



**Minutes of Ordinary Meeting  
Held 10 August 2022**

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*Held at Kilcoy Explore Centre  
41 Hope Street Kilcoy*

**Present**

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

\*denotes attendance via Teams

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**Opening of Meeting**

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

**Leave of Absence**

Nil

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

Moved – Cr Choat

Seconded – Cr Isidro

“THAT the Minutes of the Ordinary Meeting held 20 July 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 Gaedtke**

The community has welcomed the news with the Department of Transport and Main Roads (TMR) advising the D'Aguilar Highway safety improvements project between Sandy Creek and Kilcoy will now include the construction of a dedicated right-turn lane into Sandy Creek Road. Congratulations to the community who never lost sight of the importance of this traffic safety highway project. Also, many thanks to Deb Frecklington MP, Shayne Neumann MP, and Council staff who strongly supported the community request.

Dan McCoy caught a World Record Australian Bass from Lake Somerset. The fish weighed 4.45 kilograms and took out the Record for weight, outweighing the previous by almost 800 grams. Also, congratulations to the organisers of the very successful Australian Lure Fly and Outdoors Expo that celebrates Australian Lures, Lure Making Fly Tying, Boating and outdoors gear which was held at the Fernvale Showgrounds on Saturday 30 July.

Congratulations to the recipient of the Regional Young Volunteer of the Year Award for the Brisbane Region, volunteer Brock Purdie of the Villeneuve Rural Fire Brigade. These volunteers have demonstrated a special contribution and commitment to their brigade and the RFS. Carrying out services such as, active firefighting, providing hazard prevention and mitigation advice, issuing permits, providing community education and disaster management response and recovery activities across all hazards.

The Lowood Truck Show is on again, at the Lowood Showgrounds on Saturday 20 August at 11:00 am. It is great to see these community events back after the challenging times we have endured. Congratulations also to an outstanding rodeo – Kilcoy Rodeo Association – Saturday 6 August.

**Matters of public interest – Cr Isidro**

August

- 11 Brisbane Valley Interagency meeting, Lowood
- 11 Natural Environment Recovery Group meeting, Teams
- 15 Esk Recreation Advisory site visit
- 15 RADF committee meeting, Esk
- 16 EDTAC committee meeting, Kilcoy
- 16 Esk Racecourse advisory committee meeting, Esk
- 16 Kilcoy District Progress Alliance meeting, Kilcoy
- 17 LDMG meeting
- 17 Esk Christmas Lights planning meeting
- 18 Arts and Culture Evening, Civic Centre
- 23 Joint Collaborative briefing with LVRC
- 24 Council meeting

**Conflict of Interest**

Mayor Lehmann stated that he will be declaring a conflict of interest in agenda item number 31 and 32.

Cr Gaedtke stated that she will be declaring a conflict of interest in agenda item number 32.

Director of Finance declared a conflict of interest in agenda item 11 pursuant to the Employee Conflict of Interest Policy.

<b>Subject:</b>	<b>Lowood Futures Strategy – Draft Concept Master Plan consultation</b>
<b>File Ref:</b>	<b>Planning and Development - Lowood Futures Strategy 2022</b>
<b>Action Officer:</b>	<b>DPAD</b>

**Background/Summary**

Somerset Regional Council has engaged consultants, AECOM, to assist developing a *Lowood Futures Strategy*. The Strategy will:

- Outline opportunities to become a regionally attractive destination and secure new investment.
- Provide a vision and concept master plan that amplifies the town's unique brand and identity.
- Identify the priority policy, development and infrastructure responses required to achieve the vision and master plan.
- Be developed collaboratively with the community, business and government stakeholders.

Council has worked with members of the local community, via the establishment of local community reference group, to develop a Vision and Draft Concept Master Plan for Lowood to guide the *Lowood Futures Strategy*.

The Draft Concept Master Plan for Lowood is presented at both a Township scale and at a Town Centre scale.

Council now seeks broader community input and on the Draft Concept Master Plan for Lowood to help inform the subsequent *Lowood Futures Strategy*. It is proposed for public consultation to be undertaken via Council's 'Have your say' engagement platform from Monday 15 August 2022 until Monday 29 August 2022.

## Attachments

Attachment 1 – *Lowood Futures Strategy – Draft Concept Master Plan*

## Recommendation

THAT Council approve public consultation on the Draft Concept Master Plan for Lowood from Monday 15 August 2022 until Monday 5 September 2022.

### Resolution

Moved – Cr Choat

Seconded – Cr Brieschke

“THAT Council approve public consultation on the Draft Concept Master Plan for Lowood from Monday 15 August 2022 until Monday 5 September 2022”.

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Development Application No. 21399 Change Application to Development Approval – Minor Change under section 81 of the <i>Planning Act 2016</i></b>
<b>File No:</b>	<b>DA21399 Assessment No 05504-00000-000</b>
<b>Action Officer:</b>	<b>SP-MW</b>

### 1.0 APPLICATION SUMMARY

#### Subject Land

Location	Timm Creek Road, Monsildale
Real Property Description	Lot 3 SP238478
Area	223.89ha
Current land use	Dwelling house and agricultural uses
Easements and Encumbrances	Easement over area A on RP109844 (access purposes)

#### Planning Scheme

Planning Scheme	Somerset Region Planning Scheme Version Four
Zone	Rural
Overlays	OM1 Agricultural Land OM3 Biodiversity OM4 Bushfire Hazard OM5 Catchment Management OM10 Landslide Hazard OM12 Scenic Amenity

#### ShapingSEQ

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

Original Category of Assessment	Code Assessable
Original Date of Approval	15 September 2020
Applicants contact details	Roberts Bros Holdings Pty Ltd C/- Murray and Associates (Qld) Pty Ltd PO Box 246

	Nambour Qld 4560
Land Owner	Roberts Bros Holdings Pty Ltd
Date application received	24 June 2022
Date properly made	24 June 2022

**State Agency Referrals**

Concurrence	Nil
Advice	Nil
Third Party Advice	Nil

**RECOMMENDED DECISION**

Approve the request to change the development approval for Development Application No. DA21399 subject to the amended conditions and requirements contained in the Schedules.

**2.0 BACKGROUND TO APPROVAL**

Council at its Ordinary Meeting of 10 November 2021 approved a Material change of use development permit for a Rural Workers Accommodation at Timm Creek Road, Monsildale.

The site has frontage to Timm Creek Road in Monsildale.

**3.0 REQUESTED CHANGE**

This 'Request to Change an Existing Approval' relates to changing the approved plans and Condition 1.1 of the approval. The approved plans are listed in Section 3 of the Decision Notice as well as within Attachment 1 – Conditions of Approval. Both lists of plans will need to be updated to reflect the updated design.

**Condition 1.1****Applicant representations**

The updated design of the accommodation has the building reduced in size and one bedroom removed, in accordance with the current needs of the applicant. The enclosed gross floor area of the design has been reduced from 270m<sup>2</sup> to 90m<sup>2</sup>.

1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Site Plan, drafted by NM, McLaren Design Pty Ltd, Project No. 21-059, Dated 3 August 2021, Sheet 01 Revision D	
	Floor Plan, drafted by NM, McLaren Design Pty Ltd, Project No. 21-059, Dated 3 August 2021, Sheet 02 Revision D	
	Elevations, drafted by NM, McLaren Design Pty Ltd, Project No. 21-059, Dated 3 August 2021, Sheet 03 Revision D	
	Elevations, drafted by NM, McLaren Design Pty Ltd, Project No. 21-059, Dated 3 August 2021, Sheet 04 Revision D	

It is proposed to replace the approved plans with the following plans:

Working Plan, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 1 of 4
Structural Plan and Indicative Section, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 2 of 4
Elevations, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 3 of 4 Site Plan, drafted by Colonial Build
Site Plan, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 4 of 4

#### 4.0 PLANNING CONSIDERATIONS

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

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

#### 5.0 OTHER PLANNING CONSIDERATIONS

##### 5.1 Referral Agencies

In accordance with section 80 of the *Planning Act 2016*, the State Assessment and Referral Agency is not considered an affected entity of the minor change, and as such no comments or conditions have been sought from the state.

##### 5.2 Public awareness of the proposed development

The original application was subject to Code assessment as the application was for a Rural Workers Accommodation within the Rural zone. The original application did not require public notification.

The approved building is on a 238 hectare lot and the approved development is a consistent use within the rural landscape.

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

#### 6.0 CONCLUSION

The proposed minor change to the development approval intends to address an altered design for the development on the site. As such, in this instance it is considered that the proposed changes should be approved.

#### 7.0 ATTACHMENT

Floor Plan, drafted by NM, McLaren Design Pty Ltd, Project No. 21-059, Dated 3 August 2021, Sheet 02 Revision D

1. Approved - Site Plan, drafted by NM, McLaren Design Pty Ltd, Project No. 21-059, Dated 3 August 2021, Sheet 01 Revision D
2. Approved - Floor Plan, drafted by NM, McLaren Design Pty Ltd, Project No. 21-059, Dated 3 August 2021, Sheet 02 Revision D
3. Approved - Elevations, drafted by NM, McLaren Design Pty Ltd, Project No. 21-059, Dated 3 August 2021, Sheet 03 Revision D
4. Approved - Elevations, drafted by NM, McLaren Design Pty Ltd, Project No. 21-059, Dated 3 August 2021, Sheet 04 Revision D

5. Proposed - Working Plan, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 1 of 4
6. Proposed - Structural Plan and Indicative Section, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 2 of 4
7. Proposed - Elevations, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 3 of 4
8. Proposed - Site Plan, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 4 of 4

### RECOMMENDED DECISION

1. That Council approves the Change Application under section 81 of the *Planning Act 2016* for DA21399 for a Development Permit for Material Change of Use for Rural Workers Accommodation on land described as Lot 3 SP238478, situated at Timm Creek Road, Monsildale subject to the conditions contained in the Schedules and Attachments.
2. That Council's report for this application be published to the website as Council's Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

### SCHEDULES

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	<p>Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.</p> <p>Site Plan, drafted by NM, McLaren Design Pty Ltd, Project No. 21-059, Dated 3 August 2021, Sheet 01 Revision D</p> <p>Floor Plan, drafted by NM, McLaren Design Pty Ltd, Project No. 21-059, Dated 3 August 2021, Sheet 02 Revision D</p> <p>Elevations, drafted by NM, McLaren Design Pty Ltd, Project No. 21-059, Dated 3 August 2021, Sheet 03 Revision D</p> <p>Elevations, drafted by NM, McLaren Design Pty Ltd, Project No. 21-059, Dated 3 August 2021, Sheet 04 Revision D</p>	At all times
1.1	<p>Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.</p> <p>Working Plan, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 1 of 4</p> <p>Structural Plan and Indicative Section, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 2 of 4</p> <p>Elevations, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 3 of 4 Site Plan, drafted by Colonial Build</p> <p>Site Plan, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 4 of 4</p>	At all times
1.2	Comply with the relevant provisions of the Somerset Region	At all times

	Planning Scheme, Planning Scheme Policies and Local Laws.	
1.3	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Before the change happens
1.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Before the change happens
1.6	Building works and plumbing and drainage works approvals must be gained.	Before the change happens
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>Public Utilities/Infrastructure</b>	
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times
	<b>Stormwater drainage</b>	
2.4	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.5	Adjoining properties and roadways are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	At all times
	<b>Vehicle access</b>	
2.6	The landowner is responsible for construction and maintenance of vehicular access for the property, from the end of existing gravel section, approximately adjacent to 166 / 167 Timm Creek Road access and the intersection of Un-named Road 4131 in accordance with Council's Policy and Standards, to an all-weather standard.  <i>NOTE: All-weather standard is an access which is capable of being traversed by a two wheel drive vehicle during and after a storm event with no significant damage or deformation to the access. Maintenance will be performed to preserve the</i>	Before the change happens

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

	result in a build-up of sand, silt or mud in the gutter, drain or water.	
<b>SCHEDULE 4 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being six (6) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.		
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Operations department if in Council's opinion a dust nuisance exists.		
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i> ).		
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.		
Applicant is advised that gates and grids on Council road reserve are to be applied for to Council for Approval.		
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 supplied waste-water design report arrives at an equivalent persons figure of 4.5, however, the approved rural workers accommodation is to provide accommodation for up to 8 people. Modification of the waste-water design may be required to accommodate for the total number of people intending to occupy the rural workers accommodation dwelling."		

**Attachments for Decision Notice include:**

- Working Plan, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 1 of 4

- Structural Plan and Indicative Section, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 2 of 4
- Elevations, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 3 of 4
- Site Plan, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 4 of 4

**Resolution**

Moved – Cr Wendt

Seconded – Cr Brieschke

1. "That Council approves the Change Application under section 81 of the *Planning Act 2016* for DA21399 for a Development Permit for Material Change of Use for Rural Workers Accommodation on land described as Lot 3 SP238478, situated at Timm Creek Road, Monsildale subject to the conditions contained in the Schedules and Attachments.
2. That Council's report for this application be published to the website as Council's Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

**SCHEDULES****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
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	Site Plan, drafted by Colonial Building Services, Project No. M436ROB, Dated 11 June 2022, Sheet 4 of 4	

1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times
1.3	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Before the change happens
1.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Before the change happens
1.6	Building works and plumbing and drainage works approvals must be gained.	Before the change happens
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
<b>Public Utilities/Infrastructure</b>		
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times
<b>Stormwater drainage</b>		
2.4	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.5	Adjoining properties and roadways are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	At all times
<b>Vehicle access</b>		
2.6	The landowner is responsible for construction and maintenance of vehicular access for the property, from the end of existing gravel section, approximately adjacent to 166 / 167 Timm Creek Road access and the intersection of Un-named Road 4131 in accordance with Council's Policy and Standards, to an all-weather standard.  <i>NOTE: All-weather standard is an access which is capable of being traversed by a two wheel drive vehicle during and after a storm event with no significant damage or deformation to</i>	Before the change happens

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

	roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.	
<b>SCHEDULE 4 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being six (6) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.		
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Operations department if in Council's opinion a dust nuisance exists.		
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i> ).		
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.		
Applicant is advised that gates and grids on Council road reserve are to be applied for to Council for Approval.		
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 supplied waste-water design report arrives at an equivalent persons figure of 4.5, however, the approved rural workers accommodation is to provide accommodation for up to 8 people. Modification of the waste-water design may be required to accommodate for the total number of people intending to occupy the rural workers accommodation dwelling."		
		<u><i>Carried</i></u>
<i>Vote - Unanimous</i>		

**Subject: Development Application No. 22524**

<b>Development Application for a Development Permit for Material Change of Use for Dwelling House (Secondary Dwelling)</b>	
<b>File No:</b>	<b>DA22524 Assessment No: 05315-35000-000</b>
<b>Action Officer:</b>	<b>SP-MW</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location:	495 Spring Creek Road, Harlin
Real property description:	Lot 2 SP193038
Site area:	25.77 hectares
Current land use:	Dwelling house and associated outbuildings
Easements/encumbrances:	D AP4883, E AP4884 and F AP4885 (High voltage line)

### Somerset Region Planning Scheme (Version Four)

Zone:	Rural zone
Overlays:	OM1 Agricultural land OM5 Catchment management overlay OM7 Flood hazard overlay OM9 Infrastructure OM10 Landslide hazard

### South East Queensland Regional Plan 2017

Land use category:	Regional landscape and rural production area
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### Application

Proposal:	Dwelling house (secondary dwelling)
Category of assessment:	Code assessment
Applicant details:	Craig, Karen, Adam and Krystel Patterson PO Box 116 KILCOY QLD 4515
Owner details:	Craig, Karen, Adam and Krystel Patterson
Date application received:	14 June 2022
Date application properly made:	14 June 2022

<b>Referral agencies</b>	None required
<b>Public Notification</b>	Not required

## RECOMMENDED DECISION

Approve the development application subject to the conditions and requirements contained in the schedules and attachments of this report.

## 2.0 PROPOSAL

This development application seeks approval for a development permit for a material change of use for dwelling house (secondary dwelling) on land at 495 Spring Creek Road, Harlin formally described as Lot 2 SP193038.

The property is in the name of the parents and the son and daughter-in-law. The son and daughter-in-law live in the existing house that was issued with a privately certified building approval in 2017. The secondary dwelling is intended to be utilised by the parents.

The secondary dwelling contains two bedrooms, single bathroom, laundry, and open kitchen living room, with a gross floor area of 105m<sup>2</sup>, compared with 95.5m<sup>2</sup> for the primary dwelling. The secondary dwelling is located approximately 450 metres from the road frontage, and

38.7 metres from the nearest (northern) side boundary. The proposed secondary dwelling is approximately 235 metres from the primary dwelling. Access to the secondary dwelling is provided from the same driveway that serves the existing dwelling.

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

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

The subject land is regular in shape and is improved by an existing dwelling house and shed. Access to the site is via the existing crossover to Spring Creek Road, which is a gravelled Council trunk collector road, and a local road of regional significance.

The proposed secondary dwelling, including effluent disposal areas, are to be located outside of the buffer to the watercourse for the Catchment management overlay.

The proposed development is not located 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 Regional landscape and rural production area. The development application has been assessed against the provisions of the regional plan and the associated regulatory requirements and was found to be consistent.

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

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

The proposal does not impact on any regulated vegetation or koala habitat areas, is not located in proximity to a Queensland heritage place or local heritage place, is not known to be on a contaminated land register, nor involve any environmentally relevant activities.

### **5.0 PLANNING ASSESSMENT – LOCAL PLANNING INSTRUMENTS**

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

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

### 5.1.1 Strategic Framework Assessment

An assessment against the strategic framework assessment was not required as this development application was subject to code assessment.

### 5.1.2 Code Compliance Summary

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

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

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
Rural zone code	Yes	Complies with Accepted outcomes
Dwelling house code	Yes	PO6
Transport access and parking code	Yes	Complies with Accepted outcomes
Applicable Overlay Code	Compliance with Overall Outcomes	Performance Outcomes
No applicable overlay codes	-	-

The proposed dwelling, including its effluent disposal area, are not located within the mapped buffer shown on the Catchment management overlay map.

The assessment of the development proposal against the performance outcomes of the applicable codes is discussed below.

### 5.1.3 Performance Outcome Assessment

#### Dwelling house code

Performance outcome	Acceptable outcome
<b>Secondary dwellings</b>	
<b>PO6</b> The <i>secondary dwelling</i> is small-scale, low-key, and subordinate to the <i>dwelling house</i> .	<b>AO6.1</b> The total maximum <i>gross floor area</i> of the <i>secondary dwelling</i> shall not exceed 60 percent of the gross floor area of the <i>dwelling house</i> on the same <i>site</i> .
<b>Performance outcome assessment</b> The existing house is relatively small, having an area of 95 square metres, while the proposed secondary dwelling has a gross floor area of 105 square metres.  It is recommended that the alternative outcome to AO6.1 be accepted in this instance.	

### 5.1.4 Overall Outcome Assessment

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

## 6.0 OTHER PLANNING CONSIDERATIONS

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

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

### **6.2 Infrastructure charges**

The proposed development is for a secondary dwelling, which does not attract an adopted charge under section 2.4 of the *Somerset Regional Council Charges Resolution (No. 1) 2022*.

No infrastructure charges are applicable, and no infrastructure charges notice is required.

### **6.3 Water supply and sewerage**

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

As the site of the dwelling is not within the connections area, the recommended conditions package requires that the development be provided with sufficient potable water through sufficient onsite storage.

The development conditions also reflect the requirement to obtain plumbing and drainage approval for changes to onsite wastewater treatment.

### **6.4 Electricity and telecommunications**

As the development is in the Rural zone, there is no requirement to connect to reticulated electricity or telecommunications networks. It is understood that the site is connected to both reticulated networks.

### **6.5 Stormwater/drainage**

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

### **6.6 Transport network**

Spring Creek Road is a gravelled access street in Council's road hierarchy. The development will access the road via the existing crossover that serves the existing house. Standard development conditions have been recommended to ensure safety and efficiency of the road 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**

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

No comments or submissions were received.

## **9.0 CONCLUSION**

The proposed development is for a secondary dwelling on land in the Rural zone. The proposal has been assessed against the applicable assessment benchmarks and was found to comply, with any alternative outcomes outlined in this report.

It is recommended that the development application be approved, subject to the imposition of reasonable and relevant development conditions, as outlined in the schedules and attachments.

## 10.0 ATTACHMENTS

- Site Plan, drawn by Lane Design and Drafting, reference Dwg No 2109-17, sheet 3 of 8, dated 1 June 2022.
- Floor Plan, drawn by Lane Design and Drafting, reference Dwg No 2109-17, sheet 4 of 8, dated 1 June 2022.
- Elevations, drawn by Lane Design and Drafting, reference Dwg No 2109-17, sheet 7 of 8, dated 1 June 2022.

## RECOMMENDED DECISION

1. THAT Council approve Development Application No. 22524 for a Development Permit for a Material Change of Use for Dwelling House (Secondary Dwelling) on land situated at 495 Spring Creek Road, Harlin, formally described as Lot 2 SP193038, subject to the recommended conditions and requirements contained in the schedules and 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*.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Site Plan, drawn by Lane Design and Drafting, reference Dwg No 2109-17, sheet 3 of 8, dated 1 June 2022. Floor Plan, drawn by Lane Design and Drafting, reference Dwg No 2109-17, sheet 4 of 8, dated 1 June 2022. Elevations, drawn by Lane Design and Drafting, reference Dwg No 2109-17, sheet 7 of 8, dated 1 June 2022.	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises.	At all times during 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	Prior to the commencement of use.

	subject land.	
1.5	The <i>secondary dwelling</i> is occupied by a relative of the principal <i>household</i> , which forms a single related <i>household</i> .  <i>Note - Two dwellings for separate unrelated households on the same premises is deemed to be dual occupancy.</i>	At all times.
1.6	On-site effluent disposal is to be compliant with the relevant Australian standards.	Prior to the commencement of use.
1.7	Unless connected to a reticulated water supply network, provide a minimum water supply storage capacity of 45,000 litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development.  Or  Unless connected to a reticulated water supply network, provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 litres connected to service all domestic water consumption needs of the development.  <i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i>	Prior to the commencement of use.
1.8	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
<b>SCHEDULE 2 – ENGINEERING</b> <i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>Public Utilities / Infrastructure</b>	
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times.
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
	<b>Stormwater drainage</b>	
2.4	Stormwater drainage and flows are to have a no	At all times.

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

3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase.
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**SCHEDULE 4 – ADVICE**

Assessment Manager

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

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

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

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

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

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

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

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

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

**Attachments for the Decision Notice include:**

- Site Plan, drawn by Lane Design and Drafting, reference Dwg No 2109-17, sheet 3 of 8, dated 1 June 2022.

- Floor Plan, drawn by Lane Design and Drafting, reference Dwg No 2109-17, sheet 4 of 8, dated 1 June 2022.
- Elevations, drawn by Lane Design and Drafting, reference Dwg No 2109-17, sheet 7 of 8, dated 1 June 2022.

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Isidro

1. “THAT Council approve Development Application No. 22524 for a Development Permit for a Material Change of Use for Dwelling House (Secondary Dwelling) on land situated at 495 Spring Creek Road, Harlin, formally described as Lot 2 SP193038, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.
2. THAT the officer report for this application be published to the website as Council’s Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

**SCHEDULE 1 – GENERAL CONDITIONS***Assessment Manager*

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Site Plan, drawn by Lane Design and Drafting, reference Dwg No 2109-17, sheet 3 of 8, dated 1 June 2022. Floor Plan, drawn by Lane Design and Drafting, reference Dwg No 2109-17, sheet 4 of 8, dated 1 June 2022. Elevations, drawn by Lane Design and Drafting, reference Dwg No 2109-17, sheet 7 of 8, dated 1 June 2022.	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to the commencement of use.
1.5	The <i>secondary dwelling</i> is occupied by a relative of the principal <i>household</i> , which forms a single related <i>household</i> .  <i>Note - Two dwellings for separate unrelated households on the same premises is deemed to be dual occupancy.</i>	At all times.

1.6	On-site effluent disposal is to be compliant with the relevant Australian standards.	Prior to the commencement of use.
1.7	<p>Unless connected to a reticulated water supply network, provide a minimum water supply storage capacity of 45,000 litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development.</p> <p>Or</p> <p>Unless connected to a reticulated water supply network, provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 litres connected to service all domestic water consumption needs of the development.</p> <p><i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i></p>	Prior to the commencement of use.
1.8	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
<b>Public Utilities / Infrastructure</b>		
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times.
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
<b>Stormwater drainage</b>		
2.4	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
<b>Vehicle access</b>		
2.5	All vehicular access shall provide convenient and safe access and egress from the site.	At all times.
2.6	The landowner is responsible for maintenance of vehicular access for the property, from the road	At all times.

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

	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.	
<b>SCHEDULE 4 – ADVICE</b>		
Assessment Manager		
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.		
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Operations department if in Council's opinion a dust nuisance exists.		
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.		
This development approval is for the proposed development only. Any additional structures proposed may require their own planning approval and will be assessed on its own merits.		
<i>Carried</i>		
<i>Vote - Unanimous</i>		

Director of Finance declared a conflict of interest in agenda item 11 pursuant to the Employee Conflict of Interest Policy and left the meeting at 9.09am

Agenda item 11 - Development Application No 21973 decision deferred pending the provision of further information after morning tea at 9.16am.

Director of Finance returned to the room at 9.16am

<b>Subject:</b>	<b>Development Application No. 21974</b> <b>Development Application for a Development Permit for Material Change of Use for Extension to Aquaculture</b>
<b>File No:</b>	<b>DA21974</b>
<b>Assessment No:</b>	<b>04583-01100-000</b>
<b>Action Officer:</b>	<b>SP-MW</b>

## 1.0 APPLICATION DETAILS

### Subject Land

Location:	55 O'Grady Road, Redbank Creek
Real property description:	Lot 13 on RP213529
Site area:	2.8 hectares
Current land use:	Dwelling house and existing aquaculture operation.
Easements/encumbrances:	Not applicable

### Somerset Region Planning Scheme (Version Four)

Zone:	Rural zone
Precinct:	Not applicable
Overlays:	OM1 Agricultural land OM3 Biodiversity OM4 Bushfire hazard OM5 Catchment management OM7 Flood hazard OM8 High impact activities management area overlay

### South East Queensland Regional Plan 2017

Land use category:	Regional Landscape and Rural Production Area
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### Application

Proposal:	Extension to Aquaculture
Category of assessment:	Impact assessment
Applicant details:	Sustainable Planning 7/723 Abbotsford Road BOWEN HILLS QLD 4006
Owner details:	Jiazhen Li
Date application properly made:	4 February 2022

### Referral agencies

Third Party Advice	State Assessment and Referral Agency Queensland Bulk Water Supply Authority Trading as SEQ WATER
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### Public notification

Submissions received	Two
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## RECOMMENDED DECISION

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

## 2.0 PROPOSAL

This application seeks approval to construct an Extension to an Aquaculture facility on the property. The applicant's report states:

*It is proposed to build additional building to store vehicle and a hatchery, being a machinery/hatchery shed. The shed will garage five vehicles, a storage room and a hatchery room with two (2) tanks.*

*The two hatchery ponds will have a surface area of 9sqm each connected to an external sediment tank integrated into the design of the building.*

*On 20 December 2019, Somerset Regional Council issued a Development Permit for Aquaculture – Development Approval DA18748. The surface area of the tanks issued to grow prawns (excluding storage water) did not exceed 100m<sup>2</sup>.*

*On 6 July 2020 a minor change was approved to Development Approval DA 18748. A change was made to the configuration of the shed tank locations within the shed and new access driveway. The building had a gross floor area of 399m<sup>2</sup>.*

*The proposed hatchery building will be partly open as carport to garage five (5) vehicles. The remaining part of the shed will be enclosed to contain a series of holding tanks to grow prawn larvae. Once the larvae are 15-20 days old, they will be exported to the growing ponds in the existing aquaculture building.*

*The aquaculture involving the growing of prawns in above ground tanks within the recently constructed building. Currently the prawn post-larvae are obtained from the prawn hatchery at Bribie Island Research Centre. This hatchery produces larvae only in August and September for the traditional Queensland prawn season for growing of prawns in external ponds adjacent to estuarine river systems. As it is proposed to grow prawns all year round, it is proposed to produce prawn larvae on site all year around as well.*

The application was received on 25 March 2022 and required public notification. Two properly made submissions were received during the public notification period.

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 an irregularly shaped allotment with frontage to O'Grady Road to the north. O'Grady Road is a local road that loops onto the Esk Hampton Road and serves 17 properties, including the local fire service. O'Grady Road does not have large amounts of through traffic. As a result, any impacts of the proposed change would only be limited to the residents of the street.

The existing aquaculture use is located toward the front of the site, toward the western boundary. The existing aquaculture building has a gross floor area of 399.6m<sup>2</sup> and an attached verandah of 25.5m<sup>2</sup>.

The site contains an existing house. An intermittent drainage line runs from west to east effectively bisecting the lot into a northern and southern half. The rear boundary of the site adjoins Redbank Creek. The surrounding lots are zoned Rural but are typically two to four hectare lots that contain houses and outbuildings.

### **4.0 PLANNING ASSESSMENT – STATE PLANNING INSTRUMENTS**

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

- the *State Planning Policy 2017*;

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

An assessment of the application against the State Planning Instruments is set out below.

#### **4.1 State Planning Policy**

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

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

#### **4.2 South East Queensland Regional Plan 2017**

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

#### **4.3 Planning Regulation 2017 (Schedule 10)**

The proposal 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.

Parts of the site contain regulated vegetation and koala habitat however that does not include the area proposed for the extension to the aquaculture.

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.

##### Settlement pattern

Specific outcome 3.3.6.1 states:

- (e) *Industry development minimises off-site impacts on nearby sensitive land uses through best practice environmental performance and design;*

Council has received submissions from nearby properties. Responses to these submissions have been addressed in more detail as a part of the public notification section of this report.

##### Natural environment

Specific outcome 3.4.5.1 states:

- (b) *Development that has the potential to release contaminants into the landscape incorporates appropriate mitigation strategies;*

The property adjoins Redbank Creek. While the applicant has proposed some disposal of

waste from the aquacultural practice to an orchard area, details including volumes and contents of the waste has not been addressed. As such, on-site disposal has not been supported in the recommended conditions. This is consistent with the conditions of the original approval.

#### Natural resources

Specific outcome 3.5.6.1 states:

- (d) *Potential adverse impacts on the water quality are managed within property boundaries, having regard to the appropriate siting of development, retention of riparian vegetation and on-site wastewater treatment and stormwater management;*

The property adjoins Redbank Creek. While the applicant has proposed some disposal of waste from the aquacultural practice to an orchard area, details including volumes and contents of the waste has not been addressed. As such, on-site disposal has not been supported in the recommended conditions. This is consistent with the conditions of the original approval.

#### Economic development

Specific outcome 3.7.4.1 states:

- (a) *Agricultural land identified on Strategic Framework Map 4—Economic Development and Natural Resources is protected for its highest and best use for cropping and intensive horticulture, animal husbandry, intensive animal husbandry and other appropriate rural uses that maintain the ongoing productive capacity of these lands;*
- (b) *Sensitive land uses that have the potential to generate land use conflict with the current or future agricultural use of agricultural land are appropriately separated from that land;*
- (c) *Rural industry is located in rural areas where:*
  - (i) *the use is not more appropriately located in an industry area in a town;*
  - (ii) *off-site impacts on amenity, including the impacts of air, noise and odour emissions, and hazardous materials on nearby sensitive land uses and infrastructure networks are appropriately managed; and*
  - (iii) *not located on agricultural land, unless there is an overriding need for the proposal in terms of public benefit and there is no alternative site;*

The development utilises technology to enhance food production in an innovative manner.

While the development largely contains its impacts through the aquaculture operations being carried out inside an existing building, the site is a relatively small rural zoned property with a number of nearby owners on small rural lots. As such there is minimal opportunity for separation or buffering. This may impact on the ultimate future capacity of the development.

#### Infrastructure and services

All required infrastructure/ services are available in the area or is to be appropriately provided on-site. Waste is conditioned to be taken off-site.

#### Transport

The proposed development is generally consistent with all transport outcomes of the Somerset Region 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
Rural zone	Yes	PO2
Services works and infrastructure code	Yes	No alternative solutions proposed
Transport, access and parking code	Yes	PO13
Aquaculture code	Yes	PO2
Landscaping code	Yes	No alternative solutions proposed
Filling and excavation code	Yes	No alternative solutions proposed
Applicable Overlay Code	Compliance with Overall Outcomes	Performance Outcomes
Agricultural land overlay code	Yes	PO1
Bushfire hazard overlay code	Yes	No alternative solutions proposed
Catchment management overlay code	Yes	No alternative solutions proposed
Flood hazard overlay code	Yes	No alternative solutions proposed
HIA management overlay code	Yes	No alternative solutions proposed

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

### 5.1.3 Performance outcome assessment

#### Rural zone

Performance outcome	Acceptable outcome
<b>Site setbacks</b>	
<b>PO2</b> Building setbacks: (a) contribute to the maintenance of the rural character of the zone; and (b) manage potential amenity impacts on <i>sensitive land uses on adjoining premises</i> .	<b>AO2</b> Buildings and structures are setback a minimum 15 metres from all boundaries of the site.
<b>Performance Outcome Assessment</b> The buildings are 10 metres from the side boundary which while inconsistent with the setbacks in the Rural zone complies with the setback provisions in the Aquaculture code.  It is recommended that the alternative solution be accepted in this instance.	

**Aquaculture code**

<p><b>PO2</b> The scale of the use: (a) is consistent with the amenity expectation of the zone; has regard to proximity to <i>sensitive land uses</i>.</p>	<p><b>Where the <i>site</i> has a minimum area of 1 hectare</b> <b>AO2.1</b> The <i>total water surface area</i> does not exceed 50 square metres.</p> <p><b>AO2.2</b> <i>Buildings and structures</i> associated with the use do not exceed a total area of 25 square metres.</p> <p><b>Where the <i>site</i> has a minimum area of 100 hectares</b> <b>AO2.3</b> <i>Buildings and structures</i> associated with the use do not exceed a total area of 100 square metres.</p> <p><b>AO2.4</b> The <i>total water surface area</i> does not exceed 5 hectares.</p>
<p><b>Applicant comment</b> <i>The existing aquaculture has a total water surface area of 100m<sup>2</sup> of tanks involved in the growing of prawns. It is proposed to add two (2) hatchery tanks having a water surface area of 9m<sup>2</sup> each attached to a sediment tank of 8.44m<sup>2</sup> for a total water surface area of 34.88m<sup>2</sup>.</i></p> <p><i>Given the tanks to be used in the growing of the prawns will be kept in a shed or integrated into the design of the shed and unable to be sighted; the proposal is able to maintain the amenity expectations and overall outcomes for the Rural zone.</i></p> <p><i>The proposed new shed while having dimensions of 21.7m x 14.22m will be partially open to be a carport. The proposed extension will involve an additional floor area of 91.4m<sup>2</sup> for the hatchery and 33.5m<sup>2</sup> for a storage room. The size of the shed is not out of keeping with the size of a shed that would be reasonably be expected in a rural area and is in keeping with many other rural buildings and house sizes in close proximity to the site. The ability to visibility site the proposed shed will be diminished due to the following:</i></p> <ol style="list-style-type: none"> <li><i>1. The proposed is set back approximately 63.3m from the road frontage of the site. It is set well back on the lot, on a similar alignment to the existing dwelling house on site.</i></li> <li><i>2. The proposed shed will be difficult to view from the road and/or from neighbouring properties. Existing vegetation on site will be retained around the building and along the side boundaries providing an effective vegetated screen to the adjoining properties to the east and west.</i></li> </ol> <p><i>As the adjoining houses nearby are setback some distance from the proposed shed, the proposal is not considered to unduly influence the prevailing amenity and character of the area. Several of the nearby properties have buildings of much more substantial size and site coverage, which were not subject to development assessment. The appearance of size is able to be mitigated by taking advantage of the existing natural vegetation screening available around the perimeter of the site.</i></p>	

**Performance Outcome Assessment**

The existing development is not a typical aquaculture development in that the tanks are entirely contained within the existing building on the site. The proposed development will continue the internal arrangement of tanks.

The applicant's calculations are incorrect in that the water surface area for the sediment tanks is 30.668m<sup>2</sup> rather than 8.44m<sup>2</sup> and the overall expansion would be 48.668m<sup>2</sup>. As such the development will have a cumulative total surface area of 148.66m<sup>2</sup>.

While some of the nearby properties have buildings of more substantial size, those buildings are not associated with industrial uses.

The development is also generally inconsistent with typical aquaculture uses envisaged by the planning scheme in that those uses typically operate outdoors with a comparatively small building component. The applicant did not reference the 399.6m<sup>2</sup> size of the existing building in their calculations. The development will have a cumulative gross floor area across the two buildings of 524.5m<sup>2</sup> plus 137.4m<sup>2</sup> covered area for vehicles plus a 25m<sup>2</sup> verandah.

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

Overall given the scale of development, effluent disposal requirements, requirements for setback from Redbank Creek, and location of koala habitat over much of the balance of the site, there is no certainty that any future expansion of this development would be approved on site; rather that future expansion may require relocation to a larger rural property or an industrial estate.

**Transport access and parking code**

Performance outcome	Acceptable outcome
<b>Loading and unloading</b>	
<b>PO13</b> Loading and unloading activities do not impact on the amenity of the <i>sensitive land uses</i> .	<b>AO13</b> Where there are adjoining <i>sensitive land uses</i> , refuse collection and other loading and unloading activities occurs during the following period: (a) 7.00am and 6.00pm Monday to Friday; and (b) 8.00am to 5.00pm Saturday and Sunday.
<b>Performance Outcome Assessment</b> Council had not previously received complaints regarding the proposal until the public notification for this application.  As the use expands there is a greater potential for impact upon neighbouring uses.  An additional condition has been included with respect to limiting loading and unloading activities.	

