



**Minutes of Ordinary Meeting
Held Wednesday, 13 April 2022**

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

Present

Cr Graeme Lehmann	(Mayor)
Cr Helen Brieschke	(Deputy Mayor)
Cr Sean Choat	(Councillor)
Cr Cheryl Gaedtke	(Councillor)
Cr Kylee Isidro	(Councillor)
Cr Jason Wendt	(Councillor)
Cr Bob Whalley	(Councillor)
Mr A Johnson	(Chief Executive Officer)
Ms C Smith	(Arts and Culture Manager)
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)

C O N T E N T S

Application for Temporary Entertainment Event – Jimna Rocks 2022	47	LGAQ Annual Conference – 17 - 19 October 2022.....	90
Business arising out of minutes of previous meeting	3	LGAQ Bush Councils Convention, Barcaldine – 26 -28 July 2022.....	90
Closure of Meeting	93	Mack, Esk – Temporary Closure to Through Traffic	68
Combustible Cladding – QBCC Request for Authority to Prosecute	46	Matters of Public Interest	3
Community Assistance Grants – Somerset Excellence Bursaries March 2022.....	86	Matters of public interest – Cr Choat	4
Confirmation of Minutes	3	Matters of public interest – Cr Isidro.....	4
Conflict of Interest	4	Matters of public interest – Cr Wendt	4
Consideration of notified motions	93	Matters of public interest – Cr Whalley....	4
Cr Brieschke – Councillor Report	91	Matters of public interest – Mayor Lehmann	4
Cr Gaedtke– Councillor Report	91	Mayor and Councillor Reports.....	91
Cr Isidro – Councillor Report.....	92	Mayoral Gala Charity Ball Fund Application - BlazeAid	89
Cr Wendt – Councillor Report	93	Meetings authorised by Council	89
Declaration of Prescribed Conflict of Interest - Cr Kylee Isidro - Agenda Item Number 19.....	86	National General Assembly of Local Government 19 -22 June 2022	89
Development Application No. 10417	16	Opening of Meeting.....	3
Development Application No. 21815	4	Operations Report for March 2022.....	70
Experience Somerset Tourism Launch – Post Event Report.....	66	Receipt of Petition.....	93
Finance report.....	56	Reception of notices of motion for next meeting.....	93
Installation of Advertising Devices Subordinate Local Law – Amendment.....	64	Recycled Water Use - Esk	69
Items for reports for future meetings	93	The Condensery Somerset Regional Art Gallery Advisory Committee Meeting – 7 February 2022	66
Leave of Absence	3		

Opening of Meeting

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

Leave of Absence

Arts and Culture Manager attended for Director Corporate and Community Services
Communications Officer

Confirmation of Minutes**Resolution**

Moved – Cr Choat

Seconded – Cr Wendt

“THAT the Minutes of the Ordinary Meeting held Wednesday 23 March 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 Brieschke**

The exhibition opening of ‘Slow Churn’ was held at The Condensery, Somerset Regional Art Gallery, Friday evening.

Matters of public interest – Cr Gaedtke

Vaccine mandates for hospitality and entertainment venues will be scrapped in a major win for businesses. As from 14 April, staff and customers will not have to be vaccinated when entering restaurants, cafes, pubs, clubs, casinos, theme parks, libraries, galleries, weddings, showgrounds, museums, stadiums and cinemas. Vaccination and check-in requirements will continue for anyone visiting or working in vulnerable settings (hospitals, disability accommodation services, residential aged care), as well as for workers in high risk settings including schools, childcare, prisons and airports. I welcome this decision, and applaud the State Government for recognising the level of vaccination achieved in our great state, and I stress again the disconnect this mandate has caused to our communities.

Congratulations to Esk Caravan Park for taking out the 2022 Caravan Parks Association of Queensland (CPAQ) Awards – 2022 Refurbishment Award Winner. The awards provide Queensland caravan parks and their staff the opportunity to review and reflect on their own activities each year.

Following Queensland councils urging the Federal Government to immediately commit to a trial of domestic mobile roaming during emergencies, the Australian Competition and Consumer Commission (ACCC) will conduct a public inquiry into access to regional mobile towers and into the feasibility of providing mobile roaming during natural disasters or other emergencies. Minister for Communications, Urban Infrastructure, Cities and the Arts, Paul

Fletcher said the 2021 Regional Telecommunications Review had noted strong progress but highlighted issues that need to be further addressed.

Matters of public interest – Cr Isidro

April

- 13 Mt Glen Rock Information Evening
- 19 Kilcoy and Districts Progress Association, Kilcoy
- 22 Toogoolawah State High School Anzac Service
- 22 Moore Soldiers Centenary Ball, Moore
- 26 Toogoolawah Lawn Bowls fundraiser

Matters of public interest – Cr Wendt

Matters of public interest – Cr Whalley

Kilcoy Race Club has been awarded a new states race and comes on the back of a visit from Racing Queensland's Brendan Parnell who was very impressed with resilience of the track and the committee and community work to clean up the site after the floods.

Matters of public interest – Cr Choat

I would like to take this opportunity to wish all councillors, staff and residents a blessed easter which is a time of reflection and prominent on the Christian calendar. Traditionally easter represents new life and new beginnings which is something the wider community can reflect on. I trust all residents will stay safe if traveling and enjoy a break with family and friends.

Matters of public interest – Mayor Lehmann

This time of year is a very important time with many upcoming events, please keep an eye out for the annual show balls and shows.

Conflict of Interest

Cr Isidro stated that she will be declaring a conflict of interest in agenda item 19 – Community Assistance Grants – Somerset Excellence Bursaries March 2022.

Subject:	Development Application No. 21815 Development Application for a Development Permit for Material Change of Use for Short-term Accommodation
File No:	DA21815
Assessment No:	80689-00000-000
Action Officer:	SP-MO

1.0 APPLICATION DETAILS

Subject Land

Location:	53 Seib Street, Kilcoy
Real property description:	Lot 76 K3796
Site area:	1,760 hectares
Current land use:	Dwelling house and associated outbuildings
Easements/encumbrances:	Nil identified

Somerset Region Planning Scheme (Version Four)

Zone:	General residential zone
Precinct:	Not applicable

Overlays: OM8 High impact activities management area overlay

South East Queensland Regional Plan 2017

Land use category: Urban Footprint

Application

Proposal: Short-term accommodation
 Category of assessment: Impact assessment
 Applicant details: Peter and Debbie Southern
 c/- Adapt Town Planning and Development Management
 PO Box 7618
 SIPPY DOWNS QLD 4556
 Owner details: Peter and Deborah Southern
 Date application properly made: 6 December 2021

Referral agencies None required

Public notification Required

Submissions received Two (one properly made, one not properly made)

RECOMMENDED DECISION

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

Locality Plan of Lot 76 K3796

Situated at 53 Seib Street, Kilcoy

2.0 PROPOSAL

This application seeks approval to convert the existing dwelling on the property to a short-term accommodation. The proposal seeks to use the dwelling as a single short-stay rental containing two bedrooms, kitchen, bathroom, laundry, and living areas.

The existing house, which is known as Walkersdoff Cottage, is understood to have been built in 1915. The site is not included on either the local or State heritage register. The proposal does not involve any further building works, other than those that are necessary to comply with change of classification requirements under the National Construction Code. These are not expected to materially affect the design or construction of the building, as the entire building is intended for single rental at any time.

The application was received on 3 December 2021 and required public notification. During the public notification period, one submission was received. Following the notification period, a further, not-properly made submission was received. Both submissions were in support of the proposal.

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

3.0 SITE DETAILS AND SURROUNDING LAND USES

The site is a regular shaped allotment with frontage to Seib Street, which is a sealed collector street in Council's road hierarchy.

Surrounding land is generally improved with dwelling houses and associated building and structures. To the east of the site is the Kilcoy State High School. The site is within walking distance of William Street, which provides for a variety of shops, food and drink outlets, and other centre activities.

The property is to be connected to water, sewerage, telecommunications, and electricity infrastructure networks.

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

4.0 PLANNING ASSESSMENT – STATE PLANNING INSTRUMENTS

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

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

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

4.1 State Planning Policy

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

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

4.2 South East Queensland Regional Plan 2017

The site is located within the Urban Footprint. The development application has been assessed against the provisions of the regional plan and the associated regulatory requirements and was found to be consistent. There are no assessment benchmarks for development within the Urban Footprint.

4.3 Planning Regulation 2017 (Schedule 10)

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

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

5.0 PLANNING ASSESSMENT – LOCAL PLANNING INSTRUMENTS

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

5.1 Somerset Region Planning Scheme (Version Four)

5.1.1 Strategic Framework Assessment

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.

The proposal seeks to add a short-term residential use onto land that is within the General residential zone within walking distance to the main street of Kilcoy. The proposal provides for an outcome consistent with the planned character of Kilcoy, expressed through both the desired settlement pattern statements and the planned character outcomes within the

strategic framework. The use is of a scale that will not result in environmental nuisances or undue amenity impacts.

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

5.1.2 Code Compliance Summary

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

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

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
General residential zone	Yes	No alternative solutions proposed
Short-term accommodation code	Yes	No alternative solutions proposed
Services works and infrastructure code	Yes	No alternative solutions proposed
Transport, access and parking code	Yes	PO3, PO8
Applicable Overlay Code	Compliance with Overall Outcomes	Performance Outcomes
None applicable	-	-

The High impact activities management area overlay does not apply to the proposed development.

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

5.1.3 Performance outcome assessment

Transport access and parking code

Performance outcome	Acceptable outcome
Vehicle parking and servicing	
PO3 The amount of on-site car parking and service vehicle loading/ unloading is consistent with: <ul style="list-style-type: none"> (a) the nature of the use; (b) the traffic generation of the use; (c) the loading/ unloading needs of the use; (d) the availability of street parking in the Centre zone; and (e) the impact of the road network. 	AO3.3 The service vehicle is able to enter and leave the site in forward gear.

Car parks, service vehicle access, loading and manoeuvring areas are of suitable standard for the intended use.	
<p>Proposal The proposal provides sufficient parking spaces for guest parking, does not require employee parking, and has sufficient space for the desired service vehicle (a small rigid vehicle) to park on site, however there is insufficient space for the service vehicle to enter and exit in a forward gear.</p> <p>Performance Outcome Assessment Short-term accommodation includes a wide variety of accommodation types, including motels, cabins, backpackers, serviced apartments, and self-contained residences for short-stays. The use of a small rigid vehicle is necessary for many of these forms of accommodation, however would be an infrequent part of the operation of this proposal.</p> <p>As such, it considered that the accessibility of the service vehicle to the site is a suitable standard for the intended uses.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	
Car parking locations and treatments	
<p>PO8 Car parking areas are sensitively designed to minimise impacts on <i>sensitive land uses</i> and visually soften and provide shade to ground parking.</p>	<p>AO8 Screen fencing is provided next to any vehicle movement or vehicle parking areas along the side or rear boundary of a <i>site</i>.</p>
<p>Proposal The proposal involves the use of the existing driveway along the northern boundary. The existing fence is low rise and would not constitute a screen fence.</p> <p>Performance Outcome Assessment Immediately adjoining the property to the north is the driveway accessing the rear of that property. It is considered that no impacts are expected to any adjoining sensitive use and that the visual impact of the existing driveway is not substantive to require screening.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	

5.1.4 Overall Outcome Assessment

The proposal is considered to comply with all of the relevant performance outcomes. As such, no assessment of the overall outcomes is required.

6.0 OTHER PLANNING CONSIDERATIONS

6.1 Trunk infrastructure and services

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

6.2 Infrastructure charges

The proposed development is for short-term accommodation, which is identified as being an accommodation (short-term) use under Somerset Regional Council Charges Resolution (No. 1) 2021.

The discounts provided for the existing demand as a dwelling house exceeds the adopted charge for a short-term accommodation activity, and as such no infrastructure charges notice is required.

6.3 Water supply and sewerage

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

Infrastructure charges for the water and sewerage network are managed by Urban Utilities separate from this development application process.

6.4 Electricity and telecommunications

The recommended conditions of approval include a requirement to connect to the reticulated electricity and telecommunications networks at the standard required by the relevant entity.

6.5 Stormwater/drainage

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

6.6 Transport network

Seib Street is sealed collector street in Council's road register. The proposal is not considered to result in an unreasonable impact on Council's transport network.

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.

7.0 REFERRAL AGENCIES

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

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

8.0 PUBLIC NOTIFICATION

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

- (a) Public notification was served to all adjoining landowners on or before 3 February 2022.
- (b) A notice was published in The Somerset newspaper on 3 February 2022.
- (c) A notice in the prescribed form was placed on the premises on 3 February 2022 and maintained for the minimum period of 15 business days.

Council received the Notice of Compliance on 2 March 2022, confirming that the public notification had been undertaken in accordance with the requirements of the *Development Assessment Rules*.

During the public notification period, Council received one properly made submission about the application. This submission, made by the Kilcoy District Historical Society, supported the proposed conversion of the existing dwelling to a short stay use. The submission highlighted a brief history of the building, the suitability of the location, and the increased expansion of Kilcoy's tourism offerings.

Following the notification period, Council received a further, not properly made submission about the application, also supporting the proposed use of the land.

9.0 CONCLUSION

The proposed development is for a material change of use for short-term accommodation, to enable the use of an existing dwelling to be used for short-stay rentals. The property is located within the General residential zone opposite the Kilcoy State High School, within easy walking distance to William Street, the traditional main Street of Kilcoy.

The proposed development complies with the acceptable outcomes of the relevant assessment benchmarks or provided alternative solutions achieving the performance outcomes. It is recommended that the application be approved, subject to the imposition of reasonable and relevant conditions as outlined in the schedules and attachments.

10.0 ATTACHMENTS

1. Site plan, supplied by applicant, no date
2. Existing house internal layout sketch, supplied by applicant, no date
3. Photos of existing dwelling

RECOMMENDED DECISION

1. THAT Council approve the Development Application for a Development Permit for Material Change of Use for Short-term Accommodation on land situated at 53 Seib Street, Kilcoy, described as Lot 76 K3796, subject to the recommended conditions and requirements contained in the attachments to this report.
2. THAT the officer report for this application be published to the website as Council's Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

SCHEDULE 1 – GENERAL CONDITIONS		
<i>Assessment Manager</i>		
No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	Existing house internal layout sketch, supplied by applicant, no date	
	Site plan, supplied by applicant, no date	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to the commencement of use.
1.5	The short-term accommodation is to be provided as a single accommodation unit, containing two bedrooms.	At all times.

1.6	Connect the development to the reticulated water, sewerage, electricity, and telecommunications networks.	Prior to the commencement of use.
1.7	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
Public Utilities/Infrastructure		
2.1	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.2	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
Stormwater drainage		
2.3	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
Vehicle access		
2.4	All vehicular access shall provide convenient and safe access and egress from the site.	At all times.
Erosion and sediment control		
2.5	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No	Condition	Timing
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by	At all times.

	Council.	
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase.
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> • Burn or bury waste generated in association with this development approval at or on the development site; nor • Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor • Stockpile any waste on the development site. 	At all times.
3.4	The holder of this development approval must not: <ul style="list-style-type: none"> • Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or • Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water. 	During construction phase.
SCHEDULE 4 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the currency period – being six (6) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
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>).		
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.		

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

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

The proposed development is for the reuse of the existing dwelling only. Only minor building works, including internal fit out works, are provided for in this approval. Extensions to the building require separate development approval.

Attachments for the Decision Notice include:

- Existing house internal layout sketch, supplied by applicant, no date
- Site plan, supplied by applicant, no date

Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

1. "THAT Council approve the Development Application for a Development Permit for Material Change of Use for Short-term Accommodation on land situated at 53 Seib Street, Kilcoy, described as Lot 76 K3796, 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.
	Existing house internal layout sketch, supplied by applicant, no date	
	Site plan, supplied by applicant, no date	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to the commencement of use.
1.5	The short-term accommodation is to be provided as a single accommodation unit, containing two bedrooms.	At all times.

1.6	Connect the development to the reticulated water, sewerage, electricity, and telecommunications networks.	Prior to the commencement of use.
1.7	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
Public Utilities/Infrastructure		
2.1	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.2	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
Stormwater drainage		
2.3	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
Vehicle access		
2.4	All vehicular access shall provide convenient and safe access and egress from the site.	At all times.
Erosion and sediment control		
2.5	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No	Condition	Timing
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by	At all times.

	Council.	
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase.
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> • Burn or bury waste generated in association with this development approval at or on the development site; nor • Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor • Stockpile any waste on the development site. 	At all times.
3.4	The holder of this development approval must not: <ul style="list-style-type: none"> • Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or • Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water. 	During construction phase.
SCHEDULE 4 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the currency period – being six (6) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
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>).		
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.		

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

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

The proposed development is for the reuse of the existing dwelling only. Only minor building works, including internal fit out works, are provided for in this approval. Extensions to the building require separate development approval.

Carried

Vote - Unanimous

Subject:	Development Application No. 10417 Change Application (Other Change) for a Development Permit for a Reconfiguring a Lot for Subdivision (One Lot into 129 Lots, plus New Road, Park, Drainage Reserve and Balance Area)
File No:	DA10417
Assessment No:	34724-00000-000
Action Officer:	SP – MO

1.0 APPLICATION SUMMARY

Subject Land

Location:	35 Graham Road, Fernvale
Real property description:	3 SP199673
Site area:	38.9 hectares
Current land use:	Dwelling house and associated structures, Animal keeping (Horse keeping)
Easements/encumbrances:	Nil identified

Somerset Region Planning Scheme (Version Four)

Zone:	General residential zone
Overlays:	OM3 Biodiversity overlay OM4 Bushfire hazard overlay OM7 Flood hazard overlay OM8 High impact activities management area overlay OM10 Landslide hazard overlay

South East Queensland Regional Plan 2017

Land use category:	Urban Footprint
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Application

Approved development:	Reconfiguring a lot (one lot into 115 lots, plus new road, park, drainage reserve and balance area)
Proposed development:	Reconfiguring a lot (one lot into 129 lots, road, park, drainage reserve and balance lot)
Category of assessment:	Impact assessment
Applicant details:	Fernvale Investments Pty Ltd c/- Mewing Planning Consultants Pty Ltd GPO Box 1506 BRISBANE QLD 4001
Owner details:	Fernvale Investments Pty Ltd

Date application approved: 8 June 2011
 Date change application received: 28 July 2021

Referral Agencies State Assessment and Referral Agency

Public Notification Required
 Submissions received: Six
 Properly made: Five
 Not properly made: One

RECOMMENDED DECISION

Approve entering into an infrastructure agreement with the applicant for the provision of road and park trunk infrastructure.

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

Locality Plan of Lot 3 SP19967 Situated at 35 Graham Road, Fernvale

2.0 BACKGROUND AND PROPOSAL

2.1 PROPOSAL

This application seeks to change the Development Approval for Development Application DA10417 for a Development Permit for a Reconfiguring a Lot for Subdivision (One Lot into 115 Lots, plus New Road, Park, Drainage Reserve and Balance Area).

The proposed change seeks to increase the number of lots to 129 and increase the road reserve widths to comply with current design standards. The change also seeks to update development conditions surrounding the delivery of trunk infrastructure (part of Clive Street – Fairneyview Fernvale Road connection, shown as Road 2 on the proposal plan), road upgrades to Graham Road, and delivery of a local park.

The proposed development outcome can be summarised as follows:

	Approved development	Proposed development
Development yield	115 residential lots 1 park lot (5,013m ²) 1 drainage reserve (8,259m ²) 1 balance lot (25.57 hectares)	129 residential lots 1 park lot (5,004m ²) 1 drainage reserve (8,259m ²) 1 balance lot (25.60 hectares)
Development staging	Stage 1A – ten lots plus drainage reserve Stage 1B – 24 lots Stage 2A – 15 lots plus park Stage 2B – 28 lots Stage 3A – 15 lots Stage 3B – 23 lots	Stage 1 – 38 lots plus drainage reserve Stage 2 – 47 lots plus park Stage 3 – 44 lots plus park
Road widths	20 metres (Roads 1 and 2) 16 metres (all other roads)	20 metres (all roads)
Lot size		
600 – 699m ²	20	98
700 – 799m ²	31	12
800 – 899m ²	49	13
900 – 999m ²	13	3
1000m ² or greater	2	3

Average lot size	784m ²	674m ²
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The proposal provides regular shaped and usable parcels for the siting of future dwelling houses that are compliant with the minimum lot size and dimension requirements of the Reconfiguring a lot code.

Each of the lots will be provided with a connection to reticulated water, sewerage, underground electricity, and telecommunications networks to the standard required of the respective entity. The estate will be provided with 20 metre wide road reserves, complete with street trees and at least one footpath on every street.

The initial application was accompanied by technical reporting for civil works, water/sewerage, stormwater. It was not considered necessary to provide amendments to the previous assessments given the extent of the changes proposed. Detailed designs/reports for each of these aspects are required for the operational work approval with Council or through connections approval with Urban Utilities.

The change application has been supported by an updated traffic assessment, primarily in support of referral requirements, which has demonstrated a negligible increase in traffic generated (12 additional trips in the peak hour) by the changed development compared to the approved development, and that distribution of traffic remains generally as anticipated in the original assessment.

The application required referral to the State Assessment and Referral Agency, who have assessed the impact of the proposed subdivision on the State transport network. The referral agency response provides for minor roadworks to extend the channelised left turn lane on the Brisbane Valley Highway (northbound) at Millar Road, including the removal of the bus stop at this location. The referral response also requires the design of Roads 1 and 2 within the estate to accommodate a single unit rigid bus of 12.5 metres in length for the protection of future potential public transport routes.

The proposal remains generally consistent with the original development approval and accords with the intended development outcome sought by the Somerset Region Planning Scheme (Version Four).

The proposed plan of subdivision is provided at Attachment 2 to this report.

2.2 SITE HISTORY

The approval history over the site is as follows:

On 8 June 2011, Council approved DA10417 and issued a Development Permit for Reconfiguring a Lot subdivision creating 115 general residential lots with a currency period of four (4) years. The approval was for the first three stages of the site, and whilst a masterplan of the entire site was presented to Council, the balance of the site/future stages are not benefited by any approvals.

On 22 July 2015, Council approved a request to extend the currency period for an additional four (4) years and a permissible change request to change conditions of the original development approval. The change also provided for an Infrastructure Charges Notice, replacing the former headworks conditions.

On 14 August 2019, Council approved an extension application for an additional two (2) years, extending the currency period to 14 August 2021.

On 8 July 2020, the former Minister for Infrastructure and Planning, as part of the Covid-19 response, issued an extension notice under section 275R of the *Planning Act 2016* extending the currency period for development approvals that were in effect on 8 July 2020 by an additional six months. Accordingly, the currency period for DA10417 is taken to be approved to 14 February 2022.

On 18 June 2021, Council received an extension application seeking to extend the currency period for an additional two years. On 25 August 2021, Council decided to grant an additional six months to progress the (then recently lodged) change application. This provided the currency period of 14 August 2022.

On 28 July 2021, Council received a change application, for an 'other change', the subject of this report.

On 1 September 2021, the Minister for State Development, Infrastructure, Local Government and Planning issued a further extension notice under section 275R of the *Planning Act 2016* extending the currency period for development approvals that were in effect on 1 September 2021 by an additional six months. As such, the currency period for this application is now taken to end on 14 February 2023.

2.3 APPLICATION PROCESS

This application is a change application made under section 79 of the *Planning Act 2016*. As the change is not a minor change, the application is to be assessed and decided in accordance with section 82 of the Act.

This process requires that the application be assessed and decided as if it were a development application made today, assessed against the current assessment framework, but only to the extent of the proposed change.

As the original development application required public notification, this change application was also taken to require public notification. A new application lodged today would require code assessment, which does not involve public notification.

3.0 SITE DETAILS AND SURROUNDING LAND USES

The property is located at 35 Graham Road Fernvale. The entire property contains a total area of 38.96 hectares with frontages to Graham Road to the north, Fairneyview – Fernvale Road to the east, and McCulkins Lane to the south.

The approval relates to the northern part of the site, which is to be developed into Stages 1 to 3. The land northern part of site being the subject of the application has an approximate area of 13.39 hectares. The site is traversed by a ridge that runs generally in an east west direction from Fairneyview – Fernvale Road to Clive Street. The existing topography naturally forms two catchments, the northern catchment falls toward Graham Road and the southern catchment falls toward McCulkins Lane.

The northern part of the site formerly operated as a horse training facility with a number of stables, single detached dwelling and associated outbuildings. The landowner has been progressively decommissioning/removing the buildings and structures, in anticipation of the future subdivision.

4.0 PLANNING ASSESSMENT – STATE PLANNING INSTRUMENTS

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

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

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

4.1 STATE PLANNING POLICY

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

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

4.2 SOUTH EAST QUEENSLAND REGIONAL PLAN 2017

The site is located within the Urban footprint. The development application has been considered against the provisions of the regional plan and was found to be consistent. There are no assessment benchmarks for the regional plan, where located within the Urban footprint.

4.3 PLANNING REGULATION 2017 (SCHEDULE 10)

The proposal required assessment against Schedule 12A of the Regulation, which provides for neighbourhood design for subdivisions involving the construction of new road. The subdivision design is considered to comply with the assessment benchmark, with the recommended development conditions ensuring the delivery of footpaths and street trees in accordance with the assessment benchmark.

The proposal requires interfering with koala habitat in a koala habitat area, however as the subdivision is for a development approval given prior to 7 February 2020, the proposal does not require assessment or referral against the koala habitat provisions of the *Planning Regulation 2017*.

The proposal also involves clearing native vegetation that is reregulated regrowth vegetation. However, this clearing has already been authorised by a development approval and is for clearing for an urban purpose within an urban area. No further assessment of the clearing is required.

The proposal is not located in proximity to a Queensland heritage place or Local heritage place and the site is not known to be on a register for contaminated lands.

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.

The proposal seeks to subdivide land that is within the General residential zone in accordance with the development standards identified in the Reconfiguring a lot code. The proposal provides for an outcome consistent with the planned character of Fernvale, expressed through both the desired settlement pattern statements and the planned character outcomes within

the strategic framework.

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

5.1.2 Code Compliance Summary

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

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

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
Reconfiguring a lot code	Yes	PO14
Services, works and infrastructure code	Yes	No alternative outcomes proposed
Transport, access and parking code	Yes	No alternative outcomes proposed
Applicable Overlay Code	Compliance with Overall Outcomes	Performance Outcomes
Bushfire hazard overlay code	Yes	No alternative outcomes proposed

The proposed reconfiguration does not occur over the part of the site affected by Biodiversity, Flood hazard, or Landslide hazard overlays. The High impact activities management area overlay does not apply to reconfiguring a lot applications.

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

5.1.3 Performance Outcome Assessment

Reconfiguring a lot code

Performance outcome	Acceptable outcome
Open Space	
PO14 <i>Development</i> provides for public open space that: <ul style="list-style-type: none"> (a) is in accordance with the <i>Local Government Infrastructure Plan</i>; (b) is of a physical standard that enables the park to be used for its intended purpose; (c) is appropriately located, sized, and shaped to satisfy the local, district and/or regional recreational needs of the community; (d) contributes to the establishment and maintenance of local and regional open space network; 	AO14 Public open space is provided in accordance with Part 4 – Local Government Infrastructure Plan. AO14.2 Parks have a direct road frontage for 75 percent of the park perimeter.

