



**Minutes of Ordinary Meeting
Held 21 September 2022**

*Held in the Kilcoy Explore Centre
41 Hope Street
Kilcoy*

Present

Cr Graeme Lehmann	(Mayor)
Cr Helen Brieschke	(Deputy Mayor)
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)

Absent

Cr Sean Choat	(Councillor)
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Opening of Meeting

The Mayor, Cr Graeme Lehmann, opened the meeting at 9 am.

Condolence for the passing of Her Majesty Queen Elizabeth II

Her Majesty The Queen passed away on 8 September 2022.

For 70 years, Queen Elizabeth the Second reigned as Australia's Head of State.

According to the Department of the Prime Minister and Cabinet During her reign, The Queen visited Australia 16 times and saw more of this country than most Australians, visiting every state and territory.

The Queen consulted with 16 Prime Ministers and 16 Governors-General served in her name. She was the patron of more than 20 Australian charities and associations.

On behalf of Somerset Regional Council, I extend my deepest sympathies to all members of the Royal family, following the death of Her Majesty Queen Elizabeth II.

Her passing will be felt throughout our community and the world. She was respected and admired and will forever be remembered.

This is a sad time for Australia, but it is also a time to commemorate the enormous contribution Queen Elizabeth II has made to Australia.

As a mark of respect and to acknowledge the service given by Her Majesty Queen Elizabeth II. I would like to move the following motion-

"THAT Council send condolences to Buckingham Palace on behalf of Somerset Regions residents following the passing of Her Majesty Queen Elizabeth II".

Further I would ask you all to please stand and observe a minute's silence for the passing of Her Majesty.

Resolution:

Moved –Cr Lehmann

Seconded – Cr Whalley

"THAT Council send condolences to Buckingham Palace on behalf of Somerset Regions residents following the passing of Her Majesty Queen Elizabeth II".

Carried

Vote - Unanimous

Leave of Absence

Cr Choat has sought a leave of absence from attending today's Council meeting.

Resolution:

Moved –Cr Whalley

Seconded – Cr Brieschke

"THAT Cr Choat be granted leave of absence from attending today's Council meeting."

Carried

Vote - Unanimous

Confirmation of Minutes

Resolution

Moved – Cr Gaedtke

Seconded – Cr Isidro

“THAT the Minutes of the Ordinary Meeting held 24 August 2022 as circulated to all Members of Council be confirmed”.

Carried

Vote - Unanimous

Amendment of Minutes

Resolution

Moved – Cr Whalley

Seconded – Cr Brieschke

“THAT the following motion of 27 April 2022 “THAT the Minutes of the Ordinary Meeting held 13 April 2022 as circulated to all Members of Council be confirmed” be rescinded.

Carried

Vote - Unanimous

Resolution

Moved – Cr Gaedtke

Seconded – Cr Isidro

“THAT subject to the following amendment of the resolution in relation to the report Installation of Advertising Devices Subordinate Local Law – Amendment

“Council resolves—

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

the Minutes of the Ordinary Meeting held 13 April 2022 as circulated to all Members of Council be confirmed”.

Carried

Vote - Unanimous

Business arising out of minutes of previous meeting

Nil

Matters of Public Interest

Matters of public interest – Cr Brieschke

September

- 21 Brisbane Valley Kilcoy Landcare AGM, 7.00 pm., Kilcoy Explore Centre
- 23 Official Opening Toogoolawah Pool Splash Pad 9.30 am.
- 29 Teddy Bears Picnic, 9 am – 12.00 pm., Somerset Civic Centre, Esk

October

- 6 Esk Hospital Auxiliary AGM, 2.00 pm., Somerset Civic Centre.
Esk Show Society AGM, 7.00 pm., Esk Show Grounds.

Council has completed the roll out of the Yellow Lid Recycling Bins over the past few weeks, commencing the implementation of kerbside recycling for all residents who receive a kerbside waste collection service.

This is a milestone for the Somerset region signifying Council's commitment to the South East Queensland waste management plan to meet Federal and State waste reduction targets.

I was personally relieved to see our yellow lid bin delivered and have downloaded the Somerset Bin App and printed the collection and information forms about what you can recycle.

Whilst most residents have been happy to receive their bins, some have not, so I would like to share with you some hard-earned statistics on just one form of rubbish that we have not been able to recycle until now.

As most of you will know, my husband and I owned the Esk Milk Run which delivered from Coominya to Linville for 30 years. We pulled some figures from our 2018 order book and on average, brought over 8,500 plastic bottles into our region per week that could not be recycled – this equates to 442,000 plastic bottles per year being dumped in our landfill.

Today we have the opportunity to send these and so many other items away to be recycled and I hope everyone will play their part in this waste reduction process.

Matters of public interest – Cr Gaedtke

I would like to acknowledge the seamless distribution and collection of kerbside recycling bins in the region, and especially in the old Esk Shire area. I recognise that this project outcome has been the culmination of almost 18 months of work and negotiations carried out by the Operations' Department. The Director of Operations acknowledged the whole of organisational team effort that was instigated to achieve such a positive and adequate service.

Congratulations to :

- Somerset Regional Council, Government Organisation Award (Exceptional contribution in child protection and child safety at the public sector level - Lyn Buchanan (Community Development Co-ordinator)
- Toogoolawah Showgirl, West Moreton Sub Chamber 2022 Winning Showgirl Frahm
- Somerset State Emergency Service (SES) Unit, several members – Awarded Meritorious Service Medals (15,25,35 Years)

A big step forward for disaster resilience with the Emergency Response Fund Amendment (Disaster Ready Fund) Bill 2022 introduced to Parliament, which will help get money flowing for critical work across Queensland council areas. \$200 million a year in disaster prevention

and resilience national funding will go towards prevention measures such as flood levees, sea walls, cyclone shelters, evacuation centres, fire breaks and telecommunications improvements.

Matters of public interest – Cr Isidro

Spring items of note - free tree day on Saturday at Fernvale and the last two days have been spent judging the garden competition. With 26 entrants, the competition has been well received with some exceptional entries. Winners will be announced next Thursday 29 September.

Conflict of Interest

Mayor Lehmann stated that he will be declaring a conflict of interest in late agenda item 8a Community Assistance Grant Lowood Bowls Club.

Cr Whalley stated that he will be declaring a conflict of interest in agenda item number 9.

Cr Isidro stated that she will be declaring a conflict of interest in agenda item number 15.

Subject:	Community Assistance Grants –2022-2023 Rates Remissions
File Ref:	Community Relations – Sponsorships
Action Officer:	DHRCS

Background/Summary

Council has received twelve applications for rates remission for the 2022/2023 financial year (rating periods 1 July 2022 – 31 December 2022 and 1 January 2023 – 30 June 2023) in the Community Assistance Grants funding round one for 2022 – 2023.

The total Community Assistance Grant budget allocation for the 2022 – 2023 financial year is \$173,825 with a total of \$155,374.93 remaining as at 5 September 2022. The total requested funding for rates remission in funding round one is \$19,682.52 if all applications are approved the amount of \$135,692.41 will be available for the remainder of the financial year.

As per Council's Community Assistance Grant Policy C/001 applications will not be considered for the payment of insurance premiums, water supply and sewerage accounts from Queensland Urban Utilities, other utility accounts such as electricity and telecommunications or the following charges levied with Council general rates:

- Utility charges;
- Separate rates and charges;
- Special rates and charges; and
- State Government Emergency Levy.

The abovementioned charges levied with Council rates are not included in Councils rates remission and will require payment.

Net balance of general rates as of 31 August 2022 for the period (early payment discount applied):

Doc Id:	Applicant	Address	Rates net balance 2022-2023
1422654	Brisbane Valley Pony and Hack Club Inc.	23 Huntley Road, Ottaba QLD 4313 described as L174 SP268013 Reserve 188 PO217751 Rates Assessment: 05205 00000 000	\$ 853.60 \$ 853.60 \$ 1,707.20
1424516	Esk Bowls and Community Club Inc	23 Esk Hampton Road, Esk QLD 4312 described as PTC L195 CP899620 L270 CSH2475: PT (NON SPECIFIC) RESERVE 36 AND PTC L196 CP899620: (NON-SPECIFIC) RESERVE 961 Rates Assessment: 00542 51000 000	\$ 533.21 \$ 533.21 \$ 1,066.42
1419713	Esk RSL (Returned Services League of AUST - Esk Branch)	187 Ipswich Street Esk QLD 4312 described as L1 RP20861 Rates Assessment: 00439 00000 000	\$ 643.41 \$ 643.41 \$ 1,286.82
1412713	Lowood and District Golf Club Inc.	Main Street, Lowood described as L23 SP197986 Rates Assessment: 01189 00000 000	\$ 1,222.23 \$ 1,222.23 \$ 2,444.46
1422993	Hopetoun Masonic Lodge No. 172 U.G.L.Q	Mary Street, Kilcoy QLD 4515 described as L1 RP92224 Rates Assessment: 80098 00000 000	\$ 808.68 \$ 808.68 \$ 1,617.36
1426488	Lowood Folk Art Cooperative Society Ltd	8 Railway Street, Lowood Qld 4311 described as L9 SP251952 Rates Assessment: 01023 00000 000	\$ 533.21 \$ 533.21 \$ 1,066.42
1427845	Lowood Masonic Lodge	17 Church Street, Lowood Qld 4311 described as L1 RP55551 Rates Assessment: 01403 00000 000	\$ 643.41 \$ 643.41 \$ 1,286.82
1428133	Lions Camp Duckadang	117 Avoca Creek Road, Avoca Vale Qld 4314 described as L1 RP144325 Rates Assessment: 05521 00000 000	\$ 643.41 \$ 643.41 \$ 1,286.82

1428279	Moore Soldiers Memorial Hall	9 Main Street, North Moore Qld 4314 described as L321 M5621 and L2 RP4209 Rates Assessment: 01568 00000 000	\$ 643.41 \$ 643.41 \$ 1,286.82
1428637	Linville Progress Association Inc.	40 George Street, Linville Qld 4314 described as L7-8 RP15015 Rates Assessment: 00947 00000 000	\$ 643.41 \$ 643.41 \$ 1,286.82
1425092	Lowood RSL	2819 Forest Hill Fernvale Road, Lowood Qld 4311 described as L1 RP205360 Rates Assessment: 02593 10000 000	\$ 887.31 \$ 887.31 \$ 1,774.62
1377169	Toogoolawah RSL Sub Branch	33 Cairnscoft Street, Toogoolawah Qld 4313 described as L19 RP7722 Rates Assessment: 02024 00000 000	\$ 1,142.56 \$ 1,142.56 \$ 2,285.12
1430598	Glamorgan Vale Tennis Club Inc	702 Glamorgan Vale Road Glamorgan Vale Qld 4311 described as L1 RP 165529 Rates Assessment: 34821 00000 000	\$ 643.41 \$ 643.41 \$ 1,286.82

Attachments

Nil

Recommendation

THAT Council approve the community assistance grant applications as summarised in this report and grant the following groups remission of nett Council rates for the 2022 – 2023 financial year as per the Community Assistance Grant Policy C/001:

Doc Id:	Applicant	Address	Rates net balance 2022-2023
1422654	Brisbane Valley Pony and Hack Club Inc.	23 Huntley Road, Ottaba QLD 4313 described as L174 SP268013 Reserve 188 PO217751 Rates Assessment: 05205 00000 000	\$ 853.60 \$ 853.60 \$ 1,707.20
1424516	Esk Bowls and Community Club Inc	23 Esk Hampton Road, Esk QLD 4312 described as PTC L195 CP899620 L270 CSH2475: PT (NON SPECIFIC) RESERVE 36 AND PTC	\$ 533.21 \$ 533.21 \$ 1,066.42

		L196 CP899620: (NON-SPECIFIC) RESERVE 961 Rates Assessment: 00542 51000 000	
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Resolution:

Moved –Cr Gaedtke

Seconded – Cr Wendt

"THAT Council approve the community assistance grant applications as summarised in this report and grant the following groups remission of nett Council rates for the 2022 – 2023 financial year as per the Community Assistance Grant Policy C/001:

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1430598	Glamorgan Vale Tennis Club Inc	702 Glamorgan Vale Road Glamorgan Vale Qld 4311 described as L1 RP 165529 Rates Assessment: 34821 00000 000	\$ 643.41 \$ 643.41 \$ 1,286.82
Vote - Unanimous			<i>Carried</i>

Declarable Conflict of interest Mayor Lehmann –Late Agenda Item 8a Lowood Bowls Club

I inform this meeting that I have a declarable conflict of interest in the following matter as defined by section 150EN of the Local Government Act 2009.

The nature of my interest is as follows -

This declarable conflict of interest arises because a person who is a related party of mine has an interest in this matter.

Particulars -

- (i) Name of related parties: Stephen Lehmann
- (ii) The nature of my relationship with this related party is that Stephen Lehmann is my brother
- (iii) The nature of the related party's interest in this matter is that my brother is the Vice President of the Lowood Bowls Club.

I wish to participate in the decision in relation to this matter for the following reason:

The interest is considered to be sufficiently remote so as not to unduly influence my impartiality.

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

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

Cr Lehmann vacated the chair at 9.16am and the Deputy Mayor took the chair.

Resolution:	Moved –Cr Isidro	Seconded – Cr Whalley
	<p>“THAT Mayor Lehmann is not required to leave the meeting and may remain and participate and vote on this matter by reason of the interest is considered to be sufficiently remote as to unduly influence his impartiality allowing him to exercise his vote in the public interest.”</p> <p style="text-align: right;"><u>Carried</u></p>	
	Vote -	

The Mayor resumed the chair at 9.17am.

Subject:	Community Assistance Grants 2022-23 Lowood and District Memorial Bowls Club
File Ref:	Community Relations – Sponsorships – Donations – Doc Id 1426372
Action Officer:	DHRCS

Background/Summary

Rates remission Ass #01189-00000-000 for period 1 July 2022 – 30 June 2023:

Amount requested:	\$ 1,380.78
Total cost of project:	\$ 1,380.78
Amount granted:	\$ 1,380.78

Assessors Summary

Lowood and District Memorial Bowls Club Inc. has requested remission of Council rates payable at property located at 157 Main Street, Lowood and described as L96 CC3505 for the period 1 July 2022 – 30 June 2023.

Net balance of general rates as at 9 September 2022 for the period (early payment discount applied):

Approximate net figure for period:

1 July 2022 – 31 December 2022	\$ 690.39
1 January 2023– 30 June 2023	\$ 690.39
Total	\$ 1,380.78

As per Council's Community Assistance Grant Policy C/001 applications will not be considered for the payment of insurance premiums, water supply and sewerage accounts from Queensland Urban Utilities, other utility accounts such as electricity and telecommunications or the following charges levied with Council general rates:

- Utility charges;
- Separate rates and charges;
- Special rates and charges; and
- State Government Emergency Levy.

The abovementioned charges levied with Council rates are not included in Councils rates remission and will require payment.

Attachments

Nil

Recommendation

THAT the application as summarised in this report be approved for funding and \$1,380.78 be granted as rates remission through the Community Assistance Grants budget allocation.

Resolution:

Moved –Cr Whalley

Seconded – Cr Isidro

THAT the application as summarised in this report be approved for funding and \$1,380.78 be granted as rates remission through the Community Assistance Grants budget allocation.

Carried

Vote - Unanimous

Declarable Conflict of interest Cr Whalley - Agenda Item 9 DA 20579

I inform 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 -

I know the proponent of this business personally, as I served with him on the Glamorgan Vale P & C and also know him as a friend. I have determined that this personal interest is not of sufficient significance that will lead me to making a decision on the matter that is contrary to the public interest. I will best perform my responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

I wish to participate in the decision in relation to this matter. I acknowledge that eligible Councillors must now determine, pursuant to section 150ES of the Local Government Act 2009, whether I:

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

Resolution

Moved – Cr Gaedtke

Seconded – Cr Isidro

“THAT Cr Whalley may remain in the meeting while this matter is discussed and voted on as Cr Whalley will best perform his responsibility of serving the overall public interest of the whole of the Council area by participating in the discussion and voting on the matter”.

Carried

Vote - Unanimous

Subject:	Development Application No. 20579 Change Application (Minor Change) to Development Permit for Material Change of Use for Animal Keeping (Extension to Boarding Kennel)
File No:	DA20579
Assessment No:	34842-50000-000
Action Officer:	SP – MO

1.0 APPLICATION SUMMARY

Subject land

Location:	1073 Glamorgan Vale Road, Glamorgan Vale
Real property description:	Lot 18 SP324001 (previously Lot 98 CH3113)
Site area:	13.3546 hectares
Current land use:	Kennel, cattery, caretaker's accommodation, and dwelling house
Easements/encumbrances:	A RP168081

South East Queensland Regional Plan 2017

Land use category:	Regional landscape and rural production area
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Planning scheme details

Planning scheme:	Somerset Region Planning Scheme (Version Four)
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Zone:	Rural zone
Precinct:	Not applicable
Overlays:	OM2 Air transport overlay OM4 Bushfire hazard overlay OM5 Catchment management overlay OM8 High impact activities management area overlay

Application details

Development approval:	Material change of use for animal keeping (extension to existing kennel)
Development proposal:	Material change of use for animal keeping (extension to existing kennel)
Original approval date:	Development approval: 29 October 2021 Change representations: 9 February 2022
Original category of assessment:	Impact assessment
Applicant details:	Lyngold Pty Limited C/- Diane Kerr and Associates 19 Frobisher Street SPRINGWOOD QLD 4127
Owner details:	Lyngold Pty Limited
Date application received:	30 June 2022

Referral agencies	None required
Public notification	Required for original application

RECOMMENDED DECISION

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

2.0 BACKGROUND AND PROPOSAL

Council, at its Ordinary Meeting of 29 October 2021, approved Development Application No. 20579 for a Development Permit for Material Change of Use for Animal Keeping (Extension to Boarding Kennel), on land at 1073 Glamorgan Vale Road, Glamorgan Vale, formally described as Lot 18 SP324001.

Council, at its Ordinary Meeting of 9 February 2022, agreed, in part, to change representations made by the applicant/landowner, and gave a negotiated decision notice for the development approval.

By a way of summary, the site has a complex development approval history that has resulted in multiple development approvals (as well as former Local Law permits and environmental authorities that no longer have effect). A detailed history of the site is available in the minutes of the ordinary meeting from 29 October 2021 (commencing page 45).

This application sought to extend the boarding kennel component and consolidate all aspects of the boarding approval to this single development approval. This allowed for the historic breeding kennel approval to sit as a separate approval with limited interaction between the two permits.

The applicant now seeks to change the development approval to allow for the use of the hydrobath facility as part of both the breeding and boarding kennel approvals and make design changes to the kennel A building.

3.0 PLANNING LEGISLATION

The applicant has made a change application for a minor change in accordance with sections 78 and 79 of the *Planning Act 2016*. An application for a minor change is to be assessed and decided in accordance with sections 81 and 81A of the Act.

A minor change means a change that, for a development approval:

- (i) would not result in substantially different development; and
- (ii) if a development application for the development, including the change, were made when the change application is made would not cause:
 - (A) the inclusion of prohibited development in the application; or
 - (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or
 - (C) referral to extra referral agencies, other than to the chief executive; or
 - (D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or
- (iii) public notification if public notification was not required for the development application.

The proposed changes are considered to meet the test to a minor change, noting that the proposed change:

- (i) does not result in substantially different development, having respect to the guidance in the Development Assessment Rules;
- (ii) does not include prohibited development;
- (iii) does not require any additional referral agencies or additional referral matters;
- (iv) does not require additional public notification, as public notification was undertaken in the original development application.

4.0 ASSESSMENT OF REQUESTED CHANGES

All matters relating to the development's compliance with the relevant provisions of the planning scheme were addressed as part of the development approval. Approved plans/documents and development conditions contained in the schedules and attachments to the approval, other than those subject of this assessment, will remain unchanged.

4.1 Approved Plans

Current table

Plan/Document number	Plan/Document name	Date
Reference: J21020TP-02, Issue D	Staging Plan (Site Plan) – drawn by Lockyer Drafting Designs	27 August 2021
Reference: SK1 100, Issue A	Visual Line of Sight Screening Plan – drawn by Diane Kerr and Associates	November 2021
Reference: 197401.0278.R01V04	Noise Impact Assessment – prepared by Ask Consulting Engineers	5 September 2021

Applicant request

The applicant made the following representations about changes to the approved plans relating to an extended roofline and enclosed walkway for Kennel A.

*This is a minor matter that could be addressed as a “generally in accordance” issue, but for completeness is being included in the minor change application.
It is proposed to:*

a) Extend the roofline of the approved Building A over the proposed yard area and. It will be an open structure that will not intensify the bulk or appearance of the building. Instead it is intended to provide shade to the dogs in the yard area.

b) Enclose the adjacent walkway. This will provide better shelter and attenuation along the walkway.

The change is illustrated in the amended plans. There is no change to the dimensions/size of the layout (i.e. building and yards). This change will have no adverse impacts.

Officer comment

The proposed plans include enclosing the walkway in front of the kennels. The change is considered to be acceptable and does not result in any additional impacts to the acoustic function of the kennel buildings.

4.2 Condition 1.1

Current condition

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.
	Staging Plan (Site Plan), drawn by Lockyer Drafting Designs, reference J21020TP-02 Issue D, dated 27 August 2021	
	Visual Line of Sight Screening Plan, drawn by Diane Kerr and Associates, reference SK1 100 Issue A, dated November 2021	
	Noise Impact Assessment, prepared by Ask Consulting Engineers, reference 197401.0278.R01V04, dated 5 September 2021	

This condition is to be amended to reflect the additional approved document as elsewhere discussed.

4.3 Condition 1.10

Current condition

1.10	<p>The boarding dogs may only be kept within Kennels A, B, C and F, or their associated yards, as shown on the approved plans.</p> <p><i>Note: The use of kennels, yards, hydrobaths, or other facilities associated with the breeding approval (DA2847) is not permitted. This does not include areas for storage or associated with property maintenance.</i></p>	At all times.
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Applicant request

The request to include the existing hydrobath facility is supported by a letter (dated 23 June 2022, ref. 197401.0278.M01V02) from Trinity Consultants Australia that addresses the potential acoustic impacts.

This demonstrates that the existing hydrobath will not be a noise source that will exceed any daytime limits.

Furthermore, as Council Officers saw during their on-site inspection on 14 April 2022, the bath area is located next to an existing shed. Additional visual barriers have been erected to inhibit dogs viewing other dogs, thus providing additional attenuation and reduced potential for noise.

This request will require that the existing Condition 1.10 be amended. Suggested wording is provided below:

The boarding dogs may only be kept within Kennels A, B, C and F, or their associated yards, as shown on the approved plans.

*Note: The use of kennels, yards, ~~hydrobaths~~, or other facilities (**excluding the hydrobath facility**) associated with the breeding approval (DA2847) is not permitted. This does not include areas for storage or associated with property maintenance.*

Officer comments

The initial application did not include the hydrobath areas already existing on the site. The applicant has now provided an amended acoustic report and modelling that model the noise from the hydrobath, with minor modifications already made to the enclosure since development approval was given. The modelling confirmed that the noise from the hydrobath is within the acoustic criteria conditioned as part of the development approval for each of the sensitive receptors adjoining the site.

Council sought expert advice about the additional noise report and amended acoustic model from a suitably qualified consultancy. The review found that the outcomes of the Trinity report to be reasonable and does not consider further treatment of the Hydrobath area is justified, with the combination of the development conditions for compliance monitoring, is deemed acceptable.

Council officers have reviewed the proposed wording and determined that it is more appropriate to remove the hydrobath and non-animal keeping spaces, and separately condition the extent of the use of the hydrobath. The proposed change to the condition appears as follows:

1.10	The boarding dogs may only be kept within Kennels A, B, C and F, or their associated yards, as shown on the approved plans. Note: The use of kennels, yards, or other facilities for keeping dogs associated with the breeding approval (DA2847) is not permitted.	At all times.
1.10A	The boarding dogs may use the existing hydrobath shown on the approved plans. However, dogs may only be kept within the hydrobath area for the purpose of bathing and must be returned to a kennel or yard mentioned in Condition 1.10, or to the reception, as soon as bathing is	At all times.

	complete.	
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5.0 TRUNK INFRASTRUCTURE AND CHARGES

There are no changes to any trunk infrastructure requirement related to the development approval.

An infrastructure charges notice was given with the development approval, which relates to the additional kennels proposed in Stage 4 and Stage 5 (Kennels C and F).

The changes do not alter the levied charges given on the notice, and accordingly an amended infrastructure charges notice is not required.

6.0 REFERRAL AGENCIES

The development application did not require referral to any referral agencies, and there are no additional referral agencies for the proposed changes.

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

7.0 PUBLIC NOTIFICATION

The original application was subject to impact assessment and required public notification. During the notification period, Council received four submissions. Council must consider any properly made submissions about the development application or another change application that was approved.

The submissions on the development application raised concern about the quality of the plans proposed to be approved, and the use of the hydrobath without additional noise attenuation.

The assessment of the change application has considered these matters raised, and considers that they have been appropriately addressed, to the extent that they relate to the proposed change.

8.0 CONCLUSION

The proposed minor change seeks to allow for the use of the existing hydrobath facility as part of both the breeding and boarding kennel approval and make design changes to the kennel A building.

The proposed changes to the approved development have been assessed against the intent of the original approval. It is recommended that the application be approved, subject to the changes to the development conditions and approved plans contained within the schedules and attachments to this report.

9.0 ATTACHMENT

1. Site Plan
2. Original Plans for Kennel A
3. Amended Plans for Kennel A
4. Approved Noise Report
5. Noise Certification Letter

RECOMMENDED DECISION

1. THAT Council approve, in part, the Minor Change to Development Application No. 20579 for a Development Permit for Material Change of Use for Animal Keeping (Extension to Boarding Kennel) on land situated at 1073 Glamorgan Vale Road,

Glamorgan Vale, formally described as Lot 18 SP324001, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.

SCHEDULE 1 – GENERAL CONDITIONS		
<i>Assessment Manager</i>		
No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Staging Plan (Site Plan), drawn by Lockyer Drafting Designs, reference J21020TP-02 Issue D, dated 27 August 2021 Visual Line of Sight Screening Plan, drawn by Diane Kerr and Associates, reference SK1 100 Issue A, dated November 2021 Noise Impact Assessment, prepared by Ask Consulting Engineers, reference 197401.0278.R01V04, dated 5 September 2021 Response to Acoustic Certification Items, prepared by Trinity Consultants, reference 197401.0278.M01V02, dated 23 June 2022.	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises.	At all times.
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land.	Prior to commencement of the use.
	Amended Plans	
1.5	Submit to Council for approval amended proposal plans (floor plans and elevations) for Buildings A, C and F that annotate the building materials proposed to be used. The amended plans will form part of the approved plans and documents of this approval.	Within 3 months of this development approval taking effect.
1.6	Provide 1.2 metre high shade cloth screening in accordance with the approved Visual Line of Sight Screening Plan, drawn by Diane Kerr and Associates, reference SK 100 Issue A, dated November 2021.	Prior to commencement of use at each stage and to be maintained.
	Develop in Stages	
1.7	Undertake the development in sequential stages as identified on the approved staging plan for Stages 1 – 3, prior to constructing Stages 4 or 5.	At all times.

	<i>Note: Where a conflict in staging arises between the approved plans/documents, the staging shown on the approved staging plan prevails, in the order identified in this condition. .</i>	
1.8	Undertake Stage One (1) of the development (acoustic barrier to existing neighbour) within six (6) months of this permit taking effect.	Within 6 months of this permit taking effect.
	Maximum Capacity	
1.9	The total number of dogs boarded on the site must not exceed the following at each respective stage. Stage One – Twenty (20) dogs Stage Two – Twenty (20) dogs Stage Three – Thirty-five (35) dogs The earlier of Stage Four or Stage Five – Eighty-five (85) dogs After all five stages – One Hundred (100) dogs	At all times.
1.10	The boarding dogs may only be kept within Kennels A, B, C and F, or their associated yards, as shown on the approved plans. Note: The use of kennels, yards, or other facilities for keeping dogs associated with the breeding approval (DA2847) is not permitted.	At all times.
1.10A	The boarding dogs may use the existing hydrobath shown on the approved plans. However, dogs may only be kept within the hydrobath area for the purpose of bathing and must be returned to a kennel or yard mentioned in Condition 1.10, or to the reception, as soon as bathing is complete.	At all times.
	Kennel Management Plan	
1.11	Submit to Council for approval an amended Kennel Management Plan that incorporates the following amendments: <ul style="list-style-type: none"> Identify a complaint management phone number and process, consistent with the requirements of this permit. Identify drop off and pick up times, consistent with the requirements of this permit. <p>The amended Kennel Management Plan will form part of the approved plans and documents of this approval.</p>	Within 3 months of this development approval taking effect.
1.12	The Kennel Management Plan must be reviewed by the kennel operator annually to ensure that it is kept current.	Each 12 months from the commencement of the development.

1.13	Where the kennel operator decides to amend the Kennel Management Plan, a copy of the Kennel Management Plan must be provided to Council. <i>Note: The amended Kennel Management Plan must not amend components that form part of the approved Kennel Management Plan without approval from Council or its delegate.</i>	Within 20 days of amending the Kennel Management Plan.
1.14	Pick up and drop off of animals is to occur between the hours of 7am and 6pm only. Outside hours drop off/collection is only available for extraordinary circumstances, where dogs are to be held in holding kennels located within the reception between 6pm and 7am and only moved to/from the kennels between 7am and 6pm. A register of outside hours drop-off/collections is to be maintained and made available to Council officers upon request.	At all times.
	Fencing	
1.15	Ensure that the outer perimeter of each dog yard complex is constructed with fencing to a koala safe standard, to prevent koala intrusion into the dog yard complex.	Within 6 months of the permit taking effect for Stage 2, and then prior to the commencement of use for each subsequent stage and to be maintained.
1.16	Ensure that the fencing surrounding the perimeter of each dog yard complex is constructed such that dogs are prevented from digging beneath the fence. Note: The requirements of Subordinate Local Law 2 continue to apply to each animal enclosure as part of this kennel complex.	Within 6 months of the permit taking effect for Stage 2, and then prior to the commencement of use for each subsequent stage and to be maintained.
1.17	Ensure that colours of acoustic fences within 15 metres of property boundaries harmonise with the colours of adjacent rural/bushland vegetation and should include natural tones of green, grey and brown.	Prior to commencement of use for each stage and to be maintained.
	Setbacks	
1.18	Provide certification from a licenced surveyor that	Prior to the

	proposed acoustic fencing and any buildings or other structure associated with the boarding kennel are not located within Easement A RP168081.	commencement of use for each relevant stage.
	Vegetation Clearing	
1.19	Ensure that any vegetation clearing accords with exempted development clearing provisions of the Planning Regulation 2017.	At all times.
	Water and wastewater	
1.20	Ensure that each kennel is connected to a reliable water supply.	At all times.
1.21	Connect each kennel building to a suitable wastewater treatment system. <i>Note: Wastewater treatment systems will require plumbing and drainage approval.</i>	Prior to the commencement of the use for each stage.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No.	Condition	Timing
	WORKS	
2.1	All works are to be designed and constructed in accordance with the requirements of the Somerset Regional Council Development Manual and Standard Drawings.	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.	Prior to the commencement of use.
	VEHICLE ACCESS	
2.3	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.
	CAR PARKING	
2.4	Provide parking on-site car parking for a total of 10 vehicles, including one (1) space for disabled persons, in accordance with Council's Planning Scheme Standards for Provision and Construction of Parking areas. Five (5) car parking spaces are to be provided prior to the commencement of Stage 2 Five (5) car parking spaces are to be provided prior to the commencement of Stages 4 or 5 (whichever is earlier).	As indicated.
2.5	Construct and maintain the driveway of hard standing material such as concrete, asphalt or bitumen in	At all times.

	accordance with Australian Standards.	
2.6	Construct and maintain the vehicle manoeuvring and parking areas, associated with the customer parking area and delivery vehicles, of hard standing material such as concrete, asphalt, bitumen or gravel in accordance with Australian Standards. The disabled persons parking area is to be of concrete, asphalt or bitumen.	At all times.
	INDOOR AND OUTDOOR LIGHTING	
2.7	The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by: <ul style="list-style-type: none"> • Not causing nuisance by way of light spill or glare at adjacent properties and roadways. • Providing graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land. • Directing lighting onto the subject land and away from neighbouring properties. • Using shrouding devices to preclude light overspill onto surrounding properties where necessary. • Not operating lighting that uses sodium lights or flare plumes. 	At all times.
	STORMWATER	
2.8	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
	EROSION AND SEDIMENT CONTROL	
2.9	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. 	At all times.
2.10	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> (a) Milling; (b) Chipping and/or mulching (c) Disposal at an approved waste disposal facility. 	At all times.
SCHEDULE 3 – Environmental Assessment Manager		

No	Condition	Timing
3.1	<p>All buildings, structures, fittings, fixtures and grounds forming part of this development approval must be maintained:</p> <ul style="list-style-type: none"> (a) in a serviceable condition; (b) in a state of good repair and efficient action; (c) in a clean, sanitary condition; (d) free of an accumulation of materials that may form a harbour to vermin or pests; and (e) free of vermin and pest infestations. 	At all times.
3.2	<p>All solid waste generated from the occupation of the development must be collected and packaged appropriately for disposal at an approved waste disposal facility.</p> <p>If the on-site disposal system for kennel waste-water fails, liquid waste must be disposed of at an approved waste disposal facility.</p>	At all times.
3.3	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Council unless otherwise authorised by Council.	During construction phase(s) of the development.
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> (a) burn or bury waste generated in association with this development approval at or on the development site; or (b) allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; or (c) stockpile any waste on the development site. 	At all times.
3.5	Only rainwater from uncontaminated areas may drain directly into the stormwater system or waters.	At all times.
3.6	Waste waters from enclosures are to be drained so as not to cause nuisance to adjoining properties.	At all times.
3.7	All wastewater from the kennel blocks including wash down waters are to pass through an approved secondary effluent disposal system.	At all times.
3.8	All spillage of waste, contaminants and other materials are not to be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or materials into any storm water system or waters.	At all times.
3.9	Animal feed is to be stored in insect and vermin proof containers.	At all times.