**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 Aquaculture, which is identified as being a High Impact Rural use under Somerset Regional Council Charges Resolution (No. 1) 2022.

The infrastructure charges only relate to the increased gross floor area of the building.

Infrastructure charges are only applicable for the transport network as the site is outside of the Urban footprint. Stormwater network charges are not applicable.

## **6.3 Water supply and sewerage**

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

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

Based on the scale of development, it is likely that a fire service would be required for the development however this would be addressed as part of building certification.

## **6.4 Electricity and telecommunications**

The site is already connected to electricity and telecommunications.

## **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**

O'Grady Road is a local Council road. 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*, the application required referral to SARA as a referral agency applicable for this application. The original application did not trigger the area thresholds for aquaculture, however the proposed expansion did trigger the area threshold.

The applicant referred the application to the State Assessment and Referral Agency (SARA) as a Concurrence Agency.

SARA as the concurrence agency has assessed the impact of the proposed development and requires Council to include the referral agency response in Council's Schedules of Approval for the development application. The reference response is referenced as 2203-27770 SRA and dated 15 June 2022. Refer to Attachment 4 and Schedule 5 of the recommended conditions.

Council sought third-party advice for this application from Seqwater. Advice was received from Seqwater regarding potential impacts of the development upon the catchment.

## 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 24 May 2022.
- (b) A notice was published in The Somerset on 25 May 2022.
- (c) A notice in the prescribed form was placed on the premises on 25 May 2022 and maintained for the minimum period of 15 business days.

Council received the Notice of Compliance on 17 June 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 two submissions. The submissions in part related to issues with the existing development and concerns the expansion may exacerbate those impacts.

**Submitter issue: The owner of 55 O'Grady Road has mentioned that the building utilised for the "Aqua farm" has a kitchen, bathroom and laundry.**

Council response: The existing Aquaculture building contains a bathroom and kitchenette and washing machine laundry. This however does not mean the building is used as a dwelling. If these facilities were not included in this building, the workers would have to use the facilities in the dwelling house on site.

**Submitter issue: It is only a prototype to be used to on-sell business models to others and that the prawns would be harvested only twice a year, all salted water would be trucked in and disposed of off site.**

**The owner stated that he was going to ship in and out salt water for his farming purposes, whilst still being completely sustainable. The owner has stated that he has now switched to using fresh water, taken from our shared bore. Five large water tanks were installed recently next to his existing building these tanks are not connected for rainwater. It may suggest they will be filled from the underground water supply. (original DA18748 item 23.6 Water Resources the application 2 states he would not be taking water from the underground water sources) and again in this DA21974 at item 23.6 it is stated as NO.**

Council response: It is Council's understanding that water will not be sourced from the bore. This will be conditioned. Additional comments regarding waste are provided below.

**Submitter issue: No waste was to be distributed out into the creek and surrounding properties. It is understood that waste is being spread in an onsite fruit orchard, as an experiment to see if he can grow fresh produce with his waste.**

Council response: The disposal of waste is subject to conditions 1.17 to 1.19, 2.7, 3.1, 3.17 to 3.21 of the decision notice, and conditioned off site disposal of waste. The applicant's Biosecurity Plan references spraying effluent on site as fertiliser, however this was only provided as a response to the SARA information request and was not referenced as a part of the application lodged with Council. Spreading of waste was not approved by the existing approval. If this is already happening with the existing development, it is in breach of the conditions of approval.

The applicant's documentation does not address the quantities or quality of waste they propose to be applied to the orchard. While the waste may potentially have some beneficial growth qualities, no detail or analysis has been provided regarding potential contaminants, salts, impact on groundwater and the like.

The SARA response did not specify on-site waste disposal.

No change had been referenced as a part of the application, and the recommended conditions have therefore not been amended to enable on-site spraying.

**Submitter issue: The owner's future plan is also putting in accommodation for his workers.**

Council response: This is not relevant to the subject application.

**Submitter issue: The constant increase of traffic in our quiet street and the abundance of lights he has at night lighting up the whole property is getting beyond frustrating. Last week 2 nights in a row a large truck arrived at approximately 9.15pm and departed at 10.15pm. Reversing beepers used. Most residents in the street are sleeping at this time of night. Also shining truck lights into neighbouring properties across the road.**

Council response: Two drive pasts have been carried out in the evening. A truck was not on site at either time, however there is low level lighting provided along the driveway that is not out of character with the surrounding properties.

The development is subject to noise conditions. The operator is obliged to comply with those conditions.

An additional condition has been included to address hours of loading and unloading in respect of the Performance Outcome PO13 and Acceptable Outcome AO13 of the Transport, access and parking code which state:

*"Loading and unloading activities do not impact on the amenity of the sensitive land uses." and "Where there are adjoining sensitive land uses, refuse collection and other loading and unloading activities occurs during the following period:*

- (a) 7.00am and 6.00pm Monday to Friday; and*
- (b) 8.00am to 5.00pm Saturday and Sunday."*

**Submitter issue: The owner has done a lot of clearing of trees – the vegetation that runs along Redbank Creek was classed as Sub dominate remnant of concern in 2007 by Department of Natural Resources, Mines and Energy. The back section of his property is Koala habitat and this is what he has been clearing.**

Council response: The clearing of koala habitat on the site has been directed to Department of Environment and Science.

**Submitter issue: The owner is now wanting to expand yet again.**

Council response: This is the first request to extend the use.

With respect to the submissions, Council had not received any complaints prior to receipt of the two properly made submissions to this application. As such, Council officers were

unaware of any breaches of conditions. The conditions regarding waste and noise will be carried forward from the original approval. The applicant and owner will be reminded of their obligations to comply with their conditions.

## 9.0 CONCLUSION

The proposed development is for a material change of use for an Extension to Aquaculture. The property is located within the Rural zone.

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, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 02, Issue J, Dated 8 June 2022
2. Ground Floor Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 03, Issue J, Dated 8 June 2022
3. Elevations, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 04, Issue J, Dated 8 June 2022
4. Ground Floor Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 03 Issue 2.4, Dated 27 June 2020
5. Elevations, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 04, Issue 2.4, Dated 27 June 2020.
6. Elevations, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 05, Issue 2.4, Dated 27 June 2020.
7. Environmental Management Plan, Prepared by JA at SMEC, Project Name: Cubic Aqua Tech – Redbank Creek, Project No: 30031776.004, Revision No: Rev00, Dated 26 September 2019.
8. Biosecurity Plan for Hatchery Facility Version 1.0, approved by Martin Zhang, dated 16 May 2022, excluding on-site spraying of effluent
9. Concurrence Agency Response dated 15 June 2022 and referenced as 2203-27770 SRA.
10. Draft Infrastructure Charges Notice

## RECOMMENDED DECISION

1. THAT Council approve the Development Application for a Development Permit for Material Change of Use for Extension to Aquaculture on land situated at 55 O'Grady Road, Redbank Creek, described as Lot 13 R213529, 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.
	Site Plan, Prepared and Drawn by TM at Maxwell Building	

	Design, Drawing No: 02, Issue J, Dated 8 June 2022	
	Ground Floor Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 03, Issue J, Dated 8 June 2022	
	Elevations, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 04, Issue J, Dated 8 June 2022	
	Ground Floor Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 03 Issue 2.4, Dated 27 June 2020	
	Elevations, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 04, Issue 2.4, Dated 27 June 2020.	
	Elevations, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 05, Issue 2.4, Dated 27 June 2020.	
	Environmental Management Plan, Prepared by JA at SMEC, Project Name: Cubic Aqua Tech – Redbank Creek, Project No: 30031776.004, Revision No: Rev00, Dated 26 September 2019.	
	Cubic Aqua Tech Aquaculture Operation Plan, Prepared by MZ and MZ, Report No: 101, Version C, Dated 4 December 2019.	
	Biosecurity Plan for Hatchery Facility Version 1.0, approved by Martin Zhang, dated 16 May 2022, excluding on-site spraying of effluent.	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Before the change happens.
1.5	The development must be maintained in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.	At all times.
1.6	Provide a minimum water supply storage capacity of 45,000 Litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development.  Or  Provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 Litres connected to service all domestic water consumption needs of the development.  <i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i>	Before the change happens.
1.7	Water associated with the aquaculture tanks and sediment tanks are provided with water from external sources rather than from an on-site bore.	At all times.

1.8	Unless connected to a reticulated sewerage network, provide an on-site effluent disposal system that is compliant with the relevant Australian standards.	Before the change happens.
1.9	Building works and plumbing and drainage works approvals must be gained.	Before the commencement of use.
1.10	Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use.  Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a Building Works approval.	At all times.
1.11	The approved Material Change of Use of this site is for an Aquaculture use, and may include any ancillary activities, where these activities remain incidental to and necessarily associated with the approved activities of all times, as determined by Council at the time.  The Aquaculture use is defined by the Planning Scheme (and any subsequent scheme).	Before the change happens.
1.12	External details of the buildings, façade treatment and external materials, colours and finishes must be consistent with the approved drawings and documents. Any design changes to the approved drawings and documents must receive Council's written approval.  <i>Note: The requirement to use particular materials and finishes is imposed only for the purpose of achieving a built form outcome that displays architectural merit. Council has not assessed the materials and finishes for compliance with the Building Act, the Building Fire Safety Regulation, the Building Regulation, the Building Code of Australia, the Queensland Development Code, relevant Australian Standards, fire safety standards or any other relevant requirement of a statutory authority with regard to building work.</i>	At all times.
1.13	Direct to public sale is prohibited to be carried out on-site, except if carried out in a Roadside Stall, as defined by the Planning Scheme (and any subsequent Schemes).  <i>Note: If required by the Planning Scheme at the time of establishment of the Roadside Stall, apply for a Development Permit for the use.</i>	At all times.
	<b>Landscaping</b>	
1.14	A 2m wide landscaping strip for screening purposes using local native vegetation are to be installed along the O'Grady Road frontage of the subject site and along the western side boundary	At all times.

	where adjacent to the Aquaculture sheds, exclusive of the access driveways, generally uncompromised by infrastructure items.  A landscaping plan is to be provided, showing a mixture of trees, and shrubs with a mature height of 2.0-2.5 metres, to provide screening from the road and the side boundary.	
	<b>Building classification</b>	
1.15	If the development reuses any existing buildings and structures on-site, review and if required obtain Building Approvals for the change of classification for these buildings and structures.	Prior to commencement of use.
	<b>Cleaning and Spillage</b>	
1.16	The operation must ensure that:  (a) maintenance and cleaning of equipment (including, but not limited to, vehicle and plant) is carried out in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, water or onto unsealed ground; (b) any spillage of containments is cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the containments into stormwater drainage, a roadside gutter or water; and (c) incident rainfall and overland flow of stormwater does not contact containments (for example, areas with contaminants should be roofed or be protected by diversion drains).	At all times.
	<b>Operations</b>	
1.17	Areas containing the tanks must be bunded.	At all times.
	<b>Waste Storage and Collection</b>	
1.18	Liquid waste to be stored in the waste collection tank and be disposed at a regular interval. The waste collection tank is to be located as depicted in the Ground Floor Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 03, Issue 2.3, Dated 1 June 2020, and Ground Floor Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 03, Issue J, Dated 8 June 2022	At all times.
1.19	Engage a licensed mobile liquid waste collector to collect waste.  The collector is to access the site within the following times: • Monday to Friday: 8 am to 4 pm.	At all times.
1.20	All solid waste is to be disposed accordingly.	At all times.
1.21	All refuse bins are to be stored within a building and screened from public view.	At all times.
	<b>Storage of Dangerous goods, Hazardous substances or</b>	

	<b>Environmentally hazardous materials</b>	
1.22	Any storage of dangerous and hazardous goods in quantities exceeding 200L/200kg but less than 100L/1000kg are to be setback a minimum 100m from Redbank Creek.  If storage of quantities exceeds 1000L/1000kg, unless a site-specific risk assessment presents minimal risk to the drinking water quantity, then storage on-site should not be undertaken.	At all times.
1.23	Any storage of dangerous and hazardous goods is not undertaken at or below the 1% AEP flood level.	At all times.
1.24	Any storage of dangerous and hazardous goods is undercover, in a building (weatherproof). with impervious secondary containment and in a manner that prevents movement of packages during a flood event.  <i>Note: If required, obtain Council's approval for the construction of the storage building.</i>	At all times.
	<b>Bushfire hazard</b>	
1.25	Continue and maintain the existing bushfire management practices on-site for the development.	At all times.
	<b>Acoustic amenity</b>	
1.26	Noise from activity associated with the use of the subject land must not exceed the acoustic Quality Objectives listed in the <i>Environmental Protection (Noise) Policy 2008</i> when measured at any sensitive receptor.	At all times.
1.27	Any refrigeration equipment, pumps, regulated devices, and air conditioning equipment as defined by the <i>Environmental Protection Act 1994</i> must be designed, installed, operated and maintained to comply with the noise standards as specified within the <i>Environmental Protection Act 1994</i> .	At all times.
1.28	All plants and equipment (rooftop chillers, plant decks etc.) located on rooftops must be appropriately screened by acoustic screens.	At all times.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>Public Utilities/Infrastructure</b>	
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times.
2.2	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.3	Repair any damage to Council infrastructure that occurs during	At all times.

	any works carried out in association with the approved development.	
2.4	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times.
	<b>Stormwater drainage</b>	
2.5	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.6	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
2.7	Containments or contaminated water must not be directly or indirectly released from the Premises to surface water or groundwater at or outside the premises except for:  (a) uncontaminated overland stormwater flow; or (b) uncontaminated stormwater to the stormwater system	At all times.
	<b>Vehicle access</b>	
2.8	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards, and to an all-weather standard.  <i>NOTE: All-weather standard is an access which is capable of being traversed by a two wheel drive vehicle during and after a storm event with no significant damage or deformation to the access. Maintenance will be performed to preserve the access as all weather. Drainage structures are to be placed in water courses that have flowing water greater than 200mm in depth during non-storm events.</i>	At all times
2.9	All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Design Standards</i> .	At all times
	<b>Erosion and sediment control</b>	
2.10	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:  <ul style="list-style-type: none"> <li>▪ Be required to install additional measures</li> <li>▪ Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specific time, the Council will complete the work and recover all costs from the developer associated with</p>	At all times.

	the work.	
	<b>Car Parking</b>	
2.11	Retain on-site car parking for four (4) vehicles, in accordance with Council's Planning Scheme requirement.  All car parking and circulation areas to be provided with gravel surface, line marking, or be otherwise designed in accordance with AS2890 and <i>Somerset Regional Council Design Standards</i> .	At all times.
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase.
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> <li>• Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>• Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>• Stockpile any waste on the development site.</li> </ul>	At all times.
3.4	The holder of this development approval must not: <ul style="list-style-type: none"> <li>• Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>• Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase.
3.5	Refuse collection and other loading and unloading activities additional to the items addressed in Condition 1.19 occurs during the following period: <ul style="list-style-type: none"> <li>• 7.00am and 6.00pm Monday to Friday; and</li> <li>• 8.00am to 5.00pm Saturday and Sunday.</li> </ul>	At all times
	<b>Noise</b>	

3.6	The approved development must be carried out by such practicable means necessary to prevent the emission, or likelihood of emission, of noise that constitutes environmental nuisance.	At all times.
3.7	<p>In the event of a complaint about noise being made to the administering authority, and that the administering authority considers is not frivolous or vexatious, then the emission of noise from the development site must not result in levels greater than those specified in the Noise Schedule.</p> <p><i>Noise schedule</i></p> <p>Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level <math>L_{(Amax\ adj, T)}</math></p> <p>(a) Background noise level plus 5 dB(A) 7am to 6pm;  (b) Background noise level plus 5 dB(A) 6 pm to 10 pm;  (c) Background noise level plus 3 dB(A) 10 pm to 7 am.</p> <p>Noise Limits at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level <math>L_{(Amax\ adj, T)}</math></p> <p>(a) Background noise level plus 10 dB(A) 7 am to 6 pm;  (b) Background noise level plus 10 dB(A) 6 pm to 10 pm;  (c) Background noise level plus 8 dB(A) 10 pm to 7 am.</p> <p>Component noise must be limited such that the adjusted A-weighted equivalent continuous noise level, <math>L_{Aeq, adj, 15\ min}</math> when measured at any affected noise sensitive place must not exceed:</p> <p>(a) the background noise level plus 3 dB(A) from 7 am to 6 pm;  (b) the background noise level plus 3 dB(A) from 6 pm to 10 pm;  (c) the background noise level plus 0 dB(A) from 10 pm to 7 am.</p>	At all times.
3.8	This development permit does not authorise any emission of noise that results in environmental nuisance or environmental harm to any "noise sensitive place" located beyond the boundaries of the development site.	At all times.
3.9	When required by the administering authority, the approval holder must submit a Noise Impact Assessment Report prepared by a suitably qualified acoustic consultant.	When directed by the administering authority.
3.10	The approval holder must obtain approval from Council for the Noise Impact Assessment Report in accordance with Condition 3.8 above.	Upon completion of 3.8 above.
3.11	The approval holder must implement all noise attenuation measures recommended in the approved Noise Impact	Upon completion of 3.9 above.

	Assessment Report in order to achieve the specified noise limits.	
3.12	<p>The approval holder must provide certification from a suitably qualified person that:</p> <p>(a) The above attenuation measures have been installed/implemented in accordance with the specifications of the approved Noise Impact Assessment Report; and</p> <p>(b) The development achieves the noise levels specified in the approved Noise Impact Assessment Report.</p>	Upon completion of 3.10 above.
3.13	<p>For the purposes of checking compliance with conditions of the noise schedule, monitoring and recording the noise levels from the approved development must be undertaken for at least the following descriptors, characteristics and conditions:</p> <p>i. <math>L_{Amax, Adj T}</math></p> <p>ii. <math>L_{A90, T}</math> (or <math>L_{A90, T}</math>);</p> <p>iii. <math>L_{AN, T}</math> (where N equals statistical levels of 1, 10, 50, 90 and 99);</p> <p>iv. Max <math>L_{pA T}</math>;</p> <p>v. <math>L_{Aeq, T}</math>;</p> <p>vi. The level and frequency of occurrence of impulsive or tonal noise;</p> <p>vii. Atmospheric conditions including temperature, relative humidity and wind speed and direction; and</p> <p>viii. Effects due to extraneous factors such as traffic noise.</p>	At all times.
3.14	Procedures for assessing, measuring and reporting on noise levels must have regard to, and comply with, in so far as they are relevant, the <i>Environmental Protection (Noise) Policy 2008</i> and the method of measurement and reporting of noise levels as detailed in the Department of Environment and Heritage Protection's Noise Measurement Manual, fourth edition, August 2013, or more recent additions or supplements to that document as they become available. Where these documents may be contradicting, then the <i>Environmental Protection (Noise) Policy 2008</i> shall have precedent.	At all times.
3.15	The method of measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.	At all times.
	<b>Air</b>	
3.16	No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the Premises.	At all times.
	<b>Light</b>	
3.17	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any other premises outside the boundaries of the property to which this	At all times.

	development permit relates.	
	<b>Waste</b>	
3.18	A contaminant (including a waste) must not:  (a) Be buried at the premises; or (b) Be in contact with soil at the premises; or (c) Directly or indirectly seep or penetrate into the soil or groundwater at the premises.	At all times.
3.19	Liquid waste contaminants must be stored in a covered bunded/contained area on an impervious surface in such a manner that will prevent the accidental release of contaminants to stormwater or unsealed ground.	At all times.
3.20	Regulated waste must be identified and segregated from non-compatible waste streams for storage and collection by an approved waste transporter to a suitably licenced waste disposal facility.	At all times.
3.21	Where regulated waste is removed from the place (other than by a release as permitted under this development approval), the operator must monitor and record the following:  (a) The date, quantity and type of waste removed; and (b) Name of the waste transporter and/or disposal operator that removed the waste; and (c) The intended treatment/disposal destination of the waste.	At all times.
	<b>Water</b>	
3.22	Contaminants or contaminated water must not be directly or indirectly released from the premises or to the ground or groundwater at the premises except for:  (a) Uncontaminated overland stormwater flow; (b) Uncontaminated stormwater to the stormwater system; (c) Contaminants lawfully released to sewer; or (d) A release in accordance with a condition of this development approval.	At all times.
3.23	Maintenance and cleaning of equipment must be carried out in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, waters or onto unsealed ground.	At all times.
3.24	Any spillage of contaminants must be cleaned up immediately by a method other than hosing or otherwise releasing the contaminants into stormwater drainage, a roadside gutter, waters or onto unsealed ground.	At all times.
3.25	Contaminants must be stored in such a manner to prevent contact with incident rainfall and overland flow of stormwater.	At all times.
	<b>Nuisance</b>	

3.26	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance to any premises beyond the boundaries of the development site.	At all times.
	<b>Definitions</b>	
	<b>“Adjusted Maximum Sound Pressure Level,”</b> means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using fast response.	
	<b>“Background Noise Level,”</b> means the LA90, T being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than fifteen (15) minutes using fast response.	
	<b>“Commercial place”</b> means a place used as an office or for business or commercial purposes.	
	<b>“Contaminant”</b> can be:  (a) a gas, liquid or solid; or (b) an odour; or (c) an organism (whether alive or dead), including a virus; or (d) energy, including noise, heat, radioactivity and electromagnetic radiation; or (e) a combination of contaminants.	
	<b>“Environmental harm”</b> is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.	
	<b>“Noise sensitive place”</b> means any of the following places:  (a) a dwelling; (b) a library, childcare centre, kindergarten, school, college, university or other educational institution; (c) a hospital, surgery or other medical institution; (d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the <i>Nature Conservation Act 1992</i> ; (e) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.	
	<b>‘Regulated waste’</b> means waste mentioned in Section 64 and Schedule 7 of the <i>Environmental Protection Regulation 2008</i> .	
<b>SCHEDULE 4 – THIRD PARTY ADVICE AGENCY</b>		
<b>Seqwater</b>		
<i>Third Party Agency Response</i>		

<i>Agency Response: Recommend Conditions Apply</i>		
<b>No.</b>	<b>Condition</b>	<b>Timing</b>
4.1	Engage an appropriately qualified wastewater consultant to provide certification of the current on-site wastewater treatment system and effluent land application area, confirming the location of the land application area, as well as the efficient functioning and suitable capacity of all facilities for use by the proposed development. Certification must be provided to Council prior to commencement of the use.	Before commencement of use.
4.2	All uses, buildings, treatment / holding tanks, waste collection / storage areas, parking and vehicular movement areas related to the approved development must maintain a minimum 50m setback to Redbank Creek.	At all times.
4.3	The concrete pad underneath the waste collection tank must be constructed with a small spillage well at the outlet, to capture any minor losses from collection / pump out.	At all times.
4.4	A visible and audible alarm is installed on the waste collection tank, triggered at 90% capacity, to alert the owner of the need for wastewater pump out. Waste collection must be carried out within 24 hours of the alarm activation and undertaken by a certified waste collection contractor for disposal at a registered off-site wastewater facility.	At all times.
4.5	The driveway, parking and all vehicular movement areas must be surfaced with gravel to prevent erosion and sediment transportation.	At all times.
4.6	Any washdown water or wastewater generated by the use is to be directed only to the wastewater collection tank, with no release to land or waters.	At all times
4.7	An Erosion and Sediment Control Plan for pre, during and post construction works is prepared / signed off by an RPEQ. The ESC Plan is to be prepared in compliance with any Council requirements and Acceptable Outcomes AO7.1 – AO7.3 of the <i>Seqwater Development Guidelines for Water Quality Management in Drinking Water Catchments 2017</i> . Any stockpiling of soils or other materials is to maintain a minimum 50m setback to Redbank Creek.	At all times
<b>SCHEDULE 5 – REFERRAL AGENCY</b>		
<b>Department of State Development, Infrastructure, Local Government and Planning</b>		
<i>Concurrence Agency Response</i>		
<i>Agency Response: Recommend Conditions Apply</i>		
Pursuant to section 62 of the <i>Planning Act 2016</i> , the Assessment Manager must, other than to the extent a referral agency's response provide advice, comply with all the referral agency responses and include conditions exactly as stated in the response.		
The Department of State Development, infrastructure, Local Government and Planning as a Concurrence Agency has assessed the impact of the proposed development with respect to		

Schedule 20 of the <i>Planning Regulation 2017</i> and a road access location.
Concurrence Agency Response dated 15 June 2022 and referenced as 2203-27770 SRA.
Concurrence Agency response will be attached to Council's Decision Notice for DA21974.
<b>SCHEDULE 6 – ADVICE</b> <i>Assessment Manager</i>
This approval has effect in accordance with the provisions of section 71 of the <b><i>Planning Act 2016</i></b> . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i>
<b>Currency Period</b> - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being six (6) years starting the day the approval takes effect.
The applicant may make representations ( <b>change representations</b> ) about a matter in this development application within the <b>applicant's appeal period</b> under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Operations department if in Council's opinion a dust nuisance exists.
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i> ).
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits."

**Attachments for the Decision Notice include:**

1. Site Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 02, Issue J, Dated 8 June 2022
2. Ground Floor Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 03, Issue J, Dated 8 June 2022
3. Elevations, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 04, Issue J, Dated 8 June 2022

4. Ground Floor Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 03 Issue 2.4, Dated 27 June 2020
5. Elevations, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 04, Issue 2.4, Dated 27 June 2020.
6. Elevations, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 05, Issue 2.4, Dated 27 June 2020.
7. Environmental Management Plan, Prepared by JA at SMEC, Project Name: Cubic Aqua Tech – Redbank Creek, Project No: 30031776.004, Revision No: Rev00, Dated 26 September 2019.
8. Cubic Aqua Tech Aquaculture Operation Plan, Prepared by MZ and MZ, Report No: 101, Version C, Dated 4 December 2019.
9. Biosecurity Plan for Hatchery Facility Version 1.0, approved by Martin Zhang, dated 16 May 2022, excluding on-site spraying of effluent
10. Concurrence Agency Response dated 15 June 2022 and referenced as 2203-27770 SRA.

**Resolution**

Moved – Cr Whalley

Seconded – Cr Wendt

1. “THAT Council approve the Development Application for a Development Permit for Material Change of Use for Extension to Aquaculture on land situated at 55 O’Grady Road, Redbank Creek, described as Lot 13 R213529, 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.
	Site Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 02, Issue J, Dated 8 June 2022	
	Ground Floor Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 03, Issue J, Dated 8 June 2022	
	Elevations, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 04, Issue J, Dated 8 June 2022	
	Ground Floor Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 03 Issue 2.4, Dated 27 June 2020	
	Elevations, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 04, Issue 2.4, Dated 27 June 2020.	
	Elevations, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 05, Issue 2.4, Dated 27 June 2020.	
	Environmental Management Plan, Prepared by JA at SMEC, Project Name: Cubic Aqua Tech – Redbank Creek, Project No: 30031776.004, Revision No: Rev00, Dated 26 September 2019.	
	Cubic Aqua Tech Aquaculture Operation Plan, Prepared by MZ and MZ, Report No: 101, Version C, Dated 4 December 2019.	

	Biosecurity Plan for Hatchery Facility Version 1.0, approved by Martin Zhang, dated 16 May 2022, excluding on-site spraying of effluent.	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Before the change happens.
1.5	The development must be maintained in accordance with the Approved and Amended Plans and Documents subject to or modified by any conditions of this Development Approval.	At all times.
1.6	Provide a minimum water supply storage capacity of 45,000 Litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development.  Or  Provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 Litres connected to service all domestic water consumption needs of the development.  <i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i>	Before the change happens.
1.7	Water associated with the aquaculture tanks and sediment tanks are provided with water from external sources rather than from an on-site bore.	At all times.
1.8	Unless connected to a reticulated sewerage network, provide an on-site effluent disposal system that is compliant with the relevant Australian standards.	Before the change happens.
1.9	Building works and plumbing and drainage works approvals must be gained.	Before the commencement of use.
1.10	Complete all building work associated with this Development Approval, including work required by any of the conditions of this Development Approval prior to the commencement of use.  Such building work is to be carried out generally in accordance with the Approved Plans and Documents and, where the building work is assessable development, in accordance with a Building Works approval.	At all times.

1.11	<p>The approved Material Change of Use of this site is for an Aquaculture use, and may include any ancillary activities, where these activities remain incidental to and necessarily associated with the approved activities of all times, as determined by Council at the time.</p> <p>The Aquaculture use is defined by the Planning Scheme (and any subsequent scheme).</p>	Before the change happens.
1.12	<p>External details of the buildings, façade treatment and external materials, colours and finishes must be consistent with the approved drawings and documents. Any design changes to the approved drawings and documents must receive Council's written approval.</p> <p><i>Note: The requirement to use particular materials and finishes is imposed only for the purpose of achieving a built form outcome that displays architectural merit. Council has not assessed the materials and finishes for compliance with the Building Act, the Building Fire Safety Regulation, the Building Regulation, the Building Code of Australia, the Queensland Development Code, relevant Australian Standards, fire safety standards or any other relevant requirement of a statutory authority with regard to building work.</i></p>	At all times.
1.13	<p>Direct to public sale is prohibited to be carried out on-site, except if carried out in a Roadside Stall, as defined by the Planning Scheme (and any subsequent Schemes).</p> <p><i>Note: If required by the Planning Scheme at the time of establishment of the Roadside Stall, apply for a Development Permit for the use.</i></p>	At all times.
	<b>Landscaping</b>	
1.14	<p>A 2m wide landscaping strip for screening purposes using local native vegetation are to be installed along the O'Grady Road frontage of the subject site and along the western side boundary where adjacent to the Aquaculture sheds, exclusive of the access driveways, generally uncompromised by infrastructure items.</p> <p>A landscaping plan is to be provided, showing a mixture of trees, and shrubs with a mature height of 2.0-2.5 metres, to provide screening from the road and the side boundary.</p>	At all times.
	<b>Building classification</b>	
1.15	If the development reuses any existing buildings and structures on-site, review and if required obtain Building Approvals for the change of classification for these buildings and structures.	Prior to commencement of use.
	<b>Cleaning and Spillage</b>	
1.16	The operation must ensure that:	At all times.

	<p>(a) maintenance and cleaning of equipment (including, but not limited to, vehicle and plant) is carried out in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, water or onto unsealed ground;</p> <p>(b) any spillage of containments is cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the containments into stormwater drainage, a roadside gutter or water; and</p> <p>(c) incident rainfall and overland flow of stormwater does not contact containments (for example, areas with contaminants should be roofed or be protected by diversion drains).</p>	
	<b>Operations</b>	
1.17	Areas containing the tanks must be bunded.	At all times.
	<b>Waste Storage and Collection</b>	
1.18	Liquid waste to be stored in the waste collection tank and be disposed at a regular interval. The waste collection tank is to be located as depicted in the Ground Floor Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 03, Issue 2.3, Dated 1 June 2020, and Ground Floor Plan, Prepared and Drawn by TM at Maxwell Building Design, Drawing No: 03, Issue J, Dated 8 June 2022	At all times.
1.19	<p>Engage a licensed mobile liquid waste collector to collect waste.</p> <p>The collector is to access the site within the following times:</p> <ul style="list-style-type: none"> <li>Monday to Friday: 8 am to 4 pm.</li> </ul>	At all times.
1.20	All solid waste is to be disposed accordingly.	At all times.
1.21	All refuse bins are to be stored within a building and screened from public view.	At all times.
	<b>Storage of Dangerous goods, Hazardous substances or Environmentally hazardous materials</b>	
1.22	<p>Any storage of dangerous and hazardous goods in quantities exceeding 200L/200kg but less than 100L/1000kg are to be setback a minimum 100m from Redbank Creek.</p> <p>If storage of quantities exceeds 1000L/1000kg, unless a site-specific risk assessment presents minimal risk to the drinking water quantity, then storage on-site should not be undertaken.</p>	At all times.
1.23	Any storage of dangerous and hazardous goods is not undertaken at or below the 1% AEP flood level.	At all times.
1.24	Any storage of dangerous and hazardous goods is undercover, in a building (weatherproof). with impervious secondary containment and in a manner that prevents movement of packages during a flood event.	At all times.

	<i>Note: If required, obtain Council's approval for the construction of the storage building.</i>	
	<b>Bushfire hazard</b>	
1.25	Continue and maintain the existing bushfire management practices on-site for the development.	At all times.
	<b>Acoustic amenity</b>	
1.26	Noise from activity associated with the use of the subject land must not exceed the acoustic Quality Objectives listed in the <i>Environmental Protection (Noise) Policy 2008</i> when measured at any sensitive receptor.	At all times.
1.27	Any refrigeration equipment, pumps, regulated devices, and air conditioning equipment as defined by the <i>Environmental Protection Act 1994</i> must be designed, installed, operated and maintained to comply with the noise standards as specified within the <i>Environmental Protection Act 1994</i> .	At all times.
1.28	All plants and equipment (rooftop chillers, plant decks etc.) located on rooftops must be appropriately screened by acoustic screens.	At all times.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>Public Utilities/Infrastructure</b>	
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times.
2.2	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
2.4	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times.
	<b>Stormwater drainage</b>	
2.5	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.6	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
2.7	Containments or contaminated water must not be directly or indirectly released from the Premises to surface water or	At all times.

	groundwater at or outside the premises except for: (a) uncontaminated overland stormwater flow; or (b) uncontaminated stormwater to the stormwater system	
	<b>Vehicle access</b>	
2.8	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards, and to an all-weather standard.  <i>NOTE: All-weather standard is an access which is capable of being traversed by a two wheel drive vehicle during and after a storm event with no significant damage or deformation to the access. Maintenance will be performed to preserve the access as all weather. Drainage structures are to be placed in water courses that have flowing water greater than 200mm in depth during non-storm events.</i>	At all times
2.9	All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Design Standards</i> .	At all times
	<b>Erosion and sediment control</b>	
2.10	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:  <ul style="list-style-type: none"> <li>▪ Be required to install additional measures</li> <li>▪ Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specific time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
	<b>Car Parking</b>	
2.11	Retain on-site car parking for four (4) vehicles, in accordance with Council's Planning Scheme requirement.  All car parking and circulation areas to be provided with gravel surface, line marking, or be otherwise designed in accordance with AS2890 and <i>Somerset Regional Council Design Standards</i> .	At all times.
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by	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	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>• Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>• Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>• Stockpile any waste on the development site.</li> </ul>	At all times.
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>• Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>• Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase.
3.5	<p>Refuse collection and other loading and unloading activities additional to the items addressed in Condition 1.19 occurs during the following period:</p> <ul style="list-style-type: none"> <li>• 7.00am and 6.00pm Monday to Friday; and</li> <li>• 8.00am to 5.00pm Saturday and Sunday.</li> </ul>	At all times
	<b>Noise</b>	
3.6	The approved development must be carried out by such practicable means necessary to prevent the emission, or likelihood of emission, of noise that constitutes environmental nuisance.	At all times.
3.7	<p>In the event of a complaint about noise being made to the administering authority, and that the administering authority considers is not frivolous or vexatious, then the emission of noise from the development site must not result in levels greater than those specified in the Noise Schedule.</p> <p><i>Noise schedule</i></p> <p>Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level <math>L_{(Amax\ adj, T)}</math></p> <ul style="list-style-type: none"> <li>(a) Background noise level plus 5 dB(A) 7am to 6pm;</li> <li>(b) Background noise level plus 5 dB(A) 6 pm to 10 pm;</li> <li>(c) Background noise level plus 3 dB(A) 10 pm to 7 am.</li> </ul>	At all times.

	<p>Noise Limits at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level <math>L_{(Amax\ adj, T)}</math></p> <p>(a) Background noise level plus 10 dB(A) 7 am to 6 pm;  (b) Background noise level plus 10 dB(A) 6 pm to 10 pm;  (c) Background noise level plus 8 dB(A) 10 pm to 7 am.</p> <p>Component noise must be limited such that the adjusted A-weighted equivalent continuous noise level, <math>L_{Aeq, adj, 15\ min}</math> when measured at any affected noise sensitive place must not exceed:</p> <p>(a) the background noise level plus 3 dB(A) from 7 am to 6 pm;  (b) the background noise level plus 3 dB(A) from 6 pm to 10 pm;  (c) the background noise level plus 0 dB(A) from 10 pm to 7 am.</p>	
3.8	This development permit does not authorise any emission of noise that results in environmental nuisance or environmental harm to any "noise sensitive place" located beyond the boundaries of the development site.	At all times.
3.9	When required by the administering authority, the approval holder must submit a Noise Impact Assessment Report prepared by a suitably qualified acoustic consultant.	When directed by the administering authority.
3.10	The approval holder must obtain approval from Council for the Noise Impact Assessment Report in accordance with Condition 3.8 above.	Upon completion of 3.8 above.
3.11	The approval holder must implement all noise attenuation measures recommended in the approved Noise Impact Assessment Report in order to achieve the specified noise limits.	Upon completion of 3.9 above.
3.12	<p>The approval holder must provide certification from a suitably qualified person that:</p> <p>(a) The above attenuation measures have been installed/implemented in accordance with the specifications of the approved Noise Impact Assessment Report; and  (b) The development achieves the noise levels specified in the approved Noise Impact Assessment Report.</p>	Upon completion of 3.10 above.
3.13	<p>For the purposes of checking compliance with conditions of the noise schedule, monitoring and recording the noise levels from the approved development must be undertaken for at least the following descriptors, characteristics and conditions:</p> <p>i. <math>L_{Amax, Adj\ T}</math>  ii. <math>L_{Abg, T}</math> (or <math>L_{A90, T}</math>);</p>	At all times.

