



**Minutes of Ordinary Meeting
Held 28 September 2022**

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

Present

Cr Graeme Lehmann	(Mayor)
Cr Helen Brieschke	(Deputy Mayor)
Cr Sean Choat	(Councillor)
Cr Cheryl Gaedtke	(Councillor)
Cr Kylee Isidro	(Councillor)
Cr Jason Wendt	(Councillor)
Cr Bob Whalley	(Councillor)
Mr A Johnson	(Chief Executive Officer)
Mr M McGoldrick	(Director Corporate and Community Services)
Mr R Jarjees	(Acting Director Operations)
Mr S Brennan	(Acting 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)

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Opening of Meeting

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

Leave of Absence

Nil

Confirmation of Minutes**Resolution**

Moved – Cr Isidro

Seconded – Cr Brieschke

“THAT the Minutes of the Ordinary Meeting held 21 September 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

29 Teddy Bears Picnic, 9 am – 12.00 pm., Somerset Civic Centre, Esk.
Somerset Regional Council Garden Competition Presentations, 1 pm.,
Esk Visitor Information Centre.

October

06 Esk Hospital Auxiliary AGM, 2.00 pm., Somerset Civic Centre.
13 Esk Show Society AGM, 7.00 pm., Esk Show Grounds.

It was great to see the Toogoolawah Pool Splash Pad officially opened last week, a milestone for Council which also celebrated the refurbishment of the pool precinct. The upgrades to the facility and general refresh of the grounds will last long into the future, improving accessibility and liveability for our residents.

Following the announcement of the winners of the Garden Competition tomorrow, the gardens will be open to the public this weekend, 1 and 2 October from 9.00 am to 2.00 pm.

Matters of public interest – Cr Gaedtke

The Lowood Truck Show organisers presented \$16,097.44 as a donation to their chosen charity to help families and research for Brain Cancer. The organisers have advised that next year's donation will be made to the charity Motor Neurone Disease. The group wish to thank all sponsors and everyone who came along on the day to help raise a fantastic amount of money.

Best of luck to the Kilcoy Golf Club who has become a finalist of the 2022 Queensland Golf Industry Awards (Under 400 members) category.

Matters of public interest – Cr Choat

National Police Remembrance Day will be commemorated Thursday, September 29 across Australia. On this day, people pause to remember the police employees who have passed away over the past 12 months. This is an opportunity for the community to honour the dedicated men and women who have died serving their community and also those who have lost their lives through illness or other circumstances either during or beyond employment.

Police serve an important role in society in a role which is dangerous with potential risks to personal safety with each shift. Many police officers have lost their lives while doing their job to keep us and our property safe.

National Police Remembrance Day is also an opportunity to honour police employees in general and give thanks for the service they provide including maintaining law and order by protecting members of the public and their property, preventing, investigating and solving crime, reducing the fear of crime and bringing the perpetrators of crime to justice.

I want to put on the public record my appreciation for the work of those from the QPS who serve the Somerset community. I encourage all residents to take the opportunity, not just on Thursday but at any time to stop and say thank you to local Police for the work they do.

Matters of public interest – Cr Wendt

The first of Council's three free tree days was held at Fernvale last Saturday. It was very successful and I encourage all residents to come along to the next event on Saturday 8 and 22 October.

Declarations of Interest

Cr Wendt declared a prescribed conflict of interest in agenda item 22.

Subject:	Development Application No. 21826
	Development Application for a Development Permit for Material Change of Use for Multiple Dwelling (Four Townhouses)
File No:	DA21826
Assessment No:	80129-00000-000
Action Officer:	SP – MO

1.0 APPLICATION SUMMARY

Subject Land

Location:	4 Mary Street, Kilcoy
Real property description:	Lot 4 RP84868
Site area:	736m ²
Current land use:	Motor vehicle workshop
Easements/encumbrances:	Nil identified

South East Queensland Regional Plan 2017

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

Zone:	Centre zone
Precinct:	Not applicable
Overlays:	High impact activities management area overlay
	Infrastructure overlay
	Stock route management overlay

Application

Proposal:	Multiple dwellings (four townhouses)
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Category of assessment:	Code assessment
Applicant details:	Veris Australia Pty Ltd PO Box 1104 MILTON QLD 4064
Owner details:	James Davies
Date application received:	9 December 2021
Date application properly made:	9 December 2021
Referral agencies	State Assessment and Referral Agency
Public notification	Not required

RECOMMENDED DECISION

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

2.0 PROPOSAL

This development application seeks approval for a development permit for material change of use for multiple dwelling (four townhouses), on land at 4 Mary Street, Kilcoy, formally described as Lot 4 RP84868.