<p>(e) facilitates appropriate measures for stormwater and flood management; and</p> <p>(f) contributes to the retention of significant vegetation, watercourses and wetlands, and other habitat areas and associated <i>buffers</i> and linkages/corridors.</p>	
<p>Proposal The proposed park is provided with a direct road frontage for 50% of the park perimeter, in lieu of the 75% proposed by the acceptable outcome. The park will otherwise be delivered in accordance with the Local government infrastructure plan.</p> <p>Planning comments The park is provided with frontage to roads on two sides, and shares boundaries with residential lots on two sides. It is considered that the proposed layout provides a sufficient level of casual surveillance as the park is rectangular in shape and will be visible from future dwellings in all directions.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	

5.1.4 Overall Outcome Assessment

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

6.0 PROPOSED CHANGES TO CONDITIONS

The applicant specifically requested to change four conditions of the approval package, three relating to the delivery of road infrastructure and one relating to the delivery of open space infrastructure.

As a result of negotiations through the development assessment process, the conditions package has been updated in its entirety to reflect Council's current development conditions. The matters relating to the delivering of trunk infrastructure (road and park) have been removed from the conditions package and are contained within the Infrastructure Agreement.

7.0 OTHER PLANNING CONSIDERATIONS

7.1 Trunk Infrastructure and Services

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

7.2 Infrastructure agreement

Under the Somerset Regional Council Charges Resolution (No. 1) 2021, infrastructure charges are applicable to reconfiguring a lot in the General residential zone. However, in this instance it is proposed to enter into an Infrastructure Agreement with the applicant for the delivery of trunk infrastructure, including road connections (Road 2), road upgrades (Graham Road frontage works), and the delivery of park (proposed Lot 808). As per the Infrastructure Agreement, no infrastructure charges are applicable.

7.3 Water supply and sewerage

The subject land is located within the future connections area for both the water network and sewerage network under Urban Utilities' Netserv Plan. The proposed development will be required to connect to the reticulated water and sewerage networks.

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

7.4 Electricity and telecommunications

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

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

7.5 Stormwater/drainage

The application was subject to an approved stormwater management plan. As part of the detailed design in the operational works stage, an amended stormwater management plan will be required.

Standard conditions regarding stormwater discharge and erosion and sedimentation control are attached to the recommended conditions of approval.

7.6 Transport network

In the original development application, the developer was required to construct a sealed road from the intersection of Road 1 at Graham Road, along Graham Road, Fairneyview Fernvale Road, and Millar Road to the intersection of the Brisbane Valley Highway. This was required as at that time, each of these roads were constructed to a gravel standard only. Since then, Council has completed the works to upgrade and seal Millar Road and Fairneyview Fernvale Road to the standard appropriate to service traffic along that corridor. Only Graham Road remains unsealed.

The site contains a mapped local collector street, envisaged to provide a more direct connection between Clive Street (as an extension from the Emeraldwood Street roundabout on Honeywood Drive) to Fairneyview Fernvale Road. As a collector street, the road is to be constructed with a 10-metre seal (kerb to kerb) within the 20-metre reserve with a footpath along one side. The proposal plan reflects this requirement, and the proposed Infrastructure Agreement requires the applicant to deliver the item.

As a result of the Infrastructure Agreement, there are no development conditions requiring the delivery of trunk infrastructure upgrades.

The proposal is not anticipated to result in an impact in the safety and efficiency of the transport network.

7.7 Parks and open space

The proposal incorporates a park that is identified in the Local government infrastructure plan as being for a local park (OSF004). The park contains an area of approximately 5,000m² and will require embellishments in accordance with Planning scheme policy 4 - Design standards. These requirements are laid out in the proposed Infrastructure Agreement.

8.0 REFERRAL AGENCIES

In accordance with the *Planning Regulation 2017*, there application required referral to the State Assessment and Referral Agency for matters relating to state-controlled roads. SARA advised that they had no objections to the approval of the change application, subject to the imposition of development conditions. SARA's referral agency decision will be attached to Council's decision notice and a copy has been attached to this report for Council's reference.

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

9.0 PUBLIC NOTIFICATION

9.1 Notification requirements

As the original development application required public notification, this change application was also taken to require public notification. A new application lodged today would require code assessment, which does not involve public notification.

As the development application was subject to impact assessment, public notification was required. The application was publicly notified as follows:

- (a) Public notification was served to all adjoining landowners on 27 October 2021.
- (b) A notice was published in The Somerset newspaper on 27 October 2021.
- (c) A notice in the prescribed form was placed on the premises on 26 October 2021.

On 9 November 2022, Council became aware of an issue with the public notice placed on the Fairneyview Fernvale Road frontage, in that this notice was located in an incorrect location. As a result of the error, the applicant relocated the notice to the correct location and extended the public notification period by an additional nine days, through to 2 December 2021. This ensured that the minimum 15-day period was correctly observed. This involved:

- (a) Re-serving public notification to all adjoining landowners on 11 November 2021.
- (b) Publishing an additional notice in The Somerset newspaper on 17 November 2021.
- (c) Amending (and relocating the Fairneyview Fernvale Road) the notices placed on the premises on 11 November 2021.

Council received the Notice of Compliance on 3 December 2021, confirming that public notification had been undertaken in accordance with the statutory requirements.

Council officers are of the opinion that compliance with the public notification requirements have been achieved.

9.2 Summary of issues of objection and officer responses

During the notification period, five properly made submissions were received, plus one not properly made submission. Of the submissions, one was in favour of the proposal, three were against the proposal, and two were neutral about the proposal (requesting design changes or conditions).

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

Submission concern – Boundary alignments

One submission raised concern that the boundaries of the new lots (specifically lots 77 through 93) do not align with the boundaries of the existing allotments along Honeywood Drive, which will create overlapping fence heights and inconsistent retaining walls.

Officer comment

The original approval included proposed lots along the western boundary of the site that were the same width as the developed lots to the east. As a result the approved plan resulted in lots that had a common corner point for four lots.

There are no design requirements within the assessment benchmarks that require the boundaries of new lots to align with the established boundaries or corner points on the adjacent land. Earthworks are subject to detailed design through operational works which will minimise conflicting retaining locations. It is unclear how the layout would result in overlapping fencing. Fences along the western boundary of the site will need to be upgraded as a part of the new development at the developer's expense.

This is not a reason for refusal and no conditions are recommended.

Submission concern – Removal of tree adjoining property

One submission raised concern regarding an ironbark tree that is located on the development land immediately behind the submitter's property. The submission requested that the tree be removed as it poses a potential danger to new and existing homes.

Officer comment

The tree will need to be removed to facilitate the bulk earthworks that create the subdivision and will be managed through the operational works approval process. As such, it is not necessary to identify the particular tree for removal in the development conditions.

Disputes about vegetation are managed through a civil process under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* and are not matters that should be addressed by way of development conditions.

This is not a reason for refusal and no conditions are recommended.

Submission concern – Interim stormwater discharge to existing premises

One submission, who supported the proposed development, raised concern about the existing stormwater discharge from the property affected their land, requesting that Council officers liaise with the developer about stormwater discharge from the site.

The submission noted that the development will include inter-allotment drainage and stormwater infrastructure that will resolve the matter in the longer term.

Officer comment

Council officers raised the issue with the planning consultancy and are investigating the issue, separate to the development application process.

This is not a reason for refusal and no conditions are recommended.

Submission concern – Impact on native vegetation and habitat

Two submitters raised concerns about the removal of native vegetation on the development land, including citing habitat loss and amenity loss for surrounding residents.

Officer comment

The removal of the vegetation on the subject site is authorised by the original development approval given by Council in June 2011 and is unchanged by this change application. The management of the vegetation clearing will occur through the operational works process (either associated with bulk earthworks approval, or via a separate vegetation clearing approval).

This is not a reason for refusal with standard development conditions recommended.

Submission concern – Traffic generation

One submitter was concerned about the substantial increase in traffic generated by the development on Fairneyview Fernvale Road, accessing the Brisbane Valley Highway.

Officer comment

This application is a change application, with the assessment limited to assessing the impact and effects of the proposed changes. In this context, the traffic generation of 115 residential lots has previously been considered and approved, with reasonable and relevant conditions imposed for the delivery of a safe road network connecting the site to the Brisbane Valley Highway. This change application is seeking approval for the additional 14 lots, which is anticipated to result in an additional 12 vehicle movements in the peak hour, beyond the approved development. This increase is not considered sufficient to substantially impact on the safety and efficiency of the road network.

This is not a reason for refusal with standard development conditions recommended.

<p>Submission concern – Stormwater discharge</p>

<p>One submission raised concern about the discharging of stormwater to the submitter's land. The submitter noted water quality issues, erosion, and biodiversity issues that occurred from discharge from the Shadywood Drive stormwater basin to their property.</p>

<p>Officer comment</p>

<p>The development approval is required to provide a detailed stormwater management plan at operational works stage that details the management of stormwater quantity and quality measures, in accordance with the standards within Council's planning scheme and the State Planning Policy.</p>

<p>For this submitter, Stages 1 – 3 will not discharge towards the submitter's land, as the submitter is located south of the development site and stormwater from these stages will drain north.</p>

<p>This is not a reason for refusal with standard development conditions recommended to address the concern.</p>

10.0 CONCLUSION

This application seeks to change an existing development approval to provide for a 129 lot residential subdivision, including the provision of a local park, drainage reserve, and trunk road connections. The proposed change has resulted in an increased development yield whilst maintaining compliance with Council's minimum lot size and design requirements and has provided for an improved streetscape with wider reserves, additional footpaths, and street trees.

The proposal is accompanied by an Infrastructure Agreement, securing the delivery of key infrastructure requirements envisaged by the Local government infrastructure plan as servicing this area of Fernvale, including part of the Clive Street – Fairneyview Fernvale Road collector road and a new local park.

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

11.0 ATTACHMENT

1. Original approved layout
2. Proposed subdivision plan
3. SARA referral agency response
4. Proposed Infrastructure Agreement

RECOMMENDED DECISION

1. THAT Council enters into an Infrastructure Agreement with the applicant obligating the applicant to provide Trunk Park and Road Infrastructure as stated in the attached Infrastructure Agreement and authorises the Chief Executive Officer to do all things necessary to execute the Infrastructure Agreement.
2. THAT Council approve the Change Application for Development Application No. 10417 for a Development Permit for Reconfiguring a lot (one lot into 129 lots, road, park, drainage reserve and balance lot) on land situated at 35 Graham Road, Fernvale, and described as Lot 3 SP199673, subject to the recommended conditions and requirements contained in the attachments to this report.

3. THAT the officer report for this application be published to the website as Council's Statement of Reasons in accordance with s83(8) 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. Subdivision Proposal Lots 1-129, 707, 808, and 900 Cancelling Lot 3 on SP199673 (Stage 1-3), drawn by Simpson Rayner Surveys, reference 21045A3-1B, dated 07/09/2021.	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.3	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of the Plan of Subdivision.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for endorsement of the Plan of Subdivision.
1.5	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources. Currently, the amount is set at \$39 per allotment.	Prior to request for endorsement of the Plan of Subdivision.
1.6	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to request for endorsement of the Plan of Subdivision.
1.7	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision.
1.8	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to operational works approval for the relevant stage.
1.9	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Prior to request for endorsement of the Plan of Subdivision.

1.10	Property access to proposed Lots 9 and 70 shall be from the southern boundary of both lots from Road 1 as shown on drawing 21045A3/1B, Subdivision Proposal Lots 1-129, 707, 808, and 900 Cancelling Lot 3 on SP199673 (Stage 1-3), prepared by Simpson Rayner Surveys dated 07-09-2021.	At all times.
1.11	Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse for any stage not submitted to Council for endorsement of the Plan of Survey within the 'currency period' – being six (6) years starting the day the approval takes effect.	As indicated.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
2.0	ENGINEERING	
2.1	The Applicant is to complete each stage of the development in sequence in accordance with drawing 21045A3/1B, <i>Subdivision Proposal Lots 1-129, 707, 808, and 900 Cancelling Lot 3 on SP199673 (Stage 1-3)</i> , prepared by Simpson Rayner Surveys dated 07-09-2021. The Applicant is not to submit to Council the Plan of Survey for a stage for endorsement until the Applicant has received endorsement of the Plan of Survey for the preceding stage.	As indicated.
2.2	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.3	All works are to be designed and constructed in accordance with the requirements of the <i>Planning Scheme Policy 4 - Design Standards</i> .	At all times.
2.4	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to request for endorsement of the Plan of Subdivision.
2.5	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> Plans and specifications must be prepared and certified with the Operational Work application. Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 	Prior to request for endorsement of the Plan of Subdivision.

	OPEN SPACE/PARK/LANDSCAPING	
2.6	Dedicate all land shown as open space and drainage on the proposed plan of subdivision.	Prior to request for endorsement of the Plan of Subdivision.
2.7	The development site must be landscaped. The works must be undertaken in accordance with an operational works approval.	As part of Operational works for Landscaping Works.
2.8	<p>The developer must submit a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below:</p> <ul style="list-style-type: none"> • Comply with the <i>Planning Scheme Policy 4 - Design Standards</i> and Schedule 12A of the <i>Planning Regulation 2017</i> (including street trees). • To enhance the appearance of the development internally and externally. • To make a positive contribution to the streetscape; • To screen unsightly objects from public view; • To contribute to an environment by providing shade to reduce glare, heat absorption and radiation; • To ensure common areas are useable; • To provide long term erosion protection; • To integrate with existing vegetation and other natural features of the site and adjoining lands; and • To provide adequate vehicle sightlines and road safety. <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> • The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site. • The number and size of plants. • The typical planting detail including preparation, backfill, staking and mulching. • The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved by Council. • All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course 	As part of Operational works for Landscaping Works.

	<p>of development works and any ensuing defects liability period.</p> <ul style="list-style-type: none"> Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work. 	
2.9	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
	GENERAL SERVICES	
2.10	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to request for endorsement of the Plan of Subdivision.
	Electricity/telecommunication/water supply/sewer drawings must be co-ordinated with the civil engineering design details, to ensure that service clashes are avoided.	
2.11	The applicant must provide written evidence (eg connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to request for endorsement of the Plan of Subdivision.
	EARTHWORKS	
2.12	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	As part of Operational Works
	ROADWORKS	
2.13	Install all traffic signs and line markings in accordance with <i>Manual of Uniform Traffic Control Devices</i>	Prior to request for endorsement of the Plan of Subdivision.
2.14	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with <i>Planning Scheme Policy 4 - Design Standards</i> .	Prior to request for endorsement of the Plan of Subdivision.
2.15	Road reserve and carriageway widths to be in accordance with the <i>Planning Scheme Policy 4 - Design Standards</i> .	Prior to request for endorsement of the Plan of Subdivision.
2.16	All works on or adjacent to roadways must be adequately signed in accordance with <i>Austroads Guide to Temporary Traffic Management</i> . Any Road or lane closure must be	Prior to commencement of and during

	applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	construction of works.
2.17	Provide 6m x 3 chord truncations on property boundaries at all road intersections. Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to request for endorsement of the Plan of Subdivision.
2.18	Provide a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	Prior to request for endorsement of the Plan of Subdivision.
2.19	Provide verge and access in accordance with <i>Planning Scheme Policy 4 - Design Standards</i> .	As part of Operational Works.
2.20	Provide written approval from the Department of Transport and Main Roads to carry out works on a state-controlled road.	Prior to Operational Works.
2.21	Applicant is required to construct a roundabout at the intersection of Honeywood Drive, Graham Road, and proposed Road 1, in accordance with Austroads Guide to Road Design Part:4B Roundabouts. Or Construct an alternative intersection acceptable to Council, in accordance with Austroads Guide to Road Design. Council notes that proposed Lots 9 and 70 may need to be truncated to allow for the geometric design of the roundabout.	As part of Operational Works.
	STREET NAMES	
2.22	Submit a list of road names for all new roads, along with the reasons for selecting such names, for the road names to be considered and approved by Council. The proponent is responsible for the cost of road signs and installation. Street nameplates are to comply with Council's standards.	Prior to request for endorsement of the Plan of Subdivision.
	KERB AND CHANNEL	
2.23	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with <i>Planning Scheme Policy 4 - Design Standards</i> .	Prior to request for endorsement of the Plan of Subdivision.
	FOOTPATHS	

2.24	Provide concrete footpaths in accordance with <i>Planning Scheme Policy 4 - Design Standards</i> and Schedule 12A of the <i>Planning Regulation 2017</i> .	As part of Operational Works.
	STREET LIGHTING	
2.25	<p>Install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows:</p> <ul style="list-style-type: none"> i) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5 ii) Collector Roads – Lighting Category P4. <p>Install all street lighting on the same side as footpaths, where applicable.</p> <p>Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).</p>	Prior to request for endorsement of the Plan of Subdivision.
	VEHICLE ACCESS	
2.26	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Planning Scheme Policy 4 - Design Standards</i> .	At all times.
	Stormwater and drainage	
2.27	Dedicate all land shown as open space and drainage on the proposal plan of subdivision. The reserve is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council shall prepare all documentation.	Prior to request for endorsement of the Plan of Subdivision.
2.28	<p>Provide an easement over stormwater and interallotment drainage located within private property.</p> <p>The easement widths may vary but must extend to include top of batters of open drains and/or flood paths and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with Queensland Urban Drainage Manual (QUDM). The easement is to be dedicated at no cost to Council</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council.</p> <p>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property</p>	Prior to request for endorsement of the Plan of Subdivision.
2.29	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.

2.30	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Planning Scheme Policy 4 - Design Standards</i> .	As part of Operational Works.
2.31	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works.
2.32	Fill, compact and grade all low lying land being subdivided to ensure each allotment is drained adequately by gravitation to the drainage system within the proposed development.	Prior to request for endorsement of the Plan of Subdivision.
2.33	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and Council standards.	As part of Operational Works.
2.34	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site. <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works.
2.35	Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer Queensland (RPEQ), which generally conforms to the approved development plan/s and <i>Planning Scheme Policy 4 - Design Standards</i> . The SBSMP should include the following: <ul style="list-style-type: none"> • Quantity and quality of stormwater to be released from the development; • All sources of potential contamination (including but not limited to the actual and potential release of all contaminants; • The potential impact of these sources; • Impact of the release of stormwater from the development on the quality and integrity of the receiving environment; • Measures to be implemented to prevent the likelihood of stormwater contamination; and • Maintenance schedule. 	As part of the lodgement of the Operational Works application.
2.36	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the	At all times.

	proposed development.	
	EROSION AND SEDIMENT CONTROL	
2.37	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. 	At all times.
2.38	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project, and to prevent dust nuisance.	At all times.
2.39	Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ). Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	As part of the lodgement of the Operational Works application.
2.40	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	At all times.
2.41	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> i) Milling; ii) Chipping and/or mulching iii) Disposal at an approved waste disposal facility. <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times.
2.42	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times.

2.43	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.	As part of Operational Works.
SCHEDULE 3 - REFERRAL AGENCY CONDITIONS		
Referral agency response given under section 56 of the <i>Planning Act 2016</i>		
Pursuant to section 62 of the <i>Planning Act 2016</i> , the assessment manager must, other than to the extent a referral agency's response provides advice, comply with all referral agencies' responses and include conditions exactly as stated in the response. The following referral agency responses have been received and are attached to the Decision Notice.		
3.1	Comply with the requirements of the amended referral agency response 2109-25065 SRA dated 16 December 2021 or as amended.	As indicated in the attached referral agency response.
3.2	Provide certification to Council from a suitably qualified person or the relevant agency demonstrating that the requirements of the referral agency response have been met.	Prior to request for endorsement of the Plan of Subdivision.
SCHEDULE 4 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.		
The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants		

Construction hours are 6:30 am to 6:30 pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays.

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

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

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

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

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

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

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

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

Attachments for the Decision Notice include:

- Subdivision Proposal Lots 1-129, 707, 808, and 900 Cancelling Lot 3 on SP199673 (Stage 1-3), drawn by Simpson Rayner Surveys, reference 21045A3-1B, dated 07/09/2021.

Resolution	Moved – Cr Isidro	Seconded – Cr Wendt
1.	"THAT Council enters into an Infrastructure Agreement with the applicant obligating the applicant to provide Trunk Park and Road Infrastructure as stated in the attached Infrastructure Agreement and authorises the Chief Executive Officer to do all things necessary to execute the Infrastructure Agreement.	
2.	THAT Council approve the Change Application for Development Application No. 10417 for a Development Permit for Reconfiguring a lot (one lot into 129 lots, road, park, drainage reserve and balance lot) on land situated at 35 Graham Road, Fernvale, and described as Lot 3 SP199673, subject to the recommended conditions and requirements contained in the attachments to this report.	

3. THAT the officer report for this application be published to the website as Council's Statement of Reasons in accordance with s83(8) 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. Subdivision Proposal Lots 1-129, 707, 808, and 900 Cancelling Lot 3 on SP199673 (Stage 1-3), drawn by Simpson Rayner Surveys, reference 21045A3-1B, dated 07/09/2021.	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.3	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of the Plan of Subdivision.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for endorsement of the Plan of Subdivision.
1.5	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources. Currently, the amount is set at \$39 per allotment.	Prior to request for endorsement of the Plan of Subdivision.
1.6	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to request for endorsement of the Plan of Subdivision.
1.7	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision.
1.8	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to operational works approval for the relevant stage.
1.9	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Prior to request for endorsement of the Plan of Subdivision.

1.10	Property access to proposed Lots 9 and 70 shall be from the southern boundary of both lots from Road 1 as shown on drawing 21045A3/1B, Subdivision Proposal Lots 1-129, 707, 808, and 900 Cancelling Lot 3 on SP199673 (Stage 1-3), prepared by Simpson Rayner Surveys dated 07-09-2021.	At all times.
1.11	Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse for any stage not submitted to Council for endorsement of the Plan of Survey within the 'currency period' – being six (6) years starting the day the approval takes effect.	As indicated.
SCHEDULE 2 – ENGINEERING <i>Assessment Manager</i>		
No	Condition	Timing
2.0	ENGINEERING	
2.1	The Applicant is to complete each stage of the development in sequence in accordance with drawing 21045A3/1B, <i>Subdivision Proposal Lots 1-129, 707, 808, and 900 Cancelling Lot 3 on SP199673 (Stage 1-3)</i> , prepared by Simpson Rayner Surveys dated 07-09-2021. The Applicant is not to submit to Council the Plan of Survey for a stage for endorsement until the Applicant has received endorsement of the Plan of Survey for the preceding stage.	As indicated.
2.2	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.3	All works are to be designed and constructed in accordance with the requirements of the <i>Planning Scheme Policy 4 - Design Standards</i> .	At all times.
2.4	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to request for endorsement of the Plan of Subdivision.
2.5	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> Plans and specifications must be prepared and certified with the Operational Work application. Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 	Prior to request for endorsement of the Plan of Subdivision.

	OPEN SPACE/PARK/LANDSCAPING	
2.6	Dedicate all land shown as open space and drainage on the proposed plan of subdivision.	Prior to request for endorsement of the Plan of Subdivision.
2.7	The development site must be landscaped. The works must be undertaken in accordance with an operational works approval.	As part of Operational works for Landscaping Works.
2.8	<p>The developer must submit a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below:</p> <ul style="list-style-type: none"> • Comply with the <i>Planning Scheme Policy 4 - Design Standards</i> and Schedule 12A of the <i>Planning Regulation 2017</i> (including street trees). • To enhance the appearance of the development internally and externally. • To make a positive contribution to the streetscape; • To screen unsightly objects from public view; • To contribute to an environment by providing shade to reduce glare, heat absorption and radiation; • To ensure common areas are useable; • To provide long term erosion protection; • To integrate with existing vegetation and other natural features of the site and adjoining lands; and • To provide adequate vehicle sightlines and road safety. <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> • The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site. • The number and size of plants. • The typical planting detail including preparation, backfill, staking and mulching. • The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved by Council. • All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period. 	As part of Operational works for Landscaping Works.

	<ul style="list-style-type: none"> Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work. 	
2.9	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
	GENERAL SERVICES	
2.10	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to request for endorsement of the Plan of Subdivision.
	Electricity/telecommunication/water supply/sewer drawings must be co-ordinated with the civil engineering design details, to ensure that service clashes are avoided.	
2.11	The applicant must provide written evidence (eg connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to request for endorsement of the Plan of Subdivision.
	EARTHWORKS	
2.12	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	As part of Operational Works
	ROADWORKS	
2.13	Install all traffic signs and line markings in accordance with <i>Manual of Uniform Traffic Control Devices</i>	Prior to request for endorsement of the Plan of Subdivision.
2.14	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with <i>Planning Scheme Policy 4 - Design Standards</i> .	Prior to request for endorsement of the Plan of Subdivision.
2.15	Road reserve and carriageway widths to be in accordance with the <i>Planning Scheme Policy 4 - Design Standards</i> .	Prior to request for endorsement of the Plan of Subdivision.
2.16	All works on or adjacent to roadways must be adequately signed in accordance with <i>Austroads Guide to Temporary Traffic Management</i> . Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works.

2.17	Provide 6m x 3 chord truncations on property boundaries at all road intersections. Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to request for endorsement of the Plan of Subdivision.
2.18	Provide a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	Prior to request for endorsement of the Plan of Subdivision.
2.19	Provide verge and access in accordance with <i>Planning Scheme Policy 4 - Design Standards</i> .	As part of Operational Works.
2.20	Provide written approval from the Department of Transport and Main Roads to carry out works on a state-controlled road.	Prior to Operational Works.
2.21	Applicant is required to construct a roundabout at the intersection of Honeywood Drive, Graham Road, and proposed Road 1, in accordance with Austroads Guide to Road Design Part:4B Roundabouts. Or Construct an alternative intersection acceptable to Council, in accordance with Austroads Guide to Road Design. Council notes that proposed Lots 9 and 70 may need to be truncated to allow for the geometric design of the roundabout.	As part of Operational Works.
	STREET NAMES	
2.22	Submit a list of road names for all new roads, along with the reasons for selecting such names, for the road names to be considered and approved by Council. The proponent is responsible for the cost of road signs and installation. Street nameplates are to comply with Council's standards.	Prior to request for endorsement of the Plan of Subdivision.
	KERB AND CHANNEL	
2.23	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with <i>Planning Scheme Policy 4 - Design Standards</i> .	Prior to request for endorsement of the Plan of Subdivision.
	FOOTPATHS	

2.24	Provide concrete footpaths in accordance with <i>Planning Scheme Policy 4 - Design Standards</i> and Schedule 12A of the <i>Planning Regulation 2017</i> .	As part of Operational Works.
	STREET LIGHTING	
2.25	<p>Install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows:</p> <ul style="list-style-type: none"> iii) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5 iv) Collector Roads – Lighting Category P4. <p>Install all street lighting on the same side as footpaths, where applicable.</p> <p>Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).</p>	Prior to request for endorsement of the Plan of Subdivision.
	VEHICLE ACCESS	
2.26	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Planning Scheme Policy 4 - Design Standards</i> .	At all times.
	Stormwater and drainage	
2.27	Dedicate all land shown as open space and drainage on the proposal plan of subdivision. The reserve is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council shall prepare all documentation.	Prior to request for endorsement of the Plan of Subdivision.
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2.29	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.

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2.32	Fill, compact and grade all low lying land being subdivided to ensure each allotment is drained adequately by gravitation to the drainage system within the proposed development.	Prior to request for endorsement of the Plan of Subdivision.
2.33	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and Council standards.	As part of Operational Works.
2.34	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site. <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works.
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SCHEDULE 4 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]		
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At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".

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

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

Carried

Vote - Unanimous

Subject:	Combustible Cladding – QBCC Request for Authority to Prosecute
File Ref:	Development and Building Controls - 2021 - 2022 – Development Compliance
Action Officer:	SBC

Background/Summary

In 2018, in response to the risks posed to building occupants and emergency personnel caused by combustible materials in the cladding applied to the external walls of many buildings in the State, the Queensland Government introduced amendments to the *Building Regulation 2006* (via insertion of a new Part 4A). The amendments required owners of particular private buildings to undertake an assessment of the material used on the external walls of their building in a three-part process.