	<ul style="list-style-type: none"> <li>iii. <math>L_{AN, T}</math> (where N equals statistical levels of 1, 10, 50, 90 and 99);</li> <li>iv. <math>\text{Max } L_{pA, T}</math>;</li> <li>v. <math>L_{Aeq, T}</math>;</li> <li>vi. The level and frequency of occurrence of impulsive or tonal noise;</li> <li>vii. Atmospheric conditions including temperature, relative humidity and wind speed and direction; and</li> <li>viii. Effects due to extraneous factors such as traffic noise.</li> </ul>	
3.14	Procedures for assessing, measuring and reporting on noise levels must have regard to, and comply with, in so far as they are relevant, the <i>Environmental Protection (Noise) Policy 2008</i> and the method of measurement and reporting of noise levels as detailed in the Department of Environment and Heritage Protection's Noise Measurement Manual, fourth edition, August 2013, or more recent additions or supplements to that document as they become available. Where these documents may be contradicting, then the <i>Environmental Protection (Noise) Policy 2008</i> shall have precedent.	At all times.
3.15	The method of measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.	At all times.
	<b>Air</b>	
3.16	No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the Premises.	At all times.
	<b>Light</b>	
3.17	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any other premises outside the boundaries of the property to which this development permit relates.	At all times.
	<b>Waste</b>	
3.18	<p>A contaminant (including a waste) must not:</p> <ul style="list-style-type: none"> <li>(a) Be buried at the premises; or</li> <li>(b) Be in contact with soil at the premises; or</li> <li>(c) Directly or indirectly seep or penetrate into the soil or groundwater at the premises.</li> </ul>	At all times.
3.19	Liquid waste contaminants must be stored in a covered bunded/contained area on an impervious surface in such a manner that will prevent the accidental release of contaminants to stormwater or unsealed ground.	At all times.
3.20	Regulated waste must be identified and segregated from non-compatible waste streams for storage and collection by an approved waste transporter to a suitably licenced waste disposal	At all times.

	facility.	
3.21	Where regulated waste is removed from the place (other than by a release as permitted under this development approval), the operator must monitor and record the following:  (a) The date, quantity and type of waste removed; and (b) Name of the waste transporter and/or disposal operator that removed the waste; and (c) The intended treatment/disposal destination of the waste.	At all times.
	<b>Water</b>	
3.22	Contaminants or contaminated water must not be directly or indirectly released from the premises or to the ground or groundwater at the premises except for:  (a) Uncontaminated overland stormwater flow; (b) Uncontaminated stormwater to the stormwater system; (c) Contaminants lawfully released to sewer; or (d) A release in accordance with a condition of this development approval.	At all times.
3.23	Maintenance and cleaning of equipment must be carried out in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, waters or onto unsealed ground.	At all times.
3.24	Any spillage of contaminants must be cleaned up immediately by a method other than hosing or otherwise releasing the contaminants into stormwater drainage, a roadside gutter, waters or onto unsealed ground.	At all times.
3.25	Contaminants must be stored in such a manner to prevent contact with incident rainfall and overland flow of stormwater.	At all times.
	<b>Nuisance</b>	
3.26	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance to any premises beyond the boundaries of the development site.	At all times.
	<b>Definitions</b>	
	<b>“Adjusted Maximum Sound Pressure Level,”</b> means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using fast response.	
	<b>“Background Noise Level,”</b> means the LA90, T being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than fifteen (15) minutes using fast response.	
	<b>“Commercial place”</b> means a place used as an office or for	

	business or commercial purposes.	
	<p><b>“Contaminant”</b> can be:</p> <ul style="list-style-type: none"> <li>(a) a gas, liquid or solid; or</li> <li>(b) an odour; or</li> <li>(c) an organism (whether alive or dead), including a virus; or</li> <li>(d) energy, including noise, heat, radioactivity and electromagnetic radiation; or</li> <li>(e) a combination of contaminants.</li> </ul>	
	<p><b>“Environmental harm”</b> is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.</p>	
	<p><b>“Noise sensitive place”</b> means any of the following places:</p> <ul style="list-style-type: none"> <li>(a) a dwelling;</li> <li>(b) a library, childcare centre, kindergarten, school, college, university or other educational institution;</li> <li>(c) a hospital, surgery or other medical institution;</li> <li>(d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the <i>Nature Conservation Act 1992</i>;</li> <li>(e) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.</li> </ul>	
	<p><b>‘Regulated waste’</b> means waste mentioned in Section 64 and Schedule 7 of the <i>Environmental Protection Regulation 2008</i>.</p>	
<p><b>SCHEDULE 4 – THIRD PARTY ADVICE AGENCY</b>  <b>Seqwater</b>  <i>Third Party Agency Response</i>  <i>Agency Response: Recommend Conditions Apply</i></p>		
<b>No.</b>	<b>Condition</b>	<b>Timing</b>
4.1	Engage an appropriately qualified wastewater consultant to provide certification of the current on-site wastewater treatment system and effluent land application area, confirming the location of the land application area, as well as the efficient functioning and suitable capacity of all facilities for use by the proposed development. Certification must be provided to Council prior to commencement of the use.	Before commencement of use.
4.2	All uses, buildings, treatment / holding tanks, waste collection / storage areas, parking and vehicular movement areas related to the approved development must maintain a minimum 50m setback to Redbank Creek.	At all times.
4.3	The concrete pad underneath the waste collection tank must be constructed with a small spillage well at the outlet, to capture any minor losses from collection / pump out.	At all times.

4.4	A visible and audible alarm is installed on the waste collection tank, triggered at 90% capacity, to alert the owner of the need for wastewater pump out. Waste collection must be carried out within 24 hours of the alarm activation and undertaken by a certified waste collection contractor for disposal at a registered off-site wastewater facility.	At all times.
4.5	The driveway, parking and all vehicular movement areas must be surfaced with gravel to prevent erosion and sediment transportation.	At all times.
4.6	Any washdown water or wastewater generated by the use is to be directed only to the wastewater collection tank, with no release to land or waters.	At all times
4.7	An Erosion and Sediment Control Plan for pre, during and post construction works is prepared / signed off by an RPEQ. The ESC Plan is to be prepared in compliance with any Council requirements and Acceptable Outcomes AO7.1 – AO7.3 of the <i>Seqwater Development Guidelines for Water Quality Management in Drinking Water Catchments 2017</i> . Any stockpiling of soils or other materials is to maintain a minimum 50m setback to Redbank Creek.	At all times

#### **SCHEDULE 5 – REFERRAL AGENCY**

**Department of State Development, Infrastructure, Local Government and Planning**  
**Concurrence Agency Response**

*Agency Response: Recommend Conditions Apply*

Pursuant to section 62 of the *Planning Act 2016*, the Assessment Manager must, other than to the extent a referral agency's response provide advice, comply with all the referral agency responses and include conditions exactly as stated in the response.

The Department of State Development, infrastructure, Local Government and Planning as a Concurrence Agency has assessed the impact of the proposed development with respect to Schedule 20 of the *Planning Regulation 2017* and a road access location.

Concurrence Agency Response dated 15 June 2022 and referenced as 2203-27770 SRA.

Concurrence Agency response will be attached to Council's Decision Notice for DA21974.

#### **SCHEDULE 6 – ADVICE**

*Assessment Manager*

This approval has effect in accordance with the provisions of section 71 of the ***Planning Act 2016***. *[A copy of section 71 will be enclosed with the Decision Notice]*

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

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

The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Operations department if in Council's opinion a dust nuisance exists.
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i> ).
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits."
<u>Carried</u>
<i>Vote - Unanimous</i>

<b>Subject:</b>	<b>Development Application No. 22189</b>
	<b>Development Application for a Development Permit for Material Change of Use for Workforce Accommodation (150 persons)</b>
<b>File No:</b>	<b>DA22189 Assessment No: 81044-00000-000</b>
<b>Action Officer:</b>	<b>SP-MW</b>

## 1.0 APPLICATION DETAILS

### Subject Land

Location:	D'Aguilar Highway, Winya
Real property description:	Lot 2 RP108418
Site area:	26.78 hectares
Current land use:	Vacant land
Easements/encumbrances:	Easement no 703959677 Burdening the land to Allgas Pipelines Operations Pty Ltd

### Somerset Region Planning Scheme (Version Four)

Zone:	Rural zone
Precinct:	Not applicable
Overlays:	OM1 Agricultural land OM4 Bushfire hazard OM8 High impact activities management area overlay OM9 Infrastructure OM10 Landslide hazard

**South East Queensland Regional Plan 2017**

Land use category: Regional Landscape and Rural Production Area

**Application**

Proposal: Workforce Accommodation (150 persons)

Category of assessment: Impact assessment

Applicant details: Kilcoy Global Foods  
C/- HPC Planning  
Level 11, 127 Creek Street  
BRISBANE QLD 4000

Owner details: Kilcoy Land Australia Pty Ltd

Date application properly made: 25 March 2022

**Referral agencies**

State Assessment and Referral Agency

**Public notification**

Required

Submissions received

None

**RECOMMENDED DECISION**

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

**2.0 PROPOSAL**

This application seeks approval to construct Workforce Accommodation (150 person workers accommodation) and Ancillary Uses on the property. The applicant's report states:

*The proposed Workers accommodation and ancillary uses are to be provided for the purpose of providing accommodation for employees of surrounding lots owned and operated by the Kilcoy Global Foods group of companies, primarily in association with the approved Meat processing facility.*

*The meat processing facility is approved for High impact industry, and is a major employer in the region, aligning with the land-use definition. The meat processing facility and associated uses has been the primary employer in the region for many years currently employing around 1,700 staff.*

*The provision of Workers accommodation is in direct response to extreme labour shortages, very low unemployment rates, and coupled with housing shortages in the surrounding area. These factors are impacting on Kilcoy Global Foods operations. It is estimated that the proposed workers accommodation facility for 150 people could potentially provide upwards of \$300m value to the local and broader (QLD) economy through wages, additional livestock purchases, utilisation of goods and services and numerous ancillary economic benefits through subsequent rounds of (re)expenditure in the economy.*

*The ancillary aspects for development will include the following items:*

- *Workers accommodation units – providing three unit types;*
- *Recreation facilities including a communal outdoor gym and activities facility, basketball court and tennis court;*
- *Communal barbeque and outdoor seating areas for blocks of units;*
- *Communal kitchen and laundry;*
- *Caretaker's accommodation for site management;*
- *Amenities including laundry and toilet facilities;*
- *On-site waste treatment;*
- *74 car parking spaces;*

- *On-site bus pick-up and set-down area;*
- *Internal footpath network;*
- *Internal landscaping and dense landscape buffers.*

Access to the site is proposed via the D'Aguilar Highway service road which is accessed from Neurum Road.

The application was received on 25 March 2022 and required public notification. No submissions were received during the public notification period.

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 generally wedge-shaped allotment with frontage to D'Aguilar Highway to the north, Neurum Road to the south and Winya Road to the east. D'Aguilar Highway is a State-controlled road. Neurum Road is a sealed trunk collector road in Council's road hierarchy. Winya Road is a sealed major access street road in Council's road hierarchy.

The site comprises improved pastures with scattered trees. A ridgeline runs generally eastward from near the westernmost corner of the site. The development is generally proposed in proximity to that ridgeline and the north facing slope to the north of the ridgeline. The southern half of the site contains a drainage line / overland flow path which directs water ultimately toward the southern boundary of the site before flowing eastward toward Sandy Creek.

The land on the opposite side of the D'Aguilar Highway is dominated by the Kilcoy Global Foods meat processing plant. The other uses in the vicinity of the site include the following uses:

- Five small-lot Dwelling Houses adjoining the site to the north-west;
- Rural grazing land to the south, east and north;
- Large-Lot rural Dwelling Houses, located to the east over Winya Road;
- Composting facility to the west along D'Aguilar Highway;
- Power Station to the west along D'Aguilar Highway;
- Industrial storage depots to the north-east across Winya Road; and
- Kilcoy Township to the west along D'Aguilar Highway.

The property is to be connected to water, telecommunications, and electricity infrastructure networks. It is proposed to address effluent disposal via an on-site disposal system.

The proposal involves the treatment of effluent and wastewater via an on-site sewage treatment plant and a 12,500m<sup>2</sup> sub-surface irrigation system. This proposed arrangement triggers the threshold for sewage treatment works that have a total daily peak capacity exceeding 21 EP (under Schedule 2, Part 13, s63 of the *Environmental Protection Regulation 2019*) and as such is a Prescribed Environmentally Relevant Activity (ERA). Kilcoy Global Foods holds an environmental authority for ERA63.

The proposed development is within 500m of the Kilcoy Global Foods abattoir, but not within 500m of any other 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 Regional Landscape and Rural Production Area. The development application has been assessed against the provisions of the regional plan and the associated regulatory requirements and was found to be consistent.

#### **4.3 Planning Regulation 2017 (Schedule 10)**

The proposal 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. The proposed use itself is not an environmentally relevant activity, however the proposed site had been used as part of Kilcoy Global Food's irrigation area associated with effluent disposal from the plant. The applicant is addressing a change to the Environmental Authority separately to this application, however a condition has been included requiring the change to be carried out prior to building works commencing on site.

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.

##### Settlement pattern

The proposal seeks to provide a non-resident workforce accommodation land use adjacent to the town of Kilcoy to support the operations of the meat processing facility, a major employer in the region. The workers accommodation facility is located close to the existing abattoir (and associated uses) and will support the nearby town of Kilcoy. All necessary urban infrastructure is available in the area.

There is limited residential housing stock in Kilcoy and Woodford. A search on the *realestate.com* website on 7 July 2022 referenced 8 houses or units for sale and two properties for rent in Kilcoy, and referenced 108 houses or units for sale and 11 properties for rent in Woodford (and some of the Woodford references doubled up on the Kilcoy properties). Only five houses in Woodford were priced for sale under \$600,000. In summary:

- The proposed development will provide a cost-effective accommodation option for workers of the adjacent High impact industry (abattoir) land use.
- Transport costs are minimised through the close proximity of workers to their workplace. Public transport (buses) is provided from the accommodation facility to the town of Kilcoy, reducing travel costs.
- The workers accommodation seeks to respond to the individual needs and are located in very close proximity to employment.
- Facilities are provided for workers on-site.
- These factors support the management of living costs.

The application is designed to operate in conjunction with the meat processing facility.

#### Natural environment

There are no particularly significant environmental features present on the site, such as environmentally significant vegetation or waterways. Natural hazards (bushfire, landslide etc.) have been appropriately considered.

#### Natural resources

Although situated within the Rural zone, the subject land is identified on Strategic Framework Map 4 (a) as 'Possible future industrial development area'. The land use seeks to provide accommodation facilities to support the operations of the High impact industry (abattoir) on adjacent land situated within the 'Industrial development area'.

The property is setback from the higher level watercourses that drain into Lake Somerset.

#### Community identity and regional character landscape

The proposed development does not result in impacts upon the natural landscape qualities, sporting and recreation facilities, cultural heritage or important community elements of the Somerset Region. The application has been supported with a conceptual landscaping plan which will improve the visual amenity of the development in terms of the eastern town approach along the D'Aguilar Highway.

#### Economic development

Specific outcome 3.7.3.1 states:

- (a) The industrial development areas located in the towns of Esk, Fernvale, Kilcoy, Lowood and Toogoolawah identified on Strategic Framework Map 4—Economic Development and Natural Resources are generally developed as follows:
  - (i) the industrial development areas of Esk, Fernvale, Kilcoy, Lowood and Toogoolawah accommodate low impact industry activities;
  - (ii) the industrial development areas located on the D'Aguilar Highway east of Kilcoy accommodate a mix of low impact industry and high impact industry;
- (b) Industrial land is protected from reverse amenity impacts and/or other land use conflicts having regard to:
  - (i) the location of business activities in the Industrial Development Areas of Esk, Fernvale, Kilcoy, Lowood and Toogoolawah identified on Strategic Framework Map 4— Economic Development and Natural Resources that are not ancillary to an industry activity is not supported;
  - (ii) the operation of higher impact industry activities in Lowood and Kilcoy are protected from encroachment by sensitive land uses, where not ancillary to the industry use of a site;
  - (iii) the level of impact associated with an industry use is appropriate for its location;

The subject site is identified on Strategic Framework Map 4 (a) as 'Possible future industrial development area' and provides a direct support function to the High impact industry (abattoir) land use, located in adjacent 'Industrial development area'. As the proposed use is to support the operation of the High impact industry use, the proposal will not prejudice the ability of future industrial expansion in the area. As previously indicated there is limited affordable residential stock available in the area for rent or purchase.

While provision of residential accommodation is not encouraged in proximity to high impact industry, the accommodation is provided for employees of the meat processing facility and is proposed with ancillary recreational facilities to improve the amenity of the development for residents.

#### Infrastructure and services

All required infrastructure/ services are available in the area or is to be appropriately provided on-site.

#### Transport

The proposed development is generally consistent with all transport outcomes of the Somerset Region Planning Scheme. The proposed development alleviates impacts to the transport network through the provision of an accommodation facility within very close proximity to the associated employer. A bus service, providing direct access to the Kilcoy township is to be implemented, encouraging group transport and reducing reliance on private vehicles.

It is considered that the proposal generally complies with the zone and development codes in parts 6 and 8 of the planning scheme and 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.

<b>Applicable Code</b>	<b>Compliance with Overall Outcomes</b>	<b>Performance Outcomes</b>
Rural zone	Yes	PO2
Services works and infrastructure code	Yes	PO5, PO12
Transport, access and parking code	Yes	PO7, PO12
Landscaping code	Yes	No alternative solutions proposed
Filling and excavation code	Yes	PO2, PO6, PO8
<b>Applicable Overlay Code</b>	<b>Compliance with Overall Outcomes</b>	<b>Performance Outcomes</b>
Agricultural land overlay code	Yes	PO1
High impact activities management area overlay code	Yes	No alternative solutions proposed

Infrastructure overlay code	Yes	PO1, PO5
Landslide hazard overlay code	Yes	No alternative solutions proposed
Scenic amenity overlay code	Yes	No alternative solutions proposed

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

### 5.1.3 Performance outcome assessment

#### Rural zone

Performance outcome	Acceptable outcome
<b>Site setbacks</b>	
<b>PO2</b> Building setbacks: (c) contribute to the maintenance of the rural character of the zone; and (d) manage potential amenity impacts on <i>sensitive land uses on adjoining premises</i> .	<b>AO2</b> Buildings and structures are setback a minimum 15 metres from all boundaries of the site.
<b>Performance Outcome Assessment</b> All buildings except the caretaker's accommodation are over 15m from property boundaries.  The caretaker's residence is located within a part of the site that is only 40m wide and designed to appear as a separate house generally consistent with houses on the lots to the north and south.  It is recommended that the alternative solution be accepted in this instance.	

#### Agricultural land overlay code

<b>PO1</b> Loss, fragmentation, alienation or diminished capacity of agricultural land is avoided unless: (a) an overriding need exists for the development in terms of public benefit; (b) no suitable alternative site exists; loss or fragmentation is minimised to the extent possible.	<b>Where for a material change of use in the Rural zone</b> <b>AO1.1</b> Development (inclusive of the <i>development footprint</i> ) is not located on land identified as Agricultural land Class A or Class B or Important Agricultural Areas on the <b>Agricultural land overlay maps OM01a-b</b> unless identified in <b>Table 7.2.1.3.B</b> .  <b>AO1.2</b> The <i>development footprint</i> for development other than <i>rural activities</i> identified in <b>Table 7.2.1.3.B</b> is equal to or less than 750m <sup>2</sup> on land identified as Agricultural land Class A or Class B or Important Agricultural Areas on the <b>Agricultural land overlay maps OM01a-b</b> .
<b>Performance Outcome Assessment</b>	

Approximately 5 hectares of the 26 hectare subject site is within the Class A Agricultural Land area. It would be difficult to carry out agricultural development on this part of the site in that the affected area adjoins a cluster of 20 small lots within the Emerging Community zone, of which a number are currently being used for residential purposes.

The development is proposed as an ancillary development to the Kilcoy Global Foods meat processing plant, in that it is designed to provide accommodation for persons employed at the plant.

While residential development is typically not a use associated with Agricultural land, the proximate meat processing plant has a direct nexus to intensive animal industry which is a listed use in Table 7.2.1.3.B.

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

### Infrastructure overlay code

Performance outcome	Acceptable outcome
<b>Gas pipelines</b>	
<b>PO1</b> <i>Buildings and structures</i> are designed and sited to: <ul style="list-style-type: none"> <li>(a) minimise risk of harm to people and property; and</li> <li>(b) avoid damaging or adversely affecting the existing or future operation of gas pipelines and the supply of gas.</li> </ul>	<b>AO1.1</b> <i>Buildings and structures</i> are setback a minimum of 50 metres from a <i>gas pipeline</i> as identified on the <b>Infrastructure overlay maps OM009a-g</b> .
<b>Performance Outcome Assessment</b> A number of units are within the 50m setback to the future gas pipeline, but are clear of the easement boundary. The application was referred to APA but no response was provided from the advice agency.  It is recommended that the alternative solution be accepted in this instance.	
<b>Highways and main roads</b>	
<b>PO5</b> <i>Development</i> is located, designed and constructed to ensure that noise from <i>Highways and Main roads</i> do not adversely affect: <ul style="list-style-type: none"> <li>(a) the development's primary function; and</li> <li>(b) the wellbeing of occupants including their ability to sleep, work or otherwise undertake quiet enjoyment without unreasonable interference from <i>road</i> traffic noise.</li> </ul>	<b>AO5.1</b> Where adjoining a <i>Highway</i> or <i>Main road</i> and not located in an <i>urban area</i> , <i>buildings</i> are setback a minimum of 40 metres from the property boundary adjoining a <i>Highway</i> or <i>Main road</i> as identified on the <b>Infrastructure overlay maps OM009a-g</b> .  <b>AO5.2</b> Where adjoining a <i>Highway</i> or <i>Main Road</i> as identified on the <b>infrastructure overlay maps OM009a-g</b> , development ensures that a <i>sensitive land use</i> achieves the relevant road traffic noise criteria of the Queensland Development Code.
<b>Performance Outcome Assessment</b> The caretaker's accommodation is within 40 metres of the State-controlled road. All other buildings are over 40 metres from the State-controlled road.	

A SARA response has been provided with respect to the development.

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

### Filling and excavation code

Performance outcome	Acceptable outcome
<b>Stability and appearance</b>	
<b>PO2</b> Filling and excavation: (a) does not create an unreasonable height difference between <i>adjoining premises</i> ; or (b) adversely impact on the visual amenity of the locality.	<b>AO2.3</b> Filling and excavation does not occur within 3 metres of the <i>site</i> boundary.
<b>Performance Outcome Assessment</b> A retaining wall is proposed adjacent to the boundary of Lot 1 RP108418.  It is recommended that the alternative solution be accepted in this instance.	
<b>Operational management</b>	
<b>PO6</b> Filling and excavation does not impact adversely on the visual amenity of the locality.	<b>AO6.1</b> Spoil is not stockpiled in locations that can be viewed from adjoining properties or from a <i>road</i> frontage for a period exceeding 1 month.
<b>Performance Outcome Assessment</b> The application proposes a surplus of over 10,000m <sup>3</sup> of spoil.  It is recommended that the alternative solution be accepted in this instance.	
<b>Impacts on infrastructure, public utilities and easements</b>	
<b>PO8</b> Filling or excavation does not prejudice the integrity, operation, and maintenance of infrastructure, public utilities and easements.	<b>AO8.1</b> Filling and excavation does not take place: (a) within an easement; (b) within 3 metres of public utilities; or (c) where underground infrastructure services would be impacted.  OR  <b>AO8.2</b> Filling and excavation over existing sewers is in accordance with <i>Queensland Urban Utilities</i> standards.
<b>Performance Outcome Assessment</b> The Stormwater management plan indicates that stormwater works, including a bioretention basin will encroach into the gas pipeline easement, however the works will be clear of the infrastructure.  It is recommended that the alternative solution be accepted in this instance.	

**Services, works and infrastructure code**

Performance outcome	Acceptable outcome
<b>Telecommunications</b>	
<b>PO5</b> Reliable telecommunications is provided to the <i>development</i> .	<b>AO5</b> Other than in the Rural zone, <i>development</i> is connected to a telecommunications network.
<b>Performance Outcome Assessment</b> The site is in the Rural zone, however the Acceptable Outcome criteria was not reflective of what is proposed by the applicant. The potential for the developer to not enable access to telecommunications may limit the access of their workforce to reliable telecommunications outside of work hours. It is not anticipated that this is what the applicant is proposing, rather the applicant appears to be taking into account existing telecommunications networks in the area.  The provision of suitable telecommunications servicing for a 150 person workforce accommodation is considered to be relevant and reasonable for a development of this type, especially when a percentage of the people living in the workforce accommodation would be living remote from their families.  A condition has been proposed that the applicant provide evidence that the site has access to suitable telecommunications networks to enable connection for their workforce.	
<b>Point source wastewater discharge (other than contaminated stormwater and sewage)</b>	
<b>PO12</b> Where <i>wastewater</i> discharge to <i>watercourses, waterbodies</i> and <i>wetlands</i> cannot be avoided, <i>development</i> does not discharge <i>wastewater</i> unless demonstrated to be best practice environmental management for that <i>site</i> having regard to: (a) ecological values of receiving waters; (b) cumulative effects including impacts on ecosystem health; and (c) the applicable water quality objectives for the receiving waters.	<b>AO12.1</b> A wastewater management plan (WWMP) is prepared by a suitably qualified person and addresses: (a) wastewater type and (b) climatic conditions; and (c) water quality objectives; and (d) best-practice environmental management.  AND  <b>AO12.2</b> The WWMP provides that wastewater is managed in accordance with a waste management hierarchy that: (a) avoids wastewater discharges to waterways; or (b) if wastewater discharge to waterways cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and groundwater.

**Performance Outcome Assessment**

The site is located on the broader area of Kilcoy Global Foods' land holdings. This area has been used in the past for the application of contaminants from the meat processing plant in accordance with Schedule E of the Environmental Authority EPPR00809613 dated 12 December 2014.

Under Condition E2 of the Environmental authority:

*"The only contaminants that are to be released to land are:*

- (i) treated meat processing, rendering and sewage effluent; and*
- (ii) stormwater contaminated due to contact with effluent, paunch, cattle holding areas and treatment plant sludges; and*
- (iii) treatment plant sludge."*

A question was raised by Seqwater regarding the existing levels of nutrients on site based upon previous use of the site, as it may have an impact upon the duration of effectiveness of the system. This was incorporated into Council's information request. The applicant provided a response regarding effluent disposal however existing baseline data for the proposed development was not provided.

Council sought additional advice from the applicant regarding the existing site conditions. The applicant advised they would provide no further information regarding this matter and that detailed effluent disposal matters would be addressed as part of a separate change to the existing ERA.

It is noted that the natural ground level of the proposed development area will be altered to provide two benched development pads which may result in some of the material being removed. As such, approximately 10,000m<sup>3</sup> of material will become surplus to requirements after the earthworks are completed. It would be relevant for the applicant to demonstrate that this material would constitute clean fill if it was intended to be used elsewhere.

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

**Transport access and parking code**

Performance outcome	Acceptable outcome
<b>Car parking locations and treatments</b>	
<b>PO7</b> Car parking location minimises impacts on the streetscape and contributes to the intended character of the zone and locality.	<b>A07.1</b> Car parking is located behind or within a building.
<b>Performance Outcome Assessment</b> The car parking is located in front of the buildings on site. The car parking is proposed to be screened from surrounding roads by vegetation.  It is recommended that the alternative solution be accepted in this instance.	
<b>Refuse storage and collection</b>	
<b>PO12</b> On-site facilities are located in areas that: (a) provide reasonable standards of amenity to <i>sensitive land uses</i> ; (b) maintains the amenity of <i>adjoining premises</i> ;	<b>A012.1</b> In the Centre zone refuse storage areas are located behind the front building line and are screened from view. <b>A012.2</b>

<p>(c) are not visually obtrusive when viewed from the street;</p> <p>(d) are carefully sited so as to promote a cohesive streetscape in the Centre zone; and</p> <p>(e) can be conveniently accessed by contractors.</p>	<p>For <i>multiple dwellings</i> refuse storage consists of:</p> <p>(a) wheelie bins for up to 10 <i>dwellings</i>; or</p> <p>(b) a suitably sized bulk refuse bin(s) where there is more than 10 <i>dwellings</i>.</p> <p><b>AO12.3</b></p> <p>The refuse storage area:</p> <p>(a) is provided within the building and situated close to the point of collection; or</p> <p>(b) is an outdoor area that is:</p> <p>(i) no closer than 3 metres to any frontage and 1.5 metres to any other <i>site</i> boundary;</p> <p>(ii) enclosed on three sides with a screen wall extending 0.2 metres above the height of the refuse receptacles;</p> <p>(iii) screened by dense planting with or without mounding; and</p> <p>separated from <i>sensitive land uses</i> by a minimum of 10m so as to avoid any undesirable impact of odour or noise from refuse storage and collection services.</p>
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### Proposal

Refuse generated by the use is to be stored in 17x 240L General Wheelie Bins, 17x 240L Recycling Wheelie Bins, 1x 3000L General Waste Bin, and 1x 3000L Recycling Waste Bin. Accumulatively, these will combine for 7080L of General Waste Storage and 7080L of Recycling Waste Storage. Bins are to be placed across the subject site as follows:

- BBQ Areas (x6): 2x 240L General AND 2x 240L Recycling Wheelie Bins each;
- Tennis Court: 2x 240L General AND 2x 240L Recycling Wheelie Bins;
- Gym and Basketball Court: 2x 240L General AND 2x 240L Recycling Wheelie Bins;
- Caretaker's House: 1x 240L General AND 1x 240L Recycling Wheelie Bins; and
- Café and Clubhouse: 1x 3000L General Waste Bin AND 1x 3000L Recycling Waste Bin.

On refuse collection dates, all wheelie bins will be placed adjacent to the main access driveway and turnaround area – allowing easy collection for service vehicles. Servicing for the use will involve the provision of food and other goods to the site for the ongoing operation of the accommodation facility, clubhouse and café and is to be undertaken wholly within the subject site at the designated area indicated on the proposal plans.

All service vehicles are able to turn around using the designated turn around area adjacent to the bus drop-off/ pick-up area and leave the site in a forward gear in accordance with AO3.4 of the TAPS Code. The internal access driveway, including the turnaround area is to be sealed in compliance with AO10 of the TAPS code. Refuse collection and servicing are proposed to be undertaken between the following hours in compliance with AO13 of the TAPS code: - 7:00am to 6:00pm – Monday to Friday; and - 8:00am to 5:00pm – Saturdays and Sundays

### Performance Outcome Assessment

The applicant has proposed two general waste bins and two recycling bins at each of the six barbeque areas. Five of the six barbeque areas form a central point that each serve five Type A units which comprise a cluster of 20 single accommodation units. It is

considered this would result in 1 bin per 10 persons, which is approximately half of what would be applicable under Council's Revenue Statement 2021/2022 with respect to the Waste management policy, which states: *"Properties designed for multiple residential tenancies will be supplied with a minimum of 1 garbage service per house, unit or flat unless the Chief Executive Officer forms the view that a service for each house, unit or flat is not required."*

The Type B units comprise 7 units, each with up to six people, however no bins are proposed for these units. The Type C units comprise four units, and appear to function generally as a family unit.

It is considered reasonable for the Type B and Type C units to have their own bins which would result in a lesser need for additional bins at the sixth BBQ area nearest the Type C units.

It is considered reasonable for the tennis court and gym and basketball areas to have separate wheelie bins as proposed.

This would result in an increase in bins from the 17 x 240L general waste wheelie bins and 17 x 240L recycling wheelie bins to 42 of each type of wheelie bin.

The development also proposes a 3,000 litre general waste bin and a 3,000 litre recycling bin in proximity to the café and clubhouse.

It is recommended that the applicant provide additional bins to reflect the numbers of individual units on site.

#### **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 Workforce accommodation, which is identified as being a Specialised use under Somerset Regional Council Charges Resolution (No. 1) 2022.

With respect to types of uses, the use is closest in type to the Accommodation (long term) grouping of uses.

The accommodation (Long term) grouping triggers infrastructure charges for stormwater and and transport networks for individual units.

As the property is zoned Rural, the property has an applicable credit to the value of a three bedroom house. The discounts provided for the existing demand as a dwelling house do not exceed the adopted charge for a Specialised use, and as a result an infrastructure charges notice is required.

#### **6.3 Water supply and sewerage**

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

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

Based on the scale of development, it is likely that a fire service would be required for the development however this would be addressed as part of building certification.

#### **6.4 Electricity and telecommunications**

The recommended conditions of approval include a requirement to connect to the reticulated electricity network at the standard required by the relevant entity. Discussion regarding Telecommunications connection has been discussed in conjunction with the Services, works and infrastructure overlay code.

#### **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**

D'Aguilar Highway is a State controlled arterial road in Council's road register. Neurum Road is a Council road. 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*, the application required referral to were referral agencies applicable for this application.

The applicant referred the application to the State Assessment and Referral Agency (SARA) as a Concurrence Agency and Allgas Pipelines as an Advice Agency.

The application was referred to the State Assessment and Referral Agency (SARA) due to the parent lot having frontage to the D'Aguilar Highway which is a State-controlled road. SARA as the concurrence agency has assessed the impact of the proposed development on the State controlled road network and requires Council to include the referral agency response in Council's Schedules of Approval for the development application. The reference response is referenced as 2204-28357 SRA and dated 25 May 2022. Refer to Attachment 4 and Schedule 4 of the recommended conditions.

No response was received from Allgas Pipelines.

Council sought third-party advice for this application from Seqwater. Advice was received from Seqwater regarding potential impacts of the development upon the catchment.

### **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 23 May 2022.
- (b) A notice was published in the Lockyer and Somerset Independent on 25 May 2022.

- (c) A notice in the prescribed form was placed on the premises on 25 May 2022 and maintained for the minimum period of 15 business days.

Council received the Notice of Compliance on 16 June 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 no submissions. A late submission was received on 12 July 2022 almost a month after the notification period. A summary of issues is provided as follows:

**Submitter issue: Turning left from the Highway is difficult for heavy vehicles due to the acute angle and slope.**

Council response: The intersections associated with the D'Aguilar Highway are under the control of the Department of Transport and Main Roads. The largest vehicles associated with the development will generally be a waste collection vehicle and minibuses associated with transferring staff from the accommodation to the abattoir. No conditions to upgrade the D'Aguilar Highway and Neurum Road intersection have been proposed as a part of the Concurrence agency approval.

**Submitter issue: Development of Urban Utilities water treatment plant and the Aero Club have dramatically increased the traffic using this turn and thence onto Kennedy Road.**

Council response: The Kilcoy Aero Club is operated by the South East Queensland Sport Aircraft Club Incorporated. In 2007 Council issued an approval for this development (DA000027). In 2011 Council approved an expansion to the Kilcoy water treatment plant. No upgrades were required to the road network as a condition of either approval.

**Submitter issue: A proposed new development by KGF will add to traffic making this turn.**

Council response: The Traffic Impact assessment has addressed turning movements into and out of the section of Kennedy Road that will serve the proposed development.

**Submitter issue: Lighting and line marking are unsatisfactory.**

No changes are proposed to the western section of Kennedy Road. No lighting is proposed at the intersection of Neurum Road and Kennedy Road. An upgrade is proposed to the eastern section of Kennedy Road that is adjacent to the subject land.

**Submitter issue: Could a passing lane be incorporated in current upgrades?**

Council response: Based on the assessment of the traffic impact assessment it is considered that additional changes, including a passing lane, are not necessitated by this application.

**Submitter issue: Social Impact Assessment – Workcamp or families?**

Council response: The majority of persons to be resident on site will be workers rather than workers' families. The purpose of the facility is to accommodate workers due to the shortage of available housing in the Kilcoy area.

**Submitter issue: Landscaping – trees**

Council response: Conditions associated with the provision of a landscaping plan and additional vegetation have been included as a part of the recommended conditions.

**Submitter issue: When works are completed, could the side track between Neurum Road and the side road into Bechley's transport be left in a usable state for farm tractors etc to keep them off the Highway for as long as possible.**

Council response: The current works on the D'Aguilar Highway are the responsibility of the Department of Transport and Main Roads rather than Council. If the side track remains open for tractors and the like, other vehicles may also seek to use the side track.

## 9.0 CONCLUSION

The proposed development is for a material change of use for a workplace accommodation for 150 persons, associated with Kilcoy Global Foods' meat processing plant at Winya. The property is located within the Rural zone.

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

11. Location Plan, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-10-12, prepared by Space Frame, dated 21 February 2022.
12. Site Plan, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-11-2, prepared by Space Frame, dated 21 February 2022.
13. Type A Units, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-20-2, prepared by Space Frame, dated 13 December 2021.
14. Type B Units, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-22-2, prepared by Space Frame, dated 13 December 2021.
15. Type C Units, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-24-1, prepared by Space Frame, dated 13 December 2021.
16. Caretakers Residence, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-26-1, prepared by Space Frame, dated 13 December 2021.
17. Clubhouse Building Plans, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-28-2, prepared by Space Frame, dated 21 February 2022.
18. Clubhouse Building Elevations, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-29-2, prepared by Space Frame, dated 21 February 2022.
19. Additional Building Plans, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-31-1, prepared by Space Frame, dated 14 December 2021.
20. Additional Building Elevations, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-32-1, prepared by Space Frame, dated 14 December 2021.
21. Earthworks Plans 1, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-SK60-5, prepared by Space Frame, dated 19 May 2022.
22. Earthworks Plans 2, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-SK61-5, prepared by Space Frame, dated 19 May 2022.
23. Earthworks Sections, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737 – SK62-4, prepared by Space Frame, dated 19 May 2022.
24. Transport Impact Assessment Version 1, Proposed Workers Accommodation, Kennedys Road, Kilcoy, Prepared by Rytenschild Traffic Engineering for Spaceframe Buildings Pty Ltd, dated 25 February 2022
25. HCE Engineers, Stormwater Management Plan, Revision 1, dated May 2022.