The proposed development incorporates three two-bedroom dwellings and a three-bedroom dwelling on land within the Centre zone. The proposal seeks to provide additional residential density and housing choice, located between the retail and commercial centre of Kilcoy and the recreational precinct along Hope Street.

The dwellings are an attached, two storey product, with materials and design elements designed to reflect traditional Queensland buildings when viewed from the frontage. The design provides for modest living, with a compact dwelling for residents looking for housing within Kilcoy without the need for a larger home. The dwellings each contain an enclosed garage, downstairs living spaces, and upstairs bedrooms and balconies.

Communal open space is provided at the rear of the site, with a 65m² open area provided. This area has northern and eastern aspects ensuring natural light and ventilation is available. The three-bedroom dwelling provides for private open space within the front setback.

The applicant had proposed a semi-transparent fence along the front boundary, however due to the State's traffic noise requirements, the front fencing is required to be solid. As such, the recommended conditions of approval require the fencing to be setback behind a landscaping strip.

The proposal provides eight parking spaces, which achieves the minimum requirement in the planning scheme. It is recommended that each of the visitor spaces be allocated to a dwelling, rather than provide visitor parking in a blind aisle at the rear of the site.

The proposed development has generally demonstrated compliance with the relevant assessment benchmarks and as such is recommended for approval, subject to reasonable and relevant conditions.

3.0 SITE DETAILS

The site is a regular shaped allotment with frontage to Mary Street at the western boundary, which is a State-controlled arterial road. The land is currently improved by a workshop previously used for light/service industry uses. It is proposed to demolish the existing structures to facilitate the development.

Adjoining lots are within the General residential zone and have been improved with detached dwelling houses and associated buildings and structures.

4.0 PLANNING LEGISLATION

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

5.0 ASSESSMENT BENCHMARKS

5.1 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.

5.2 South East Queensland Regional Plan 2017

The site is located within the urban footprint. The application has been assessed against the provisions of the regional plan and the associated regulatory requirements and was considered to comply.

5.3 Schedule 10 of the *Planning Regulation 2017*

The development application did not require Council to assess the proposal against any of the assessment benchmarks within the Regulation.

The proposal does not impact on any regulated vegetation or koala habitat areas, is not known to be on a contaminated land register, nor involves any environmentally relevant activities. The site is not listed on the Queensland Heritage Register nor the Local heritage overlay.

The site fronts a state-controlled road, and the State Assessment and Referral Agency has assessed the proposal against the relevant State Development Assessment Provisions, as discussed in the referral section of this report.

5.4 Temporary local planning instruments

There are currently no temporary local planning instruments in effect within the Somerset Region.

5.5 Variation approvals

The property is not benefitted by any variation approvals.

5.6 Somerset Region Planning Scheme (Version Four)

5.6.1 Strategic framework assessment

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

5.6.2 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; or

- (b) proposes an outcome where no acceptable outcome is stated in the code and the proposed outcome does not satisfy the performance outcome.

Applicable code	Compliance with overall outcomes	Performance outcomes
Centre zone code	Yes	PO2, PO5
Multiple dwelling and dual occupancy code	Yes	PO7, PO13, PO17
Services works and infrastructure code	Yes	No alternative outcomes proposed
Transport access and parking code	Yes	PO3, PO5, PO12
Applicable overlay code	Compliance with overall outcomes	Performance outcomes
Not applicable	-	-

The High impact activities management area overlay code is not applicable as the proposal does not involve a high impact activity. The Infrastructure overlay code and Stock route management overlay code are not applicable as the site is located within an urban area.

