from the Esk Jockey Club to assist with a project to install a single fixed-break away plastic running rail system at the Esk racetrack.

Amount requested:	\$ 16,747
Total cost of project:	\$ 76,494
Amount recommended to be granted:	\$ 16,747

Assessor's Summary

The applicant states:

The Esk Jockey Club Inc is seeking “out of rounds” funding to assist with a project to install a single fixed-break away plastic running rail system at the Esk racetrack.

The present running rail is made from aluminum and is below the ideal height. The proposed replacement running rail system is plastic, as recommended standard, for the safety of horses and jockeys.

The club have been successful in securing funding from the Gambling Community Benefit Fund and Racing Queensland for a large portion of the project and have also contributed \$8,000 of their own funds towards the project.

An improved single fixed-break away plastic running rail system may enable more race meetings for Esk Jockey Club and more importantly, improved safety for users.

Attachments

Nil

Recommendation

That the applicant as summarised in this report be recommended for funding and \$16,747 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist the Esk Jockey Club Inc with a project to install a single fixed-break away plastic running rail system at the Esk racetrack.

Resolution

Moved – Cr Wendt

Seconded – Cr Choat

“That the applicant as summarised in this report be recommended for funding and \$16,747 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist the Esk Jockey Club Inc with a project to install a single fixed-break away plastic running rail system at the Esk racetrack”.

Carried

Vote - Unanimous

Subject:	Community Assistance Grants 2021-2022 – Kilcoy Golf Club Inc
File Ref:	Community Relations – Sponsorships – Donations - Doc Id 1374546
Action Officer:	DHRCS

Background/Summary

An out of rounds Community Assistance Grant application has been received from the Kilcoy Golf Club to assist with restoration of the golf course (cut and remove damaged trees) following recent storm and flood damage.

Amount requested:	\$ 5,000
Total cost of project:	\$ 5,000
Amount recommended to be granted:	\$ 5,000

Assessor's Summary

The applicant states:

The Kilcoy Golf Club Inc is seeking “out of rounds” funding to assist with restoration of the golf course (cut and remove damaged trees) following recent damage from a storm cell that impacted the area on Friday, 18 February 2022.

Club members and volunteers have cleaned up a large amount of fallen trees and debris from the course with approximately 150 hours performed on the Saturday after the storm. Further clean-up work has taken place since this time but professional assistance is now required to make the course safe.

Unexpected costs associated with the storm clean up will impact on the club's ability to work towards facility improvements as outlined in previous community assistance grant applications.

With the storm clean up requiring immediate rectification, the club request Council consider funding support to restore the golf course to a safe level of use for members and visitors at this time.

Attachments

Nil

Recommendation

That the applicant as summarised in this report be recommended for funding and \$5,000 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, with restoration of the golf course (cut and remove damaged trees) following recent storm and flood damage.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

“That the applicant as summarised in this report be recommended for funding and \$5,000 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, with restoration of the golf course (cut and remove damaged trees) following recent storm and flood damage”.

Carried*Vote - Unanimous*

Subject: 2022 February/March Severe Weather Response and Recovery

File Ref: 2022 Floods

Action Officer: CEO

Background/Summary

Somerset has endured another severe weather event leading to extensive flooding across the region. Rain commenced overnight on 24 February with heavy rain insisting until 27 February, with the rain easing on 28 February 2022. This was followed by a high-intensity storm occurring in the early hours on 3 March 2022, creating flash flooding. This rain event was relentless, with consistent heavy rain falling right across the region, taking the Wivenhoe Dam level from 56% before the event to over 190% full at the peak of the event.

Council Local Disaster Coordination Centre (LDCC) was on alert from 23 February, planning for a rain event that was anticipated to conclude on Saturday 26 February. As history now tells us, this was not to be the case. The LDCC and Local Disaster Management Group (LDMG) quickly responded and stood up on 25 February and continued standing until 7 March, and presently remains on alert. Nonetheless, the LDCC continues to operate, receiving enquiries from those in need.