3.10	Excreta, food scraps and other material that is or is likely to become offensive is to be collected daily; and if not immediately removed from the premises, kept in a waste container in accordance with condition 3.12.	At all times.
3.11	<p>All enclosures which form part of the development are to be constructed and maintained in a manner so as to:</p> <ul style="list-style-type: none"> (a) be kept clean and in a sanitary condition; (b) prevent the escape of any animal kept in the enclosure; (c) protect the safety of staff and the public; (d) be in a state of good order and repair; (e) reduce the risk of injury to any animal kept in the enclosure; (f) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; (g) be able to be effectively cleaned and sanitised; (h) all indoor enclosures shall be constructed with impervious materials; and (i) ensure the comfort of any animal kept in the enclosure and use its best endeavours to limit the spread of disease. 	At all times.
3.12	Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the premises are to be provided and regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition. Containers are to be designed and maintained to prevent the ingress of water and vermin.	At all times.
3.13	<p>All complaints received by the applicant relating to operations at the kennel facility must be recorded in a register with the following details:</p> <ul style="list-style-type: none"> (a) nature, time and date of complaint; (b) type of communication (telephone, letter, personal etc.); (c) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded); (d) response and investigation undertaken as a result of the complaint; (e) name of person responsible for investigating complaint; and (f) action taken as a result of the complaint investigation and signature of responsible person. 	At all times.
3.14	All incidents occurring at the kennel facility (e.g. environmental incidents, workplace accidents) must be recorded in a register and kept at the premises with the	At all times.

	following details:	
	(a) time, date and details of the incident; (b) how the incident occurred; (c) the action taken to remedy the incident; (d) the investigations into the incident; and (e) recommendations following the incident.	
3.15	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance or environmental harm to any premises beyond the boundaries of the development site.	At all times.
SCHEDULE 4 – Kennel Facilities: Acoustic Design and Construction		
<i>Assessment Manager</i>		
No	Condition	Timing
	KENNEL BUILDINGS	
4.1	Provide certification from a suitably qualified person that the design of the kennel buildings meets the requirements contained in section 6.3 of the report titled, <i>Country Pet Motel Extension – Noise Impact Assessment</i> , dated 5 September 2021, by Ask Acoustic and Air Quality, and the noise limits listed in condition 5.2.	Prior to Building Works approval being granted.
4.2	Provide certification from the suitably qualified person, that the installation and construction of kennel buildings are in accordance with the report titled, <i>Country Pet Motel Extension – Noise Impact Assessment</i> , dated 5 September 2021, by Ask Acoustic and Air Quality and the design certified under condition 4.1.	Within 3 months of permit taking effect for Stage 2 and then prior to commencement of use for each stage.
	ACOUSTIC BARRIERS	
4.3	Provide certification from a suitably qualified person that the design of the acoustic barriers meets the requirements contained in section 6.6 of the report titled, <i>Country Pet Motel Extension – Noise Impact Assessment</i> , dated 5 September 2021, by Ask Acoustic and Air Quality, and the noise limits listed in condition 5.2.	Prior to Building Works approval being granted.
4.4	Provide certification from the suitably qualified person, that the installation and construction of acoustic barriers are in accordance with the report titled, <i>Country Pet Motel Extension – Noise Impact Assessment</i> , dated 5 September 2021, by Ask Acoustic and Air Quality and the design certified under condition 4.3.	Prior to commencement of the use.
	VENTILATION	
4.5	Provide certification from a suitably qualified person that the design of the ventilation installed on kennel buildings meets the requirements detailed in section 6.7 of the report titled, <i>Country Pet Motel Extension – Noise Impact Assessment</i> , dated 5 September 2021, by Ask Acoustic	Prior to Building Works approval being granted.

	and Air Quality, and the noise limits listed in condition 5.2.	
4.6	Provide certification from a suitably qualified person, that the installation and construction of ventilation installed on kennel buildings is in accordance with the report titled, <i>Country Pet Motel Extension – Noise Impact Assessment</i> , dated 5 September 2021, by Ask Acoustic and Air Quality and the design certified under condition 4.5.	Within 3 months of permit taking effect for Stage 2 and then prior to commencement of use for each stage.
	MECHANICAL PLANT	
4.7	The mechanical plant must be selected and installed so that the limits set at condition 5.2 are not exceeded at adjacent dwellings.	At all times.
4.8	The limits contained in condition 5.2 apply to the component noise level generated by all items of mechanical plant operating simultaneously or in combination at any one time.	At all times.
4.9	Individual items of plant must be selected so that their contribution to the emission does not result in an exceedance of the limits contained in condition 5.2.	At all times.
SCHEDULE 5 – Kennel Management		
<i>Assessment Manager</i>		
No	Condition	Timing
5.1	DOG BARK MANAGEMENT AND STAFF TRAINING	
5.1.1	Dog barking, howling and related vocalisations are to be actively controlled.	At all times.
5.1.2	<p>To ensure that dog barking is actively controlled and minimised the applicant must prepare and fully comply with a Bark Management Plan which details the means by which barking will be managed. The Plan must set out in sufficient detail the procedures to be strictly undertaken by all staff relating to but not limited to:</p> <ul style="list-style-type: none"> (a) control of dog barking in the kennel facilities (particularly in the exercise yards), in respect of: <ul style="list-style-type: none"> (i) verbal command/interactions; (ii) additional exercise; (iii) use of ultrasonic "pet training devices"; (iv) allocation of dogs to the acoustic isolation kennels; and (v) other separation procedures. (b) the requirement for ongoing monitoring of the kennel facility for aggressive dogs or dogs that cause excessive barking and the procedures for moving these dogs to the isolation kennels. (c) the record keeping requirements when dogs are moved to the isolation kennels. These records 	Within 30 days of the development approval taking effect and to be maintained at all times.

	<p>must include the following details:</p> <ul style="list-style-type: none"> (i) date and time of relocation to the isolation kennels or other kennel block; (ii) the reason for allocation; (iii) date and time of re-entry to standard kennel area (where applicable). 	
5.1.3	The Bark Management Plan must be reviewed by the kennel operator annually to ensure that it is kept current.	Each 12 months from the commencement of the development.
5.1.4	The Bark Management Plan shall be incorporated in the kennel facilities standard operational procedures and must be available for inspection by Council officers upon request.	At all times.
5.1.5	<p>The kennel operator must ensure that all staff (including casual and seasonal staff) complete training in a way which ensures that staff understand the requirements and are competent in using the procedures in the Bark Management Plan to adequately control dog barking. The training must address:</p> <ul style="list-style-type: none"> (a) the procedures for controlling dog barking in accordance with the Bark Management Plan; (b) the operational procedures of the kennel facility; (c) emergency procedures and response to incidents; and (d) complaint handling. 	At all times.
5.1.6	All new staff must complete the training within one month of commencement of the employment date at the kennel facilities.	At all times.
5.1.7	The applicant must keep a record to demonstrate that all staff have satisfactorily completed training within one month of the commencement date; or if re-training an employee is required.	At all times.
5.1.8	Retraining of a staff member is required if the employee fails to comply with the Bark Management Plan or the operational procedures of the kennel. Retraining of all staff is required if any modification is made to the Bark Management Plan or changes are made to the operational procedures of the kennel.	At all times.
5.1.9	<ul style="list-style-type: none"> (a) Background sound system shall be installed into the interior of each kennel building to provide masking sound. (b) A video and intercom system shall be provided to the interior of each kennel building. The system shall be configured so that it can be used to monitor 	Prior to the commencement of the use and to be maintained.

	<p>and communicate with the dogs at any time of the day or night.</p> <p>(c) The video and intercom system shall be able to be operated from the reception building as well as the onsite residence.</p> <p>(d) Any public address system with speakers located outside the buildings or in the service corridors between the kennel buildings (where they may be able to broadcast to the open air) are not permitted.</p>									
5.2	OPERATIONAL NOISE LIMITS									
5.2.1	<p>Noise from dogs at the kennel facility must be limited such that the A-weighted average maximum noise level, $L_{Amax, avg}$ when measured outside at any affected noise sensitive place must not exceed:</p> <p>(a) the background noise level + 10dBA for daytime hours (7 am to 6 pm);</p> <p>(b) the background noise level + 5dBA for evening hours (6pm to 10pm);</p> <p>(c) the background noise level + 5 dBA for nighttime hours (10 pm to 7 am); or</p> <p>(d) the noise limits specified in Table A, whichever is greater.</p> <p>Table A Noise Limits $L_{Amax, avg}$ dBA</p> <table><tr><th>Period</th><th>Noise Limit $L_{Amax, avg}$ dBA</th></tr><tr><td>Day (7 am - 6 pm)</td><td>45</td></tr><tr><td>Evening (6pm – 10pm)</td><td>36</td></tr><tr><td>Night (10 pm - 7 am)</td><td>28</td></tr></table>	Period	Noise Limit $L_{Amax, avg}$ dBA	Day (7 am - 6 pm)	45	Evening (6pm – 10pm)	36	Night (10 pm - 7 am)	28	At all times.
Period	Noise Limit $L_{Amax, avg}$ dBA									
Day (7 am - 6 pm)	45									
Evening (6pm – 10pm)	36									
Night (10 pm - 7 am)	28									
5.2.2	<p>The component noise from the kennel facility must be limited such that the adjusted A-weighted equivalent continuous noise level, $L_{Aeq, adj, 15 min}$ when measured outside at any affected noise sensitive place must not exceed:</p> <p>(a) the background noise level + 3 dBA for daytime hours (7 am to 6 pm);</p> <p>(b) the background noise level + 3 dBA for evening hours (6 pm to 10 pm);</p> <p>(c) the background noise level + 0 dBA for nighttime hours (10 pm to 7 am); or</p> <p>(d) the noise limits specified in Table B, whichever is greater.</p> <p>Table B Noise Limits $L_{Aeq, adj, 15 min}$ dBA</p> <table><tr><th>Period</th><th>Noise Limit $L_{Aeq, adj, 15 min}$ dBA</th></tr><tr><td>Day (7 am - 6 pm)</td><td>38</td></tr><tr><td>Evening (6 pm - 10 pm)</td><td>34</td></tr></table>	Period	Noise Limit $L_{Aeq, adj, 15 min}$ dBA	Day (7 am - 6 pm)	38	Evening (6 pm - 10 pm)	34	At all times.		
Period	Noise Limit $L_{Aeq, adj, 15 min}$ dBA									
Day (7 am - 6 pm)	38									
Evening (6 pm - 10 pm)	34									

	Night (10 pm - 7 am)	23	
5.2.3	<p>Measurement Procedures:</p> <p>For the purposes of measuring the noise limits in conditions 5.2.1 and 5.2.2, the following procedures must be used:</p> <p>(a) Sound measurement instrumentation, measurement and reporting must be in accordance with the provisions of "AS 1055: Part 1-1997. Acoustics- Description and Measurement of Environmental Noise - Part 1: General Procedures " and where there is no conflict with the provisions of AS1055 Part 1-1997, Department of Environment and Heritage Protection Noise Monitoring Manual 2013, or later version.</p> <p>(b) Measurements must be conducted with the sound measurement instrumentation set to "Fast" time response and "A" frequency weighting.</p> <p>(c) The Background Noise Level ($L_{A_{bg,T}}$):</p> <p>(i) during the relevant time period, T, refers to the average minimum A-weighted sound level in the absence of the noise under consideration.</p> <p>(ii) when statistical analysis is used, the background noise level shall be taken as that noise level which is exceeded for 90 percent of the relevant time period, T (that is, the $L_{A90,T}$).</p>	At all times.	
5.2.4	<p>For condition 5.2.1:</p> <p>(a) Sound levels from the kennelled dogs shall be monitored for a period of not less than thirty (30) minutes on not fewer than three (3) separate occasions randomly selected.</p> <p>(b) On each such occasion:</p> <p>(i) at least ten (10) maximum sound levels from the dogs (barks or other vocalisations) shall be measured and recorded; and</p> <p>(ii) the arithmetic average of the individual maximum sound levels due to the dogs (the average maximum level) shall be compared with the noise limits given in Table A.</p> <p>(iii) The noise emission from the kennelled dogs shall be deemed to be unacceptable if so rated on two (2) out of three (3) occasions.</p>	At all times.	

5.2.5	<p>For condition 5.2.2:</p> <p>(a) The Measured Noise Level:</p> <p>The measured noise level shall be determined as the equivalent continuous sound pressure level in dBA due to noise from the subject site during the relevant assessment period, T.</p> <p>A measurement interval of 15 minutes shall be used, except where this period is insufficient to provide a true representation of the characteristics of the noise under consideration.</p> <p>(b) Where the noise exhibits tonal or impulsive characteristics, the measured noise level shall be adjusted in accordance with Table C.</p> <p>Table C Adjustments to the Measured Noise Level</p> <table border="1"> <thead> <tr> <th colspan="2">Characteristics of the noise</th><th>Adjustment dBA</th></tr> </thead> <tbody> <tr> <td rowspan="2">Tonal components :</td><td>If the tonal components are just perceptible</td><td>2</td></tr> <tr> <td>If the tonal components are readily perceptible</td><td>5</td></tr> <tr> <td rowspan="2">Impulse Components :</td><td>If the impulse components are just perceptible</td><td>2</td></tr> <tr> <td>If the impulse components are readily perceptible</td><td>5</td></tr> </tbody> </table>	Characteristics of the noise		Adjustment dBA	Tonal components :	If the tonal components are just perceptible	2	If the tonal components are readily perceptible	5	Impulse Components :	If the impulse components are just perceptible	2	If the impulse components are readily perceptible	5	At all times.
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5.2.6	<p>Time and Place of Measurement:</p> <p>(a) Noise from the kennel facility and the background noise level must be measured in the vicinity of the affected residential premises. The measurement position shall be at least 3.5 m from the affected residential premises as well as any other building or sound reflecting structure, but in any case shall be not more than:</p> <p>(i) 20m from any residential premises during the day and evening time periods; and</p> <p>(ii) 5m from any residential premises during the nighttime period.</p> <p>(b) The microphone height must be 1.5 m above local ground level except where this height would be insufficient to provide representative measurement of noise levels at all habitable levels of the relevant residential premises. In such cases the microphone height must be equivalent to 1.5</p>	At all times.													

	<p>m above the floor height of the highest habitable floor or at a height equivalent to the centre of the window of the most affected habitable room in the building, whichever is higher.</p> <p>(c) The noise from the kennel facility and the background noise level must be measured at a time which is as close as practicable to the time of day that the noise is alleged to be excessive.</p> <p>(d) Where it is not practical to measure the background level in the absence of the noise from the kennel facility, the background level may be measured at another similar location where noise from the kennel facility is absent but the background noise level is considered to be equivalent to that at the affected residence.</p>	
5.3	Acoustical Assessment – Compliance Monitoring	
5.3.1	The applicant must commission an acoustic assessment and associate report of the kennel operations, conducted by a suitably qualified acoustical consultant in order to confirm / assess the degree of compliance with the conditions of this approval. Council may also request that Council's appointed acoustical engineer participate in, and/or observe, the work undertaken for the assessment conducted at the commencement of operations for each stage of the kennels.	Upon commencement of Stage 2 and each subsequent stage.
5.3.2	A copy of the report mentioned in condition 5.3.1 must be submitted to Council within 7 days of its completion.	Within 7 days of the completion of the report.
SCHEDULE 6 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> .		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of use does not happen 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, division 2, 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, division 2, subdivision 2 of the Act.		

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

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

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

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

Attachments for the Decision Notice include:

- Staging Plan (Site Plan), drawn by Lockyer Drafting Designs, reference J21020TP-02 Issue D, dated 27 August 2021
- Visual Line of Sight Screening Plan, drawn by Diane Kerr and Associates, reference SK1 100 Issue A, dated November 2021
- Noise Impact Assessment, prepared by Ask Consulting Engineers, reference 197401.0278.R01V04, dated 5 September 2021
- Response to Acoustic Certification Items, prepared by Trinity Consultants, reference 197401.0278.M01V02, dated 23 June 2022.

Resolution:

Moved –Cr Brieschke

Seconded – Cr Gaedtke

1. THAT Council approve, in part, the Minor Change to Development Application No. 20579 for a Development Permit for Material Change of Use for Animal Keeping (Extension to Boarding Kennel) on land situated at 1073 Glamorgan Vale Road, Glamorgan Vale, formally described as Lot 18 SP324001, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.

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.
	Staging Plan (Site Plan), drawn by Lockyer Drafting Designs, reference J21020TP-02 Issue D, dated 27 August 2021	
	Visual Line of Sight Screening Plan, drawn by Diane Kerr and Associates, reference SK1 100 Issue A, dated November 2021	
	Noise Impact Assessment, prepared by Ask Consulting Engineers, reference 197401.0278.R01V04, dated 5 September 2021	

	Response to Acoustic Certification Items, prepared by Trinity Consultants, reference 197401.0278.M01V02, dated 23 June 2022.	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises.	At all times.
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land.	Prior to commencement of the use.
	Amended Plans	
1.5	Submit to Council for approval amended proposal plans (floor plans and elevations) for Buildings A, C and F that annotate the building materials proposed to be used. The amended plans will form part of the approved plans and documents of this approval.	Within 3 months of this development approval taking effect.
1.6	Provide 1.2 metre high shade cloth screening in accordance with the approved Visual Line of Sight Screening Plan, drawn by Diane Kerr and Associates, reference SK 100 Issue A, dated November 2021.	Prior to commencement of use at each stage and to be maintained.
	Develop in Stages	
1.7	Undertake the development in sequential stages as identified on the approved staging plan for Stages 1 – 3, prior to constructing Stages 4 or 5. <i>Note: Where a conflict in staging arises between the approved plans/documents, the staging shown on the approved staging plan prevails, in the order identified in this condition. .</i>	At all times.
1.8	Undertake Stage One (1) of the development (acoustic barrier to existing neighbour) within six (6) months of this permit taking effect.	Within 6 months of this permit taking effect.
	Maximum Capacity	
1.9	The total number of dogs boarded on the site must not exceed the following at each respective stage. Stage One – Twenty (20) dogs Stage Two – Twenty (20) dogs Stage Three – Thirty-five (35) dogs The earlier of Stage Four or Stage Five – Eighty-five (85) dogs After all five stages – One Hundred (100) dogs	At all times.

1.10	<p>The boarding dogs may only be kept within Kennels A, B, C and F, or their associated yards, as shown on the approved plans.</p> <p>Note: The use of kennels, yards, or other facilities for keeping dogs associated with the breeding approval (DA2847) is not permitted.</p>	At all times.
1.10A	<p>The boarding dogs may use the existing hydrobath shown on the approved plans. However, dogs may only be kept within the hydrobath area for the purpose of bathing and must be returned to a kennel or yard mentioned in Condition 1.10, or to the reception, as soon as bathing is complete.</p>	At all times.
	Kennel Management Plan	
1.11	<p>Submit to Council for approval an amended Kennel Management Plan that incorporates the following amendments:</p> <ul style="list-style-type: none"> Identify a complaint management phone number and process, consistent with the requirements of this permit. Identify drop off and pick up times, consistent with the requirements of this permit. <p>The amended Kennel Management Plan will form part of the approved plans and documents of this approval.</p>	Within 3 months of this development approval taking effect.
1.12	<p>The Kennel Management Plan must be reviewed by the kennel operator annually to ensure that it is kept current.</p>	Each 12 months from the commencement of the development.
1.13	<p>Where the kennel operator decides to amend the Kennel Management Plan, a copy of the Kennel Management Plan must be provided to Council.</p> <p><i>Note: The amended Kennel Management Plan must not amend components that form part of the approved Kennel Management Plan without approval from Council or its delegate.</i></p>	Within 20 days of amending the Kennel Management Plan.
1.14	<p>Pick up and drop off of animals is to occur between the hours of 7am and 6pm only.</p> <p>Outside hours drop off/collection is only available for extraordinary circumstances, where dogs are to be held in holding kennels located within the reception between 6pm and 7am and only moved to/from the kennels between 7am and 6pm.</p> <p>A register of outside hours drop-off/collections is to be</p>	At all times.

	maintained and made available to Council officers upon request.	
	Fencing	
1.15	Ensure that the outer perimeter of each dog yard complex is constructed with fencing to a koala safe standard, to prevent koala intrusion into the dog yard complex.	Within 6 months of the permit taking effect for Stage 2, and then prior to the commencement of use for each subsequent stage and to be maintained.
1.16	Ensure that the fencing surrounding the perimeter of each dog yard complex is constructed such that dogs are prevented from digging beneath the fence. Note: The requirements of Subordinate Local Law 2 continue to apply to each animal enclosure as part of this kennel complex.	Within 6 months of the permit taking effect for Stage 2, and then prior to the commencement of use for each subsequent stage and to be maintained.
1.17	Ensure that colours of acoustic fences within 15 metres of property boundaries harmonise with the colours of adjacent rural/bushland vegetation and should include natural tones of green, grey and brown.	Prior to commencement of use for each stage and to be maintained.
	Setbacks	
1.18	Provide certification from a licenced surveyor that proposed acoustic fencing and any buildings or other structure associated with the boarding kennel are not located within Easement A RP168081.	Prior to the commencement of use for each relevant stage.
	Vegetation Clearing	
1.19	Ensure that any vegetation clearing accords with exempted development clearing provisions of the Planning Regulation 2017.	At all times.
	Water and wastewater	
1.20	Ensure that each kennel is connected to a reliable water supply.	At all times.
1.21	Connect each kennel building to a suitable wastewater treatment system. <i>Note: Wastewater treatment systems will require plumbing and drainage approval.</i>	Prior to the commencement of the use for each stage.

SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No.	Condition	Timing
	WORKS	
2.1	All works are to be designed and constructed in accordance with the requirements of the Somerset Regional Council Development Manual and Standard Drawings.	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.	Prior to the commencement of use.
	VEHICLE ACCESS	
2.3	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.
	CAR PARKING	
2.4	Provide parking on-site car parking for a total of 10 vehicles, including one (1) space for disabled persons, in accordance with Council's Planning Scheme Standards for Provision and Construction of Parking areas. Five (5) car parking spaces are to be provided prior to the commencement of Stage 2 Five (5) car parking spaces are to be provided prior to the commencement of Stages 4 or 5 (whichever is earlier).	As indicated.
2.5	Construct and maintain the driveway of hard standing material such as concrete, asphalt or bitumen in accordance with Australian Standards.	At all times.
2.6	Construct and maintain the vehicle manoeuvring and parking areas, associated with the customer parking area and delivery vehicles, of hard standing material such as concrete, asphalt, bitumen or gravel in accordance with Australian Standards. The disabled persons parking area is to be of concrete, asphalt or bitumen.	At all times.
	INDOOR AND OUTDOOR LIGHTING	
2.7	The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by: <ul style="list-style-type: none"> Not causing nuisance by way of light spill or glare at adjacent properties and roadways. Providing graduated intensity lighting with lower level brightness at the perimeter of the subject land 	At all times.

	<p>and higher intensities at the centre of the subject land.</p> <ul style="list-style-type: none"> • Directing lighting onto the subject land and away from neighbouring properties. • Using shrouding devices to preclude light overspill onto surrounding properties where necessary. • Not operating lighting that uses sodium lights or flare plumes. 	
	STORMWATER	
2.8	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
	EROSION AND SEDIMENT CONTROL	
2.9	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. 	At all times.
2.10	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <p>(d) Milling; (e) Chipping and/or mulching (f) Disposal at an approved waste disposal facility.</p>	At all times.
SCHEDULE 3 – Environmental Assessment Manager		
No	Condition	Timing
3.1	<p>All buildings, structures, fittings, fixtures and grounds forming part of this development approval must be maintained:</p> <p>(f) in a serviceable condition; (g) in a state of good repair and efficient action; (h) in a clean, sanitary condition; (i) free of an accumulation of materials that may form a harbour to vermin or pests; and (j) free of vermin and pest infestations.</p>	At all times.
3.2	<p>All solid waste generated from the occupation of the development must be collected and packaged appropriately for disposal at an approved waste disposal facility.</p> <p>If the on-site disposal system for kennel waste-water fails, liquid waste must be disposed of at an approved waste</p>	At all times.

	disposal facility.	
3.3	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Council unless otherwise authorised by Council.	During construction phase(s) of the development.
3.4	The holder of this development approval must not: <ul style="list-style-type: none"> (a) burn or bury waste generated in association with this development approval at or on the development site; or (b) allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; or (c) stockpile any waste on the development site. 	At all times.
3.5	Only rainwater from uncontaminated areas may drain directly into the stormwater system or waters.	At all times.
3.6	Waste waters from enclosures are to be drained so as not to cause nuisance to adjoining properties.	At all times.
3.7	All wastewater from the kennel blocks including wash down waters are to pass through an approved secondary effluent disposal system.	At all times.
3.8	All spillage of waste, contaminants and other materials are not to be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or materials into any storm water system or waters.	At all times.
3.9	Animal feed is to be stored in insect and vermin proof containers.	At all times.
3.10	Excreta, food scraps and other material that is or is likely to become offensive is to be collected daily; and if not immediately removed from the premises, kept in a waste container in accordance with condition 3.12.	At all times.
3.11	All enclosures which form part of the development are to be constructed and maintained in a manner so as to: <ul style="list-style-type: none"> (j) be kept clean and in a sanitary condition; (k) prevent the escape of any animal kept in the enclosure; (l) protect the safety of staff and the public; (m) be in a state of good order and repair; (n) reduce the risk of injury to any animal kept in the enclosure; (o) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; 	At all times.

	(p) be able to be effectively cleaned and sanitised; (q) all indoor enclosures shall be constructed with impervious materials; and (r) ensure the comfort of any animal kept in the enclosure and use its best endeavours to limit the spread of disease.	
3.12	Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the premises are to be provided and regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition. Containers are to be designed and maintained to prevent the ingress of water and vermin.	At all times.
3.13	All complaints received by the applicant relating to operations at the kennel facility must be recorded in a register with the following details: (g) nature, time and date of complaint; (h) type of communication (telephone, letter, personal etc.); (i) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded); (j) response and investigation undertaken as a result of the complaint; (k) name of person responsible for investigating complaint; and (l) action taken as a result of the complaint investigation and signature of responsible person.	At all times.
3.14	All incidents occurring at the kennel facility (e.g. environmental incidents, workplace accidents) must be recorded in a register and kept at the premises with the following details: (f) time, date and details of the incident; (g) how the incident occurred; (h) the action taken to remedy the incident; (i) the investigations into the incident; and (j) recommendations following the incident.	At all times.
3.15	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance or environmental harm to any premises beyond the boundaries of the development site.	At all times.
SCHEDULE 4 – Kennel Facilities: Acoustic Design and Construction <i>Assessment Manager</i>		
No	Condition	Timing
	KENNEL BUILDINGS	
4.1	Provide certification from a suitably qualified person that	Prior to Building

	the design of the kennel buildings meets the requirements contained in section 6.3 of the report titled, <i>Country Pet Motel Extension – Noise Impact Assessment</i> , dated 5 September 2021, by Ask Acoustic and Air Quality, and the noise limits listed in condition 5.2.	Works approval being granted.
4.2	Provide certification from the suitably qualified person, that the installation and construction of kennel buildings are in accordance with the report titled, <i>Country Pet Motel Extension – Noise Impact Assessment</i> , dated 5 September 2021, by Ask Acoustic and Air Quality and the design certified under condition 4.1.	Within 3 months of permit taking effect for Stage 2 and then prior to commencement of use for each stage.
	ACOUSTIC BARRIERS	
4.3	Provide certification from a suitably qualified person that the design of the acoustic barriers meets the requirements contained in section 6.6 of the report titled, <i>Country Pet Motel Extension – Noise Impact Assessment</i> , dated 5 September 2021, by Ask Acoustic and Air Quality, and the noise limits listed in condition 5.2.	Prior to Building Works approval being granted.
4.4	Provide certification from the suitably qualified person, that the installation and construction of acoustic barriers are in accordance with the report titled, <i>Country Pet Motel Extension – Noise Impact Assessment</i> , dated 5 September 2021, by Ask Acoustic and Air Quality and the design certified under condition 4.3.	Prior to commencement of the use.
	VENTILATION	
4.5	Provide certification from a suitably qualified person that the design of the ventilation installed on kennel buildings meets the requirements detailed in section 6.7 of the report titled, <i>Country Pet Motel Extension – Noise Impact Assessment</i> , dated 5 September 2021, by Ask Acoustic and Air Quality, and the noise limits listed in condition 5.2.	Prior to Building Works approval being granted.
4.6	Provide certification from a suitably qualified person, that the installation and construction of ventilation installed on kennel buildings is in accordance with the report titled, <i>Country Pet Motel Extension – Noise Impact Assessment</i> , dated 5 September 2021, by Ask Acoustic and Air Quality and the design certified under condition 4.5.	Within 3 months of permit taking effect for Stage 2 and then prior to commencement of use for each stage.
	MECHANICAL PLANT	
4.7	The mechanical plant must be selected and installed so that the limits set at condition 5.2 are not exceeded at adjacent dwellings.	At all times.
4.8	The limits contained in condition 5.2 apply to the component noise level generated by all items of mechanical plant operating simultaneously or in combination at any one time.	At all times.

4.9	Individual items of plant must be selected so that their contribution to the emission does not result in an exceedance of the limits contained in condition 5.2.	At all times.
SCHEDULE 5 – Kennel Management		
<i>Assessment Manager</i>		
No	Condition	Timing
5.1	DOG BARK MANAGEMENT AND STAFF TRAINING	
5.1.1	Dog barking, howling and related vocalisations are to be actively controlled.	At all times.
5.1.2	<p>To ensure that dog barking is actively controlled and minimised the applicant must prepare and fully comply with a Bark Management Plan which details the means by which barking will be managed. The Plan must set out in sufficient detail the procedures to be strictly undertaken by all staff relating to but not limited to:</p> <p>(a) control of dog barking in the kennel facilities (particularly in the exercise yards), in respect of:</p> <p>(vi) verbal command/interactions; (vii) additional exercise; (viii) use of ultrasonic "pet training devices"; (ix) allocation of dogs to the acoustic isolation kennels; and (x) other separation procedures.</p> <p>(b) the requirement for ongoing monitoring of the kennel facility for aggressive dogs or dogs that cause excessive barking and the procedures for moving these dogs to the isolation kennels.</p> <p>(c) the record keeping requirements when dogs are moved to the isolation kennels. These records must include the following details:</p> <p>(iv) date and time of relocation to the isolation kennels or other kennel block; (v) the reason for allocation; (vi) date and time of re-entry to standard kennel area (where applicable).</p>	Within 30 days of the development approval taken effect and to be maintained at all times.
5.1.3	The Bark Management Plan must be reviewed by the kennel operator annually to ensure that it is kept current.	Each 12 months from the commencement of the development.
5.1.4	The Bark Management Plan shall be incorporated in the kennel facilities standard operational procedures and must be available for inspection by Council officers upon request.	At all times.
5.1.5	The kennel operator must ensure that all staff (including casual and seasonal staff) complete training in a way	At all times.

	<p>which ensures that staff understand the requirements and are competent in using the procedures in the Bark Management Plan to adequately control dog barking. The training must address:</p> <ul style="list-style-type: none"> (a) the procedures for controlling dog barking in accordance with the Bark Management Plan; (b) the operational procedures of the kennel facility; (c) emergency procedures and response to incidents; and (d) complaint handling. 	
5.1.6	All new staff must complete the training within one month of commencement of the employment date at the kennel facilities.	At all times.
5.1.7	The applicant must keep a record to demonstrate that all staff have satisfactorily completed training within one month of the commencement date; or if re-training an employee is required.	At all times.
5.1.8	Retraining of a staff member is required if the employee fails to comply with the Bark Management Plan or the operational procedures of the kennel. Retraining of all staff is required if any modification is made to the Bark Management Plan or changes are made to the operational procedures of the kennel.	At all times.
5.1.9	<ul style="list-style-type: none"> (a) Background sound system shall be installed into the interior of each kennel building to provide masking sound. (b) A video and intercom system shall be provided to the interior of each kennel building. The system shall be configured so that it can be used to monitor and communicate with the dogs at any time of the day or night. (c) The video and intercom system shall be able to be operated from the reception building as well as the onsite residence. (d) Any public address system with speakers located outside the buildings or in the service corridors between the kennel buildings (where they may be able to broadcast to the open air) are not permitted. 	Prior to the commencement of the use and to be maintained.
5.2	OPERATIONAL NOISE LIMITS	
5.2.1	<p>Noise from dogs at the kennel facility must be limited such that the A-weighted average maximum noise level, $L_{Amax, avg}$ when measured outside at any affected noise sensitive place must not exceed:</p> <ul style="list-style-type: none"> (e) the background noise level + 10dBA for daytime hours (7 am to 6 pm); (f) the background noise level + 5dBA for evening hours (6pm to 10pm); 	At all times.

	<p>(g) the background noise level + 5 dBA for nighttime hours (10 pm to 7 am); or</p> <p>(h) the noise limits specified in Table A, whichever is greater.</p> <p>Table A Noise Limits $L_{Amax, avg}$ dBA</p> <table><tr><th>Period</th><th>Noise Limit $L_{Amax, avg}$ dBA</th></tr><tr><td>Day (7 am - 6 pm)</td><td>45</td></tr><tr><td>Evening (6pm – 10pm)</td><td>36</td></tr><tr><td>Night (10 pm - 7 am)</td><td>28</td></tr></table>	Period	Noise Limit $L_{Amax, avg}$ dBA	Day (7 am - 6 pm)	45	Evening (6pm – 10pm)	36	Night (10 pm - 7 am)	28	
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Evening (6pm – 10pm)	36									
Night (10 pm - 7 am)	28									
5.2.2	<p>The component noise from the kennel facility must be limited such that the adjusted A-weighted equivalent continuous noise level, $L_{Aeq, adj, 15 min}$ when measured outside at any affected noise sensitive place must not exceed:</p> <p>(e) the background noise level + 3 dBA for daytime hours (7 am to 6 pm);</p> <p>(f) the background noise level + 3 dBA for evening hours (6 pm to 10 pm);</p> <p>(g) the background noise level + 0 dBA for nighttime hours (10 pm to 7 am); or</p> <p>(h) the noise limits specified in Table B, whichever is greater.</p> <p>Table B Noise Limits $L_{Aeq, adj, 15 min}$ dBA</p> <table><tr><th>Period</th><th>Noise Limit $L_{Aeq, adj, 15 min}$ dBA</th></tr><tr><td>Day (7 am - 6 pm)</td><td>38</td></tr><tr><td>Evening (6 pm - 10 pm)</td><td>34</td></tr><tr><td>Night (10 pm - 7 am)</td><td>23</td></tr></table>	Period	Noise Limit $L_{Aeq, adj, 15 min}$ dBA	Day (7 am - 6 pm)	38	Evening (6 pm - 10 pm)	34	Night (10 pm - 7 am)	23	At all times.
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Evening (6 pm - 10 pm)	34									
Night (10 pm - 7 am)	23									
5.2.3	<p>Measurement Procedures:</p> <p>For the purposes of measuring the noise limits in conditions 5.2.1 and 5.2.2, the following procedures must be used:</p> <p>(a) Sound measurement instrumentation, measurement and reporting must be in accordance with the provisions of "AS 1055: Part 1-1997. Acoustics- Description and Measurement of Environmental Noise - Part 1: General Procedures " and where there is no conflict with the provisions of AS1055 Part 1-1997, Department of Environment and Heritage Protection Noise Monitoring Manual 2013, or later version.</p> <p>(b) Measurements must be conducted with the sound measurement instrumentation set to "Fast" time</p>	At all times.								

	<p>response and "A" frequency weighting.</p> <p>(c) The Background Noise Level ($L_{A90,T}$):</p> <ul style="list-style-type: none"> (i) during the relevant time period, T, refers to the average minimum A-weighted sound level in the absence of the noise under consideration. (ii) when statistical analysis is used, the background noise level shall be taken as that noise level which is exceeded for 90 percent of the relevant time period, T (that is, the $L_{A90,T}$). 	
5.2.4	<p>For condition 5.2.1:</p> <ul style="list-style-type: none"> (a) Sound levels from the kennelled dogs shall be monitored for a period of not less than thirty (30) minutes on not fewer than three (3) separate occasions randomly selected. (b) On each such occasion: <ul style="list-style-type: none"> (i) at least ten (10) maximum sound levels from the dogs (barks or other vocalisations) shall be measured and recorded; and (ii) the arithmetic average of the individual maximum sound levels due to the dogs (the average maximum level) shall be compared with the noise limits given in Table A. (iii) The noise emission from the kennelled dogs shall be deemed to be unacceptable if so rated on two (2) out of three (3) occasions. 	At all times.
5.2.5	<p>For condition 5.2.2:</p> <ul style="list-style-type: none"> (a) The Measured Noise Level: <p>The measured noise level shall be determined as the equivalent continuous sound pressure level in dBA due to noise from the subject site during the relevant assessment period, T.</p> <p>A measurement interval of 15 minutes shall be used, except where this period is insufficient to provide a true representation of the characteristics of the noise under consideration.</p> (b) Where the noise exhibits tonal or impulsive characteristics, the measured noise level shall be adjusted in accordance with Table C. <p>Table C Adjustments to the Measured Noise Level</p>	At all times.