Under the Safer Buildings Queensland program and Part 4A of the *Regulation*, the QBCC has been responsible for administering and regulating the obligations of owners of private buildings that have combustible cladding forming part of an external wall or other external part of the building. Of particular importance in relation to this request is s16X of Part 4A of the *Regulation*.

The QBCC wrote to Council on 16 March 2022 seeking a general authority from Somerset Regional Council to prosecute breaches of s16X(1).

A number of private building owners throughout Queensland have failed to comply with their obligations under s16X(1) and the QBCC plans to launch multiple summary prosecutions under the *Justices Act 1886*. To do so, it requires the authorisation of each local government where a relevant private building as defined in s16O is located, some of which are within the Somerset Region.

Attachments

1. QBCC request for authority to prosecute.

Recommendation

That pursuant to s256(2)(k) of the *Building Act 1975*, Council authorise the Commissioner of the QBCC to make complaints under the *Justices Act 1886* in relation to breaches of s16X(1) of the *Building Regulation 2006*.

Resolution

Moved – Cr Brieschke

Seconded – Cr Isidro

“That pursuant to s256(2)(k) of the *Building Act 1975*, Council authorise the Commissioner of the QBCC to make complaints under the *Justices Act 1886* in relation to breaches of s16X(1) of the *Building Regulation 2006*”.

Carried

Vote - Unanimous

Subject: Application for Temporary Entertainment Event – Jimna Rocks 2022
File: Environmental Management/Reports/Environmental Health Reports
Action Officer: EHO-DB

Background/Summary

Council received a temporary entertainment event application from MMK Music Productions to conduct a music festival located at Jimna Base Camp, 21 School Road Jimna, described as Lot11 Plan LX2539. The proposed event is called “Jimna Rocks” and will involve live musical performances from 25 acts including live solos/duos and bands of blues/rock music.

The event is proposed to be operated from 12.00 noon to 11.00pm on Saturday 30 April 2022 and from 12.00 noon to 10.30pm on Sunday 1 May 2022. The applicant has advised that 450 tickets are available for entry and camping onsite, and a further 250-day passes will be available. Public access and camping at the site will be open from 8am on Saturday 30 April 2022 to 12noon on Monday 2 May 2022.

Council regulates this activity through *Local Law No.1 (Administration) 2011*, and *Subordinate Local Law 1.12 (Operation of Temporary Entertainment Events) 2011*.

In addition to a Local Law approval, the applicant must also comply with the current public health directions from the Queensland Chief Health Officer. This will require the applicant to complete a COVID Safe Event Checklist.

It is noted that Council approved Jimna Rocks 2021, which was held in this location in May 2021.

Assessment of Application

Under section 9 of *Local Law No. 1 (Administration) 2011*, Council may grant an approval for an application for a temporary entertainment event only if it is satisfied that:

Criteria – LL, Section 9(1)(a)	If the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and
Officer comment	<p>The applicant has advised that BYO will be allowed at the event.</p> <p>No permit will be required from the Office of Liquor and Gaming Regulation.</p> <p>On 9 March 2022, Council approved an exemption certificate (EC0060) to enable use of the site as a <i>Major sport, recreation, and event facility</i> subject to the temporary use provision of the Somerset Region Planning Scheme 2016, Version 4.2.</p> <p>Table 1.7.1 of the Planning Scheme lists Major sport, recreation and entertainment facility as a use that can operate as a temporary use for up to 7 days per calendar year in the Rural zone or Recreation and Open space zone without triggering a planning approval on this site. The exemption certificate was required as the site is in the Township zone.</p> <p>This 3-day event will be the first approval for the 2022 calendar year. A balance of four days will be available for other events associated with this exemption certificate.</p> <p>The applicant must comply with the public health directions of the Queensland Chief Health Officer. This will require the applicant to complete a COVID Safe Event Checklist.</p>
Criteria – LL, Section 9(1)(b)	The proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
Officer comment	<p>The applicant has provided documentation as part of the application which outlines provisions for public safety and environmental harm.</p> <p>The applicant will be required to provide a COVID Safe Event Checklist for the event.</p> <p>Council requested comment from the Queensland Ambulance Service (QAS) about the proposed event. QAS have recommended that all lifestyle or music festivals within the area of Jimna require a paramedical transport capability during peak activity times of between 1600-0200 hours daily, while also engaging on-site private medical coverage to have twenty-four hour coverage.</p>

	<p>Council received a response from QPS (Queensland Police Service), that stated they have received a copy of the even plan “Jimna rocks” 2022 and do not object to this event being conducted.</p> <p><u>Post Event Report</u></p> <p>A condition of approval will require the approval holder to submit to Council, within 14 days of the event, a Post Event Report detailing:</p> <ul style="list-style-type: none"> • Total number of paying attendees, artists and staff; • Any incidents during the event relating to public health and safety and the outcomes of those incidents; • Any incidents during or associated with the event where the Queensland Police Service, Queensland Ambulance Service or Queensland Fire and Emergency Services assistance was required, and the outcomes of those incidents. <p>The 2021 Post Event Report indicated that attendance was affected by inclement weather, however from all reports the festival was successful with no mayor incidents to report. Council did not receive any complaints from residents in the area after the event.</p>
Criteria – LL, Section 9(1)(c)	If the prescribed activity is the commercial use of a local government controlled area or road—the grant of the approval is consistent with the objective of the local government of restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy an unfair commercial advantage over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid, and to which planning and other regulatory legislation applies;
Officer comment	Not applicable.
Criteria – LL, Section 9(1)(d)	The proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
Officer comment	<i>Subordinate Local Law No.1.12 (Operation of Temporary Entertainment Events) 2011</i> prescribes criteria for the proposed activity. An assessment against that criterion is provided below.
Criteria – LL, Section 9(1)(e)	The grant of the approval would be consistent with the purpose of any relevant local law; and
Officer comment	The proposed activity is generally consistent with Council’s local laws.
Criteria – LL, Section 9(1)(f)	If the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
Officer comment	The subject land is not trust land.
Criteria – LL, Section 9(1)(g)	If the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the

	approval.
Officer comment	Not applicable.
Criteria – SLL, Section 4(1)	The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place.
Officer comment	<p>Based on the ticket numbers available it is expected that the maximum number of attendees at the event will not exceed 700 people.</p> <p>The event is proposed to be held at the Jimna Base Camp. It is likely that enough space is available to accommodate the expected attendance.</p> <p>Adequate traffic management and offsite parking arrangements can be conditioned as part of any approval issued. Council's Operations Department have provided conditions of approval pertaining to traffic management and parking arrangements.</p> <p>The applicant will also be required to provide Council with an COVID Safe Event Checklist.</p>
Criteria – SLL, Section 4(2)	Entertainment provided at the place must not unreasonably detract from the amenity of the area in which the entertainment is, or is proposed to be, situated.
Officer comment	It is unlikely that the proposed event will unreasonably detract from the amenity of the area.
Criteria – SLL, Section 4(3)	Entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.
Officer comment	<p>The likelihood of environmental nuisance being caused from noise, dust and light, will be minimised by the following:</p> <p><u>Noise</u> The applicant has advised that the stage and speakers will face away from the town area and towards bushland. Sound deadening boards will also be positioned behind speakers. Noise limits, in line with the <i>Environmental Protection Act 1994</i>, will also be provided as a condition of any approval. The sound engineer for the event took noise readings at the 2021 event which appeared to show compliance at nearest sensitive receptors.</p> <p><u>Dust</u> Dust is not expected to cause a nuisance. The main event area will be grassed. A condition of approval would require the applicant to not cause an environmental nuisance, which includes dust nuisance.</p> <p><u>Light</u> Lighting will be required throughout the site for safety purposes. Light nuisance can be controlled by positioning lights to face downwards and away from sensitive land uses. A condition of approval would require the</p>

	applicant to not cause an environmental nuisance, which includes light nuisance.
Criteria – SLL, Section 4(4)	There must be enough toilets and sanitary conveniences provided for the event.
Officer comment	The number of amenities required will be conditioned in any approval issued.
Criteria – SLL, Section 4(5)	Adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event.
Officer comment	A condition of approval will require the applicant to provide sufficient waste disposal facilities to adequately service the event.
Criteria – SLL, Section 4(6)	Adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event.
Officer comment	The applicant has submitted a traffic management plan that has been approved by Council's Operations department. Council's Operations Department have also provided conditions of approval relevant to traffic management and parking provisions.

Attachments

1. Site Plans

Recommendation

It is recommended that the Council approve the temporary entertainment event called 'Jimna Rocks', to be operated from 12.00 noon to 10.30pm on Sunday 1 May 2022, at 21 School Road Jimna, described as Lot11 LX2539, subject to the conditions listed below:

No.	CONDITION
1.0	ENVIRONMENTAL/ LOCAL LAW
1.1	The approval holder must: <ul style="list-style-type: none"> • Display the approval in the manner, and at the locations, specified by the local government; and • Produce the approval for inspection by an authorised person on demand.
1.2	The approval holder must submit to Council, within 14 days of the event, a Post Event Report detailing: <ul style="list-style-type: none"> • Total number of paying attendees, artists and staff; • Any incidents during the event relating to public health and safety and the outcomes of those incidents; • Any incidents during or associated with the event where the Queensland Police Service, Queensland Ambulance Service or Queensland Fire and Emergency Services assistance was required, and the outcomes of those incidents.
1.3	The approval holder must provide Somerset Regional Council with a copy of a COVID Safe Event Checklist.

1.4	The operation of the temporary entertainment event must not unreasonably detract from the amenity of the area in which the place is located.
1.5	The temporary entertainment event is limited to the operation of a music festival involving live solo and duo performances and bands of blues/rock music on Lot 11 LX2539 between the hours of 12pm and 11.00pm on Saturday 30 April 2022 and 12pm and 10.30pm on Sunday 1 May 2022. Public access and camping at the site will be open from 8am on Saturday 30 April to 12 noon on Monday 2 May 2022.
1.6	<p>The approval holder must provide the following number of toilets, sanitary conveniences and showers for the event:</p> <p>Males: 4 toilets; 9 urinals; 3 hand basins; 4 showers</p> <p>Females: 14 toilets; 3 hand basins; 4 showers</p> <p>Unisex: at least 1 unisex toilet for patrons with a disability at each group of toilet facilities</p> <p>The event operator may also consider the provision of additional unisex toilets to alleviate long queues.</p>
1.7	The approval holder must provide an appropriate number of waste bins that are to be serviced by an appropriately licensed waste contractor. The number of waste bins provided must be sufficient to accept all waste generated by the event, including waste from attendees, event staff, and food vendors.
1.8	The approval holder must conduct litter collection of the event grounds, parking areas and surrounding residential streets to remove any accumulated litter the day following the event.
1.9	The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20 million dollars. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the event.
1.10	<p>The approval holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.</p> <p>“Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.</p>
1.11	The approval holder must provide Somerset Regional Council with a copy of a public liability insurance certificate of currency for a minimum of \$20 million dollars and must note Somerset Regional Council as an interested party. The insurance certificate must cover all relevant aspects of the event.
1.12	The temporary entertainment event must not cause an environmental nuisance as defined by the <i>Environmental Protection Act 1994</i> .
1.13	<p>Noise associated with the event must not exceed the following levels at a sensitive receptor:</p> <p>(a) before 7am, if the use causes audible noise; or</p> <p>(b) from 7am to 10pm, if the use causes noise of more than 70dB(A); or</p> <p>(c) from 10pm to midnight, if the use causes noise of more than the lesser of the following—</p> <p>(i) 50dB(A);</p> <p>(ii) 10dB(A) above the background level.</p>

1.14	The operation of the temporary entertainment event must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken.
1.15	The approval holder must provide appropriate lighting to all areas of the temporary entertainment event, including pedestrian access and car parking, to ensure the safety of the public.
1.16	All buildings, structures, vehicles, facilities or equipment used in the operation of the temporary entertainment event must be maintained at all times: <ul style="list-style-type: none"> • In good working order. • In good state of repair. • In a clean and sanitary condition.
1.17	The approval holder must ensure that a food licence issued under the <i>Food Act 2006</i> is obtained (to the extent that it is required) by any entities selling food at the event.
1.18	The approval holder must ensure that the temporary entertainment event is run generally in accordance with the application material submitted to Council.
1.19	The approval holder is to provide a contact number for any complaints received during the event. Such information is to be distributed via a letterbox drop prior to the event throughout the Jimna township.
1.20	The approval holder must ensure that the construction of any structures onsite, including temporary stages and shade sails, are installed by appropriately qualified persons holding riggers licences with Workplace Health and Safety Queensland.
1.21	The approval holder must engage the Queensland Ambulance Service to provide paramedical transport capability during peak activity times between 1600-0200 hours daily while the event is operating, while also engaging registered paramedics for on-site private medical coverage in order to have twenty-four hour medical coverage during the event.
2.0	OPERATIONS
2.1	The applicant has provided a Traffic Management Plan (TMP) with Traffic Guidance Schemes (TGS), signed off by an accredited competent person, in accordance with Austroads Guide to Traffic Management that has been approved by Council's Operations Department. The event must be operated in accordance with the approved traffic management plan.
2.2	Car Parking – General <ul style="list-style-type: none"> • No clearing of land is to be undertaken. • No installation of pegs, star pickets etc to be installed <ul style="list-style-type: none"> • The applicant has provide a carparking plan for approval by Council identifying the following: <ul style="list-style-type: none"> ○ Car park extents ○ Car park entry / exit points ○ Pedestrian entry /exit points ○ Proposed layout and lighting of the car park area ○ Proposed number of vehicles to use each car park area ○ Outline any controls within the car park i.e. parking attendants directing traffic.
2.3	Car Parking – Bellbird Park <ul style="list-style-type: none"> • The applicant will be responsible for any damage to the park, gardens and associated park infrastructure as a result of this area being utilised as a car park. • The applicant is not to use Bellbird Park in the event of rain prior to or during the event to preserve the condition of the turf of the park.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Choat

"It is recommended that the Council approve the temporary entertainment event called 'Jimna Rocks', to be operated from 12.00 noon to 10.30pm on Sunday 1 May 2022, at 21 School Road Jimna, described as Lot11 LX2539, subject to the conditions listed below:

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1.9	The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20 million dollars. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the event.
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	<p>negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.</p> <p>“Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.</p>
1.11	The approval holder must provide Somerset Regional Council with a copy of a public liability insurance certificate of currency for a minimum of \$20 million dollars and must note Somerset Regional Council as an interested party. The insurance certificate must cover all relevant aspects of the event.
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Subject: Finance report File Ref: Monthly reporting/ finance Action Officer: DFIN

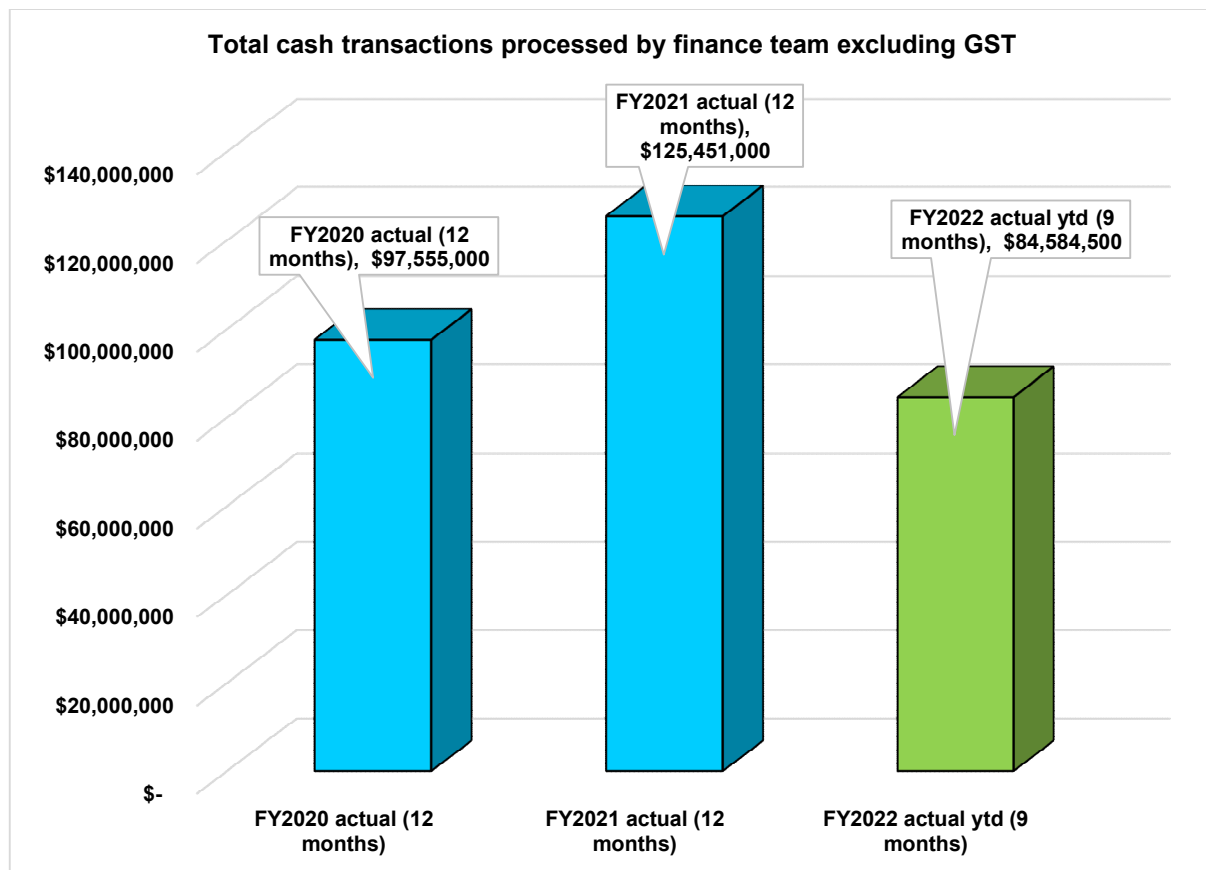
Background/Summary

Financial reports

Reports for the period 1 July 2021 to 30 March 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. Council officers have established more than 7,000 new job numbers to accurately capture flood activation and restoration costs in the way required by the Queensland Reconstruction Authority (QRA) to maximise available grant monies circulating within Somerset LGA.

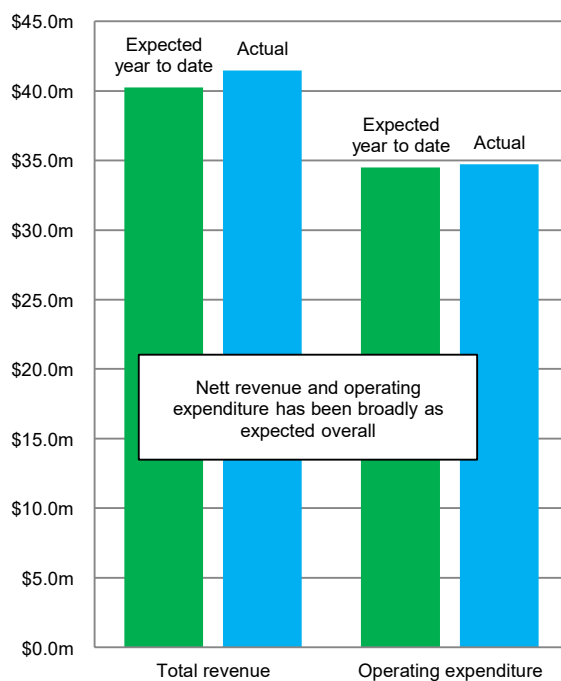
The finance team has processed \$84M in transactions for the financial year to date including grants, rates, contract revenue and payments to suppliers and employees.

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

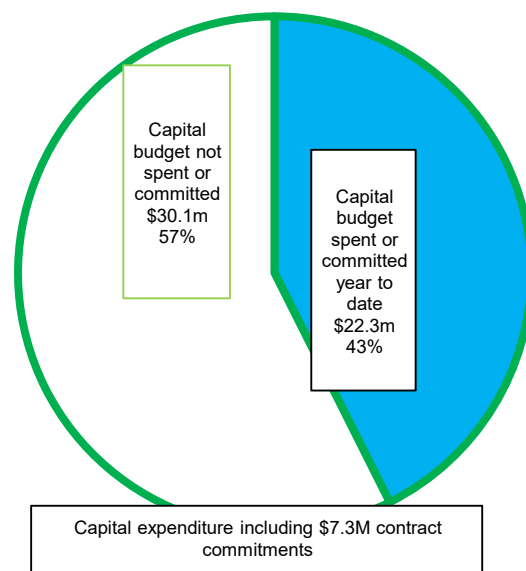


Results for the year to date are summarised as follows:

Year to date budget comparison
- excludes capital expenditure (\$ millions)

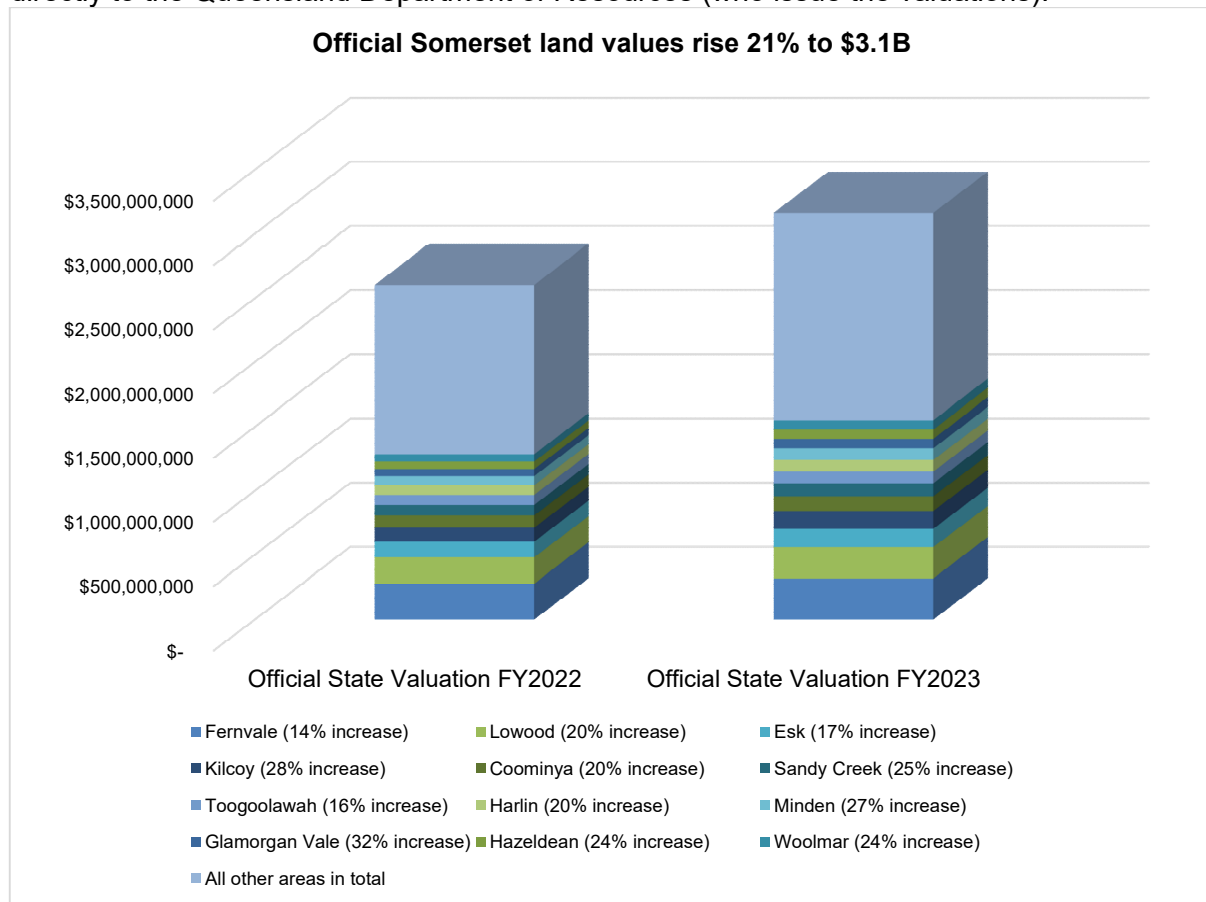


Total capital expenditure and commitments

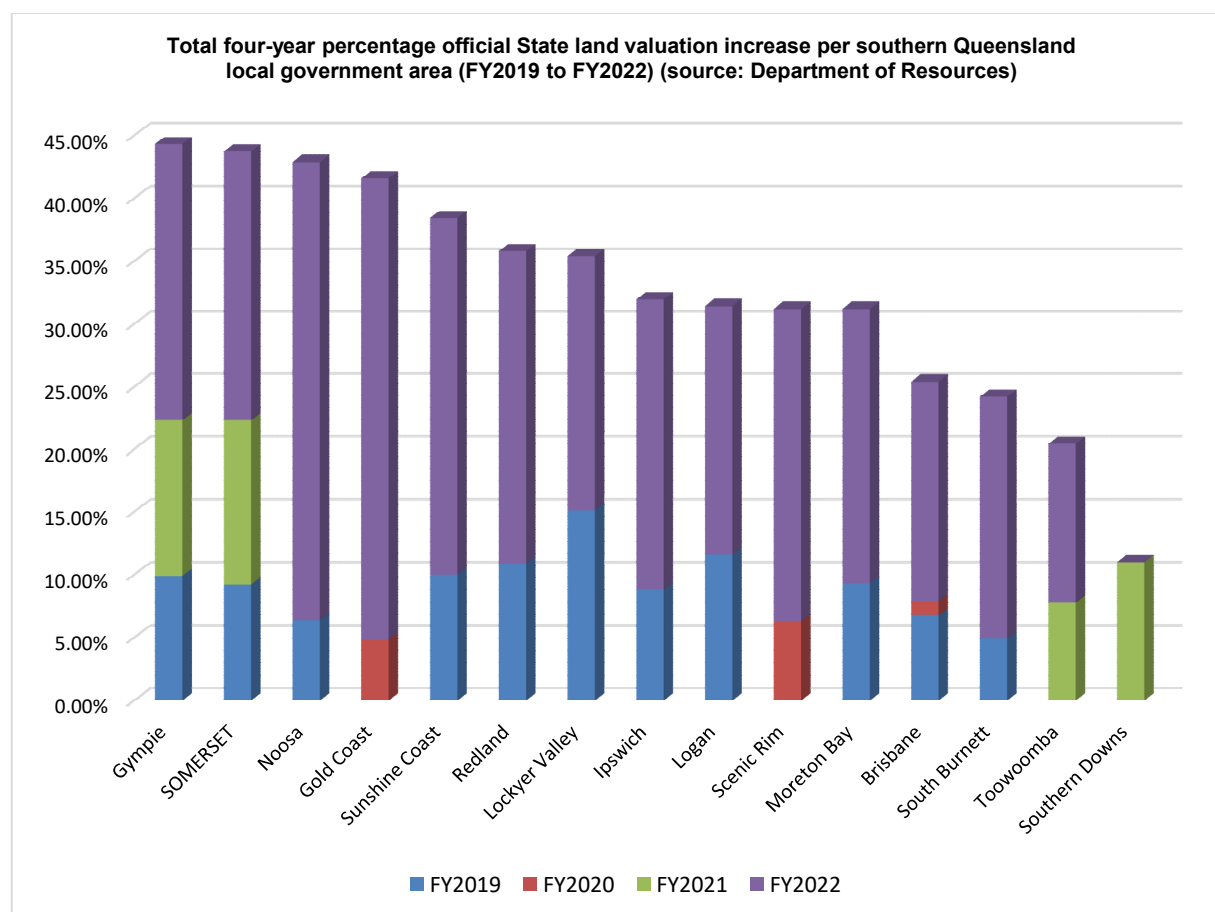


Official State land valuations issued 31 March 2022

Council has received new FY2023 State Government land valuations showing a 21% total/ average increase across Somerset. Property owners can object against State valuations directly to the Queensland Department of Resources (who issue the valuations).