26. KPC – 150 Men Camp – Landscape Design Package, prepared by Andrew Gold Landscape Architects, Issue B, dated Feb 2022
27. Environmental authority (EPPR00809613) dated 12 December 2014.
28. Concurrence Agency Response dated 25 May 2022 and referenced as 2204-28357 SRA.
29. Decision Notice – Permitted Road Access Location dated 24 May 2022 and referenced as TMR22-036088.
30. Draft Infrastructure Charges Notice

### RECOMMENDED DECISION

1. THAT Council approve the Development Application for a Development Permit for Material Change of Use for Workplace Accommodation (150 persons) on land situated at D'Aguiar Highway, Winya, described as Lot 2 RP108418, 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*.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	Location Plan, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-10-12, prepared by Space Frame, dated 21 February 2022.	
	Site Plan, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-11-2, prepared by Space Frame, dated 21 February 2022.	
	Type A Units, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-20-2, prepared by Space Frame, dated 13 December 2021.	
	Type B Units, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-22-2, prepared by Space Frame, dated 13 December 2021.	
	Type C Units, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-24-1, prepared by Space Frame, dated 13 December 2021.	
	Caretakers Residence, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-26-1, prepared by Space Frame, dated 13 December 2021.	
	Clubhouse Building Plans, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-28-2, prepared by Space Frame, dated 21 February 2022.	
	Clubhouse Building Elevations, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-29-2, prepared by Space Frame, dated 21 February 2022.	
	Additional Building Plans, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-31-1, prepared by Space Frame, dated 14 December 2021.	

	Additional Building Elevations, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-32-1, prepared by Space Frame, dated 14 December 2021.	
	Earthworks Plans 1, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-SK60-5, prepared by Space Frame, dated 19 May 2022.	
	Earthworks Plans 2, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-SK61-5, prepared by Space Frame, dated 19 May 2022.	
	Earthworks Sections, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737 – SK62-4, prepared by Space Frame, dated 19 May 2022.	
	Transport Impact Assessment Version 1, Proposed Workers Accommodation, Kennedys Road, Kilcoy, Prepared by Rytenksild Traffic Engineering for Spaceframe Buildings Pty Ltd, dated 25 February 2022	
	KPC – 150 Men Camp – Landscape Design Package, prepared by Andrew Gold Landscape Architects, Issue B, dated Feb 2022	
	Environmental authority (EPPR00809613) dated 12 December 2014.	
	Concurrence Agency Response dated 25 May 2022 and referenced as 2204-28357 SRA.	
	Decision Notice – Permitted Road Access Location dated 24 May 2022 and referenced as TMR22-036088.	
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	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
1.6	Provide a 1.8m high screen fence to the southern and eastern boundary of Lot 1 RP108418.	Prior to commencement of use.
1.7	The use is to operate ancillary to the existing meat processing plant on Lot 2 SP101100.  <i>Note: The accommodation is only available for workers at the meat processing plant.</i>	At all times.

<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>Public Utilities/Infrastructure</b>	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.2	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times.
2.3	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.4	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to Compliance Assessment.
2.5	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
	<b>OPEN SPACE/PARK/LANDSCAPING</b>	
2.6	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.
2.7	The developer must submit to Council for endorsement, a Landscape Plan for all landscaping associated with the development, generally in accordance with the Landscaping Design Package plan Issue B Feb 2022 prepared by Andrew Gold Landscape Architecture. 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: <ul style="list-style-type: none"> <li>Comply with the <i>Somerset Region Planning Scheme – Planning Scheme Policy 4 – Design Standards</i>.</li> <li>To enhance the appearance of the development internally and externally.</li> </ul>	As part of Operational works for Landscaping Works and landscaping works and to be maintained at all times once established.

	<ul style="list-style-type: none"> <li>• To make a positive contribution to the streetscape.</li> <li>• To screen unsightly objects from public view.</li> <li>• To contribute to an environment by providing shade to reduce glare, heat absorption and radiation.</li> <li>• To ensure common areas are useable.</li> <li>• To provide long term erosion protection.</li> <li>• To integrate with existing vegetation and other natural features of the site and adjoining lands.</li> <li>• To provide adequate vehicle sightlines and road safety.</li> </ul> <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> <li>• The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site.</li> <li>• The number and size of plants.</li> <li>• The typical planting detail including preparation, backfill, staking and mulching.</li> <li>• The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing by the Planning Manager. Any amendments approved by the Planning Manager are taken to be a part of the approved Landscape Plan.</li> <li>• 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.</li> <li>• 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 minimise disturbance during construction work.</li> <li>• Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by: <ul style="list-style-type: none"> <li>○ Using trees which have a clean trunk height of at least 1.8 metres (at maturity);</li> <li>○ Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines.</li> </ul> </li> <li>• A minimum of 70% of landscaped areas must be retained as a permeable surface.</li> </ul> <p>Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times.</p>	
2.8	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
2.9	The developer is to prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved by Council. Any amendments approved by Council are taken to be a part of the approved Landscape Plan.	Prior to commencement of use.

	<b>General Services</b>	
2.10	Submit development applications to the relevant Energy and regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required.	Prior to commencement of use.
2.11	Connect the development to a reticulated water supply and underground electricity supply in accordance with acceptable standards of the relevant regulatory authority.	Prior to commencement of use.
2.12	The applicant must provide written evidence (eg connection certificate) from each particular service provider stating either that this lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to commencement of use.
	<b>Earthworks</b>	
2.13	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organization.	At all times.
2.14	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.15	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times.
2.16	Seed and turf the stockpiled surplus material excavated from the building pads.	Prior to commencement of use.
	<b>Roadworks</b>	
2.17	Provide convenient and safe ingress and egress access to the site in accordance with <i>Somerset Region Planning Scheme – Planning Scheme Policy 4 - Design Standards</i> .	At all times.
2.18	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times.
2.19	All vehicles shall enter and leave the site in a forward gear	At all times.
2.20	All manoeuvring areas shall enable access to a single-unit truck / bus based on a 12.5 metre Design Vehicle in accordance with <i>Austroads</i> design manual.	As part of Operational Works
2.21	The Caretaker's accommodation shall be provided with a separate domestic driveway crossover from the road	Prior to commencement

	carriageway to the property boundary in accordance with Council's Policy and Standards.	of use.
	<b>Car Parking</b>	
2.22	Provide on-site car parking as per requirements and determinations of the Traffic Impact Assessment prepared by Rydenskild Traffic Engineering dated 25 February 2022  All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and <i>Somerset Region Planning Scheme – Planning Scheme Policy 4 - Design Standards</i> .	As part of Operational Works.
2.23	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	Prior to commencement of use.
2.24	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, bitumen or pavers in accordance with Australian Standards.	At all times.
	<b>Refuse Storage Area</b>	
2.25	Refuse bin storage areas must be provided on the premises within a building, outbuilding or other enclosed structure so that it is screened from public view with a minimum 1.5 metre high solid fence or wall.	Prior to commencement of use.
2.26	Provide Waste Collection Areas in such locations so as to allow a servicing vehicle to enter and manoeuvre, so as to minimise the risk of injury to persons or damage to property and leave the property in forward gear.	Prior to commencement of use.
2.27	All general waste produced as part of the development must be disposed of through either: (a) The number of standard waste services as determined by Council; or (b) A private agreement with a licensed waste disposal contractor through an exemption granted by Council.	At all times.
2.28	Waste and recycling storage facilities must be provided in accordance with the following provisions: (a) Adequate waste containers must be provided to contain the volume and type of waste and recyclable matter generated by the development; (b) A permanent waste storage point/s for waste containers must be constructed of a solid concrete base or acceptable equivalent; and (c) The permanent waste storage point must be designed and constructed so it can be easily cleaned whilst ensuring that no waste or recyclable matter is released to the stormwater system or any waterway.	At all times.
2.29	Provide bins for the following areas:	At all times.

	<ul style="list-style-type: none"> <li>• BBQ Areas for Type A units (x 5): 5 x 240L General AND 5 x 240L Recycling Wheelie Bins at each BBQ area; (Total number required - 25 General and 25 Recycling bins total)</li> <li>• BBQ Area adjacent to Type C units (x 1): 2 x 240L General AND 2 x 240L Recycling Wheelie Bins each;</li> <li>• Type B units (x 7): 1 x 240L General AND 1 x 240L Recycling Wheelie Bins each; (7 General and 7 Recycling bins total)</li> <li>• Type C units (x 4): 1 x 240L General AND 1 x 240L Recycling Wheelie Bins each; (4 General and 4 Recycling bins total)</li> <li>• Tennis Court: 2x 240L General AND 2x 240L Recycling Wheelie Bins;</li> <li>• Gym and Basketball Court: 2x 240L General AND 2x 240L Recycling Wheelie Bins;</li> <li>• Caretaker's House: 1x 240L General AND 1x 240L Recycling Wheelie Bins; and</li> <li>• Café and Clubhouse: 1x 3000L General Waste Bin AND 1x 3000L Recycling Waste Bin.</li> </ul>	
	<b>VISUAL AND GENERAL AMENITY</b>	
2.30	Any graffiti within the proposed development must be removed to maintain the facility free of graffiti.	At all times.
2.31	All plant and air conditioning is to be visually screened from the street and adjoining properties.	At all times.
	<b>Stormwater drainage</b>	
2.32	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
2.33	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Region Planning Scheme – Planning Scheme Policy 4 - Design Standards</i>	As part of Operational Works.
2.34	Stormwater Drainage shall be constructed generally in accordance with HCE Engineers, Stormwater Management Plan, Revision 1, dated May 2022.	As part of Operational Works.
2.35	<p>Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer Queensland (RPEQ), which generally conforms to the approved development plan/s and <i>Somerset Region Planning Scheme – Planning Scheme Policy 4 - Design Standards</i>.</p> <p>The SBSMP should include the following:</p> <ul style="list-style-type: none"> <li>• Quantity and quality of stormwater to be released from the development;</li> <li>• All sources of potential contamination (including but not limited to the actual and potential release of all contaminants;</li> </ul>	As part of the lodgement of the Operational Works application.

	<ul style="list-style-type: none"> <li>• The potential impact of these sources;</li> <li>• Impact of the release of stormwater from the development on the quality and integrity of the receiving environment;</li> <li>• Measures to be implemented to prevent the likelihood of stormwater contamination; and</li> <li>• Maintenance schedule.</li> </ul>	
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 proposed development.	Prior to Council's endorsement of the Plan of subdivision.
2.37	Provide written consent from the party that benefits from the gas pipeline easement regarding earthworks within the easement.	As part of the lodgement of the Operational Works application.
	<b>Erosion and sediment control</b>	
2.38	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
2.39	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.
2.40	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.
2.41	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	At all times.

	incurred for the receipt and management of the waste.	
2.42	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> <li>i) Milling;</li> <li>ii) Chipping and/or mulching</li> <li>iii) Disposal at an approved waste disposal facility.</li> </ul> <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times.
2.43	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.
2.44	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.	At all times.
<b>ONSITE EFFLUENT DISPOSAL SYSTEM</b>		
2.45	The applicant shall demonstrate to the satisfaction of Council that all on-site wastewater can be adequately disposed of on-site.	Prior to commencement of use.
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times.
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase.
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> <li>• Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>• Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>• Stockpile any waste on the development site.</li> </ul>	At all times.
3.4	The holder of this development approval must not: <ul style="list-style-type: none"> <li>• Release stormwater runoff into a roadside gutter/swale,</li> </ul>	During construction phase.

	<p>stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</p> <ul style="list-style-type: none"> <li>• Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	
3.5	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance to any premises beyond the boundaries of the development site.	At all times.
3.6	Lighting associated with the outdoor gym, basketball court and tennis court must comply with Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting.	At all times.
3.7	Provide a copy of the updated Environmental Authority EPPR00809613 from the Department of Environment and Science that addresses updated land application areas for the meat processing plant and the workforce accommodation use.	Prior to commencement of building works.

#### **SCHEDULE 4 – REFERRAL AGENCY**

##### **Department of State Development, Infrastructure, Local Government and Planning** *Concurrence Agency Response*

##### *Agency Response: Recommend Conditions Apply*

Pursuant to section 62 of the *Planning Act 2016*, the Assessment Manager must, other than to the extent a referral agency's response provide advice, comply with all the referral agency responses and include conditions exactly as stated in the response.

The Department of State Development, infrastructure, Local Government and Planning as a Concurrence Agency has assessed the impact of the proposed development with respect to Schedule 20 of the *Planning Regulation 2017* and a road access location.

Concurrence Agency Response dated 25 May 2022 and referenced as 2204-28357 SRA.

Concurrence Agency response will be attached to Council's Decision Notice for DA22189.

Decision Notice – Permitted Road Access Location dated 24 May 2022 and referenced as TMR22-036088.

#### **SCHEDULE 5 – ADVICE**

##### *Assessment Manager*

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

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

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

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

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

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

*Note: A fire service may be required for this development.*

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.

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

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

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

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

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

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

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

The preparation and sale of food will in most instances require a food business licence under the *Food Act 2006*. For new premises a design approval for the food premises will be required by Council before a food business licence may be issued by Council. Please contact Council's Environmental Health section for further information.

**Attachments for the Decision Notice include:**

11. Location Plan, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-10-12, prepared by Space Frame, dated 21 February 2022.
12. Site Plan, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-11-2, prepared by Space Frame, dated 21 February 2022.
13. Type A Units, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-20-2, prepared by Space Frame, dated 13 December 2021.
14. Type B Units, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-22-2, prepared by Space Frame, dated 13 December 2021.
15. Type C Units, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-24-1, prepared by Space Frame, dated 13 December 2021.
16. Caretakers Residence, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-26-1, prepared by Space Frame, dated 13 December 2021.
17. Clubhouse Building Plans, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-28-2, prepared by Space Frame, dated 21 February 2022.
18. Clubhouse Building Elevations, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-29-2, prepared by Space Frame, dated 21 February 2022.
19. Additional Building Plans, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-31-1, prepared by Space Frame, dated 14 December 2021.
20. Additional Building Elevations, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-32-1, prepared by Space Frame, dated 14 December 2021.
21. Earthworks Plans 1, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-SK60-5, prepared by Space Frame, dated 19 May 2022.
22. Earthworks Plans 2, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-SK61-5, prepared by Space Frame, dated 19 May 2022.
23. Earthworks Sections, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737 – SK62-4, prepared by Space Frame, dated 19 May 2022.
24. Transport Impact Assessment Version 1, Proposed Workers Accommodation, Kennedys Road, Kilcoy, Prepared by Rytenschild Traffic Engineering for Spaceframe Buildings Pty Ltd, dated 25 February 2022
25. HCE Engineers, Stormwater Management Plan, Revision 1, dated 12 May 2022.
26. KPC – 150 Men Camp – Landscape Design Package, prepared by Andrew Gold Landscape Architects, Issue B, dated Feb 2022
27. Environmental authority (EPPR00809613) dated 12 December 2014.
28. Concurrence Agency Response dated 25 May 2022 and referenced as 2204-28357 SRA.
29. Decision Notice – Permitted Road Access Location dated 24 May 2022 and referenced as TMR22-036088.

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Whalley

1. "THAT Council approve the Development Application for a Development Permit for Material Change of Use for Workplace Accommodation (150 persons) on land situated at D'Aguiar Highway, Winya, described as Lot 2 RP108418, 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.
	Location Plan, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-10-12, prepared by Space Frame, dated 21 February 2022.	
	Site Plan, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-11-2, prepared by Space Frame, dated 21 February 2022.	
	Type A Units, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-20-2, prepared by Space Frame, dated 13 December 2021.	
	Type B Units, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-22-2, prepared by Space Frame, dated 13 December 2021.	
	Type C Units, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-24-1, prepared by Space Frame, dated 13 December 2021.	
	Caretakers Residence, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-26-1, prepared by Space Frame, dated 13 December 2021.	
	Clubhouse Building Plans, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-28-2, prepared by Space Frame, dated 21 February 2022.	
	Clubhouse Building Elevations, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-29-2, prepared by Space Frame, dated 21 February 2022.	
	Additional Building Plans, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-31-1, prepared by Space Frame, dated 14 December 2021.	
	Additional Building Elevations, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-32-1, prepared by Space Frame, dated 14 December 2021.	
	Earthworks Plans 1, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-SK60-5, prepared by Space Frame, dated 19 May 2022.	
	Earthworks Plans 2, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737-SK61-5, prepared by Space Frame, dated 19 May 2022.	

	Earthworks Sections, Kilcoy Global Foods – Rural Workers Accommodation and Ancillary Uses, Dwg No 4737 – SK62-4, prepared by Space Frame, dated 19 May 2022.	
	Transport Impact Assessment Version 1, Proposed Workers Accommodation, Kennedys Road, Kilcoy, Prepared by Rytenschild Traffic Engineering for Spaceframe Buildings Pty Ltd, dated 25 February 2022	
	KPC – 150 Men Camp – Landscape Design Package, prepared by Andrew Gold Landscape Architects, Issue B, dated Feb 2022	
	Environmental authority (EPPR00809613) dated 12 December 2014.	
	Concurrence Agency Response dated 25 May 2022 and referenced as 2204-28357 SRA.	
	Decision Notice – Permitted Road Access Location dated 24 May 2022 and referenced as TMR22-036088.	
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	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
1.6	Provide a 1.8m high screen fence to the southern and eastern boundary of Lot 1 RP108418.	Prior to commencement of use.
1.7	The use is to operate ancillary to the existing meat processing plant on Lot 2 SP101100.  <i>Note: The accommodation is only available for workers at the meat processing plant.</i>	At all times.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>Public Utilities/Infrastructure</b>	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.2	All works are to be designed and constructed in accordance with	At all times.

	the requirements of the <i>Somerset Regional Council Design Standards</i> .	
2.3	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.4	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to Compliance Assessment.
2.5	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
	<b>OPEN SPACE/PARK/LANDSCAPING</b>	
2.6	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.
2.7	The developer must submit to Council for endorsement, a Landscape Plan for all landscaping associated with the development, generally in accordance with the Landscaping Design Package plan Issue B Feb 2022 prepared by Andrew Gold Landscape Architecture. 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: <ul style="list-style-type: none"> <li>Comply with the <i>Somerset Region Planning Scheme – Planning Scheme Policy 4 – Design Standards</i>.</li> <li>To enhance the appearance of the development internally and externally.</li> <li>To make a positive contribution to the streetscape.</li> <li>To screen unsightly objects from public view.</li> <li>To contribute to an environment by providing shade to reduce glare, heat absorption and radiation.</li> <li>To ensure common areas are useable.</li> <li>To provide long term erosion protection.</li> <li>To integrate with existing vegetation and other natural features of the site and adjoining lands.</li> <li>To provide adequate vehicle sightlines and road safety.</li> </ul> <p>The Landscape Plan must also detail:</p>	As part of Operational works for Landscaping Works and landscaping works and to be maintained at all times once established.

	<ul style="list-style-type: none"> <li>The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site.</li> <li>The number and size of plants.</li> <li>The typical planting detail including preparation, backfill, staking and mulching.</li> <li>The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing by the Planning Manager. Any amendments approved by the Planning Manager are taken to be a part of the approved Landscape Plan.</li> <li>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.</li> <li>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 minimise disturbance during construction work.</li> <li>Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by: <ul style="list-style-type: none"> <li>Using trees which have a clean trunk height of at least 1.8 metres (at maturity);</li> <li>Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines.</li> </ul> </li> <li>A minimum of 70% of landscaped areas must be retained as a permeable surface.</li> </ul> <p>Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times.</p>	
2.8	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
2.9	The developer is to prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved by Council. Any amendments approved by Council are taken to be a part of the approved Landscape Plan.	Prior to commencement of use.
	<b>General Services</b>	
2.10	Submit development applications to the relevant Energy and regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required.	Prior to commencement of use.
2.11	Connect the development to a reticulated water supply and underground electricity supply in accordance with acceptable standards of the relevant regulatory authority.	Prior to commencement of use.

2.12	The applicant must provide written evidence (eg connection certificate) from each particular service provider stating either that this lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to commencement of use.
	<b>Earthworks</b>	
2.13	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organization.	At all times.
2.14	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.15	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times.
2.16	Seed and turf the stockpiled surplus material excavated from the building pads.	Prior to commencement of use.
	<b>Roadworks</b>	
2.17	Provide convenient and safe ingress and egress access to the site in accordance with <i>Somerset Region Planning Scheme – Planning Scheme Policy 4 - Design Standards</i> .	At all times.
2.18	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times.
2.19	All vehicles shall enter and leave the site in a forward gear	At all times.
2.20	All manoeuvring areas shall enable access to a single-unit truck / bus based on a 12.5 metre Design Vehicle in accordance with <i>Austroads</i> design manual.	As part of Operational Works
2.21	The Caretaker's accommodation shall be provided with a separate domestic driveway crossover from the road carriageway to the property boundary in accordance with Council's Policy and Standards.	Prior to commencement of use.
	<b>Car Parking</b>	
2.22	Provide on-site car parking as per requirements and determinations of the Traffic Impact Assessment prepared by Rytenkild Traffic Engineering dated 25 February 2022  All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and <i>Somerset Region Planning Scheme –</i>	As part of Operational Works.

	<i>Planning Scheme Policy 4 - Design Standards.</i>	
2.23	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	Prior to commencement of use.
2.24	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, bitumen or pavers in accordance with Australian Standards.	At all times.
	<b>Refuse Storage Area</b>	
2.25	Refuse bin storage areas must be provided on the premises within a building, outbuilding or other enclosed structure so that it is screened from public view with a minimum 1.5 metre high solid fence or wall.	Prior to commencement of use.
2.26	Provide Waste Collection Areas in such locations so as to allow a servicing vehicle to enter and manoeuvre, so as to minimise the risk of injury to persons or damage to property and leave the property in forward gear.	Prior to commencement of use.
2.27	All general waste produced as part of the development must be disposed of through either: (c) The number of standard waste services as determined by Council; or (d) A private agreement with a licensed waste disposal contractor through an exemption granted by Council.	At all times.
2.28	Waste and recycling storage facilities must be provided in accordance with the following provisions: (d) Adequate waste containers must be provided to contain the volume and type of waste and recyclable matter generated by the development; (e) A permanent waste storage point/s for waste containers must be constructed of a solid concrete base or acceptable equivalent; and (f) The permanent waste storage point must be designed and constructed so it can be easily cleaned whilst ensuring that no waste or recyclable matter is released to the stormwater system or any waterway.	At all times.
2.29	Provide bins for the following areas: <ul style="list-style-type: none"> <li>BBQ Areas for Type A units (x 5): 5 x 240L General AND 5 x 240L Recycling Wheelie Bins at each BBQ area; (Total number required - 25 General and 25 Recycling bins total)</li> <li>BBQ Area adjacent to Type C units (x 1): 2 x 240L General AND 2 x 240L Recycling Wheelie Bins each;</li> <li>Type B units (x 7): 1 x 240L General AND 1 x 240L Recycling Wheelie Bins each; (7 General and 7 Recycling bins total)</li> </ul>	At all times.

	<ul style="list-style-type: none"> <li>Type C units (x 4): 1 x 240L General AND 1 x 240L Recycling Wheelie Bins each; (4 General and 4 Recycling bins total)</li> <li>Tennis Court: 2x 240L General AND 2x 240L Recycling Wheelie Bins;</li> <li>Gym and Basketball Court: 2x 240L General AND 2x 240L Recycling Wheelie Bins;</li> <li>Caretaker's House: 1x 240L General AND 1x 240L Recycling Wheelie Bins; and</li> <li>Café and Clubhouse: 1x 3000L General Waste Bin AND 1x 3000L Recycling Waste Bin.</li> </ul>	
	<b>VISUAL AND GENERAL AMENITY</b>	
2.30	Any graffiti within the proposed development must be removed to maintain the facility free of graffiti.	At all times.
2.31	All plant and air conditioning is to be visually screened from the street and adjoining properties.	At all times.
	<b>Stormwater drainage</b>	
2.32	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
2.33	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Region Planning Scheme – Planning Scheme Policy 4 - Design Standards</i>	As part of Operational Works.
2.34	Stormwater Drainage shall be constructed generally in accordance with HCE Engineers, Stormwater Management Plan, Revision 1, dated May 2022.	As part of Operational Works.
2.35	<p>Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer Queensland (RPEQ), which generally conforms to the approved development plan/s and <i>Somerset Region Planning Scheme – Planning Scheme Policy 4 - Design Standards</i>.</p> <p>The SBSMP should include the following:</p> <ul style="list-style-type: none"> <li>Quantity and quality of stormwater to be released from the development;</li> <li>All sources of potential contamination (including but not limited to the actual and potential release of all contaminants;</li> <li>The potential impact of these sources;</li> <li>Impact of the release of stormwater from the development on the quality and integrity of the receiving environment;</li> <li>Measures to be implemented to prevent the likelihood of stormwater contamination; and</li> <li>Maintenance schedule.</li> </ul>	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	Prior to Council's

	of any site works undertaken as part of the proposed development.	endorsement of the Plan of subdivision.
2.37	Provide written consent from the party that benefits from the gas pipeline easement regarding earthworks within the easement.	As part of the lodgement of the Operational Works application.
	<b>Erosion and sediment control</b>	
2.38	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
2.39	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.
2.40	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.
2.41	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.
2.42	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> <li>iv) Milling;</li> <li>v) Chipping and/or mulching</li> <li>vi) Disposal at an approved waste disposal facility.</li> </ul> <p>No incineration of vegetation or waste will be permitted at the</p>	At all times.

	site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.	
2.43	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.
2.44	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.	At all times.
<b>ONSITE EFFLUENT DISPOSAL SYSTEM</b>		
2.45	The applicant shall demonstrate to the satisfaction of Council that all on-site wastewater can be adequately disposed of on-site.	Prior to commencement of use.
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times.
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase.
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> <li>Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>Stockpile any waste on the development site.</li> </ul>	At all times.
3.4	The holder of this development approval must not: <ul style="list-style-type: none"> <li>Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase.
3.5	Notwithstanding any other condition of this development permit,	At all times.

	this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance to any premises beyond the boundaries of the development site.	
3.6	Lighting associated with the outdoor gym, basketball court and tennis court must comply with Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting.	At all times.
3.7	Provide a copy of the updated Environmental Authority EPPR00809613 from the Department of Environment and Science that addresses updated land application areas for the meat processing plant and the workforce accommodation use.	Prior to commencement of building works.
<b>SCHEDULE 4 – REFERRAL AGENCY</b>		
<b>Department of State Development, Infrastructure, Local Government and Planning</b>		
<i>Concurrence Agency Response</i>		
<i>Agency Response: Recommend Conditions Apply</i>		
Pursuant to section 62 of the <i>Planning Act 2016</i> , the Assessment Manager must, other than to the extent a referral agency's response provide advice, comply with all the referral agency responses and include conditions exactly as stated in the response.		
The Department of State Development, infrastructure, Local Government and Planning as a Concurrence Agency has assessed the impact of the proposed development with respect to Schedule 20 of the <i>Planning Regulation 2017</i> and a road access location.		
Concurrence Agency Response dated 25 May 2022 and referenced as 2204-28357 SRA.		
Concurrence Agency response will be attached to Council's Decision Notice for DA22189.		
Decision Notice – Permitted Road Access Location dated 24 May 2022 and referenced as TMR22-036088.		
<b>SCHEDULE 5 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the currency period – being six (6) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		

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

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

*Note: A fire service may be required for this development.*

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.

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

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

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

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

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

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

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

The preparation and sale of food will in most instances require a food business licence under the *Food Act 2006*. For new premises a design approval for the food premises will be required by Council before a food business licence may be issued by Council. Please contact Council's Environmental Health section for further information.

*Carried*

*Vote - Unanimous*

<b>Subject:</b>	<b>Development Application No. 22457 Development Application for a Development Permit for Material Change of Use for Dwelling House (Secondary Dwelling)</b>
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<b>File No:</b>	<b>DA22457</b>	<b>Assessment No: 81324-08000-000</b>
<b>Action Officer:</b>	<b>SP-MW</b>	

## 1.0 APPLICATION SUMMARY

### Subject Land

Location:	37 Aliza Place, Hazeldean
Real property description:	Lot 27 SP197506
Site area:	1.287 hectares
Current land use:	Dwelling house and associated outbuildings
Easements/encumbrances:	Not applicable

### Somerset Region Planning Scheme (Version Four)

Zone:	Rural zone
Overlays:	OM5 Catchment management OM8 HIA Management area OM10 Scenic amenity

### South East Queensland Regional Plan 2017

Land use category:	Regional landscape and rural production area
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### Application

Proposal:	Dwelling house (secondary dwelling)
Category of assessment:	Code assessment
Applicant details:	Paul and Lorraine Wilkes c/- GMA Certification Group PO Box 2760 NERANG QLD 4211
Owner details:	Paul and Lorraine Wilkes

Date application received:	27 May 2022
Date application properly made:	27 May 2022

<b>Referral agencies</b>	None required
<b>Public Notification</b>	Not required

## RECOMMENDED DECISION

Approve the development application subject to the conditions and requirements contained in the schedules and attachments of this report.

## 2.0 PROPOSAL

This development application seeks approval for a development permit for a material change of use for dwelling house (secondary dwelling) on land at 37 Aliza Place, Hazeldean formally described as Lot 27 SP197506.

The existing dwelling is proposed to become the secondary dwelling while the proposed dwelling will become the main dwelling house on the property. The secondary dwelling will be occupied by the mother of one of the owners. The existing dwelling has a gross floor area of 159.5m<sup>2</sup> and contains three bedrooms, two bathrooms, living areas, kitchen and laundry.

The new house has a gross floor area of 266.3m<sup>2</sup>, resulting in the secondary dwelling having a gross floor area that is less than 60 percent (59.89%) of the new house.

The new house contains four bedrooms, three bathrooms, office, media room, activity room, living areas, kitchen and laundry.

Access to the secondary dwelling is provided from the same driveway that serves the existing dwelling.

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

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

The subject land is regular in shape and is improved by an existing dwelling house and shed. Access to the site is via the existing crossover to Aliza Place, which is a sealed Council access street.

Apart from the larger rural lot to the west, the other surrounding lots are typically one to two hectares in size and developed with dwelling houses and outbuildings.

The proposed development is not located 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 Regional landscape and rural production area. The development application has been assessed against the provisions of the regional plan and the associated regulatory requirements and was found to be consistent.

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

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

The proposal does not impact on any regulated vegetation or koala habitat areas, is not located in proximity to a Queensland heritage place or local heritage place, is not known to be on a contaminated land register, nor involve any environmentally relevant activities.

### **5.0 PLANNING ASSESSMENT – LOCAL PLANNING INSTRUMENTS**

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

## 5.1 SOMERSET REGION PLANNING SCHEME (VERSION FOUR)

### 5.1.1 Strategic Framework Assessment

An assessment against the strategic framework assessment was not required as this development application was subject to code assessment.

### 5.1.2 Code Compliance Summary

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

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

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
Rural zone code	Yes	PO2
Dwelling house code	Yes	PO8
Transport access and parking code	Yes	Complies with Accepted outcomes
Applicable Overlay Code	Compliance with Overall Outcomes	Performance Outcomes
No applicable overlay codes	-	-

The proposed dwelling, including its effluent disposal area, are not located within the mapped buffer shown on the Catchment management overlay map.

The assessment of the development proposal against the performance outcomes of the applicable codes is discussed below.

### 5.1.3 Performance Outcome Assessment

#### Rural zone code

Performance outcome	Acceptable outcome
<b>Building setbacks</b>	
<b>PO2</b> Building setbacks: (e) contribute to the maintenance of the rural character of the zone; and (f) manage potential amenity impacts on <i>sensitive land uses on adjoining premises</i> .	<b>AO2</b> Buildings and structures are setback a minimum 15 metres from all boundaries of the site.
<b>Performance outcome assessment</b> The existing building is less than 15m from the side and rear boundary. The new building is over 15m from all boundaries. There is no change in outcome as a result of the proposed development.  It is recommended that the alternative outcome to AO2 be accepted in this instance.	

#### Dwelling house code

Performance outcome	Acceptable outcome
<b>PO8</b> <i>Secondary dwellings:</i> (a) are designed and sited to maintain local character and amenity; (b) are visually compatible with the existing <i>dwelling house</i> ; and (c) are located in proximity to the principal <i>dwelling</i> .	<b>AO8.2</b> In the Rural zone, the <i>secondary dwelling</i> is located a minimum of 15 metres from any side or rear boundary.
<b>Performance outcome assessment</b> See comments for Rural zone PO2 above. The proposal involves reuse of an existing residential building.  It is recommended that the alternative outcome to AO8.2 be accepted in this instance.	

### 5.1.5 Overall Outcome Assessment

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

## 6.0 OTHER PLANNING CONSIDERATIONS

### 6.1 Trunk Infrastructure and Services

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

### 6.2 Infrastructure charges

The proposed development is for a secondary dwelling, which does not attract an adopted charge under section 2.4 of the *Somerset Regional Council Charges Resolution (No. 1) 2022*.

No infrastructure charges are applicable, and no infrastructure charges notice is required.

### 6.3 Water supply and sewerage

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

As the site of the dwelling is not within the connections area, the recommended conditions package requires that the development be provided with sufficient potable water through sufficient onsite storage.

A plumbing approval DA22072 has been issued for the proposed development.

### 6.4 Electricity and telecommunications

As the development is in the Rural zone, there is no requirement to connect to reticulated electricity or telecommunications networks. It is understood that the site is connected to both reticulated networks.

### 6.5 Stormwater/drainage

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

### 6.6 Transport network

Aliza Place is a sealed access street in Council's road hierarchy. The development will access the road via the existing crossover that serves the existing house. Standard

development conditions have been recommended to ensure safety and efficiency of the road 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

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

No comments or submissions were received.

### 9.0 CONCLUSION

The proposed development is for a secondary dwelling on land in the Rural zone, involving construction of a new larger house on the property and reuse of the existing house as a secondary dwelling. The proposal has been assessed against the applicable assessment benchmarks and was found to comply, with any alternative outcomes outlined in this report.

It is recommended that the development application be approved, subject to the imposition of reasonable and relevant development conditions, as outlined in the schedules and attachments.

### 10.0 ATTACHMENTS

- Floor Plan, drawn by Colonial Building Services, reference Plan No. M435WIL Sheet 1 of 4, dated 4 January 2022.
- Elevations, drawn by Colonial Building Services, reference Plan No. M435WIL Sheet 3 of 4, dated 4 January 2022.
- Site plan, drawn by Colonial Building Services, reference Plan No. M435WIL Sheet 4 of 4, dated 4 January 2022.
- Floor Plan, drawn by Colonial Building Services, reference Plan No. M234OHARA Sheet 1 of 4, dated 16 October 2014.
- Elevations, drawn by Colonial Building Services, reference Plan No. M234OHARA Sheet 3 of 4, dated 16 October 2014.

### RECOMMENDED DECISION

1. THAT Council approve Development Application No. 22457 for a Development Permit for a Material Change of Use for Dwelling House (Secondary Dwelling) on land situated at 37 Aliza Place, Hazeldean, formally described as Lot 27 SP197506, subject to the recommended conditions and requirements contained in the schedules and 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
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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.
	Floor Plan, drawn by Colonial Building Services, reference Plan No. M435WIL Sheet 1 of 4, dated 4 January 2022.	
	Elevations, drawn by Colonial Building Services, reference Plan No. M435WIL Sheet 3 of 4, dated 4 January 2022.	
	Site plan, drawn by Colonial Building Services, reference Plan No. M435WIL Sheet 4 of 4, dated 4 January 2022.	
	Floor Plan, drawn by Colonial Building Services, reference Plan No. M234OHARA Sheet 1 of 4, dated 16 October 2014.	
	Elevations, drawn by Colonial Building Services, reference Plan No. M234OHARA Sheet 3 of 4, dated 16 October 2014.	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to the commencement of use.
1.5	The <i>secondary dwelling</i> is occupied by a relative of the principal <i>household</i> , which forms a single related <i>household</i> .  <i>Note - Two dwellings for separate unrelated households on the same premises is deemed to be dual occupancy.</i>	At all times.
1.6	On-site effluent disposal is to be compliant with the relevant Australian standards.	Prior to the commencement of use.
1.7	Unless connected to a reticulated water supply network, provide a minimum water supply storage capacity of 45,000 litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development.  Or  Unless connected to a reticulated water supply network, provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 litres connected to	Prior to the commencement of use.

	service all domestic water consumption needs of the development.  <i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i>	
1.8	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
<b>SCHEDULE 2 – ENGINEERING</b> <i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>Public Utilities / Infrastructure</b>	
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times.
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
	<b>Stormwater drainage</b>	
2.4	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
	<b>Vehicle access</b>	
2.5	All vehicular access shall provide convenient and safe access and egress from the site.	At all times.
2.6	The landowner is responsible for maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times.
	<b>Erosion and sediment control</b>	
2.7	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> Should the developer fail to complete the works	At all times.

	determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.	
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times.
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase.
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> <li>• Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>• Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>• Stockpile any waste on the development site.</li> </ul>	At all times.
3.4	The holder of this development approval must not: <ul style="list-style-type: none"> <li>• Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>• Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase.
<b>SCHEDULE 4 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the currency period – being six (6) years starting the day the approval takes effect.		

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

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

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

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

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

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

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

#### Attachments for the Decision Notice include:

- Floor Plan, drawn by Colonial Building Services, reference Plan No. M435WIL Sheet 1 of 4, dated 4 January 2022.
- Elevations, drawn by Colonial Building Services, reference Plan No. M435WIL Sheet 3 of 4, dated 4 January 2022.
- Site plan, drawn by Colonial Building Services, reference Plan No. M435WIL Sheet 4 of 4, dated 4 January 2022.
- Floor Plan, drawn by Colonial Building Services, reference Plan No. M234OHARA Sheet 1 of 4, dated 16 October 2014.
- Elevations, drawn by Colonial Building Services, reference Plan No. M234OHARA Sheet 3 of 4, dated 16 October 2014.