	Characteristics of the noise		Adjustment dBA	
	Tonal components :	If the tonal components are just perceptible	2	
		If the tonal components are readily perceptible	5	
	Impulse Component s:	If the impulse components are just perceptible	2	
		If the impulse components are readily perceptible	5	
5.2.6	Time and Place of Measurement:			At all times.
	<p>(a) Noise from the kennel facility and the background noise level must be measured in the vicinity of the affected residential premises. The measurement position shall be at least 3.5 m from the affected residential premises as well as any other building or sound reflecting structure, but in any case shall be not more than:</p> <p>(i) 20m from any residential premises during the day and evening time periods; and</p> <p>(ii) 5m from any residential premises during the nighttime period.</p> <p>(b) The microphone height must be 1.5 m above local ground level except where this height would be insufficient to provide representative measurement of noise levels at all habitable levels of the relevant residential premises. In such cases the microphone height must be equivalent to 1.5 m above the floor height of the highest habitable floor or at a height equivalent to the centre of the window of the most affected habitable room in the building, whichever is higher.</p> <p>(c) The noise from the kennel facility and the background noise level must be measured at a time which is as close as practicable to the time of day that the noise is alleged to be excessive.</p> <p>(d) Where it is not practical to measure the background level in the absence of the noise from the kennel facility, the background level may be measured at another similar location where noise from the kennel facility is absent but the background noise level is considered to be equivalent to that at the affected residence.</p>			
5.3	Acoustical Assessment – Compliance Monitoring			
5.3.1	The applicant must commission an acoustic assessment			Upon

	and associate report of the kennel operations, conducted by a suitably qualified acoustical consultant in order to confirm / assess the degree of compliance with the conditions of this approval. Council may also request that Council's appointed acoustical engineer participate in, and/or observe, the work undertaken for the assessment conducted at the commencement of operations for each stage of the kennels.	commencement of Stage 2 and each subsequent stage.
5.3.2	A copy of the report mentioned in condition 5.3.1 must be submitted to Council within 7 days of its completion.	Within 7 days of the completion of the report.
SCHEDULE 6 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> .		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of use does not happen 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, division 2, 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, division 2, subdivision 2 of the Act.		
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.		
The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants		
<i>Carried</i>		
<i>Vote - Unanimous</i>		

Subject: Development Application No. 21989

Change Representations about Development Permit for Reconfiguring a Lot by Subdivision (One lot into 79 lots, plus New Road, Park, and Drainage Reserve)	
File No:	DA21989
Assessment No:	02628-10000-000
Action Officer:	SP – MO

1.0 APPLICATION SUMMARY

Subject Land

Location:	Summerville Road, Lowood
Real property description:	Lot 346 on CH31687
Site area:	41.723 ha
Current land use:	Vacant land
Easements/encumbrances:	A RP222244 – Bulk water supply line

South East Queensland Regional Plan 2017

Land use category:	Urban footprint
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Somerset Region Planning Scheme (Version Four)

Zone:	General residential zone
Precinct:	Not within a precinct
Overlays:	OM4 Bushfire hazard overlay OM7 Flood hazard overlay OM8 High impact activities management area overlay OM10 Landslide hazard overlay OM12 Scenic amenity overlay

Application

Approved development:	Subdivision (one lot into 79 lots, plus new road, park, and drainage reserve)
Category of assessment:	Code assessment
Applicant details:	Norfolk Estates Pty Ltd ATF The Solander Investments Unit Trust c/- Saunders Havill Group 9 Thompson Street BOWEN HILLS QLD 4006
Owner details:	Norfolk Estates Pty Ltd
Date application received:	8 February 2022
Date application decided:	29 June 2022, Ordinary Meeting

Referral agencies	State Assessment and Referral Agency
Public notification	Not required

RECOMMENDED DECISION

Agree with the representations made and give a negotiated decision notice for the development approval subject to the amended conditions and requirements contained in the schedules and attachments of this report.

2.0 BACKGROUND

Council, at its ordinary meeting of 29 June 2022 considered and approved Development Application No. 21989 for a Development Permit for Reconfiguring a Lot by Subdivision (One Lot Into 79 Lots, plus New Road, Open Space, and Drainage Reserve), on land at Summerville Road, Lowood, formally described as Lot 346 on CH31687. The applicant has now made change representations to Council seeking to change conditions of the approval.

3.0 PLANNING LEGISLATION

The applicant has made change representations during the applicant's appeal period, seeking to change the conditions and other matters of Council's decision notice.

The change representations have been made under section 75 of the *Planning Act 2016* and must be assessed and decided in accordance with section 76.

4.0 PROPOSED CHANGES

4.1 Condition 2.1

Current condition

2.1	<p>The Applicant is to complete each stage of the development in sequence in accordance with the approved plans.</p> <p>The Applicant is not to submit to Council the Plan of Survey for a stage for endorsement until the Applicant has received endorsement of the Plan of Survey for the preceding stage.</p>	As indicated.
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Applicant representations

The applicant has requested that Condition 2.1 be amended to allow flexibility in sequencing of development.

The applicant has proposed the following to replace the second paragraph of the condition.

The applicant must comply with each condition of this development approval as it relates to each stage, unless otherwise specifically stated in the condition.

Officer comments

Council has traditionally applied this standard condition to ensure that stages are undertaken in the correct order. As development activity increases in the region, it is likely that multiple stages of development may be delivered at the same time.

It is recommended that the requested change be made to the condition, as shown below.

2.1	<p>The Applicant is to complete each stage of the development in sequence in accordance with the approved plans.</p> <p>The applicant must comply with each condition of this development approval as it relates to each stage, unless otherwise specifically stated in the condition.</p>	As indicated.
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4.2 Condition 2.7

Current condition

2.7	Dedicate all land shown as park, open space and drainage on the proposal plan of subdivision as drainage reserve only. This refers to both the area along the gully and area of	Prior to Council's endorsement of the Plan of subdivision.
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	the detention basins.	
	The reserve is to be dedicated at no cost to Council.	
	The land identified as drainage reserve must be rehabilitated and removed of all weed species.	

Applicant representation

We request changes to Condition 2.7 to clarify land to be dedicated to Council. When read in conjunction with Condition 2.34, this clarifies what land is to be dedicated in fee simple and as an easement in Council's favour.

Dedicate all land shown as open space/drainage corridor and bioretention on the proposal plan of subdivision as drainage reserve only. This refers to both the area along the gully (Lots 126 and 127) and area of the detention basins (Lots 900, 901 and 902).

Officer comment

The proposed changes are considered to improve the clarity of the condition and are recommended to be supported.

The recommended changed condition is shown below.

	OPEN SPACE/PARK/LANDSCAPING	
2.7	Dedicate all land shown as open space/drainage corridor and bioretention on the proposal plan of subdivision as drainage reserve only. This refers to both the area along the gully (Lots 126 and 127) and area of the detention basins (Lots 900, 901 and 902).	Prior to Council's endorsement of the Plan of subdivision.
	The reserve is to be dedicated at no cost to Council.	
	The land identified as drainage reserve must be rehabilitated and removed of all weed species.	

4.3 Condition 2.32**Current condition**

2.32	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.
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Applicant representation

The applicant seeks clarity about the obligation of the landowner to construct the driveways, noting that the intention is that each future property owner is responsible for the construction of a compliance driveway, with approval gained from Council.

The requested condition is as follows:

All new vehicular crossovers are to be designed and constructed in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.

Officer comments

The requested change clarifies that the future driveways are to be designed and constructed in accordance with Council's relevant design standards and the appropriate approval. Given the size of the lots, it is not necessary for the developer to construct the driveways prior to lots being registered. This ensures flexibility for future landowners to design the driveway to match their preferred house design.

The recommended changed condition is shown below.

2.32	All new vehicular crossovers are to be designed and constructed 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.
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4.4 Condition 2.33**Current condition**

2.33	All vehicles shall enter and leave the site in a forward gear.	At all times.
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Applicant representation

The applicant requested clarity that condition 2.33 applies only during construction.

Officer comment

This standard condition is typically applied to construction activity and development of non-residential or multi-residential development. It is appropriate to clarify that it only applies to the construction traffic, as the planning scheme does not impose this limitation on detached dwellings.

The recommended changed condition is shown below:

2.33	During construction all vehicles shall enter and leave the site in a forward gear	At all times.
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4.5 Condition 2.35**Current condition**

2.35	<p>Provide an easement over stormwater and inter-allotment drainage located within private property.</p> <p>The easement widths may vary but must extend to include top of batters of open drains and/or flood paths and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with Queensland Urban Drainage Manual (QUDM). The easement is to be dedicated at no cost to Council</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> <p>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property</p>	Prior to Council's endorsement of the Plan of subdivision.
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Applicant representation

It is requested to remove the words ‘top of batters of open drains and/or’ and leave flood paths. Batters are not easily definable on rural-residential style allotments due to the undulating topography. Easements to the top of batters could unreasonably burden properties and reduce their development footprint.

A typical detail is included to represent a scenario where top of batter is located outside an easement. The Q100 flood flows including provisions for freeboard are contained within the easement. In this scenario the landowner directly adjacent to the drainage easement is still able to modify the top of batter levels inside their property to suit building pads, without affecting the integrity of the drainage easement.

Officer comment

It is considered that the requested change to the condition to allow earthworks and battering to occur outside the easement is appropriate, as all of the modelled flood extent and freeboard is located within the easement.

The recommended changed condition is shown as follows:

2.35	<p>Provide an easement over stormwater and inter-allotment drainage located within private property.</p> <p>The easement widths may vary but must extend to include the flood paths for the Q100 flood flows including provisions for freeboard and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with Queensland Urban Drainage Manual (QUDM). The easement is to be dedicated at no cost to Council</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> <p>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property</p>	Prior to Council's endorsement of the Plan of subdivision.
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4.6 Condition 2.36

Current condition

2.36	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times.
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Applicant representation

The proposed change to Condition 2.36 is to change terminology in accordance with the Queensland Urban Drainage Manual (QUDM). No worsening cannot be achieved as this implies no change to post-development stormwater run-off, which in this case a change is occurring due to the nature of development.

The proposed change to ‘no actionable nuisance’ provides certainty when moving forward with operational works applications and surrounding landholders. The RMA Engineering stormwater design solution still maintains a no increase in peak discharge at the Bauer Street road crossing(s).

Officer comments

The applicant has requested that the condition be amended to reflect the concept of actionable nuisances, which replaced no worsening in the more recent revision to the Queensland Urban Drainage Manual (QDUM). Moving forward, Council will be conditioning compliance to no-actionable nuisance in line with the updated manual.

The amended standard condition is provided as follows, and is recommended to replace the condition 2.36:

2.36	Stormwater Drainage discharge is not to cause an actionable nuisance or environmental or property damage on adjoining, upstream, or downstream landholders.	At all times.
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4.7 Advice note – Advise prospective purchasers

Current advice note

Prospective purchasers are to be made aware of constraints regarding onsite wastewater treatment for all lots over 4000m² as these lots have average slopes exceeding 15%

Applicant representation

The applicant has made the following representation:

It is also requested to amend an advice note that refers to onsite wastewater treatment. The advice note reads:

'Prospective purchasers are to be made aware of constraints regarding onsite wastewater treatment for all lots over 4000m² as these lots have average slopes exceeding 15%'

It is proposed to amend this to:

'Prospective purchasers are to be made aware of their obligations regarding onsite wastewater treatment for all lots that have an average slope exceeding 15%.'

The proposed change remedies any confusion that not all lots over 4,000m² have a slope exceeding 15%. It further substitutes the word 'constraints' with 'obligations' as a lot exceeding average 15% slope is not necessarily a constraint to onsite wastewater treatment.

Officer comments

The advice note was included to draw attention to the increasing slopes present on the larger lots at the higher end of the estate (noting that no lot less than 4,000m² was to have an average slope exceeding 15%). The applicant has, correctly, noted that not all lots exceeding 4,000m² are subject to slopes exceeding 15%.

It is recommended that the advice note be amended as requested, as shown below.

Prospective purchasers are to be made aware of their obligations regarding onsite wastewater treatment for all lots that have an average slope exceeding 15%.

4.8 Decision Notice – Further development permits

Current list of further development permits

- Development Permit – Plan Endorsement

Representation

The applicant made the following representation:

While not a formal condition, it is also requested to amend Clause 2 [of the decision notice] which refers to further development permits. The notice states a 'Development Permit – Plan Endorsement' is required. While it is acknowledged that plan sealing is required prior to formal endorsement, the reference to a development permit is incorrect. It is requested Council amend this clause to refer to 'Plan Endorsement' only.

Officer comments

The decision notice is required to list further development permits. It is acknowledged that the endorsement of a survey plan is not a development permit under the Act. Council lists the endorsement of survey plans within this section to improve clarity to applicants that further Council approval is required before the subdivision can be registered and titled.

For consistency with each development permit given, it is recommended that Council continues listing the requirement to obtain approval for the survey plan within this section, but notes that the approval is given is not a development permit.

It is recommended that the further development permits section of the decision notice be amended to state:

- Plan Endorsement – Approval under Schedule 18 of *Planning Regulation 2017*.

5.0 TRUNK INFRASTRUCTURE

The proposed changes to the development conditions do not impact upon any trunk infrastructure requirements, or the infrastructure charges notice given with the development approval.

6.0 REFERRAL AGENCIES

6.1 Statutory referrals

The application required referral to the State Assessment and Referral Agency. The change representations do not relate to a matter that was included in the referral agency response.

If Council decides to give a negotiated decision notice to the applicant, Council must give a copy of the notice to each referral agency.

6.2 Third party advice

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

7.0 CONCLUSION

The applicant has made change representations about the development conditions and other matters of Council's decision notice. The representations have been assessed and are considered generally acceptable. The proposed changes do not alter the extent of the development approved and remain consistent with the planning scheme as identified in the original development application.

The balance of the decision notice, and the approved plans of development, are to remain unchanged.

8.0 ATTACHMENT

6. Approved proposal plan

RECOMMENDED DECISION

1. THAT Council agree with the change representations made about Development Application No. 21989 for a Development Permit for Reconfiguring a Lot by Subdivision (One lot into 79 lots, plus New Road, Open Space, and Drainage) on land situated at Summerville Road, Lowood, formally described as Lot 346 on CH31687 and give a

Negotiated Decision Notice subject to the recommended amendments to 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		
<i>Assessment Manager</i>		
No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Proposal Plan, prepared by Saunders Havill Group, reference 10620 P 04 Rev F, dated 25/03/2022. Geotechnical and Slope Stability Risk Assessment Report, prepared by RMA Soils, reference 21-S-00095, dated 23/11/2021 Stormwater Management Plan, prepared by RMA Engineers, reference 16504, dated 01/02/2022.	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.3	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of the Plan of Subdivision.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for endorsement of the Plan of Subdivision.
1.5	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources. Currently, the amount is set at \$39 per allotment.	Prior to request for endorsement of the Plan of Subdivision.
1.6	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to request for endorsement of the Plan of Subdivision.
1.7	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing

2.1	<p>The Applicant is to complete each stage of the development in sequence in accordance with the approved plans.</p> <p>The applicant must comply with each condition of this development approval as it relates to each stage, unless otherwise specifically stated in the condition.</p>	As indicated.
2.2	<p>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.</p>	Prior to the commencement of Operational Work.
2.3	<p>All works are to be designed and constructed in accordance with the requirements of Planning Scheme Policy 4 – Design Standards.</p>	At all times.
2.4	<p>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.</p>	Prior to Council's endorsement of the Plan of subdivision.
2.5	<p>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:</p> <ul style="list-style-type: none"> Plans and specifications must be prepared and certified with the Operational Work application. Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 	As part of Operational Works.
2.6	<p>Obtain building approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.</p>	As part of Operational Works.
OPEN SPACE/PARK/LANDSCAPING		
2.7	<p>Dedicate all land shown as open space/drainage corridor and bioretention on the proposal plan of subdivision as drainage reserve only. This refers to both the area along the gully (Lots 126 and 127) and area of the detention basins (Lots 900, 901 and 902).</p> <p>The reserve is to be dedicated at no cost to Council.</p> <p>The land identified as drainage reserve must be rehabilitated and removed of all weed species.</p>	Prior to Council's endorsement of the Plan of subdivision.
2.8	<p>The development site must be landscaped. The works must be undertaken in accordance with an operational works approval.</p>	As part of Operational works for Landscaping Works.

2.9	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
	GENERAL SERVICES	
2.10	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.	Prior to Council's endorsement of the Plan of subdivision.
2.11	Connect the development to a reticulated water supply, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment. Where proposed allotments front existing overhead electricity or telecommunication service, these lots may connect direct to such service to the approval and requirements of the service provider.	Prior to Council's endorsement of the Plan of subdivision.
2.12	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Council's endorsement of the Plan of subdivision.
2.13	Electricity/telecommunication/water supply/sewer drawings must be co-ordinated with the civil engineering design details, to ensure that service clashes are avoided.	Prior to Council's endorsement of the Plan of subdivision.
	BUILDING ABOVE FLOOD LEVEL	
2.14	Any filling below the Defined Flood Level (DFL) will be in accordance with an approved flood study.	Prior to the commencement of works.
2.15	The development does not increase the flood hazard for other properties.	At all times.
	EARTHWORKS	
2.16	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.
2.17	Rehabilitation of dam sites, including methods of construction, management and supervision is to ensure that the site will be suitable for the proposed use. Test results as required and a certificate of quality and uniformity is to	Prior to Council's endorsement of the Plan of subdivision.

	be provided by a Registered Professional Engineer Queensland (RPEQ).	
2.18	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.19	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.
2.20	All dams that are across proposed lot boundaries shall be removed.	Prior to Council's endorsement of the Plan of subdivision.
2.21	All earthworks to be constructed in general accordance with Geotechnical and Slope Stability Risk Assessment Report – prepared by RMA Soils and dated 23.11.21 The landowner must advise all potential purchasers accordingly.	At all times.
ROADWORKS		
2.22	Dedicate, design and construct all new roads in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
2.23	Road reserve and carriageway widths to be in accordance with the Planning Scheme Policy 4 – Design Standards.	Prior to Council's endorsement of the Plan of subdivision.
2.24	Provide 6m x 3 chord truncations on property boundaries at all road intersections. Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to Council's endorsement of the Plan of subdivision.
2.25	Provide a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	As part of Operational Works.
2.26	Provide verge and access in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
STREET NAMES		
2.27	Submit a list of road names for all new roads, along with the reasons for selecting such names, for the road names to be considered and approved by Council. The proponent is responsible for the cost of road signs and installation. Street nameplates are to comply with Council's standards.	As part of Operational Works application.

	KERB AND CHANNEL	
2.28	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
	FOOTPATHS	
2.29	Dedicate, design and construct all new footpaths in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
	STREET LIGHTING	
2.30	<p>Install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows:</p> <ul style="list-style-type: none"> i) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5 ii) Collector Roads – Lighting Category P4. <p>Install all street lighting on the same side as footpaths, where applicable.</p> <p>Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).</p>	As part of Operational Works.
	VEHICLE ACCESS	
2.31	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with Planning Scheme Policy 4 – Design Standards.	At all times.
2.32	All new vehicular crossovers are to be designed and constructed 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.
2.33	During construction all vehicles shall enter and leave the site in a forward gear	At all times.
	EASEMENTS	
2.34	<p>Dedicate land subject to flooding during a 1% Average Exceedance Probability (AEP) flood event as an easement for drainage purposes.</p> <p>The easement is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council's Solicitor shall prepare all documentation.</p>	Prior to Council's endorsement of the Plan of subdivision.
2.35	<p>Provide an easement over stormwater and inter-allotment drainage located within private property.</p> <p>The easement widths may vary but must extend to include the flood paths for the Q100 flood flows including provisions</p>	Prior to Council's endorsement of the Plan of subdivision.

	<p>for freeboard and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with Queensland Urban Drainage Manual (QUDM). The easement is to be dedicated at no cost to Council</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> <p>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property</p>	
	STORMWATER	
2.36	Stormwater Drainage discharge is not to cause an actionable nuisance or environmental or property damage on adjoining, upstream, or downstream landholders.	At all times.
2.37	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
2.38	Stormwater Drainage shall be constructed in general accordance with RMA Engineers, Stormwater Management Plan, Subdivision Bauer Street, Lowood dated 1 st February 2022.	As part of Operational Works.
2.39	Attenuate the difference between pre and post developed flows.	As part of Operational Works.
2.40	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works.
2.41	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and Council standards.	As part of Operational Works.
2.42	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.	As part of Operational Works.
SCHEDULE 3 - REFERRAL AGENCY CONDITIONS		
Referral agency response given under section 56 of the <i>Planning Act 2016</i>		
Pursuant to section 62 of the <i>Planning Act 2016</i> , the assessment manager must, other than to the extent a referral agency's response provides advice, comply with all referral agencies' responses and include conditions exactly as stated in the response. The following referral agency responses have been received and are attached to the Decision Notice.		

3.1	Comply with the requirements of the referral agency response 2202-27511 SRA dated 28 March 2022 or as amended.	As indicated in the attached referral agency response.
3.2	Provide certification to Council from a suitably qualified person or the relevant agency demonstrating that the requirements of the referral agency response have been met.	Prior to request for endorsement of the Plan of Subdivision.
SCHEDULE 4 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.		
Prospective purchasers are to be made aware of their obligations regarding onsite wastewater treatment for all lots that have an average slope exceeding 15%.		
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.		
<p>Upon receiving the certification by a RPEQ, and submission and approval of as constructed drawings and documentation, Council will accept the works as "On Maintenance".</p> <p>Council will bond the developer for an amount equal to 5% of the operational works and the Developer is required to maintain all works for a period of 12 months for civil works and 18 months for landscaping (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.</p> <p>At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".</p>		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		

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

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

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

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

Attachments for the Decision Notice include:

- Proposal Plan, prepared by Saunders Havill Group, reference 10620 P 04 Rev F, dated 25/03/2022
- Geotechnical and Slope Stability Risk Assessment Report, prepared by RMA Soils, reference 21-S-00095, dated 23/11/2021
- Stormwater Management Plan, prepared by RMA Engineers, reference 16504, dated 01/02/2022.

Resolution:

Moved –Cr Wendt

Seconded – Cr Brieschke

1. THAT Council agree with the change representations made about Development Application No. 21989 for a Development Permit for Reconfiguring a Lot by Subdivision (One lot into 79 lots, plus New Road, Open Space, and Drainage) on land situated at Summerville Road, Lowood, formally described as Lot 346 on CH31687 and give a Negotiated Decision Notice subject to the recommended amendments to 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.
	Proposal Plan, prepared by Saunders Havill Group, reference 10620 P 04 Rev F, dated 25/03/2022.	
	Geotechnical and Slope Stability Risk Assessment Report, prepared by RMA Soils, reference 21-S-00095, dated 23/11/2021	
	Stormwater Management Plan, prepared by RMA Engineers, reference 16504, dated 01/02/2022.	

1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.3	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of the Plan of Subdivision.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for endorsement of the Plan of Subdivision.
1.5	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources. Currently, the amount is set at \$39 per allotment.	Prior to request for endorsement of the Plan of Subdivision.
1.6	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to request for endorsement of the Plan of Subdivision.
1.7	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision.

SCHEDULE 2 – ENGINEERING*Assessment Manager*

No	Condition	Timing
2.1	The Applicant is to complete each stage of the development in sequence in accordance with the approved plans. The applicant must comply with each condition of this development approval as it relates to each stage, unless otherwise specifically stated in the condition.	As indicated.
2.2	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.3	All works are to be designed and constructed in accordance with the requirements of Planning Scheme Policy 4 – Design Standards.	At all times.
2.4	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations	Prior to Council's endorsement of the

	and repairs resulting from compliance with these conditions.	Plan of subdivision.
2.5	<p>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:</p> <ul style="list-style-type: none"> Plans and specifications must be prepared and certified with the Operational Work application. Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 	As part of Operational Works.
2.6	Obtain building approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	As part of Operational Works.
	OPEN SPACE/PARK/LANDSCAPING	
2.7	<p>Dedicate all land shown as open space/drainage corridor and bioretention on the proposal plan of subdivision as drainage reserve only. This refers to both the area along the gully (Lots 126 and 127) and area of the detention basins (Lots 900, 901 and 902).</p> <p>The reserve is to be dedicated at no cost to Council.</p> <p>The land identified as drainage reserve must be rehabilitated and removed of all weed species.</p>	Prior to Council's endorsement of the Plan of subdivision.
2.8	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.
2.9	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
	GENERAL SERVICES	
2.10	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.	Prior to Council's endorsement of the Plan of subdivision.
2.11	<p>Connect the development to a reticulated water supply, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.</p> <p>Where proposed allotments front existing overhead</p>	Prior to Council's endorsement of the Plan of subdivision.

	electricity or telecommunication service, these lots may connect direct to such service to the approval and requirements of the service provider.	
2.12	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Council's endorsement of the Plan of subdivision.
2.13	Electricity/telecommunication/water supply/sewer drawings must be co-ordinated with the civil engineering design details, to ensure that service clashes are avoided.	Prior to Council's endorsement of the Plan of subdivision.
	BUILDING ABOVE FLOOD LEVEL	
2.14	Any filling below the Defined Flood Level (DFL) will be in accordance with an approved flood study.	Prior to the commencement of works.
2.15	The development does not increase the flood hazard for other properties.	At all times.
	EARTHWORKS	
2.16	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.
2.17	Rehabilitation of dam sites, including methods of construction, management and supervision is to ensure that the site will be suitable for the proposed use. Test results as required and a certificate of quality and uniformity is to be provided by a Registered Professional Engineer Queensland (RPEQ).	Prior to Council's endorsement of the Plan of subdivision.
2.18	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.19	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.
2.20	All dams that are across proposed lot boundaries shall be removed.	Prior to Council's endorsement of the Plan of subdivision.
2.21	All earthworks to be constructed in general accordance with Geotechnical and Slope Stability Risk Assessment Report – prepared by RMA Soils and dated 23.11.21	At all times.

	The landowner must advise all potential purchasers accordingly.	
	ROADWORKS	
2.22	Dedicate, design and construct all new roads in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
2.23	Road reserve and carriageway widths to be in accordance with the Planning Scheme Policy 4 – Design Standards.	Prior to Council's endorsement of the Plan of subdivision.
2.24	Provide 6m x 3 chord truncations on property boundaries at all road intersections. Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to Council's endorsement of the Plan of subdivision.
2.25	Provide a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	As part of Operational Works.
2.26	Provide verge and access in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
	STREET NAMES	
2.27	Submit a list of road names for all new roads, along with the reasons for selecting such names, for the road names to be considered and approved by Council. The proponent is responsible for the cost of road signs and installation. Street nameplates are to comply with Council's standards.	As part of Operational Works application.
	KERB AND CHANNEL	
2.28	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
	FOOTPATHS	
2.29	Dedicate, design and construct all new footpaths in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
	STREET LIGHTING	
2.30	Install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows: iii) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5 iv) Collector Roads – Lighting Category P4.	As part of Operational Works.

	Install all street lighting on the same side as footpaths, where applicable.	
	Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).	
	VEHICLE ACCESS	
2.31	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with Planning Scheme Policy 4 – Design Standards.	At all times.
2.32	All new vehicular crossovers are to be designed and constructed 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.
2.33	During construction all vehicles shall enter and leave the site in a forward gear	At all times.
	EASEMENTS	
2.34	Dedicate land subject to flooding during a 1% Average Exceedance Probability (AEP) flood event as an easement for drainage purposes. The easement is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council's Solicitor shall prepare all documentation.	Prior to Council's endorsement of the Plan of subdivision.
2.35	Provide an easement over stormwater and inter-allotment drainage located within private property. The easement widths may vary but must extend to include the flood paths for the Q100 flood flows including provisions for freeboard and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with Queensland Urban Drainage Manual (QUDM). The easement is to be dedicated at no cost to Council All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor. Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property	Prior to Council's endorsement of the Plan of subdivision.
	STORMWATER	
2.36	Stormwater Drainage discharge is not to cause an actionable nuisance or environmental or property damage on adjoining, upstream, or downstream landholders.	At all times.

2.37	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
2.38	Stormwater Drainage shall be constructed in general accordance with RMA Engineers, Stormwater Management Plan, Subdivision Bauer Street, Lowood dated 1 st February 2022.	As part of Operational Works.
2.39	Attenuate the difference between pre and post developed flows.	As part of Operational Works.
2.40	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works.
2.41	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and Council standards.	As part of Operational Works.
2.42	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.	As part of Operational Works.

SCHEDULE 3 - REFERRAL AGENCY CONDITIONS

Referral agency response given under section 56 of the *Planning Act 2016*

Pursuant to section 62 of the *Planning Act 2016*, the assessment manager must, other than to the extent a referral agency's response provides advice, comply with all referral agencies' responses and include conditions exactly as stated in the response. The following referral agency responses have been received and are attached to the Decision Notice.

3.1	Comply with the requirements of the referral agency response 2202-27511 SRA dated 28 March 2022 or as amended.	As indicated in the attached referral agency response.
3.2	Provide certification to Council from a suitably qualified person or the relevant agency demonstrating that the requirements of the referral agency response have been met.	Prior to request for endorsement of the Plan of Subdivision.

SCHEDULE 4 – ADVICE

Assessment Manager

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

Currency Period - Pursuant to section 85 of the *Planning Act 2016* the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.

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

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

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

Prospective purchasers are to be made aware of their obligations regarding onsite wastewater treatment for all lots that have an average slope exceeding 15%.

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

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

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

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

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

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

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

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

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

Carried

Vote - Unanimous

Subject:	Development Application No. 19511 Development Application for a Development Permit for Reconfiguring a Lot by Subdivision (one lot into 53 lots, plus new road and drainage and environmental conservation reserve)
File No:	DA19511
Assessment No:	34659-00000-000
Action Officer:	SP – MW

1.0 APPLICATION SUMMARY

Subject Land

Location:	105 Fernvale Road, Fernvale
Real property description:	Lot 2 RP145375
Site area:	6.37ha
Current land use:	Dwelling house
Easements/encumbrances:	Not applicable

Somerset Region Planning Scheme (Version Four)

Zone:	Emerging community zone
Precinct:	Not applicable
Overlays:	OM3 Biodiversity OM3 Koala conservation OM4 Bushfire hazard overlay OM8 High impact activities management area overlay

South East Queensland Regional Plan 2017

Land use category:	Urban footprint
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Application

Proposed development:	Subdivision (one lot into 53 lots, plus new road and drainage and environmental conservation reserve)
Category of assessment:	Impact assessment
Applicant details:	Baird and Hayes Surveyors and Town Planners PO Box 867 IPSWICH QLD 4305
Owner details:	Malcolm and Elizabeth Spann
Date application received:	25 June 2020

Referral Agencies

Public Notification

Submissions received	State Assessment and Referral Agency
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Required

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 development application seeks approval for a development permit for reconfiguring a lot on land at 105 Fernvale Road, Fernvale, described as Lot 2 RP145375. The application seeks to create a new residential development toward the southern end of Fernvale, immediately north of the Honeywood estate.

The subject land is within the Emerging community zone. The site is designated as Future Residential under the Desired Settlement Pattern: Emerging Community Areas for Fernvale. The planning scheme anticipates that future development on the site would be serviced by sealed roads with kerb and channel, underground electricity, telecommunications, stormwater, reticulated water and sewer.

The proposal seeks to create a general residential estate, comprising lots with areas ranging between 600m² and 755m². As a General residential estate, the proposal provides sealed roads with kerb and channel, reticulated water and sewer, stormwater, underground power and telecommunications. The lots are proposed to be benched to provide flat building pads.

The site contains an existing house which would be removed to facilitate the development.

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

The proposal involves the following:

Development yield	53 residential lots 1 open space/drainage lot
Development staging	
Stage 1	15 residential lots 1 basin lot
Stage 2	23 residential lots
Stage 3	15 residential lots

The proposal provides regular shaped and usable parcels for the siting of future dwelling houses. While the site is within the Emerging community zone, the proposal complies with the minimum lot size and frontage dimensions sought by the reconfiguring a lot code for General residential lots, which is generally consistent with Council's Desired Settlement Pattern for Fernvale.

The application included referral to the State Assessment and Referral Agency (SARA) for impact on State transport infrastructure generally, as the proposal exceeds 50 lots. The referral agency has not required any transport infrastructure upgrades as part of their response.

The application was originally proposed for 65 lots, however the majority of the site is subject to Core koala habitat. The proposed lot yield was reduced to 53 lots in order to achieve an outcome satisfactory to SARA with respect to koala habitat matters.

Proposed Lot 900 has an area of 1.6201 hectares and will include a detention basin. The balance of the lot will remain vegetated and additional offset planting will be provided on that lot.

The proposal, if approved in accordance with the recommended conditions package, is considered to align with the general development intent sought by the planning scheme.

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

3.0 SITE DETAILS AND SURROUNDING LAND USES

3.1 Site history

The application was lodged in June 2020, after the introduction of the Koala habitat in SEQ provisions. The majority of the site contains Core koala habitat.

3.2 Site details

The site is located in the southern part of Fernvale, south of the centre of town. The development land is contained within a single parcel and contains an existing house and outbuildings and a dam.

The site has an elevation change from 81m AHD at the north western corner of the lot to at approximately 59m AHD at the north eastern corner of the lot. Whilst the overall slope of the site is to the east and northeast, the northern parts of the site have a south east facing slope away from Bolingbroke Street toward a drainage line. None of the site contains slopes exceeding 15%.

The site adjoins open space to the east which is low lying land that contains a drainage line. The site also contains a natural drainage line that drains through the site from west to east. Neither watercourse is mapped on Council's Catchment management overlay map, however the drainage line to the east has been flood modelled as a part of this application.

3.3 Surrounding land uses

Nearby land to the south and east comprises residential development that was created as part of the Honeywood Estate. The site adjoins a Council reserve to the south and an unmade section of the Graham Road, road reserve. The site adjoins Council owned land to the east that functions as a drainage reserve. The site has frontage to the north to an unmade section of road reserve that is an extension of Bolingbroke Street. Land to the north of Bolingbroke Street contains larger Emerging community zoned lots that both contain houses and outbuildings but could potentially be developed as general residential lots, generally consistent with the Desired Settlement Pattern mapping for Fernvale.

Fernvale Road, immediately to the west of the site, is located on an embankment several metres in height. Land to the west of Fernvale Road is generally within the Emerging Community zone and contains larger lots that contain houses and outbuildings but could potentially be developed as park residential lots, generally consistent with the Desired Settlement Pattern mapping for Fernvale

The site is not in proximity to any known high impact activity uses.