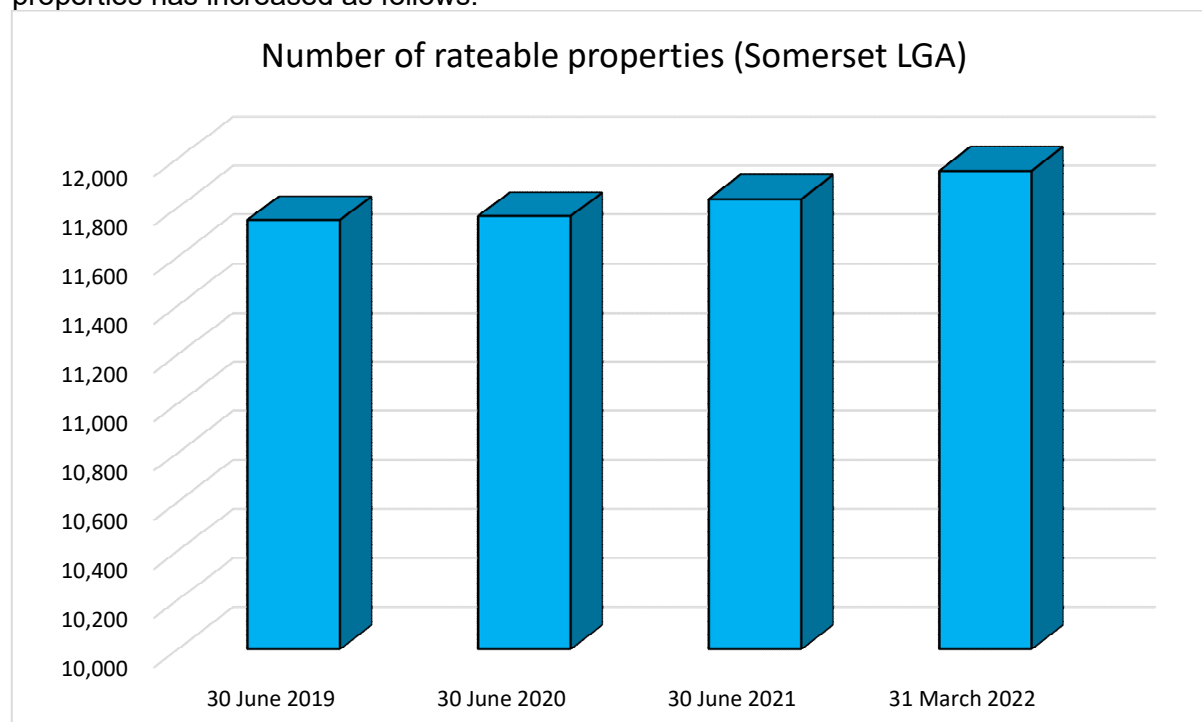


Official land valuations (issued by the Queensland Department of Resources) for Somerset LGA have increased rapidly compared to other south Queensland local government areas over the past four State valuations as shown below. Only Somerset, Gympie and Brisbane LGAs have been revalued three times out of the last four years.



Growth

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



On 29 March 2022, the Australian Bureau of Statistics issued its annual regional population growth report which advised that the population of Somerset LGA had grown by 1.0% to 26,553 people up to 30 June 2021 which was marginally higher than Queensland overall.

Competitive grants

- Council agreed in March 2022 to funding terms for the Somerset Brisbane Boundary Firewall project for upgrading roads in the Lake Manchester area under the Australian Government's Black Summer Bushfire Recovery Grants Program (BSBRGP). Council officers are actively awaiting offers from the Department of Industry about the terms of funding for the Fernvale Firewall project including what can be funded:

BSBRGP competitive project	Funding offered
Fernvale Firewall – awaiting detailed funding offer	\$800,000
Somerset/ Brisbane Boundary Firewall – completion by January 2024 of the following • A 1.2 kilometre length of Waverley Road upgraded from a 4.8 metre average wearing course width to a 9 metre formation road, with all vegetation to be cleared from the road reserve, creating a 20 metre wide firebreak. • The entire 0.47 kilometre constructed length of Sheppards Road upgraded from a 4.7 metre average width to a 9 metre formation road, with all vegetation to be cleared from the formation, creating a 9 metre wide firebreak	\$500,000

- Council signed a funding agreement in March 2022 for the Australian Government's Queensland's Fishing Infrastructure Grants Program for the following project:

Queensland's Fishing Infrastructure Grants Program	Project value	Funding offered
Mid-Brisbane River recreation safety and security CCTV project.	\$70,169	\$63,000

- Council is awaiting the outcome of applications made 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, Mount Glen Rock, Esk. The executive summary from the independent economic and employment analysis supporting this funding application is attached for Councillors' and community information.	\$5,031,818	\$2,515,909
Toogoolawah Gateway Centre incorporating a new Toogoolawah library and rooms for visiting health professionals. The executive summary from the independent economic and employment analysis supporting this funding application is attached for Councillors' and community information.	\$2,500,000	\$1,250,000

- Council is awaiting the outcome of an application made 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	\$7,092,476	\$3,546,238

St Lowood, Ivory Creek Rd and Toogoolawah-Biarra Rd.		
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- Council is awaiting the outcome of an application made under the Australian Government's Heavy Vehicle Safety and Productivity Program (HVSPP) on 11 January 2022 as follows:

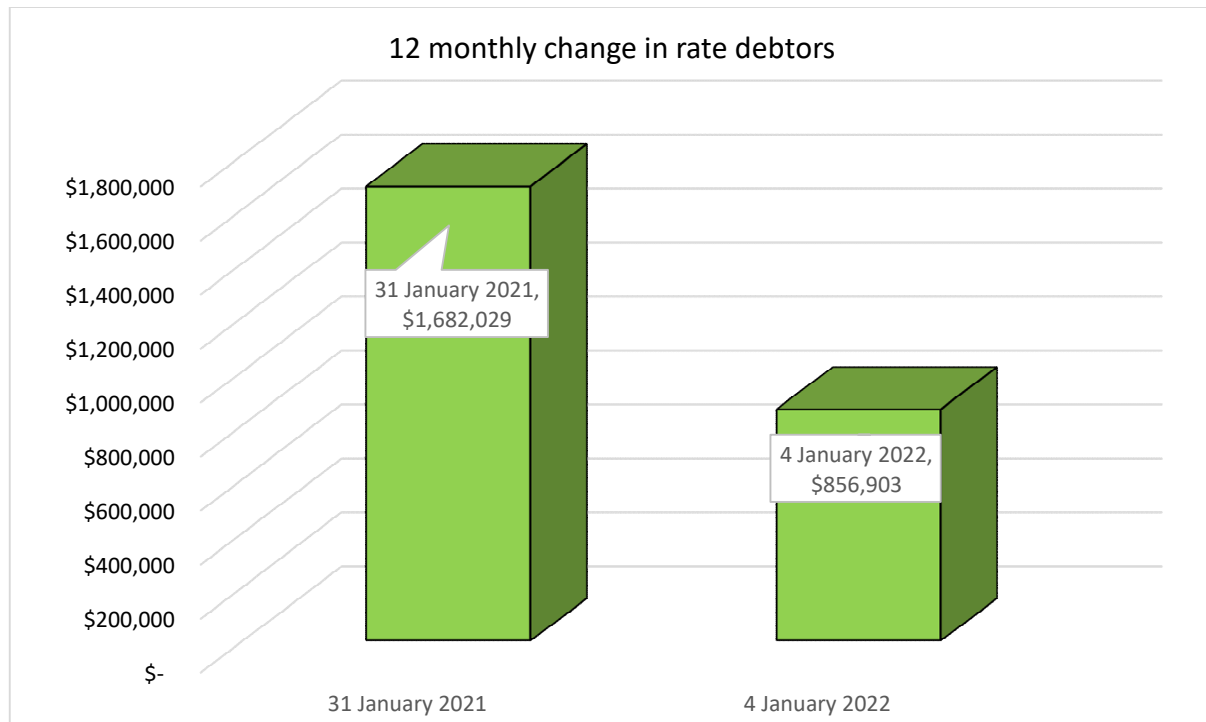
HVSPP competitive project application	Project value	Funding sought
Widen and strengthen 1.3km of Lowood Minden Road from chainage 8.13km to ch9.45km near the intersection of Kisslings Road.	\$1,434,204	\$1,147,363

- Council officers are also developing further proposals under the Australian Government's Bridges Renewal Program and Heavy Vehicle Safety and Productivity Program.
- Council officers lodged applications for \$31,711 in PV solar projects at Lowood and Esk SES under the 2022-23 SES Support Grant program with Queensland Fire and Emergency Services on 17 November 2021 seeking 75% funding
- Council officers lodged nine funding applications under the Queensland Government's Local Government Grants and Subsidies Program (LGGSP) during March 2022 including for PV solar projects at 8 Council facilities, upgrading 3 playgrounds at Fernvale to increase shade by 588 sqm and provide a greater range and quantity of equipment and to install 200 sqm of shade over the new grandstand at Kilcoy racecourse. These last three LGGSP applications (solar/playgrounds/shade only) were seeking 60% LGGSP funding for projects costing \$738,522.

Rates

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.

Rates are issued in six monthly cycles. Total rate debtors at comparable dates being prior to the issue of rate notices on 22 February 2022 (due 31 May 2022) and 23 February 2021 (due 8 April 2021) were as follows:



Investments

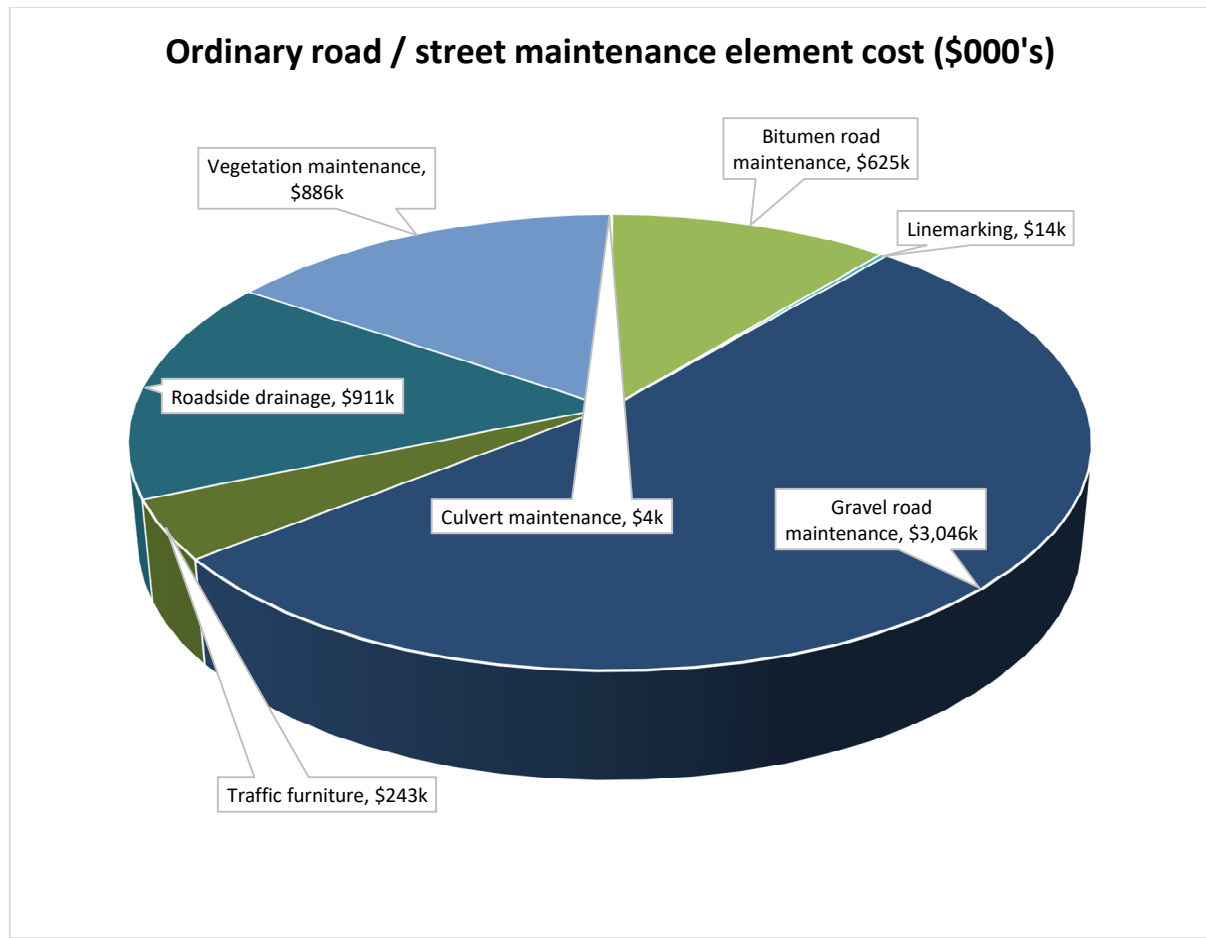
Council relies on interest revenue to keep rates at the lowest possible level. Interest rates are at historic lows. An investment summary is attached detailing interest earnings from Queensland Treasury Corporation (QTC) and other sources. QTC interest rates have been rising and were 0.63% nett of charges during March 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 2022/2023.

Ordinary road maintenance detail

While overall Council net operating costs are broadly within pro rata budget expectations, ordinary road maintenance costs exceed pro rata budget as below:

Maintenance type	Total (\$000's)
Bitumen road maintenance	625
Gravel road maintenance	3,046
Roadside drainage	911
Culvert maintenance	4
Vegetation maintenance	886
Traffic furniture	243
Linemarking	14
Total actual year to date	<u>5,729</u>
Expected pro-rata budget year to date	<u>4,072</u>



As previously requested, Council's 30 most costly road segments for 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
West Branch RdXing35Ch19065-19070	98	
Banks Creek Rd (gravel) Ch4670-Ch12870	89	11
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	73	10
Monsildale Rd (gravel) Ch1630-Ch10200	66	8
Kimbala Rd (gravel) Ch8780-Ch9850	59	55
Yabba Rd (gravel) Ch0-Ch3330	58	17
Patrick Estate Rd (bitumen) Ch240-Ch720	55	115
Sunday Creek Rd (gravel) Ch1690-Ch3390	55	33
Waverley Rd (gravel) Ch100-Ch1200	52	47
Hope St (bitumen) Ch0-Ch230	49	213
Silverleaves Rd (gravel) Ch40-Ch2150	48	23
Esk Crows Nest (gravel) Ch26120-Ch34090	48	6
Mt Byron Rd (gravel) Ch160-Ch1170	42	41

Kimballa Rd (gravel) Ch9850-Ch13670	42	11
Gregors Crk Rd Culvert Ch8210-8260	41	
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
Subtotal (\$000's)	1,813	

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 to be completed before 30 June 2022.

Attachments

Financial reports and payment listings
Executive summaries – AEC Group Pty Ltd independent economic analyses Brisbane Valley Rail Trail Mountain Bike Park and Toogoolawah Gateway Centre

Recommendation

THAT Council receive the financial reports for 1 July 2021 to 30 March 2022 and payments presented for the period 28 February 2022 to 31 March 2022 totalling \$13,383,182.26 and that the contents be noted.

Resolution

Moved – Cr Choat

Seconded – Cr Brieschke

“THAT Council receive the financial reports for 1 July 2021 to 30 March 2022 and payments presented for the period 28 February 2022 to 31 March 2022 totalling \$13,383,182.26 and that the contents be noted”.

Carried

Vote - Unanimous

Subject: Installation of Advertising Devices Subordinate Local Law – Amendment
File Ref: Policy Development
Action Officer: DCORP

Background/Summary

On 8 December 2021 a report was considered by Council regarding the repealing of Council's Policy on Election Signage to be replaced with an amendment to Subordinate Local Law 1.4 Installation of Advertising Devices.

The outcome from this change will be that signage on Main Roads can be controlled utilising the provisions of Section 7 and Schedule 5 of the Local Law. The TMR Chief Executive's approval is required for signage on Main Roads. Main Roads have in place the Manual of

Uniform Traffic Control Devices which they apply when an applicant proposes a sign on a Main Road.

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

Council officers have designed a fact sheet which incorporates all the requirements that need to be met in order that candidates for any election abide by Council's subordinate Local Law. (Attachment 1)

Subsequent to the resolution of Council on the 8th December 2021 where Council proposed to make the Subordinate Local Law amendment Council advertised the change in the Local Paper and posted a Have Your Say Questionnaire on Council's "Have Your Say" page. Given the time of year and to allow as much time for submissions as possible the consultation period remained open until 28 January 2022. No submissions were received.

In addition to the advertised consultation period Council was required to seek permission from the Department of Transport and Main Roads Chief Executive. After a rather protracted period of consideration the Chief Executive's approval was granted on 24 March 2022 (Refer Attachment 2). Some further amendment to the proposed Subordinate Local Law was required in order to receive that approval. Those changes have been incorporated into the Local Law to be adopted.

To finalise the making of the Local Law there are several actions Council now must take:

- Resolve to make the Amending Subordinate Local Law
- Adopt the consolidated version of the Subordinate Local Law
- Advertise the new sub-ordinate combined Local Law on Council's Web Site
- Advertise the new Sub-ordinate Local Law in the Government Gazette, and
- Notify the Local Government Minister and provide the Minister a certified Copy of the new Sub-ordinate Local Law.

The Subordinate Local Law making process will be complete once the Notice is placed in the Government Gazette. Copies of the Subordinate and consolidated Local Laws must be provided to the Minister but these actions are ratification of completion of the process.

Attachments

Attachment 1 – SRC Fact Sheet for Candidates of any Local, State or Federal Election
Attachment 2 – Letter of Approval TMR Chief Executive
Attachment 3 – Website Notice - Copy
Attachment 4 – Gazette Notice - Copy
Attachment 5 – Amending Subordinate Local Law
Attachment 6 – Consolidated Subordinate Local Law
Attachment 7 – Letter to the Local Government Minister

Recommendation

Council resolves—

1. To make *Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2021* as advertised but amended by the omission of each reference to 2021 and the insertion instead of a reference to 2022; and
2. To adopt, pursuant to section 32 of the *Local Government Act 2009*, in the form attached to this report to Council, a consolidated version of *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

“Council resolves—

1. To make *Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2021* as advertised but amended by the omission of each reference to 2021 and the insertion instead of a reference to 2022; and
2. To adopt, pursuant to section 32 of the *Local Government Act 2009*, in the form attached to this report to Council, a consolidated version of *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*”.

Carried

Vote – 6-1

Subject:	The Condensery Somerset Regional Art Gallery Advisory Committee Meeting – 7 February 2022
File Ref:	Community Services - Meetings – 2021-2022 – Regional Arts Development Fund Advisory Committee – Doc Id.
Action Officer:	ACM

Background/Summary

The quarterly meeting of the Committee was held on Monday, 7 February 2022.

Attachments

Meeting Report for The Condensery Somerset Regional Art Gallery Advisory Committee Meeting – 7 February 2022.

Recommendation

THAT Council endorse the meeting report for the quarterly meeting of The Condensery Somerset Regional Art Gallery Advisory Committee Meeting –held on Monday, 7 February 2022.

Resolution

Moved – Cr Whalley

Seconded – Cr Isidro

“THAT Council endorse the meeting report for the quarterly meeting of The Condensery Somerset Regional Art Gallery Advisory Committee Meeting –held on Monday, 7 February 2022”.

Carried

Vote - Unanimous

Subject:	Experience Somerset Tourism Launch – Post Event Report
File Ref:	Tourism – Promotions
Action Officer:	AMRT

Background/Summary

The Experience Somerset Tourism Launch took place at the Kilcoy Visitor Information Centre on the evening of Tuesday, 29 March 2022. The event celebrated the launch of the Experience Somerset visitor guide, website and destination video and served as a networking opportunity for tourism business operators and stakeholders.

The event was coordinated by Council's tourism team and funded by the Local Economic Recovery Program, jointly funded by the Commonwealth and Queensland Government under the Disaster Recovery Funding Arrangements via Council's Business Recovery Officer, Mr Paul Misipeka.

The launch was an exclusive event with admittance by invitation only. Over 100 invitations were sent out to tourism stakeholders. 83 guests advised of their attendance with 66 actually attending on the night.

Most of the absent guests sent last minute apologies on the day of the event and advised that they were not comfortable travelling to the event in the inclement weather forecast on that night.

The 66 guests who attended the launch comprised of:

- Somerset Regional Councillors and staff (13)
- Tourism business operators (29)
- Tourism based community groups (3)
- Representative of Brisbane Economic Development Agency (1)
- Somerset Explore and Visitor Information Centre volunteers (9)
- Featured talent (5)
- Local media representatives (2)
- Other stakeholders (4)

Guests arrived at 6pm and were welcomed at the entrance by llamas in bow ties from Ottaba Llamas. Adorned in glittering fairy lights, the Kilcoy Explore Centre sparkled and served as the perfect venue for a tourism launch event. Inside the environmental centre, guests were treated to a hearty feast served by Brisbane Valley Farm Direct and prepared by renowned chef Jason Pepler. The menu showcased the farm fresh Somerset produce region and home-grown Kilcoy beef sliders with smoked barbeque sauce and a maple mustard slaw, smoked Coominya heritage chicken, roast pumpkin and spinach salad, honey and seeded mustard dressing, and buttermilk fried quail, crisp lettuce and ranch dressing. Guests mingled as they sipped on local wine served by Woongooroo Estate and cold beers supplied by the Kilcoy Exchange Hotel. Musical duet Black and Red played light atmosphere music as guests explored the space and posed for photos. There were two interactive photo opportunities for guests, with bikes provided by Out There Cycling and a canoe from One Tree Canoe.

Complimentary return transfers were offered to all guests with collection points in Fernvale, Esk and Toogoolawah, with 13 people utilising the service provided by Out There Cycling.

At 7pm guests gathered in the Explore Centre cinema where they were entertained by speeches from Mayor Graeme Lehmann, Chief Executive Officer, Andrew Johnson and

keynote speaker, Cr Tony Martin. A councillor of Longreach Shire Council and CEO of the Qantas Founders Museum and Qantas Foundation Memorial, Cr Martin delivered an informative address. He shared his extensive tourism marketing experience including his involvement in iconic tourism assets like the Sydney Harbour Bridge Climb.

Acting Manager of Recreation and Tourism, Daniel Rowe concluded the evening by unveiling the Experience Somerset Visitor Guide, website and destination video. All guests received a complimentary gift bag including a copy of the Experience Somerset visitor guide and associated promotional collateral.

The event and launch of the Experience Somerset visitor guide, website and destination video has since received overwhelmingly positive public comment. Extracts of some of the feedback is listed below for your reference.

"... it was really a great event. The website and book look amazing. I look forward to seeing Somerset boom!" ~ Grace Crichton, The Lockyer and Somerset Independent

"I just want to drop you a line to say how impressive I thought the launch was... The video and even the short videos are impressive and should be put in cinemas as one of those Val Morgan adds before movies... Congratulations" ~ Featured talent and event attendee

"Thank you for an enjoyable night... I appreciate the effort (the team) put into advancing our region." ~ Tim Hutton, Camp Somerset

"Thank you (for) a wonderful social evening on Tuesday to launch the new Somerset Tourism Information - Guide and Video.... (The) team did a marvellous job and the night was a resounding success." ~ Philip Close, Woongooroo Estate

Attachments

Nil

Recommended Action

THAT Council receive the Experience Somerset Tourism Launch post event report and the contents be noted.

Resolution

Moved – Cr Choat

Seconded – Cr Wendt

"THAT Council receive the Experience Somerset Tourism Launch post event report and the contents be noted".

Carried

Vote - Unanimous

Subject: Mack, Esk – Temporary Closure to Through Traffic
File Ref: Roads / Road Closures / Temporary
Action Officer: STO

Background/Summary

To complete the works associated with the Mack Street, Esk rehabilitation project, council is required to close the current traveling lanes and shoulders and detour traffic. This will enable us to excavate road crossings for stormwater infrastructure and complete roadworks.

The road closure would be programmed from 18 April to mid-June, weather dependent.

As part of the planning process, the options for the delivery of works to be performed most cost effectively, quickest timeframe, safety and less impact to surrounding residents/businesses were carefully considered. Detours will be implemented to provide alternative options.

It is therefore proposed that Mack Street, Esk be temporary closed during the above-mentioned dates.

Emergency access to affected residents and surrounding businesses to be notified as soon as possible.

An alternative route is available in this area via Elizabeth and Highland Street, hence, the impact on motorists is considered low.

As a minimum, the proposed road closure would be advertised to the community in the following manner:

- Local Newspapers
- Letter drops to residents directly affected by road closure.

Emergency Services and bus operators would be directly consulted in regard to the temporary road closure.

Attachments

Nil

Recommendation

THAT Council ratify the decision to temporarily close Mack Street, Esk to through traffic from 18 April to mid-June 2022 for the duration of the rehabilitation works and such temporary road closure being advertised.

Resolution

Moved – Cr Wendt

Seconded – Cr Isidro

“THAT Council ratify the decision to temporarily close Mack Street, Esk to through traffic from 18 April to mid-June 2022 for the duration of the rehabilitation works and such temporary road closure being advertised”.

Carried

Vote - Unanimous

Subject: Recycled Water Use - Esk
File Ref: Urban Utilities
Action Officer: DOPER

Background/Summary

The following report was requested at the Council Ordinary meeting on 13 October 2021.

"THAT a report be brought back to Council outlining options to facilitate increased usage of recycled water at the Esk Recreation Ground should additional recycled water be made available via Urban Utilities from the Esk Sewage Treatment Plant."

At the time of the request, it was believed that some recycled water was becoming available from the Esk Wastewater Treatment Plant under the control of Urban Utilities.

Following the Council meeting in October, Council Officers reached out to Urban Utilities to understand better the opportunity of recycled water becoming available. Urban Utilities advised that there is presently no recycled water available, and the situation is unlikely to change in the foreseeable future. Nonetheless, the Council has expressed a strong interest in securing recycled water if it becomes available in the future.

Without knowing when and what volume and quality of recycled water may become available in the future, it is difficult for Council to determine what infrastructure will be required and estimated costs. Accordingly, the matter has not progressed to ensure unnecessary usage of resources. However, based on the knowledge and presence of existing infrastructure in Pipeliner Park, Council Officers remain confident that a suitable, cost-effective solution can be identified should recycled water become available.

In the meantime, Council Officers will continue to engage with Urban Utilities and is ready to collaborate with them should circumstances change. This report now concludes the request from the meeting on 13 October 2021.

Attachments

Nil

Recommendation

THAT Council receive the situation report on recycled water availability at Esk and note its contents.

Resolution

Moved – Cr Whalley

Seconded – Cr Gaedtke

"THAT Council receive the situation report on recycled water availability at Esk and note its contents".