At the peak of the flood response, Council released several emergency alerts to warn residents of impending dangers and to take action to safely protect themselves and others with floodwaters impacting on many properties across the region. Evacuation centres were opened in Kilcoy, Toogoolawah, Esk, Lowood and Fernvale during the event to cater for displaced people. Our immediate priority was on keeping our residents and passing through motorists safe.

Tragically, one of our Lowood SES volunteers, Meryl Dray, lost her life during a flood response at Coolana during the flood event. Meryl was an experienced and skilled SES volunteer whose

contribution to our community cannot be overstated. On behalf of Council, Mayor Lehman has expressed how extremely saddened we were by her loss and sent heartfelt thoughts to her family, friends and SES colleagues. The Mayor and the Chief Executive Officer attended a special ceremony with the Somerset SES groups and officials on Wednesday, 2 March, to honour Meryl's remarkable and sacrificial contribution to humanity. Unfortunately, Council was advised on Tuesday 1 March that a second person had been reported missing in floodwaters in the region and sadly later informed the person was deceased.

Despite these tough times, the Somerset community has been brilliant in stepping up and helping out as needed. Many people came forward and volunteered their time to help out right across the region, whether that been in our evacuation centres or reaching out to help a neighbour. The comradery and resilience shown by our residents is second to none.

Council gives a massive shout out to the many external agencies, emergency services and Australian Defence Force, who throughout this crisis, assisted Council via the LDMG. They have gone over and beyond to support the people of our region.

Council now enters the recovery phase of this natural disaster with much work yet to be done. Of utmost importance is to see our residents and businesses restored as promptly as possible, whether via the community hub established in Lowood, with a further to open in Kilcoy, via rebuilding of essential public infrastructure and other initiatives deployed by recovery groups. Council Recovery Groups have been activated, stood up and will pursue the outcome to rebuild and strengthen our community. A Recovery Plan is under draft and will be presented to Council for adoption in the coming weeks.

We all know that tough times are surrounded by adversity, defined as a difficult or unpleasant situation. As an organisation, Team Somerset will embrace these tough times as an invitation to opportunity. Adversity always gets our attention; we can't ignore it. It causes us to stop and look at our situation and ourselves. If we have the courage, adversity creates an opportunity for self-discovery. Circumstances do not make us; circumstance reveals our inner strengths. Adversity comes to us as a teaching tool, with learnings helping us to be more resilient, leading us to success. In Somerset, we see adversity as stepping stones; while the path is not always straightforward, we will respond positively, and we will look back and observe that the changes we make will make us stronger than before.

To Team Somerset Councillors, your leadership at this time as you celebrate your second anniversary in office is highly commended. To Team Somerset staff, we are fortunate to have a dedicated team ready and willing to stand with the community in these difficult times.

Councillors and staff, you are truly living out Council Corporate Values of Safety STAR (Stop, Think, Act, Review), Community Champions, Positive Interactions, Empowered Workforce and Excellence.

Attachments

Nil

Recommendation

THAT Council receive the 2022 February/March Severe Weather Response and Recovery report and contents noted.

Resolution	Moved – Cr Wendt	Seconded – Cr Choat
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“THAT Council receive the 2022 February/March Severe Weather Response and Recovery report and contents noted”.

Carried

Vote - Unanimous

Meetings authorised by Council

Small Business Friendly Conference 2022

That Cr _____ and Cr _____ and the Business Recovery Officer be authorised to attend the 2022 Small Business Friendly Conference being held in Townsville on Friday 29 April 2022.

Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

“That Cr Whalley and Cr Choat and the Business Recovery Officer be authorised to attend the 2022 Small Business Friendly Conference being held in Townsville on Friday 29 April 2022”.