4.0 PLANNING ASSESSMENT – STATE PLANNING INSTRUMENTS

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

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

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

4.1 STATE PLANNING POLICY

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

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

4.2 SOUTH EAST QUEENSLAND REGIONAL PLAN 2017

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

4.3 PLANNING REGULATION 2017 (SCHEDULE 10)

The proposal does not result in any impact to a Queensland heritage place or local heritage place and is not known to be on a contaminated land register.

The proposal impacts on areas of vegetation mapped as being regulated vegetation or koala habitat. The site has an area of 6.379 hectares and contains regulated Category C vegetation. The site is therefore larger than 5 hectares and proposes lots smaller than 25 hectares therefore triggering referral to SARA. A concurrence agency response was provided by SARA.

The following assessment benchmarks from the *Planning Regulation 2017* were applicable to the application.

4.3.1 Walkable Neighbourhoods (Schedule 12A)

The proposal involves the subdivision of land involving new road in the Emerging community zone, and under the provisions of Schedule 10, Part 14, requires assessment against the assessment benchmarks within Schedule 12A of the Regulation.

The assessment benchmark applies to all land within the Emerging community zone and Emerging community zone where creating residential lots and providing new or extended roads. The provisions do not apply to land within the Rural residential zone.

The assessment benchmark contains five provisions, which can be summarised as:

- connectivity for pedestrians is provided through a grid-like street layout responding to the local landscape;
- block lengths are a maximum of 250 metres;
- footpaths are provided on at least one side of local neighbourhood roads and on both sides of main streets;
- at least one street tree is provided per 15 metres on each side of all streets;
- blocks are within 400 metres of a park or open space to the extent topography and other physical constraints reasonably permit.

The proposal generally complies with the assessment benchmarks within the Schedule, in that the layout generally represents a grid like development, has block lengths less than 250m, but does not provide each lot within 400m walking distance of a “park” however the development contains Lot 900 which will effectively function as open space. The development would be conditioned to include concrete footpaths and street trees to the standard outlined.

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 proposed reconfiguration is located within Council's Town or Urban Area under the Strategic Framework Map 1c. It is noted that not all land within this category is suitable for development, however the intent is for a form of urban development in this general area. The site is also located within the Future residential designation of the Desired Settlement Area: Emerging Community Areas for Fernvale.

The development allows for the provision of additional residential lots within 700 metres of the main commercial section of Fernvale, promoting accessibility.

Natural environment

Council's Strategic Framework Map 2c does not show Significant Vegetation over the site. The site has been subject to additional environmental assessment due to State government referral triggers, which have resulted in a reduced lot yield and provision of an environmental conservation area on the site.

Natural resources

The site is not identified on Strategic Framework Map 4 (a) as triggering any natural resources, including industrial, agricultural or extractive areas.

The property is setback from the designated watercourses that drain into the Brisbane River.

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 site is also outside the Town Identity areas for Fernvale which largely focus upon the Brisbane Valley Highway corridor.

Economic development

The development supports the commercial function of the Fernvale district centre through the provision of additional residential development within the immediate catchment of the centre.

The site is also outside the Town Identity areas for Fernvale.

Infrastructure and services

All required infrastructure/ services are available in the area or is to be appropriately provided on-site. The site is not affected by future infrastructure networks.

Transport

The site is contained within the Priority Infrastructure Area for Fernvale. 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 creation of a residential estate in proximity to existing road networks without direct access to higher order roads.

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.

Applicable code	Compliance with overall outcomes	Performance outcomes
Reconfiguring a lot code	Yes	PO1
Services, works and infrastructure code	Yes	Complies with all acceptable outcomes
Transport, access and parking code	Yes	Complies with all acceptable outcomes
Applicable overlay code	Compliance with overall outcomes	Performance outcomes
Biodiversity overlay code	Yes	Complies with all acceptable outcomes
Bushfire hazard overlay code	Yes	PO1, PO5

The High impact activities management area overlay code does not apply to reconfiguring a lot applications.

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

5.1.3 Performance outcome assessment

Reconfiguring a lot code

Performance outcome	Acceptable outcome
Lot size and subdivision design	
PO1 <i>Lot size and dimensions:</i> (a) provide sufficient area for the siting and construction of buildings and structures; (b) provide for safe vehicular and pedestrian access; (c) respond appropriately to site characteristics including slope of the land and topography; and (d) are consistent with the intended character of the zone.	AO1.1 The minimum <i>lot</i> size and dimensions complies with Table 8.3.4.3.B – Minimum Lot Size and Dimensions. AO1.2 <i>Lots</i> in the General residential zone, Rural residential zone and Emerging community zone have an average slope of less than 12.5 percent.
Proposal The proposal provides for a general residential estate with lot sizes between 600m ² and 755m ² . While the slopes within the estate varies from flat to approximately 15%, the lots are proposed to be benched. The minimum lot size for the land is 600m ² with 18m frontage, as the lots are proposed to be consistent with lots within the General residential zone (not within the Park residential precinct).	

Planning comments

The site is located in the Emerging community zone. The development proposes to create general residential lots, consistent with the minimum lot size and frontage dimensions applicable for the General residential zone.

The proposed lots comply with the minimum lot size and frontage dimensions.

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

Movement network and access**PO11**

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

AO11

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

Proposal

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

Planning comments

The subdivision is for a residential development that is located toward the southern end of Fernvale, away from any major arterial roads. There is currently no public transport routes within 500 metres radial distance of this location, as it is not practicable nor reasonably necessary to provide a service.

It is considered that if were practical or reasonably necessary to provide a public transport route servicing this area, the route would be likely to follow Fernvale Road which adjoins the site.

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

Open Space**PO14**

Development provides for public open space that:

- (a) is in accordance with the *Local Government Infrastructure Plan*;
- (b) is of a physical standard that enables the park to be used for its intended purpose;
- (c) is appropriately located, sized, and shaped to satisfy the local, district and/or regional recreational needs of the community;
- (d) contributes to the establishment and maintenance of local and regional open space network;
- (e) facilitates appropriate measures for stormwater and flood management; and
- (f) contributes to the retention of significant vegetation, watercourses

AO14

Public open space is provided in accordance with Part 4 – Local Government Infrastructure Plan.

AO14.2

Parks have a direct road frontage for 75 percent of the park perimeter.

and wetlands, and other habitat areas and associated <i>buffers</i> and linkages/corridors.	
<p>Proposal The subdivision design does not incorporate a local park as provided by the Local government infrastructure plan.</p> <p>Planning comments Lot 900 does not function as a local park, however the conditions of the SARA concurrence response require Lot 900 to be dedicated for the purposes of environmental conservation.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	

Biodiversity Overlay Code

While much of the site is affected by Koala habitat, the application was referred to the State Assessment and Referral Agency with respect to Koala habitat. SARA provided conditions regarding removal of 197 non-juvenile koala habitat trees on the site and replacement with 591 koala habitat trees on proposed Lot 900. Lot 900 will be dedicated for the purposes of environmental conservation.

Bushfire hazard overlay code

Performance outcome	Acceptable outcome
Bushfire hazard	
<p>PO1 Development avoids being sited and does not increase the number of persons living or working on land subject to Very High (potential intensity) Bushfire Hazard or High (potential intensity) Bushfire Hazard identified on Bushfire hazard overlay map OM-004a-b; unless it is demonstrated that:</p> <p>(a) the subject land or the proposed siting of the development is in an area of the subject land that is a Medium (potential intensity) Bushfire Hazard (or lesser); or bushfire mitigation measures are adequate for the potential bushfire intensity level of the site, being supported by a bushfire hazard risk assessment and bushfire management plan which has been prepared by a suitably qualified person(s).</p> <p>Note- A bushfire management plan is prepared in accordance with SC6.6 Planning Scheme Policy 6 –</p>	<p>AO1.1 Uses within the following <i>Activity groups</i> are located outside of a Very High (potential intensity) Bushfire Hazard or High (potential intensity) Bushfire Hazard identified on Bushfire hazard overlay map OM-004a-b:</p> <p>(a) <i>Accommodation activities group</i>; (b) <i>Business activities group</i>; (c) <i>Community activities group</i>; and (d) <i>Entertainment activities group</i>;</p> <p>OR</p> <p>AO1.4 New lots are designed with a size and shape:</p> <p>(a) capable of accommodating efficient emergency access to building for fire fighting vehicles through avoiding rear lot configurations and long narrow lots with long accessways to buildings on site; and (b) to ensure the buildings and structures are sited in the area of lowest potential intensity bushfire hazard on the lot and in accordance with a bushfire management plan to be conditioned on the Reconfiguring a Lot approval.</p>

	Note- A bushfire management plan is prepared in accordance with SC6.6 Planning Scheme Policy 6 –
<p>Proposal</p> <p>An Ecological and Bushfire Hazard Assessment Report was prepared by Rob Friend and Associates. The Bushfire Hazard Assessment included the following comment:</p> <p><i>“With regard to the State Planning Policy, Natural Hazards, Risk and Resilience bushfire hazard mapping, the mapping of High and medium potential bushfire hazard classes over the property is also not supported based on the status of the groundcover and fuel loads within the property.</i></p> <p><i>As the property, with the exception of a relatively narrow area along the eastern [and southern] boundary of the property, will be cleared as a natural consequence of the development approval, these mapped areas of bushfire hazard will be removed.</i></p> <p><i>With respect to the residual lands that will remain undisturbed or may be revegetated as part of the koala habitat tree off-set, this area will have a residual width of between 125 metres at it widest and 50 metres at its narrowest with an average width of fewer than 100 metres.</i></p> <p><i>It is further noted that land to the north has been substantially cleared and lands to the east and south have been developed for residential development or are separated from the site by roads etc. and as such, any potential linages of other significant areas of bushland is severely limited.</i></p> <p><i>Therefore, this corridor should be viewed as an individual vegetated corridor and one which may not become involved in vegetation fire moving at its potential maximum rate of spread and intensity before it reaches the edge of the vegetated corridor and self-extinguishes through lack of available fuel.</i></p> <p><i>If the corridor were to become involved in a vegetation fire, that fire would be ignited within the patch and as such would only have the width, as a maximum, of the corridor to gradually increase its rate of spread and intensity before it reaches the other side of the corridor and runs out of fuel.”</i></p> <p>Planning comments</p> <p>Much of the site is subject to High potential bushfire hazard, however the northern two thirds of the vegetation comprising the hazard will be removed as a part of the reconfiguration.</p> <p>Approximately 90 per cent of the proposed lots are separated from the high potential bushfire hazard areas by a proposed road. The proposed RAL reduces the size of the High potential bushfire hazard area considerably, with a consequential reduction in the amount of potential fuel in the hazard area.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	
Vehicular access (including fire fighting and emergency evacuation)	
<p>PO5</p> <p>In Medium (potential intensity) Bushfire Hazard Areas as identified on Bushfire hazard overlay map OM-004a-b,</p>	<p>AO5.1</p> <p>Development for Reconfiguring a Lot in a Medium (potential intensity) Bushfire Hazard Area as identified on Bushfire hazard</p>

<p>vehicular access is designed to mitigate against bushfire hazard by:</p> <ul style="list-style-type: none"> (a) ensuring adequate access for fire fighting and other emergency vehicles; (b) ensuring adequate access for the evacuation of residents and emergency personnel in an emergency situation, including alternative safe access routes should access in one direction be blocked in the event of a fire; (c) providing for the separation of developed areas and adjacent bushland. 	<p>overlay map OM-004a-b incorporates a perimeter road firebreak that:</p> <ul style="list-style-type: none"> (a) is located between the boundary of the lots and stands of <i>native vegetation</i>; (b) has a minimum cleared width of 20 metres; (c) has a constructed road width of 6 metres; (d) is constructed to an all weather standard. <p>AO5.2 The road design is capable of providing access for fire fighting and other emergency vehicles.</p> <p>AO5.3 In areas of Medium (potential intensity) Bushfire Hazard as identified on Bushfire hazard overlay map OM-004a-b, roads are provided in accordance with the following:</p> <ul style="list-style-type: none"> (a) Roads are designed and constructed with a maximum gradient of 12.5 percent; (b) Cul-de-sacs are not used except where: <ul style="list-style-type: none"> a. a perimeter road designed in accordance with AO5.1 isolates the development from hazardous vegetation; and b. provided with alternative access linking the cul-de-sac to other through roads; and c. the maximum length of the cul-de-sac is 200 metres. <p>OR</p> <p>AO5.4 Where it is not practicable to provide perimeter road firebreaks in accordance with AO5.1, fire maintenance trails are provided in accordance with the following:</p> <ul style="list-style-type: none"> (a) located as close as possible to the boundaries of the lot and the adjoining hazardous vegetation; (b) the minimum cleared width is not less than 6 metres; (c) the formed width is not less than 2.5 metres; (d) the formed gradient is not greater than 15 percent; (e) vehicular access is provided at both ends; (f) passing bays and turning areas are provided for fire-fighting appliances either located on public land or in an access easement that is granted in
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	favour of the Local Government and QFES.
<p>Proposal</p> <p>The Bushfire report included the following mitigation measures. <i>The following measures are recommended to be implemented to ensure appropriate bushfire protection and mitigation for the future residential dwellings within the development footprint.</i></p> <p>Access</p> <ol style="list-style-type: none"> 1. <i>provide a minimum of 2 access roadway into and out of the development footprint. We note the plan identifies an ingress and egress onto/from the extension of Bolingbroke Street West and another ingress/egress onto/from Honeywood Drive / Graham Road.</i> 2. <i>All lots are to have access to a public roadway.</i> 3. <i>Internal roadways are to comply with the State Governments Fire Hydrant and Vehicle Access Guidelines for Residential, Commercial and Industrial Lots. Qld Government, QFES.</i> 4. <i>Construct the proposed pedestrian pathway for a width of 3.5 metres and a total cleared width of 6 metres to enable its use by local QFES/EFS appliances during a bushfire event occurring within the adjacent vegetated corridor.</i> <p>Fire hydrants</p> <ol style="list-style-type: none"> 1. <i>Hydrant standpipes are to comply with Council requirements and/or Fire Hydrant and Vehicle Access Guidelines for Residential, Commercial and Industrial Lots. Qld Government, QFES. Firebreaks and Fire Trails</i> 2. <i>A 6-metre wide area along the eastern side of the internal roadway along the eastern side of the development is to be established and maintained. This area may contain a footpath or similar public access area to facilitate the improved setback of potential hazardous vegetation to the east of the development and proposed residential allotments.</i> 3. <i>We note that this setback is sufficient to respond to any future “necessary clearing” as allowed under Schedule 6, Part 2, s20A(1) and (2) of the Planning Regulation 2017.</i> <p>Building compliance</p> <p><i>All buildings within 100 metres of a bushfire prone area are required to comply with the National Construction Code and a deemed to comply is achieved with compliance with the Australian Standard AS3959. We further note that a development approval cannot make any conditions with regard to the building form and materials, however, it is recommended that following the development and as part of any future building application the status of the residual bushfire hazards be undertaken and the development will change the current bushfire hazard mapping in the State Planning Policy, Natural Hazards, Risk and Resilience Bushfire Overlay map.</i></p> <p>Planning comments</p> <p>The site layout was amended as a consequence of the information requests from Council and SARA. As a result, the second access/egress to the south had been removed.</p> <p>Five lots are proposed to back on to the vegetation. The other lots in the estate are located on the opposite side of a proposed road to the vegetation, therefore providing separation between potential fire sources and residential lots.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	

5.1.4 Overall outcome assessment

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

6.0 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.

The property is located within the priority infrastructure area under the local government infrastructure plan. The property is also located within the urban footprint for the town of Fernvale.

6.2 Water supply and sewerage networks

The subject land is located inside of the future connections area for both the Drinking water network and Wastewater network under Urban Utilities' Netserv Plan.

The applicant has proposed to connect the subdivision to the reticulated water and sewer networks.

It is recommended that the development be conditioned to provide the reticulated water and sewer network connection to each lot, and that a certificate of connection (or similar) be provided stating that the connection is available to each lot.

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

6.3 Electricity and telecommunications

The recommended conditions of approval require each lot to be connected to underground reticulated electricity and telecommunications networks, and that a certificate of connection (or similar) be provided stating that the connection is available to each lot.

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

6.4 Stormwater network

The application was accompanied by a stormwater management plan. Council officers have reviewed the stormwater management plan and have determined that it appropriately meets the standards outlined in the planning scheme and the State Planning Policy, with detailed stormwater design required at operational works stage.

Intra-allotment drainage is proposed at the rear of proposed Lots 10-17 and 19, and proposed Lots 41-48 and 39. Apart from the proposed detention basin in proposed Lot 900 and a stormwater easement within proposed Lot 7, all other stormwater infrastructure is located within road reserves.

The site is located within the urban footprint, and as such an adopted charge for the stormwater network applies.

6.5 Transport network

The proposed subdivision provides a logical continuation of the local road network within the estate that meets the local service needs of the development.

The proposal is not anticipated to result in an impact in the safety and efficiency of Council's road network. There are no upgrades recommended to the existing trunk roads (such as Fernvale Road that will connect the development to the centre of the town.

Infrastructure charges for the transport network are applicable and are as shown on the attached draft notice.

6.6 Public parks and community land network

The Local government infrastructure plan does not identify any future trunk park on the development site. The nearest indicated park, shown as OSF004 is located to the south east of the site. This park is intended to be a local park, with an area of approximately 5,000m² designed to service a local walk-up catchment.

The proposed subdivision does not provide for the identified local park. Open space has been proposed on the site to address the requirements for retention of koala habitat and vegetation offsets. Minimal recreation opportunities such as pathways may be present in the open space area that will be dedicated to Council, also including the road reserve to the south of the site, however this will not provide for a playground, open 'kickabout' area or other embellishments found within local parks.

It is considered that the provision of an augmented local park is not required, as the site is in proximity to a designated park under the LGIP.

Infrastructure charges for the parks and community land network are applicable and are as shown on the attached draft notice.

7.0 REFERRAL AGENCIES

In accordance with the *Planning Regulation 2017*, the application required referral to the State Assessment and Referral Agency (SARA) as part of the site contains koala habitat and the development comprised more than 50 lots. SARA as the concurrence agency has assessed the impact of the proposed development on these development triggers 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 2105-22442 SRA dated 30 June 2022. Refer to Attachment 4 and Schedule 4 of the recommended conditions.

SARA advised that they had no objections to the approval of the development application, subject to the imposition of development conditions. SARA's referral agency decision will be attached to Council's decision notice and a copy has been attached to this report for Council's reference.

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

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 11 July 2022.
- (b) A notice was published in the Somerset on 13 July 2022.
- (c) A notice in the prescribed form was placed on the premises on 13 July 2022 and maintained for the minimum period of 15 business days.

Council received the Notice of Compliance on 5 August 2022, confirming that the public notification had been undertaken in accordance with the requirements of the Development Assessment Rules.

During the public notification period, no submissions were received.

9.0 CONCLUSION

The proposed development is for the subdivision of land, creating a new general residential estate within the Emerging community area at Fernvale. The proposal has demonstrated a logical approach to the subdivision of the site while seeking to retain koala habitat over a portion of the property.

The proposal, subject to the changes recommended in this report, has demonstrated compliance with the relevant assessment benchmarks from the State Planning Policy and the Somerset Region Planning Scheme (Version Four), with any alternative outcomes outlined within this report.

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

10.0 ATTACHMENT

- 1.1 Plan of reconfiguration
- 1.2 Ecological and Bushfire Hazard Report
- 1.3 Traffic Impact Assessment
- 1.4 DA Engineering Report
- 1.5 Stormwater and Flood Plain Management Report
- 1.6 State Assessment and Referral Agency response
- 1.7 Draft Infrastructure Charges Notice

RECOMMENDED DECISION

1. THAT Council approves Development Application No. 19511 for Development Permit for Reconfiguring a Lot by Subdivision (one lot into 53 lots, plus new road and drainage and environmental conservation reserve) on land situated at 105 Fernvale Road, Fernvale, formally described as Lot 2 RP145375, 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		
<i>Assessment Manager</i>		
No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Proposed Reconfiguration of a Lot (1 into 53 Residential Lots plus 1 Lot for drainage and environmental conservation), Ref No 11669, Drawing No P14-01, Revision K, dated 5 July 2022. <i>Note: The above plan takes precedence over the plans in the following reports.</i>	At all times.

	Ecological and Bushfire Hazard Assessment Report, prepared by Rob Friend and Associates Pty Ltd, Revision No 3 dated February 2020 and information request response dated 16 April 2021	
	105 Fernvale Road, Traffic Impact Assessment, Project P4394 Version 002, prepared by Bitzios Consulting, dated 9 April 2021.	
	DA Engineering Report, prepared by Hunt Michel and Partners, dated 6 May 2020	
	105 Fernvale Road, Fernvale: Stormwater and Flood Plain Management Plan, prepared by Hydrology and Water Management Consulting Pty Ltd, Reference J00205R1V1, dated 15 May 2020.	
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.4	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.6	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources. Currently, the amount is set at \$41 per allotment.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.7	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.8	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
2.1	The Applicant is to complete each stage of the development in sequence in accordance with the approved plans. A Plan of Subdivision for a future stage can be lodged with Council, however Council will not endorse the Plan of Subdivision unless it is in accordance with the approved	As indicated.

	sequence.	
2.2	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.3	All works are to be designed and constructed in accordance with the requirements of Planning Scheme Policy 4 – Design Standards.	At all times.
2.4	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to Council's endorsement of the Plan of subdivision.
2.5	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> Plans and specifications must be prepared and certified with the Operational Work application. Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 	Prior to Compliance Assessment.
2.6	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	As part of Operational Works.
	OPEN SPACE/PARK/LANDSCAPING	
2.7	Dedicate Lot 900 as drainage and environmental conservation reserve. This refers to both the area along the gully and area of the detention basin.	Prior to Council's endorsement of the Plan of subdivision for Stage 1.
2.8	The developer must submit a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below: <ul style="list-style-type: none"> Comply with the Somerset Planning Scheme Policy 4 – Design Standards and Schedule 12A of the <i>Planning Regulation 2017</i> (including street trees). To enhance the appearance of the development internally and externally. To make a positive contribution to the streetscape; To screen unsightly objects from public view; 	As part of Operational works for Landscaping Works.

	<ul style="list-style-type: none"> • To contribute to an environment by providing shade to reduce glare, heat absorption and radiation; • To ensure common areas are useable; • To provide long term erosion protection; • To integrate with existing vegetation and other natural features of the site and adjoining lands; and • To provide adequate vehicle sightlines and road safety. <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> • The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site; • The number and size of plants; • The typical planting detail including preparation, backfill, staking and mulching. • The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved by Council. • All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period. • 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. • A minimum of 70% of landscaped areas must be retained as a permeable surface. • Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times. 	
2.9	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
2.10	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 Council's endorsement of the Plan of subdivision.
	GENERAL SERVICES	
2.11	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to Council's endorsement of the Plan of subdivision for each stage.

2.12	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.13	Electricity/telecommunication/water supply/sewer drawings must be co-ordinated with the civil engineering design details, to ensure that service clashes are avoided.	Prior to Council's endorsement of the Plan of subdivision.
2.14	Install hydrant and valve location indicators and where serviced by kerb and channel, place brass markers in the kerb line at each service crossing. (Water, Sewer, Electricity and telecommunications)	Prior to request for endorsement of each stage of the Plan of Subdivision.
EARTHWORKS		
2.15	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times.
2.16	Rehabilitation of dam sites, including methods of construction, management and supervision is to ensure that the site will be suitable for the proposed use. Test results as required and a certificate of quality and uniformity is to be provided by a Registered Professional Engineer Queensland (RPEQ).	Prior to Council's endorsement of the Plan of subdivision.
2.17	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.18	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.
2.19	All dams that are across proposed lot boundaries shall be removed.	Prior to Council's endorsement for the relevant stage of the Plan of subdivision.
ROADWORKS		
2.20	Install all traffic signs and line markings in accordance with <i>Austroads Guidelines</i>	Prior to Council's endorsement of the Plan of subdivision.
2.21	Road reserve and carriageway widths to be in accordance with Planning Scheme Policy 4 – Design Standards.	Prior to Council's endorsement of the Plan of subdivision.
2.22	All works on or adjacent to roadways must be adequately	Prior to

	signed in accordance with the “ <i>Austrroads Guide to Temporary Traffic Management</i> ”. Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	commencement of and during construction of works.
2.23	Provide 6m x 3 chord truncations on property boundaries at all road intersections. Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to Council's endorsement of the Plan of subdivision.
2.24	Provide a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	As part of Operational Works for Stages 1 and 2.
2.25	Provide verge and access in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
2.26	All roads proposed as part of this development are to be constructed to provide in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works
STREET NAMES		
2.27	Submit a list of road names for all new roads, along with the reasons for selecting such names, for the road names to be considered and approved by Council. The proponent is responsible for the cost of road signs and installation. Street nameplates are to comply with Council's standards.	As part of Operational Works application.
KERB AND CHANNEL		
2.28	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
FOOTPATHS		
2.29	Provide a concrete footpath with a width of 1.5 metres, for the full frontage of the site of the development and internal roads in accordance with Somerset Regional Council Planning Scheme.	As part of Operational Works.
2.30	Provide a concrete footpath with a width of 1.5 metres, along the southern side of Bolingbroke Street between the eastern boundary of Lot 2 RP145375 and Honeywood Drive.	As part of Operational Works.
STREET LIGHTING		
2.31	Install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows:	As part of Operational Works.

	<p>v) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5</p> <p>vi) Collector Roads – Lighting Category P4.</p> <p>Install all street lighting on the same side as footpaths, where applicable.</p> <p>Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).</p>	
	VEHICLE ACCESS	
2.32	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with Planning Scheme Policy 4 – Design Standards.	At all times.
2.33	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.
	EASEMENTS	
2.34	<p>Dedicate land subject to flooding during a 1% Average Exceedance Probability (AEP) flood event as an easement for drainage purposes.</p> <p>The easement is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council's Solicitor shall prepare all documentation.</p>	Prior to Council's endorsement of the Plan of subdivision.
2.35	<p>Provide an easement over stormwater and inter-allotment drainage located within private property.</p> <p>The easement widths may vary but must extend to include the flood paths for the Q100 flood flows including provisions for freeboard and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with Queensland Urban Drainage Manual (QUDM). The easement is to be dedicated at no cost to Council.</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> <p>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property.</p>	Prior to Council's endorsement of Stage 2 of the Plan of subdivision.
	STORMWATER	
2.36	Ensure Stormwater drainage is delivered to a lawful point of	At all times.

	discharge	
2.37	Stormwater drainage and flows are to have a no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.38	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
2.39	Attenuate the difference between pre and post developed flows.	As part of Operational Works.
2.40	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works.
2.41	Fill, compact and grade all low lying land being subdivided to ensure each allotment is drained adequately by gravitation to the drainage system within the proposed development.	Prior to Council's endorsement of the Plan of subdivision.
2.42	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and Council standards.	As part of Operational Works.
2.43	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site. <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works.
2.44	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 Regional Council Planning Scheme</i> . The SBSMP should include the following: <ul style="list-style-type: none"> • Quantity and quality of stormwater to be released from the development; • All sources of potential contamination (including but not limited to the actual and potential release of all contaminants; • The potential impact of these sources; • Impact of the release of stormwater from the development on the quality and integrity of the receiving environment; • Measures to be implemented to prevent the likelihood of stormwater contamination; and • Maintenance schedule. 	As part of the lodgement of the Operational Works application.

2.45	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.	As part of Operational Works.
2.46	<p>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:</p> <p>(a) uncontaminated overland stormwater flow; or</p> <p>(b) uncontaminated stormwater to the stormwater system.</p>	At all times.
EROSION AND SEDIMENT CONTROL		
2.47	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
2.48	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.
2.49	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.
2.50	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.

2.51	Where vegetation is removed, the vegetation waste shall be disposed of by: i) Milling; ii) Chipping and/or mulching iii) Disposal at an approved waste disposal facility. No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.	At all times.
2.52	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.
2.53	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.	As part of Operational Works.

SCHEDULE 3 - REFERRAL AGENCY CONDITIONS

Referral agency response given under section 56 of the *Planning Act 2016*

Pursuant to section 62 of the *Planning Act 2016*, the assessment manager must, other than to the extent a referral agency's response provides advice, comply with all referral agencies' responses and include conditions exactly as stated in the response. The following referral agency responses have been received and are attached to the Decision Notice.

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.

3.1	Comply with the requirements of the referral agency response 2105-22442 SRA dated 30 June 2022 or as amended.	As indicated in the attached referral agency response.
3.2	Provide certification to Council from a suitably qualified person or the relevant agency demonstrating that the requirements of the referral agency response have been met.	Prior to request for endorsement of the Plan of Subdivision.

SCHEDULE 4 – ADVICE

Assessment Manager

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

Currency Period - Pursuant to section 85 of the *Planning Act 2016* the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.

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

The <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 works necessitated by the conditions contained in this approval.
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.
Upon receiving the certification by a RPEQ, and submission and approval of as constructed drawings and documentation, Council will accept the works as "On Maintenance".
Council will bond the developer for an amount equal to 5% of the operational works and the Developer is required to maintain all works for a period of 12 months for civil works and 18 months for landscaping (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.
At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.
The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants
The Applicant has the Right of Appeal to the Planning and Environment Court regarding the conditions of this approval.
Should the Applicant notify Council in writing that the conditions of approval are accepted without dispute and that the right of appeal to the Court will not be exercised, the Decision Notice may be taken to be the development permit.

Attachments for the Decision Notice include:

- Proposed Reconfiguration of a Lot (1 into 53 Residential Lots plus 1 Lot for drainage and environmental conservation), Ref No 11669, Drawing No P14-01, Revision K, dated 5 July 2022.
- Ecological and Bushfire Hazard Assessment Report, prepared by Rob Friend and Associates Pty Ltd, Revision No 3 dated February 2020 and information request response dated 16 April 2021

- 105 Fernvale Road, Traffic Impact Assessment, Project P4394 Version 002, prepared by Bitzios Consulting, dated 9 April 2021.
- DA Engineering Report, prepared by Hunt Michel and Partners, dated 6 May 2020
- 105 Fernvale Road, Fernvale: Stormwater and Flood Plain Management Plan, prepared by Hydrology and Water Management Consulting Pty Ltd, Reference J00205R1V1, dated 15 May 2020.
- SARA response, reference 2105-22442, dated 30 June 2022

Resolution:

Moved –Cr Whalley

Seconded – Cr Isidro

1. THAT Council approves Development Application No. 19511 for Development Permit for Reconfiguring a Lot by Subdivision (one lot into 53 lots, plus new road and drainage and environmental conservation reserve) on land situated at 105 Fernvale Road, Fernvale, formally described as Lot 2 RP145375, 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.
	Proposed Reconfiguration of a Lot (1 into 53 Residential Lots plus 1 Lot for drainage and environmental conservation), Ref No 11669, Drawing No P14-01, Revision K, dated 5 July 2022.	
	<i>Note: The above plan takes precedence over the plans in the following reports.</i>	
	Ecological and Bushfire Hazard Assessment Report, prepared by Rob Friend and Associates Pty Ltd, Revision No 3 dated February 2020 and information request response dated 16 April 2021	
	105 Fernvale Road, Traffic Impact Assessment, Project P4394 Version 002, prepared by Bitzios Consulting, dated 9 April 2021.	
	DA Engineering Report, prepared by Hunt Michel and Partners, dated 6 May 2020	
	105 Fernvale Road, Fernvale: Stormwater and Flood Plain Management Plan, prepared by Hydrology and Water Management Consulting Pty Ltd, Reference J00205R1V1, dated 15 May 2020.	
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.

1.4	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.6	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources. Currently, the amount is set at \$41 per allotment.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.7	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.8	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
2.1	The Applicant is to complete each stage of the development in sequence in accordance with the approved plans. A Plan of Subdivision for a future stage can be lodged with Council, however Council will not endorse the Plan of Subdivision unless it is in accordance with the approved sequence.	As indicated.
2.2	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.3	All works are to be designed and constructed in accordance with the requirements of Planning Scheme Policy 4 – Design Standards.	At all times.
2.4	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to Council's endorsement of the Plan of subdivision.
2.5	It is required that the design and construction of civil	Prior to Compliance

	<p>components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including:</p> <ul style="list-style-type: none"> Plans and specifications must be prepared and certified with the Operational Work application. Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 	Assessment.
2.6	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	As part of Operational Works.
	OPEN SPACE/PARK/LANDSCAPING	
2.7	Dedicate Lot 900 as drainage and environmental conservation reserve. This refers to both the area along the gully and area of the detention basin.	Prior to Council's endorsement of the Plan of subdivision for Stage 1.
2.8	<p>The developer must submit a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below:</p> <ul style="list-style-type: none"> Comply with the Somerset Planning Scheme Policy 4 – Design Standards and Schedule 12A of the <i>Planning Regulation 2017</i> (including street trees). To enhance the appearance of the development internally and externally. To make a positive contribution to the streetscape; To screen unsightly objects from public view; To contribute to an environment by providing shade to reduce glare, heat absorption and radiation; To ensure common areas are useable; To provide long term erosion protection; To integrate with existing vegetation and other natural features of the site and adjoining lands; and To provide adequate vehicle sightlines and road safety. <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site; The number and size of plants; The typical planting detail including preparation, backfill, staking and mulching. 	As part of Operational works for Landscaping Works.

	<ul style="list-style-type: none"> The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved by Council. All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period. 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. A minimum of 70% of landscaped areas must be retained as a permeable surface. Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times. 	
2.9	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
2.10	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 Council's endorsement of the Plan of subdivision.
	GENERAL SERVICES	
2.11	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.12	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.13	Electricity/telecommunication/water supply/sewer drawings must be co-ordinated with the civil engineering design details, to ensure that service clashes are avoided.	Prior to Council's endorsement of the Plan of subdivision.
2.14	Install hydrant and valve location indicators and where serviced by kerb and channel, place brass markers in the kerb line at each service crossing. (Water, Sewer, Electricity and telecommunications)	Prior to request for endorsement of each stage of the Plan of Subdivision.
	EARTHWORKS	
2.15	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and	At all times.

	tested by a suitably qualified inspection and testing organisation.	
2.16	Rehabilitation of dam sites, including methods of construction, management and supervision is to ensure that the site will be suitable for the proposed use. Test results as required and a certificate of quality and uniformity is to be provided by a Registered Professional Engineer Queensland (RPEQ).	Prior to Council's endorsement of the Plan of subdivision.
2.17	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.18	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.
2.19	All dams that are across proposed lot boundaries shall be removed.	Prior to Council's endorsement for the relevant stage of the Plan of subdivision.
ROADWORKS		
2.20	Install all traffic signs and line markings in accordance with <i>Austrroads Guidelines</i>	Prior to Council's endorsement of the Plan of subdivision.
2.21	Road reserve and carriageway widths to be in accordance with Planning Scheme Policy 4 – Design Standards.	Prior to Council's endorsement of the Plan of subdivision.
2.22	All works on or adjacent to roadways must be adequately signed in accordance with the " <i>Austrroads Guide to Temporary Traffic Management</i> ". Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works.
2.23	Provide 6m x 3 chord truncations on property boundaries at all road intersections. Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to Council's endorsement of the Plan of subdivision.
2.24	Provide a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	As part of Operational Works for Stages 1 and 2.
2.25	Provide verge and access in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.