#### Resolution

Moved – Cr Brieschke

Seconded – Cr Isidro

1. "THAT Council approve Development Application No. 22457 for a Development Permit for a Material Change of Use for Dwelling House (Secondary Dwelling) on land situated at 37 Aliza Place, Hazeldean, formally described as Lot 27 SP197506, subject to the recommended conditions and requirements contained in the schedules and 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*.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Floor Plan, drawn by Colonial Building Services, reference Plan No. M435WIL Sheet 1 of 4, dated 4 January 2022. Elevations, drawn by Colonial Building Services, reference Plan No. M435WIL Sheet 3 of 4, dated 4 January 2022. Site plan, drawn by Colonial Building Services, reference Plan No. M435WIL Sheet 4 of 4, dated 4 January 2022. Floor Plan, drawn by Colonial Building Services, reference Plan No. M234OHARA Sheet 1 of 4, dated 16 October 2014. Elevations, drawn by Colonial Building Services, reference Plan No. M234OHARA Sheet 3 of 4, dated 16 October 2014.	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to the commencement of use.
1.5	The <i>secondary dwelling</i> is occupied by a relative of the principal <i>household</i> , which forms a single related <i>household</i> .  <i>Note - Two dwellings for separate unrelated households on the same premises is deemed to be dual occupancy.</i>	At all times.
1.6	On-site effluent disposal is to be compliant with the relevant Australian standards.	Prior to the commencement of use.
1.7	Unless connected to a reticulated water supply network, provide a minimum water supply storage capacity of 45,000 litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development.  Or  Unless connected to a reticulated water supply network,	Prior to the commencement of use.

	provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 litres connected to service all domestic water consumption needs of the development.  <i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i>	
1.8	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>Public Utilities / Infrastructure</b>	
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times.
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
	<b>Stormwater drainage</b>	
2.4	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
	<b>Vehicle access</b>	
2.5	All vehicular access shall provide convenient and safe access and egress from the site.	At all times.
2.6	The landowner is responsible for maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times.
	<b>Erosion and sediment control</b>	
2.7	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:  • Be required to install additional measures.	At all times.

	<ul style="list-style-type: none"> <li>Be responsible for the restoration work.</li> </ul> <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>	
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
No	Condition	Timing
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times.
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase.
3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>Stockpile any waste on the development site.</li> </ul>	At all times.
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase.
<b>SCHEDULE 4 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the currency period – being six (6) years starting the day the approval takes effect.		

The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.
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.
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Operations department if in Council's opinion a dust nuisance exists.
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.
This development approval is for the proposed development only. Any additional structures proposed may require their own planning approval and will be assessed on its own merits". <div style="text-align: right;"><u>Carried</u></div>
<i>Vote - Unanimous</i>

<b>Subject:</b>	<b>Notice of proposed Ministerial Infrastructure Designation – Kilcoy State High School – Seib Street, Kilcoy – Lot 383 CG3882</b>
<b>File Ref:</b>	<b>Ministerial Designation</b>
<b>Action Officer:</b>	<b>SP-MJ</b>

### Background/Summary

Council has received correspondence from the State Government inviting submissions for the proposed Ministerial Infrastructure Designation (MID) for Kilcoy State High School (the school). Council has previously approved a similar development (DA19410) at the school, which involved the upgrade of the existing sports facility to a Multi-purpose Hall. The school now proposes to construct a new Multi-purpose Hall. The proposal forms part of Department of Education's (DoE) School Halls and Performing Arts Program and will seek to deliver the following works at the subject site:

- Construction of a new Multi-purpose Hall (10m height) which includes:
  - foyer, outdoor covered area, and kiosk areas;
  - one court and associated equipment/ storage areas;
  - one Stage and associated dressing room;
  - one Kinesiology lab/ drama room;

- one Staff room and one Head of Department office; and
  - amenities spaces.
- Upgrade of existing on-site car park off Seib Street to provide an additional two car parking spaces.
- Other building considerations including covered link access from the new building to the spine of the school and associated landscaping.

The MID has been accompanied by an Environmental Assessment Report (EAR), which has been reviewed and the following comments have been noted.

### **On-site Carparking**

The EAR identifies that five car parking spaces are currently provided on the subject land, an additional two spaces are provided as part of the proposed development. It is considered that the existing five car parking spaces are currently insufficient for this school. Given that the majority of teachers and students with cars utilise the area of spare ground “overflow parking area” to the north of the school, next to tennis courts, for parking along with the on street facilities of Seib Street and Taylor Street. Council has received complaints regarding the parking of vehicles on Seib Street from local residents. The EAR acknowledges that on-site carparking opportunities on site are limited and that DoE are in discussions with Council regarding the car parking, however the parking issues are not proposed to be rectified as part of the MID.

*Council officer recommendation:*

The school and DoE expedite the resolution and formalisation of parking solutions in agreement with Council as part of the proposed development.

### **Kerb and channel**

The EAR acknowledges that there will be an expectation from Council to provide / agree to, a formal pedestrian crossing and extended footpath at Seib St / McCauley Street. Plans show an extended footpath but no kerb and channel, Council would require the kerb and channel to be continued with the footpath.

*Council officer recommendation:*

The school and DoE provide both the kerb and channel and proposed footpath extension as part of the proposed development and prior to commencement of use.

### **Stormwater infrastructure**

Council is also aware that stormwater infrastructure connecting Seib Street to Kilcoy Creek traverse the subject land. The proposal plans appear to illustrate that the proposed building will be constructed over stormwater infrastructure, which is not an outcome supported by Council officers.

*Council officer recommendation:*

The school and DoE relocate the stormwater infrastructure as part of the proposed development.

It is proposed to make a submission to the Minister highlighting the support that Council generally provides to the proposal but also highlight the importance of the recommendations of the provided Environmental Assessment Report and officer recommendations made above.

It is also important to note that the proposed MID would not be subject to Council infrastructure charges, which has an impact on Council’s overall ability to service its trunk infrastructure

network. As part of the submission, it is also intended to request the Department consider the implications of the proposed development and ensure that all reasonable and relevant external works associated with this development are at the State Government's expense.

### Attachments

1. Kilcoy State High School – Ministerial Infrastructure Designation – Proposal Plans

### Recommendation

THAT Council make a submission to the Minister regarding the proposed Ministerial Infrastructure Designation for the multipurpose hall at Kilcoy State High School highlighting Council's overall support for the project and for compliance with recommendations of the Environmental Assessment Report and Council officer recommendations.

#### Resolution

Moved – Cr Choat

Seconded – Cr Whalley

"THAT Council make a submission to the Minister regarding the proposed Ministerial Infrastructure Designation for the multipurpose hall at Kilcoy State High School highlighting Council's overall support for the project and for compliance with recommendations of the Environmental Assessment Report and Council officer recommendations".

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Development Application No. 22493</b>
	<b>Development Application for a Development Permit for Material Change of Use for Dwelling House (Secondary Dwelling)</b>
<b>File No:</b>	<b>DA22493 Assessment No: 00222-00000-000</b>
<b>Action Officer:</b>	<b>SP-MO</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location:	96 Hacienda Crescent, Coominya
Real property description:	Lot 32 RP154298
Site area:	1.447 hectares
Current land use:	Dwelling house and associated outbuildings
Easements/encumbrances:	Nil identified

### Somerset Region Planning Scheme (Version Four)

Zone:	Rural zone
Overlays:	OM4 Bushfire hazard overlay
	OM8 High impact activities management area overlay

### South East Queensland Regional Plan 2017

Land use category:	Regional landscape and rural production area
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### Application

Proposal:	Dwelling house (secondary dwelling)
Category of assessment:	Code assessment

Applicant details:	Mark Fennell and Rebeca Fennell c/- Grummitt Town Planning 34 Evans Drive BENOWA QLD 4217
Owner details:	Mark and Rebecca Fennell
Date application received:	3 June 2022
Date application properly made:	3 June 2022
Referral agencies	None required
Public notification	Not required

### RECOMMENDED DECISION

Approve the development application subject to the conditions and requirements contained in the schedules and attachments of this report.

## 2.0 PROPOSAL

This development application seeks approval for a development permit for a material change of use for a dwelling house (secondary dwelling) on land at 96 Hacienda Crescent, Coominya, formally described as Lot 32 RP154298.

The applicant seeks approval to construct a new dwelling house on the land that will be the primary dwelling and retain the existing dwelling as the secondary dwelling. The new dwelling will be occupied by the son of the existing residents.

The proposed primary dwelling contains four bedrooms, two bathrooms, multiple living spaces, kitchen, laundry, and enclosed double garage. The house will be setback a minimum of 25 metres from the road frontage, and 7.5 metres from the nearest (northern) side boundary. The new house will be located next to the existing dwelling and sited closer to the road.

The existing dwelling (proposed secondary dwelling) is a small cottage with a floor area of 105m<sup>2</sup>. The dwelling is served by an existing shed to the rear, and the landowner is currently seeking approval for a new shed and carport associated with this dwelling.

A site plan, floor plans of both dwellings, and elevations for the new dwelling, are provided in the attachments to this report.

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

## 3.0 SITE DETAILS AND SURROUNDING LAND USES

The subject land is an irregular shaped lot that has been improved by a small dwelling and a shed. The existing dwelling will be accessed via the established crossover at the southern end of the site, which gains access from Hacienda Crescent, a sealed access street (major) in Council's road hierarchy.

A second crossover currently exists for the secondary dwelling site; however, it is unclear if the crossover is designed to Council's design standards. It is a recommendation of this report that an access application be made for the additional access point, to ensure that the crossover meets the design standards.

## 4.0 PLANNING ASSESSMENT – STATE PLANNING INSTRUMENTS

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

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

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

#### **4.1 STATE PLANNING POLICY**

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

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

#### **4.2 SOUTH EAST QUEENSLAND REGIONAL PLAN 2017**

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

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

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

The proposal does not impact on any regulated vegetation or koala habitat areas, is not located in proximity to a Queensland heritage place or local heritage place, is not known to be on a contaminated land register, nor involve any environmentally relevant activities.

### **5.0 PLANNING ASSESSMENT – LOCAL PLANNING INSTRUMENTS**

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

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

##### **5.1.1 Strategic Framework Assessment**

An assessment against the strategic framework assessment was not required as this development application was subject to code assessment.

##### **5.1.2 Code Compliance Summary**

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

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

<b>Applicable Code</b>	<b>Compliance with Overall Outcomes</b>	<b>Performance Outcomes</b>
Rural zone code	Yes	PO5
Dwelling house code	Yes	PO1, PO8
Transport access and parking code	Yes	PO6, PO10

Applicable Overlay Code	Compliance with Overall Outcomes	Performance Outcomes
No applicable overlay codes	-	-

The High impact activities management area overlay code does not apply to this application, and the proposed dwelling is not within a bushfire hazard area on the Bushfire hazard overlay maps.

The assessment of the development proposal against the performance outcomes of the applicable codes is discussed below.

### 5.1.3 Performance Outcome Assessment

#### Rural zone code

Performance outcome	Acceptable outcome
<b>Building setbacks</b>	
<b>PO2</b> Building setbacks: (g) contribute to the maintenance of the rural character of the zone; and (h) manage potential amenity impacts on <i>sensitive land uses on adjoining premises</i> .	<b>AO2</b> Buildings and structures are setback a minimum 15 metres from all boundaries of the site.
<b>Proposal</b> The proposed dwelling (being the new primary dwelling) will be setback 7.5 metres from the nearest (northern) side boundary. All other boundary setbacks are compliant with the acceptable outcome.	
<b>Performance outcome assessment</b> The proposed dwelling is provided with a side setback that is consistent with other established houses within the local area and is consistent with the rural lifestyle character of the neighbourhood.	
The setback is not considered to result in any undue amenity impacts on the adjoining neighbour, which enjoys a significant setback from the common boundary.	
It is recommended that the alternative outcome to AO2 be accepted in this instance.	

#### Dwelling house code

Performance outcome	Acceptable outcome
<b>General</b>	
<b>PO2</b> Building setbacks: (a) contribute to the maintenance of the rural character of the zone; and (b) manage potential amenity impacts on <i>sensitive land uses on adjoining premises</i> .	<b>AO2</b> Buildings and structures are setback a minimum 15 metres from all boundaries of the site.
<b>Secondary dwellings</b>	
<b>PO8</b> <i>Secondary dwellings:</i>	<b>AO8.2</b>

<p>(a) are designed and sited to maintain local character and amenity;</p> <p>(b) are visually compatible with the existing <i>dwelling house</i>; and</p> <p>(c) are located in proximity to the principal <i>dwelling</i>.</p>	<p>In the Rural zone, the <i>secondary dwelling</i> is located a minimum of 15 metres from any side or rear boundary.</p>
<p><b>Proposal</b> As identified in the Rural zone code assessment, the proposed dwelling (being the new primary dwelling) will be setback 7.5 metres from the nearest (northern) side boundary. All other boundary setbacks are compliant with the acceptable outcome.</p> <p><b>Performance outcome assessment</b> The proposed dwelling is provided with a side setback that is consistent with other established houses within the local area and is consistent with the rural lifestyle character of the neighbourhood.</p> <p>The setback is not considered to result in any undue amenity impacts on the adjoining neighbour, which enjoys a significant setback from the common boundary.</p> <p>It is recommended that the alternative outcomes to AO2 and AO8.2 be accepted in this instance.</p>	

### Transport access and parking code

Performance outcome	Acceptable outcome
<b>Site access</b>	
<p><b>PO6</b> The number of crossovers and design standard is appropriate to the use, expected traffic volumes, vehicle types, and function of the <i>road</i>.</p>	<p><b>AO6</b> The maximum number of crossovers is two for non-residential activities and one for residential activities.</p>
<p><b>Proposal</b> The proposal will require the use of a second crossover to Hacienda Crescent. A second crossover currently exists for the secondary dwelling site; however, it is unclear if the crossover is designed to Council's design standards.</p> <p>The second crossover is required as the existing crossover is located at the southern end of the property frontage, whereas the new dwelling is located on the northern side of the property, with the garage on the northern most elevation.</p> <p><b>Performance outcome assessment</b> It is considered that the use of the second crossover is appropriate for the use of the property as a secondary dwelling, and that its use will not impact upon the safety and function of the road.</p> <p>The recommended conditions of approval require the submission of a property access application for the use of this second crossover, to ensure the crossover meets the</p> <p>It is recommended that the alternative outcome to AO6 be accepted in this instance.</p>	
<b>Vehicle standing and manoeuvring areas</b>	
<p><b>PO10</b> Vehicle standing and manoeuvring areas are of suitable standard for the intended</p>	<p><b>AO10</b> Internal manoeuvring and standing areas of the <i>site</i> are sealed.</p>

use and the areas are constructed to a standard that avoids <i>environmental nuisance</i> .	
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**Proposal**

The application material does not identify any additional parking or manoeuvring areas beyond the existing driveway to access the current dwelling and sheds on site. These areas are currently unsealed. It is expected that the additional driveway serving the new primary dwelling will be constructed to a similar standard.

**Performance outcome assessment**

The proposal is for a dwelling house in the Rural zone. It is not considered that the use of the existing unsealed manoeuvring area, or the introduction of a new access closer to the new dwelling would result in an environmental nuisance. The standard of construction is considered acceptable for the intended use.

It is recommended that the alternative outcome to AO10 be accepted in this instance.

**5.1.6 Overall Outcome Assessment**

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

**6.0 OTHER PLANNING CONSIDERATIONS****6.1 Trunk Infrastructure and Services**

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

**6.2 Infrastructure charges**

The proposed development is for a secondary dwelling, which does not attract an adopted charge under section 2.4 of the *Somerset Regional Council Charges Resolution (No. 1) 2022*.

No infrastructure charges are applicable, and no infrastructure charges notice is required.

**6.3 Water supply and sewerage networks**

The subject land is located outside of the connections area and future connections area for both the water and sewerage networks under Urban Utilities' Netserv Plan. The recommended development conditions include requiring the development to provide sufficient onsite water storage and wastewater treatment to meet the requirements of the planning scheme.

**6.4 Electricity and telecommunications networks**

As the development is in the Rural zone, there is no requirement to connect to reticulated electricity or telecommunications networks. It is understood that the site is connected to both reticulated networks.

**6.5 Stormwater/drainage network**

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

**6.6 Transport network**

The development does not result in an undue impact on Hacienda Crescent, which is a sealed access street (major) in Council's road hierarchy.

The application proposes to use an existing second access for the new primary dwelling. The recommended conditions of approval require that the access be constructed to Council's design standards, through a separate property access application.

Standard development conditions have been recommended to ensure safety and efficiency of the road network.

### **6.7 Public parks and community land network**

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**

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

No comments or submissions were received.

### **9.0 CONCLUSION**

The proposed development is for a secondary dwelling on land in the Rural zone. The proposal has been assessed against the applicable assessment benchmarks and was found to comply with the alternative outcomes outlined in this report.

It is recommended that the development application be approved, subject to the imposition of reasonable and relevant development conditions, as outlined in the schedules and attachments.

### **10.0 ATTACHMENT**

3. Site Plan, supplied by applicant, received 03/06/2022.
4. Contour and Detail Survey, prepared by Steve Cooper and Associates, reference 22-837, dated 10/06/2022.
5. Existing Floor Plan, supplied by applicant, received 03/06/2022.
6. Sheet 1 (Floor Plan), drawn by Hallmark Homes, no date
7. Sheet 2 (Elevations), drawn by Hallmark Homes, no date

### **RECOMMENDED DECISION**

1. THAT Council approve the Development Application for a Development Permit for a Material Change of Use for Dwelling House (Secondary Dwelling) on land situated at 96 Hacienda Crescent, Coominya, formally described as Lot 32 RP154298, subject to the recommended conditions and requirements contained in the schedules and 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*.

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

	supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	
	Site Plan, supplied by applicant, received 03/06/2022.	
	Contour and Detail Survey, prepared by Steve Cooper and Associates, reference 22-837, dated 10/06/2022.	
	Existing Floor Plan, supplied by applicant, received 03/06/2022.	
	Sheet 1 (Floor Plan), drawn by Hallmark Homes, no date	
	Sheet 2 (Elevations), drawn by Hallmark Homes, 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 <i>secondary dwelling</i> is occupied by a relative of the principal <i>household</i> , which forms a single related <i>household</i> .  <i>Note - Two dwellings for separate unrelated households on the same premises is deemed to be dual occupancy.</i>	At all times.
1.6	On-site effluent disposal is to be compliant with the relevant Australian standards.	Prior to the commencement of use.
1.7	Unless connected to a reticulated water supply network, provide a minimum water supply storage capacity of 45,000 litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development.  Or  Unless connected to a reticulated water supply network, provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 litres connected to service all domestic water consumption needs of the development.  <i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i>	Prior to the commencement of use.
1.8	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.

<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>Public Utilities / Infrastructure</b>	
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times.
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
	<b>Stormwater drainage</b>	
2.4	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
	<b>Vehicle access</b>	
2.5	All vehicular access shall provide convenient and safe access and egress from the site.	At all times.
2.6	<p>The landowner is responsible for maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Design Standards.</p> <p>The crossover associated with the new dwelling at the northern boundary requires a further Road Access Application to be made to Council.</p>	At all times.
	<b>Erosion and sediment control</b>	
2.7	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <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.
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		

<i>Assessment Manager</i>		
No	Condition	Timing
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times.
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase.
3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>• Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>• Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>• Stockpile any waste on the development site.</li> </ul>	At all times.
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>• Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>• Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase.

**SCHEDULE 4 – ADVICE***Assessment Manager*

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

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

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

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

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <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.
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Operations department if in Council's opinion a dust nuisance exists.
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.
This development approval is for the proposed development only. Any additional structures proposed may require their own planning approval and will be assessed on its own merits.

**Attachments for the Decision Notice include:**

- Site Plan, supplied by applicant, received 03/06/2022.
- Contour and Detail Survey, prepared by Steve Cooper and Associates, reference 22-837, dated 10/06/2022.
- Existing Floor Plan, supplied by applicant, received 03/06/2022.
- Sheet 1 (Floor Plan), drawn by Hallmark Homes, no date
- Sheet 2 (Elevations), drawn by Hallmark Homes, no date

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Brieschke

1. "THAT Council approve the Development Application for a Development Permit for a Material Change of Use for Dwelling House (Secondary Dwelling) on land situated at 96 Hacienda Crescent, Coominya, formally described as Lot 32 RP154298, subject to the recommended conditions and requirements contained in the schedules and 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.
	Site Plan, supplied by applicant, received 03/06/2022.	
	Contour and Detail Survey, prepared by Steve Cooper and Associates, reference 22-837, dated 10/06/2022.	
	Existing Floor Plan, supplied by applicant, received	

	03/06/2022.	
	Sheet 1 (Floor Plan), drawn by Hallmark Homes, no date	
	Sheet 2 (Elevations), drawn by Hallmark Homes, 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 <i>secondary dwelling</i> is occupied by a relative of the principal <i>household</i> , which forms a single related <i>household</i> .  <i>Note - Two dwellings for separate unrelated households on the same premises is deemed to be dual occupancy.</i>	At all times.
1.6	On-site effluent disposal is to be compliant with the relevant Australian standards.	Prior to the commencement of use.
1.7	Unless connected to a reticulated water supply network, provide a minimum water supply storage capacity of 45,000 litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development.  Or  Unless connected to a reticulated water supply network, provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 litres connected to service all domestic water consumption needs of the development.  <i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i>	Prior to the commencement of use.
1.8	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>Public Utilities / Infrastructure</b>	
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of	At all times.

	this approval.	
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
	<b>Stormwater drainage</b>	
2.4	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
	<b>Vehicle access</b>	
2.5	All vehicular access shall provide convenient and safe access and egress from the site.	At all times.
2.6	<p>The landowner is responsible for maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Design Standards.</p> <p>The crossover associated with the new dwelling at the northern boundary requires a further Road Access Application to be made to Council.</p>	At all times.
	<b>Erosion and sediment control</b>	
2.7	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <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.
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste	At all times.

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

#### **SCHEDULE 4 – ADVICE**

##### Assessment Manager

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

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

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

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

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

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

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

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

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

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Development Application No. 22554</b>
	<b>Development Application for a Development Permit for Material Change of Use for Dwelling House (Secondary Dwelling)</b>
<b>File No:</b>	<b>DA22554 Assessment No: 03994-00000-000</b>
<b>Action Officer:</b>	<b>SP-MJ</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location:	554 Rocky Gully Road, Coominya
Real property description:	Lot 23 RP135412
Site area:	4.003 hectares
Current land use:	Dwelling house and associated outbuildings
Easements/encumbrances:	Nil

### Somerset Region Planning Scheme (Version Four)

Zone:	Rural zone
Overlays:	OM1 Agricultural land OM4 Bushfire OM8 High Impact Activity Management Area

### South East Queensland Regional Plan 2017

Land use category:	Regional landscape and rural production area
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### Application

Proposal:	Dwelling house (secondary dwelling)
Category of assessment:	Code assessment
Applicant details:	Chad Steedman and Kobi Louise Steedman C/- Fluid Building Approvals P.O. Box 404 ASPLEY QLD 4034
Owner details:	C. and K. Steedman

Date application received: 21 June 2022

Date application properly made: 5 July 2022

**Referral agencies** None required

**Public Notification** Not required

### **RECOMMENDED DECISION**

Approve the development application subject to the conditions and requirements contained in the schedules and attachments of this report.

## **2.0 PROPOSAL**

This development application seeks approval for a development permit for a material change of use for dwelling house (secondary dwelling) on land at 554 Rocky Gully Road, Coominya formally described as Lot 23 RP135412.

The proposal involves the establishment of a new primary dwelling house and the conversion of the existing dwelling house to a secondary dwelling. The secondary dwelling contains four bedrooms, single bathroom, laundry, and open kitchen living room, with a gross floor area of 125m<sup>2</sup>, compared with 190m<sup>2</sup> for the primary dwelling. The secondary dwelling is located approximately 30 metres from the road frontage, and about 8 metres from the closest (western) side boundary, the existing carport/garage is located within 1.5 metres from the side boundary. The proposed primary dwelling will be located about 15 metres from the eastern side boundary and about 70 metres from the road boundary. The existing access to Rocky Gully Road is proposed to be utilised by both dwellings.

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

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

The subject land is regular in shape and is improved by an existing dwelling house (to be converted into a secondary dwelling) and a carport/garage. Access to the site is Rocky Gully Road, which is a sealed road on Council's road register, and a local road of regional significance.

The subject land is within 500 metres to land which is approved for extractive industry purposes (sand and gravel extraction) and is located on a haul route which supports these developments. The subject land is located about 1.8km from the closest poultry farm (breeder farm).

## **4.0 PLANNING ASSESSMENT – STATE PLANNING INSTRUMENTS**

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

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

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

### **4.1 STATE PLANNING POLICY**

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

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

#### **4.2 SOUTH EAST QUEENSLAND REGIONAL PLAN 2017**

The site is located within the Regional landscape and rural production area. The development application has been assessed against the provisions of the regional plan and the associated regulatory requirements and was found to be consistent.

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

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

The subject land is heavily vegetated and contains large sections of mapped core koala habitat and the property is contained within the Priority koala area. The application material has advised that the proposed location of the primary dwelling will not result in clearing of vegetation as it is to be positioned within an existing cleared location. If approved, the development will be conditioned to ensure any clearing is in accordance with the legislative requirements. A condition will be included which will limit clearing in accordance with the *Planning Regulation 2017*.

#### **5.0 PLANNING ASSESSMENT – LOCAL PLANNING INSTRUMENTS**

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

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

##### **5.1.1 Strategic Framework Assessment**

An assessment against the strategic framework assessment was not required as this development application was subject to code assessment.

##### **5.1.2 Code Compliance Summary**

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

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

<b>Applicable Code</b>	<b>Compliance with Overall Outcomes</b>	<b>Performance Outcomes</b>
Rural zone code	Yes	PO2 and PO10
Dwelling house code	Yes	PO6, PO8 and PO9
Transport access and parking code	Yes	Complies with Accepted outcomes
<b>Applicable Overlay Code</b>	<b>Compliance with Overall Outcomes</b>	<b>Performance Outcomes</b>
Bushfire hazard overlay code	Yes	Complies with Accepted outcomes

The assessment of the development proposal against the performance outcomes of the applicable codes is discussed below.

##### **5.1.3 Performance Outcome Assessment**

**Dwelling house code**

Performance outcome	Acceptable outcome
<b>Secondary dwellings</b>	
<b>PO6</b> The <i>secondary dwelling</i> is small-scale, low-key, and subordinate to the <i>dwelling house</i> .	<b>AO6.1</b> The total maximum <i>gross floor area</i> of the <i>secondary dwelling</i> shall not exceed 60 percent of the gross floor area of the <i>dwelling house</i> on the same <i>site</i> .
<b>Performance outcome assessment</b> The existing primary dwelling house has a GFA of 125m <sup>2</sup> . This is to become the secondary dwelling and a new dwelling is proposed which has a GFA of 190m <sup>2</sup> . and the secondary dwelling has a proposed GFA of 190m <sup>2</sup> . The equates to the secondary dwelling having a GFA that is 65% of the primary dwelling.  Although the proposed secondary dwelling exceeds the preferred 60% GFA of the primary dwelling, it does so only marginally. The existing dwelling is single storey and has a smaller footprint than the primary dwelling and will be occupied by a relative of the property owner.  Given the secondary dwelling will utilise the existing dwelling house and in this instance the performance outcome has been satisfied. It is recommended that the alternative outcome to be accepted in this instance.	
Performance outcome	Acceptable outcome
<b>PO8</b> <i>Secondary dwellings:</i> (d) are designed and sited to maintain local character and amenity; (e) are visually compatible with the existing <i>dwelling house</i> ; and (f) are located in proximity to the principal <i>dwelling</i> .	<b>AO8.1</b> The <i>secondary dwelling</i> is no closer to the front boundary of the <i>premises</i> than the principal <i>dwelling house</i> .  <b>AO8.2</b> In the Rural zone, the <i>secondary dwelling</i> is located a minimum of 15 metres from any side or rear boundary.
<b>Performance outcome assessment</b> The secondary dwelling is setback about 30 metres from the front boundary and the proposed primary dwelling is to be located 73 metres from the front boundary.  The potential location of the primary dwelling has been limited due to the mapped core koala habitat and the legislation limitations around clearing of vegetation. The position has predominantly been chosen as no vegetation clearing is required. The existing vegetation on the site acts to screen the primary and secondary dwellings from the road. The existing driveway is to be utilised for both dwelling houses.  The proposed secondary dwelling is located within 15 metres of the western side boundary. The site plan does not specify the exact setback from the boundary, however aerial photography indicates the dwelling is located about 10 metres from the boundary. Given the dwelling is existing and no amendments are proposed it is expected that the amenity and character of the locality will not be impacted. The proposed new primary dwelling achieves the 15-metre setback.	

Overall, the proposed development is considered to achieve the performance outcome and the secondary dwelling and proposed new primary dwelling are consistent with the local character and amenity.

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

Performance outcome	Acceptable outcome
<b>Proximity to Intensive Animal Industry or Extractive Industry</b>	
<b>PO9</b> The location of any <i>dwelling house</i> does not compromise the continued operation of an existing <i>intensive animal industry</i> or <i>extractive industry</i> not identified as a <i>key resource area</i> .	<b>AO9.1</b> Any new <i>dwelling house</i> is to be located a minimum of 500 metres from an existing <i>intensive animal industry</i> or <i>extractive industry</i> not identified as a <i>key resource area</i> , unless it is associated with one of these uses.
<b>Performance outcome assessment</b> The subject land is within 500 metres of key resource area (KRA) number 159 and also an approved sand and gravel extraction facility, both extractive industries are located on the southern side of Rocky Gully Road. The relevant extractive industry approvals have been accompanied by supporting information which ensures that environmental nuisance would not result from the extractive industry. As such, it is expected that the inclusion of an additional dwelling house will not adversely compromise the operation of the extractive industry activities.	
It is recommended that the alternative outcome to be accepted in this instance.	

#### Rural zone code

Performance outcome	Acceptable outcome
<b>Building setbacks</b>	
<b>PO2</b> Building setbacks: (i) contribute to the maintenance of the rural character of the zone; and (j) manage potential amenity impacts on <i>sensitive land uses on adjoining premises</i> .	<b>AO2</b> Buildings and structures are setback a minimum 15 metres from all boundaries of the site.
<b>Performance outcome assessment</b> Refer discussions above regarding PO8 of the Dwelling house code.	
It is recommended that the alternative outcome to be accepted in this instance.	
<b>Vehicle standing and manoeuvring areas</b>	
<b>PO10</b> Vehicle standing and manoeuvring areas are of suitable standard for the intended use and the areas are constructed to a standard that avoids <i>environmental nuisance</i> .	<b>AO10</b> Internal manoeuvring and standing areas of the <i>site</i> are sealed.
<b>Proposal</b> The existing driveway is constructed to a gravel standard, it is expected that the additional driveway serving the new primary dwelling will be constructed to a similar standard.	

**Performance outcome assessment**

The proposal is for a dwelling house in the Rural zone. The existing driveway is to be extended to the proposed primary dwelling. The existing construction standards are to be maintained, which is an acceptable treatment within the Rural zone.

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

**5.1.7 Overall Outcome Assessment**

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

**6.0 OTHER PLANNING CONSIDERATIONS****6.1 Trunk Infrastructure and Services**

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

**6.2 Infrastructure charges**

The proposed development is for a secondary dwelling, which does not attract an adopted charge under section 2.4 of the *Somerset Regional Council Charges Resolution (No. 1) 2022*.

No infrastructure charges are applicable, and no infrastructure charges notice is required.

**6.3 Water supply and sewerage**

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

As the site of the dwelling is not within the connections area, the recommended conditions package requires that the development be provided with sufficient potable water through sufficient onsite storage.

The development conditions also reflect the requirement to provide an on-site effluent disposal.

**6.4 Electricity and telecommunications**

As the development is in the Rural zone, there is no requirement to connect to reticulated electricity or telecommunications networks. It is understood that the site is connected to both reticulated networks.

**6.5 Stormwater/drainage**

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

**6.6 Transport network**

Rocky Gully Road is a sealed road in Council's road hierarchy. The development will access the road via the existing crossover that serves the existing house. Standard development conditions have been recommended to ensure safety and efficiency of the road 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

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

No comments or submissions were received.

## 9.0 CONCLUSION

The proposed development is for a secondary dwelling on land in the Rural zone. The proposal has been assessed against the applicable assessment benchmarks and was found to comply, with any alternative outcomes outlined in this report.

It is recommended that the development application be approved, subject to the imposition of reasonable and relevant development conditions, as outlined in the schedules and attachments.

## 10.0 ATTACHMENTS

1. Site plan – Reference No. WD-03 – Prepared by Matt Bradley Designs – dated 14 July 2022
2. Secondary dwelling floor plan – Reference No. WD-05 - Prepared by Matt Bradley Designs – dated 25 July 2022
3. Primary dwelling floor plans - Reference No. WD-08 and WD09 - Prepared by Matt Bradley Designs – dated 14 July 2022
4. Primary dwelling elevations – Reference No. WD-11 and WD-12 – Prepared by Matt Bradley Designs – dated 14 July 2022
5. Bushfire Mitigation Report – Reference No. FM 5637 – Prepared by Eldon Bottcher Architect Pty Ltd – dated 28 February 2022

## RECOMMENDED DECISION

1. THAT Council approve Development Application No. 22554 for a Development Permit for a Material Change of Use for Dwelling House (Secondary Dwelling) on land situated at 554 Rocky Gully Road, Coominya, formally described as Lot 23 RP135412, subject to the recommended conditions and requirements contained in the schedules and 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*.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	1. Site plan – Reference No. WD-03 – Prepared by Matt Bradley Designs – dated 14 July 2022	

	2. Secondary dwelling floor plan – Reference No. WD-05 - Prepared by Matt Bradley Designs – dated 25 July 2022	
	3. Primary dwelling floor plans - Reference No. WD-08 and WD09 - Prepared by Matt Bradley Designs – dated 14 July 2022	
	4. Primary dwelling elevations – Reference No. WD-11 and WD-12 – Prepared by Matt Bradley Designs – dated 14 July 2022	
	5. Bushfire Mitigation Report – Reference No. FM 5637 – Prepared by Eldon Bottcher Architect Pty Ltd – dated 28 February 2022	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to the commencement of use.
1.5	The <i>secondary dwelling</i> is occupied by a relative of the principal <i>household</i> , which forms a single related <i>household</i> .  <i>Note - Two dwellings for separate unrelated households on the same premises is deemed to be dual occupancy.</i>	At all times.
1.6	On-site effluent disposal is to be compliant with the relevant Australian standards.	Prior to the commencement of use.
1.7	Unless connected to a reticulated water supply network, provide a minimum water supply storage capacity of 45,000 litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development.  Or  Unless connected to a reticulated water supply network, provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 litres connected to service all domestic water consumption needs of the development.  <i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i>	Prior to the commencement of use.

1.8	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
<b>Bushfire management</b>		
1.9	The secondary dwelling is to be provided with the following requirements for fire fighting purposes:  (a) an accessible on-site dam or tank with fire fighting fittings, or a swimming pool of not less than 40,000 litres; or (b) pumps that produce water pressure output from a dam, tank or swimming pool, which are able to be operated without reticulated power.	Prior to the commencement of use and maintained at all times.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
<b>Public Utilities / Infrastructure</b>		
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times.
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
<b>Stormwater drainage</b>		
2.4	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
<b>Vehicle access</b>		
2.5	All vehicular access shall provide convenient and safe access and egress from the site.	At all times.
2.6	The landowner is responsible for maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times.
<b>Erosion and sediment control</b>		
2.7	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:	At all times.

	<ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <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>	
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times.
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase.
3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>• Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>• Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>• Stockpile any waste on the development site.</li> </ul>	At all times.
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>• Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>• Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase.
<b>SCHEDULE 4 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if		

the first change of the use under the approval does not start within the currency period – being six (6) years starting the day the approval takes effect.
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.
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.
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Operations department if in Council's opinion a dust nuisance exists.
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.
This development approval is for the proposed development only. Any additional structures proposed may require their own planning approval and will be assessed on its own merits.

**Attachments for the Decision Notice include:**

1. Site plan – Reference No. WD-03 – Prepared by Matt Bradley Designs – dated 14 July 2022
2. Secondary dwelling floor plan – Reference No. WD-05 - Prepared by Matt Bradley Designs – dated 25 July 2022
3. Primary dwelling floor plans - Reference No. WD-08 and WD09 - Prepared by Matt Bradley Designs – dated 14 July 2022
4. Primary dwelling elevations – Reference No. WD-11 and WD-12 – Prepared by Matt Bradley Designs – dated 14 July 2022
5. Bushfire Mitigation Report – Reference No. FM 5637 – Prepared by Eldon Bottcher Architect Pty Ltd – dated 28 February 2022

**Resolution**

Moved – Cr Wendt

Seconded – Cr Isidro

1. "THAT Council approve Development Application No. 22554 for a Development Permit for a Material Change of Use for Dwelling House (Secondary Dwelling) on land situated at 554 Rocky Gully Road, Coominya, formally described as Lot 23 RP135412, subject to the recommended conditions and requirements contained in the schedules and 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.
	6. Site plan – Reference No. WD-03 – Prepared by Matt Bradley Designs – dated 14 July 2022	
	7. Secondary dwelling floor plan – Reference No. WD-05 - Prepared by Matt Bradley Designs – dated 25 July 2022	
	8. Primary dwelling floor plans - Reference No. WD-08 and WD09 - Prepared by Matt Bradley Designs – dated 14 July 2022	
	9. Primary dwelling elevations – Reference No. WD-11 and WD-12 – Prepared by Matt Bradley Designs – dated 14 July 2022	
	10. Bushfire Mitigation Report – Reference No. FM 5637 – Prepared by Eldon Bottcher Architect Pty Ltd – dated 28 February 2022	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to the commencement of use.
1.5	The <i>secondary dwelling</i> is occupied by a relative of the principal <i>household</i> , which forms a single related <i>household</i> .  <i>Note - Two dwellings for separate unrelated households on the same premises is deemed to be dual occupancy.</i>	At all times.
1.6	On-site effluent disposal is to be compliant with the relevant Australian standards.	Prior to the commencement of use.
1.7	Unless connected to a reticulated water supply network, provide a minimum water supply storage capacity of 45,000 litres capable of capturing roof run-off and connected to service all domestic water consumption needs of the development.	Prior to the commencement of use.