Carried

Vote - Unanimous

Mayor and Councillor Reports

Cr Gaedtker– Councillor Report

February

- 23 Council Ordinary Meeting = Esk
- 23 Council Workshop – Esk
- 24 Kilcoy Recreation Grounds Committee Quarterly Meeting
- 27 Kilcoy Refuge Centre
- 28 LDMG Extraordinary Meeting – Teams

March

- 02 ALGWA Conference – Hosted by Whitsunday Regional Council
- 02 Combined Ipswich & Toowoomba District Human & Social Recovery Committee Meeting – Teams
- 02 Councillor Briefing with CEO – Teams
- 02 LDMG Meeting – Somerset - Teams
- 03 ALGWA Conference – Hosted by Whitsunday Regional Council
- 03 LDMG Meeting – Somerset – Teams
- 04 Combined Ipswich & Toowoomba District Human & Social Recovery Committee – Teams
- 04 Tour of flood impacted areas Kilcoy with ADF
- 05 Kilcoy Rodeo Assn Committee Meeting
- 07 LDMG Meeting – Somerset - Teams
- 08 Kilcoy Hospital Auxiliary monthly meeting
- 08 Kilcoy Tennis Club monthly meeting
- 08 Visit to flood impacted residents – Seib Street, Kilcoy
- 08 Kilcoy State High School P&C Meeting

Whitsunday Regional Council hosted the Biyearly Australian Local Government Women's Assn. (Qld Branch) Conference, titled "Women Connected and Unshaken". Among very informative presentations and sessions, the delegates also learnt of recent poor treatment of Councillors and Senior Staff members. It is a sad day when the public believe they have the right to target and threaten Councillors and senior staff when unhappy with council decisions. This attitude and associated threats and treatment of fellow human beings is totally unacceptable in our society.

Unfortunately, the Kilcoy Rodeo Assn. has made an unavoidable decision to postpone the rodeo which was to be held on Saturday 26 March. The showgrounds cannot be brought back to a suitable condition to continue with this date. Locating another suitable date this year proved impossible, therefore we look forward to March 2023 to welcome and attend this great event.

Cr Wendt – Councillor Report

February

- 23 Ordinary Council Meeting – Esk
Workshop Meeting – Esk
- 25 LDMG Extraordinary Meeting – Teams
LDCC - Esk
- 26 LDCC – Esk
LDMG Extraordinary Meeting - Teams
Fernvale Evacuation Centre – Fernvale
- 27 LDMG Extraordinary Meeting - Teams
DDMG Meeting – Teams
Fernvale Evacuation Centre - Fernvale
- 28 LDMG Extraordinary Meeting - Teams

March

- 01 LDMG Extraordinary Meeting - Teams
- 02 LDMG Extraordinary Meeting – Teams
Councillor Brief with CEO – Teams
- 03 LDMG Extraordinary Meeting – Teams
Meet ADF representatives (tour Southern flooded regions) – Lowood
- 04 LDMG Extraordinary Meeting – Teams
Meet ADF representatives (tour Southern flooded regions) - Lowood
LDCC Meeting with Adam Staunton (to co-ordinate ADF deployment, Southern region)- Esk
- 07 LDMG Extraordinary Meeting – Teams

Cr Choat – Councillor Report

Yesterday was International Women's Day and I want to acknowledge the guidance that women give to our daily lives. The guidance of the three councillors and executive staff are greatly appreciated. It is great to see that Australians have matured and moved past previous rhetoric on the gender pay basis and women can now achieve whatever they would like to. We thank them for their service to the community.

Resolution

Moved – Cr Whalley

Seconded – Cr Wendt

"That the verbal and written reports of Cr Choat, Cr Wendt and Cr Gaedtke be received".

Carried

Vote - Unanimous

Receipt of Petition

Nil

Consideration of notified motions

Nil

Reception of notices of motion for next meeting

Nil

Items for reports for future meetings

Nil

Closure of Meeting**Summary**

There being no further business, the Mayor, Cr Graeme Lehmann closed the meeting at 10.06 am.