2.26	All roads proposed as part of this development are to be constructed to provide in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works
	STREET NAMES	
2.27	Submit a list of road names for all new roads, along with the reasons for selecting such names, for the road names to be considered and approved by Council. The proponent is responsible for the cost of road signs and installation. Street nameplates are to comply with Council's standards.	As part of Operational Works application.
	KERB AND CHANNEL	
2.28	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
	FOOTPATHS	
2.29	Provide a concrete footpath with a width of 1.5 metres, for the full frontage of the site of the development and internal roads in accordance with Somerset Regional Council Planning Scheme.	As part of Operational Works.
2.30	Provide a concrete footpath with a width of 1.5 metres, along the southern side of Bolingbroke Street between the eastern boundary of Lot 2 RP145375 and Honeywood Drive.	As part of Operational Works.
	STREET LIGHTING	
2.31	Install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows: vii) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5 viii) Collector Roads – Lighting Category P4. Install all street lighting on the same side as footpaths, where applicable. Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).	As part of Operational Works.
	VEHICLE ACCESS	
2.32	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with Planning Scheme Policy 4 – Design Standards.	At all times.
2.33	The landowner is responsible for construction and	At all times.

	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.	
	EASEMENTS	
2.34	<p>Dedicate land subject to flooding during a 1% Average Exceedance Probability (AEP) flood event as an easement for drainage purposes.</p> <p>The easement is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council's Solicitor shall prepare all documentation.</p>	Prior to Council's endorsement of the Plan of subdivision.
2.35	<p>Provide an easement over stormwater and inter-allotment drainage located within private property.</p> <p>The easement widths may vary but must extend to include the flood paths for the Q100 flood flows including provisions for freeboard and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with Queensland Urban Drainage Manual (QUDM). The easement is to be dedicated at no cost to Council.</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> <p>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property.</p>	Prior to Council's endorsement of Stage 2 of the Plan of subdivision.
	STORMWATER	
2.36	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.37	Stormwater drainage and flows are to have a no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.38	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
2.39	Attenuate the difference between pre and post developed flows.	As part of Operational Works.
2.40	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works.

2.41	Fill, compact and grade all low lying land being subdivided to ensure each allotment is drained adequately by gravitation to the drainage system within the proposed development.	Prior to Council's endorsement of the Plan of subdivision.
2.42	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and Council standards.	As part of Operational Works.
2.43	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site. <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works.
2.44	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 Regional Council Planning Scheme</i> . The SBSMP should include the following: <ul style="list-style-type: none"> • Quantity and quality of stormwater to be released from the development; • All sources of potential contamination (including but not limited to the actual and potential release of all contaminants; • The potential impact of these sources; • Impact of the release of stormwater from the development on the quality and integrity of the receiving environment; • Measures to be implemented to prevent the likelihood of stormwater contamination; and • Maintenance schedule. 	As part of the lodgement of the Operational Works application.
2.45	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.	As part of Operational Works.
2.46	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: <ul style="list-style-type: none"> (a) uncontaminated overland stormwater flow; or (b) uncontaminated stormwater to the stormwater system. 	At all times.
EROSION AND SEDIMENT CONTROL		
2.47	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's	At all times.

	<p>satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	
2.48	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.
2.49	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.
2.50	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.
2.51	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> iv) Milling; v) Chipping and/or mulching vi) Disposal at an approved waste disposal facility. <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times.
2.52	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.
2.53	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.	As part of Operational Works.

SCHEDULE 3 - REFERRAL AGENCY CONDITIONS		
Referral agency response given under section 56 of the <i>Planning Act 2016</i>		
Pursuant to section 62 of the <i>Planning Act 2016</i> , the assessment manager must, other than to the extent a referral agency's response provides advice, comply with all referral agencies' responses and include conditions exactly as stated in the response. The following referral agency responses have been received and are attached to the Decision Notice.		
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.		
3.1	Comply with the requirements of the referral agency response 2105-22442 SRA dated 30 June 2022 or as amended.	As indicated in the attached referral agency response.
3.2	Provide certification to Council from a suitably qualified person or the relevant agency demonstrating that the requirements of the referral agency response have been met.	Prior to request for endorsement of the Plan of Subdivision.
SCHEDULE 4 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.		
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.		

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

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

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

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

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

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

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

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

Carried

Vote - Unanimous

Subject:	Temporary Entertainment Event – Kilcoy Cow Horse Club Pty Ltd – Birthday Bonanza
File:	Environmental Management/Reports/Environmental Health Reports
Action Officer:	EHO-DB

Background/Summary

Council has received a temporary entertainment event application (Ref: 1425457, 1429893) to conduct a camp draft and bull ride event located at Lot 9 SP294669, 1550 Neurum Road, Mount Archer. The proposed event is called "Birthday Bonanza" and will involve a camp draft, bull ride, rides and bouncing castle and live music, with camping onsite to be provided.

The event is proposed to be operated on Saturday 1 October 2022 from 8am until 11:30 pm. The applicant has advised that the expected attendance rate at the event is 1,500 patrons and staff.

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

Assessment of Application

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

Criteria – LL, section 9(1)(a)	If the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme - the separate approval has been granted; and
Officer Comment	<p>The applicant is required to apply to the Office of Liquor and Gaming Regulation for a liquor licence. Council would require the applicant to provide a copy of the liquor licence prior to the event.</p> <p>Council's planning and development section has advised that no development approval is required for the proposed event.</p>
Criteria – LL, section 9(1)(b)	The proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
Officer Comment	<p>The applicant has provided an event management plan for the event detailing provisions for public safety and environmental harm.</p> <p>The applicant has advised that an ambulance with appropriate qualifications to attend to any incidents that occur will be available onsite from 8am to 8pm. Emergency access will be through the side entrance to the property. All security staff will be briefed upon starting their shift as to what will happen if there is a medical emergency. There will be a qualified first aid officer at the main office throughout the day and night, until close at 11.30pm.</p> <p>The applicant will provide 15 security staff throughout the day, who will be patrolling the campsites until 2am. The applicant will have security starting when the event opens to check all cars for alcohol (as they are not allowed to bring their own). At 6pm security will be increased, especially in the bar area to handle the influx of drinking patrons.</p>
Criteria – LL, section 9(1)(c)	If the prescribed activity is the commercial use of a local government controlled area or road - the grant of the approval is consistent with the objective of the local government of restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy an unfair commercial advantage over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid, and to which planning and other regulatory legislation applies;
Officer Comment	Not applicable.
Criteria – LL, section 9(1)(d)	The proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and

Officer Comment	<i>Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011</i> prescribes criteria for the proposed activity. An assessment against that criterion is provided below.
Criteria – LL, section 9(1)(e)	The grant of the approval would be consistent with the purpose of any relevant local law; and
Officer Comment	The approval would be generally consistent with Council's Local Laws.
Criteria – LL, section 9(1)(f)	If the application relates to trust land - the grant of the approval would be consistent with the terms and conditions of the trust; and
Officer Comment	The event will be held on freehold land.
Criteria – LL, section 9(1)(g)	If the application relates to a prescribed activity mentioned in section 5(b) - the grant of the approval would be consistent with any requirements or criteria specified in the relevant <i>Local Government Act</i> in relation to the approval.
Officer Comment	Not applicable.
Criteria – SLL, section 4(1)	The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place.
Officer Comment	The applicant has provided an event management plan for the event detailing provisions for public safety.
Criteria – SLL, section 4(2)	Entertainment provided at the place must not unreasonably detract from the amenity of the area in which the entertainment is, or is proposed to be, situated.
Officer Comment	It is unlikely that the event will unreasonably detract for the amenity of the area.
Criteria – SLL, section 4(3)	Entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.
Officer Comment	The applicant has provided an event management plan for the event detailing provisions for public safety and environmental harm. Noise from the activity will be regulated by the Office of Liquor and Gaming Regulation and environmental nuisance can be appropriately conditioned if the event is approved.
Criteria – SLL, section 4(4)	There must be enough toilets and sanitary conveniences provided for the event.
Officer Comment	The applicant has provided 31 unisex toilets, 24 urinals, 3 accessible toilets. The number of toilets required to be provided will be a condition should Council decide to grant an approval.
Criteria – SLL, section 4(5)	Adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event.

Officer Comment	An adequate number of waste bins are proposed for the event and must be serviced by an appropriately licensed waste transporter.
Criteria – SLL, section 4(6)	Adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event.
Officer Comment	Council's Operations Department has provided the following advice in relation to this event that the vehicular traffic is not expected to be inconvenienced by the event. The applicant will be required to submit a traffic management plan to Council for approval prior to the event.

Discussion

Council has not received the following:

- A copy of a liquor licence to cover the event.
- A copy of a National Rodeo Association Insurance certificate that covers the event
- A copy of the insurance certificates covering the various amusement rides that will attend the event

The applicant has advised that the outstanding items will be provided to Council prior to the event. Provision of these items would also be required as part of the conditions of approval.

Attachment

- Site plans

Recommendation

That Council approve the application subject to the conditions listed below:

No.	CONDITION
1.0	ENVIRONMENTAL/ LOCAL LAW
1.1	The approval holder must provide Somerset Regional Council with a copy of a liquor licence that covers the event by no later than 26 September 2022.
1.2	The approval holder must provide Somerset Regional Council with a copy of a National Rodeo Association Insurance Certificate that covers the event by no later than 26 September 2022.
1.3	The approval holder must provide Somerset Regional Council with a copy of the insurance certificates covering any amusement rides attending the event by no later than 26 September 2022.
1.4	The approval holder must, by no later than 26 September 2022 provide Somerset Regional Council with a copy of a public liability insurance certificate of currency for a minimum of \$20 million dollars and must note Somerset Regional Council as an interested party.
1.5	A Traffic Management Plan (TMP) with Traffic Guidance Schemes (TGS), signed off by an accredited competent person, in accordance with Austroads Guide to Traffic Management is to be provided to Council by no later than 26 September 2022.
1.6	The approval holder must: <ul style="list-style-type: none"> • Display the approval in the manner, and at the locations, specified by the local government; and • Produce the approval for inspection by an authorised person on demand.
1.7	The operation of the temporary entertainment event must not unreasonably detract from the amenity of the area in which the place is located.

1.8	The temporary entertainment event is limited to the operation of Camp draft, Bull Ride and music with parking located on Lot 9 SP294669, between the hours of 8am until 11:30pm on Saturday 1 October 2022.
1.9	The approval holder must provide the following number of toilets and sanitary conveniences: Event location: Males: 9 toilets, 15 urinals and 7 hand basins. Females: 18 toilets and 7 hand basins. Unisex: 1 disabled toilet
1.10	The approval holder must provide at least 27 x 240L general waste bins, 31 recycle bins and 4 skip bins that are to be serviced by an appropriately licensed waste contractor.
1.11	The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the business.
1.12	The permit holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval. “Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.
1.13	The temporary entertainment event must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> .
1.14	The approval holder must submit to Council, within 14 days of the event, a Post Event Report detailing: <ul style="list-style-type: none"> • Total number of paying attendees, artists and staff; • Any incidents during the event relating to public health and safety and the outcomes of those incidents; • Any incidents during or associated with the event where the Queensland Police Service, Queensland Ambulance Service or Queensland Fire and Emergency Services assistance was required, and the outcomes of those incidents.
1.15	The activity must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken.
1.16	The approval holder must provide appropriate lighting in all areas of the temporary entertainment event including the proposed parking area.
1.17	All buildings, structures, vehicles, facilities or equipment used in the operation of the temporary entertainment event must be maintained at all times: <ul style="list-style-type: none"> • In good working order. • In good state of repair. • In a clean and sanitary condition.
1.18	Ensure that a food licence issued under the <i>Food Act 2006</i> is obtained (to the extent that it is required) by any entities selling food at the event.
1.19	The approval holder must conduct an ‘emu parade’ of the parking area and surrounding roads around the event site to remove any accumulated litter the day following the event.

Resolution:

Moved –Cr Gaedtke

Seconded – Cr Brieschke

That Council approve the application subject to the conditions listed below:

No.	CONDITION
1.0	ENVIRONMENTAL/ LOCAL LAW
1.1	The approval holder must provide Somerset Regional Council with a copy of a liquor licence that covers the event by no later than 26 September 2022.
1.2	The approval holder must provide Somerset Regional Council with a copy of a National Rodeo Association Insurance Certificate that covers the event by no later than 26 September 2022.
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1.4	The approval holder must, by no later than 26 September 2022 provide Somerset Regional Council with a copy of a public liability insurance certificate of currency for a minimum of \$20 million dollars and must note Somerset Regional Council as an interested party.
1.5	A Traffic Management Plan (TMP) with Traffic Guidance Schemes (TGS), signed off by an accredited competent person, in accordance with Austroads Guide to Traffic Management is to be provided to Council by no later than 26 September 2022.
1.6	The approval holder must: <ul style="list-style-type: none"> • Display the approval in the manner, and at the locations, specified by the local government; and • Produce the approval for inspection by an authorised person on demand.
1.7	The operation of the temporary entertainment event must not unreasonably detract from the amenity of the area in which the place is located.
1.8	The temporary entertainment event is limited to the operation of Camp draft, Bull Ride and music with parking located on Lot 9 SP294669, between the hours of 8am until 11:30pm on Saturday 1 October 2022.
1.9	The approval holder must provide the following number of toilets and sanitary conveniences: Event location: Males: 9 toilets, 15 urinals and 7 hand basins. Females: 18 toilets and 7 hand basins. Unisex: 1 disabled toilet
1.10	The approval holder must provide at least 27 x 240L general waste bins, 31 recycle bins and 4 skip bins that are to be serviced by an appropriately licensed waste contractor.
1.11	The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the business.
1.12	The permit holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval. “Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss

	of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.
1.13	The temporary entertainment event must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> .
1.14	The approval holder must submit to Council, within 14 days of the event, a Post Event Report detailing: <ul style="list-style-type: none"> • Total number of paying attendees, artists and staff; • Any incidents during the event relating to public health and safety and the outcomes of those incidents; • Any incidents during or associated with the event where the Queensland Police Service, Queensland Ambulance Service or Queensland Fire and Emergency Services assistance was required, and the outcomes of those incidents.
1.15	The activity must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken.
1.16	The approval holder must provide appropriate lighting in all areas of the temporary entertainment event including the proposed parking area.
1.17	All buildings, structures, vehicles, facilities or equipment used in the operation of the temporary entertainment event must be maintained at all times: <ul style="list-style-type: none"> • In good working order. • In good state of repair. • In a clean and sanitary condition.
1.18	Ensure that a food licence issued under the <i>Food Act 2006</i> is obtained (to the extent that it is required) by any entities selling food at the event.
1.19	The approval holder must conduct an 'emu parade' of the parking area and surrounding roads around the event site to remove any accumulated litter the day following the event. <i>Carried</i> <i>Vote - Unanimous</i>

Subject: Somerset Economic Development Strategy – Draft for consultation
File Ref: Planning and Development \ Economic Development Strategy
Action Officer: DPAD

Background/Summary

Somerset Regional Council has engaged consultants, Lucid Economics, to assist developing a new Economic Development Strategy.

The project commenced in early 2022 and included a detailed economic and industry analysis, background reports and preliminary stakeholder engagement through several meetings, interviews and briefings, including workshops with Somerset Regional Council's Economic Development and Tourism Advisory Committee (EDTAC).

Council's EDTAC is made up of 22 representatives from Council, industry and the community in accordance with Section 264 of the *Local Government Regulation 2012*. The purpose of the committee is to bring together community and industry representatives to engage with Council on economic development and tourism issues and opportunities within the Somerset region.

Council now seeks broader community input on the *Draft Economic Development Strategy* titled *Our Next Horizon*. It is proposed for public consultation to be undertaken via Council's 'Have your say' engagement platform from Monday 26 September 2022 until Monday 17 October 2022.

Attachments

Attachment 1 – *Somerset Economic Development Strategy – Our Next Horizon – Draft*

Recommendation

THAT Council approve public consultation on the Draft *Somerset Economic Development Strategy – The Next Horizon* from Monday 26 September 2022 until Monday 17 October 2022

Resolution:

Moved –Cr Wendt

Seconded – Cr Brieschke

"THAT Council approve public consultation on the Draft *Somerset Economic Development Strategy – The Next Horizon* from Monday 26 September 2022 until Monday 17 October 2022"

Carried

Vote - Unanimous

Subject:	Economic Development and Tourism Advisory Committee Report
File Ref:	2020-2024 Economic Development and Tourism Committee
Action Officer:	EAD

Background/Summary

A meeting of the Somerset Regional Council Economic Development and Tourism Advisory Committee was held on Tuesday, 16 August 2022.

Attachments

Attachment 1 - Meeting Report Somerset Regional Council Economic Development and Tourism Advisory Committee.

Recommendation

THAT Council receive the Economic Development and Tourism Advisory Committee report of 16 August 2022 and the contents be noted.

Resolution:

Moved –Cr Wendt

Seconded – Cr Brieschke

"THAT Council receive the Economic Development and Tourism Advisory Committee report of 16 August 2022 and the contents be noted. "

Vote - Unanimous

Carried

Declarable Conflict of interest Cr Isidro – Agenda Item 15

I inform this meeting that I have a declarable conflict of interest in the following matters as defined by section 150EN of the Local Government Act 2009.

The nature of my interest is as follows -

This declarable conflict of interest arises because a person who is a related party of mine has an interest in this matter.

Particulars -

- (i) Name of related parties: Tony Lukritz
- (ii) The nature of my relationship with this related party is that Tony Lukritz is my brother
- (iii) The nature of the related party's interest in this matter is that my brother is the Manager at Zanows Quarries

I wish to participate in the decision in relation to this matter for the following reason:

The interest is considered to be sufficiently remote so as not to unduly influence my impartiality.

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

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

Resolution:

Moved –Cr Whalley

Seconded – Cr Gaedtke

“THAT Cr Isidro is not required to leave the meeting and may remain and participate and vote on this matter by reason of the interest is considered to be sufficiently remote as to unduly influence her impartiality allowing her to exercise her vote in the public interest.”

Carried

Vote - Unanimous

Subject:	Application for rebate of rates – England Creek Road – extractive
File Ref:	Rate classifications 2022 - 2023 - categorisations
Action Officer:	DFIN

Background/Summary

An email has been received from a property owner requesting a rebate of rates similar to that provided in prior years. While the property concerned has been correctly categorised for

rating purposes as being approved and developed for extraction, the property owner has previously advised that the only extractive industry activity on the property is rehabilitation of the land. The property owner has confirmed that no income is received by the property owner from the quarry. The property owner has confirmed that he will obtain written confirmation from the new operator of the Fernvale quarry to clarify that the intentions of the new operator are unchanged from the previous operator – that is, to only use the property for rehabilitation purposes.



The recommendation below proposes, conditional upon receipt of a statement from the new operator about the new operator's intentions:

- A reduction in the general rate for the current half year as requested
- No rebate in the extractive industry inspection levy for the current half year. Charging the levy will allow Council officers to monitor activities on the property including rehabilitation to ensure that conditions imposed are being met.
- Provided Council does not become aware of any extraction occurring on the property, a further reduction in the general rate for the period January to June 2023 is recommended along with a rebate of the extractive industry inspection levy for this

period.

Attachments

Nil

Recommendation

- 1) THAT a conditional rebate of rates and charges be given to the owner of Lot 1 RP28857 assessment 02352-80000-000 for the period 1 July 2022 to 31 December 2022 equal to the difference between the net general rates charged for the property on the rate notice issued 23 August 2022 and the net amount that would have been payable if the property had been categorised in rating category 2 because the payment of the rates or charges would cause hardship to the land owner on the condition that evidence satisfactory to the Chief Executive Officer is received from the new site operator that its intended use of the land and the only extractive activity that will occur on the property is rehabilitation of the land and minor stockpiling.
- 2) THAT no rebate in the extractive industries inspection levy on Lot 1 RP28857 assessment 02352-80000-000 be granted for the period 1 July 2022 to 31 December 2022.
- 3) THAT provided extraction of materials on the property does not occur prior to 1 February 2023, a rebate of rates and charges be given to the owner of Lot 1 RP28857 assessment 02352-80000-000 for the period 1 January 2023 to 30 June 2023 of the same amount as the 2022 rebate plus the amount of the half yearly extractive industry inspection levy because the payment of the rates or charges would cause hardship to the land owner.

Resolution:

Moved –Cr Brieschke

Seconded – Cr Wendt

- 1) THAT a conditional rebate of rates and charges be given to the owner of Lot 1 RP28857 assessment 02352-80000-000 for the period 1 July 2022 to 31 December 2022 equal to the difference between the net general rates charged for the property on the rate notice issued 23 August 2022 and the net amount that would have been payable if the property had been categorised in rating category 2 because the payment of the rates or charges would cause hardship to the land owner on the condition that evidence satisfactory to the Chief Executive Officer is received from the new site operator that its intended use of the land and the only extractive activity that will occur on the property is rehabilitation of the land and minor stockpiling.
- 2) THAT no rebate in the extractive industries inspection levy on Lot 1 RP28857 assessment 02352-80000-000 be granted for the period 1 July 2022 to 31 December 2022.
- 3) THAT provided extraction of materials on the property does not occur prior to 1 February 2023, a rebate of rates and charges be given to the owner of Lot 1 RP28857 assessment 02352-80000-000 for the period 1 January 2023 to 30 June 2023 of the same amount as the 2022 rebate plus the amount of the half yearly extractive industry inspection levy because the payment of the rates or charges would cause hardship to the land owner."

Carried

Vote - Unanimous

Subject: Fraud management policy review
File Ref: Policy review
Action Officer: DFIN

Background/Summary

A review of the fraud management policy has been conducted.

The policy quotes former subsection 15 (2) of the *Crime and Corruption Act 2001* which has been changed and it is recommended that quoted section this be deleted from the policy.

The policy requires “Council will conduct criminal history checks on all staff every five years commencing June 2016. Council will assess the results of criminal history checks against the requirements of each position.”

It is understood that while criminal history checks have been conducted for 59% of all employees including 100% of new employees, all required checks within the five year period have not been completed and it is recommended that additional time be allowed for this purpose going forward to match available resources.

Attachments

Fraud management policy F011

Recommendation

- 1) THAT the following text be deleted from the Fraud Management Policy F011:
“(2) Without limiting subsection (1), conduct that involves any of the following could be corrupt conduct under subsection (1)— (a) abuse of public office; (b) bribery, including bribery relating to an election; (c) extortion; (d) obtaining or offering a secret commission; (e) fraud; (f) stealing; (g) forgery; (h) perverting the course of justice; (i) an offence relating to an electoral donation; (j) loss of revenue of the State; (k) sedition; (l) homicide, serious assault or assault occasioning bodily harm or grievous bodily harm; (m) obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person; (n) illegal drug trafficking; (o) illegal gambling.”
- 2) THAT the reference to “five years” in the following text in the Fraud Management Policy F011 be changed to “eight years”:
“Council will conduct criminal history checks on all staff every five years commencing June 2016. Council will assess the results of criminal history checks against the requirements of each position.”

Resolution:

Moved –Cr Gaedtke

Seconded – Cr Whalley

- 1) THAT the following text be deleted from the Fraud Management Policy F011:
“(2) Without limiting subsection (1), conduct that involves any of the following could be corrupt conduct under subsection (1)— (a) abuse of public office; (b) bribery, including bribery relating to an election; (c) extortion; (d) obtaining or offering a secret commission; (e) fraud; (f)

stealing; (g) forgery; (h) perverting the course of justice; (i) an offence relating to an electoral donation; (j) loss of revenue of the State; (k) sedition; (l) homicide, serious assault or assault occasioning bodily harm or grievous bodily harm; (m) obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person; (n) illegal drug trafficking; (o) illegal gambling.”

- 2) THAT the reference to “five years” in the following text in the Fraud Management Policy F011 be changed to “eight years”:
“Council will conduct criminal history checks on all staff every five years commencing June 2016. Council will assess the results of criminal history checks against the requirements of each position”

Carried

Vote - Unanimous

Subject:	Procurement policy review
File Ref:	Internal audit
Action Officer:	DFIN

Background/Summary

An extract of the internal audit report of March 2022 about contract management, budgeting process and stores management is attached containing sections 3.1, 3.2, 3.3 and 3.6.

Amendments are recommended to the procurement policy as follows:

- Addition of contract management responsibility text consistent with the management response to internal audit for sections 3.1, 3.2 and 3.3. (new section O) Council has included in FY2023 budget appendix C, funds of \$25,000 to allow for the engagement of a consultant to develop and implement a contractor management framework to further address internal audit concerns.
- Clarification of stores management goals to ensure that where practical, Council officers purchase items from local suppliers where it holds accounts rather than hold stocks of these items in its stores. This is intended to address concerns raised in section 3.6 of the internal audit report as well as maximise Council’s purchases from local businesses (new section P)
- Removal of the requirement that tenders for wet hire plant and other goods and services standing arrangements must be called annually instead of for periods that provide long term certainty to local business and best match Council requirements (amended section F).

Attachments

Procurement policy F008
Internal Audit Report of March 2022 extract from Crowe

Recommendation

THAT the following revised Procurement Policy F008 be adopted to replace the 8 June 2022 version:

Policy Subject/Title:	2022/2023 Procurement Policy
Policy Number:	F/008

Responsible Officer:	Director Finance
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Legislative or Regulatory Reference:	<i>Local Government Act 2009</i> Local Government Regulation 2012
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Related Policies / Procedures:	N/A
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Authorised by:	Somerset Regional Council
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Authorised on:	Ordinary Council Meeting of _____ 2022
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Amendment dates:

1. OBJECTIVE

Council's purchasing activities aim to achieve advantageous procurement outcomes by promoting:

- (a) value for money - Council must harness its purchasing power to achieve the best value for money. The concept of value for money is not restricted to price alone. The value for money assessment must include consideration of:
 - (i) contribution to the advancement of Council's priorities; and
 - (ii) fitness for purpose, quality, services and support; and
 - (iii) whole-of-life costs including costs of acquiring, using, maintaining and disposal; and
 - (iv) internal administration costs; and
 - (v) technical compliance issues; and
 - (vi) risk exposure; and,
 - (vii) the value of any associated environmental benefits.
- (b) open and effective competition - Purchasing should be open and result in effective competition in the provision of goods and services. Council must give fair and equitable consideration to all prospective suppliers.
- (c) the development of competitive local business and industry and economic development - Council wishes to pursue the principle and objectives of encouraging the development of competitive local business and industry and economic development as part of the process of making its purchasing decisions. Council will endeavour to support local business by inviting local businesses to supply quotations and bid for tenders.
- (d) environmental protection - Council promotes environmental protection through its purchasing procedures. In undertaking any purchasing activities Council will:
 - (i) promote the purchase of environmentally friendly goods and services that satisfy value for money criteria; and
 - (ii) foster the development of products and processes of low environmental and climatic impact; and
 - (iii) provide an example to business, industry and the community by promoting the

- (vii) use of climatically and environmentally friendly goods and services; and
- (viii) encourage environmentally responsible activities.
- (viii) ethical behaviour and fair dealing - Council officers involved in purchasing are to behave with impartiality, fairness, independence, openness, integrity, and professionalism in their discussions and negotiations with suppliers and their representatives.

This policy incorporates relevant requirements under the Local Government Act 2009 (the “Act”) and the Local Government Regulation 2012 (the “Regulation”) and aims to meet the requirements of section 198 of the Regulation.

2. BACKGROUND

Council is required to review its procurement policy each financial year under the Regulation.

3. PURPOSE

This document sets out the Council’s policy for the acquisition of goods and services and carrying out of the sound contracting principles. This policy applies to the procurement of all goods, equipment and related services, construction contracts and service contracts (including maintenance).

All Council purchases must be carried out in compliance with the Act and the Regulation.

4. SCOPE

This policy applies to all Council employees and Councillors.

Council officers responsible for purchasing goods and services must comply with this policy and purchasing procedures. It is the responsibility of Council officers involved in the procurement process to understand the meaning and intent of this policy and related procedures.

ALL dollar amounts stated in this policy include GST.

This policy replaces all previous procurement policies.

5. POLICY

A. PURCHASES UNDER \$15,000

Except as provided in this policy:

- For purchases up to and including \$1,000, one verbal quotation may be sufficient for purchases from all suppliers.
- For purchases up to and including \$2,000 one verbal quotation may be sufficient for purchases made from local suppliers.
- For purchases of more than \$1,000 up to \$15,000 from non-local suppliers, at least two written quotations shall be sought.
- For purchases of more than \$2,000 up to \$15,000 from local suppliers, at least two written quotations shall be sought.

The Chief Executive Officer may authorise the purchase of goods or services to the value of \$5,000 without obtaining quotations.

Sole Supplier Arrangements - Where goods or services up to a value of \$15,000 are required and it is believed that only one supplier is legally or reasonably available to Council, the Chief Executive Officer may authorise the purchase after being satisfied of the authenticity of the case, reasonableness of the proposed cost and the availability of a budget for the expenditure.

Petty cash procedures and other purchasing procedural issues will be outlined in administrative manuals or procedures. The limit for petty cash or low value in store purchases is to be set by the Chief Executive Officer from time to time having regard for cost factors such as city parking.

The Chief Executive Officer may set a different limit for different purchases, such as food and beverage purchases.

Purchasing cards may be issued to officers (including the Chief Executive Officer) at the discretion of the Chief Executive Officer on the basis of need with the following provisos:

That cards be issued on the conditions that they are not used:

1. for private purposes
2. for purchases greater than the transaction limit
3. for items readily available from a Council store while the store is reasonably accessible
4. for cash withdrawals or advances – all cards will have the cash advance facility disabled
5. by persons other than the named cardholder to ensure that the cardholder has full responsibility for the use of the card
6. for other purposes as detailed in the purchasing card procedure.

No purchasing card other than card of the Chief Executive Officer shall have a transaction limit exceeding \$3,000 except for:

Position	Maximum allowable limit
Chief Executive Officer	\$10,000
Finance support officer Esk – accounts payable	\$5,000
Manager Information Systems	\$5,000

The Chief Executive Officer and Director Finance must conjointly sign all applications for new purchasing cards.

No purchasing card shall be issued to the Director Finance.

Failure to comply with Council policy and procedures in the use of purchasing cards will result in the immediate cancellation of cards and disciplinary action.

Prior to the issue of purchasing cards, each cardholder must sign an acknowledgement

statement which summarises the requirements of this policy and relevant procedures in relation to the use and holding of purchasing cards to ensure cardholders understand their obligations and to evidence this understanding. Further, each cardholder must sign a fresh acknowledgement statement annually before the end of March.

Cardholders are required to instigate all purchases that are possible to be made using credit card under this policy by credit card except where the Chief Executive Officer authorises generally (eg by type) or specifically in writing otherwise.

The Chief Executive Officer and selected delegates are empowered to authorise the purchase of goods or services which are the subject of natural disaster relief funding arrangements to the value of \$15,000 without obtaining quotations in order to expedite recovery.

B. PURCHASES BETWEEN \$15,000 AND \$200,000

Except as provided in this policy, Council will invite written quotations before making a contract for the carrying out of work or the supply of goods or services involving a cost of between \$15,000 and \$199,999.99 inclusive. The invitation must be given to at least three persons who Council considers can meet its requirements at competitive prices.

Records of offers received must be kept on file.

C. PURCHASES ABOVE \$200,000

Except as provided in this policy, Council will invite tenders before making a contract for the carrying out of work, or the supply of goods or services involving a cost of \$200,000 or more.

The invitation must be by notice on Council's website and in addition:

- an advertisement on a web portal such as VendorPanel;
- an advertisement in one or more newspapers circulating generally in the Somerset Regional Council area;
- notice on all of Council's LED signs; or
- other means of notification as determined by the Chief Executive Officer

and allow at least 21 days from the day of the advertisement for the submission of tenders.

Records of tenders received must be kept on file.

D. EXCEPTIONS FROM THE REQUIREMENT TO SEEK TENDERS OR QUOTATIONS

The Regulation specifies when Council is exempt from the requirement to seek tenders or quotations.

Council confirms via this policy that it may apply all or any of these exemptions where appropriate or necessary.

Council confirms it is satisfied that there is only 1 supplier who is reasonably available for the maintenance of relevant computer software programs such as financial, mapping and records systems, being the suppliers of those systems, and endorses all such agreements entered into since the commencement of legislation requiring this resolution.

Council confirms it is satisfied that there is only 1 supplier who is reasonably available where

Council is a member of a not-for-profit organisation to represent its interests and endorses all subscriptions or similar payments required for these memberships since the commencement of legislation requiring this resolution.

E. DELEGATIONS AND TYPES OF EXPENDITURE

An authorised officer for the purpose of this policy is an officer of the Council authorised by the Chief Executive Officer to expend budgeted funds up to the limit specified in the register of delegations.

In addition, there are many types of expenditure to which limits are specified including:

- Type 1 Recurrent expenditure and capital constructions.
- Type 2 Plant or other capital purchases costing at least \$1,000.
- Type 3 Purchases into store.
- Type 4 Purchases of goods and services required by the local State Emergency Service for emergency events outside of normal Council operating hours.
- Type 5 Swimming pool fence inspection certificate numbers.
- Type 6 Purchases of goods and services required during declared emergency events that represent eligible expenditure for Council under either the counter-disaster operations or the emergent works categories of the Queensland Disaster Relief and Recovery Arrangements Guidelines.

By signing a requisition/purchase order all officers are confirming that they have taken full notice of this policy and will comply with all of the requirements of this policy.

No contract shall be entered into that involves the payment of a deposit or other prepayment for goods not yet delivered or services not yet performed without the written approval of the Chief Executive Officer. This requirement refers to ad hoc supplies of goods or services rather than annual subscriptions or licences, annual software maintenance or leases and payments made by credit card where alternate means may be available for recovering payments for unsupplied goods or services.

F. STANDING ARRANGEMENTS

Council shall advertise calling for expressions of interest for the purpose of compiling registers of standing arrangements for plant contractors and other goods and services that are considered appropriate. Suppliers may only join the registers following advertisement in accordance with the conditions specified in the advertisement and other specifications made available and set before advertising.

Quotations shall be accepted on a "Commercial in Confidence" basis.

Immediately following the closure of expressions of interest, appropriate Council officers shall determine for each type of supply (eg 10 tonne truck hire for Toogoolawah area) an order of priority of use for this supplier. Appropriate criteria shall be taken into account in this process including price, term for which prices will be fixed, GST registration for the ability to claim input tax credits, past performance (for example, as an indicator of the ratio of work performed to hours worked), insurance, Quality Assurance if appropriate, Workplace Health

and Safety matters, ability to accurately complete contractor timesheets or other records and sound contracting principles matters.

A predetermined scoring and weighting system shall be devised and approved by the Chief Executive Officer (CEO) for ranking suppliers within relevant categories. The CEO or delegate shall participate in the scoring process and shall approve all rankings assigned. The scoring system will include a 10% additional weighting for local suppliers.

Suppliers shall be advised as to their rank with further details not disclosed. This policy shall be communicated to all interested suppliers before they submit expressions of interest.

When selecting suppliers within the relevant categories, Council officers shall contact the first ranked supplier who shall be requested to supply within the required timeframe. If the supplier is not available, the second ranked supplier and so on shall be asked. The person seeking the supply shall document evidence that these processes have occurred.

Suppliers within the relevant categories shall not be used unless and until all ranked suppliers have been contacted and have communicated that they are not available to supply within the required timeframe. Normal quotation procedures under this policy shall then apply.

G. GOODS AND SERVICES TAX (GST)

Council will not enter into arrangements with any potential supplier that might lead to the remittance of withholding tax due to the non-reporting of an Australian Business Number.