Carried

Vote - Unanimous

Subject:	Operations Report for March 2022
File Ref:	Governance – Reporting – Officer Reports
Action Officer:	CSSA

Background/Summary

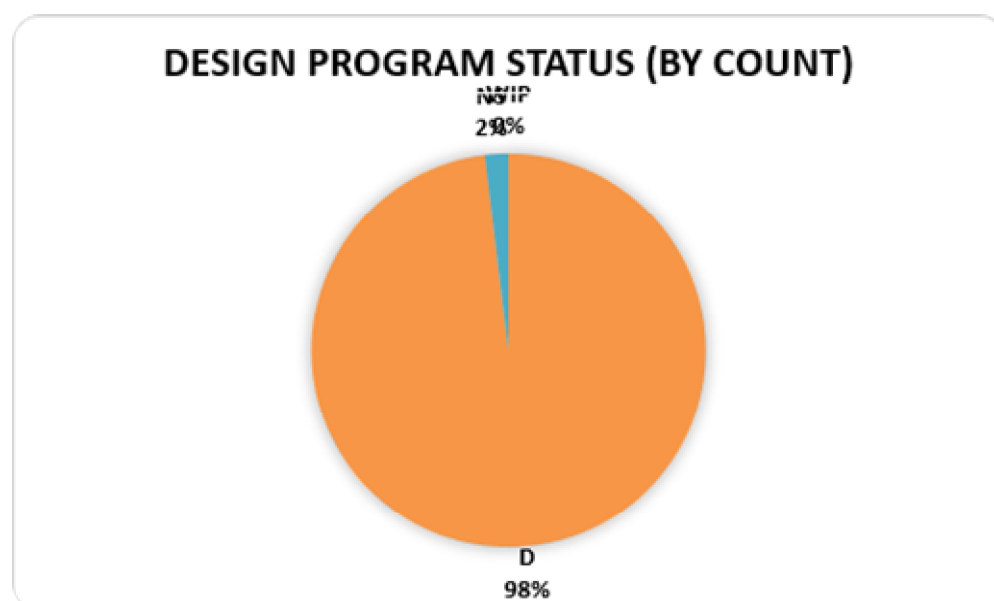
Technical Design Team

This team have finalised all designs for the 2021/2022 capital works budget program. The design team continues to provide support to the construction crews on various emergency recovery projects and capital works projects including Banks Creek Road, Fernvale and Wade Street, Kilcoy. The design team also continue to provide support to external contractors along the Brisbane Valley Rail Trail.

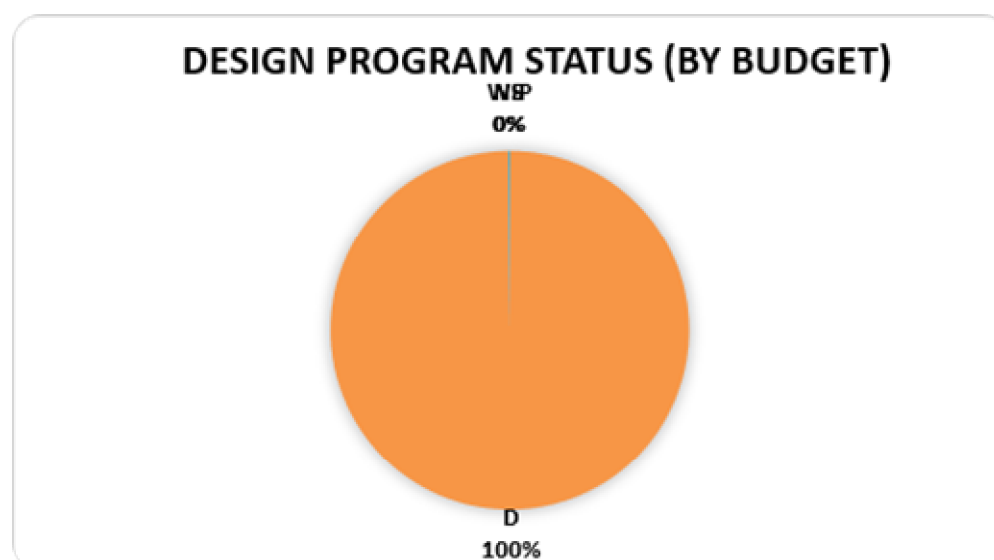
The Technical Design team continue to set out traffic counters within the region, as noted below and provide continual assessment of Council infrastructure to ensure our information remains current with in our asset system. The “Design Program Status” pie charts below show the current progress of the designs for financial year 2021 / 2022.

Permit	Mar-2022	Mar-2021
Land Access Permit	95	102
Property Access Applications	30	13
National Heavy Vehicle Regulator Permits Processed	13	10

Design Projects Progression



Design Budget Progression



Works Department

Day Labour Works

- Esk Crows Nest Road 700m section has started
- Wade St Kilcoy, drainage and Road improvements has started
- Copley Lane Bridge, demolition complete and construction has started
- Banks Creek Road, Fernvale – footpath and roadworks ongoing.
- Gunyah St, Toogoolawah drainage improvements nearing completion
- Mangerton Street Toogoolawah - footpath and minor works completed
- Wanora Road has been sealed and now complete but was damaged through the flooding event.
- Maintenance
 - Gravel maintenance on following roads in the northern and southern regions completed this month including Esk Crows Nest Road, Ivory Creek Road.
 - All Grading Crews areas focusing on segment damage from recent flood events
 - Mowing and slashing works on Council and DTMR occurring. Slashing and spraying of culvert and armour rails in progress.

Workshop

- Completed repairs, services, and scheduled maintenance of Council fleet.
- Repairs to some number of plant items over the break period.
- Monthly check and start test on emergency gensets were carried out at Esk Civic Centre, Esk Administration office, Fernvale Futures and Kilcoy depot.
- Carried out operational inspections on all Council playgrounds and carried out repairs where required.

Department of Transport and Main Roads (TMR) Works

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

- Repairing potholes, edge breaks and sealing of patches on pavement repairs over the TMR and Council networks.
- Stage 2 Stabilising works for DTMR network of Brisbane Valley Highway, Esk Hampton Road and Wivenhoe Somerset Road is ongoing.
- Vegetation spraying on various TMR roads continue.
- Heavy grading of the Kilcoy Murgon Road is completed.

Works carried out by Contractors

- Footpath works on Cairnsroft, Fulham and Abbotsford Streets will commence in April - AandM Civil Contractors.
- RV carpark in Toogoolawah is starting in April - AandM Civil Contractors.
- BVRT Esk is starting at the end of April- AandM Civil Contractors.
- Brisbane Valley Highway stabilising works continuing - AandM Civil Contractors.
- RPQ sealing program following on the TMR Stabilisation work segments identified for reseal under TMR direction is continuing.
- BVRT Toogoolawah is under construction - AandM Civil Contractors.
- Esk landfill stage 4 works in progress, with cell excavation works to be completed in coming week – Brown Contractors.
- Lowood Minden Road project – Brown Contractors is completed.
- BVRT Lowood to Fernvale – Brown Contractors section is completed.
- QRA kerbside collection from flood affected properties finishing the week ending 8 April 2022 – Brisbane Valley Hire.

Weather Outlook

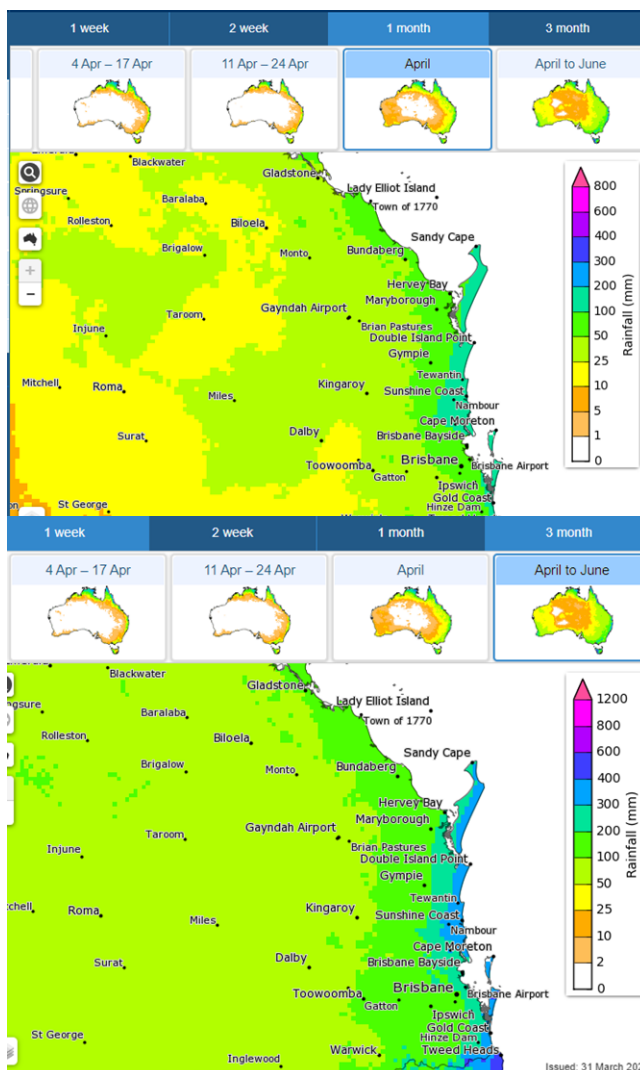
April to June rainfall is likely to be above median for Queensland (chance of exceeding median is greater than 60%).

There is an increased chance of unusually high rainfall (in the top 20% of historical records) for April to June across the northern half of Australia (up to 4 times the usual chance) and eastern NSW (1.5 times the usual chance). However, it should be noted that in tropical areas the wet season is drawing to a close, meaning average rainfall at this time of the year is starting to decrease.

The April outlook shows above median rainfall is likely across the northern half of Australia, NSW and eastern Victoria. Roughly equal chances of above or below median rainfall are likely for the remainder of the country.

The May outlook shows a wetter month is likely for small scattered parts of the north, and a drier month is likely for parts of the south-west and near the western NSW-Queensland border, but most areas have roughly equal chances of a wetter or drier month.

Past accuracy for April to June rainfall is high for most areas of Australia, moderate in central to eastern Australia, with low accuracy for eastern Tasmania.



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

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

February / March Severe Weather Event

The Somerset Region was heavily impacted by the rainfall that occurred in the week commencing 21 February 2022. Many areas received rainfall in excess of what fell during the previous flooding events of 2011 and 2013. For many areas across Southeast Queensland, it was the wettest February on record since 1900.

The February / March event was a complex one with forecasted levels changing frequently. Originally, forecasted levels for the Lockyer Creek were in the minor to moderate range of flooding, which would not have caused us any major issues. For those residents living in areas that can be impacted by flooding of the upper Brisbane River Catchment, they were likely to be isolated for an extended period during the event. This is not an unusual occurrence for them as the area gets impacted most years.

As a Council, the major focus for impacts was directed towards the area in the Lower Brisbane due to the potential for significant house inundation. Whilst generally unaffected by flooding, the Kilcoy township had a number of houses impacted during the event, two low lying areas along Seib Street, and another that had impacts from storm water in Royston Street. Over the period, road closures continued to be an issue, with placement of signage proving difficult due to several factors, namely rapid rises/falls in creeks and the ability of staff being able to safely get to a location to close the road.

The BOM were constantly keeping agencies updated and had been passing on its modelled levels through a what is known as a Flood Scenarios report. The “likely” scenarios would see only minor to moderate flooding in the Lockyer Creek (at Glenore Grove) however they had also modelled some higher level “worse case” scenarios – these being approximately 2.00m below the 2011/2013 events. It should be noted that providing accurate forecasts during this event was extremely difficult due to the complex system that had developed. BOM and SEQWater were in constant contact with Council and made themselves available to us at all times.

The last of the flood scenario products was given to us on 24 February at 3pm. That scenario had a range of 7.80-11.90m at Glenore Grove which is in the minor to moderate range. The entire Somerset region, and for that matter, Southeast Queensland, were experiencing heavy rainfall and various levels of flooding during this period. Given the dangers presented driving on roads and the risks associated with flash flooding a decision was made to send an early Emergency Alert on the 25 February to the whole Somerset region (refer below) advising of the dangers of flash flooding and the dangers of being on the road during this time.

As the event unfolded and more accurate data was received, Council received advice that levels of approximately 15m could be reached at Glenore Grove which would be a similar event in the Lockyer Creek as 2011/2013. As a result of this, an emergency alert (refer below) was sent at 5.29pm on 25 February. Places of refuge were established at Lowood and Fernvale - joining Esk, Toogoolawah and Kilcoy that were already established due to stranded travellers. The resulting 15m caused significant inundation in the low-lying areas along the Lockyer Creek, including Rifle Range, Mount Tarampa and Brightview. These areas flooded in both 2011 and 2013. During the night the Glenore Grove gauge failed and stopped providing levels to BOM.

Queensland Police provided excellent support during this period providing updates to Council where possible, see photos below from Esk Police during the event of Gallanani and Sandy Creek behind the Esk Caravan Park (both photos taken on the 25 February). QFES maintained a liaison in the room the entire time, providing invaluable support throughout. All other agencies contributed through regular LDMG meetings.



Gallanani Creek

25 February 2022

Sandy Creek – Esk
Caravan Park

25 February 2022

Isolation was a big issue during the ensuing days, with the Kilcoy area isolated for a period due to the Kilcoy Creek and surrounds being flooded. Properties to the East of the Brisbane River were also mostly isolated due to rises in the Brisbane River that lasted many days. Areas to the North (e.g Mt Stanley) were also flooded in due to the number of crossings inundated at the time. Here are some sample photos captured during the event.

Mount Stanley – Crossing No 1
25 February 2022Mount Stanley – Crossing No 1
26 February 2022



Savages Crossing
25 February 2022



Savages Crossing
26 February 2022



Kilcoy Creek Bridge
24 February 2022



Kilcoy Creek Bridge
26 February 2022

Resupply became an issue in the days that followed. As a result Council performed food drops to a number of locations using the assistance of QFES, SES , QPS and Commercial Helicopters.

Unfortunately, two lives were lost during the event, an SES Volunteer and a person travelling through our region to get to Brisbane.

Local Disaster Coordination Centre (LDCC):

The Somerset LDCC ran from the Friday, 25 February through to the Thursday, 10 March when both the LDCC and LDMG moved to STAND DOWN. At its peak the LDCC had over 20+ staff and agency liaison officers working within it.

The LDMG met online daily via TEAMS, and Council participated frequently with both BOM (and other LGAs/Agencies) and the DDMG via TEAMS.

Emergency Alerts (EA) Issued:

During the course of the event, a number of Emergency Alerts were issued, namely:

- EA – Entire Somerset Region - 25 February 2022 - 2.16pm

This is a warning from the Somerset Regional Council. Flash flooding is occurring in the Somerset Regional Council area. Roads and bridges are impacted and everyone in the Somerset Regional Council area is urged to stay up-to-date with the latest information from BOM. For flood assistance contact SES on 132 500. For more information listen to local radio, or visit <http://www.bom.gov.au/> or <http://disaster.somerset.qld.gov.au/>. If its flooded, forget it.

- EA – For areas adjacent to the Lockyer Creek - 25 February 2022 - 5.29pm

Emergency Emergency. Flood Warning from Somerset Local Disaster Management Group. The areas of Lockyer Creek within the Somerset Regional Council area are at risk over the next several hours. If you were impacted by flooding in 2011 or 2013 or are in a low lying area near the Lockyer Creek you should seek shelter to higher ground now. Listen to local radio or visit <http://disaster.somerset.qld.gov.au/>. Warn your neighbours and head to higher ground now. If its flooded, forget it. For life threatening emergencies call 000

- EA – For areas adjacent to the Brisbane River - 27 February 2022 - 5.29pm

Flood Warning Somerset Council. Areas of Fielding Rd and Forest Hill Fernvale Rd adjacent to Brisbane River and Wivenhoe Pocket are at risk. Residents of Wivenhoe Pocket are advised to move to Wivenhoe Pocket Rural Fire Station at Lockyer View Rd Wivenhoe Pocket. Residents of Fielding Rd and Forest Hill Fernvale Rd move to the Fernvale State School or Lowood State High if safe to do so. If you are in a low-lying area near the River seek shelter to higher ground now. Listen to local radio or visit <http://disaster.somerset.qld.gov.au/>. Warn neighbours, head to higher ground. For life threatening emergencies call 000.

Evacuation Centres were established at the following locations (showing approximate peak numbers):

- Fernvale (25 Feb to 28 Feb – Peak numbers approximately - 32)
- Lowood (25 Feb to 28 Feb – Peak numbers approximately - 50)
- Esk (25 Feb to 28 Feb – Peak numbers approximately - 28)
- Toogoolawah (25 Feb to 27 Feb – Peak numbers approximately - 23)
- Kilcoy (25/2/22 – 3/3/22 - opened and closed due to travellers being unable to get home - 40)
- an unofficial evacuation centre was also established at the Coominya Hall (16)

Timeline of some key moments during the initial three days of the event:

- 25/2/22 6.59am - Road closures were being entered into Guardian as they came in to the LDCC
- 25/2/22 7.45am – email received from Lowood Police that signage required at a number of locations
- 25/2/22 8.15am – advised of Landslip at Regents Rd/Esk Hampton Rd.
- 25/2/22 8.23am - Staff who live/travel North of Esk released to go home due to potential isolation at Gallanani
- 25/2/22 8.42am – Toogoolawah Police emailed Council for signage on Brisbane Valley Highway at Ramblers as it was about to be flooded.
- 25/2/22 8.25am – Starting receiving calls for Sandbags (particularly Kilcoy). Callers were advised to call 132 500 and speak to SES.
- 25/2/22 9.06am – phone calls were now coming through the LDCC via a hunt group
- 25/2/22 9.13am - BVH now closed at Ramblers and near Boundary Creek

- 25/2/22 10.06am - Received call that Walshes Crossing is about to go over. QFES said they would get a fire truck there in the meantime to block it.
- 25/2/22 10.30am - Fernvale Indoor Sports Centre closed due to concerns of flooding on Banks Creek Road
- 25/2/22 12.14pm - QITPlus contacted to provide support, arriving later that afternoon in Esk
- 25/2/22 11.01am - received advice from Resident that house at Royston Street was impacted by storm water runoff
- 25/2/22 11.40am - LDMG placed on STAND UP, LDCC on STANDUP
- 25/2/22 12.12pm - Request made to District XO for QPS resources for LDCC Liaison. Adrian Solah (S/Con QPS) was provided, with Warren Huggins later taking on that role.
- 25/2/22 12.28pm – received advice from SEQWater that they were about to declare a flood event for Somerset and Wivenhoe Dams. At this stage not expecting any releases from Wivenhoe, however they did note that with the flows from Lockyer Creek some of the low level bridges are likely to flood – for example Twin Bridges and Savages Crossing.
- 25/2/22 12.08pm – Ipswich Waste Services suspended kerbside collection due to weather event
- 25/2/22 1.12pm – Advised by QPS that most residents and businesses along the BVH in Toogoolawah township have been visited by them and that some had voluntarily commenced evacuation
- 25/2/22 2.12pm – Facebook Post updated:
Emergency Warning notification from the Somerset Local Disaster Management Group. Flash flooding is occurring in the Somerset Regional Council area. Roads and bridges are impacted and everyone in the Somerset Regional Council area is urged to stay up-to-date with the latest information from BOM. For flood assistance contact SES on 132 500.
Note: Council's public libraries in Toogoolawah , Esk, Lowood and Kilcoy will remain open at this stage as a place of refuge for people looking for a place to rest and some refreshments. A decision on whether other facilities will be opened is being assessed. The preferred option is for anyone looking for a place of refuge or to stay overnight is to stay with friends or family, or arrange commercial accommodation if possible.
For more information listen to local radio, or visit www.bom.dot.gov.au or visit <http://disaster.somerset.qld.gov.au/>
If its flooded, forget it.
- 25/2/22 2.48pm – Queensland Education approved the use of Lowood SHS as an Evacuation Centre
- 25/2/22 2.59pm – BOM advised that they will not be issuing Flood Scenarios given the stage of the flood event
- 25/2/22 – Red Cross were asked to assist with running of Lowood and Esk Evacuation Centres. (Unfortunately, we made the decision to turn them around given the risks associated with being on the road.)
- 25/2/22 3.12pm – LDMG Update sent advising:
QPS have visited houses in low lying areas in Esk, Fernvale (Ferny Gully, behind the Metro Service Station) and Houses along the Brisbane Valley Highway that are often susceptible to flooding.
Places of refuge have been established each of our libraries at Esk, Kilcoy, Toogoolawah and Lowood. Refreshments are available.
- 25/2/22 3.22pm – GHD were advised that we will likely need them to begin damage assessments next week

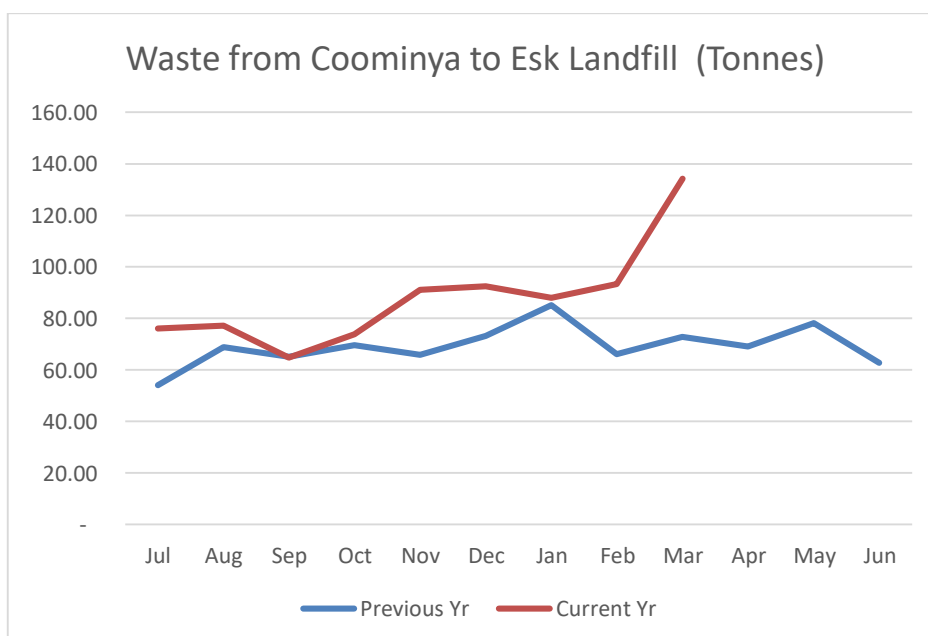
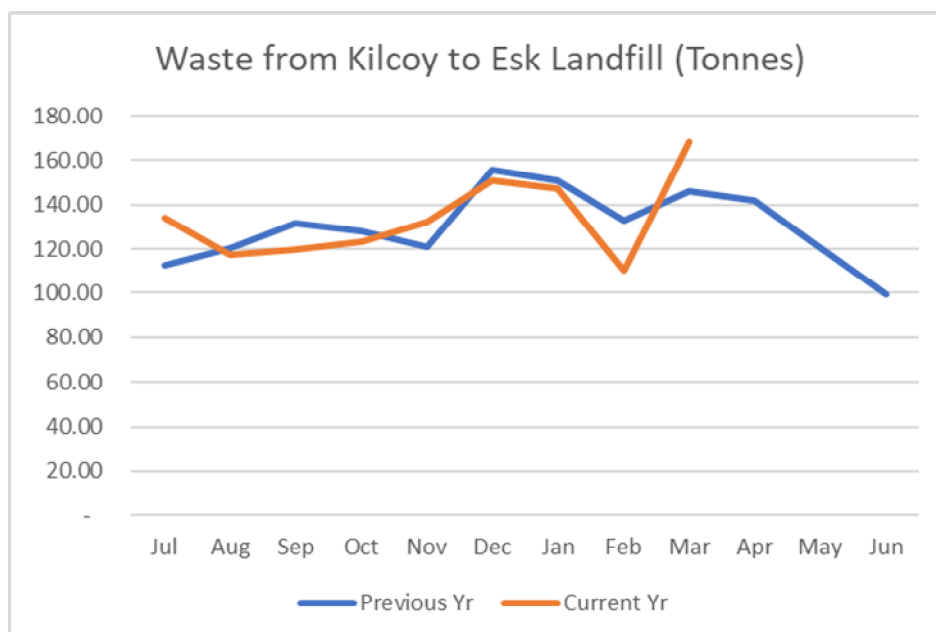
- 25/2/22 3.58pm – Confirmed with Lockyer Valley regional Council that forecast height could be around the 15m (similar to 2011/2013)
- 25/2/22 4.19pm – Polygon given to QFES for EA for Lockyer Creek, along with messaging as per above.
- 25/2/22 4.16pm – Confirmed Toogoolawah Evacuation Centre was open
- 25/2/22 4.48pm – QED advised that Fernvale SS is available and Dave Raine is the contact
- 25/2/22 4.53pm – Facebook / Dashboard Update:
CURRENT ADVICE RE EVAC AND REFUGE CENTRES - The following locations have been set up as evacuation centres from 5pm today Friday 25 Feb. Kilcoy Memorial Hall, 18 Kennedy Street, Kilcoy Somerset Civic Centre, 35 Esk Hampton Road, Esk Alexandra Hall, 111 Cressbrook Street, Toogoolawah
Places of refuge have been established at:
 - Memorial Hall, Kilcoy
 - Lowood Library
 - Somerset Civic Centre, Esk
 - Fernvale Futures
 - Alexander Hall, Toogoolawah
- 25/2/22 5.29pm – Emergency Alert sent to areas impacted by Lockyer Creek (refer above)
- 25/2/22 6.04pm – Email from SEQWater
Seqwater advises flood releases from Wivenhoe Dam are expected to begin at 10pm tonight.
These releases, combined with river and creek flows downstream of the dam, are likely to flood the following bridges and crossings Twin Bridges, Savages Crossing, Burtons, Kholo Bridge and Colleges Crossing.
It is not expected that Mt Crosby Weir Bridge and Fernvale Bridge will be affected by flood releases at this time. Flows from Lockyer Creek may inundate these bridges in the coming days.
- 25/2/22 6.30pm – Extraordinary LDMG Meeting Held over TEAMS
- 25/2/22 8.06pm – Advised that Ipswich DDMG are now at Stand Up
- 25/2/22 8.13pm – request made via John Holdcroft (to the ROC) for Aerial reconnaissance of impacted areas along the Lockyer Creek etc for early Saturday Morning.
- 25/2/22 10.00pm – Confirmation that an SES Volunteer tragically lost their life when their vehicle was washed off the road.
- 25/2/22 10.15pm – BOM called. Advised that Glenore Grove is expected to reach 13.00m at midnight and 15.30m by 9am.
- 25/2/22 11.44pm – Contacted Phoenix to see if they could come out and assist from Saturday.
- 25/2/22 11.53pm – Situation Report sent from GuardianIMS to LDMG members
- 26/2/22 5.21am – Contacted Patrick from Tzu Chi Foundation and he arranged transportation of beds to Lowood/ Fernvale. Arrived around lunch time. Evacuation bedding Trailer was deployed to Lowood on Friday.
- 26/2/22 8.39am – Received Sit Rep from Energex. Powerlines down at Mt Kilcoy, Sandy Creek, Mount Byron. Damaged by flooding at Clarendon / Coominya / Patrick Estate / Brightview / Mount Tarampa and Tarampa. (note subsequent Sit Reps from Energex showed more areas impacted)
- 26/2/22 10.48am – Geoff Fisher Bridge, Fernvale Closed
- 26/2/22 11.00am – Mayor conducted radio interview with River949 advising of Geoff Fisher Bridge and general Flood Message re: Lockyer Creek

- 26/2/22 12.11pm – CEO wrote to QRA advising them that Somerset was not included on the original impacted LGAs notification.
- 26/2/22 1.00pm – Lowood State High School and Fernvale State School open as Evacuation Centres.
- 26/2/22 – 1.35pm – LDCC advised that additional people had presented to the Toogoolawah Evacuation Centre , with catering happening at the Showgrounds.
- 26/2/22 3.44pm – Toowoomba Regional Council emailed EA wording for checking should one be required to be issued for Cressbrook Dam
- 26/2/22 3.55pm – Savages Camera confirmed as going offline (flooded)
- 26/2/22 7.00pm – Facebook Post – Precautionary Advice.