	<p>Or</p> <p>Unless connected to a reticulated water supply network, provide the development with a drinkable water supply from an approved bore, and a tank with a minimum water supply storage capacity of 10,000 litres connected to service all domestic water consumption needs of the development.</p> <p><i>Note: The result of the Standard Drinking Water Test is to be provided to Council.</i></p>	
1.8	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
<b>Bushfire management</b>		
1.9	<p>The secondary dwelling is to be provided with the following requirements for fire fighting purposes:</p> <p>(c) an accessible on-site dam or tank with fire fighting fittings, or a swimming pool of not less than 40,000 litres; or</p> <p>(d) pumps that produce water pressure output from a dam, tank or swimming pool, which are able to be operated without reticulated power.</p>	Prior to the commencement of use and maintained at all times.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
<b>Public Utilities / Infrastructure</b>		
2.1	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	At all times.
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
<b>Stormwater drainage</b>		
2.4	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
<b>Vehicle access</b>		
2.5	All vehicular access shall provide convenient and safe access and egress from the site.	At all times.

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

	<ul style="list-style-type: none"> <li>Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	
<b>SCHEDULE 4 – ADVICE</b>		
Assessment Manager		
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.		
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Operations department if in Council's opinion a dust nuisance exists.		
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.		
This development approval is for the proposed development only. Any additional structures proposed may require their own planning approval and will be assessed on its own merits.		
<p style="text-align: right;"><u>Carried</u></p> <p>Vote - Unanimous</p>		

<b>Subject:</b>	<b>Application for Keeping more than maximum number of animals – 217 RP819203 - 04223-00200-000 - 17 Windsor Drive Mount Hallen</b>
<b>File Ref:</b>	<b>LICENCING – LOCAL LAWS – Keeping of Animals</b>
<b>Action Officer:</b>	<b>RSO - MC</b>

## Background/Summary

### Application Details

Council received an application to keep four dogs from the occupier of 17 Windsor Drive, Mount Hallen. The application relates to the keeping of medium breeds including four Labrador Retrievers in the Rural zone on an allotment of 4ha.

Regulatory Services Officers conducted an inspection of the site with the landowner on 26 July 2022 and noted the following:

- There is one dwelling located on the property.
- All dogs are microchipped and one is de-sexed
- The dogs have access to an area behind the house and the covered patio area.
- The property fencing is constructed of ring lock fencing and is in good condition and adequate to contain dogs at time of inspection.

### Assessment Summary

#### Complaint History

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

#### Submissions

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

#### Local Law Assessment

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

Criteria:	Compliance (Y/N)
(1) Whether the premises on which the animal or animals can be effectively and comfortably kept on the premises.	Y
Comments: The enclosures are adequate to keep the subject dogs comfortably and effectively on the premises.	
(2) Whether a residence exists on the premises.	Y
Comments: A residence exists on the premises.	
(3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of <i>Local Law No. 2 (Animal Management) 2011</i> .	Y
Comments: The fencing and the enclosure on the premises is maintained to a high standard and deemed suitable at the time of the inspection.	
(4) Whether the applicant for the approval or some other suitable person to supervise the animal or animals will be resident on the premises on which the animal or animals are to be kept.	Y

Comments: The applicants are a retired couple and are able to supervise the animals on the premises.	
(5) Whether the animal or animals will be properly supervised.	Y
Comments: The applicants are a retired couple and are able to supervise the animals on the premises to a high standard. The dogs are undergoing behaviour training conducted by the applicants.	
(6) If the application relates to the keeping of dogs or cats – whether the animals identified in the application are registered with the local government.	Y
Comments: Two of the four dogs are currently registered with Somerset Regional Council other dogs will be registered if the application is approved.	
(7) If section 14 of the Animal Management Act applies to the applicant for the approval - whether the applicant has complied with the requirements of the section.  14. Owner must ensure cat or dog is implanted  1) A person who is or becomes an owner of a cat or dog that is not implanted with a PPID must ensure the cat or dog is implanted with a PPID before it is 12 weeks old unless the person has a reasonable excuse.  Maximum penalty—20 penalty units.  Note — A cat or dog that is more than 12 weeks old on the commencement of this section need not be implanted with a PPID unless it is supplied. See section 43Y.  2) It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove—  a) here is a signed veterinary surgeon's certificate for the cat or dog stating that implanting it with a PPID is likely to be a serious risk to the health of the cat or dog; or  b) for a dog, the ownership is to use it as—  (i) a government entity dog; or (ii) a working dog; or (iii) another class of dog prescribed under a regulation.	Y
Comments: All four dogs listed on the application are microchipped.	
(8) Whether the applicant is a suitable person to hold the approval.	Y
Comments: Council does not have information that the applicant is not a suitable person.	
(9) Whether the grant of the approval for the prescribed activity on the premises is likely to –  a) cause nuisance, inconvenience or annoyance to occupiers of adjoining land; or b) affect the amenity of the surrounding area; or c) have a deleterious effect on the local environment or cause pollution or other environmental damage.	Y

Comments:	
a) The dogs are not likely to cause nuisance, inconvenience or annoyance to occupiers of adjoining land due to the strict behaviour training provided by the applicants.	
b) The granting of the approval is not likely to affect the amenity of the surrounding area.	
c) The granting of the approval is not likely to have a deleterious effect on the local environment or cause pollution or other environmental damage.	
(10) If the application relates to the keeping of cats –	N/A
a) whether the cats have been desexed; and	
b) whether the cats have been fitted with an approved microchip.	
Comments: N/A	
(11) If the application relates to the keeping of an animal or animals on multi residential premises –	N/A
a) whether the applicant - is entitled to make use of a common area; and	
b) whether the applicant has exclusive possession and control of the whole or a part of the common area for the purpose of keeping the animal or animals; and	
c) whether the applicant has the written permission of the person or body which manages or controls the common area to use the common area, or a part of the common area, for the purpose of keeping the animal or animals.	
Comments: N/A	
(12) Where the animal or animals are to be kept on premises other than multi residential premises and the applicant is not the owner of the premises - whether the applicant has the written permission of the owner of the premises to keep the animal or animals on the premises.	N/A
Comments: The applicants own the premises.	
(13) Whether the applicant has been refused a similar type of approval by the local government or another local government.	Y
Comments: The applicants have not been refused a similar type of approval. The applicants stated they have had approvals to keep 4 dogs with the Scenic Rim Region Council for 8 years and up to 9 dogs in the Logan City Region for 5 years.	
(14) If the application relates to the keeping of dogs on an allotment, the local government may only grant an approval if it is satisfied that no dog which is a regulated dog is kept on the allotment.	Y
Comments: No regulated dogs are involved in this application.	
(15) If the application relates to the keeping of up to 4 dogs over the age of 3 months on an allotment which is located outside a designated area and has an area of 10,000m <sup>2</sup> or more – whether the applicant for the approval is a current member of an approved entity.	Y
Comments: The application is for the keeping of 4 dogs on an allotment with an area of 4ha and located outside the designated area.	
The applicants are members of Dogs Queensland – membership # 4000693480.	

(16) If the application relates to the keeping of up to 6 dogs over the age of 3 months on an allotment which is located outside a designated area and has an area of 20,000m <sup>2</sup> or more – whether the applicant for the approval is an accredited breeder.	N/A
Comments: N/A	

### Attachments

1. Locality Plan

### Recommendation

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

1. On land described as Lot 217 on RP819203, situated at 17 Windsor Drive, Mount Hallen;
2. For dogs described in **Schedule 1** below; and
3. Subject to the conditions set out in **Schedule 2** below.

### Schedule 1

Description of dogs:					
Name	Breed	Colour	Sex (M/F)	Desexed (Y/N)	Microchip No.
Daisy	Labrador Retriever	Yellow	F	Y	953010001783819
Scarlett	Labrador Retriever	Black	F	N	953010004034069
Lily	Labrador Retriever	Black	F	N	978101083220216
Morrie	Labrador Retriever	Black	M	N	956000012136689

### Schedule 2

No.	CONDITION
<b>1.0</b>	<b>LOCAL LAW</b>
1.1	The approval holder must take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises.
1.2	The approval holder must at all times maintain a proper enclosure in accordance with Schedule 8 of <i>Subordinate Local Law No. 2 (Animal Management 2011)</i> .

1.3	The approval holder must ensure that dogs list in schedule 1 of this approval, are not in a public place unless they are under the effective control of a person in accordance with <i>Local Law No.2 (Animal Management) 2011</i> .
1.4	The approval holder must ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining premises.
1.5	The approval holder must ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person.
1.6	The approval holder must ensure that any enclosure in which the dogs are kept is maintained in: (i) a clean and sanitary condition and disinfected regularly; and (ii) an aesthetically acceptable condition.
1.7	The approval is limited to the dogs identified in Schedule 1 of this approval.
1.8	The approval holder must be a current member of an approved entity. Upon expiry of the approved entity membership, the approval holder is to forward a copy of the renewed membership to Council.
1.9	The dogs identified in Schedule 1 of this approval must hold registration with Somerset Regional Council.
1.10	The approval holder must at all times comply with provisions of the <i>Animal Management (Cats and Dogs) Act 2008</i> .

**Resolution**

Moved – Cr Choat

Seconded – Cr Brieschke

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

1. On land described as Lot 217 on RP819203, situated at 17 Windsor Drive, Mount Hallen;
1. For dogs described in **Schedule 1** below; and
2. Subject to the conditions set out in **Schedule 2** below.

**Schedule 1**

Description of dogs:					
Name	Breed	Colour	Sex (M/F)	Desexed (Y/N)	Microchip No.
Daisy	Labrador Retriever	Yellow	F	Y	953010001783819
Scarlett	Labrador Retriever	Black	F	N	953010004034069
Lily	Labrador Retriever	Black	F	N	978101083220216
Morrie	Labrador Retriever	Black	M	N	956000012136689

**Schedule 2**

No.	CONDITION
1.0	LOCAL LAW

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

<b>Subject:</b>	<b>Sale of Land for overdue rates action - L 19 RP154299 - 29 Hacienda Crescent Coominya Qld 4311</b>
<b>File Ref:</b>	<b>Rates – notification – sale of land for overdue rates</b>
<b>Action Officer:</b>	<b>DFIN</b>

### Background/Summary

Council issued 25 notices of intention to sell land for overdue rates or charges on 23 June 2022.

Council has been unable to successfully serve a notice of intention to sell land for overdue rates or charges on property described as L 19 RP154299 at 29 Hacienda Crescent Coominya Qld 4311 (00201-00000-000). The registered owner's brother has advised that the registered owner does not reside at the property and that he is unsure of the registered owner's current residential location. The property is not known to be the owner's address for electoral purposes.

It is proposed that Council endorse the use of substituted service provisions to serve the legal notice consistent with the requirements of section 239 of the *Local Government Act 2009*. There will be legal and advertising costs incurred which Council will seek to recover as part of the sale process.

### Attachments

Nil

### Recommendation

THAT Council endorse the use of substituted service provisions of section 239 of the *Local Government Act 2009* for serving legal notices for property described as L 19 RP154299 at 29 Hacienda Crescent Coominya Qld 4311 (00201-00000-000).

### Resolution

Moved – Cr Whalley

Seconded – Cr Gaedtke

“THAT Council endorse the use of substituted service provisions of section 239 of the *Local Government Act 2009* for serving legal notices for property described as L 19 RP154299 at 29 Hacienda Crescent Coominya Qld 4311 (00201-00000-000)”.

Carried

Vote - Unanimous

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

### Background/Summary

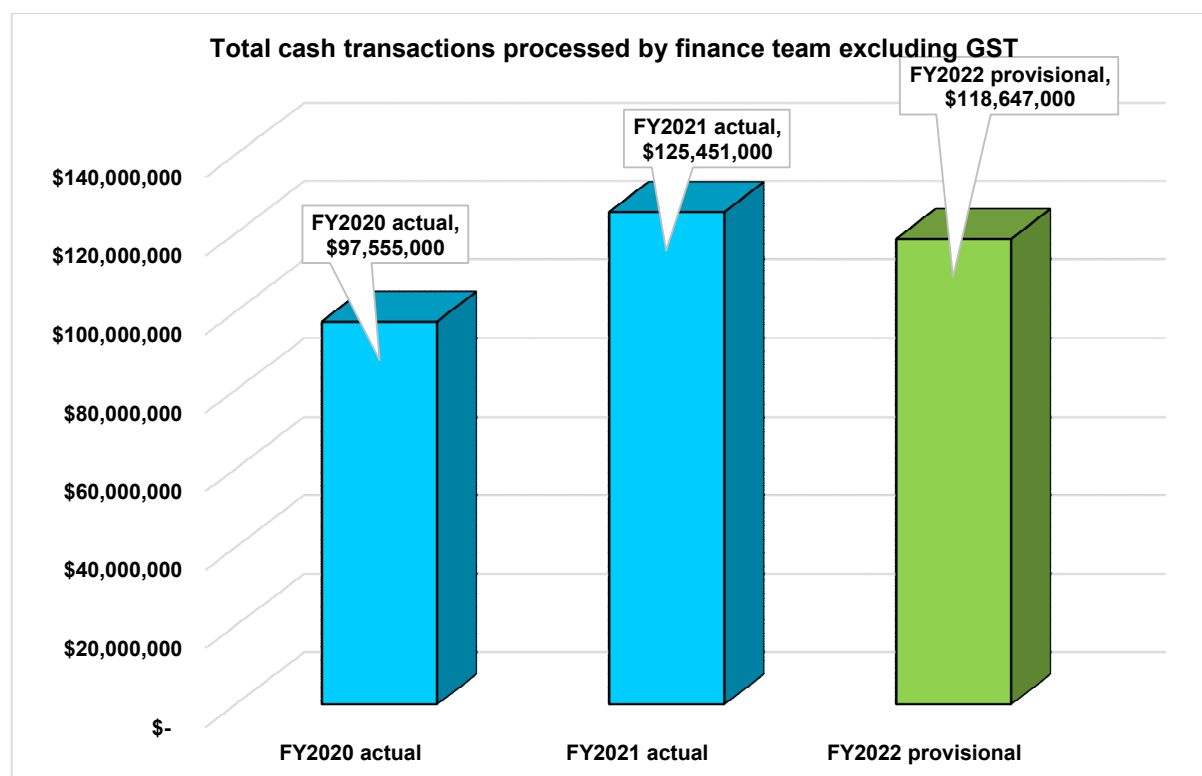
#### Financial reports

Reports for the period 1 July 2022 to 2 August 2022 are attached detailing the progress that has been made in relation to Council's FY2023 budget as required by Local Government Regulation 2012 s204.

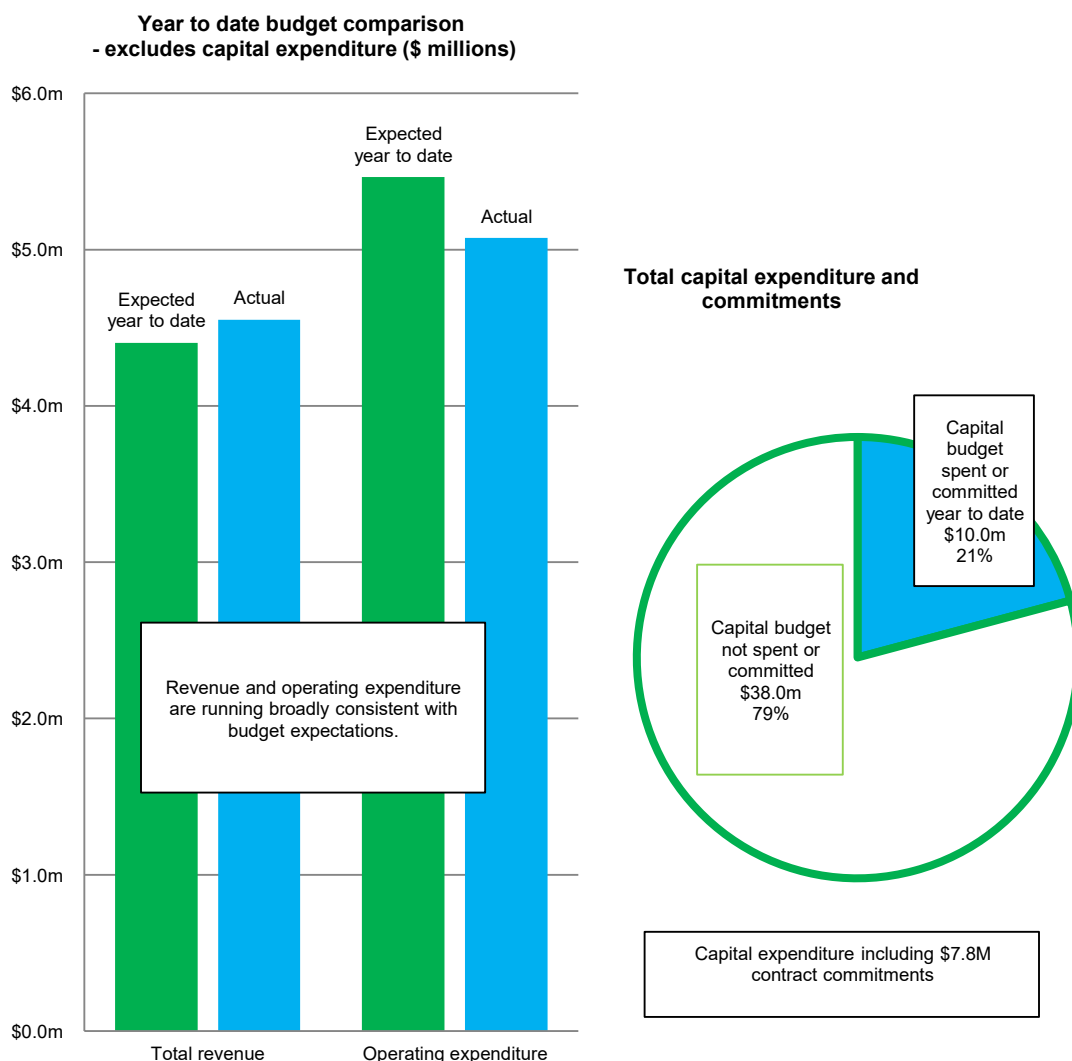
Year-end financial statements are being prepared for audit. The finance team has processed \$118.6M in transactions for the FY2022 financial year with further transactions required.

It is considered likely that year-end financial statements once finalised will show that Council has incurred an operating loss for FY2022 after incurring significant unrecouped flood emergent works.

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



Provisional results for the financial year to date are summarised as follows:



### Competitive grants

- An application under the Australian Government's Bridges Renewal Program was submitted on 27 July 2022 as follows:

	Project value	Funds sought
Replace Lester Kropp bridge on Neurum Road which is in "very poor" condition (Instrada) on a 552-vehicle per day road with a new in situ two-lane concrete bridge. Replacement will eliminate the risk of catastrophic failure of the current structure during natural disaster and at other times and avoid a 21.4km detour that would otherwise be required. Should a 13.1km section of D'Aguilar Highway immediately west of Woodford be closed due to natural disaster or for other reasons, the only viable alternative route is via Lester Kropp Bridge/ Neurum Road. Loss of Lester Kropp Bridge due to either load limitation, closure or catastrophic failure would mean there would be no viable alternative for this traffic (7,858 vehicles per day including 15.87% heavy vehicles). There is a history of crashes on approaches to the current single lane bridge (Roadpro Consulting 2012) with the bridge being a factor in 23.5% of crashes	\$7,272,576	\$5,000,000

examined by Roadpro between 2005 and 2012. Meeting relevant Austroads road width guidance for the replacement bridge will reduce crash risk by 64% (SRC engineering report). This safety improvement will benefit users during evacuations caused by disaster and at all other times.

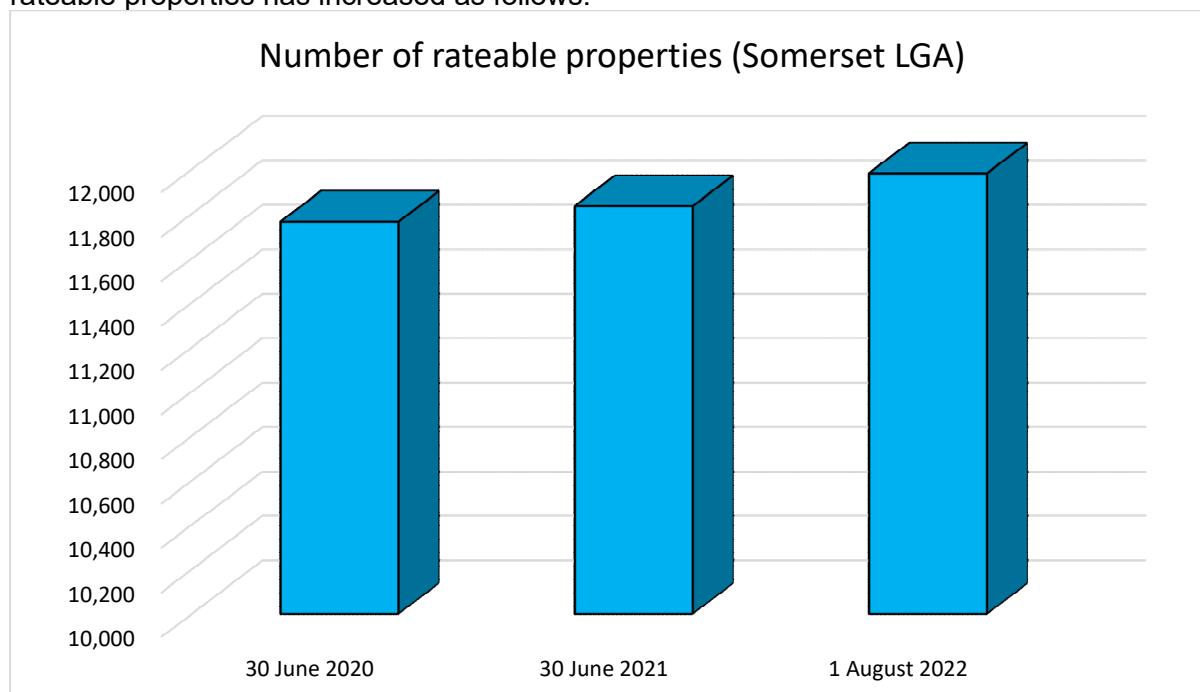
- Council is awaiting the outcome of applications made under the Australian Government's Building Better Regions Fund on 7 and 9 February 2022

Building Better Regions Fund round 6 application	Project value	Funds sought
Brisbane Valley Rail Trail Mountain Bike Park, Mount Glen Rock, Esk. This project aims to increase employment in the region by 15 people during construction and 8 people on an ongoing basis.	\$5,031,818	\$2,515,909
Toogoolawah Gateway Centre incorporating a new Toogoolawah library and rooms for visiting health professionals.	\$2,500,000	\$1,250,000

- Council officers are developing further proposals under the Australian Government's Bridges Renewal Program and Heavy Vehicle Safety and Productivity Program. In particular, Council officers are seeking alternate funding options after we were advised that we were unsuccessful with an application for funding to replace corroded metal culverts on Murrumba Road near Esk despite being shortlisted for funding by Queensland Reconstruction Authority.

### Growth

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

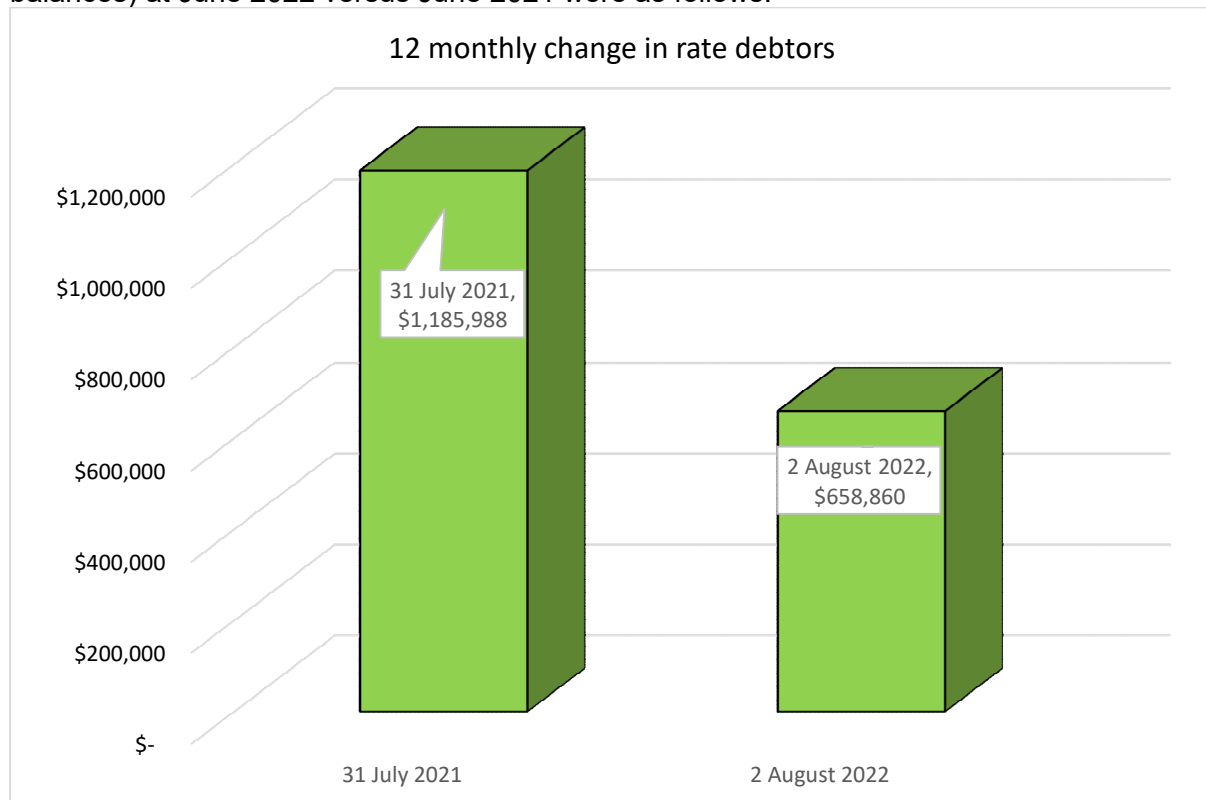


### Rates

On 23 June 2022, Council issued 25 notices of intention to sell land for overdue rates or charges consistent with a May Council resolution. These notices were prepared in-house so

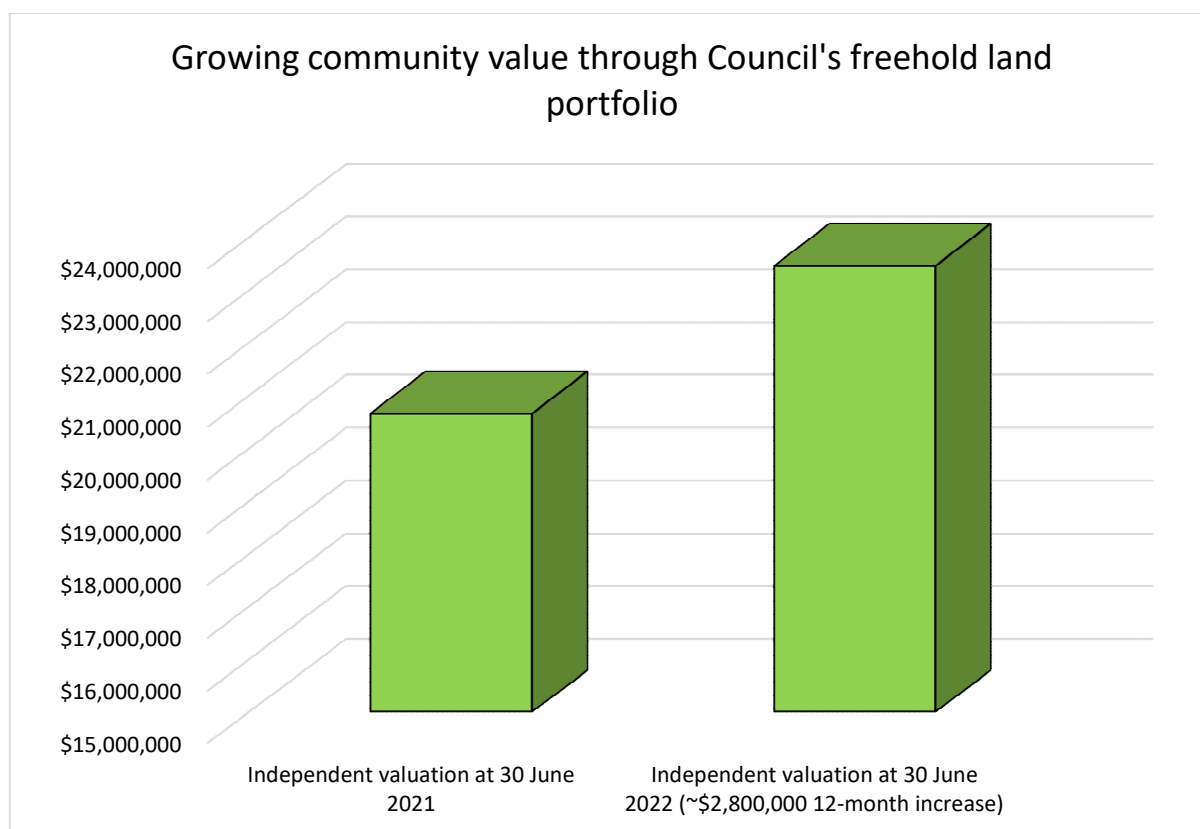
as to avoid incurring legal costs which would be recoverable from relevant landowners in addition to the overdue rates.

Total rate debtors – excluding amounts that ratepayers have prepaid to Council (ie credit balances) at June 2022 versus June 2021 were as follows:



### Land valuations

As part of Council's FY2022 financial statements preparation, independent valuations have been obtained for all of Council's freehold land. Notwithstanding the sale of several properties during 2021/2022, Council's portfolio of land has increased in value by \$2.8M over the past 12 months as detailed below.



### Investments

Council relies on interest revenue to keep rates at the lowest possible level. Interest rates have been at historic lows and are rapidly increasing including increases in the Reserve Bank of Australia cash rate from 0.10% as at 2 March 2022 to 1.85% as at 2 August 2022. An investment summary is attached detailing interest earnings from Queensland Treasury Corporation (QTC) cash fund and other sources.

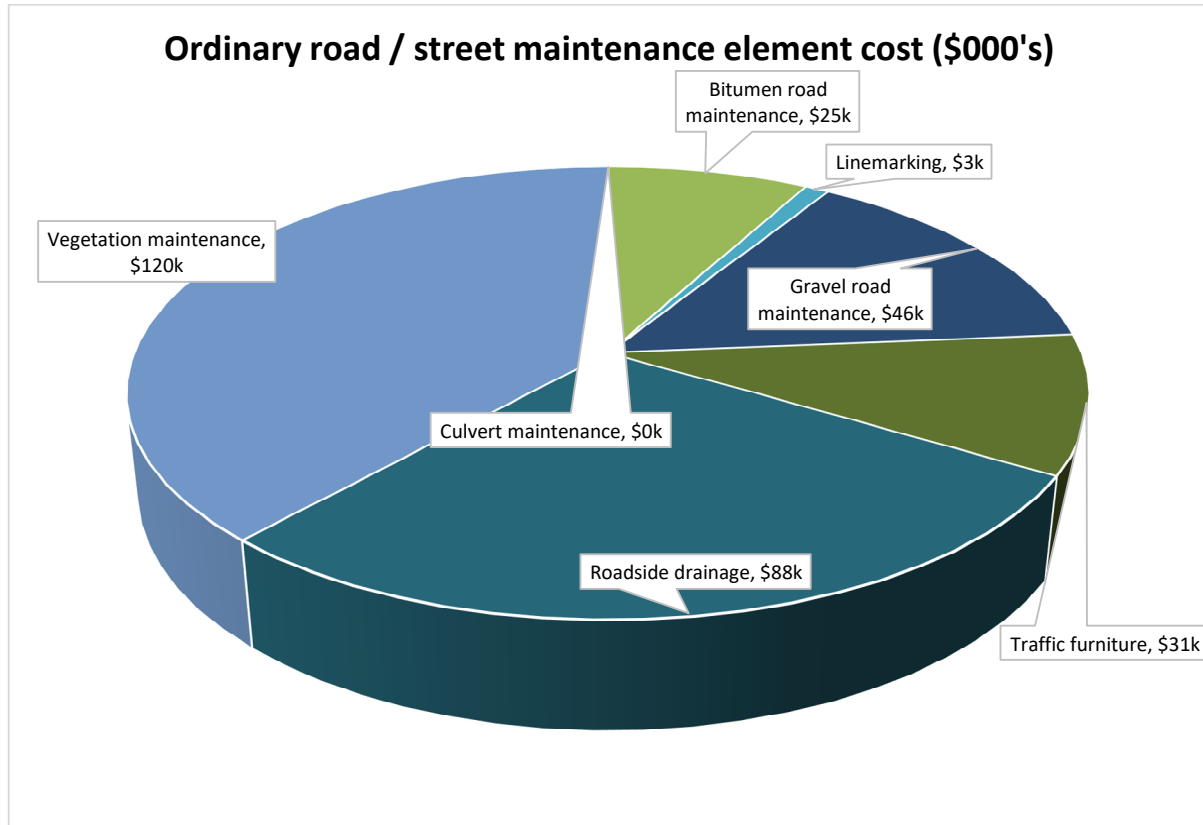
Council's key investment strategy has been to maintain interest-bearing credit facilities totalling \$43.8 million to Urban Utilities (UU) which help fund infrastructure like Lowood wastewater treatment plant as well as providing mutual benefit to both UU and Council. These carry a combined weighted 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	25
Gravel road maintenance	46
Roadside drainage	88
Culvert maintenance	-
Vegetation maintenance	120
Traffic furniture	31
Linemarking	3
Total actual year to date	313
Expected pro-rata budget year to date	649



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 (\$)
Scrub Creek Rd CulvCh1.6REPA	32	
Monsildale Rd CDOALL	28	
Linville RdCDOALL	28	
Brightview RdCDOALL	22	
E Summervilles Rd CDOALL	19	
Spring Creek Rd (gravel) Ch4210-Ch7200	17	6
Larkhill Boundary Rd CDOALL	17	
Rifle Range Rd CDOALL	11	
Brennan Rd (gravel) Ch4080-Ch4610	11	22
Carseldine St CDOALL	10	
Lukritzs Rd CDOALL	9	
Esk Crows Nest Rd CDOALL	9	
Rohlmanns Rd CDOALL	8	
Brightview District Rd CDOALL	7	
Murrumba RdCDOALL	7	
Gregors Creek Rd CDOALL	7	
Kennedys Rd Glen (gravel) Ch1835-Ch2745	7	7
Kennedys Rd Glenfern CDOALL	6	
Wade St CDOALL	6	
Oscar Rd CDOALL	5	
Marschkes Rd CDOALL	4	

Spring Creek Rd (gravel) Ch60-Ch4210	4	1
Elizabeth St CDOALL	4	
Neurum Rd CDOALL	4	
Gregors Creek (bitumen) Ch12550-Ch13930	4	3
BK Rd CDOALL	3	
Banks Creek Rd CDOALL	3	
Kiernan La CDOALL	3	
Wivenhoe Pocket Rd CDOALL	3	
Fairmeadow Rd CDOALL	3	
Subtotal (\$000's)	301	

### Special road maintenance/ renewal

In addition to ordinary bitumen road maintenance, expenditure on special road maintenance including resealing of bitumen roads was budgeted for FY2023 of \$1.928M.

### Attachments

Financial reports and payment listings

### Recommendation

THAT Council receive the financial reports for 1 July 2022 to 2 August 2022 and payments presented for the period 11 July 2022 to 1 August 2022 totalling \$3,553,027.10 and that the contents be noted.

### Resolution

Moved – Cr Gaedtke

Seconded – Cr Whalley

“THAT Council receive the financial reports for 1 July 2022 to 2 August 2022 and payments presented for the period 11 July 2022 to 1 August 2022 totalling \$3,553,027.10 and that the contents be noted”.

Carried

Vote - Unanimous

**Subject: Kilcoy Recreational Grounds Advisory Committee Meeting**  
**File Ref: Community Consultation - Committees**  
**Action Officer: DCORP**

### Background/Summary

The Kilcoy Recreational Grounds Advisory Committee meets each quarter to review the operations of the Kilcoy Recreation Grounds. The quarterly meeting of the Committee was held on Thursday, 26 May 2022. With representatives from each of the user groups present.

Items to note that were discussed at the meeting were:

- Financials discussed and the stair project to be include on the report as significant amount
- Booking calendar clashes resolved and advised to include Hoof and Hook event by Toogoolawah State High for 2023
- Repair requests addressed for the arena and yards of sand and gravel wash out with a site walk to be conducted and additional costs sourced
- Camping and Race Club plans were heavily discussed and current recommendation not accepted with Council to look into alternative options

### Attachments

Attachment 1: Meeting Report Kilcoy Recreational Grounds Advisory Committee Meeting – 26 May 2022

### Recommendation

THAT Council receive the meeting report for the Kilcoy Recreation Ground Advisory Committee held on Thursday 26 May 2022 and the contents be noted.

#### Resolution

Moved – Cr Isidro

Seconded – Cr Whalley

“THAT Council receive the meeting report for the Kilcoy Recreation Ground Advisory Committee held on Thursday 26 May 2022 and the contents be noted”.