To remove any doubt, the availability of a GST input credit shall be taken into account when assessing the comparative offers of suppliers where some offerors are registered for GST and some are not.

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

The Regulation obliges Council to define “valuable non-current assets” for the purposes of contracting by reference to their apparent value.

Council confirms that the limits set are as follows for the indicated asset classes:

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

The defined limits for a valuable non-current asset are to be reduced to the following levels where the item is proposed to be sold to a Council employee, a Councillor or any associate of an employee or Councillor as that term is defined in the *Fringe Benefits Tax Assessment Act 1986*:

- for land - \$0
- for plant and equipment - \$100
- for another type of non-current asset - \$100

I. LOCAL SUPPLIER REGISTER

Council will maintain a structured local supplier register providing email addresses of

potential local suppliers who wish to be given the opportunity to quote for the supply of specified goods and services.

A local supplier is a registered business with an Australian Business Number that has a physical place of business on rateable land within the local government area that is owned or leased by the business.

J. ORDER SPLITTING

Order splitting is the division of procurement so as to pass under a threshold defined by the policy or by legislation. Order splitting is not permitted.

K. TENDER RECOMMENDATIONS AND CONFLICTS OF INTEREST

Officers who make or contribute to recommendations in respect of the selection of

- (i) tenders; or
- (ii) suppliers from a Local Buy pre-approved list for contracts valued in excess of \$200,000.

and who do not otherwise have a requirement to complete and keep updated a register of interests under the *Local Government Regulation 2012* will be required to complete a conflict of interest declaration in the form Council specifies.

The declaration form will include either a signed statement that the officer has no conflicts of interest in relation to the procurement exercise or a signed declaration that the officer has a conflict of interest in relation to the procurement exercise and details as to what the conflict is. An officer's conflict of interest will be dealt with by Council's Chief Executive Officer in accordance with Council's Code of Conduct.

In this policy, "conflict of interest" means a private or personal interest which could prejudicially influence an officer in the performance of their public or professional duties.

L. ALL DECISIONS REGARDING TENDERS WILL BE MADE BY COUNCIL RESOLUTION

All decisions regarding tenders are to be made by Council resolution.

M. RAISING OF PURCHASE ORDERS TO SUPPORT LEGAL DISCLOSURE REQUIREMENTS

Council will record all contract purchase commitments of greater than \$200,000 as purchase orders within Council's financial system including relevant references to Council's electronic document records management system (EDRMS) where details are not able to be recorded within the financial system. The officer responsible for the contract will also be responsible for ensuring that a purchase order is raised to reflect and record the contract in Council's financial system within five days of the contract being entered into.

N. DUAL CURRENCY QUOTATIONS/TENDERS FOR HIGH VALUE IMPORTS

Council will obtain pricing for imported goods costing in excess of \$250,000 on a dual currency basis – that is prices in both Australian dollars and in the supplier's preferred currency to allow for Council officers and/or Queensland Treasury Corporation to assess

offers received and to determine if alternative procurement options involving other currencies may be appropriate.

O. CONTRACT MANAGEMENT

The authorising officer for every medium-sized or large-sized contractual arrangement contract, being the person delegated by the Chief Executive Officer to enter into a contract, has – while not limiting any Council employee's workplace health and safety and other responsibility - the general responsibility of ensuring that:

- appropriate foreseeable health and safety risk associated with potential procurements are identified
- contracts contain appropriate provisions for managing workplace health and safety risk
- contractors and/or suppliers provide where appropriate documentary evidence that they or the product they supply complies with relevant legislation, codes of practice and standards
- Council's operational obligations with regards to workplace health and safety contract performance monitoring and management are appropriately actioned under the contract including site inductions. Inductions are important for the management of contracts and ensure a reduction in security and safety risks, competence and compliance for contractors/vendors, appropriate documentation is acquired from contractors/vendors including but not limited: to licences, certificates, insurances, competences, relevant contact details; and Contractors/vendors receive site safety and other specific details of the workplace
- contracts have appropriate key performance indicators and performance measures
- contract performance measures are reviewed
- contracts are effectively managed
- underperformance on contracts is effectively managed
- contract records are kept in compliance with legal and policy requirements including warranties
- disputes about the contract are managed
- contracts contain appropriate provisions about extensions, renewal and variations and that these matters are managed in accordance with legal and policy requirements
- conflict of interest matters are managed in accordance with legal and policy requirements
- where contracts are made with Local Buy suppliers, that the terms of the relevant Local Buy contracts are understood and followed.

P. STORES MANAGEMENT

Council operates stores to meet logistical and safety needs. Where items are not potentially required for urgent safety reasons and/or are readily available in the required quantities from local suppliers with whom Council has running sheet arrangements, these items should be obtained directly from those suppliers to provide local economic support rather than be held in store.

6. EFFECTIVE FROM

7. CONTROLS

As indicated in this policy.

8. DATE OF RESOLUTION

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

Resolution:	Moved –Cr Isidro	Seconded – Cr Whalley
	“THAT the following revised Procurement Policy F008 be adopted to replace the 8 June 2022 version:	
Policy Subject/Title:	2022/2023 Procurement Policy	
Policy Number:	F/008	
Responsible Officer:	Director Finance	
Legislative or Regulatory Reference:	<i>Local Government Act 2009</i>	
	Local Government Regulation 2012	
Related Policies / Procedures:	N/A	
Authorised by:	Somerset Regional Council	
Authorised on:	Ordinary Council Meeting of _____ 2022	
Amendment dates:		
1. OBJECTIVE		
	Council's purchasing activities aim to achieve advantageous procurement outcomes by promoting:	
(b)	value for money - Council must harness its purchasing power to achieve the best value for money. The concept of value for money is not restricted to price alone. The value for money assessment must include consideration of:	
	(viii) contribution to the advancement of Council's priorities; and	
	(ix) fitness for purpose, quality, services and support; and	
	(x) whole-of-life costs including costs of acquiring, using, maintaining and disposal; and	
	(xi) internal administration costs; and	
	(xii) technical compliance issues; and	
	(xiii) risk exposure; and,	
	(xiv) the value of any associated environmental benefits.	
(b)	open and effective competition - Purchasing should be open and result in effective competition in the provision of goods and services. Council must give fair and equitable consideration to	

all prospective suppliers.

- (c) the development of competitive local business and industry and economic development - Council wishes to pursue the principle and objectives of encouraging the development of competitive local business and industry and economic development as part of the process of making its purchasing decisions. Council will endeavour to support local business by inviting local businesses to supply quotations and bid for tenders.
- (d) environmental protection - Council promotes environmental protection through its purchasing procedures. In undertaking any purchasing activities Council will:
 - (i) promote the purchase of environmentally friendly goods and services that satisfy value for money criteria; and
 - (ii) foster the development of products and processes of low environmental and climatic impact; and
 - (iii) provide an example to business, industry and the community by promoting the use of climatically and environmentally friendly goods and services; and
 - (ix) encourage environmentally responsible activities.
 - (x) ethical behaviour and fair dealing - Council officers involved in purchasing are to behave with impartiality, fairness, independence, openness, integrity, and professionalism in their discussions and negotiations with suppliers and their representatives.

This policy incorporates relevant requirements under the Local Government Act 2009 (the “Act”) and the Local Government Regulation 2012 (the “Regulation”) and aims to meet the requirements of section 198 of the Regulation.

2. BACKGROUND

Council is required to review its procurement policy each financial year under the Regulation.

3. PURPOSE

This document sets out the Council's policy for the acquisition of goods and services and carrying out of the sound contracting principles. This policy applies to the procurement of all goods, equipment and related services, construction contracts and service contracts (including maintenance).

All Council purchases must be carried out in compliance with the Act and the Regulation.

4. SCOPE

This policy applies to all Council employees and Councillors.

Council officers responsible for purchasing goods and services must comply with this policy and purchasing procedures. It is the responsibility of Council officers involved in the procurement process to understand the meaning and intent of this policy and related procedures.

ALL dollar amounts stated in this policy include GST.

This policy replaces all previous procurement policies.

5. POLICY

A. PURCHASES UNDER \$15,000

Except as provided in this policy:

- For purchases up to and including \$1,000, one verbal quotation may be sufficient for purchases from all suppliers.
- For purchases up to and including \$2,000 one verbal quotation may be sufficient for purchases made from local suppliers.
- For purchases of more than \$1,000 up to \$15,000 from non-local suppliers, at least two written quotations shall be sought.
- For purchases of more than \$2,000 up to \$15,000 from local suppliers, at least two written quotations shall be sought.

The Chief Executive Officer may authorise the purchase of goods or services to the value of \$5,000 without obtaining quotations.

Sole Supplier Arrangements - Where goods or services up to a value of \$15,000 are required and it is believed that only one supplier is legally or reasonably available to Council, the Chief Executive Officer may authorise the purchase after being satisfied of the authenticity of the case, reasonableness of the proposed cost and the availability of a budget for the expenditure.

Petty cash procedures and other purchasing procedural issues will be outlined in administrative manuals or procedures. The limit for petty cash or low value in store purchases is to be set by the Chief Executive Officer from time to time having regard for cost factors such as city parking.

The Chief Executive Officer may set a different limit for different purchases, such as food and beverage purchases.

Purchasing cards may be issued to officers (including the Chief Executive Officer) at the discretion of the Chief Executive Officer on the basis of need with the following provisos:

That cards be issued on the conditions that they are not used:

1. for private purposes
2. for purchases greater than the transaction limit
3. for items readily available from a Council store while the store is reasonably accessible
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5. by persons other than the named cardholder to ensure that the cardholder has full responsibility for the use of the card
6. for other purposes as detailed in the purchasing card procedure.

No purchasing card other than card of the Chief Executive Officer shall have a transaction limit exceeding \$3,000 except for:

Position	Maximum allowable limit
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The Chief Executive Officer and Director Finance must conjointly sign all applications for new purchasing cards.

No purchasing card shall be issued to the Director Finance.

Failure to comply with Council policy and procedures in the use of purchasing cards will result in the immediate cancellation of cards and disciplinary action.

Prior to the issue of purchasing cards, each cardholder must sign an acknowledgement statement which summarises the requirements of this policy and relevant procedures in relation to the use and holding of purchasing cards to ensure cardholders understand their obligations and to evidence this understanding. Further, each cardholder must sign a fresh acknowledgement statement annually before the end of March.

Cardholders are required to instigate all purchases that are possible to be made using credit card under this policy by credit card except where the Chief Executive Officer authorises generally (eg by type) or specifically in writing otherwise.

The Chief Executive Officer and selected delegates are empowered to authorise the purchase of goods or services which are the subject of natural disaster relief funding arrangements to the value of \$15,000 without obtaining quotations in order to expedite recovery.

B. PURCHASES BETWEEN \$15,000 AND \$200,000

Except as provided in this policy, Council will invite written quotations before making a contract for the carrying out of work or the supply of goods or services involving a cost of between \$15,000 and \$199,999.99 inclusive. The invitation must be given to at least three persons who Council considers can meet its requirements at competitive prices.

Records of offers received must be kept on file.

C. PURCHASES ABOVE \$200,000

Except as provided in this policy, Council will invite tenders before making a contract for the carrying out of work, or the supply of goods or services involving a cost of \$200,000 or more.

The invitation must be by notice on Council's website and in addition:

- an advertisement on a web portal such as VendorPanel;
- an advertisement in one or more newspapers circulating generally in the Somerset Regional Council area;
- notice on all of Council's LED signs; or
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and allow at least 21 days from the day of the advertisement for the submission of tenders.

Records of tenders received must be kept on file.

D. EXCEPTIONS FROM THE REQUIREMENT TO SEEK TENDERS OR QUOTATIONS

The Regulation specifies when Council is exempt from the requirement to seek tenders or quotations.

Council confirms via this policy that it may apply all or any of these exemptions where appropriate or necessary.

Council confirms it is satisfied that there is only 1 supplier who is reasonably available for the maintenance of relevant computer software programs such as financial, mapping and records systems, being the suppliers of those systems, and endorses all such agreements entered into since the commencement of legislation requiring this resolution.

Council confirms it is satisfied that there is only 1 supplier who is reasonably available where Council is a member of a not-for-profit organisation to represent its interests and endorses all subscriptions or similar payments required for these memberships since the commencement of legislation requiring this resolution.

E. DELEGATIONS AND TYPES OF EXPENDITURE

An authorised officer for the purpose of this policy is an officer of the Council authorised by the Chief Executive Officer to expend budgeted

funds up to the limit specified in the register of delegations.

In addition, there are many types of expenditure to which limits are specified including:

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Executive Officer (CEO) for ranking suppliers within relevant categories. The CEO or delegate shall participate in the scoring process and shall approve all rankings assigned. The scoring system will include a 10% additional weighting for local suppliers.

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Council will not enter into arrangements with any potential supplier that might lead to the remittance of withholding tax due to the non-reporting of an Australian Business Number.

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The Regulation obliges Council to define “valuable non-current assets” for the purposes of contracting by reference to their apparent value.

Council confirms that the limits set are as follows for the indicated asset classes:

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Council employee, a Councillor or any associate of an employee or Councillor as that term is defined in the *Fringe Benefits Tax Assessment Act 1986*:

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Order splitting is the division of procurement so as to pass under a threshold defined by the policy or by legislation. Order splitting is not permitted.

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- (i) tenders; or
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and who do not otherwise have a requirement to complete and keep updated a register of interests under the *Local Government Regulation 2012* will be required to complete a conflict of interest declaration in the form Council specifies.

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- contract records are kept in compliance with legal and policy requirements including warranties
- disputes about the contract are managed
- contracts contain appropriate provisions about extensions, renewal and variations and that these matters are managed in accordance with legal and policy requirements
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- where contracts are made with Local Buy suppliers, that the terms of the relevant Local Buy contracts are understood and followed.

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6. EFFECTIVE FROM

7. CONTROLS

As indicated in this policy.

8. DATE OF RESOLUTION

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

_____.

"

Carried

Vote - Unanimous

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

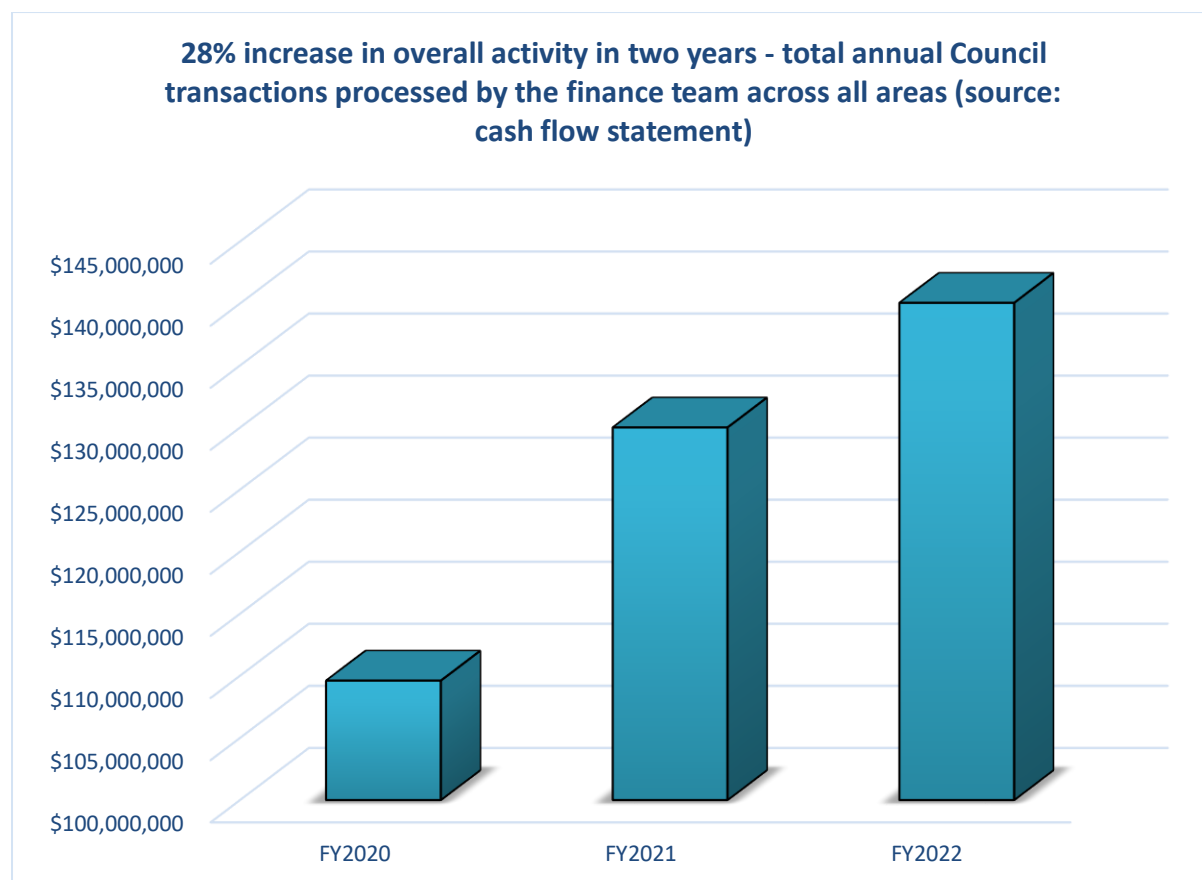
Background/Summary

Financial reports

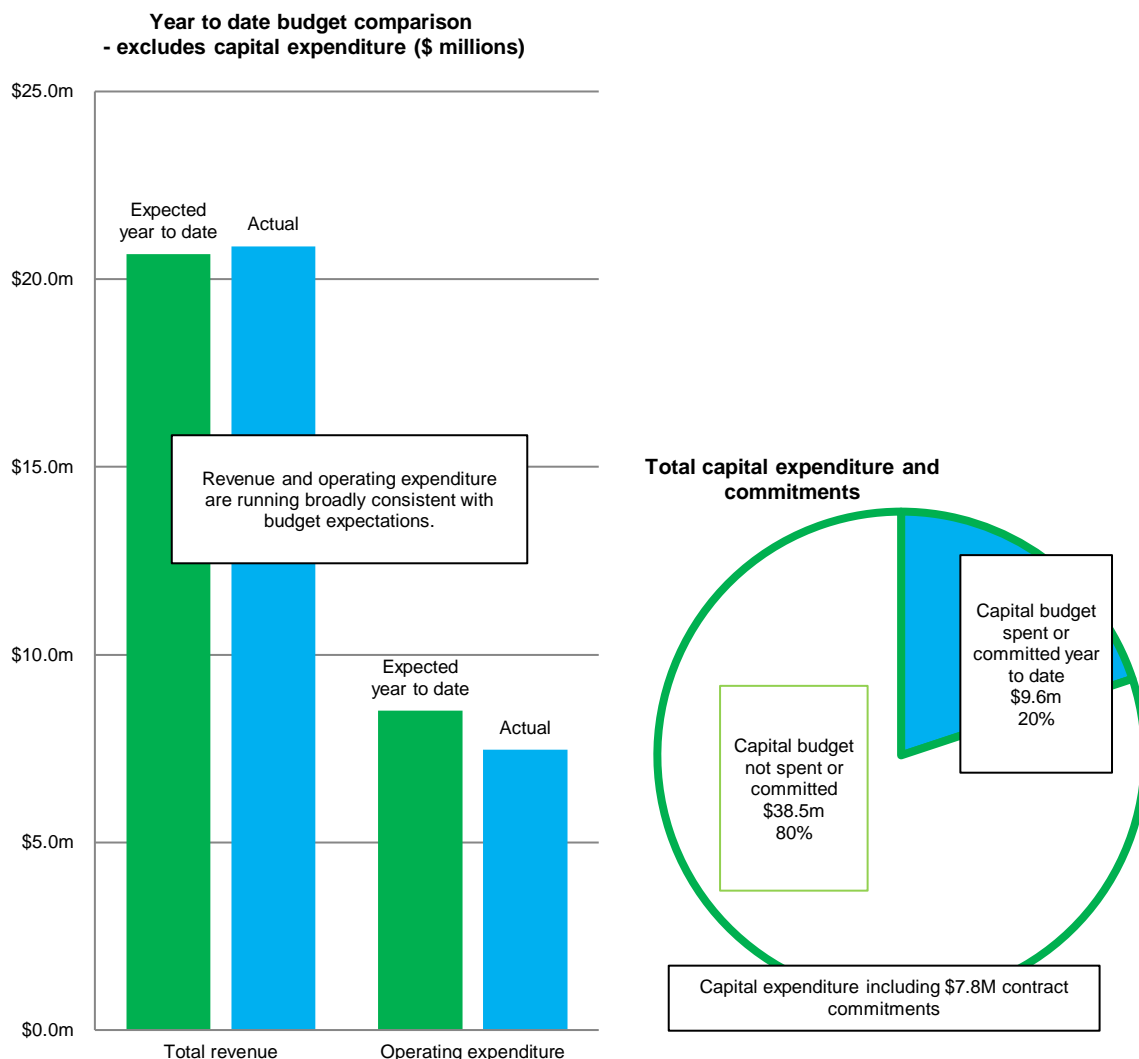
Reports for the period 1 July 2022 to 2 September 2022 are attached detailing the progress that has been made in relation to Council's FY2023 budget as required by Local Government Regulation 2012 s204.

Draft FY2022 year-end financial statements were provided to audit on 29 August 2022. Audit have been on site ahead of expected audit certification of the financial statements by 11 October 2022. An Audit Committee meeting is to be held on 7 September 2022.

The finance team processed cash transactions for the FY2022 financial year versus prior years as below with transactions increasing with larger capital and recoverable works programs. The below figures are total cash inflows outflows and include GST:



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



Grants

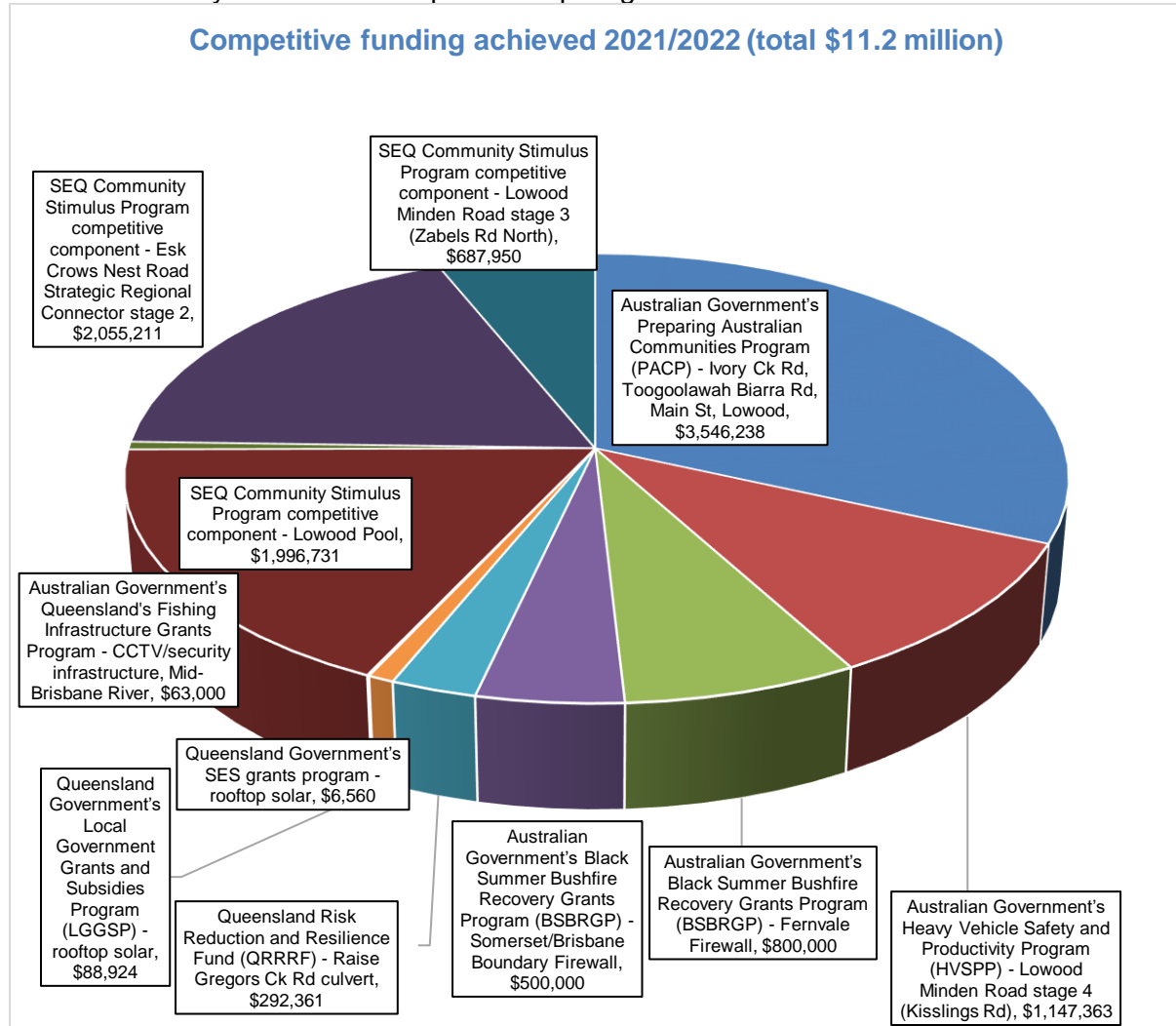
- Council is awaiting the outcome of an application made under the Australian Government's Bridges Renewal Program on 27 July 2022 as follows:

	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.	\$7,272,576	\$5,000,000

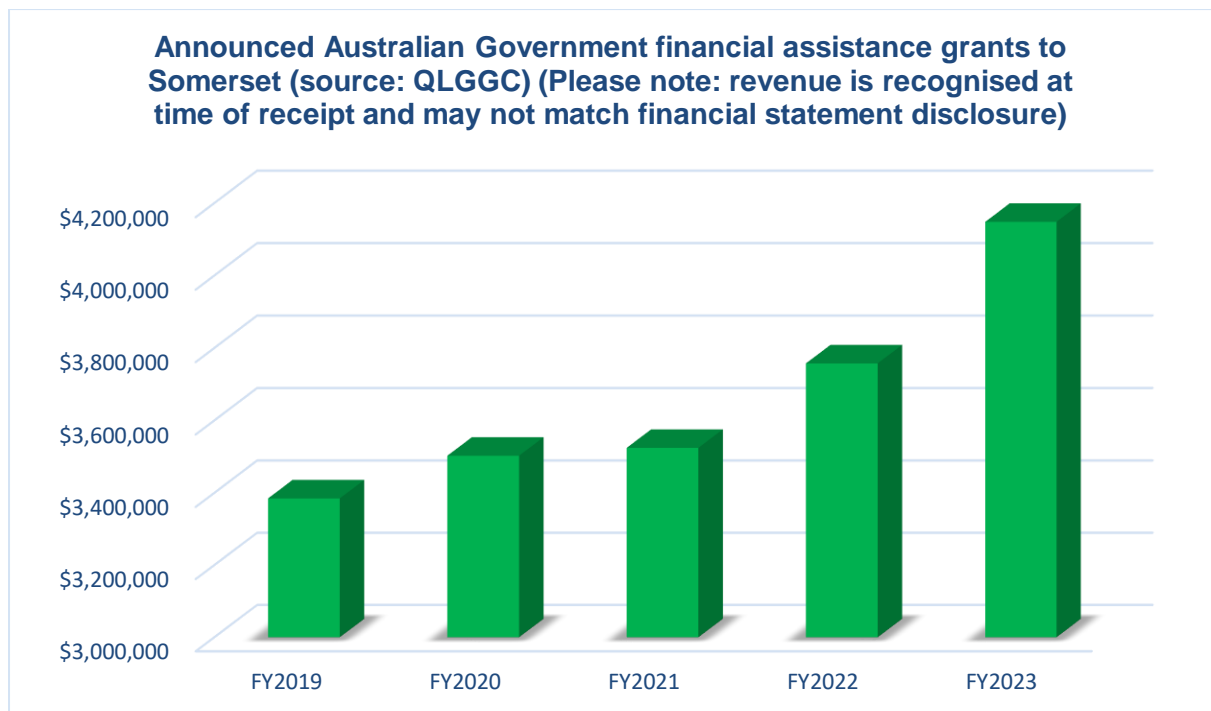
- Council is awaiting the outcome of applications made under the Australian Government's Building Better Regions Fund on 7 and 9 February 2022

Building Better Regions Fund round 6 application	Project value	Funds sought
Brisbane Valley Rail Trail Mountain Bike Park, Mount Glen Rock, Esk. 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

- Summary 2021/2022 competitive capital grants include as follows:

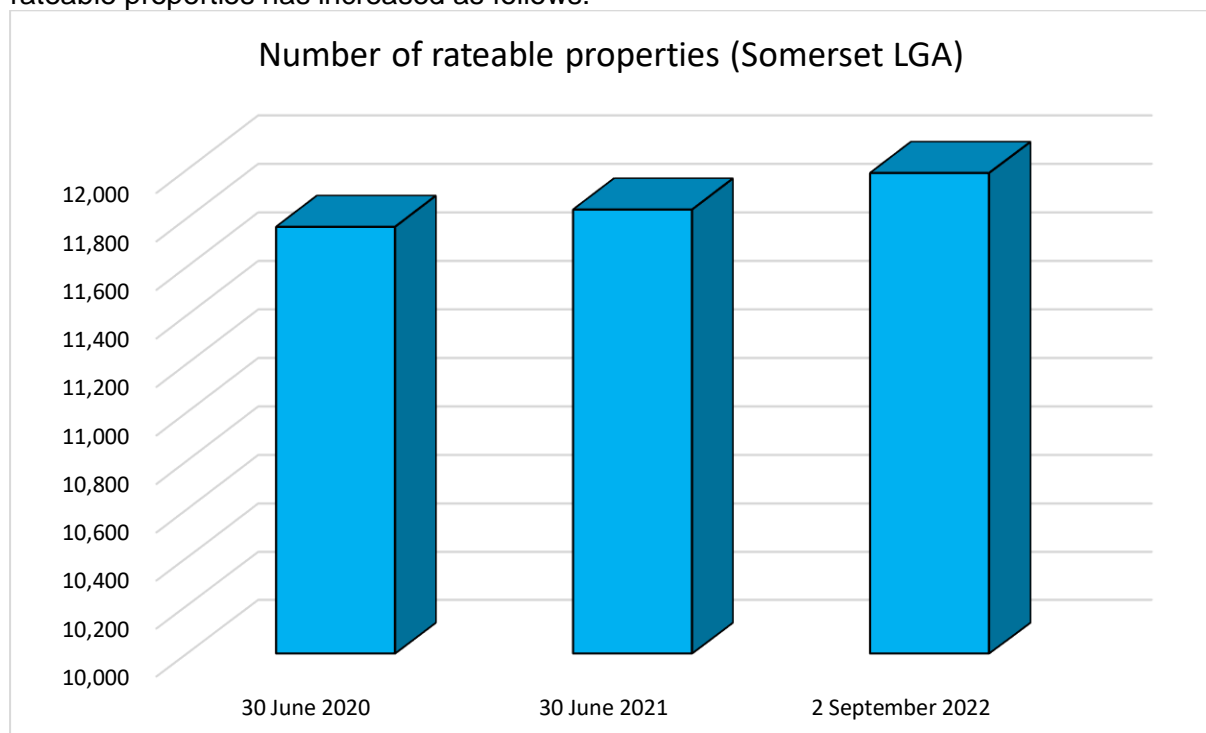


- 2022/2023 Commonwealth financial assistance grants were announced during August 2022. Councillors will recall that Council lobbied for changes to the methodology for the distribution of this grant in 2021 which has increased as follows:



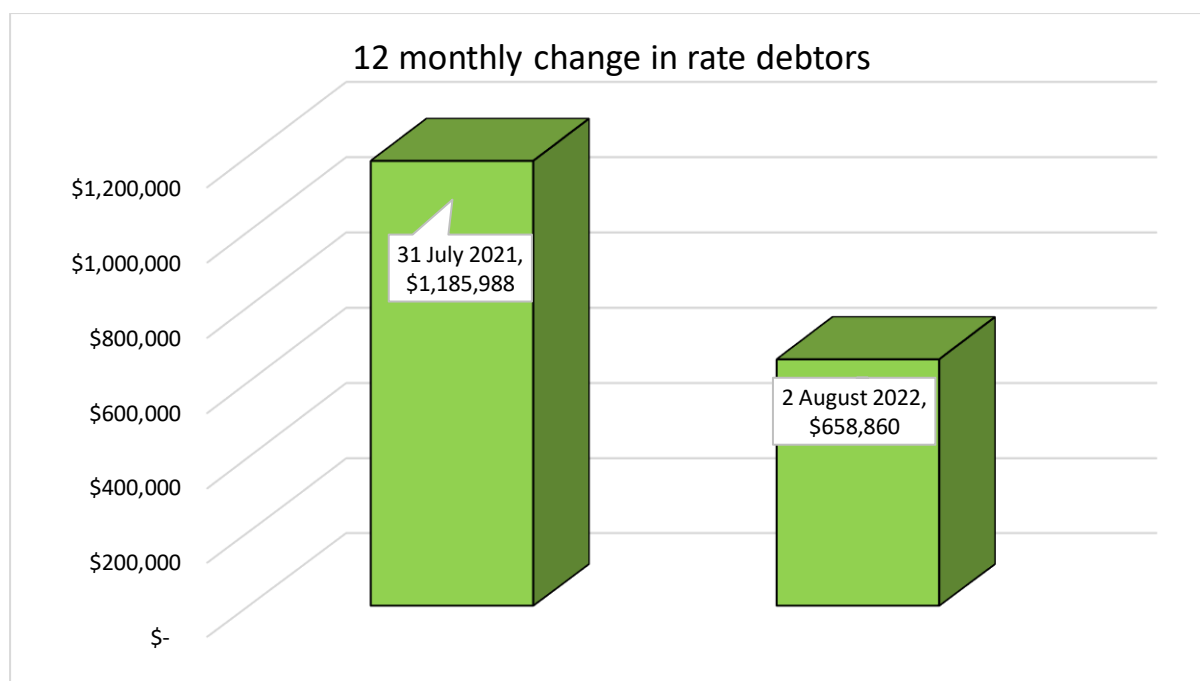
Growth

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



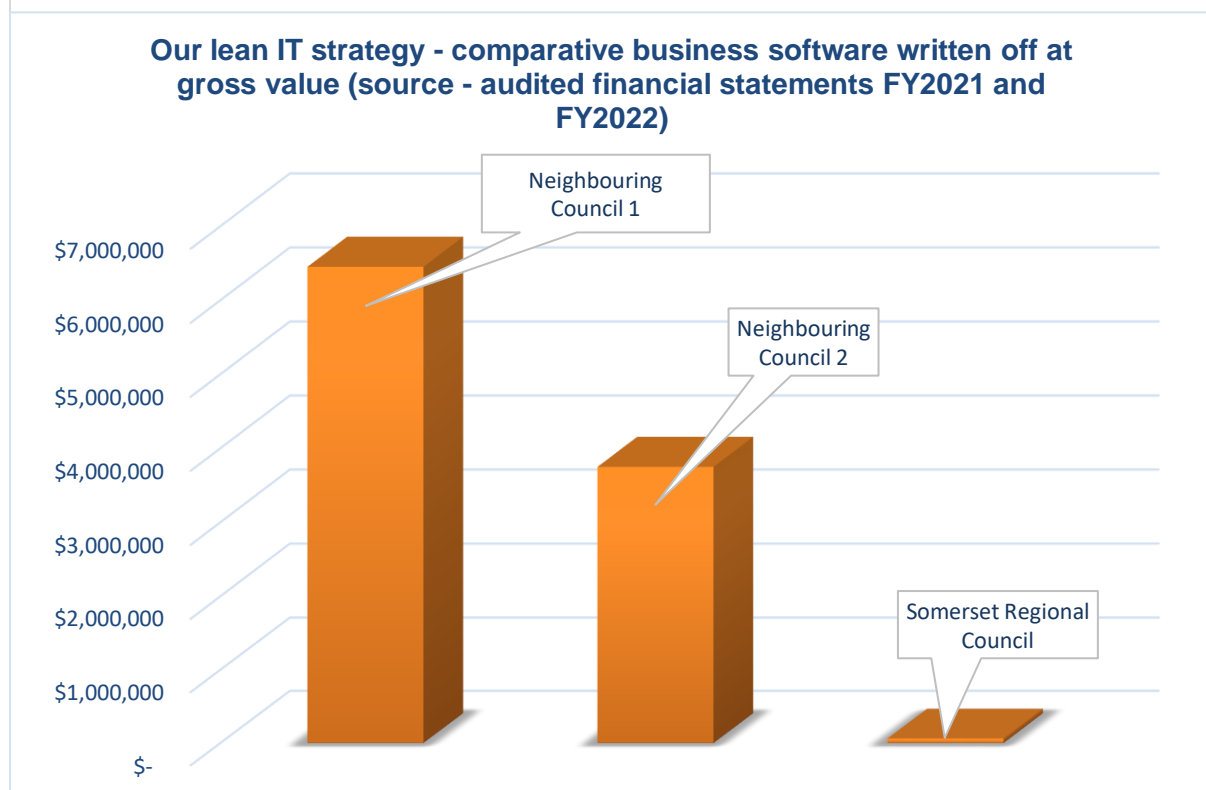
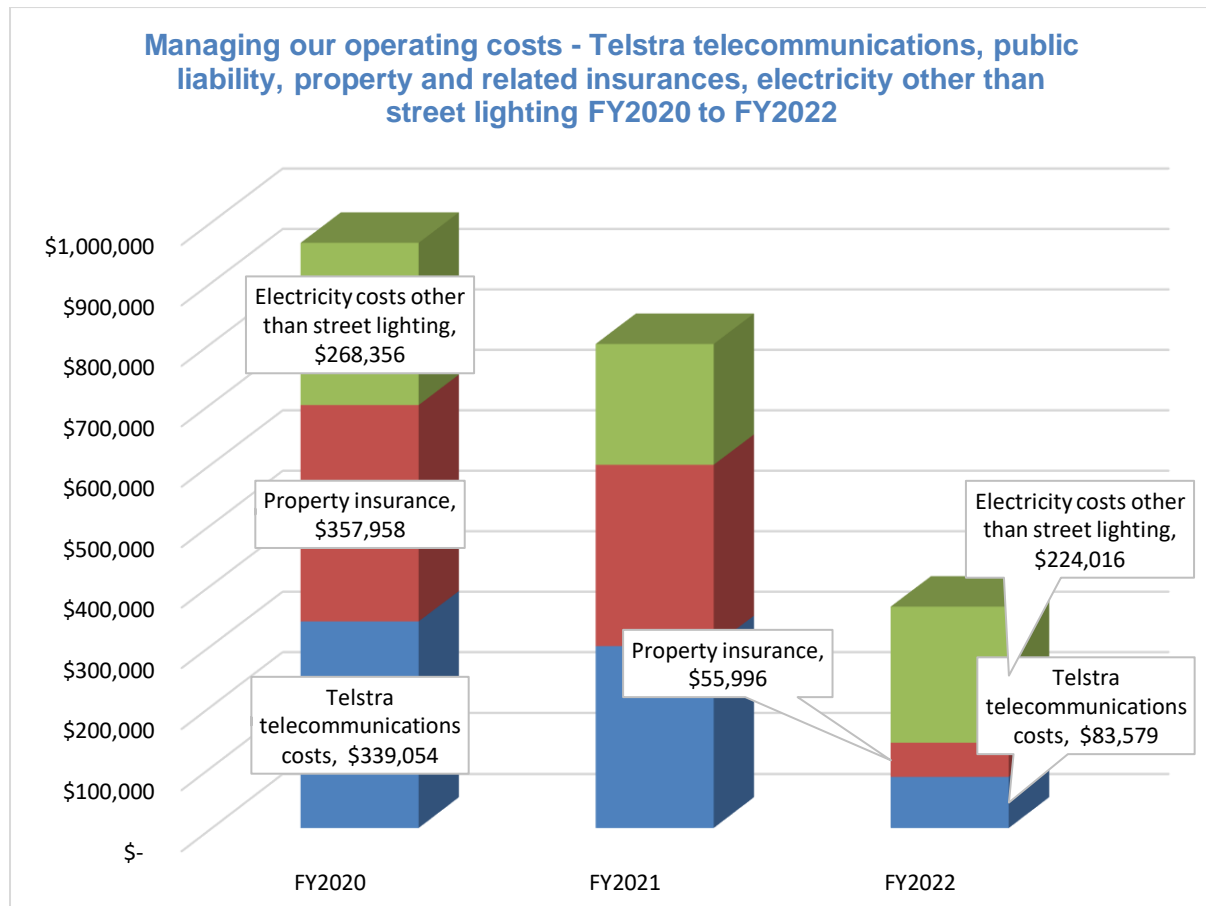
Rates

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 to avoid incurring legal costs which would be recoverable from relevant landowners in addition to the overdue rates. Total rate debtors immediately before the issue of six-monthly rate notices in August 2022 have been reduced over 12 months as follows:



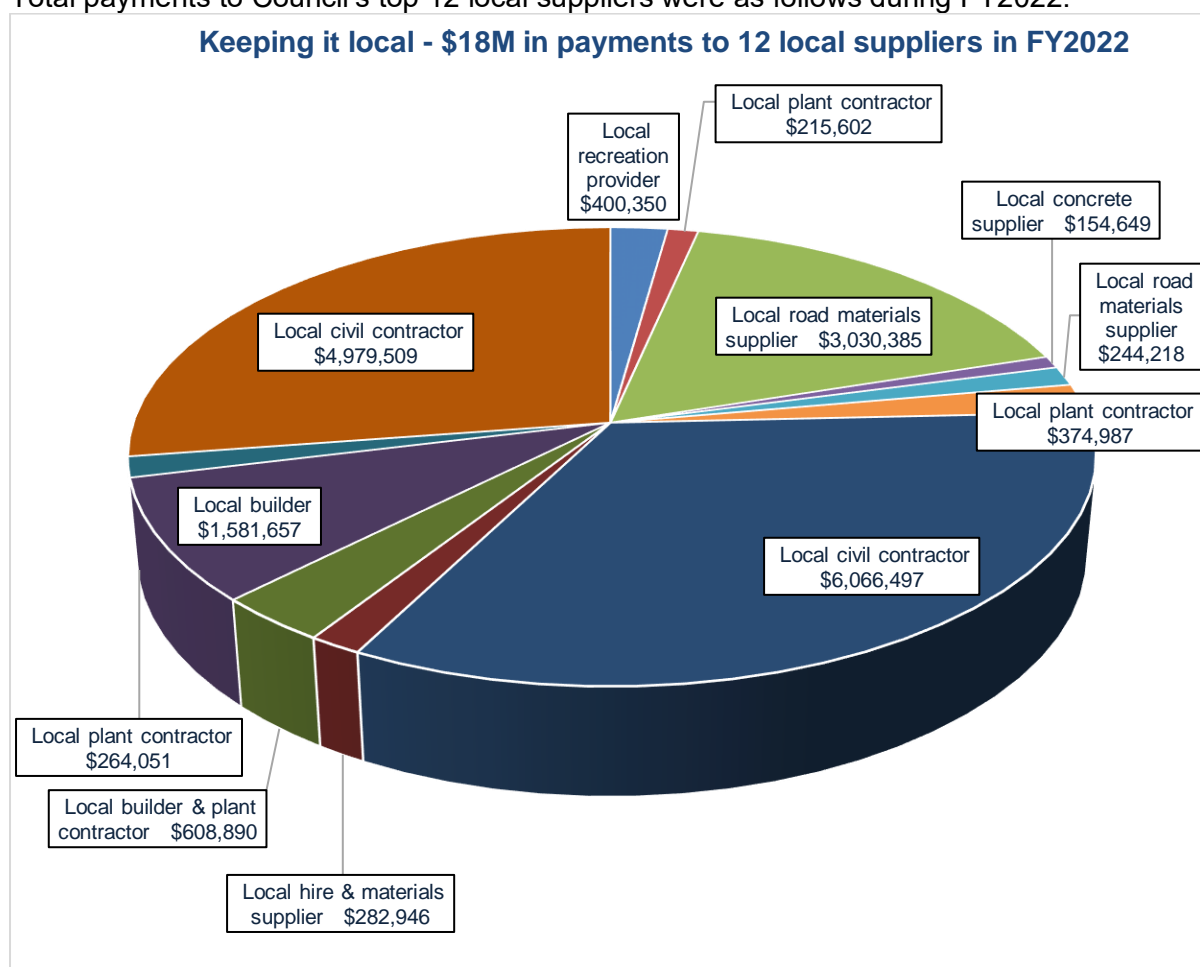
Operating costs

Council contained operating costs relative to previous financial years and neighbouring councils during FY2022 as follows:



Procurement

Total payments to Council's top 12 local suppliers were as follows during FY2022:



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% at 2 March 2022 to 1.85% as at 2 September 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%.

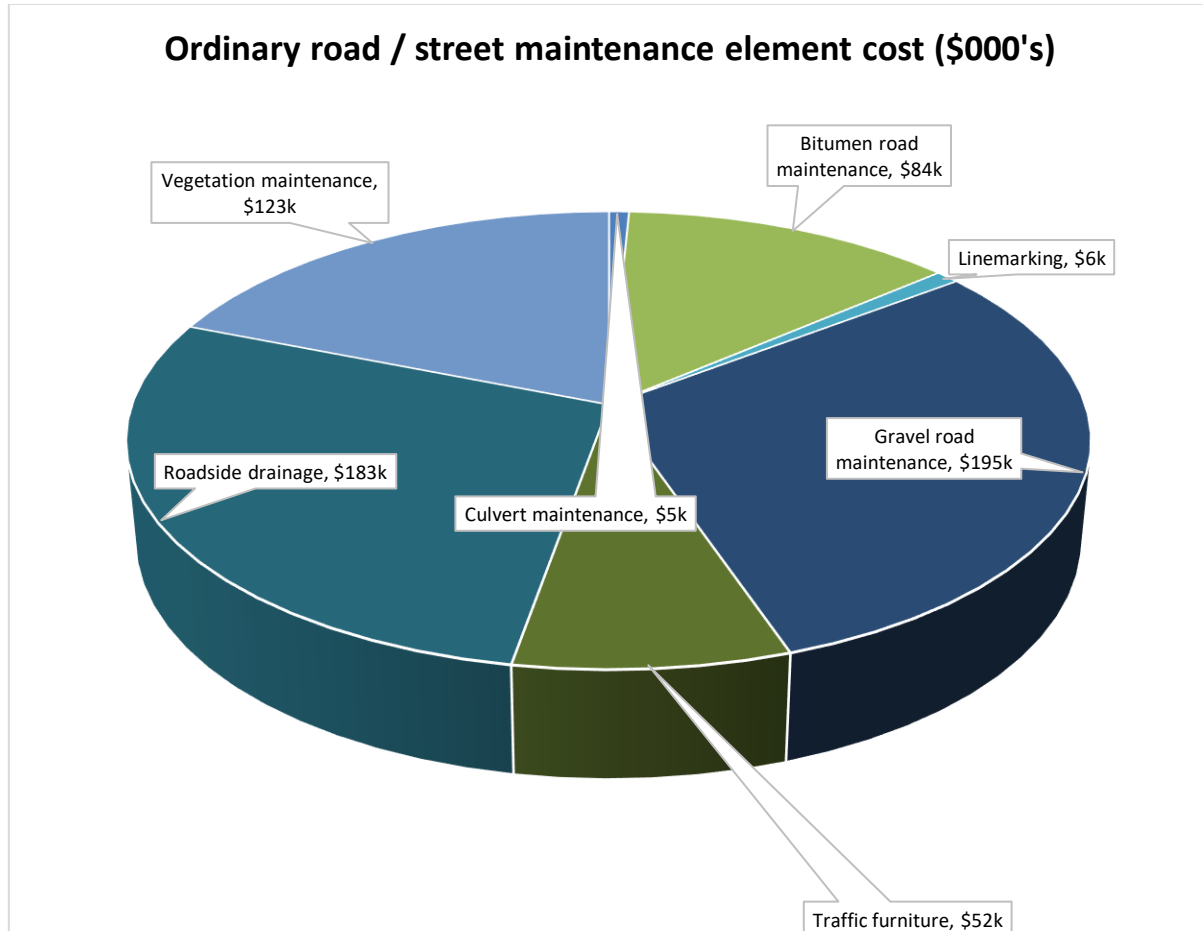
Council is currently working with Urban Utilities and state authorities to establish a third credit facility of \$10 million. This is expected to be in place in 2022/2023.

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	84
Gravel road maintenance	195

Roadside drainage	183
Culvert maintenance	5
Vegetation maintenance	123
Traffic furniture	52
Linemarking	6
Total actual year to date	648
Expected pro-rata budget year to date	1,169



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

Road segment	Cost (\$'000's)	Cost per metre (\$)
Linville Rd emergent	80	
Scrub Creek Rd emergent	45	
Spring Creek Rd (gravel) Ch60-Ch4210	37	9
Scrub Creek RdCulvCh1.6REPA	33	
Monsildale Rd emergent	28	
Ferling Way Woolmar emergent	26	
Kangaroo Creek R (gravel) Ch3190-Ch7830	26	6
Rohlmanns Rd (gravel) Ch170-Ch3260	25	8
Brightview Rd emergent	22	
E Summervilles Rd emergent	20	
Spring Creek Rd (gravel) Ch4210-Ch7200	20	7

Larkhill Boundary Rd emergent	20	
Twin Lakes Rd (bitumen) Ch0-Ch1210	19	16
Sandy Creek Rd Li (gravel) Ch0-Ch3010	14	5
Rifle Range Rd emergent	12	
Kangaroo Creek (gravel) Ch8010-Ch10100	12	6
Kangaroo Creek (gravel) Ch11000-Ch11570	12	21
Brennan Rd (gravel) Ch4080-Ch4610	11	22
Lukritzs Rd emergent	11	
Gregors Creek Rd emergent	11	
Esk Crows Nest Rd emergent	11	
Carseldine St emergent	10	
BY Rd emergent	9	
Barretts Rd emergent	9	
Rohlmanns Rd emergent	8	
Wanora Rd emergent	8	
Glen Esk Rd South emergent	7	
Brightview District Rd emergent	7	
Murrumba Rd emergent	7	
Kennedys Rd Glen (gravel) Ch1835-Ch2745	7	7
Subtotal (\$000's)	567	

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 September 2022 and payments presented for the period 1 August 2022 to 2 September 2022 totalling \$7,686,270.51 and that the contents be noted.

Resolution:

Moved –Cr Wendt

Seconded – Cr Whalley

"THAT Council receive the financial reports for 1 July 2022 to 2 September 2022 and payments presented for the period 1 August 2022 to 2 September 2022 totalling \$7,686,270.51 and that the contents be noted"

Carried

Vote - Unanimous

Subject: The Condensery – lighting upgrade supplier
File Ref: Authorisations and Delegations Doc id 1422528
Action Officer: ACM

Background/Summary

On 10 August 2022, Council moved that \$81,937.64 (plus GST) be allocated to the upgrade of lighting at The Condensery – Somerset Regional Art Gallery as part of a budget review.

Erco Lighting products are recommended as industry standard by Museums and Galleries Queensland (MAGQ) with Luxson Illumination Pty Ltd, exclusive sole distributor in this region and for the State of Queensland.

Attachments

Decision of the Ordinary meeting of Council of 10 August 2022.

Recommendation

THAT Council resolves that there is only one supplier reasonably available for the supply and installation of gallery lighting for The Condensery that meets the recommendations of Museums and Galleries Queensland (MAGQ) being the ERCO track and lighting design system supplied by Luxson Illumination Pty Ltd and further that the purchase of this system consistent with quotation 511-3123 from that supplier be endorsed pursuant to S235 (a) of the Local Government Regulation 2012.

Resolution:

Moved –Cr Wendt

Seconded – Cr Brieschke

“THAT Council resolves that there is only one supplier reasonably available for the supply and installation of gallery lighting for The Condensery that meets the recommendations of Museums and Galleries Queensland (MAGQ) being the ERCO track and lighting design system supplied by Luxson Illumination Pty Ltd and further that the purchase of this system consistent with quotation 511-3123 from that supplier be endorsed pursuant to S235 (a) of the Local Government Regulation 2012”

Carried

Vote - Unanimous

Subject:	Establishment of Care Coordination Not For Profit Organisation
File Ref:	Community Services/Service Provision/Community Development
Action Officer:	DCORP

Background/Summary

Council has previously been informed about a Community Led Support service for senior. At Council's Ordinary meeting of 27 April 2022 Council resolved as follows:

Resolution

Moved – Cr Brieschke

Seconded – Cr Gaedtke

“THAT Council meet with representatives from Trilogy and Mabel to learn more about the model and see how it could work in the Somerset Region, with initial development in the areas of Esk and Toogoolawah.”

Carried

Vote - Unanimous

As per Council decision further meetings were held with Mabel, Trilogy Care and Bell Cares Inc. to understand the full implications of developing such a service. As a consequence, it was decided that the most appropriate way to proceed, would be to form a new not for profit organisation, which would not have any Council representation as part of its constitution. This was after understanding that the organisation would need to play an integral part in the application process and be privy to substantial personal information which would not align with Council's role in the community.

Accordingly, an application was submitted to the Office of Fair Trading in early August for the formation of an incorporated entity under the name of Somerset Assist Inc. Although Council's community development coordinator is the applicant, this was done as a private resident and not as a Council officer. To ensure compliance with Council's code of conduct, a conflict of interest form has been completed and appropriate action outlined to negate the perceived risk.

It is presently proposed that the organisation will commence its service in the Esk and Toogoolawah districts. Mabel have held workshops in these towns and have had success in attracting some local residents who are keen to become support contractors. This is an important step in the progress of this service, as workers need to be in place before clients.

It is anticipated that the service should be operational before the end of the year and will assist older residents in accessing the care they need, whilst providing other residents with an opportunity to establish their own businesses, thus helping the local economy.

Attachments

Nil

Recommendation

THAT Council receive the report 'Establishment of Care Coordination Not For Profit Organisation' and its content be noted.

Resolution:

Moved –Cr Brieschke

Seconded – Cr Isidro

"THAT Council receive the report 'Establishment of Care Coordination Not For Profit Organisation' and its content be noted."

Carried

Vote - Unanimous

Subject:	Organisational Closedown – Christmas / New Year 2023
File Ref:	Governance - Reporting - Officer Reports
Action Officer:	DCORP

Background/Summary

In previous years, Council has approved the closure of its office and libraries for the Christmas – New Year period.

Staff have been required to take leave and any emergent issues were dealt with by a skeleton crew. Council has not received any adverse public comment arising from such closure.

It is proposed that the offices and libraries be closed for the 2022 Christmas – New Year period. The statutory holidays fall on Saturday, 24 December from 6pm, Sunday, 25 December, Monday, 26 December, (Boxing Day) Tuesday, 27 December, 2022 (Christmas Day, The Holidays Act 1983 provides for an extra public holiday if either Christmas Day, Boxing Day or New Years Day should fall on a weekend) and Monday, 2 January, 2023. It is proposed that offices remain closed for the working days of 28, 29 and 30 December 2022 and reopen on Tuesday, 3 January, 2023.

Staff should be encouraged to take leave during this time, including banked RDO's / TOIL accrued for genuine operational needs.

For the outside workforce, an annual closedown is observed with a skeleton crew dealing with any emergency issues. The closedown will commence on Thursday, 15 December, 2022 with staff returning to work on Monday, 16 January, 2023.

Council's meeting schedule currently includes Thursday, 15 December, 2022 as an Ordinary Meeting day.

Attachments

Nil

Recommendation

THAT:

- (i) all Somerset Regional Council offices and libraries remain closed for the 2022 -23 Christmas – New Year period commencing Friday, 23 December 2022 and reopen on Tuesday, 3 January 2023 and further that all staff be encouraged to take leave during this time;
- (ii) Council note the annual closedown for the outside workforce will commence on Thursday, 15 December 2022, with staff recommencing on Monday, 16 January, 2023.

Resolution:

Moved –Cr Wendt

Seconded – Cr Brieschke

THAT:

- (i) all Somerset Regional Council offices and libraries remain closed for the 2022 -23 Christmas – New Year period commencing Friday, 23 December 2022 and reopen on Tuesday, 3 January 2023 and further that all staff be encouraged to take leave during this time;
- (ii) Council note the annual closedown for the outside workforce will commence on Thursday, 15 December 2022, with staff recommencing on Monday, 16 January, 2023"

Carried

Vote - Unanimous

Subject: Kilcoy Recreation Grounds Advisory Committee Meeting
File Ref: Kilcoy Recreation Grounds Advisory Committee
Action Officer: DCORP

Background/Summary

The Kilcoy Recreation 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, 25 August 2022. With representatives from each of the user groups present.

Items to note that were discussed at the meeting were:

- Financials discussed and noted an application to QLD Reconstruction Authority has been submitted for internal road works
- Repairs ongoing for the arena and yards where sand and gravel washed out, with additional site walk to be conducted to inspect.
- Potholes on the road in front of the dining pavilion need attention. Agreed Council to provide materials and committee to use own machinery
- Caretaker agreement and responsibilities discussed at length
- Booking Calendar to include Beef Event 2023

Attachments

Attachment 1: Meeting Report Kilcoy Recreation Grounds Advisory Committee Meeting – 25 August 2022

Recommendation

THAT Council receive the meeting report for the quarterly meeting of the Kilcoy Recreation Grounds Advisory Committee held on Thursday 25 August 2022 and the contents be noted

Resolution:

Moved –Cr Gaedtke

Seconded – Cr Whalley

“THAT Council receive the meeting report for the quarterly meeting of the Kilcoy Recreation Grounds Advisory Committee held on Thursday 25 August 2022 and the contents be noted”

Carried

Vote - Unanimous

Subject: Fernvale Recreation Grounds Committee Meeting
File Ref: Fernvale Recreation Grounds Advisory Committee
Action Officer: DCORP

Background/Summary

The Fernvale Recreation Grounds Advisory Committee meets each quarter to review the operations of the Hall and Fernvale Recreation Grounds. The quarterly meeting of the Committee was held on Thursday, 11 August 2022. With representatives from each of the user groups present.

Attachments

Attachment 1: Meeting Report Fernvale Recreation Grounds Advisory Committee – 11 August 2022

Recommendation

THAT Council receive the meeting report for the quarterly meeting of the Fernvale Recreation Grounds Advisory Committee held on Thursday 11 August 2022 and the contents be noted.

Resolution:

Moved –Cr Whalley

Seconded – Cr Isidro

"THAT Council receive the meeting report for the quarterly meeting of the Fernvale Recreation Grounds Advisory Committee held on Thursday 11 August 2022 and the contents be noted."

Carried

Vote - Unanimous

Subject:	Esk Recreation Grounds Advisory Committee Meeting
File Ref:	Esk Recreation Grounds Advisory Committee
Action Officer:	DCORP

Background/Summary

The Esk Recreation Grounds Advisory Committee meets each quarter to review the operations of the grounds. The quarterly meeting of the Committee was held on Tuesday, 16 August 2022. With representatives from each of the user groups present.

Items to note that were discussed at the meeting were:

- Esk Jockey Club planning has progressed with an onsite meeting with Graham Richardson with all user groups in agreeance with the proposed upgrades
- Further discussions required to refine the booking calendar process with a meeting with the CEO called
- Leak in Jockey Room to be investigated
- Request for grandstands, user group to obtain quotes and submit to Council
- Ring fence addressed by the Camp Draft Association, budget to be looked at for upgrades

Attachments

Attachment 1: Meeting Report for Esk Recreation Grounds Advisory Committee Meeting – 16 August 2022.

Recommendation

THAT Council receive the meeting report for the quarterly meeting of the Esk Recreation Grounds Advisory Committee held on Tuesday, 16 August 2022.

Resolution:

Moved –Cr Brieschke

Seconded – Cr Wendt

" THAT Council receive the meeting report for the quarterly meeting of the Esk Recreation Grounds Advisory Committee held on Tuesday, 16 August 2022."

Carried

Vote - Unanimous

Subject: The Condensery Somerset Regional Art Gallery Advisory Committee Meeting
File Ref: Somerset Regional Art Gallery – The Condensery Advisory Committee
Action Officer: ACM

Background/Summary

The Somerset Regional Art Gallery Advisory Committee (CSRAG) meets each quarter to review the operations of The Condensery. The quarterly meeting of the Committee was held on Monday, 1 August 2022. With representatives from various groups representing the committee in attendance.

The committee currently has a vacancy on the committee for a community member. The position was advertised in local papers, with four expressions of interest (EOI) being received. The committee considered the EOI's and have made a recommendation for Lydia Eggunike to be invited to join the committee.

Attachments

Attachment 1: Meeting Report for Somerset Regional Art Gallery Advisory Committee
 CSRAG Meeting - 1 August 2022

Recommendation

THAT Council

- 1) receive the meeting report for the CSRAG meeting held on Tuesday, 1 August 2022 and the contents be noted.
- 2) Accept the expression of interest from Lydia Eggunike to join The Condensery – Somerset Regional Art Gallery Advisory Committee.

Resolution: Moved –Cr Brieschke Seconded – Cr Whalley

" THAT Council

- 1) receive the meeting report for the CSRAG meeting held on Tuesday, 1 August 2022 and the contents be noted.
- 2) Accept the expression of interest from Lydia Eggunike to join The Condensery – Somerset Regional Art Gallery Advisory Committee."

Carried

Vote - Unanimous

Subject: Regional Arts Development Fund Advisory Committee Meeting
File Ref: 2022 Regional Arts Development Fund Advisory Committee
Action Officer: ACM

Background/Summary

The Regional Arts Development Fund Advisory Committee meets each quarter to review the operations of the Regional Arts Development Fund. The quarterly meeting of the Committee was held on Monday, 15 August 2022. With representatives from various groups representing the committee in attendance.

Attachments

Attachment 1: Meeting Report for Regional Arts Development Fund Advisory Committee Meeting – 15 August 2022.

Recommendation

THAT Council

- 1) receive the meeting report for the quarterly meeting of the Regional Arts Development Fund Advisory Committee held on Monday, 15 August 2022.
- 2) approve
 - (a) An amount of \$9,000 for Somerset Regional Council – “Garden of Light”.
 - (b) An amount of \$6985 for Embodied Media – “Carbon Dating”.
 - (c) An amount of \$4,500 for the Toogoolawah and District Historical Society – Upgrade of T&DHG Museum Collection – Stage1

Resolution:

Moved –Cr Gaedtke

Seconded – Cr Whalley

" THAT Council

- 1) receive the meeting report for the quarterly meeting of the Regional Arts Development Fund Advisory Committee held on Monday, 15 August 2022.
- 2) approve
 - (a) An amount of \$9,000 for Somerset Regional Council – “Garden of Light”.
 - (b) An amount of \$6985 for Embodied Media – “Carbon Dating”.
 - (c) An amount of \$4,500 for the Toogoolawah and District Historical Society – Upgrade of T&DHG Museum Collection – Stage1.”

Carried

Vote - Unanimous

Subject:	Somerset Civic Centre Advisory Committee Meeting
File Ref:	2020 -2024 - Somerset Civic Centre Advisory Committee – Doc Id.
Action Officer:	ACM

Background/Summary

The Somerset Civic Centre Advisory Committee meets each quarter to review the operations of The Civic Centre. The quarterly meeting of the Committee was held on Monday, 22 August 2022. With representatives from various groups representing the committee in attendance.

Attachments

Attachment 1: Meeting Report for Somerset Civic Centre Advisory Committee Meeting – 22 August 2022.

Recommendation

THAT Council receive the meeting report for the quarterly meeting of the Somerset Civic Centre Advisory Committee held on Monday, 22 August 2022 and the contents be noted.

Resolution:

Moved –Cr Gaedtke

Seconded – Cr Whalley

" THAT Council receive the meeting report for the quarterly meeting of the Somerset Civic Centre Advisory Committee held on Monday, 22 August 2022 and the contents be noted."

Carried

Vote - Unanimous

Subject: Toogoolawah Swimming Pool – Water Play
File Ref: SRC/Council Properties/Capital Works
Action Officer: DCORP

Background/Summary

In early 2021 Council had obtained three quotes to undertake works for fencing, landscaping and minor concrete works at the Toogoolawah Swimming Pool as part of the completion of the Water Play Works.

Construction on the project commenced late 2021 and was due to complete the end of April 2022. Unfortunately, weather prevented this from happening and practical completion did not occur until 31 May 2022. The fencing for the pool was to be replaced and minimal landscaping by way of turf was to be installed around the splash pad. However, due to the works being carried out while the ground was still very wet the entire area was churned up and a decision was taken after discussion with the contractor to widen the scope of works for landscaping. The fence at the rear of the property was also in a poor state after the flooding in February and May this section of chain mesh fencing was discussed and replacement and re-positioning were considered the best option.

Given that Daniel Banditt Constructions were already on-site and had submitted the most competitive Quotation initially, it would not have been advantageous or cost effective for Council to call quotes to complete the expanded scope of works.

Attachments

Nil

Recommendation

That in accordance with Section 235 (a) Council approve the extended works carried out at the Toogoolawah Swimming Pool for landscaping, fencing and minor concrete works being awarded to Daniel Banditt Constructions as the only contractor reasonably available and would provide the best value for money for Council.

Resolution:

Moved –Cr Wendt

Seconded – Cr Whalley

“THAT in accordance with Section 235 (a) Council approve the extended works carried out at the Toogoolawah Swimming Pool for landscaping, fencing and minor concrete works being awarded to Daniel Banditt Constructions as the only contractor reasonably available and would provide the best value for money for Council.”

Carried

Vote - Unanimous

Subject:	Local Disaster Management Group Meeting Report August 2022
File Ref:	Emergency services / planning / Local Disaster Management Group
Action Officer:	DMO

Background/Summary

The Somerset Local Disaster Management Group (LDMG) meets regularly to develop strategies to respond to disasters should they occur and to mitigate the effects of disasters on the community wherever possible. The LDMG consists of the following agencies fulfilling roles of members and advisors:

- CleanCo
- Department of Communities, Housing and the Digital Economy (DCHDE)
- Department of Agriculture and Fisheries
- Department of Transport and Main Roads
- Education Queensland
- Energex
- Queensland Health (Esk and Kilcoy Hospitals)
- Queensland Ambulance Service
- Queensland Fire and Emergency Services
- Queensland Police
- Queensland Reconstruction Authority
- Red Cross
- SEQWater
- Somerset Regional Council
- State Emergency Service
- Telstra
- NBNC
- Urban Utilities

Meetings are held quarterly, generally held on the third Wednesday of February, May, August, and November each year. Extraordinary meetings can be held outside this time if the LDMG is activated due to a disaster.

The meeting report including agency reports from 17 August 2022 meeting are attached.

Attachments

Local Disaster Management Group meeting report of 17 August 2022.

Recommendation

THAT the meeting report of the Local Disaster Management Group of 17 August 2022 be received, and the contents noted.

Resolution: Moved –Cr Wendt Seconded – Cr Isidro

“THAT the meeting report of the Local Disaster Management Group of 17 August 2022 be received, and the contents noted.”

Carried

Vote - Unanimous

Subject: Somerset Local Disaster Management Plan Review
File Ref: Emergency Services / Planning / Local Disaster Management Plan
Action Officer: DMO

Background/Summary

In accordance with Section 59(2) of the **Disaster Management Act 2003** the Local Government is required to review its plan at least once per year.

The Local Disaster Management Group (LDMG) has undertaken its annual review of the Local Disaster Management Plan (2022) (LDMP). The LDMG endorsed the LDMP (2022) at its meeting of 17 August, 2022.

The reviewed LDMP is now required to be adopted by Council. Once adopted, the plan will be made publicly available to LDMG members, Councillors and on Council's website.

Attachments

Local Disaster Management Plan (2022)

Recommendation

THAT Council adopt the Local Disaster Management Plan (2022) in accordance with the requirements of the Disaster Management Act 2003.

Resolution: Moved –Cr Wendt Seconded – Cr Whalley

“THAT Council adopt the Local Disaster Management Plan (2022) in accordance with the requirements of the Disaster Management Act 2003.”

Carried

Vote - Unanimous

Subject: Traffic Safety Advisory Committee – 6 July 2022
File Ref: 2020 – 2024 Traffic Safety Advisory Committee
Action Officer: EA

Background/Summary

The quarterly meeting of the Traffic Safety Advisory Committee was held on Wednesday, 6 July 2022.

Attachments

Meeting Report for the Traffic Safety Advisory Committee

Recommendation

THAT Council receive the meeting report of the Traffic Safety Advisory Committee held on Wednesday, 6 July 2022 and the contents be noted.

Resolution:

Moved –Cr Gaedtke

Seconded – Cr Brieschke

“THAT Council receive the meeting report of the Traffic Safety Advisory Committee held on Wednesday, 6 July 2022 and the contents be noted.”

Carried

Vote - Unanimous

Subject:	2022 - 23 Flood Preparedness
File Ref:	Emergency services / planning / disaster planning
Action Officer:	DMO

Background/Summary

With a wetter than average forecast predicted over the coming season, work has commenced to ensure that we are as prepared as possible. Over the coming months we are likely to see above average rainfall amounts that could lead flash flooding or rises in the Brisbane River, Stanley River, Lockyer Creek and other major/minor waterways in the region.

In order to ensure that our community remains vigilant and prepared, the following items are being scheduled over the coming weeks/months.

Flood Cameras

All of Council's flood cameras are being upgraded to allow for higher definition images along with night vision. Five cameras have been already upgraded, with Twin Bridges, Savages Crossing and Geoff Fisher Bridge cameras to be completed within the next month.

The cameras at Twin Bridges and Savages Crossing are being moved to a location higher than where they are currently.

Evacuation Centres

During an event that requires the establishment of an evacuation centre, having staff and resources available can be problematic. With some recent resignations within Council we need to look at who our leaders will be when setup of an evacuation centre is required.

It has been proposed that Councillors be given the opportunity to fill the role of evacuation centre manager, with support of Council staff. Red Cross, under the existing Memorandum of Understanding, can also assist during large scale events that continue past 72 hours, however recent events have highlighted getting the Red Cross into the region can be problematic too.

Staff and Councillors would receive training from Red Cross to assist in the running of these centres.