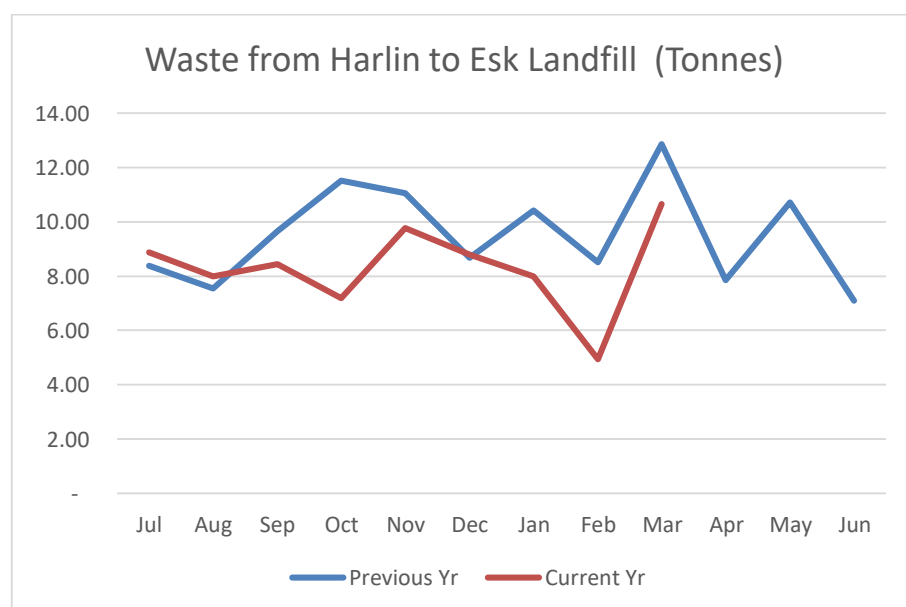
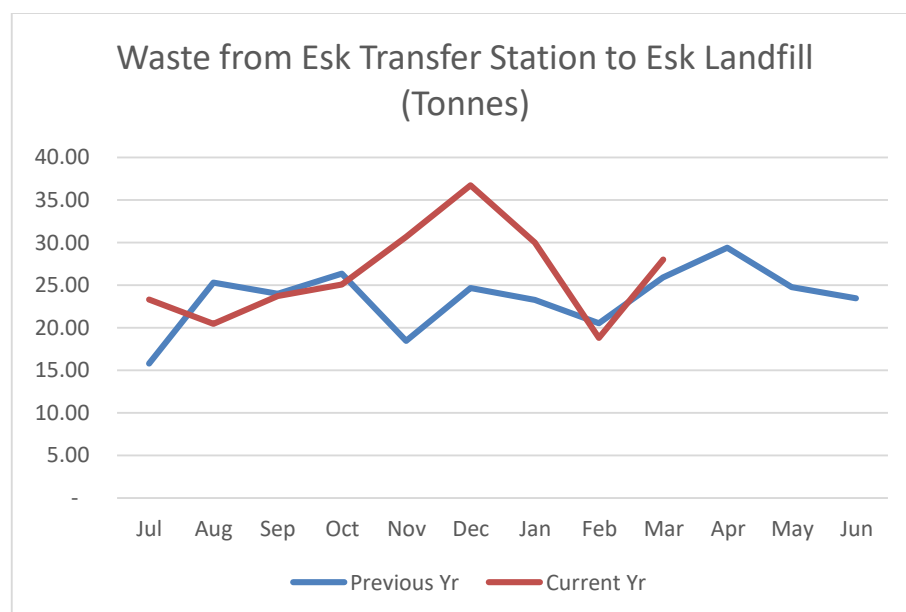


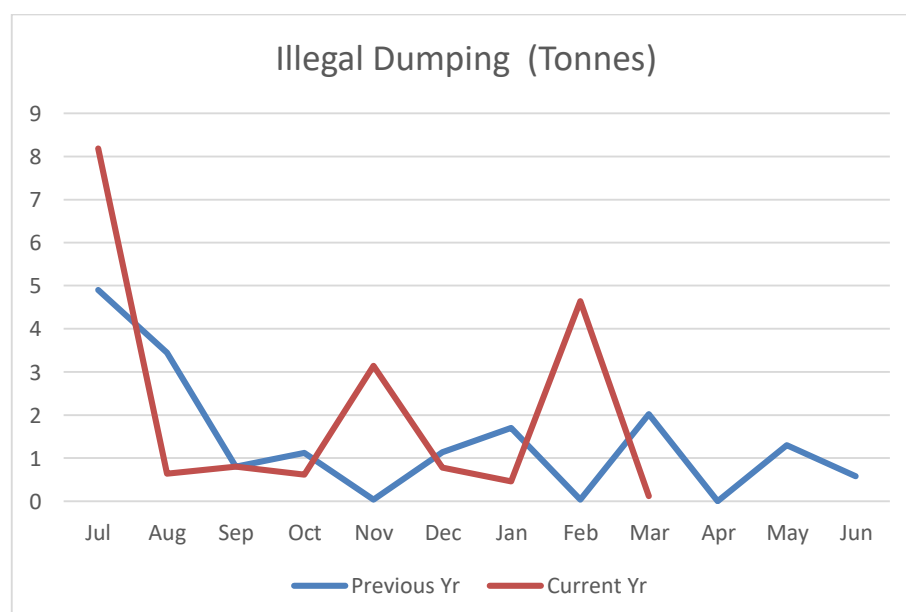
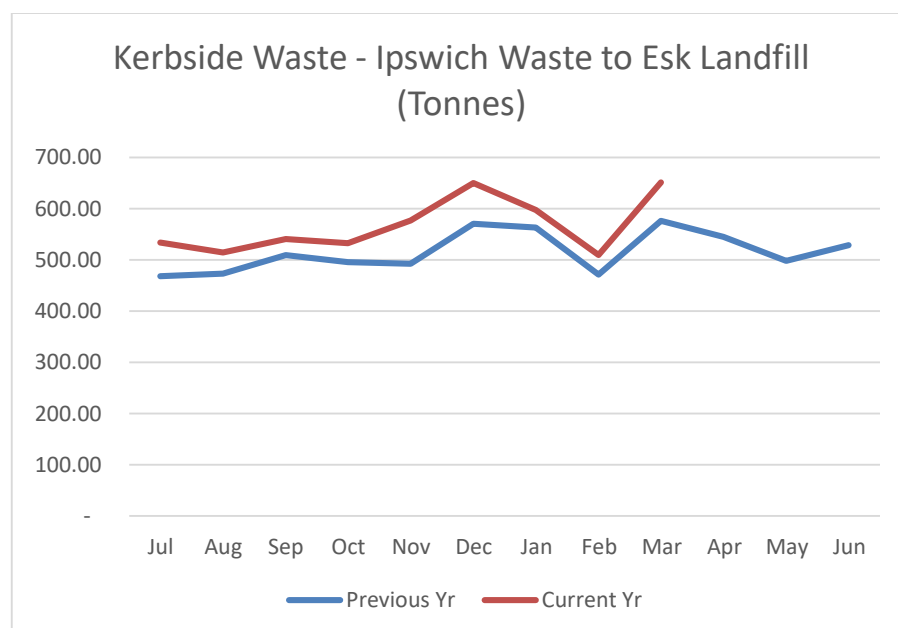
- 27/2/22 10.45am - Facebook Post
*Dam Releases have commenced from Wivenhoe Dam
 Release levels will see rises in the Brisbane river which may remain high for a number of days. As a result Geoff Fisher Bridge (Fernvale), Savages Crossing (Banks Creek Road, Fernvale), Twin Bridges (Wivenhoe Pocket), Burtons Bridge (Borallon), and Pryde Creek and England Creek Bridges (England Creek Road) will be closed for the duration of these releases. Areas to the east of the Brisbane River will remain isolated during this time.
 People in the areas of O'Reillys Weir Road, Lindemans Road (Lowood Bend), Fieldings Road (Vernor), Wivenhoe Pocket Road, England Creek Road, Poole Road (Fernvale), Mockers Road and areas around Fairney Brook should continue to monitor the situation.
 Council does not expect any major inundation due to these releases.*
- 27/2/22 - Resupply of isolated areas and evacuation centre support commenced

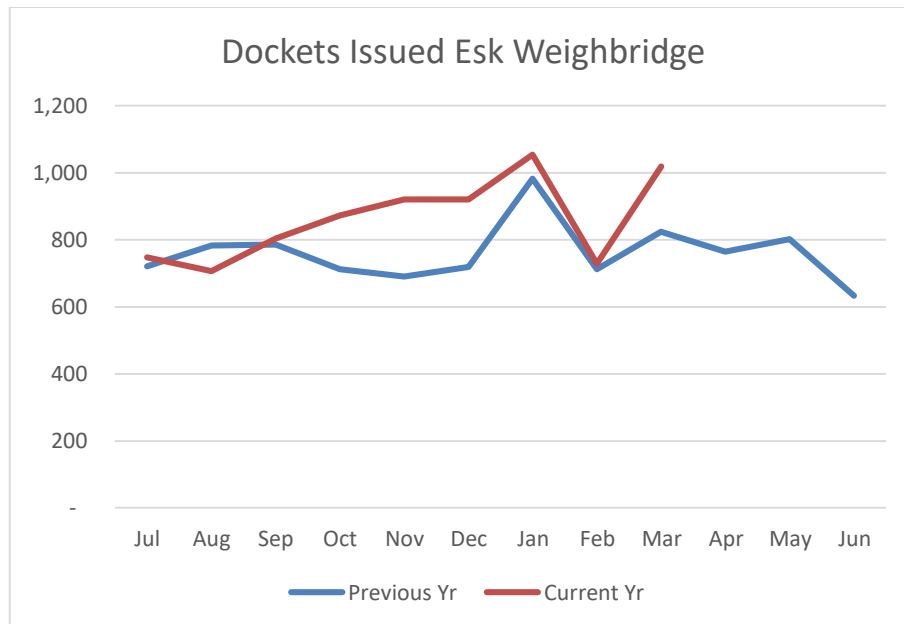
Waste Management



**The totals shown for Coominya are over inflated as we are awaiting day sheets to correctly identify Disaster Waste which is exempt from the Waste Levy. Coominya Disaster Waste will be in addition to the 171.64t we have received at the Esk landfill.*

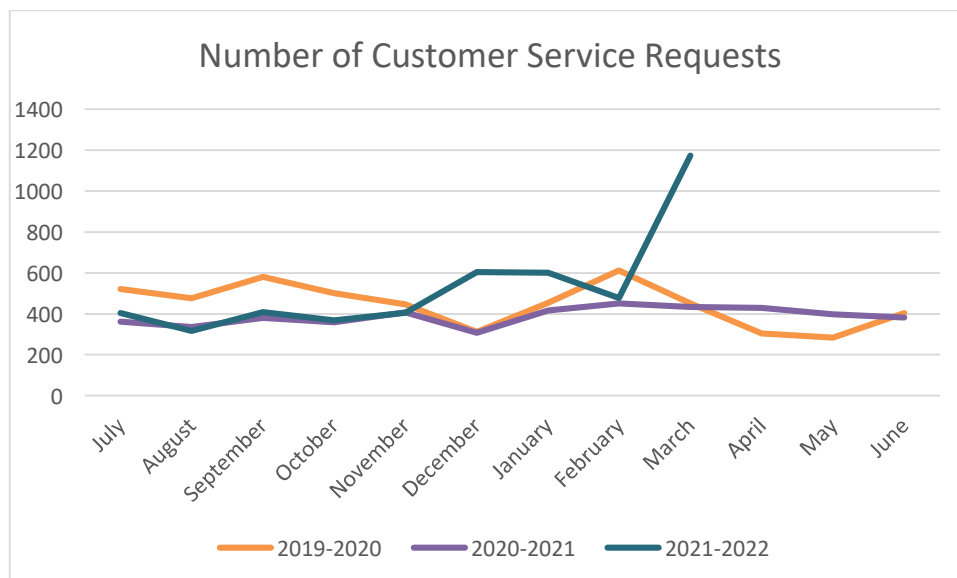


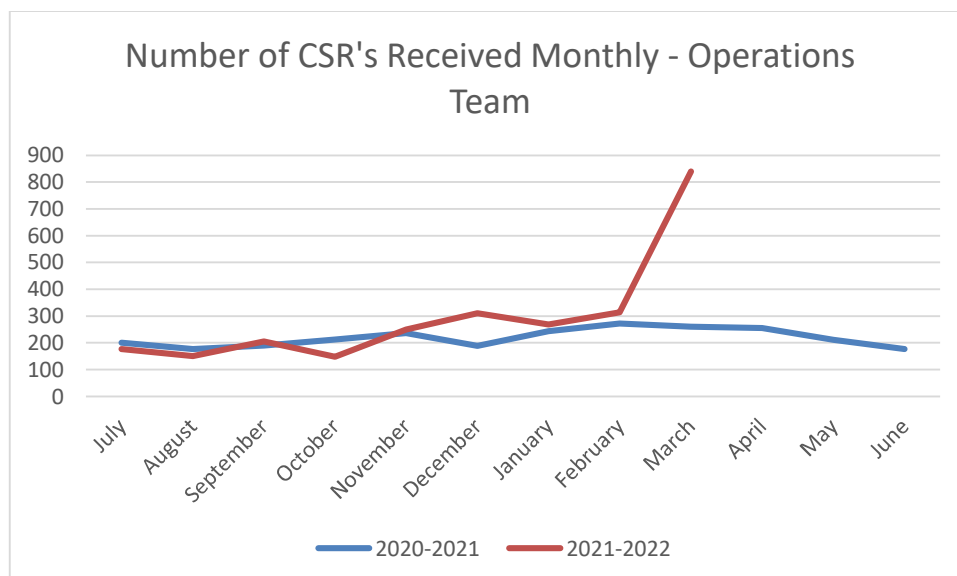




Customer Service Requests

Council received 564 customer service requests for the month of March 2022 on Council's corporate customer service system. A copy of the report is attached for your information. During the severe weather event up to and including 8 March 2022, Council received 609 customer service requests through the Guardian program, making a total of 1,173 customer service requests being received for the month of March.





	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22
Cemeteries	0	2	0	1	2	0	1	4	2
Disaster Management	0	0	0	0	0	0	0	0	394
Departmental reviews	1	0	0	0	0	0	0	0	1
Fences on roadways	0	0	0	0	0	0	0	0	1
Illegal dumping clean ups	7	4	8	11	13	3	5	17	7
Overgrown Council land	0	2	3	2	1	5	6	7	4
Parks including mowing, cleaning/maintenance park equipment including public toilets, tables and chairs, shade shelters etc.	4	2	5	6	13	6	9	10	7
Roads - bitumen	17	17	20	6	15	37	19	31	52
Roads - gravel	20	13	16	7	18	27	45	27	104
Roads - drainage	8	7	6	9	14	34	8	18	39
Roads - culverts	3	0	2	3	4	1	2	2	14
Roads - vegetation	21	16	27	15	27	59	58	67	37
Roads - footpaths	4	2	4	4	13	10	6	10	9
Roads - linemarking	0	0	1	1	0	0	0	0	0
Roads - bridgework	0	0			0	0	0	0	2
Roads - traffic furniture	9	11	21	12	22	26	12	14	18
Rural Property Number	9	6	4	5	5	11	7	4	5
Stormwater issues within private properties	1	1	0	0	0	2	0	1	7
Waste management	1	0	1	0	1	0	0	0	0
Wheelie bins (IWS) -									
Cancellation of extra services	1	1	9	2	1	1	0	2	1

Damaged lids and wheels	11	9	9	6	10	3	6	8	13
Replacement Split Bins	23	24	22	18	20	23	24	17	32
New Services	11	18	6	11	14	8	9	12	14
Extra services	6	5	7	11	9	4	7	7	7
Stolen bins	2	3	10	7	5	4	7	11	25
Missed services	6	0	1	0	1	1	3	1	3
Contractor Requests	2	1	1	1	1	0	2	0	1
Wheelie bins (Cleanaway) -									
Cancellation of extra services	1	0	0	0	0	0	1	1	1
Damaged lids and wheels	0	2	5	2	1	3	2	6	3
Replacement Split Bins	1	0	10	3	2	7	9	8	6
New Services	2	2	2	2	5	4	0	2	1
Extra services	2	0	2	0	1	0	2	1	1
Stolen bins	3	2	1	2	1	1	2	4	3
Missed services	1	0	1	1	0	0	0	1	1
Contractor Requests	0	0	1	0	0	0	0	0	0
Facilities									
Air conditioning					1	0	0	0	0
Carpentry, painting, tiling and flooring					7	1	3	2	3
Electrical					4	2	2	3	4
Equipment, furniture and fixtures					3	4	1	3	0
Grounds maintenance					1	1	1	2	5
Pest Control					0	1		0	1
Plumbing					11	13	6	9	11
Roofing and guttering					2	3	0	0	1
Security, locks and CCTV					2	2	0	0	0
Signage					0	0	1	1	0
Vandalism					0	3	3	1	0
	177	150	205	148	250	310	269	314	840

Note: Facility maintenance included within Operations from 1 November 2021

Attachment

Customer service report for March 2022 - attachment 1

Recommendation

THAT Council receive the Operations Report for March 2022 and the contents noted.

Resolution

Moved – Cr Choat

Seconded – Cr Whalley

"THAT Council receive the Operations Report for March 2022 and the contents noted".

Carried

Vote - Unanimous

Declaration of Prescribed Conflict of Interest - Cr Kylee Isidro - Agenda Item Number 19

Cr Isidro stated as follows -

"I inform this meeting that I have a declarable conflict of interest in this matter (as defined in section 150EN of the *Local Government Act 2009*). The nature of my interest is as follows -

This declarable conflict of interest arises because two grant applicants, are a related party of mine and have an interest in this matter.

Particulars -

- (i) Name of related parties: Lily Eggleston and Makeea Schimke
- (ii) The nature of my relationship with this related party is that they are my cousins.
- (iii) The nature of the related party is that they have submitted Sporting Excellence Bursary applications to Council.

I propose to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

Cr Isidro left the meeting at 9.37am

Subject:	Community Assistance Grants – Somerset Excellence Bursaries March 2022
File Ref:	Community Relations – Sponsorships – Somerset Excellence Bursaries – Shari Anderson Doc Id 1382521, Lily Eggleston Doc Id 1379222, Taylah Smith Doc Id 1372824, Makeea Schimke Doc Id 1377304, Samantha Gilland Doc Id 1382156, Jade Godby Doc Id 1385886
Action Officer:	DHRCS

Background/Summary

Council received six (6) Somerset Excellence Bursary applications during the month of March 2022 as detailed below, to be considered at the Council Meeting of Wednesday, 13 April 2022.

Applicant	Field	Level	Event
Anderson, Shari Doc ID: 1382521	Cricket	Regional	Representing Sunshine Coast School Sport Regional 16-19 years Girls Cricket team. 28-30 March 2022 - Kendall Flats Bundaberg. This is Shari's third application with Council.
Eggleston, Lily Doc ID: 1379222	AFL	Regional	Representing Darling Downs School Sport at the Queensland State School

			<p>Championships AFL 13-15 years Girls team.</p> <p>26-29 May 2022 - Hervey Bay Bambers and Bay Power Grounds.</p> <p>This is Lily's first application with Council.</p>
Smith, Taylah Doc ID: 1372824	Equitation and Show Jumping	Regional	<p>Representing Zone 26 East Moreton Pony Club - Queensland Jumping Equitation and Show Jumping State Championships.</p> <p>8-10 April 2022 – Dalby Showgrounds.</p> <p>This is Taylah's fifth application with Council.</p>
Schimke, Makeea Doc ID: 1377304	Swimming	Regional	<p>Representing Darling Downs School Sport for 10-12 years swimming at the State Championships.</p> <p>21-23 March 2022 – Chandler, Brisbane.</p> <p>This is Makeea's first application with Council.</p>
Gilliland, Samantha Doc ID: 1382156	Campdrafting and Team Penning	State	<p>Representing the Queensland Pony Club Team -QLD vs NSW 2022 State Sporting Campdraft and Team Penning Championships.</p> <p>9-11 April 2022 - Coonamble Showgrounds, NSW.</p> <p>This is Samantha's first application with Council.</p>
Godby, Jade Doc ID: 1385886	Futsal	State	<p>Representing Queensland City 16-year Girls at the National School Futsal Championships.</p> <p>26-29 September 2022 – Brisbane.</p> <p>This is Jade's first application with Council</p>

These Somerset Excellence Bursary applications are considered as part of the Community Assistance Grant Policy which provides for a payment of \$100 for Regional Level and \$300 for State Level representation.

Attachments

Nil

Recommendation

THAT Council approve the applications as summarised in this report and grant the following Somerset Excellence Bursaries:

Applicant	Field	Level	Amount
Anderson, Shari	Cricket	Regional	\$100
Eggleston, Lily	AFL	Regional	\$100
Smith Taylah	Equitation and Show Jumping	Regional	\$100
Schimke, Makeea	Swimming	Regional	\$100
Gilliland, Samantha	Campdrafting and Team Penning	State	\$300
Godby, Jade	Futsal	State	\$300

Resolution

Moved – Cr Choat

Seconded – Cr Wendt

“THAT Council approve the applications as summarised in this report and grant the following Somerset Excellence Bursaries:

Applicant	Field	Level	Amount
Anderson, Shari	Cricket	Regional	\$100
Eggleston, Lily	AFL	Regional	\$100
Smith Taylah	Equitation and Show Jumping	Regional	\$100
Schimke, Makeea	Swimming	Regional	\$100
Gilliland, Samantha	Campdrafting and Team Penning	State	\$300
Godby, Jade	Futsal	State	\$300

Carried**Vote - Unanimous**

Cr Isidro returned to the meeting at 9.38am.

Subject: Mayoral Gala Charity Ball Fund Application - BlazeAid
File Ref: 2020 – 2022 Mayoral Gala Charity Ball Fund
Action Officer: EA

Background/Summary

Following the recent flooding event in Somerset Region there has been much devastation to the community. Council received an application from BlazeAid to help with setup costs of running a camp from the Toogoolawah Showgrounds. This camp will assist the farming community with restoring infrastructure such as fencing. The organisation has requested

\$5,000 from the Mayoral Gala Charity Ball Fund to help with costs of the camp for their volunteers.

The request is fitting with the Mayoral Gala Charity Ball Funds Distribution Policy under the category of Emergency Incident Funds (EIF). As an EIF, this matter is delegated to the Chief Executive Officer (CEO) for consideration and approval. The CEO advised Councillors of the request from BlazeAid on 27 March 2022.

Approval has been granted for the application received BlazeAid to the value of \$5,000 to fund the setup cost of the BlazeAid Camp located at Toogoolawah subject to conditions listed in the Mayoral Gala Charity Ball Funds Distribution Policy.

Attachments

Nil

Recommendation

THAT Council receive the Mayoral Gala Ball Charity Fund Application Report and that the contents be noted.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Choat

“THAT Council receive the Mayoral Gala Ball Charity Fund Application Report and that the contents be noted”.

Carried

Vote - Unanimous

Meetings authorised by Council

Subject:	National General Assembly of Local Government 19 -22 June 2022
File Ref:	Australian Local Government Association
Action Officer:	EA to Mayor and CEO

Background/Summary

The National General Assembly of Local Government will be holding its Annual Conference – Partners in Progress in Canberra from 19 – 22 June 2022.

Attachment

Nil

Recommendation

THAT Mayor Lehmann, Councillors _____ and the Chief Executive Officer be authorised to attend the National General Assembly of Local Government – Partners in Progress to be held in Canberra – 19 – 22 June 2022

Resolution

Moved – Cr Isidro

Seconded – Cr Whalley

“THAT Mayor Lehmann, Councillors Gaedtke and Choat and the Chief Executive Officer be authorised to attend the National General Assembly of Local Government – Partners in Progress to be held in Canberra – 19 – 22 June 2022”.

Vote - Unanimous

Carried

Subject: LGAQ Bush Councils Convention, Barcaldine – 26 -28 July 2022
File Ref: Local Government Association of Queensland 2020 - 2024
Action Officer: EA to Mayor and CEO

Background/Summary

The LGAQ Bush Councils Convention will be held from 26 – 28 July 2022 in Barcaldine, Queensland. The program of events has yet to be released. Council has previously resolved to have Councillors attend the event, however the event was postponed due to Covid.

Attachments

Nil

Recommendation

THAT Councillors be authorised to attend the LGAQ Bush Councils Convention to be held in Barcaldine, Queensland from 26 – 28 July 2022.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

“THAT Councillors Isidro, Choat and Wendt be authorised to attend the LGAQ Bush Councils Convention to be held in Barcaldine, Queensland from 26 – 28 July 2022”.

Carried

Vote - Unanimous

Subject: LGAQ Annual Conference – 17 - 19 October 2022
File Ref: Local Government Association of Queensland 2020 - 2024
Action Officer: EA to Mayor and CEO

Background/Summary

The Local Government Association of Queensland will be holding its 126th Annual Conference and Annual General Meeting at the Cairns Convention Centre from 17 - 19 October 2022.

Attachment

Nil

Recommendation

THAT Councillors and Mr. Andrew Johnson, Chief Executive Officer, be authorised to attend the 126th Annual Conference and Annual Meeting of the Local Government Association of Queensland in Cairns from 17 – 19 October 2022.

Resolution

Moved – Cr Choat

Seconded – Cr Gaedtke

“THAT Councillors Lehmann, Brieschke, Gaedtke, Isidro, Wendt, Whalley and Choat and Mr. Andrew Johnson, Chief Executive Officer,

be authorised to attend the 126th Annual Conference and Annual Meeting of the Local Government Association of Queensland in Cairns from 17 – 19 October 2022”.

Carried

Vote - Unanimous

Mayor and Councillor Reports

Cr Brieschke – Councillor Report

March

- 23 Ordinary Council Meeting
Council Workshop
- 24 International Women’s Day Brunch, Kilcoy Show Grounds
- 27 Linville Progress Assoc. AGM
- 28 Meeting re Proposed Development of Community Led Aged Care Support

April

- 05 Meeting re Planning Development
- 07 Human Social Recovery Group meeting No 4
Infrastructure Recovery Group meeting No 4
Mad Hatters Tea Party, Clock Park, Lowood
- 08 Exhibition Opening, ‘Slow Churn, The Condensery
- 09 Funeral of the late Kerry Kubler
- 11 Council Infrastructure Tour

Cr Gaedtke– Councillor Report

March

- 23 Ordinary Council Meeting – Esk
- 23 Workshop Meeting – Esk
- 24 Somerset Regional Council Human Social Recovery Group Meeting (#3) – Teams
- 24 International Women’s Day – Kilcoy Showgrounds
- 24 Inspection of footpaths – Kilcoy resident
- 26 Youth Filmmaking Workshops – G & A Huglin – Somerset Civic Centre
- 26 Camp & Jam – Blues, Country & Rock Concert 2022 – Esk Showgrounds
- 28 Proposed Development meeting – Esk
- 29 Kilcoy Interagency Committee Meeting – zoom
- 29 Major General Ellwood visit to Somerset region
- 29 Experience Somerset Tourism Launch 2022 – Kilcoy Explore Centre
- 31 Linville State School – Farewell staff member
- 31 Linville Hotel – Welcome to forthcoming owners
- 31 The Condensery Masterplan – The Condensery, Toogoolawah

April

- 05 Mount Glen Rock project – situational awareness
- 07 Somerset Regional Council Human Social Recovery Group Meeting (#4) - Teams
- 07 Brisbane Valley Heritage Trails monthly meeting – Esk
- 07 Meeting with Murphy’s Pigs and others - Esk
- 08 Slow Churn Launch – Toogoolawah, The Condensery
- 11 Councillor Infrastructure Tour
- 12 Kilcoy Hospital Auxiliary meeting

- 12 Meeting with Kilcoy Global Foods
- 12 Development Application review – teams

Around fourteen adults and children enjoyed making “The Choice” film at the Youth Filmmaking Workshops held on Saturday 26 March at the Somerset Civic Centre. The day was enjoyed immensely by all who attended the workshop. It was pleasing to see our youth full of energy and playing their parts extremely well, it was a story that unfolded as we went step by step. Thank you so much to both Greg and Andrea for their expertise and guidance on the day.