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Endorsement sought for medium value contract – Reinstate Road from racetrack to Camp draft arena</b>
<b>File Ref:</b>	<b>Commercial Activities - Contracting</b>
<b>Action Officer:</b>	<b>DCORP</b>

### Background/Summary

Council has engaged the services of Daniel Bandit constructions to reinstate road from the racetrack to the camp draft arena after the February flood event washed the existing road base away leaving deep corrugations and holes in the surrounding roadway, making ingress and egress impossible and dangerous, for users when bringing stock onto site for significant events.

Due to the specialised nature of the requirements, time restraints and limited number of suppliers available to conduct these works in time available, Daniel Banditt constructions was the most suitable supplier to complete these works on the time frame required.

### Attachments

Nil

### Recommendation

THAT Council confirm because of the specialised nature of the services sought, and limited suppliers being able to comply facilitate the required repairs in the time frame given, that Daniel Bandit constructions, be endorsed for the required works at the Kilcoy Showground Arena.

#### Resolution

Moved – Cr Gaedtke

Seconded – Cr Isidro

“THAT Council confirm because of the specialised nature of the services sought, and limited suppliers being able to comply facilitate the required repairs in the time frame given, that Daniel Bandit constructions, be endorsed for the required works at the Kilcoy Showground Arena”.

Carried

*Vote - Unanimous*

**Subject:** Fernvale Sports Park Advisory Committee Meeting – 22 June 2022  
**File Ref:** COMMUNITY SERVICES - MEETINGS – 2021-2022 – Fernvale Sports Park Advisory Committee  
**Action Officer:** A/MRT

#### Background/Summary

The meeting of the Fernvale Sports Park Advisory Committee (the Committee) was held on Wednesday 22 June 2022 at the Fernvale Sports Park. A report of the meeting is attached for review.

Items of note:

- The stakeholders of the Committee, committed in-principle, to contribute \$2,000 per stakeholder (ex GST), not including the Fernvale State School, to be used toward funding future projects at the Fernvale Sports Park.
- The Brisbane Valley Rattlers Australian Football Club (BVRAFC) have installed footings for the installation of goal netting on the main oval. The installation will be finalised in July 2022.
- The Fernvale State School (FSS) expressed a desire to work collaboratively with the Committee and Council to maximise the use of the Sports Park and the School, and not duplicate infrastructure.
- The FSS recently hosted the Lockyer Zone Cross Country event at the Sports Park. The event received positive feedback and may be held again at the Sports Park in future years.

#### Attachments

1. Meeting Report – Fernvale Sport Park Advisory Committee – 22 June 2022
2. Operating and Project Budget Year to Date Financial Review (as at 18 March 2022)

#### Recommendation

THAT Council receive the report for the Fernvale Sports Park Advisory Committee meeting held on Wednesday, 22 June 2022 and the contents be noted.

#### Resolution

Moved – Cr Wendt

Seconded – Cr Whalley

“THAT Council receive the report for the Fernvale Sports Park Advisory Committee meeting held on Wednesday, 22 June 2022 and the contents be noted”.

Carried

*Vote - Unanimous*

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

#### Background/Summary

Council participated in the pilot Best of Brisbane Region Experiences Support Program (BoBRE) which ran from March to June 2022 and covered 13 modules of training to increase participants' ability to become a Best of Queensland Experience during the next round of judging for the 2022-2023 year.

The operators involved in the mentoring program were:

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

The mentoring program offered Somerset tourism businesses the opportunity and skills to improve their businesses and strive to offer a better visitor experience. A range of outcomes from the program are already evident:

- Two operators have implemented online booking platforms (four are currently investigating options to provide online bookings).
- Five operators have increased their social media engagement and recognise the importance of providing regular, appropriate and engaging content, along with the importance of hashtags.
- Five operators acknowledge the importance of visitor reviews and are implementing methods to make it easier for guests to leave reviews.
- Three operators have become paid members for the regional tourism organisation (RTO) Brisbane Economic Development Agency.
- All mentees have gained a better understanding of the Australian Tourism Data Warehouse (ATDW) and what the Best of Queensland Experience Program is about and the benefits (including priority for Tourism and Events Queensland advertising, media famils and additional promotional opportunities).
- Mentees were eager for this program to continue and have a follow up with the mentors in a couple of months.
- Mentees are also eager to participate in the Transformational Experiences Mentoring program for businesses who have reached the Best of Queensland Experience status (hoped to run in 2023).

The above outcomes were echoed by the other regions at the BoBRE Support Program celebration and final facilitated session held in Brisbane on Wednesday, 6 July. Each business will receive a certificate of achievement for participating in the program.

Somerset participants are eager to continue their tourism business development and work more closely together moving forward. They are planning on starting fortnightly/monthly tourism business networking meetings, allowing the six tourism businesses to come together with Somerset businesses who are already classified as Best of Queensland Experiences (five businesses), to help each other improve their businesses and work together to encourage other Somerset tourism businesses to undertake the self-paced program.

For tourism businesses that were unable to participate in the mentoring program, the BoBRE Support Program also offers a practical self-paced guide to help businesses become a Best of Queensland Experience, which the tourism development officer will assist interested businesses, moving forward using the materials provided for the program.

Once tourism businesses reach the Best of Queensland Experience benchmark it is hoped that will join the Transformational Experiences Mentoring Program which is expected to be developed and launched in early 2023 to take businesses to the next level. This program will help tourism businesses innovate and develop transformational experiences to meet current and changing visitor needs. Tourism and Events Queensland (TEQ) defines transformational tourism as people who are actively seeking experiences that enrich, awaken and transform them, and eventually the world. TEQ have developed the attached overview which outlines the key principles of Queensland's purpose-led brand philosophy of 'Travel for Good' to introduce businesses to transformational experiences.

Overall, this pilot mentoring program has received positive feedback from the tourism businesses and if offered again would be beneficial for businesses willing to improve their businesses and start creating an exceptional experience for Somerset visitors.

### Attachments

TEQ Transformation Experience Guide Overview

### Recommendation

THAT Council:

1. Receive the Best of Brisbane Region Experiences Support Program review report and that the contents be noted.
2. Endorse Council officers to investigate the opportunity with our regional tourism organisation to develop a suitable transformational experience mentoring program and encourage eligible Somerset tourism businesses to participate.

### Resolution

Moved – Cr Brieschke

Seconded – Cr Isidro

“THAT Council:

1. Receive the Best of Brisbane Region Experiences Support Program review report and that the contents be noted.
2. Endorse Council officers to investigate the opportunity with our regional tourism organisation to develop a suitable transformational experience mentoring program and encourage eligible Somerset tourism businesses to participate.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Discontinuation of Council Operations at the Esk State School Swimming Pool</b>
<b>File Ref:</b>	<b>Recreation and Cultural Services – Service Provision – Recreation Facilities</b>
<b>Action Officer:</b>	<b>A/MRT</b>

**Background / Context**

The Esk State School (ESS) Swimming Pool is located on East Street, Esk. The facility is owned by the Queensland Department of Education and hired to Council annually for community access. The Swimming Pool was largely constructed to its current state in 1990. The facility is believed to have been developed in a project that was led by the ESS Parents and Citizens (PandC) Association.

The ESS Swimming Pool is located within approximately 15 minutes of the Toogoolawah Swimming Pool (TSP) and approximately 30 minutes from the Lowood Swimming Pool (LSP). The facility is approximately 1,650 square metres in size and features a single four-lane 25 metre pool, which is about 10.5 metres wide. The Swimming Pool amenities building currently have male and female toilets. The male toilets contain a urinal, toilet cubicle, a change cubicle and small hand basin. The female toilets contain a single toilet cubicle, a retrofitted shower cubicle, a change cubicle and two small hand basins. The male toilets do not contain a shower and neither the male nor female toilets feature heated water. The pool concourse features exposed showers. The site does not currently feature any disability support features, including toilets or facility access.

Due to the age and original design of the facility there are several compliance issues with the swimming pool, including but not limited to:

- No ramped entry or ambulant disabled access (i.e. stairs)
- Non-compliant ladder entry (ladder projects into the pool)
- Non-compliant pool depth for use (not deep enough, no diving allowed during non-school use)
- Incorrect pool depth markings in the pool and on the concourse

Council is currently undertaking significant refurbishments of the LSP, bringing the facility in line with modern compliance standards and community expectations including the installation of compliant ramp and stair access, increasing the depth of the pool, improving water turnover and quality controls, replacing all plant equipment (i.e. chlorination, circulation and heating equipment) and installing a zero-depth splash pad.

Council has also completed significant additions to the TSP by constructing a new Toogoolawah Community Gym (TCG) directly adjacent to the swimming pool and a zero-depth splash pad on site. Council has also committed additional budget toward undertaking further refurbishment works at the TSP and undertaking planning works to secure the long-term sustainability of the facility.

The addition of the new facilities in Toogoolawah has also seen Council trial extended hours at the TCG and commit to providing extended hours of operation for the Toogoolawah Swimming Pool and Community Gym from 1 September 2022.

**Facility Operations**

The ESS Swimming Pool is Council's least patronised recreation facility comparative to the other aquatic facilities and indoor sporting facilities. On average over the last five years (swimming seasons) the ESS Swimming Pool has had 3,127 visitors annually.

For comparison over the last five years the Kilcoy Aquatic Centre has averaged 20,799 attendances annually, the Lowood Swimming Pool has averaged 13,840 annually and the Toogoolawah Swimming Pool has averaged 7,310 annually.

The primary attendance at the pool site is made by ESS and Coominya State School use, which occurs outside of Council managed hours and comprises approximately 80-85 per cent of the facility usage.

The independent aqua aerobics group that previously utilised the site, which comprises elderly Esk residents, are now attending classes at the TSP. The TSP is a heated pool with entry steps into the pool for ease of access, and heated showers.

Council has also committed further funding toward providing free transport to Esk residents to travel to the TSP to undertake a weekly aqua aerobics class throughout the 2022-23 swimming season.

The average total seasonal attendances for the ESS Swimming Pool during Council community hours for the past five season is approximately 550.

#### *Gaps to Compliance and Performance*

Anecdotally current gaps to optimal performance for the ESS Swimming Pool include:

- Heating of the pool
- Standard of amenities
- Standard of kiosk facilities
- No first aid room
- No disabled facilities
- General poor customer experience (i.e. entry, available services and ground aesthetics)
- Non-compliant pool facilities

#### **Attachments**

Nil

#### **Recommendation**

THAT Council:

1. Not enter into an agreement with the Esk State School for hire of the Esk State School Swimming Pool for 2022 – 2023 or beyond.
2. endorse Council Officers to investigate the feasibility of a potential season extension at the Toogoolawah Swimming Pool utilising surplus funds from not operating the Esk State School Swimming Pool for community use.

#### **Resolution**

Moved – Cr Brieschke

Seconded – Cr Whalley

“THAT Council:

1. Not enter into an agreement with the Esk State School for hire of the Esk State School Swimming Pool for 2022 – 2023 or beyond.
2. endorse Council Officers to investigate the feasibility of a potential season extension at the Toogoolawah Swimming Pool utilising surplus funds from not operating the Esk State School Swimming Pool for community use”.

*Carried*

*Vote - Unanimous*

<b>Subject:</b>	<b>Lighting Upgrade: The Condensery – Somerset Regional Art Gallery</b>
<b>File Ref:</b>	<b>Maintenance and Operations – Maintenance – Council Buildings</b>
<b>Action Officer:</b>	<b>ACM</b>

#### **Background/Summary**

On 4 May 2021 The Condensery – Somerset Regional Art Gallery Advisory Committee moved that Council officers seek a quote for the upgrade of lighting in the gallery to bring it in line with professional museum and gallery standards.

Advice was sought from professional industry body Museum and Galleries QLD (MAGQ). MAGQ advised that the current lighting system and levels are unsatisfactory for the professional display of artwork. The current system provides neither adequate lumens nor directional flexibility to light works hung on the walls, displayed on plinths or exhibition cases throughout the space. There are also lighting gaps evident where sections of the gallery space are not illuminated effectively for wayfinding.

MAGQ recommended that ERCO lighting be installed at The Condensery and a quote was sought for an ERCO track and lighting design system from Queensland suppliers Luxson Illumination. The estimated total cost of this project is \$64,788.76 (ex. GST).

In June 2021, Council discussed submitting a Local Government Grants and Subsidies Program (LGGSP) funding application for the purchase and installation of a new ERCO lighting design system for The Condensery – Somerset Regional Art Gallery, (lighting standard used by museums and galleries in Queensland).

Council was advised in June 2022 that it had been unsuccessful in this grant application. Whilst awaiting the outcome, staff at The Condensery have received several negative comments and complaints regarding the poor quality of light throughout the gallery. Artists have also complained on the quality of the lighting, particularly inability to light the centre of the exhibition space.

Temporary lights and track were sourced in order to prevent cancellations; however this provisional install only provides a minimum amount of additional light and the lights will be returned to manufacturers shortly with only a single track remaining.

Throughout this period, The Condensery has continued to excel and demonstrate excellence in its programming and performance. The gallery recently achieved the highest visitation figure of 750 for the month of July (a record for the gallery's busiest month) and was recently shortlisted at a national level in the Museums and Galleries Publication and Design Awards, or MAPDAs. These awards recognise excellent work nationally in the categories of communication, design, branding and information projects.

Such excellence should be reflected in a gallery's exhibition standards and as demonstrated in attachment three, ERCO is the leading international specialist in architectural lighting and the benchmark standard for professional fine art lighting, used by museums and galleries Australia wide. ERCO use only 100% LED technology, ensuring sustainability and reduced energy consumption.

In line with the recent price increase of 10%, the Gallery Curator has sort revised quotes for the installation of tracks and lighting which will future proof the galleries lighting needs for decades to come.

#### **Attachments**

Nil

#### **Recommended Action**

THAT Council allocate \$81,937.64 (plus GST) to the upgrade of lighting at The Condensery – Somerset Regional Art Gallery as part of a budget review.

#### **Resolution**

Moved – Cr Isidro

Seconded – Cr Brieschke

“THAT Council allocate \$81,937.64 (plus GST) to the upgrade of lighting at The Condensery – Somerset Regional Art Gallery as part of a budget review”.

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Operations Report for July 2022</b>
<b>File Ref:</b>	<b>Governance – Reporting – Officer Reports</b>
<b>Action Officer:</b>	<b>CSSA</b>

## Background/Summary

### Technical Design Team

This month, the technical team continued the detailed design of the 2022-2023 capital works program. The team provides engineering support to the works department on numerous projects. They also provide engineering development advice to the planning department.

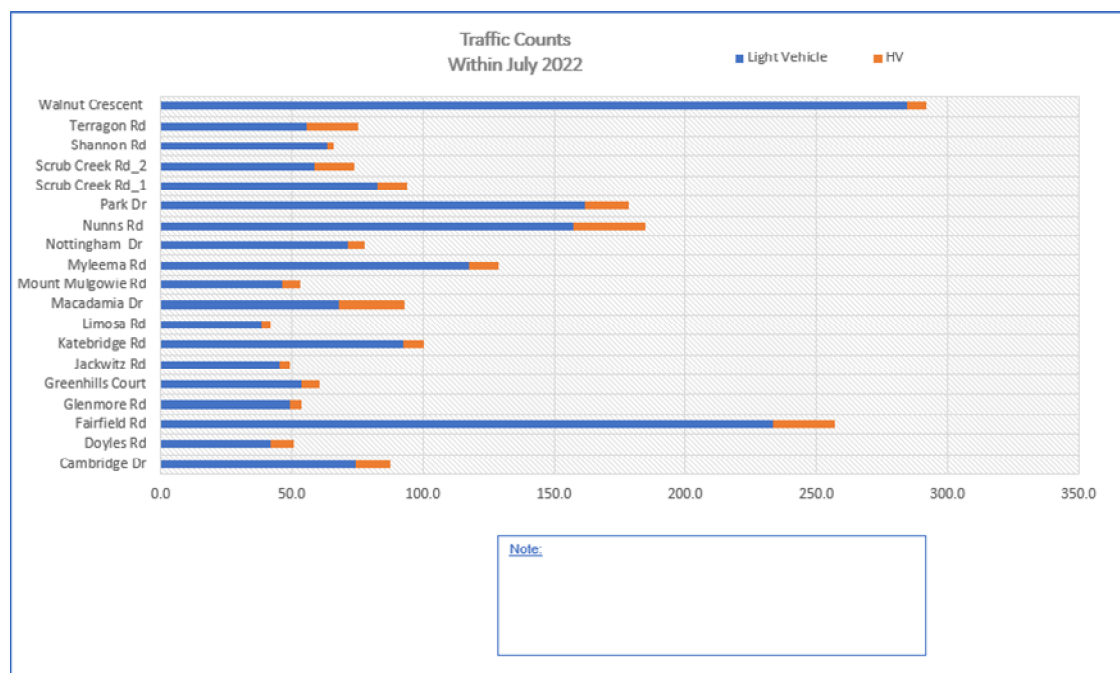
The team routinely updates the asset management system with as constructed projects.

This month the design team have completed seven of the 2022-2023 design projects, listed below:

- Esk Crows Nest Road – Stage 2
- Western Branch Crossing #35
- Old Fernvale Road

Permits	July-22	July-21
Land Access Permit	38	40
Property Access Applications	32	28
National Heavy Vehicle Regulator Permits Processed	9	13

### Traffic Counts



## **Works Department**

### **Day Labour Works**

- Patrick Street, Lowood - construction works continues to progress
- Esk Crows Nest Road- awaiting final seal and line marking
- Mack Street, Esk stage 2 - preparing for kerb and channel
- Copley Lane Bridge - construction on hold due to Creek levels
- Gunyah Street, Toogoolawah- completed
- Wade Street, Kilcoy - roadworks is sealed and awaiting asphalt
- Rose Street, Kilcoy - footpath ongoing
- Mowing and slashing works on Council and DTMR occurring, which is unseasonal this late into winter.
- Note with the recent flooding a lot of roads have been inspected and damages logged to submit a claim through to DRFA.
- Maintenance to flood affected roads continues throughout the Region

### **Workshop**

- Completed repairs, services, and scheduled maintenance of Council fleet.
- Carried out annual B service on all council trailers
- Carried out half yearly service on Group 2 floating plant.
- Started half yearly service on Group 3 of floating plant.
- Quarterly test and tag for portable electrical items has been completed.
- Quarterly test and tag of cloth lifting slings has been completed.
- One new lease vehicle has arrived.
- All new plant items on the 2021-2022 replacement budget have been ordered.
- Monthly check and start test on emergency gensets were carried out at Esk Civic Centre, Esk Administration office, Fernvale Futures and Kilcoy depot.
- Welding bay has been carrying out various repairs to Council fleet as well as repairs to other various Council assets around the Region, such as hand rail, storm water grates, park furniture, etc.

## **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 network
- Stage 2 Stabilising works on DTMR Roads continues on Brisbane Valley Highway and Wivenhoe Somerset Road
- Resealing and line marking of Wivenhoe Somerset Road has started.
- Vegetation spraying on various TMR roads continue.
- Ongoing signage and guidepost repairs continue throughout TMR network.

#### Works carried out by Contractors

- A and M Civil Contractors continued with stabilising works on Brisbane Valley Highway
- RPQ sealing program on various roads throughout council and TMR network
- Footpath works on Cairnsfoot Street, Fulham Street and Abbotsford Street has started – A and M Civil Contractors.
- RV carpark in Toogoolawah has started - AandM Civil Contractors

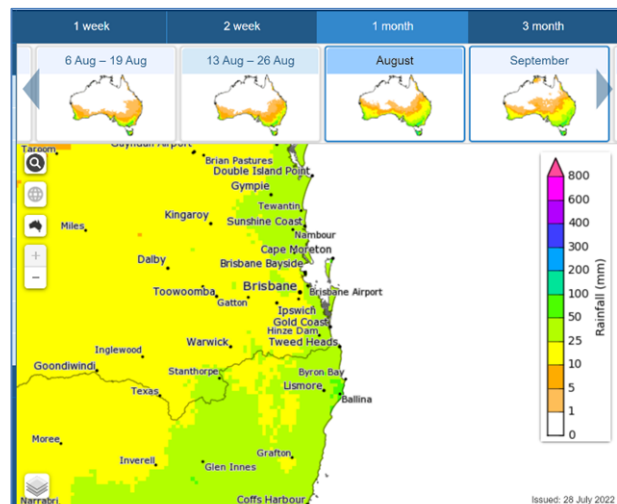
#### Weather Outlook

There is a high chance (greater than 80%) of above median August to October rainfall for much of the eastern two-thirds of the mainland.

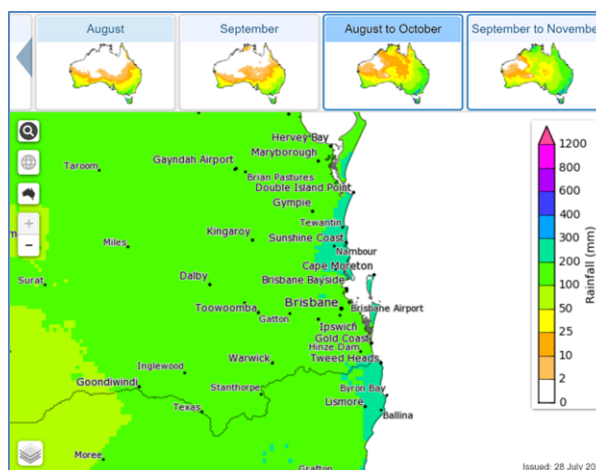
Most of the eastern two-thirds of the mainland has more than double the normal chance of unusually high rainfall (in the wettest 20% of all August–October periods over 1981–2018) rising to over triple the normal chance for parts of the tropics and scattered parts of the south-east.

Past accuracy for August to October chance of above median rainfall outlooks issued at the end of July is high to very high for most of the eastern two-thirds of Australia.

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



**Outlook for August to October (these are the most likely totals – i.e. 75% chance)**



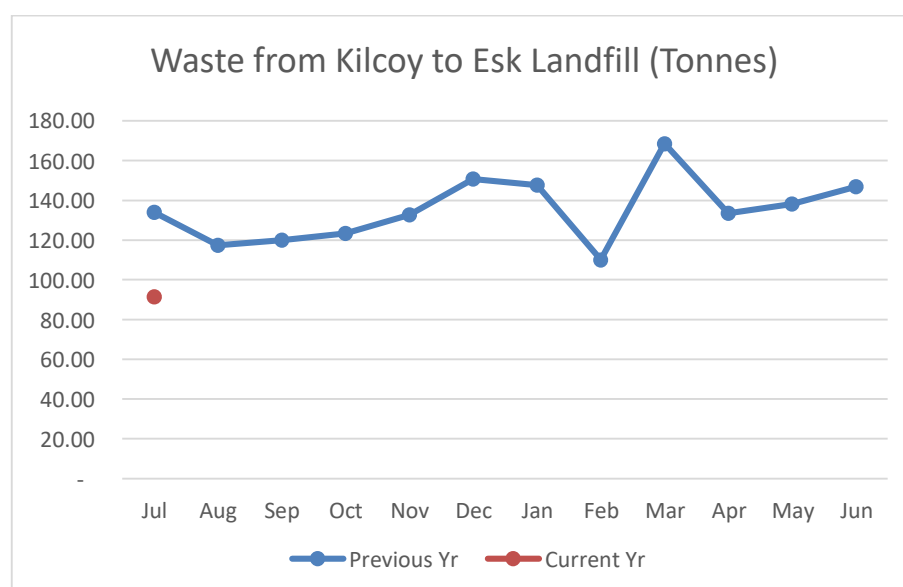
## Disaster Management

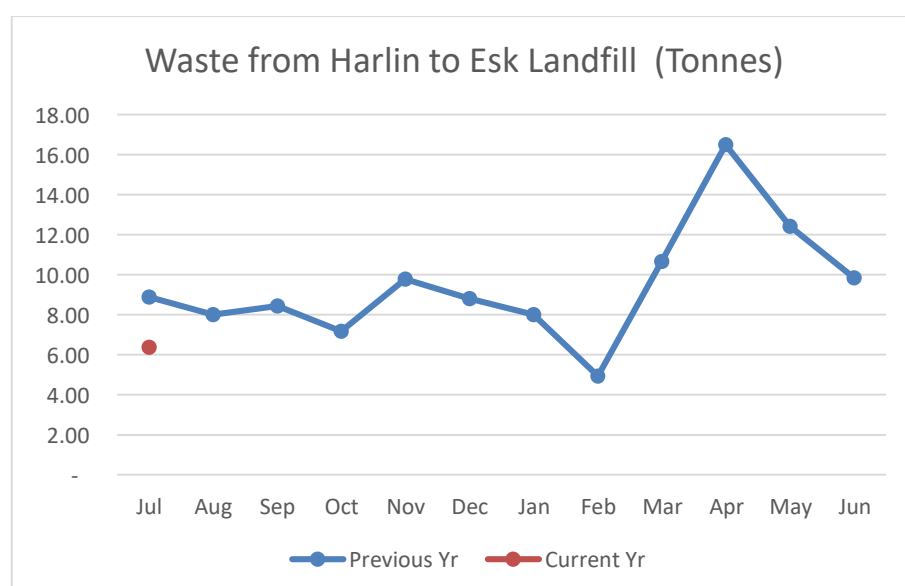
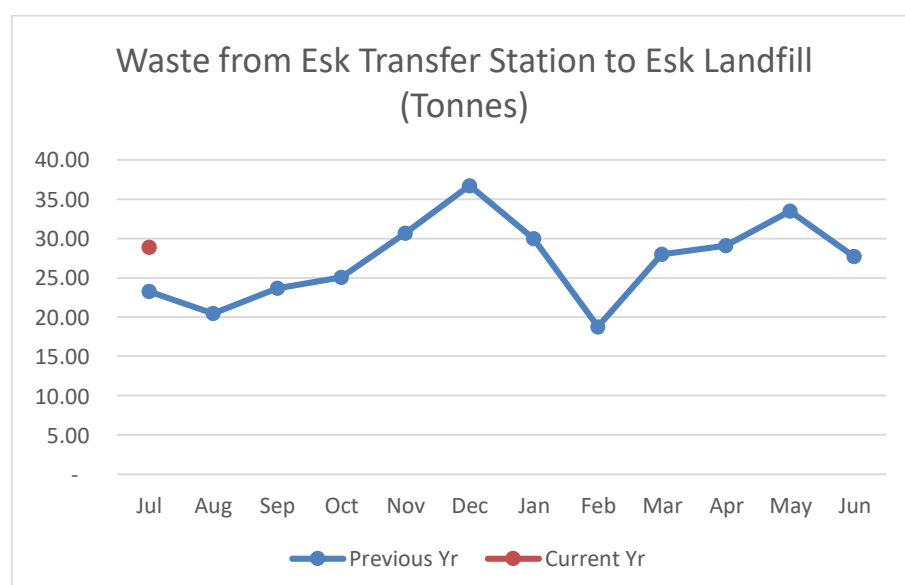
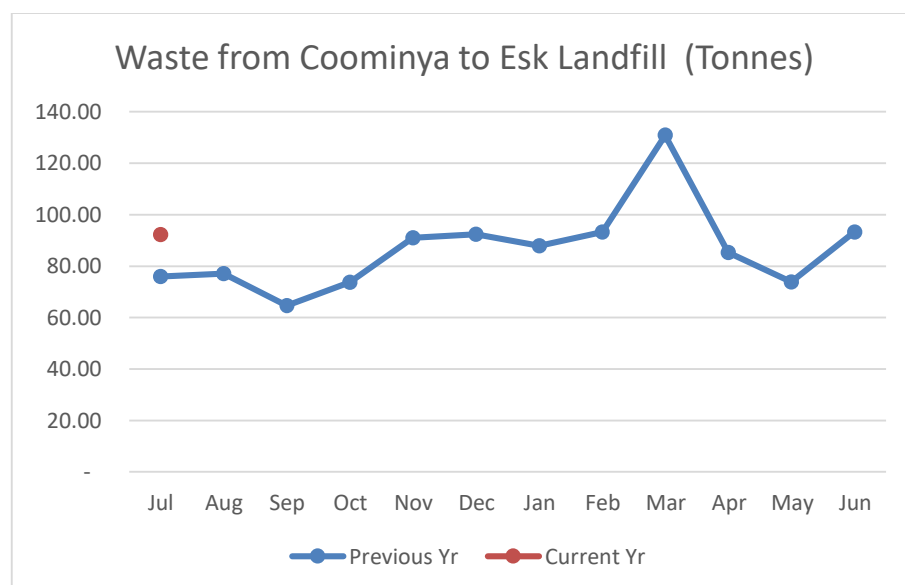
- Rainfall fell across an already saturated catchment in July, resulting in some rises in the Brisbane and Stanley River Systems.
- Scrub Creek was isolated for a period and some damage was caused to the causeway. This was quickly repaired by Council and contractors.
- Twin Bridges and Savages Crossing were both closed for a period due to Wivenhoe Dam releases.
- Council has a new member of the Local Disaster Management Group, Suraj Nepal from Department of Transport and Main Roads.
- 37 Homes have registered for the Resilient Homes Fund. The fund looks at options for buy-backs and/or structural options to build resilience i.e. raising.
- Operations team have relocated to Fernvale. The Local Disaster Coordination Centre will be established in Fernvale if required over the coming period while Esk administration building works are underway.
- Community forum held in Lowood in July as part of the SEQ IGEM review of the February/March flooding. Outcomes of that engagement will be presented to Council in the coming months
- Development of Property Specific Flood Certificates is complete. Final implementation plan being discussed and will be presented to Council.
- There is a heightened concern with regards to Foot and Mouth disease in Indonesia. A briefing to the Mayor is scheduled for 5 August in consult with LGAQ.
- Covid-19 is expected to peak in August, which is a major risk for Council and the community particularly in combination with a potential severe flu season.
- Current projects being finalised as part of Bushfire Recovery Officer's program:
  - Rural Fire Fighting Tanks are currently being installed at Jimna, Fernvale, Esk and Biarra areas. Council is also assisting Lockyer Valley Regional Council in the installation of three tanks in their region. Slabs have now been completed and tanks due to arrive early August.
  - Mural depicting bushfire resilience has been completed at Lowood and Toogoolawah. Toogoolawah Mural shown below.

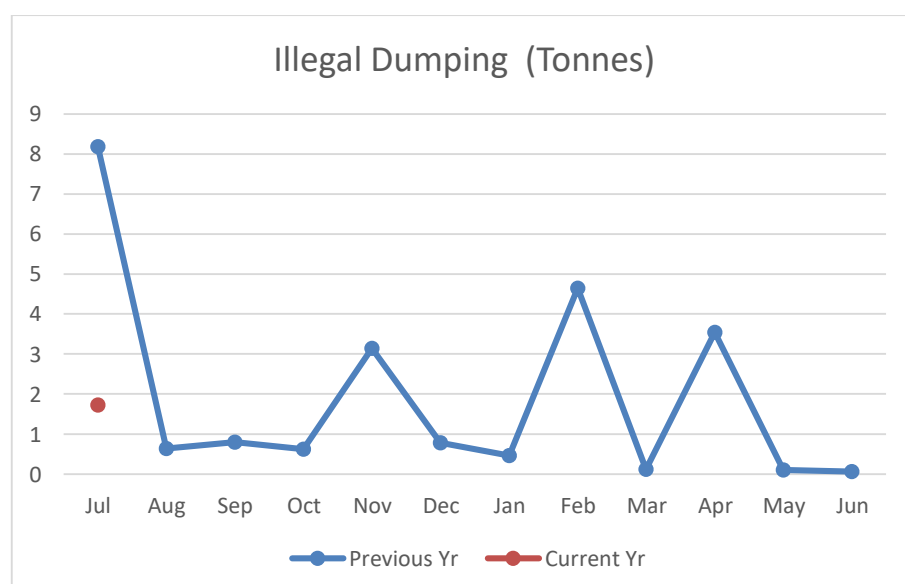
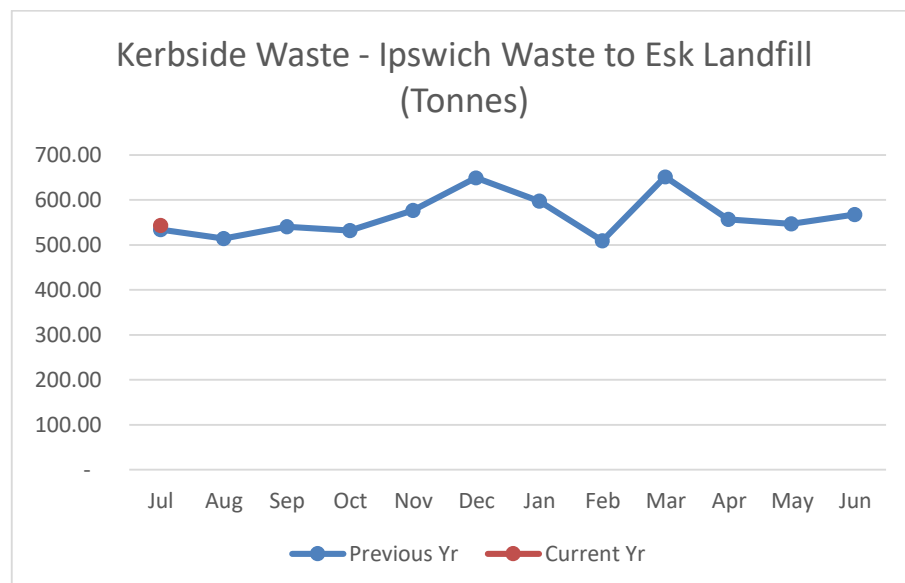


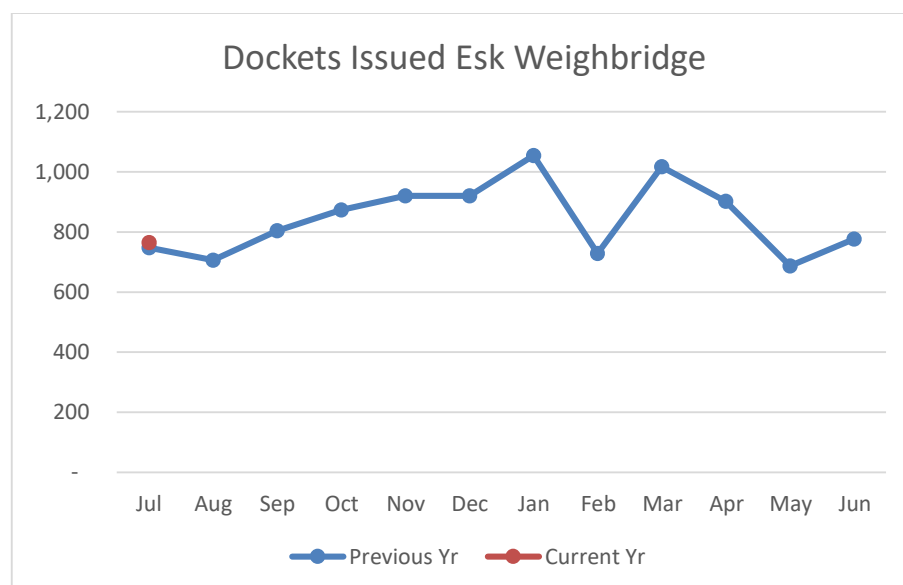
- Local Disaster Management Plans are expected to be completed prior to the August LDMG , for review by Council and members.
- NBN Satellite have now been completed for Esk, Fernvale and Kilcoy.
- Data capture from the February/March event continues. A number of Restoration of Essential Public Assets (REPA) submissions in development and/or lodged with QRA now totalling \$8m. More submissions to follow in the coming weeks/months.

### **Waste Management**



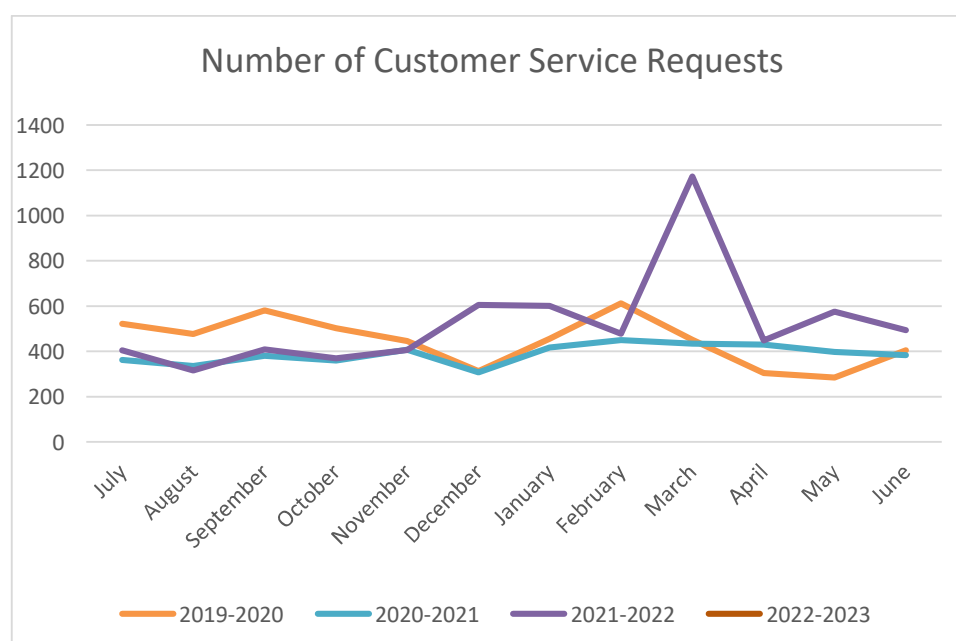


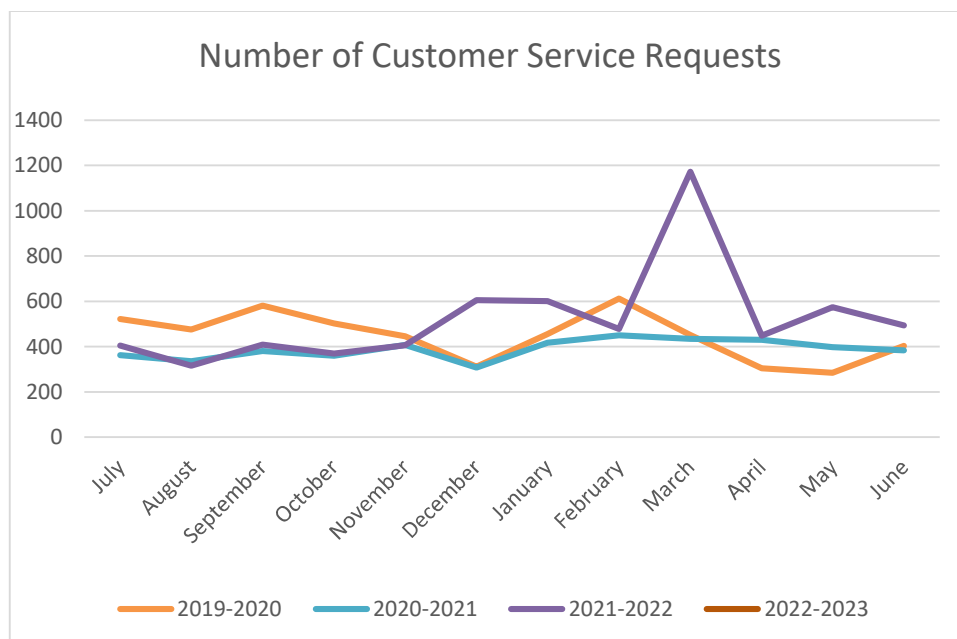




### **Customer Service Requests**

Council received 437 customer service requests for the month of July 2022 on Council's corporate customer service system. A copy of the report is attached for your information.