Evacuation Centres are primarily located at:

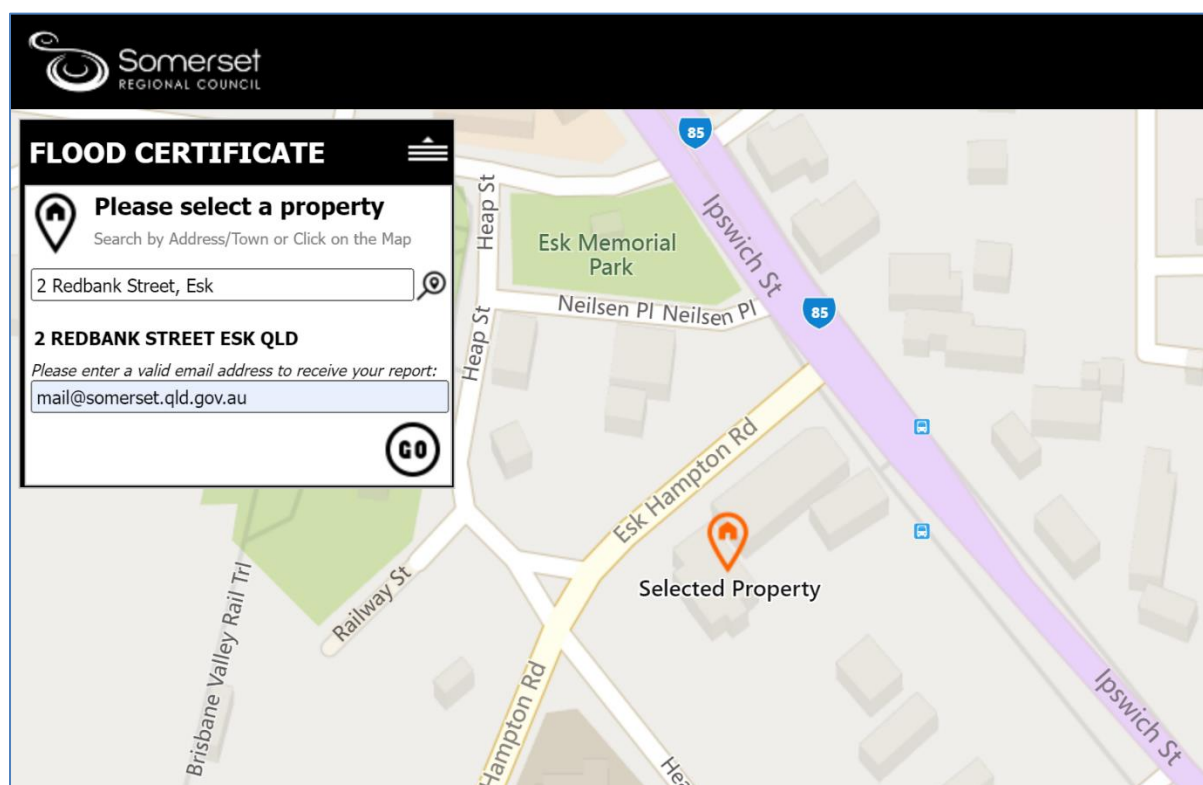
- Fernvale;

- Lowood;
- Esk;
- Toogoolawah; and
- Kilcoy.

We currently have two (2) evacuation trailers located in Lowood and Kilcoy. A further 60 stretchers are being ordered to be stored should they be required. Council currently has a relationship with the Buddhist Compassion Relief Tzu-Chi Foundation and have requested a MOU to assist with formalising that arrangement. The Tzu-Chi foundation has provided beds to us during events, the most recent being the flooding in Feb/March 2022.

Flood Certificates

Council has used existing modelling and its WaterRide system to develop an online property specific Flood Certificate system. The system has been developed to allow residents or potential new residents to better understand their flood risk. The system will be available for free, via a link from Council's website.



Communications

In an effort to better inform the community and have them prepared as much as possible over the coming months, we are looking to reach out to the community by a number of methods, namely;

For those living in a flood modelled area

In rolling out the flood certificates, it is proposed that we send a letter advising of the service to all residents in a flood study area, i.e.

- Fernvale;
- Lowood;
- Esk;
- Toogoolawah; and
- Kilcoy.

It is proposed that the letter be used to inform residents of any risk, and advise what preparations they can make to ensure they and their family remain safe should we experience any major impacts over the coming season.

Residents likely to be isolated

Given the likelihood of some levels of isolation as experienced earlier this year, a letter will be sent to residents that can be isolated for periods of time due to creek and riverine rises, such as Banks Creek, England Creek, Scrub Creek and Mt Stanley areas. Residents will be reminded that they can be isolated for extended periods of time and should ensure that they have a plan in place if they do. We will also seek updating of contact information to ensure that we can communicate by phone, SMS etc should there be the need.

Social Media and Press Releases

Council will use its social media channels to release and share preparedness messages throughout the coming months. A series of social media posts are being prepared to push out on an approximately weekly basis.

Training

We have had some new staff members join our Incident Management Team, and as such will require Local Disaster Coordination Centre training. Further, we will also be looking at extending the number of Councillors and staff trained in evacuation centre management.

Training has been scheduled for the following:

- Evacuation Centre Training – Friday 23 September and Monday 31 October 2022. This training will be done by Red Cross at a location to be determined. It will be a full day.
- Local Disaster Coordination Centre (LDCC) Training - Monday 10 – Tuesday 11th (2 days). Likely followed up with a half day exercise a week or two afterwards.
- Guardian Training- we will be holding some guardian training over the coming two months using TEAMS. The sessions will likely run for a few hours and target various roles within the LDCC. Training will be conducted by QITPlus.

Local Disaster Coordination Centre (LDCC)

With the current disruptions due to the repairs/renovation of the Council's administration building, it has been decided that any event over the coming period will be run from Fernvale. IT have begun ensuring that we have adequate resources should setup be required.

Council normally runs its LDCC from the Simeon Lord room in Esk, however this is being used as office space whilst these renovations take place.

Restocking of Road Closure Signage

After the earlier floods in February and May, a number of Council's road closure signage has been stolen, damaged or otherwise made unusable and Council is currently restocking this signage.

In addition to this Council has also secured an additional two (2) variable message boards, that can be deployed to advise motorists of road flooding and reinforce the message of "if its flooded, forget it".

Attachments

NIL

Recommendation

THAT Council receive the report titled “2022/23 Flood Preparedness” and the contents be noted.

Resolution:

Moved –Cr Brieschke

Seconded – Cr Isidro

“THAT Council receive the report titled “2022/23 Flood Preparedness” and the contents be noted.”

Carried

Vote - Unanimous

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

Background/Summary**Technical Design Team**

This month, the technical team continued the detailed design of the 2022-2023 capital works program. The team provided engineering support to the works department on numerous projects. They also provided engineering development advice to the planning department. The team has also continued to oversee operations in the parks and facilities area.

The Technical Design team continues to set out traffic counters within the region and provide continual assessment of Council infrastructure to insure our information remains current within our asset system.

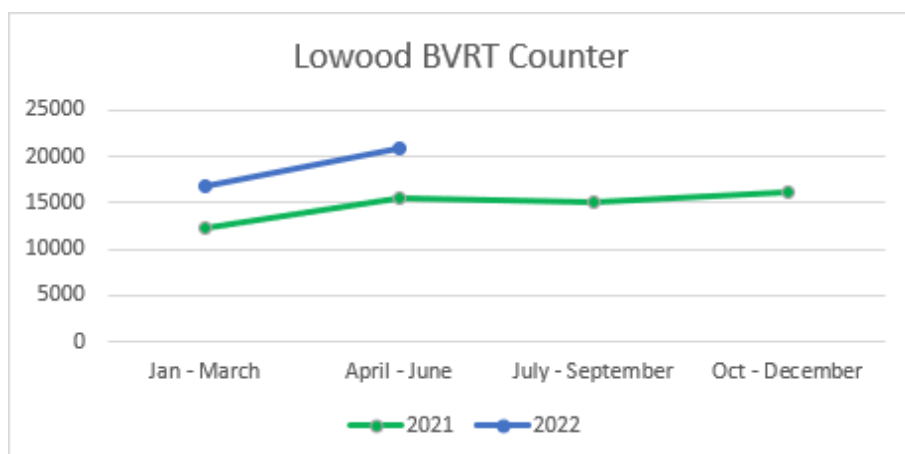
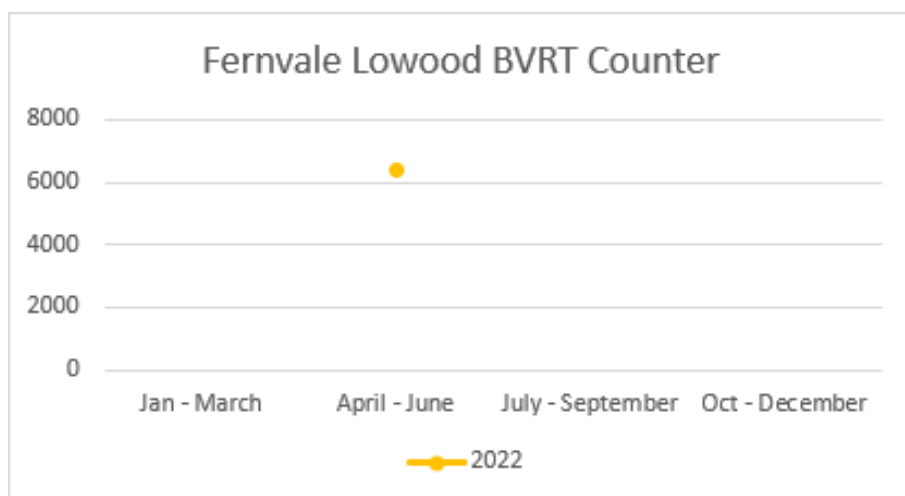
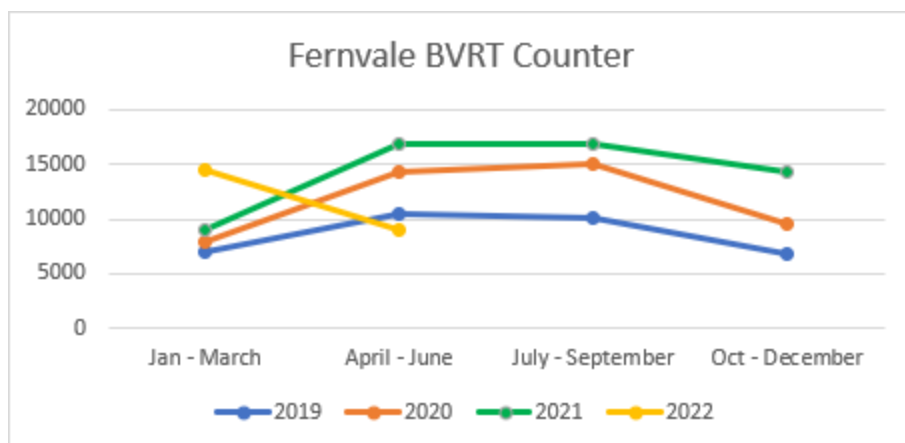
This month the design team have completed, reviewed, or modified the following 2022-2023 design projects:

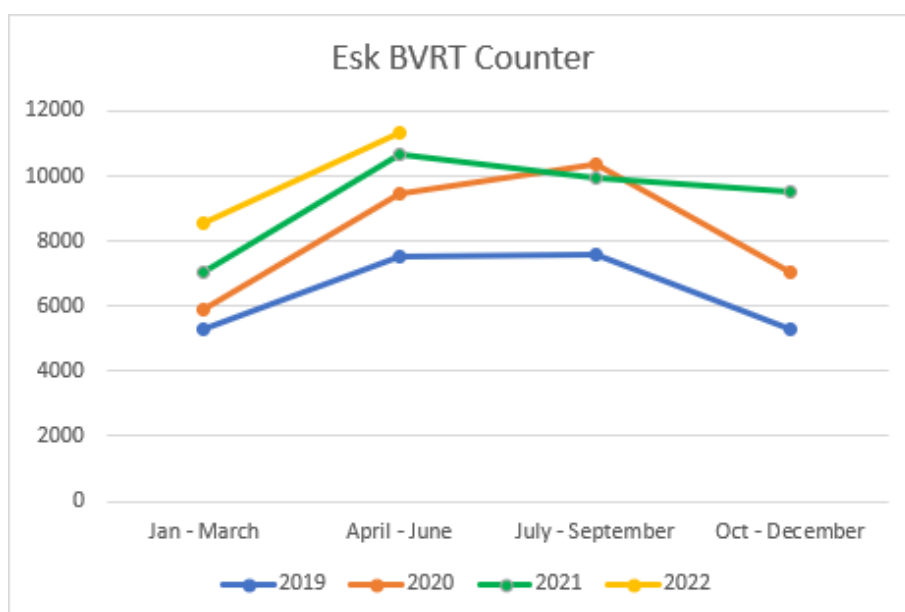
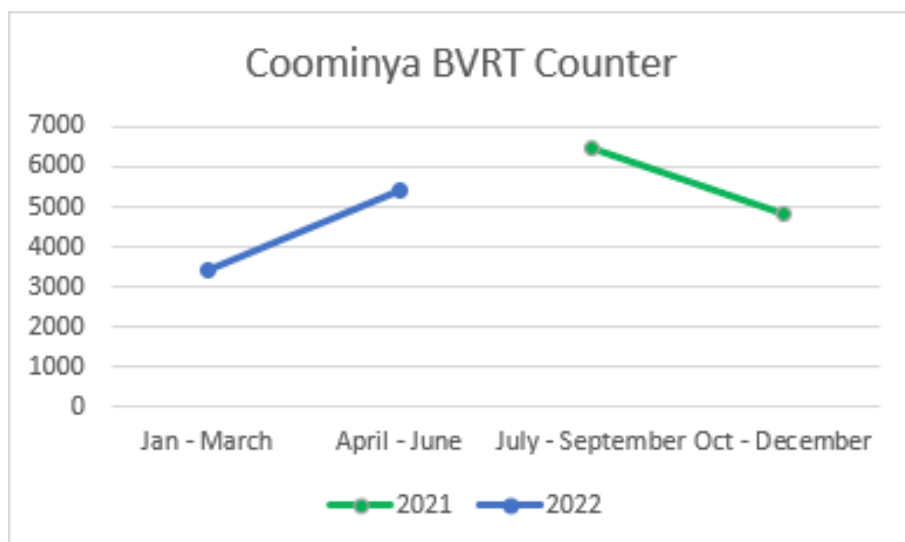
- McConnell Street, Braemore.
- Colinton Street, Braemore.

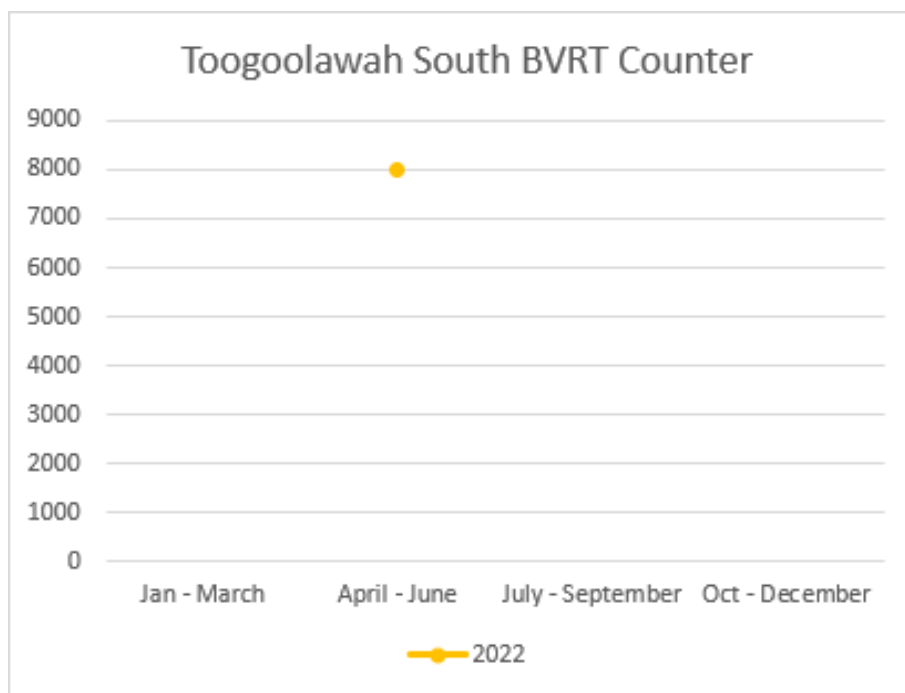
Permits**Aug-22****Aug-21**

Land Access Permit	46	47
Property Access Applications	47	34
National Heavy Vehicle Regulator Permits Processed	6	20

Rail Trail Counter Charts for (June Quarter)







Works Department

Day Labour Works

- Patrick Street, Lowood - construction work continues to progress
- Esk Crows Nest Road, Biarra - awaiting linemarking
- Mack Street, Esk stage 2 - preparing for kerb and channel
- Copley Lane Bridge - construction has started
- Wade Street, Kilcoy - road awaiting asphalt
- Rose Street, Kilcoy - footpath completed
- Mowing and slashing works on Council and DTMR occurring.
- Note with the recent flooding a lot of roads have been inspected and damages logged to submit a claim through to Queensland Reconstruction Authority.
- Maintenance to flood affected roads continues throughout the region.

Workshop-Mechanical

- Completed repairs, services and scheduled maintenance of Council fleet.
- Quarterly test and tag of cloth lifting slings has been completed.
- Three new lease vehicles have arrived, one was a town steward vehicle which required rear toolbox and rubbish cage to be transferred across.
- Monthly check and start test on emergency gensets were carried out at Esk Civic Centre, Esk Administration office, Fernvale Futures and Kilcoy depot.
- Two mechanics have resigned within three weeks of each other leaving workshop very short staffed. Workshop has been prioritising the most important jobs as well as outsourcing some work on our fleet and small plant. Hopefully this will keep the fleet going until the two positions can be filled.

Workshop – Welding Bay

- 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 handrail, park furniture, etc.
- Quarterly test and tag for portable electrical items is has been completed in July.

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 Forest Hill-Fernvale Road and Wivenhoe Somerset Road. Works on Brisbane Valley Highway are now complete.
- Resealing and linemarking of Wivenhoe Somerset Road has started.
- Vegetation Spraying on various TMR roads continue.
- Ongoing signage and guidepost repairs continue throughout the TMR network.

Works carried out by Contractors

- AandM Civil Contractors continuing with stabilising works on Forest Hill-Fernvale Road
- RPQ sealing program on various roads throughout the Council and TMR network
- BVRT works in Esk ongoing - AandM Civil Contractors.
- RV carpark in Toogoolawah is completed - AandM Civil Contractors

Weather Outlook

September to November rainfall is likely to be above median for the eastern two thirds of Australia.

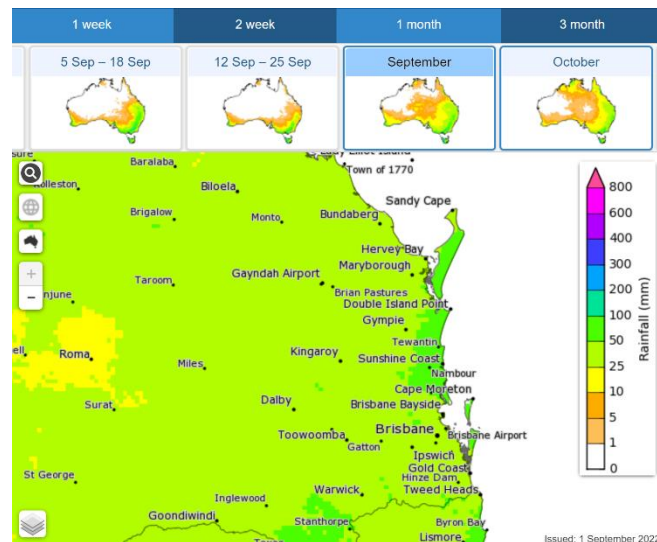
September rainfall is likely to be above median for much of Australia, with the chance of above median rainfall more widespread in September than later in the season.

The negative Indian Ocean Dipole event, increasing chance of La Niña emerging during spring, positive Southern Annular Mode index, and warmer than average waters around northern Australia are likely to be influencing this outlook.

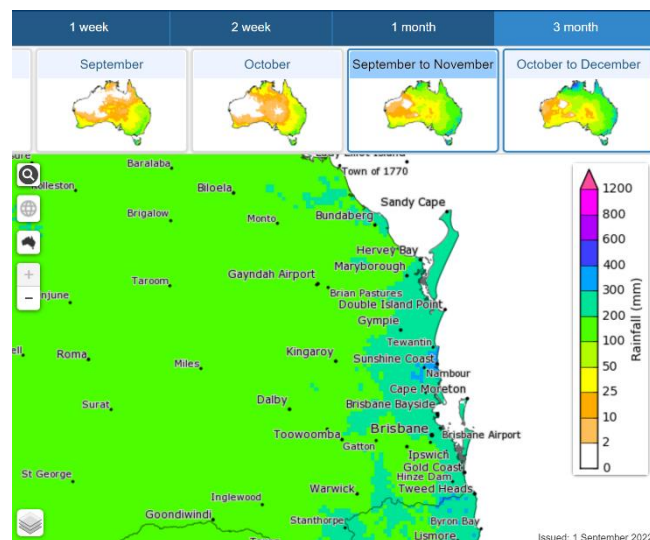
In summary:

- Above average rainfall likely to occur during the next 3 months across Southeast Queensland with a higher number of rain days
- Above average chance of riverine flooding during spring
- Below average maximum temperatures favoured
- Decreased bushfire threats
- Potential for an earlier storm season, but overall severity may be below average
- Average to slightly above average potential for tropical cyclone

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



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



Disaster Management

- The DDMG held an exercise that tested communications to members on 4 August.
- Council is continuing to provide data to the Queensland Reconstruction Authority as part of the Resilient Homes Fund. Currently there are approximately 38 applications being assessed, of which five are seeking voluntary buybacks.
- Replacement of cameras at Twin Bridges and Savages Crossing have been delayed due to supply issues. These should be completed in September.
- Servicing of flood warning equipment continued during August. These will be finalised in September.
- Flood Certificate System testing has been completed internally and will be presented to Council at its next meeting.
- Council participated in the Brisbane River Interagency Meeting, with BOM, SEQWater, QRA and other SEQ Councils.

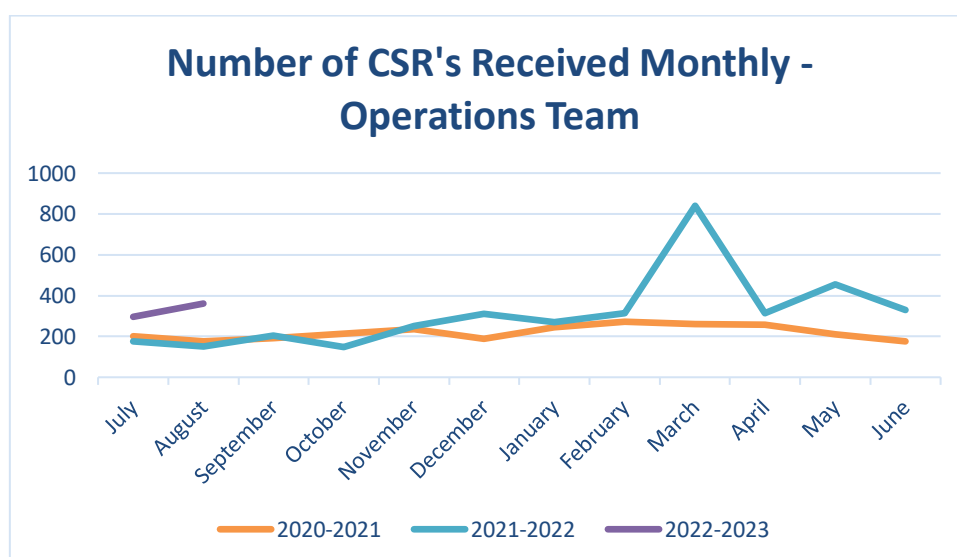
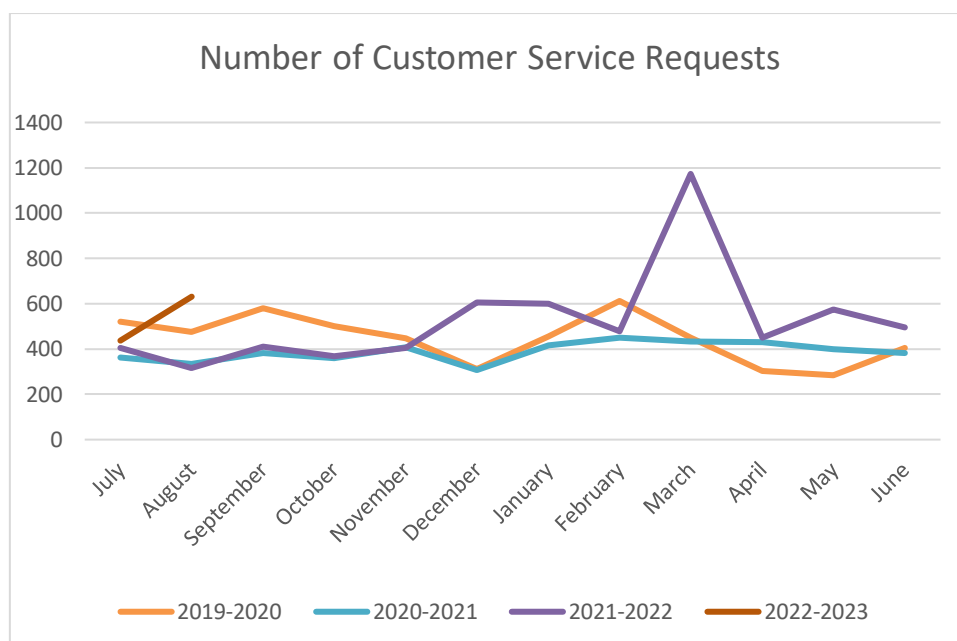
- The Somerset Local Disaster Management Plan (LDMP) was presented to the LDMG for endorsement on August 17.
- Discussions held with Moreton Bay Regional Council regarding boundary issues and potential camera site locations. These discussions also involved DTMR given the locations will likely be on a DTMR road.
- Rural Fire Fighting Tanks have been installed at Jimna, Fernvale, Esk and Biarra areas. Council also assisted Lockyer Valley Regional Council in the installation of three tanks in their region, which also has now been completed.
- Council have been working with DAF regarding Emergency Animal Diseases (EADs) and Local Government's responsibilities should there be an outbreak of Foot and Mouth Disease (FMD) etc. A DAF briefing was held in early August outlining the risk of FMD and how it might impact our community should there be an outbreak. Council have developed a draft Livestock Standstill sub plan to better outline our responsibilities. Council also attended a DAF run workshop on EADs on 31 August in Toowoomba.
- The Somerset Local Disaster Management Group meeting was held on August 17.
- The Disaster Management Engagement Group held its quarterly meeting in Ipswich. DMO attended.
- LDMP IGEM plan assessment was completed with the assistance of QPS.
- Training for Local Disaster Coordination Centre staff and Evacuation Centre staff is being scheduled for September and October.
- 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 \$12.8m. More submissions to follow in the coming weeks/months.

Waste Management

Waste data to follow due to internet issues at Esk landfill and unable to get data from weighbridge.

Customer Service Requests

Council received 631 customer service requests for the month of August 2022 on Council's corporate customer service system. A copy of the report is attached for your information.



	Jul-22	Aug-22
Cemeteries	3	1
Disaster Management	1	0
Departmental reviews	2	0
Fences on roadways	0	0
Illegal dumping clean ups	13	5
Overgrown Council land	0	0

Parks including mowing, cleaning/maintenance park equipment including public toilets, tables and chairs, shade shelters etc.	4	6
Roads - bitumen	69	56
Roads - gravel	40	31
Roads - drainage	10	13
Roads - culverts	3	4
Roads - vegetation	31	16
Roads - footpaths	6	5
Roads - linemarking	1	1
Roads - bridgework	1	0
Roads - traffic furniture	18	23
Rural Property Number	12	5
Stormwater issues within private properties	3	2
Waste management	2	6
Wheelie bins		
Cancellation of extra services	1	22
Damaged lids and wheels	10	29
Replacement Split Bins	19	41
New Services	28	19
Extra services	7	7
Stolen bins	7	65
Missed services	4	3
Contractor requests/complaints	1	1
Facilities		
Air conditioning	1	0
Carpentry, painting, tiling and flooring	2	1
Electrical	5	4
Equipment, furniture and fixtures	9	7
Grounds maintenance	1	1
Pest Control	0	0
Plumbing	14	11
Roofing and guttering	1	0
Security, locks and CCTV	5	0
Signage	0	0
Vandalism	4	0
Cleaning	1	0

	296	361
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Attachments

Customer service report for August 2022 – attachment 1

Recommendation

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

Resolution:	Moved –Cr Brieschke	Seconded – Cr Wendt
	“THAT Council receive the Operations Report for August 2022 and the contents be noted.”	
	<i>Vote - Unanimous</i>	
		<u>Carried</u>

Subject:	Recovery and Resilience Subgroup update – August 2022
File Ref:	2022 Severe Weather Event - Recovery
Action Officer:	EAD

Background/Summary

Council Recovery and Resilience Subgroup members, comprised of Somerset Regional Council members and various Agencies that provide services to this region, met on Thursday, 11 August 2022. The meetings provide updates and discussion on the progress of recovery and resilience actions as outlined in the action plan circulated post flooding events in February and May.

Highlights from the recovery meetings and post the meetings include:

- Council advice from the Department of Housing, Communities and Digital Economy that Council will be offered a Community Recovery and Resilience Officer. Council has responded with an Expression of Interest and awaits further advice.
- Council placed an Expression of Interest (EOI) under the Community and Recreational Assets Recovery and Resilience Program for several sites across the region. Council was advised on 5 September that our EOI has progressed and now offers Council the ability to submit detailed applications for nominated projects.
- Council has submitted 20 submissions to Queensland Reconstruction Authority (QRA) for road-related damage for restoration under the restoration of essential public assets (REPA), with one submission approved and many more expected to be released in the coming days/weeks. Council Officers continue to submit several locations for betterment in parallel with REPA submissions.
- QRA has advised that on 5 September 2022 that 34 properties in the Somerset region have expressed an interest in the State Government Resilient Home Fund.

Attachments

- Attachment 1 - 2022_08_11 Meeting Notes Somerset Human Social Recovery Group meeting
- Attachment 2 - 2022_08_11 Meeting Notes Somerset Economic Recovery Group meeting

- Attachment 3 - 2022_08_11 Meeting Notes Somerset Infrastructure Recovery Group meeting
- Attachment 4 - 2022_08_11 Meeting Notes Somerset Natural Environment Recovery Group meeting

Recommendation

THAT Council receive the Recovery and Resilience Subgroup update – August 2022 and the contents be noted.

Resolution:	Moved –Cr Brieschke	Seconded – Cr Gaedtke
	“THAT Council receive the Recovery and Resilience Subgroup update – August 2022 and the contents be noted.”	
	<i>Vote - Unanimous</i>	
		<u>Carried</u>

Meetings authorised by Council

Cr Whalley has expressed an interest in attending the Sustainable Trails Conference in St Helen's on 1-3 November 2022.

Resolution:	Moved –Cr Brieschke	Seconded – Cr Isidro
	THAT Cr Whalley be authorised to attend the Sustainable Trails Conference to be held in St Helens on 1 -3 November 2022.	
	<i>Vote - Unanimous</i>	
		<u>Carried</u>

Mayor and Councillor Reports

Cr Brieschke – Councillor Report

August

24	Ordinary Council Meeting Council Workshop Meeting
30	Kilcoy Interagency, via Teams Kilcoy Show Society AGM., Kilcoy Showgrounds
31	Internal Meeting Meeting re organizational matters Inaugural Dance Affair, Somerset Civic Centre, 10-year Birthday Celebration

September

01	Australia Local Government Women's Association Media Workshop and Annual Meeting, Brisbane
03	Somerset Citizens Science Tree Planting Day, The Condensery, Toogoolawah Rural Fire Service Exercise Day, Toogoolawah Showgrounds
05	Special Committee meeting, The Condensery
06	The Condensery Advisory Committee meeting with artist.

- 07 Somerset Regional Council Audit Committee meeting, Esk
- 08 Tourism 101 Forum, Toowoomba
- 09 Ipswich Child Protection Week Gala Dinner & Awards
- 12 Meeting to discuss processes associated with the Queen's passing
- 13 Visit with Lowood Lions, Lowood Railway Station building
- 16 West Moreton Landcare Platinum Jubilee of Her Majesty Queen Elizabeth II, official presentation, and commemorative planting.
- Toogoolawah High School Grade 12 Formal arrivals
- 19 Somerset Garden Competition Judging
- 20 Somerset Garden Competition Judging

On behalf of the Mayor, I had the honor of attending the Ipswich and West Moreton Region Child Protection Week 2022 Dinner and Awards Presentation with Council's Community Development Coordinator and am very pleased to advise that Somerset Regional Council won the government agency award for the Teddy Bear's Picnic and Mad Hatter's Tea Party.

Council's Community Development Coordinator organizes these free events for the community to raise awareness of services which are available to families with young children in the Somerset Region. These events allow families to engage with service providers in a casual environment while children enjoy activities on the day.

The Award is a wonderful recognition of the work that Council's CDC performs in our region, and I believe well deserved.

Just a reminder The Teddy Bear's Picnic is on Thursday, 29 September at the Somerset Civic Centre, Esk.

Cr Gaedtke– Councillor Report

August

- 24 Ordinary Council Meeting – Kilcoy
- 24 Workshop Meeting – Kilcoy
- 24 Inspection of the Kilcoy Golf Club facilities
- 25 Kilcoy Global Foods – Discussion employment opportunities
- 25 Meeting at Kilcoy Cemetery
- 25 Kilcoy Recreation Grounds Advisory Committee Meeting

September

- 01 Australia Local Government Women's Association AGM - Brisbane
- 02 Teams Meeting – The Condensery
- 05 Teams Meeting – The Condensery
- 06 Teams Meeting – The Condensery
- 12 Teams Meeting – Queen's Passing
- 13 Kilcoy Indoor Sports Centre Redevelopment – Community consultation
- 13 Kilcoy State High School P & C Meeting
- 13 Preliminary Discussion – Lowood Lions Railway Station
- 13 Kilcoy Hospital Auxiliary AGM
- 15 Kilcoy Art Society Inc Monthly Meeting
- 15 Kilcoy CBD Development Discussion – Local Community Groups
- 16 Queen's Birthday Jubilee Project – West Moreton Landcare – Lowood

Cr Isidro – Councillor Report

Many thanks to the West Moreton Landcare Group for the Queens Jubilee planting held on 16 September 2022. It was very fitting that this occurred during the Queens mourning period.

Resolution:	Moved –Cr Whalley	Seconded – Cr Isidro
	"THAT the verbal and written reports of Cr Brieschke, Gaedtke and Isidro be received."	
	<i>Vote - Unanimous</i>	
		<u>Carried</u>

Receipt of Petition

Nil

Consideration of notified motions

Resolution:	Moved –Cr Lehmann	Seconded – Cr Wendt
	"THAT for the purposes of the minutes of 21 September 2022 that it be noted that the original meeting scheduled for 14 September 2022 was postponed to respect the passing of Queen Elizabeth II."	
	<i>Vote - Unanimous</i>	
		<u>Carried</u>

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 10.15am.
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