A very emotional farewell was offered by Mrs Carey, who had been a member of the Linville State School staff for 30 years. Mrs Carey was presented with a beautiful home-made farewell cake, gifts, flowers and a lovely framed certificate of attainment. It was very evident that Mrs Carey will be sorely missed by all.

Cr Isidro – Councillor Report

March

- 24 International Womens Day Event, Kilcoy
- 28 Proposed Development of Community Led Aged Support Service
- 29 Kilcoy Interagency Meeting, via Zoom
- 29 Major General Ellwood visit to Somerset
- 29 Experience Somerset Tourism Launch

April

- 05 Somerset Leadership Camp, Gold Coast
- 07 Mad Hatters Tea Party, Lowood
- 07 Natural Environment Recovery Sub Group Meeting, Lowood
- 08 Slow Churn Opening, Condensery, Toogoolawah
- 11 Infrastructure Budget Tour

I attended the Youth leadership camp last week. The participants were amazing. I addressed the cohort and just reminding them how the Council interacts with the youth. They are our future and if we can harness just some of their creativity in will put us in a good place. We need to capture and promote their skills.

Cr Wendt – Councillor Report

March

- 23 Ordinary Council Meeting – Kilcoy
- Workshop Meeting – Kilcoy
- Fernvale Sports Park Advisory Committee - Fernvale
- 24 Infrastructure Recovery Group- Teams (Esk)
- Economic Recovery Group – Teams (Esk)
- Fernvale Residents Inc – Fernvale
- 29 Experience Somerset Tourism launch and Tourism Networking Event - Kilcoy

April

- 07 Infrastructure Recovery Group- Teams (Lowood)
- Economic Recovery Group – Teams (Lowood)
- Mad Hatter Tea Party - Lowood
- 11 Councillor Infrastructure Tour – entire region
- 12 Esk Fire Group Meeting – Esk

Resolution

Moved – Cr Whalley

Seconded – Cr Choat

“THAT the verbal and written reports of Councillors Brieschke, Gaedtke, Isidro and Wendt be recieved”.

Carried

Vote - Unanimous

Receipt of Petition

Nil

Consideration of notified motions

Nil

Reception of notices of motion for next meeting

Nil

Items for reports for future meetings

Nil

Closure of Meeting**Summary**

There being no further business, the Mayor, Cr Graeme Lehmann closed the meeting at 9.48am.

Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2022

Contents

Part 1	Preliminary.....	2
	1 Short title.....	2
	2 Subordinate local law amended	2
Part 2	Amendment of subordinate local law.....	2
	3 Amendment of sch 3 (Definitions and prescribed criteria for installation, erection and display of advertising devices).....	2
	4 Amendment of sch 6 (Dictionary)	3

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2022*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*.

Part 2 Amendment of subordinate local law

3 Amendment of sch 3 (Definitions and prescribed criteria for installation, erection and display of advertising devices)

- (1) Schedule 3, after section 38—

insert—

‘39 Election sign

- (1) An *election sign* is a sign or poster that is—
- (a) visible from a road or other public place; and
 - (b) able, or is intended, to —
 - (i) influence a person about voting at any government election; or
 - (ii) affect the result of any government election.
- (2) The criteria prescribed for an election sign are that the election sign must—
- (a) be non-rotating; and
 - (b) be constructed from a light frangible material and have a size less than 0.6m²; and
 - (c) not be illuminated, or incorporate any reflective or fluorescent material; and
 - (d) be installed only after the official announcement of the government election in respect of which the election sign is able, or is intended, to—
 - (i) influence a person about voting at the government election; or
 - (ii) affect the result of the government election; and
 - (e) be removed within 7 days after the election polling day for the government election; and
 - (f) only be installed, erected or displayed by a person who accepts liability for any claims arising from the installation, erection or display of the election sign; and
 - (g) not be installed in the clear zone for a road unless the structure (which performs the sole purpose of supporting the election sign) is frangible, and the election sign is made of light board, for example, corflute; and

- (h) if the election sign is installed on a road—
 - (i) be installed next to, and parallel to, the property alignment which abuts the road; and
 - (ii) be installed so that no portion of the election sign projects over the carriageway or any other surface used by a motor vehicle; and
 - (iii) not be installed so as to cause a safety hazard to any traffic, for example, pedestrian traffic and cyclists; and
- (i) not cause, or contribute to, driver distraction; and
- (j) not be installed at a place which—
 - (i) restricts the sight distance on any approach to an intersection; or
 - (ii) restricts the visibility of authorised signs, for example, signs installed in accordance with the requirements of the Manual of Uniform Traffic Control Devices; and
- (k) if the election sign is installed on a road in a rural area where the speed limit is 80km/h or less—not be installed closer to the road edge than 3.5m; and
- (l) if the election sign is installed on a road in a rural area where the speed limited is greater than 80km/h—not be installed closer to the road edge than 6m; and
- (m) not be fastened to a tree or any road infrastructure which is installed by, or with the approval of, the local government or a government entity.’.

4 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

‘clear zone has the meaning given in the Roadside Advertising Manual, Transport and Main Roads, September 2019.

election sign see schedule 3, section 39.

government election has the meaning given in the *Local Government Act 2009*, section 36(4).

government entity has the meaning given the *Local Government Act 2009*, schedule 4.’.

This and the preceding 2 pages bearing my initials is a certified copy of *Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2022* made in accordance with the provisions of the *Local Government Act 2009* by Somerset Regional Council by resolution dated the _____ day of _____ 2022.

.....
Chief Executive Officer

1101776_1

Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011

Contents

Part 1	Preliminary.....	1
1	Short title	1
2	Purpose and how it is to be achieved	1
3	Authorising local law	1
4	Definitions	1
Part 2	Approval for prescribed activity	1
5	Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a).....	1
6	Approvals that are non-transferable—Authorising local law, s 15(2)	2
Part 3	Application to State-controlled roads	2
7	State-controlled roads to which the local law applies—Authorising local law, schedule 1	2
Schedule 1	Installation of advertising devices.....	3
Schedule 2	Categories of approval that are non-transferable	7
Schedule 3	Definitions and prescribed criteria for installation, erection and display of advertising devices.....	8
1	Awning face sign	8
2	Banner sign	8
3	Blind/canopy sign	9
4	Boundary fence sign	10
5	Bunting sign	10
6	Business nameplate sign	11
7	Building name sign.....	11
8	Community organisation sign	12
9	Site community organisation sign	12
10	Directional community organisation sign	12
11	Garage sale sign	13
12	Hamper sign.....	13
13	Mobile sign	14
14	Real estate sign	15
15	Sign written non-building structure sign.....	16
16	Sign written roof sign	16
17	Stall board sign	17
18	Statutory sign	18
19	Trade sign	18

20	Vertical banner sign	18
21	Wall sign.....	19
22	Window sign.....	20
23	Above awning sign.....	21
24	Created awning line sign.....	21
25	Display home sign.....	22
26	Estate sales sign.....	22
27	Ground sign	23
28	Inflatable sign.....	24
29	Pole sign	25
30	Projecting sign	25
31	Public facility directional sign	26
32	Roof/sky sign	27
33	Sporting complex sign.....	27
34	Under awning sign	28
35	Roadside directional sign.....	29
36	Social and welfare sign.....	29
37	Sporting field fence sign.....	30
38	Motor vehicle sign	31
39	Election sign.....	31
Schedule 4	General criteria for installation, erection and display of advertising devices.....	33
Schedule 5	State-controlled roads to which the local law applies	35
Schedule 6	Dictionary.....	36

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 6 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Part 3 Application to State-controlled roads

7 State-controlled roads to which the local law applies—Authorising local law, schedule 1

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 5 are roads to which the authorising local law applies unless otherwise provided in the local law.

Schedule 1 Installation of advertising devices

Section 5

1. Prescribed activity

Installation of advertising devices.

2. Activities that do not require an approval under the authorising local law

- (1) An approval is not required under the authorising local law for the prescribed activity if—
 - (a) the activity is the installation, erection or display of a permitted advertisement that is visible from a road or other public place; or
 - (b) under the planning scheme of the local government, the prescribed activity is identified as—
 - (i) self assessable development; or
 - (ii) code assessable development; or
 - (iii) impact assessable development.
- (2) A permitted advertisement is an advertising device that is visible from a road or other public place which is—
 - (a) defined in schedule 3; and
 - (b) installed, erected and displayed in accordance with the prescribed criteria in schedule 3; and
 - (c) installed, erected and displayed in accordance with the general criteria specified in schedule 4.

3. Documents and materials that must accompany an application for an approval

- (1) Full details of the proposed advertising device including—
 - (a) the name and address of the premises at which the proposed advertising device will be installed; and
 - (b) the name and address of the person responsible for the installation of the advertising device; and
 - (c) the name and address of any business which will be advertised on the advertising device.
- (2) Details of all building work and other work to be carried out under the approval.

- (3) Details of the time and place at which the prescribed activity will be undertaken.
- (4) The proposed term of the approval.
- (5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.
- (7) Plans and specifications detailing—
 - (a) the location of the proposed advertising device; and
 - (b) each item of equipment to be used in the installation, erection or display of the proposed advertising device; and
 - (c) the type and location of any utility, service or infrastructure to be used in the installation, erection or display of the proposed advertising device; and
 - (d) particulars of the content, design, dimensions and construction of the proposed advertising device; and
 - (e) a site plan, to scale, of the proposed advertising device; and
 - (f) if the applicant is not the owner of the premises on which the proposed advertising device is to be installed, erected or displayed, the consent of the owner of the premises to the installation, erection and display of the advertising device; and
 - (g) a copy of each development approval required for the installation, erection and display of the proposed advertising device; and
 - (h) a pictorial representation of the proposed advertising device.

4. Additional criteria for the granting of an approval

- (1) The conduct of the prescribed activity must not—
 - (a) result in—
 - (i) harm to human health or safety; or
 - (ii) property damage or loss of amenity; or
 - (iii) nuisance; or
 - (iv) obstruction of pedestrian or vehicular traffic; or
 - (v) environmental harm; or
 - (vi) environmental nuisance; or
 - (vii) a potential road safety risk; or

- (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken; or
 - (c) significantly obstruct the view of any premises.
- (2) The installation, erection and display of the proposed advertising device must comply with the general criteria specified in schedule 4.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
- (a) require compliance with specified safety requirements; and
 - (b) regulate the time within which the prescribed activity must be carried out; and
 - (c) specify standards with which the undertaking of the prescribed activity must comply; and
 - (d) require the approval holder to—
 - (i) carry out specified additional work such as earthwork and landscaping; and
 - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and
 - (iii) give the local government specified indemnities; and
 - (iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
 - (v) remove a structure erected or installed, under the approval, at the end of a stated period; and
 - (vi) exhibit specified signage warning about the conduct of the prescribed activity; and
 - (vii) construct the advertising device from specified materials; and
 - (viii) maintain the advertising device in good order and repair; and
 - (ix) install the advertising device at a specified location, or in a specified manner; and
 - (x) take specified measures to illuminate, or control the illumination of, the advertising device; and

- (xi) restrict the dimensions of the advertising device.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
 - (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
 - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of pedestrian or vehicular traffic.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated		

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Definitions and prescribed criteria for installation, erection and display of advertising devices

Schedule 1, section 2(2)(a) and (b)

1 Awning face sign



- (1) An **awning face sign** is an advertising device painted or otherwise affixed flat to the face of an awning.
- (2) The criteria prescribed for an awning face sign are—
 - (a) the building on which the advertising device is proposed to be displayed must have a constructed awning; and
 - (b) the advertising device must—
 - (i) be contained within the outline of the fascia of the building; and
 - (ii) not exceed 50mm in thickness; and
 - (c) the face area of the advertising device must not exceed 80% of the outline of the fascia of the building; and
 - (d) an awning face sign which is painted on to the face of an awning must not be illuminated; and
 - (e) an awning face sign other than a painted on awning face sign—
 - (i) may be illuminated internally; but
 - (ii) must not be externally illuminated.

2 Banner sign



- (1) A **banner sign** —
 - (a) is a temporary advertising device intended to be suspended from a structure or pole with or without supporting framework displaying an advertising

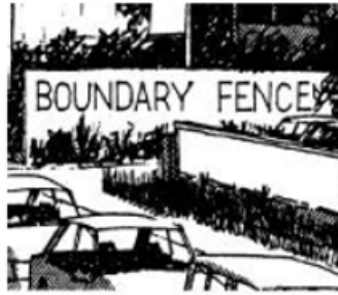
- device applied or painted to fabric or similar material of any kind; and
- (b) includes real estate, for lease, lease, auction, inspection and directional messages.
- (2) The criteria prescribed for a banner sign are—
- (a) the advertising device must only be displayed for short term promotional purposes; and
 - (b) the advertising device must not have a face area in excess of 2.4m²; and
 - (c) the advertising device may only be displayed for 14 days or less within any 90 day period prior to the function or occasion advertised on the advertising device; and
 - (d) the advertising device must be affixed to a structure that will accommodate wind loadings for the area; and
 - (e) the advertising device must not be affixed to a tree, lighting standard or power pole on a local government controlled area or a road; and
 - (f) the advertising device must not be erected above the gutter line or on the roof of a building.

3 Blind/canopy sign



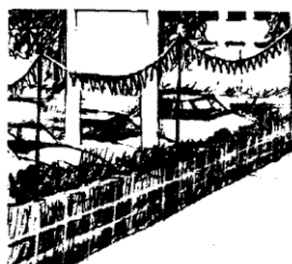
- (1) A **blind/canopy sign** is an advertising device painted or otherwise affixed to a solid or flexible material suspended from an awning, verandah or wall.
 - (2) The criteria prescribed for a blind/canopy sign are—
 - (a) the advertising device must not be displayed unless there is a minimum clearance of 2.2m between the lowest point of the advertising device and ground level directly adjacent to the advertising device; and
 - (b) the advertising device must be contained within the premises advertised in the advertising device; and
 - (c) the display of the advertising device on the blind or canopy must be ancillary to the use of the blind or canopy as a blind or canopy, as the case may be; and
- Example—*
- The primary purpose of the blind or canopy must not be the display of the advertising device.
- (d) the face area of the advertising device must not exceed 50% of the face area of the blind or canopy, as the case may be; and
 - (e) the advertising device must not be illuminated.

4 Boundary fence sign



- (1) A **boundary fence sign** is an advertising device painted or otherwise affixed to a fence that has been designed to permanently delineate or identify a boundary alignment or enclosure.
- (2) The criteria prescribed for a boundary fence sign are—
 - (a) the whole of the advertising device must be contained within the fence outline; and
 - (b) if the advertising device is on premises adjacent to any kind of residential dwelling, the advertising device must be located on the front property boundary of the premises; and
 - (c) the size and form of the advertising device must be in scale and proportion with —
 - (i) the fence on which the advertising device is displayed; and
 - (ii) adjacent buildings and structures; and
 - (d) where a boundary fence sign is to be displayed on a fence on which boundary fence signs are already displayed, the new advertising device must be uniform in design and positioning to the other advertising devices displayed on the fence unless the new advertising device will significantly enhance the appearance of the fence and the existing signage; and
 - (e) if the advertising device is not painted on the fence, the advertising device must not project more than 30mm from the fence; and
 - (f) if the advertising device is painted on the fence—the advertising device must not be illuminated; and
 - (g) if the advertising device is not painted on the fence—
 - (i) the advertising device may be illuminated in a manner which does not cause splashing or spilling of light from the face of the advertising device; and
 - (ii) internal illumination of the advertising device is preferred.

5 Bunting sign



- (1) A **bunting sign** includes decorative flags, pennants and streamers.
- (2) The criteria prescribed for a bunting sign are—
 - (a) the advertising device must be affixed to a structure that will accommodate wind loadings in the area; and
 - (b) the advertising device must not be affixed to a tree, lighting standard or power pole on a local government controlled area or a road; and
 - (c) the advertising device must not be placed on premises more than 6m above ground level directly adjacent to the advertising device; and
 - (d) if requested by an authorised person, the advertiser must provide an engineer's certification for any structure dedicated for the support of the advertising device; and
 - (e) the advertising device must not be placed on premises beyond the street front boundary of the premises.

6 Business nameplate sign



- (1) A **business nameplate sign** is an advertising device that displays the name or occupation of the business of the occupier of premises which is—
 - (a) painted or otherwise affixed to a building, wall or fence at the premises; or
 - (b) free-standing on the premises.
- (2) The criteria prescribed for a business nameplate sign are—
 - (a) the face area of the advertising device must not exceed 0.6m²; and
 - (b) a maximum of 2 advertising devices may be displayed on any premises.

7 Building name sign

- (1) A **building name sign** is an advertising device used to identify a building by reference to the name of the building or a particular logo associated with the building.
- (2) The criteria prescribed for a building name sign are—
 - (a) the advertising device must only identify the building to which it is attached; and
 - (b) the advertising device must be securely attached to the building and must be designed to complement the architecture or design of the building to which it is attached; and
 - (c) only 1 building name sign may be displayed on a building; and
 - (d) the advertising device must be illuminated in a manner which does not

cause splashing or spilling of light from the face of the advertising device.

8 Community organisation sign



- (1) A **community organisation sign** is a temporary, non-illuminated advertising device which advertises a non-profit short term event such as a fete, fair, festival or similar event organised by a charitable, religious, educational, childcare or sporting organisation or a community service organisation.
- (2) If a community organisation sign takes the form of a banner, the same criteria are prescribed for the advertising device as are prescribed for a banner sign.
- (3) A community organisation sign must not be displayed for more than 14 days prior to the event advertised on the advertising device and must be removed within 1 day of the event.

9 Site community organisation sign

- (1) A **site community organisation sign** is a community organisation sign which is displayed at the site of a fete, fair, festival or other similar event for the primary purpose of advertising the fete, fair, festival or other similar event.
- (2) A site community organisation sign must not be displayed longer than 30 days prior to the event advertised on the advertising device and must be removed within 1 day of the event.

10 Directional community organisation sign

- (1) A **directional community organisation sign** is a community organisation sign the primary purpose of which is to direct the public to the fete, fair, festival or other similar event advertised on the advertising device.
- (2) The criteria prescribed for a directional community organisation sign are—
 - (a) no more than 10 advertising devices may be displayed on a road related area and each advertising device must have a maximum face area of 0.6m²; and
 - (b) the advertising device may be displayed—
 - (i) on the day of the event, and for a period not more than 3 days prior to the event advertised on the advertising device; and
 - (ii) on a road related area, in the vicinity of the fete, fair or festival event; and
 - (c) an advertising device with a maximum face area of 2.4m² may be erected on rateable land other than a public place not more than 14 days prior to the

event advertised on the advertising device and must be removed within 1 day of the event; and

- (d) the siting of the advertising device must not cause a pedestrian or vehicular hazard; and
- (e) the advertiser of the advertising device must take out and maintain public liability insurance cover in an amount not less than \$10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device.

11 Garage sale sign



- (1) A **garage sale sign** is an advertising device of a temporary nature which—
 - (a) advertises a garage sale; and
 - (b) is displayed for directional purposes.
- (2) The criteria prescribed for a garage sale sign are—
 - (a) the advertising device may only be placed on rateable land other than a public place; and
 - (b) the advertising device must not have a face area in excess of 0.6m²; and
 - (c) the advertising device must be located in the vicinity of the garage sale; and
 - (d) the advertising device must be limited to a number reasonably necessary to identify the route to the garage sale; and
 - (e) the advertising device may only be displayed on the day of the garage sale; and
 - (f) the advertising device must not be located so as to cause a pedestrian or vehicular hazard.

12 Hamper sign



- (1) A **hamper sign** is an advertising device which —

- (a) is located above the door head or its equivalent height and below the awning level or verandah of a building; and
 - (b) is painted or otherwise affixed to the building; and
 - (c) projects not more than 30mm from the building face.
- (2) The criteria prescribed for a hamper sign are—
- (a) the advertising device must be compatible with the design of the building on which it is displayed; and
 - (b) the advertising device must not exceed 30mm in thickness¹; and
 - (c) the advertising device must be contained within the actual or created outline of the building on which it is to be displayed; and
 - (d) the advertising device—
 - (i) may be illuminated internally; but
 - (ii) must not be externally illuminated.

13 Mobile sign



- (1) A *mobile sign* —
- (a) is a temporary portable self supporting sign which is free-standing and may be mounted on wheels to facilitate movement; and
 - (b) includes an A-frame sign and a sandwich board; but
 - (c) does not include a free-standing sign or a real estate sign.
- (2) The criteria prescribed for a mobile sign are—
- (a) the face area of the advertising device must not exceed 2.5m² on either side of the advertising device; and
 - (b) the display of mobile signs must not exceed 1 advertising device for each shop or business fronting a road; and
 - (c) where the advertising device advertises a particular shop or business, the advertising device must identify the shop or business; and
 - (d) the advertising device may only be placed on the premises of the shop or business it is advertising or promoting on a local government controlled area or a road if—
 - (i) no part of the advertising device protrudes more than 1m from the street front boundary of the premises; and
 - (ii) the advertising device is not a hazard to pedestrian or vehicular traffic;

¹ A hamper sign thicker than 30mm may satisfy the criteria for a wall sign.

and

- (iii) the advertiser takes out and maintains public liability insurance cover in an amount not less than \$10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and
- (e) the advertising device must be—
 - (i) placed so as to minimise visual clutter; and
 - (ii) kept erect and maintained in a good state of repair at all times; and
 - (iii) secured so as to prevent danger to pedestrian and vehicular traffic in windy conditions; and
- (f) the number of face areas of the advertising device must not exceed 2; and
- (g) the advertising device must not be illuminated.

14 Real estate sign



- (1) A *real estate sign* is a temporary, non-illuminated advertising device which promotes the sale, auction, lease or letting of premises.
- (2) The criteria prescribed for a real estate sign (other than a directional real estate sign) are—
 - (a) the advertising device must not—
 - (i) interfere with the safe and convenient passage of pedestrians; or
 - (ii) detract from the amenity of the area in which it is situated or unreasonably obstruct existing views; and
 - (b) the advertising device may be double sided; and
 - (c) the advertising device must not have a face area in excess of 0.6m²; and
 - (d) the number of real estate signs displayed at premises must not exceed 1 sign for each agent marketing the premises up to a maximum of 3 signs; and
 - (e) as an alternative to paragraphs (b) to (d) inclusive, an advertiser may display 1 sign having a maximum face area of 2.4m² at the premises; and
 - (f) the advertising device must not be displayed for—
 - (i) more than 14 days after the sale of the premises identified in the advertising device; or
 - (ii) more than 6 months in any 12 month period; and
 - (g) the advertising device must be kept erect and maintained in a good state of

- repair at all times; and
- (h) if a high fence, foliage or the like obscures the advertising device, it must be located as close as practicable to the street front boundary of the premises.
- (3) The criteria prescribed for a directional real estate sign are—
- (a) if the advertising device is displayed on land which is not a public place—
 - (i) a maximum of 3 advertising devices may be displayed; and
 - (ii) the face area of each advertising device must not exceed 0.6m²; and
 - (iii) the advertising device—
 - (A) must only be displayed on the day on which the premises offered for sale are open for public inspection or offered for sale by auction; and
 - (B) must be located in close proximity to the premises; and
 - (b) the advertising device must not be displayed on a road except subject to approval of an authorised person.

15 Sign written non-building structure sign



- (1) A *sign written non-building structure sign* is an advertising device painted or affixed to any structure which is not a building.

Example —

A structure which is not a building includes a batching plant, conveyor housing, unroofed storage building or liquid or gas tank.

- (2) The criteria prescribed for a sign written non-building structure sign are—
- (a) the advertising device must be contained within the height and width of the structure on which it is displayed; and
 - (b) the advertising device must not project in excess of 50mm from the face of the structure².

16 Sign written roof sign

² If the advertising device is thicker than 50mm, the advertising device may satisfy the criteria for a wall sign.



- (1) A **sign written roof sign** is an advertising device which is painted or otherwise affixed to the roof of a building and directed at, or visible from, a road.
- (2) The criteria prescribed for a sign written roof sign are—
 - (a) the advertising device must be contained within the existing or created outline of the building on which it is displayed; and
 - (b) the advertising device must be of a size and scale which is consistent with the scale and character of the building on which it is displayed and, in any event, must not cover more than 25% of the roof of the building on which it is displayed; and
 - (c) the advertising device must not extend horizontally beyond the edge of the building roof; and
 - (d) the advertising device must be compatible with other sign written roof signs (if any) displayed on the building; and
 - (e) the advertising device must not be visible from any building used for residential purposes located adjacent to the building on which it is displayed; and
 - (f) the advertising device must not be illuminated.

17 Stall board sign



- (1) A **stall board sign** is an advertising device painted or otherwise affixed flat to the wall of a building used for purposes other than residential purposes below a ground floor window of the building.
- (2) The criteria prescribed for a stall board sign are—
 - (a) the face area of the advertising device must be limited to the stall board area below a ground floor window of the building on which it is displayed; and
 - (b) the advertising device must not protrude so as to cause injury to pedestrians; and

- (c) the advertising device must not exceed a thickness of 30mm, and the corners of the advertising device must be arised; and
- (d) the advertising device—
 - (i) may be illuminated internally; but
 - (ii) must not be externally illuminated.

18 Statutory sign



- (1) A **statutory sign** is an advertising device exhibited pursuant to the authority or requirements of an Act.
- (2) The criterion prescribed for a statutory sign is that the advertising device must be exhibited in accordance with the requirements of the Act which requires the exhibition of the advertising device.

Examples—

The *Workplace Health and Safety Act 1995* requires the exhibition of signs regarding safety.

The *Sustainable Planning Act 2009* requires the exhibition of signs regarding town planning issues.

19 Trade sign



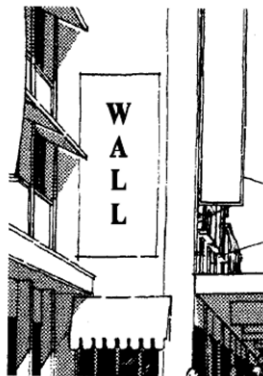
- (1) A **trade sign** is a temporary advertising device which displays a trade person's activity on premises, for example, the activities of a painter or a tiler.
- (2) The criteria prescribed for a trade sign are—
 - (a) a maximum of 1 trade sign may be displayed on any premises; and
 - (b) the face area of the advertising device must not exceed 0.6m².

20 Vertical banner sign



- (1) A **vertical banner sign** is an advertising device of a non-rigid material normally supported at 2 or more locations from brackets extending from either a pole or a building.
- (2) The criteria prescribed for a vertical banner sign are that the advertising device must—
 - (a) not be illuminated; and
 - (b) not have a face area in excess of 2.4m^2 ; and
 - (c) not have a width in excess of 750mm; and
 - (d) not have a height in excess of 5m above ground level directly adjacent to the advertising device; and
 - (e) be erected within the street front boundary of the premises on which it is displayed unless the advertising device is displayed above a fixed awning; and
 - (f) not be displayed less than 6m from another vertical banner sign; and
 - (g) not be displayed less than 3m from any boundary of the premises on which it is displayed; and
 - (h) not extend lower than 2.4m above ground level directly adjacent to the advertising device; and
 - (i) not have more than 2 face areas.