	Jul-22
Cemeteries	3
Disaster Management	1
Departmental reviews	2
Fences on roadways	0
Illegal dumping clean ups	13
Overgrown Council land	0
Parks including mowing, cleaning/maintenance park equipment including public toilets, tables and chairs, shade shelters etc.	4
Roads - bitumen	69
Roads - gravel	40
Roads - drainage	10
Roads - culverts	3
Roads - vegetation	31
Roads - footpaths	6
Roads - linemarking	1
Roads - bridgework	1
Roads - traffic furniture	18
Rural Property Number	12
Stormwater issues within private properties	3
Waste management	2
<b>Wheelie bins</b>	
Cancellation of extra services	1

Damaged lids and wheels	10
Replacement Split Bins	19
New Services	28
Extra services	7
Stolen bins	7
Missed services	4
Contractor requests/complaints	1
<b>Facilities</b>	
Air conditioning	1
Carpentry, painting, tiling and flooring	2
Electrical	5
Equipment, furniture and fixtures	9
Grounds maintenance	1
Pest Control	0
Plumbing	14
Roofing and guttering	1
Security, locks and CCTV	5
Signage	0
Vandalism	4
Cleaning	1
	296

#### Attachments

Customer service report for July 2022 – attachment 1

#### Recommendation

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

#### Resolution

Moved – Cr Choat

Seconded – Cr Isidro

“THAT Council receive the Operations Report for July 2022 and the contents noted”.

Carried

Vote - Unanimous

**Subject:** Memorandum of Understanding – SRC - QFES 2021-2024  
**File Ref:** Emergency services - service provision - SES and other emergency organisations  
**Action Officer:** QAO/SES

#### Background/Summary

Pending confirmation by the Queensland Fire and Emergency Services regarding the content of the Memorandum of Understanding (MoU) between Council and that department for the period 2021-24, Council resolved to enter into an interim agreement based on QFES'

advice that the previous MoU (2018-2021) was unlikely to contain any significant changes in principal.

The proposed MoU which was subsequently received from QFES has been carefully reviewed and amended by Council officers to more thoroughly reflect this Council's substantial contribution to the proposed agreement.

### Attachments

Proposed QFES/SRC "Memorandum of Understanding" and "Schedule A – Local Arrangements" 2021-2024 (Attachment 1 and 2)

### Recommendation

THAT the revised Memorandum of Understanding between Somerset Regional Council and Queensland Fire and Emergency Services for 2021-2024 be approved for submission to that department for adoption for the current period of this agreement.

### Resolution

Moved – Cr Brieschke

Seconded – Cr Wendt

"THAT the revised Memorandum of Understanding between Somerset Regional Council and Queensland Fire and Emergency Services for 2021-2024 be approved for submission to that department for adoption for the current period of this agreement".

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Foot and Mouth Disease</b>
<b>File Ref:</b>	<b>Emergency services - planning - disaster planning</b>
<b>Action Officer:</b>	<b>DMO</b>

### Background/Summary

At the 20 July 2022 Ordinary Meeting, Councillor Gaedtke requested "that, a report be bought back to a future meeting of Council outlining Council's preparedness for an outbreak of foot-and-mouth disease within Somerset Region while noting that Council would not be the lead agency in managing any outbreak."

Foot-and-mouth disease (FMD) is a serious and highly contagious animal disease that affects all cloven-hoofed animals including cattle, sheep, goats, camelids, deer and pigs. Cloven-hoofed animals are those with divided hooves. It does not affect horses.

FMD is a disease of animals, not humans and is a different disease than Hand, foot, and mouth disease which is common in young children. FMD is not transmitted to humans by eating affected meat.

FMD virus is carried by live animals and in meat and dairy products, as well as in soil, bones, untreated hides, vehicles, and equipment used with these animals. It can also be carried on people's clothing and footwear and survive in frozen, chilled, and freeze-dried foods.

In May 2022, an outbreak of FMD was reported in cattle in Indonesia and has since spread to popular Australian tourist destination of Bali. An incursion of the virus would have severe consequences for Australia's animal health and trade.

The emergence and rapid spread of FMD in Indonesia has changed the risk profile for passengers and goods arriving in Australia. As a result, the Federal Government has strengthened its border activities and new measures have been imposed to help prevent an incursion.

In the event of an outbreak on Australian soil a livestock standstill is likely to be imposed.

### **Livestock Standstill**

FMD spreads easily by:

- movement of infected live or dead animals
- movement of contaminated animal products, equipment, clothing, vehicles, animal feed, bedding and waste material
- airborne transmission of the virus.

Therefore, an early critical control measure to limit the spread of FMD will be to stop the movement of all livestock at risk of infection, initially for a period of 72 hours.

A livestock standstill gives authorities time to:

- conduct disease surveillance
- trace the previous movements of infected livestock
- identify geographic areas where the disease may have spread.

### **Local Government Role**

Whilst the Department of Agriculture and Fisheries (DAF) are the lead agency when it comes to biosecurity threats such as FMD, Councils do have a role to play.

In a previous exercise conducted by the Somerset LDMG a draft Livestock Standstill document was produced identifying the assistance that may be needed should a livestock standstill be necessary, namely;

- Traffic Control
- Identification of a burial site for infected animals. It was noted at the exercise that the Esk Landfill site may be appropriate.
- Provision of machinery and equipment
- Assistance in communicating DAF messages to the broader community through websites, social media, and Council's traditional media channels.

With the current risk, Officers have reviewed this draft Livestock Standstill document to familiarise themselves with this and update as necessary.

A briefing is being held with Mayors on 5 August to advise of the current FMD risk and will likely help clarify Council's role in a FMD outbreak/Livestock Standstill.

A report will be presented to the LDMG and Council to advise of the outcome of this briefing.

### **Attachments**

NIL

**Recommendation**

THAT Council receive the foot and mouth disease report and note the contents

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Wendt

“THAT Council receive the foot and mouth disease report and note the contents”.

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Community Assistance Grants 2022-2023 – Kilcoy Golf Club Inc</b>
<b>File Ref:</b>	<b>Community Relations – Sponsorships – Donations - Doc Id</b>
	<b>1359404</b>
<b>Action Officer:</b>	<b>DHRCS</b>

**Background/Summary**

The Kilcoy Golf Club Inc is seeking “out of rounds” funding for a two-stage renovation project to re-deck the Golf Club and upgrade the roofing over the deck.

Amount requested: \$30,000 plus Council building fees

Total cost of project: \$90,233 plus Council building fees

Amount recommended to be granted: \$15,000 plus Council building fees

**Assessor's Summary**

The applicant states:

The Club has been working towards the re-decking project for some time and can only commit to the renovation project if they receive external funding support.

The Club has been saving for maintenance such as this and are able to contribute a large portion of the funds. They have also been successful securing \$10,000 from the Building Stronger Communities Grant Fund.

The Kilcoy Golf Club provides sporting and social benefits to people of all ages / genders and have seen increase in member numbers and usage of the course in the last 12 months. The club is used by their junior program as well as adults throughout the week, and for functions by the local community and visitors.

The renewal of the verandah area will make the club more visually attractive, safer, and more usable for functions.

**Assessors Note**

The “out of rounds” application was received by Council on 12 May 2022, prior to the amendment of the Community Assistance Grant Policy C/001 adopted at the Ordinary meeting held on 20 July 2022 therefore an exemption to the maximum funding limit of \$5,000 is being presented to Council for consideration.

The reviewed Community Assistance Grant Policy C/001 states:

*The following criteria may be used to assess grant applications:*

- *Maximum of one (1) application per funding round (total of two (2) per financial year) with maximum funding of \$5,000 per application unless exceptional circumstances can be demonstrated.*

### Attachments

Nil

### Recommendation

THAT the applicant as summarised in this report be recommended for funding and \$15,000 plus Council building fees be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist the Kilcoy Golf Club with a two-stage renovation project to re-dec the Golf Club and upgrade the roofing over the deck.

#### Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

“THAT the applicant as summarised in this report be recommended for funding and \$15,000 plus Council building fees be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist the Kilcoy Golf Club with a two-stage renovation project to re-dec the Golf Club and upgrade the roofing over the deck”.

Carried

Vote - Unanimous

### Declarable Conflict of Interest - Mayor Lehmann

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 I am a member of the Lowood Lions Club.

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

Mayor Lehmann left the meeting at 9.47am.

Deputy Mayor Brieschke took over as Chair of the meeting at 9.47 am.

<b>Subject:</b>	<b>Community Assistance Grants 2022 – 2023 - Lowood Lions Club Inc for the Prenzlau Pride Car and Music Show</b>
<b>File Ref:</b>	<b>Community Relations – Sponsorships – Donations - Doc Id 1412987</b>
<b>Action Officer:</b>	<b>DHRCS</b>

### Background/Summary

To assist with the costs associated with hosting the Prenzlau Pride Car and Music Show on Sunday, 31 July 2022.

Amount requested:

\$ 3,632.00

Total cost of project:	\$14,250.00
Amount recommended to be granted:	\$ 1,000.00

### Assessor's Summary

The applicant states:

- The event provides an opportunity for residents and visitors to experience Lowood and support the Prenzlau State School.
- Other community groups such as the Prenzlau Fire Brigade and Lowood SES also gain exposure from the car and music show.
- The event will provide entertainment for all ages including children's activities and rides such as face painting and a jumping castle.
- The group is seeking a grant to assist with the costs of advertising, trophies, audio equipment and children's entertainment for the event.

*As per the Community Assistance Grant Policy C/001, the following criteria may be used to assess grant applications:*

*Maximum of one (1) application per funding round (total of two (2) per financial year) with maximum funding of \$5,000 per application unless exceptional circumstances can be demonstrated.*

- *Funding for events held within the Somerset region will be considered at the following levels:*

<i>Small scale event</i>	<i>up to \$ 500</i>
<i>Large scale event</i>	<i>up to \$ 1,000</i>
<i>Annual Agricultural Shows</i>	<i>up to \$ 1,500</i>
<i>Large scale regional event</i>	<i>up to \$ 2,500</i>

The Prenzlau Price Car and Music Show is being held on Sunday, 31 July 2022 therefore consideration of this application by Council will be post event. The out of funding round application was received by Council on 11 July 2022 prior to the event including a covering letter requesting consideration.

### Attachments

Nil

### Recommendation

THAT the application as summarised in this report be recommended for funding and \$1,000 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist with the costs associated with hosting the Prenzlau Pride Car and Music Show to be held on the Sunday, 31 July 2022.

#### Resolution

Moved – Cr Choat

Seconded – Cr Wendt

“THAT the application as summarised in this report be recommended for funding and \$1,000 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist with the costs associated with hosting the Prenzlau Pride Car and Music Show to be held on the Sunday, 31 July 2022”.

Carried

Vote - Unanimous

Deputy Mayor Brieschke vacated the chair at 9.49am.  
Mayor Lehmann returned to the meeting at 9.49am and resumed the chair.

**Declarable Conflict of interest - Mayor Lehmann - Agenda Item 32**

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 of my knowledge of the matter and to comply with Section 24 of Policy EX002 Standing Orders.

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

Mayor Lehmann left the meeting at 9.50 am.  
Deputy Mayor Brieschke took over as Chair of the meeting at 9.50 am.

**Declarable Conflict of interest Cr Gaedtke - Agenda Item 32**

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 of my knowledge of the matter and to comply with Section 24 of Policy EX002 Standing Orders.

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 Gaedtke left the meeting at 9.51am

<b>Subject:</b>	<b>Officer Independent Assessor Referral</b>
<b>File Ref:</b>	<b>2020 – 2024 Officer Reports</b>
<b>Action Officer:</b>	<b>CEO</b>

**Background/Summary**

Council has received correspondence from the Office Independent Assessor referring an allegation of inappropriate conduct to Council for investigation. The investigation must be conducted in accordance with the Council's investigation policy adopted pursuant to Section 150AE of the Local Government Act. Council policy 'EX/007 Investigation Policy' is the relevant document to be utilised in undertaking this investigation.

In accordance with Council Investigation Policy, and due to the nature of the alleged misconduct, the matter must be referred back to the President of the Councillor Conduct Tribunal (Tribunal) to investigate and make recommendations to Council about dealing with the conduct. Alternatively, The Local Government Act, Section 150AF(2)(b), allows Council by resolution to determine whether the investigation is conducted in another way such as, for example, by having an appropriate person conduct the investigation in place of the Tribunal. Should Council choose to make a resolution under Section 150AF(2)(b), Council must state a reason for the decision as per Section 150AF(3).

Council's Chief Executive Officer (CEO) contacted the Tribunal to ascertain the likely timeframes to undertake the investigation. While the Tribunal can assist with the investigation, it cannot accurately advise the expected duration.

As per the alternative allowable under the Act, Council's CEO has sought quotations from appropriately qualified persons per Council's procurement policy. Suppliers have indicated they could commence investigation within one week of quotation acceptance and complete the investigation in a timely manner.

Therefore, for the reason of ensuring an expedited investigation, it is suggested that Council consider appointing an appropriately qualified person to undertake the investigation as per Council's Investigation Policy.

#### Attachments

Nil

#### Recommendation

THAT Council

1. Per Section 150AF(2)(b) of the Local Government Act, appoints a suitably qualified person to investigate the alleged inappropriate conduct matter as referred by the Office Independent Assessor.
2. Authorises the Chief Executive Officer to assess quotations received as per Council procurement policy and select a suitably qualified person to undertake investigation in accordance with Council's investigation policy.
3. State the reason for the decision as per Section 150AF(3) of the Local Government Act is to ensure an expedited investigation.

#### Resolution

Moved – Cr Choat

Seconded – Cr Whalley

“THAT Council

1. Per Section 150AF(2)(b) of the Local Government Act, appoints a suitably qualified person to investigate the alleged inappropriate conduct matter as referred by the Office Independent Assessor.
2. Authorises the Chief Executive Officer to assess quotations received as per Council procurement policy and select a suitably qualified person to undertake investigation in accordance with Council's investigation policy.
3. State the reason for the decision as per Section 150AF(3) of the Local Government Act is to ensure an expedited investigation.”

Carried

*Vote - Unanimous*

Deputy Mayor Brieschke vacated the chair at 9.53am.

Mayor Lehmann returned to the meeting at 9.53am and resumed the chair.

Cr Gaedtke returned to the meeting at 9.53am.

<b>Subject:</b>	<b>SEQ City Deal – Brisbane Valley Highway</b>
<b>File Ref:</b>	<b>SEQCity Deals</b>
<b>Action Officer:</b>	<b>CEO</b>

### Background/Summary

The South East Queensland (SEQ) City Deal is a 20-year partnership announced on 21 March 2022 between the Australian Government, Queensland Government and eleven Councils that make up the Council of Mayors (SEQ), providing a shared commitment to transform SEQ and deliver region-shaping infrastructure.

For Somerset Regional Council, a significant feature of the SEQ City Deal is the inclusion of a \$40.5 Million investment by the Australian Government, Queensland Government and Somerset Regional Council for targeted safety upgrades along the 89.52km Brisbane Valley Highway, supporting the major freight corridor between Somerset and greater South East Queensland region.

Throughout the development of the SEQ City Deal, Council understood the \$40.5M would be new investment, building upon approx \$17.6m historic funding previously announced by the State Government (including the \$14.5M for safety upgrades between Fernvale and Blacksoil). Hence, the outcome of the City Deal was received with excitement and positive outcome for the Brisbane Valley Highway and the Somerset region.

However, during recent implementation planning workshops in July 2022 the Transport and Main Roads revealed the contribution to the 'Brisbane Valley Highway Safety Upgrades' initiative in the SEQ City Deal by the State Government would include historic funding previously announced. Of the \$40.5M, State funding would include \$14.5M for 14km of safety upgrades between Fernvale and Blacksoil which is currently in detailed design phase along with \$2.33m of new State funding.

Council strongly believes this a disappointing outcome for the Somerset region and Council subsequently requested Council of Mayors (SEQ) scrutinise and challenge this advice. Despite these efforts, it appears unlikely the State Government will change its position on additional funding. While Council is disappointed by this development, given the long-term nature of the City Deal and opportunities to attract further investment into the future, it should look to approach this matter positively and proactively.

Accordingly, it is suggested Council seek to engage with the State Government to develop a collaborative long-term strategic investment strategy for the Brisbane Valley Highway. Council Officers believe this would provide opportunity to ensure investment achieves the best outcomes for the Somerset community. Should Council choose to progress this approach, Council of Mayors (SEQ) CEO has confirmed willingness to work with Council to advocate for additional funding within the SEQ City Deal framework to support investment priorities along the Brisbane Valley Highway.

### Attachments

Nil

### Recommendation

THAT Council

1. Write to the Queensland Government, including the Queensland Premier and Deputy Premier and Minister for Transport and Main Roads expressing the region's disappointment that State funding committed to the Brisbane Valley Highway Safety Upgrades' initiative in the SEQ City Deal was not new funding, and seek for the State to make new funding available for the project as per the intended commitment to the Somerset Region.
2. That Council also seek a commitment from the State Government to develop a collaborative long-term strategic investment strategy for the Brisbane Valley Highway, in partnership with Council and the Federal Government, to ensure any future investment considers local priorities and maximises community and economic benefits for the Somerset Community.
3. That Council write to Council of Mayors (SEQ) seeking support to facilitate discussion between Council, the State and Federal Governments for a long-term and improved outcome associated with the Brisbane Valley Highway via the SEQ City Deal.

**Resolution**

Moved – Cr Whalley

Seconded – Cr Brieschke

"THAT Council

1. Write to the Queensland Government, including the Queensland Premier and Deputy Premier and Minister for Transport and Main Roads expressing the region's disappointment that State funding committed to the Brisbane Valley Highway Safety Upgrades' initiative in the SEQ City Deal was not new funding, and seek for the State to make new funding available for the project as per the intended commitment to the Somerset Region.
2. seek a commitment from the State Government to develop a collaborative long-term strategic investment strategy for the Brisbane Valley Highway, in partnership with Council and the Federal Government, to ensure any future investment considers local priorities and maximises community and economic benefits for the Somerset Community.
3. write to Council of Mayors (SEQ) seeking support to facilitate discussion between Council, the State and Federal Governments for a long-term and improved outcome associated with the Brisbane Valley Highway via the SEQ City Deal.
4. seek a deputation with the Minister for Transport and Main Roads"

Carried*Vote - Unanimous*

<b>Subject:</b>	<b>LGAQ Motion - restoration works in waterways following natural disasters.</b>
<b>File Ref:</b>	<b>Approved Protection Orders</b>
<b>Action Officer:</b>	<b>DOPER</b>

## Background/Summary

Following the February / March 2022 floods in the upper Brisbane River an excessive amount of sediment was deposited upstream of a bridge and causeway, effectively altering the major flow from under the bridge to over the causeway, effectively cutting off a part of the community who have no other road access around the Brisbane River. Council engineers sought to re-establish the flow to under the river prior to the next rainfall event, however, this involved seeking approval from multiple state government agencies. Approval was not obtained prior to the May flooding of the upper Brisbane River and the causeway failed further isolating this community until emergent approvals were given to re-establish a crossing.

The time required to engage with the multiple agencies during this time in a post disaster recovery phase was excessive and approvals or confirmation of “no objection” from agencies took months.

Streamline processes and/or well documented range of exemptions would have significantly reduced the red tape, building the resilience of this community.

## Attachments

Draft LGAQ motion

## Recommendation

THAT Council put forward a resolution at the next Local Government Association of Queensland (LGAQ) Conference as follows:

The LGAQ calls on the State Government to establish coordinated, integrated and streamlined processes to facilitate the rapid assessment and approval for restoration works in waterways following natural disasters.

### Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

“THAT Council put forward a resolution at the next Local Government Association of Queensland (LGAQ) Conference as follows:

The LGAQ calls on the State Government to establish coordinated, integrated and streamlined processes to facilitate the rapid assessment and approval for restoration works in waterways following natural disasters”.

Carried

*Vote - Unanimous*

The meeting adjourned for morning tea at 10.02am and resumed at 10.28am.

Director of Finance declared a conflict of interest in agenda item 11 pursuant to the Employee Conflict of Interest Policy and left the meeting at 10.29am

**Subject: Development Application No. DA21973**

<b>Representations about conditions and other matters during the Applicant's Appeal Period in accordance with section 75 of the Planning Act 2016</b>	
<b>File No:</b>	<b>DA21973 Assessment No: 00601-60000-000</b>
<b>Action Officer:</b>	<b>SP-MW</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location	104 Highland Street, Esk
Real Property Description	Lot 6 SP142897
Site area	5.712 hectares

### Planning Scheme

Planning Scheme	Somerset Region Planning Scheme Version Four
Zone	General residential
Overlays	OM3 Biodiversity OM4 Bushfire hazard OM8 High impact activities management area overlay OM10 Landslide hazard OM12 Scenic amenity

### ShapingSEQ

Land Use Category	Urban Footprint
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### Application

Original Category of Assessment	Impact assessment
Original Date of Approval	1 June 2022
Development Approval	Development Permit for a Material Change of Use for a Utility Installation (Water reservoir)
Applicant/s	Urban Utilities
Applicants contact details	C/- Ethos Urban Level 4, 215 Adelaide Street BRISBANE CITY QLD 4000

<b>Referral Agencies</b>	None required
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## RECOMMENDED DECISION

A Negotiated Decision Notice for Development Application No: DA21973 be issued, subject to the amended conditions and requirements contained in the Schedules and Attachments.

## 2.0 BACKGROUND TO APPROVAL

Somerset Regional Council at its Ordinary meeting of 25 May 2022 considered and approved the development application DA21973 for Utility Installation (Water reservoir). The applicant has now made representation to Council to change and amend conditions of the development approval.

## 3.0 REQUESTED CHANGE

The applicant on behalf of their client has made the following representations:

### 3.1 Condition 2.4

Condition 2.4 currently states:

*Submit development applications to the relevant Energy and Telecommunications regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required at the cost of a normal house connection.*

**Applicant representation**

The approval relates to a Utility installation (water reservoir) and not a standard residential use. Telecommunications requirements are non-standard and may not be required. Furthermore, the cost of connection will be non-standard and may vary from the cost of a normal house. The requested amendments are fit for purpose and provide greater flexibility.

The applicant requests the condition be amended as follows:

*Submit development applications to the relevant Energy and/or Telecommunications regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction ~~and that they can provide services when required at the cost of a normal house connection.~~*

**Officer comments**

Officers agree with the proposed change of wording.

**3.2 Condition 2.10**

Condition 2.10 currently states:

*All vehicles shall enter and leave the site in a forward gear. Timing: At all times*

**Applicant representation**

Although all efforts will be made to ensure vehicles leave the site in a forward gear, however there may be occasions during construction where large plant will reverse out of the site onto the road reserve. Large plant movements will be under a Traffic Guidance Scheme. Given the low traffic volumes along Highland Street, any vehicle movements during construction are not expected to impact on road efficiency or safety. The requested amendment will provide a suitable level of flexibility during construction of the Utility installation (water reservoir).

The applicant requests the timing of the condition be amended as follows:

*All vehicles shall enter the leave the site in a forward gear. Timing: At all times **after the construction phase.***

**Officer comments**

Highland Street is a relatively steep section of road. The area immediately to the east of the driveway has an average gradient of approximately 13.5 percent for the first 35 metres which then increases to approximately 18 percent for the following 80 metres. Vehicles travelling up Highland Street do not have an unobstructed view of the site entry due to the existing road alignment.

Vehicles that are made to stop to accommodate a reversing vehicle will then have to restart on a steep section of the road.

Vehicle volumes for Highland Street may be relatively low but speed and visibility will impact upon a reversing vehicle and as per there justification for item 2.16 they have plenty of land to provide a circulatory vehicle path.

As such, it is recommended that the condition remain unchanged.

### 3.3 Condition 2.16

Condition 2.16 currently states:

*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.*

#### **Applicant representation**

The site is large and has an area of over 5.1Ha. The approved construction footprint makes up a small portion of this area and weed management over the entire site is an unreasonable imposition on the applicant. All future works and use of the site is proposed to be contained within the construction footprint to minimise any potential for additional disturbance to vegetation or soil.

The applicant requests the condition be amended as follows:

*All declared weeds and pests are to be removed from the ~~subject land~~ **construction footprint (illustrated on drawing no. ST-SCNEW-IESN-GV-SKT-001, Rev C)** and kept clear of such nuisance varieties during the course of operations*

#### **Officer comments**

It is acknowledged that all landholders in Queensland must take all reasonable and practical steps to minimise biosecurity risks posed by invasive plants and animals. This is known as the general biosecurity obligation (GBO) under the Biosecurity Act 2014.

Council's Natural Resources officer has reviewed the proposed amendment and has confirmed this is an acceptable change to the wording.

It is proposed to amend the condition in accordance with the applicant's request.

## ATTACHMENTS

1. Applicant representation
2. Approved plans of development
3. Infrastructure charges notice

## RECOMMENDED DECISION

THAT the Council approves and issues a Negotiated Decision Notice for Material change of use for a Utility Installation (Water reservoir) on Lot 6 SP142897 and situated at 104 Highland Street, Esk subject to the amended requirements and conditions contained in the Schedules and Attachments.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	Planning Application Site Plan, WRRS015 Esk Reservoir, prepared by Urban Utilities, Drawing No. ST-SCNEW-IESN-GV-SKT-00001 Revision C, dated 16 April 2021	

	Planning Application Section View, WRRS015 Esk Reservoir, prepared by Urban Utilities, Drawing No. ST-SNEW-IESN-GV-SKT-00002 Revision C, dated 16 April 2021	
	Esk Reservoir Ecological Assessment Report, Project 20-189 prepared by NGH Consulting, dated 16 March 2021.	
	Planning Application Stormwater Management Plan, WRRS015 Esk Reservoir, prepared by Urban Utilities, Drawing No. ST-SCNEW-IESN-GV-SKT-00002 Revision B, dated 16 April 2021	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to the commencement of use.
1.5	Connect the development to the reticulated electricity, and telecommunications networks.	Prior to the commencement of use.
1.6	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
1.7	Comply with the recommended mitigation measures set out in Esk Reservoir Ecological Assessment Report, Project 20-189 prepared by NGH Consulting, dated 16 March 2021.	At all times.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
<b>Public Utilities/Infrastructure</b>		
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times.
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	At all times.
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
<b>General Services</b>		

2.4	<del>Submit development applications to the relevant Energy and Telecommunications regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required at the cost of a normal house connection.</del>	<del>Prior to commencement of use.</del>
2.4	Submit development applications to the relevant Energy and/or Telecommunications regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction.	Prior to commencement of use.
	<b>Earthworks</b>	
2.5	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organization.	At all times.
2.6	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.7	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times.
	<b>Vehicle access</b>	
2.8	All vehicular access shall provide convenient and safe access and egress from the site.	At all times.
2.9	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
2.10	All vehicles shall enter and leave the site in a forward gear.	At all times.
	<b>Stormwater drainage</b>	
2.11	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
	<b>Erosion and sediment control</b>	
2.12	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> Should the developer fail to complete the works determined by	At all times.

	Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.	
2.13	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.
2.14	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.
2.15	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> <li>vii) Milling;</li> <li>viii) Chipping and/or mulching</li> <li>ix) Disposal at an approved waste disposal facility.</li> </ul> <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times.
2.16	<del>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.</del>	<del>At all times.</del>
2.16	All declared weeds and pests are to be removed from the subject land and construction footprint (illustrated on drawing no. ST-SCNEW-IESN-GV-SKT-001, Rev C) and kept clear of such nuisance varieties during the course of operations	At all times.
2.17	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work.	At all times.
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times.
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase.

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

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

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

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

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

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

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

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

At all times the landholder must take all reasonable and practical steps to minimise biosecurity risks posed by invasive plants and animals, as per the general biosecurity obligation (GBO) under the *Biosecurity Act 2014*.

#### Attachments for the Negotiated Decision Notice:

- Planning Application Site Plan, WRRS015 Esk Reservoir, prepared by Urban Utilities, Drawing No. ST-SCNEW-IESN-GV-SKT-00001 Revision C, dated 16 April 2021
- Planning Application Section View, WRRS015 Esk Reservoir, prepared by Urban Utilities, Drawing No. ST-SNEW-IESN-GV-SKT-00002 Revision C, dated 16 April 2021
- Esk Reservoir Ecological Assessment Report, Project 20-189 prepared by NGH Consulting, dated 16 March 2021.
- Planning Application Stormwater Management Plan, WRRS015 Esk Reservoir, prepared by Urban Utilities, Drawing No. ST-SCNEW-IESN-GV-SKT-00002 Revision B, dated 16 April 2021.

#### Resolution

Moved – Cr Wendt

Seconded – Cr Brieschke

“THAT the Council approves and issues a Negotiated Decision Notice for Material change of use for a Utility Installation (Water reservoir) on Lot 6 SP142897 and situated at 104 Highland Street, Esk subject to the amended requirements and conditions contained in the Schedules and Attachments.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	Planning Application Site Plan, WRRS015 Esk Reservoir, prepared by Urban Utilities, Drawing No. ST-SCNEW-IESN-GV-SKT-00001 Revision C, dated 16 April 2021	
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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	Connect the development to the reticulated electricity, and telecommunications networks.	Prior to the commencement of use.
1.6	Building works and plumbing and drainage works approvals must be gained.	Before commencement of any works.
1.7	Comply with the recommended mitigation measures set out in Esk Reservoir Ecological Assessment Report, Project 20-189 prepared by NGH Consulting, dated 16 March 2021.	At all times.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
<b>Public Utilities/Infrastructure</b>		
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times.
2.2	Bear the costs of works carried out to Council and utility services	At all times.

	infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions whether carried out by Council, or otherwise.	
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
	<b>General Services</b>	
2.4	<del>Submit development applications to the relevant Energy and Telecommunications regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required at the cost of a normal house connection.</del>	<del>Prior to commencement of use.</del>
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	<b>Earthworks</b>	
2.5	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organization.	At all times.
2.6	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.7	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times.
	<b>Vehicle access</b>	
2.8	All vehicular access shall provide convenient and safe access and egress from the site.	At all times.
2.9	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
2.10	All vehicles shall enter and leave the site in a forward gear.	At all times.
	<b>Stormwater drainage</b>	
2.11	Stormwater drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
	<b>Erosion and sediment control</b>	
2.12	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at	At all times.

	<p>all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	
2.13	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.
2.14	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.
2.15	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> <li>x) Milling;</li> <li>xi) Chipping and/or mulching</li> <li>xii) Disposal at an approved waste disposal facility.</li> </ul> <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times.
2.16	<del>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.</del>	<del>At all times.</del>
2.16	All declared weeds and pests are to be removed from the <del>subject land</del> construction footprint (illustrated on drawing no. ST-SCNEW-IESN-GV-SKT-001, Rev C) and kept clear of such nuisance varieties during the course of operations	At all times.
2.17	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work.	At all times.
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must	At all times.

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

#### **SCHEDULE 4 – ADVICE**

##### *Assessment Manager*

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

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

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

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

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

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

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.
All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act (as amended)</i> and the <i>workplace Health and Safety Regulation (as amended)</i> .
All Operational Work is to comply with relevant codes for design and construction.
Construction hours are 6:30 am to 6:30 pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Noise levels from construction work shall at all times comply with the requirements of the Environmental Protection Act 1994.
All building work is to comply with the provisions contained in the <i>Building Act</i> ; the <i>Building Regulation</i> , the <i>Building Code of Australia</i> , the <i>Queensland Development Code</i> and relevant <i>Australian Standards</i> .
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.
The Fire Ant Restricted Area as well as general information can be viewed on the DAF website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a>
At all times the landholder must take all reasonable and practical steps to minimise biosecurity risks posed by invasive plants and animals, as per the general biosecurity obligation (GBO) under the <i>Biosecurity Act 2014</i> .
<b>Carried</b>
<b>Vote - Unanimous</b>

Director of Finance returned to the room at 10.31am.

#### Meetings authorised by Council

#### Attendance at Australian Local Government Womens Association (ALGWA) annual general meeting (AGM) and media relations and speech writing workshop.

##### Resolution

Moved – Cr Choat

Seconded – Cr Whalley

“THAT Cr Gaedtke, Isidro and Brieschke be authorised to attend the ALGWA AGM and media relations and speech writing workshop to be

held in Brisbane on Thursday, 1 September 2022.”

Carried

*Vote - Unanimous*

## Mayor and Councillor Reports

### Cr Brieschke – Councillor Report

Congratulations to the Lowood Lions and associated organisations on the Prenzlau Car Show. It was a really good day.

### Cr Gaedtke – Councillor Report

July

- 20 Ordinary Council Meeting – Kilcoy
- 20 Council Workshop – Kilcoy
- 20 Brisbane Valley Kilcoy Landcare Ass Inc meeting
- 21 Meeting with KCCCI; KDPA; KASI – Kilcoy Street Beautification discussion
- 22 Council of Mayors – 2022 Local Government Forum – Brisbane Convention Centre
- 23 Stonehouse Moore Open Weekend
- 23 Skipper Watson’s Memorial – Exchange Hotel, Kilcoy
- 26 Kilcoy Interagency Meeting – Kilcoy
- 27 Somerset Men’s Shed – 10<sup>th</sup> Anniversary – Lowood
- 27 Friends of Stonehouse Meeting – Moore
- 30 Esk Show- Esk

August

- 01 The Condensery Committee Meeting – Esk
- 02 Meeting with CEO
- 03 Meeting with business representatives – Mount Glen Rock
- 04 LGAQ Elected Members Update- Kilcoy

Along with the Mayor, Deputy Mayor and Cr Isidro, I took part in a series of workshops and presentations focused on the regional opportunities our “Green and Gold” runway can deliver – Olympics 2023. The benefits include accelerating future jobs across SEQ; a faster, more connected SEQ; a more livable SEQ; creating thriving communities for SEQ. The big ticket item for LGA Somerset - Brisbane Valley Highway Safety Upgrades. It was a lovely surprise to see Kilcoy eye fillet on the lunch menu.

The Stonehouse Open Weekend at Moore was lucky to receive sunshine and very little wind over the two days. The art exhibition was popular and Out There Cycling buses transported guests back and forth from the Stonehouse. Planning has already commenced for next year’s event.

The Somerset Men’s Shed celebrated their 10<sup>th</sup> anniversary by sharing information, a hot roast meal and sincere comradery. Thank you for the lovely thank you gift of a Men’s Shed made pot stand. I will treasure it.

### Cr Isidro – Councillor Report

July

- 20 Council meeting, Kilcoy
- 22 COMSEQ Councillor Forum, Brisbane
- 22 Launch of the Green and Gold runway, Brisbane
- 25- 28 Bush council's conference, Barcaldine

30 Esk show

August

- 01 Condensery Advisory Committee meeting, Esk
- 03 Mt Glen Rock meeting, Civic Centre
- 04 Elected Member Update, Kilcoy

### **Cr Choat – Councillor Report**

Great to see the Esk Show and Prenzlau Pride which are signature events continuing year in year out. Both events were well attended and enjoyed by all, so congratulations to all involved.

### **Cr Wendt – Councillor Report**

June

- 29 Ordinary Council Meeting – Esk
- Workshop Meeting – Esk

July

- 06 Traffic Safety Advisory Committee - Teams
- 07 Meeting with Graham Richardson @ LRC
- 09 Brisbane Air Show – Toogoolawah
- The Condensery Show Opening - Toogoolawah
- 13 Fauna survey discussion Mt Glen Rock - Teams
- 30 Operation Ice Breaker RFB– Kilcoy
- Esk Show – Esk
- The Lure Show – Fernvale

August

- 03 Meeting with Esk Business' re Mt Glen Rock – Esk
- 04 LGAQ Elected Member Update – Kilcoy
- Meeting with resident re driveway entrance – Villeneuve
- 09 AGM Esk Fire Group Meeting - Esk

### **Resolution**

Moved – Cr Whalley

Seconded – Cr Brieschke

“THAT the verbal and written reports of Cr Brieschke, Gaedtke, Isidro, Choat, and Wendt be received and the contents noted”.

**Carried**

*Vote - Unanimous*

### **Receipt of Petition**

Nil

### **Consideration of notified motions**

Nil

### **Reception of notices of motion for next meeting**

Nil

### **Items for reports for future meetings**

Nil

**Closure of Meeting****Summary**

There being no further business, the Mayor, Cr Graeme Lehmann closed the meeting at 10.35am.