21 Wall sign



- (1) A **wall sign** is an advertising device painted or otherwise affixed flat to the wall of a building that does not protrude from the wall more than 100mm.
- (2) The criteria prescribed for a wall sign are—

- (a) the advertising device must only be displayed on the wall of a building; and
- (b) the advertising device must not project in excess of 100mm from the wall to which it is affixed; and
- (c) the advertising device must not project beyond any edge of the wall unless this improves the appearance of the building or the premises on which it is painted or affixed³; and
- (d) the advertising device must integrate, and be compatible, with the architecture of the building on which it is painted or affixed; and
- (e) the dimensions of the advertising device must bear a reasonable relationship to the size of the wall on which it is painted or affixed; and
- (f) the advertising device must be consistent, in colour and appearance, with buildings and natural features of the environment in which it is situated; and
- (g) the advertising device—
 - (i) may be illuminated internally; but
 - (ii) must not be externally illuminated; and
- (h) if illuminated—the illumination of the advertising device must not diminish the amenity of the locality; and
- (i) the advertising device must be installed without “guide wires” or exposed supporting framework; and
- (j) the face area of the advertising device must not cover more than 75% of the area of the wall on which it is painted or affixed.

22 Window sign



- (1) A *window sign* —
 - (a) is an advertising device painted (illuminated or non-illuminated) or otherwise affixed to the glazed area of a window; and
 - (b) includes devices that are suspended from a window frame; but
 - (c) does not include products displayed in a window.
- (2) The criteria prescribed for a window sign are—
 - (a) the advertising device must be situated inside the window on which it is displayed except in the case of a window sign painted directly on the outside face of the window; and

³ If the advertising device extends above the top of a wall, the advertising device may satisfy the criteria for a roof/sky sign.

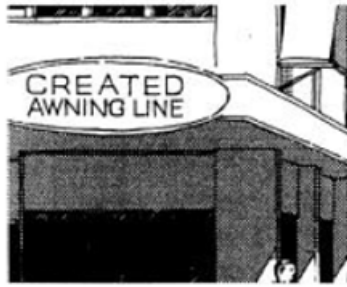
- (b) the advertising device must not cover more than 25% of the surface of the window on which it is displayed; and
- (c) the advertising device—
 - (i) may be internally illuminated; but
 - (ii) must not be externally illuminated.

23 Above awning sign



- (1) An **above awning sign** is an advertising device located on top of an awning or verandah of a building used for purposes other than residential purposes, with no part of the advertising device projecting —
 - (a) above the roof, parapet or ridge line of the building; or
 - (b) beyond the edge of the awning or verandah.
- (2) The criteria prescribed for an above awning sign are that the advertising device must—
 - (a) not have a face area in excess of 2.5m² or more than 2 faces; and
 - (b) where the advertising device has 2 faces — be constructed such that the angle between each face is not more than 45 degrees; and
 - (c) not have a height in excess of 1.5m above the awning on which the advertising device is displayed; and
 - (d) not be displayed less than 3m from another above awning sign; and
 - (e) not be displayed less than 1.5m from each side boundary of the premises on which it is displayed; and
 - (f) have a face area length greater than the face area height of the advertising device; and
 - (g) if illuminated—not diminish the amenity of the locality; and
 - (h) be installed without “guide wires” or exposed supporting framework.

24 Created awning line sign



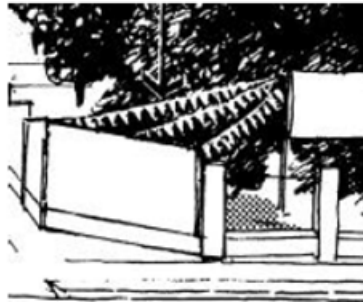
- (1) A ***created awning line sign*** is an advertising device positioned on the face of, or aligned with, the natural horizontal line of an awning of a building used for purposes other than residential purposes, which creates another awning line with its shape.
- (2) The criteria prescribed for a created awning line sign are that the advertising device must—
 - (a) maintain a clearance from any road related area directly adjacent to the advertising device of not less than 2.4m; and
 - (b) not extend more than 600mm above an existing awning; and
 - (c) not extend above the height of the building on which the advertising is displayed; and
 - (d) not cover more than 30% of the overall face area of the awning on which the advertising device is displayed; and
 - (e) if illuminated—not diminish the amenity of the locality; and
 - (f) be installed without “guide wires” or expose supporting framework.

25 Display home sign



- (1) A ***display home sign*** is an advertising device which advertises a display home in conjunction with the sale, auction or leasing of a group of dwellings or building sites.
- (2) The criteria prescribed for a display home sign are that the advertising device must—
 - (a) not be displayed on any premises for a period in excess of 12 months; and
 - (b) not have a face area in excess of 2.4m²; and
 - (c) only be located on the premises of the display home advertised on the advertising device.

26 Estate sales sign



- (1) An **estate sales sign** is an advertising device displayed for the primary purpose of the promotion or sale of land within an industrial or residential estate or development.
- (2) The criteria prescribed for an estate sales sign are—
 - (a) if the advertising device is double sided — the advertising device must not have a face area in excess of 6m^2 on either side; and
 - (b) if the advertising device is single sided — the advertising device must not have a face area in excess of 12m^2 ; and
 - (c) if the advertising device is displayed on premises in an area used for residential purposes — the premises must be vacant and in close proximity to the estate or development advertised on the advertising device; and
 - (d) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises; and
 - (e) the advertising device may only be displayed on premises for, whichever is the lesser of—
 - (i) 12 calendar months; and
 - (ii) 14 days after the last lot comprising part of the estate or development is sold.

27 Ground sign



- (1) A **ground sign** is an advertising device that sits on a low level wall or completely clad vertically oriented free-standing structure which sits on or rises out of the ground.
- (2) The criteria prescribed for a ground sign are—
 - (a) the advertising device must not have a face area in excess of 10m^2 ; and
 - (b) the advertising device must not have a height in excess of 2.4m above ground level directly adjacent to the advertising device; and
 - (c) the advertising device must be consistent with the design of the built

environment where it will be displayed; and

- (d) where the advertising device has 2 faces, the advertising device must be constructed such that the angle between each face is not more than 45 degrees; and
- (e) the advertising device must not be displayed less than 3m from each side boundary of the premises on which it is displayed; and
- (f) not more than 1 ground sign may be displayed on any premises; and
- (g) if the ground sign is illuminated— illumination of the advertising device must not cause splashing or spilling of light from the face of the advertising device and internal illumination of the advertising device is preferred; and
- (h) the advertising device must be erected within a landscaped environment; and
- (i) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises; and
- (j) the advertising device must be installed without “guide wires” or exposed supporting framework.

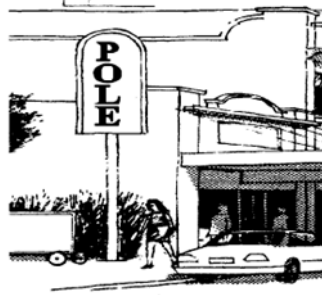
28 Inflatable sign



- (1) An ***inflatable sign*** is a fixed or captive balloon, including a tethered lighter than air device which is displayed in conjunction with a special event such as a fete, fair, circus, sales promotion or the like.
- (2) The criteria prescribed for an inflatable sign are—
 - (a) the advertising device must not be displayed for more than 14 days in any 90 day period; and
 - (b) the method of securing the advertising device must be certified as to standard by an accredited engineer prior to the display of the advertising device; and
 - (c) the location of the advertising device must be such that the display of the advertising device will not interfere with any power lines or other public services; and
 - (d) the advertiser must take out and maintain public liability insurance cover in an amount not less than \$10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and
 - (e) the advertiser must produce to the local government on request evidence of

the existence of the insurance specified in paragraph (d).

29 Pole sign



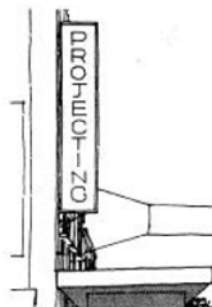
(1) A *pole sign* —

- (a) is an advertising device which is free-standing on 1 or more vertical supports which has a face area not in excess of 2.4m² on any side; and
- (b) may have a face area consisting of separate slats, panels or components which are removable and replaceable.

(2) The criteria prescribed for a pole sign are—

- (a) the advertising device must not have a height in excess of 5m above ground level directly adjacent to the advertising device; and
- (b) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises.

30 Projecting sign



(1) A *projecting sign* is an advertising device which—

- (a) is displayed on the wall of a building; and
- (b) projects at right angles to the building more than 1.5m from the wall on which it is displayed; and
- (c) does not project higher than the height of the building to which it is attached.

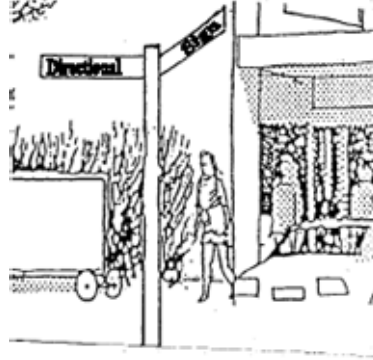
(2) The criteria prescribed for a projecting sign are—

- (a) the front elevation of the advertising device must not project beyond the outline of the wall to which it is attached; and
- (b) the advertising device may only be placed on premises to promote or advertise an activity undertaken on the premises; and
- (c) the advertising device must be positioned and designed in a manner which is compatible with the architecture of the building to which it is attached;

and

- (d) the advertising device must be situated so as to maintain a clearance of 2.4m from any road related area directly adjacent to the advertising device; and
- (e) the advertising device must be installed without “guide wires” or exposed supporting framework.

31 Public facility directional sign



- (1) A **public facility directional sign** is an advertising device erected by and for the purposes of a community service organisation.
- (2) The criteria prescribed for a public facility directional sign are that the advertising device—
 - (a) may inform motorists of services on a road ahead or on a side road; and
 - (b) must not create visual pollution; and
 - (c) in the case of an advertising device at a primary or secondary school — must advertise a school facility used by large numbers of people who are not students or staff at the school; and
 - (d) in the case of an advertising device for a tourist attraction or tourism establishment — must advertise an attraction or establishment which is located on a side road or would be sought by large numbers of people who are not familiar with the area; and
 - (e) in the case of an advertising device for a service (for example, a rest area, toilet or fire place) — must be in advance of the service so as to inform motorists of the service available to road users adjacent to the road or along a side road.⁴
 - (f) if the advertising device is an official traffic sign—must be displayed in compliance with the requirements of the Manual of Uniform Traffic Control Devices⁵; and
 - (g) must have white symbols and legend (where appropriate) on a blue background and may be fully reflectorised for use at night; and
 - (h) must incorporate lettering not less than 120mm high; and
 - (i) must be displayed so as not to obscure other public facility directional signs;

⁴ Public facility directional signs are not intended for use for facilities of a commercial nature which can be seen well in advance by motorists.

⁵ See section 166 of the *Transport Operations (Road Use Management) Act 1995*.

and

- (j) must not obscure the visibility of approaching pedestrian or vehicular traffic, particularly at intersections; and
- (k) if the advertising device is intended to convey information during periods of darkness—must be either illuminated or constructed from reflective material so that the advertising device displays the same colours and shape by both day and night; and
- (l) a maximum of 4 signs (including any street name sign) should be erected on 1 post.

32 Roof/sky sign



- (1) A **roof/sky sign** is an advertising device fitted to the roof of a building.
- (2) The criteria prescribed for a roof/sky sign are—
 - (a) the advertising device must be contained within the existing or created outline of the building on which it is displayed; and
 - (b) if the advertising device creates a new outline for the building — the advertising device must be designed to appear as if it were part of the original building, or in some other way match or complement the architecture of the building; and
 - (c) the advertising device must not extend horizontally beyond the edge of the roof of the building on which it is displayed; and
 - (d) the advertising device must not be displayed less than 3m from any other roof/sky sign displayed on the building; and
 - (e) if there is more than 1 advertising device on a building, the advertising devices must match, align or otherwise be compatible with each other; and
 - (f) the source of illumination of the advertising device must be internal and not cause excessive light spill; and
 - (g) if the advertising device has a face area greater than 1.2m², the advertiser must obtain an engineer's certification for any structure dedicated for the support of the advertising device; and
 - (h) the advertising device must be installed without “guide wires” or exposed supporting framework.

33 Sporting complex sign



- (1) A ***sporting complex sign*** is an advertising device which is located in close proximity to and identifies a sporting complex, club or building.
- (2) The criteria prescribed for a sporting complex sign are—
 - (a) the advertising device must not have a face area in excess of 12m²; and
 - (b) if requested by an authorised person, the advertiser must produce an engineer's certification for any structure dedicated for the support of the advertising device; and
 - (c) if the advertising device includes third party advertising, only 25% of the face area of the advertising device may display third party advertising.

34 Under awning sign



- (1) An ***under awning sign*** is an advertising device affixed underneath, or suspended from, an awning or verandah.
- (2) The criteria prescribed for an under awning sign are that the advertising device must—
 - (a) have a minimum clearance of 2.4m between its lowest point and any directly adjacent road related area; and
 - (b) not have a horizontal dimension greater than the width of the awning, a vertical dimension of more than 0.5m or a thickness of more than 0.3m; and
 - (c) be oriented at right angles to the front of the building on which it is displayed; and
 - (d) not be displayed less than 3m from another under awning sign; and
 - (e) not be displayed less than 1.5m from each side boundary of the premises on which it is displayed; and
 - (f) not project beyond the awning or verandah to which it is affixed.

35 Roadside directional sign



- (1) A **roadside directional sign** is an advertising device located on a road related area to advertise an open house day, estate, development or auction of premises which are difficult to locate.
- (2) The criteria prescribed for a roadside directional sign are—
 - (a) the advertising device must—
 - (i) not have a face area in excess of 0.6m²; and
 - (ii) be located in the vicinity of the auction, estate, development or open-house advertised on the advertising device; and
 - (iii) not be displayed on a median strip, roundabout, traffic island, pole, post or any other structure on a road reserve except as approved by an authorised person; and
 - (b) not more than 5 roadside directional signs may be displayed by a licensed real estate agent; and
 - (c) the advertising device must at all times display a reference to the registered real estate office responsible for the display of the advertising device; and
 - (d) the advertising device must not cause a hazard to pedestrian or vehicular traffic; and
 - (e) the advertising device must not be displayed on a motorway or a limited access road; and
 - (f) the advertiser of the advertising device must take out and maintain public liability insurance cover in an amount not less than \$10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and
 - (g) a roadside directional sign may only be placed on a road reserve between 6.00pm on Friday and 6.00pm on the following Sunday; and
 - (h) roadside directional signs must be used together, or in sequence, to direct people to premises which are the subject of an auction, estate, development or open-house and must be located within a reasonable distance of the premises.

36 Social and welfare sign



- (1) A ***social and welfare sign*** is an advertising device which identifies a charitable institution, non proprietary club, educational establishment, incorporated association or the like.
- (2) This section specifies the criteria for a social and welfare sign.
- (3) If the content or information on an advertising device is such that the advertising device is classified as a social and welfare sign but the design, location or structure of the advertising device is such that the advertising device may be classified within another category of advertising device in this part (the ***other category***), the advertising device must comply with the criteria (if any) prescribed for the other category.

Example—

If the location and structure of a social and welfare sign are such that the advertising device may also be classified as a wall sign, the advertising device must comply with the criteria prescribed for a wall sign.

- (4) A social and welfare sign must not have a face area in excess of 2.4m².
- (5) A maximum of 1 social and welfare sign may be displayed on any premises.
- (6) However, 2 social and welfare signs may be displayed on premises if the premises have a street front boundary in excess of 100m.

37 Sporting field fence sign



- (1) A ***sporting field fence sign*** is an advertising device which is painted or otherwise affixed to a fence marking the boundaries of a sporting field.
- (2) The criteria prescribed for a sporting field fence sign are—
 - (a) the advertising device must acknowledge sponsors associated with the club which has the right to occupy the sporting field on which it is displayed; and
 - (b) the advertising device must be displayed on a fence surrounding the sporting field; and

- (c) the advertising device must not be visible from any road, public place (other than the sporting field) or premises used for residential purposes; and
- (d) the advertising device must be contained within the boundaries of the fence on which it is to be displayed; and
- (e) the advertising device must not cause a danger to the public; and
- (f) if the advertiser is a sporting club or association, the advertiser must erect or display the advertising device immediately adjacent to the area allocated to the advertiser for conduct of the advertiser's sporting activity.

38 Motor vehicle sign

- (1) A **motor vehicle sign**⁶ is an advertising device affixed to, placed upon, or beside, a vehicle, caravan or trailer apparently stopped on rateable land for the primary purpose of displaying the advertising device.
- (2) The criteria prescribed for a motor vehicle sign are that the advertising device must —
 - (a) not have a face area in excess of 2.4m²; and
 - (b) not extend beyond the dimensions of, as the case may be, the vehicle, caravan or trailer; and
 - (c) not cause a hazard to pedestrian or vehicular traffic; and
 - (d) be static; and
 - (e) not be constructed from illuminated or reflective material.

39 Election sign

- (1) An **election sign** is a sign or poster that is—
 - (a) visible from a road or other public place; and
 - (b) able, or is intended, to —
 - (i) influence a person about voting at any government election; or
 - (ii) affect the result of any government election.
- (2) The criteria prescribed for an election sign are that the election sign must—
 - (a) be non-rotating; and
 - (b) be constructed from a light frangible material and have a size less than 0.6m²; and
 - (c) not be illuminated, or incorporate any reflective or fluorescent material; and
 - (d) be installed only after the official announcement of the government election in respect of which the election sign is able, or is intended, to—
 - (i) influence a person about voting at the government election; or
 - (ii) affect the result of the government election; and

⁶ See section 4 of the authorising local law. The local law does not apply to an advertising device that is the subject of a permit issued pursuant to section 126 or 126B of the *Traffic Regulation 1962*.

- (e) be removed within 7 days after the election polling day for the government election; and
- (f) only be installed, erected or displayed by a person who accepts liability for any claims arising from the installation, erection or display of the election sign; and
- (g) not be installed in the clear zone for a road unless the structure (which performs the sole purpose of supporting the election sign) is frangible, and the election sign is made of light board, for example, corflute; and
- (h) if the election sign is installed on a road—
 - (i) be installed next to, and parallel to, the property alignment which abuts the road; and
 - (ii) be installed so that no portion of the election sign projects over the carriageway or any other surface used by a motor vehicle; and
 - (iii) not be installed so as to cause a safety hazard to any traffic, for example, pedestrian traffic and cyclists; and
- (i) not cause, or contribute to, driver distraction; and
- (j) not be installed at a place which—
 - (i) restricts the sight distance on any approach to an intersection; or
 - (ii) restricts the visibility of authorised signs, for example, signs installed in accordance with the requirements of the Manual of Uniform Traffic Control Devices; and
- (k) if the election sign is installed on a road in a rural area where the speed limit is 80km/h or less—not be installed closer to the road edge than 3.5m; and
- (l) if the election sign is installed on a road in a rural area where the speed limited is greater than 80km/h—not be installed closer to the road edge than 6m; and
- (m) not be fastened to a tree or any road infrastructure which is installed by, or with the approval of, the local government or a government entity.

Schedule 4 General criteria for installation, erection and display of advertising devices

Schedule 1, section 2(2)(c)

1. This schedule specifies general criteria for the installation, erection and display of advertising devices.
2. The advertising device must—
 - (a) not cause a nuisance; and
 - (b) be kept and maintained at all times in good order and repair, and free of graffiti.
3. The activity being advertised on the advertising device must be able to be lawfully conducted on the relevant premises.
4. The advertising device must be structurally sound.
5. The display of the advertising device must not cause obstruction of, or distraction to, pedestrian or vehicular traffic.
6. The advertising device must be of high design quality.
7. The face area of the advertising device must be appropriate for the location.
8. The height of the advertising device must be appropriate for the location.
9. The advertising device must not cause damage to public infrastructure.
10. The advertising device must be consistent with applicable environmental standards.
11. An illuminated advertising device must not be positioned so as to create glare or a nuisance to pedestrian or vehicular traffic.
12. The size and scale of the advertising device, whether attached to a building or free-standing, must be appropriate to the size and scale of the building (if any) and of the premises where it is erected or to be erected and the advertising device must not be oversized so as to detract from or dominate the building, premises or adjacent uses of the land on which it is to be displayed.
13. Where numerous small advertising devices are located adjacent to one another, the number, size, position and height of each advertising device must be limited to avoid visual clutter.
14. To avoid visual clutter, where more than 1 tenant or business occupies a building or attached premises, advertising devices located on the building, or free-standing signs, must be harmonious and co-ordinated in size and height.
15. The face area and size of an advertising device must be compatible with predominant land uses, the built environment and the orientation of the premises with respect to adjacent roads and buildings.
16. An advertising device mounted over a road or other place where vehicles are able to pass, must provide a clearance of not less than 5.7m from ground level directly adjacent to the advertising device.
17. The advertising device must be harmonious with the architectural style and character

of the location⁷

18. The advertising device must blend with landscaping and street features of the location.⁸
19. This schedule also specifies the criteria that the local government must have regard to when deciding whether to approve the display of a free-standing sign by reference to the size of the advertising device.
20. The face area of any advertising device is generally the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case and is calculated by multiplying the sign face area height and width parameters.
21. However, in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering applied to a wall or awning face, the area is calculated by drawing a rectangle around the advertising device lettering.
22. In the case of irregular shaped advertising devices, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes, the face area is calculated by not more than 2 abutting and non-overlapping rectangles added together.
23. Decorative lines, stripes and architectural trims of an advertising device, whether illuminated or not, form part of the face area of the advertising device.
24. In calculating the size of an advertising device, v-shaped advertising devices are classed as 2 advertising devices unless otherwise determined by this subordinate local law.
25. The maximum face area for a free-standing sign is 45m².
26. The maximum allowable height for a free-standing sign is 15m.

⁷ Where particular areas have unique or special characteristics which may affect advertising device requirements, separate guidelines or variations may be applied.

⁸ Where additional treatment may enhance the compatibility of an advertising device, such treatment may be required.

Schedule 5 State-controlled roads to which the local law applies

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

Schedule 6 Dictionary

Section 4

above awning sign see schedule 3, section 23.

advertiser means a person—

- (a) by whom an advertising device is installed, erected or displayed; or
- (b) whose business or place of business is advertised by an advertising device; or
- (c) who manages and controls, or has power to manage and control, the place at which an advertising device is installed, erected or displayed; or
- (d) who is—
 - (i) the owner of premises or a place on which an advertising device is installed, erected or displayed; or
 - (ii) the occupier of premises or a place on which an advertising device is installed, erected or displayed; or
 - (iii) the owner of a vehicle on which an advertising device is installed, erected or displayed.

advertising device means a structure or device which is visible from a road or other public place and which conveys information or directions of any kind (other than a structure or device displayed pursuant to the authority or requirements of an Act) and the term includes any structure forming part of the advertising device or to which the advertising device is attached or on which it is displayed.

awning means a permanent, roof like structure, attached to and projecting from the wall of a building which is generally designed or constructed to provide pedestrians with protection against the weather.

awning face sign see schedule 3, section 1.

banner sign see schedule 3, section 2.

blind/canopy sign see schedule 3, section 3.

boundary fence sign see schedule 3, section 4.

building has the meaning given in the *Building Act 1975*.

building work has the meaning given in the *Building Act 1975*.

bunting sign see schedule 3, section 5.

business nameplate sign see schedule 3, section 6.

canopy —

- (a) means a frame consisting of 1 or more columns supporting a roof which has no walls which may be free-standing or attached to a building; and
- (b) includes a covered walkway, the roof like structure over the driveway of a service station, as well as a tensioned tent like roof designed to provide protection from the weather.

clear zone has the meaning given in the Roadside Advertising Manual, Transport and Main Roads, September 2019.

community organisation sign see schedule 3, section 8.

community service organisation means an incorporated association which is incorporated under the *Associations Incorporation Act 1981*.

created awning line sign see schedule 3, section 24.

directional community organisation sign see schedule 3, section 10.

display home sign see schedule 3, section 25.

election sign see schedule 3, section 39.

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

estate sales sign see schedule 3, section 26.

face area see schedule 4, sections 20 to 24 inclusive.

free-standing sign —

- (a) means a sign which does not form part of a building or other structure which is erected on—
 - (i) a pole or poles, or a pylon structure; or
 - (ii) a solid, free-standing structure; and
- (b) includes—
 - (i) a community organisation sign; and
 - (ii) a display home sign; and
 - (iii) a garage sale sign; and
 - (iv) a pole sign; and
 - (v) a real estate sign; and
 - (vi) a roadside directional sign; and
 - (vii) a social and welfare sign; and
 - (viii) a sporting complex sign; and
 - (ix) a trade sign; and
 - (x) an estate sales sign.

garage sale sign see schedule 3, section 11.

government election has the meaning given in the *Local Government Act 2009*, section 36(4).

government entity has the meaning given the *Local Government Act 2009*, schedule 4.

ground sign see schedule 3, section 27.

hamper sign see schedule 3, section 12.

height means the distance measured between the top of an advertising device and ground level directly adjacent to the advertising device.

illuminated, for an advertising device, means that the advertising device has specifically designed internal, or external or both internal and external, means of illumination of the whole or a portion of the advertising device.

inflatable sign see schedule 3, section 28.

land has the meaning given in the *Sustainable Planning Act 2009*.

limited access road has the meaning given in section 54 of the *Transport Infrastructure Act 1994*.

mobile sign see schedule 3, section 13.

motorway has the meaning given in the *Transport Infrastructure Act 1994*.

motor vehicle sign see schedule 3, section 38.

official traffic sign has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

occupier, of premises—

- (a) means the person who has the control or management of the premises; and
- (b) includes the owner of the premises where there is no person in apparent occupation of the premises.

other category see section 36(3).

owner, of premises, means the person for the time being entitled to receive the rent for the premises or who would be entitled to receive the rent for it if it were let to a tenant at a rent.

permitted advertisement see schedule 1, section 2(2).

pole sign see schedule 3, section 29.

premises means any land, building or structure and includes any part thereof.

projecting sign see schedule 3, section 30.

public facility directional sign see schedule 3, section 31.

public place has the meaning given in the Act.

rateable land has the meaning given in the Act.

real estate sign see schedule 3, section 14.

road has the meaning given in the Act.

roadside directional sign see schedule 3, section 35.

road related area has the meaning given in the *Transport Operators (Road Use Management – Road Rules) Regulation 2009*.

roof means the protective covering, that covers or forms the top of a building.

roof/sky sign see schedule 3, section 32.

sign see advertising device.

sign written non-building structure sign see schedule 3, section 15.

sign written roof sign see schedule 3, section 16.

site community organisation sign see schedule 3, section 9.

social and welfare sign see schedule 3, section 36.

sporting complex sign see schedule 3, section 33.

sporting field means land used for a sport or game and includes a golf course.

sporting field fence sign see schedule 3, section 37.

stall board sign see schedule 3, section 17.

statutory sign see schedule 3, section 18.

street front boundary —

- (a) of premises, means the length, measured in metres, along the alignment of the premises abutting a road or abutting an access restriction strip directly between the premises and a road; and
- (b) if premises continuously abut more than 1 road or access restriction strip directly between the premises and a road, the street front boundary dimensions shall be the total length of those boundaries added together; and
- (c) if premises have more than 1 street front boundary that is not continuous, each street front boundary is to be considered separately.

structure has the meaning given in the Act.

third party advertising, on an advertising device, means the display on the advertising device of—

- (a) the name, logo or symbol of a company, organisation or individual which does not own or substantially occupy the premises or building on which the advertising device is displayed; or
- (b) a product or service which is not supplied at, or available from, the premises on which the advertising device is displayed; or
- (c) an activity or event which does not occur on the premises on which the advertising device is displayed.

trade sign see schedule 3, section 19.

under awning sign see schedule 3, section 34.

vehicle has the meaning given in the local law.

vertical banner sign see schedule 3, section 20.

wall sign see schedule 3, section 21.

window sign see schedule 3, section 22.

This and the preceding 40 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011* prepared and adopted in accordance with section 32 of the *Local Government Act 2009* by Somerset Regional Council by resolution dated the _____ day of _____ (*insert the date of the relevant resolution of Council*) 2022.

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Chief Executive Officer
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