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

5.6.3 Performance outcome assessment

Centre zone code

Performance outcome	Acceptable outcome												
Building setbacks													
PO2 Building setbacks: (a) contribute to the establishment of a continuous 'main street' character; (b) assist in the provision of active frontages and the engagement of development with the public realm; (c) facilitate the establishment of awnings on main streets; (d) do not detract from the amenity of <i>adjoining premises</i> , in terms of privacy, access to natural light, and ventilation; and (e) provide for the efficient use of the site.	AO2.1 New buildings and structures are built to the <i>primary street frontage</i> boundary of the site, including the following main streets: <table border="1"> <thead> <tr> <th>Centre</th><th>Main street/s</th></tr> </thead> <tbody> <tr> <td>Esk</td><td>Ipswich Street</td></tr> <tr> <td>Fernvale</td><td>Brisbane Valley Hwy Main Street</td></tr> <tr> <td>Kilcoy</td><td>Hope Street Mary Street William Street</td></tr> <tr> <td>Lowood</td><td>Main Street Railway Street</td></tr> <tr> <td>Toogoolawah</td><td>Cressbrook Street</td></tr> </tbody> </table> AO2.2 Where an <i>adjoining premises</i> is located in the General residential zone , buildings and structures are setback a minimum 3 metres from the common side boundary.	Centre	Main street/s	Esk	Ipswich Street	Fernvale	Brisbane Valley Hwy Main Street	Kilcoy	Hope Street Mary Street William Street	Lowood	Main Street Railway Street	Toogoolawah	Cressbrook Street
Centre	Main street/s												
Esk	Ipswich Street												
Fernvale	Brisbane Valley Hwy Main Street												
Kilcoy	Hope Street Mary Street William Street												
Lowood	Main Street Railway Street												
Toogoolawah	Cressbrook Street												
Proposal													

The proposed development is not built-to-boundary on the primary frontage and does not provide the three metre side setbacks set out in the alternative outcomes.

Performance outcome assessment

The provision of an awning at this location is considered unnecessary as the lot does not form part of a contiguous centre street, with each adjoining lot being located within the General residential zone code.

The Multiple dwelling and dual occupancy code provides that residential buildings should be setback six metres from the street, with open space provided in the front setback. An assessment of those performance outcomes is provided further in the code response.

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

Awnings

PO5

The main street/s of each town centre are provided with continuous awnings. Awnings contribute to a human scale streetscape character, and promote pedestrian movement, comfort and safety.

A05

Awnings are provided to the following main streets:

Centre	Main street/s
Esk	Ipswich Street
Fernvale	Brisbane Valley Hwy Main Street
Kilcoy	Hope Street Mary Street William Street
Lowood	Main Street Railway Street
Toogoolawah	Cressbrook Street

Proposal

The proposed development is not built-to-boundary on the primary frontage and does not provide an awning.

Performance outcome assessment

The provision of an awning at this location is considered unnecessary as the lot does not form part of a contiguous centre street, with each adjoining lot being located within the General residential zone code.

The Multiple dwelling and dual occupancy code provides that residential buildings should be setback six metres from the street, with open space provided in the front setback. An assessment of those performance outcomes is provided further in the code response.

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

Multiple dwelling and dual occupancy code

Performance outcome	Acceptable outcome
Character, intensity and lot size	
PO7 The <i>site</i> size, frontage width, density and <i>site cover</i> : (a) contributes to a streetscape appearance that	A07.1 The density does not exceed 1 <i>dwelling</i> per 250 square metres of <i>site</i> area. A07.2

<p>is compatible with the emerging or existing character of the locality; and</p> <p>(b) does not result in overdevelopment of the <i>site</i>.</p>	<p>The <i>site cover</i> does not exceed 40 percent.</p> <p>A07.3 The <i>site</i> area is not less than 1,000 square metres.</p> <p>A07.4 The <i>site</i> has a minimum <i>road</i> frontage width of 20 metres.</p>
<p>Proposal The proposal involves four dwellings over on site with an area of 740m², resulting in 1 dwelling per 185m². The site cover is approximately 45% and has a street frontage of 18 metres.</p> <p>Performance outcome assessment The proposal provides for compact residential living on one of Kilcoy's main streets, between the retail and commercial centre and the recreational precinct at Yowie Park. It is considered that the design and intensity of the development contributes to the streetscape appearance of the town and does not result in overdevelopment of the site.</p> <p>It is recommended that that alternative outcome be accepted in this instance.</p>	
<p>Open space</p>	
<p>PO13 Private open space is conveniently located and of a practical size that meets the reasonable needs of residents, having regard to:</p> <ul style="list-style-type: none"> (a) liveability; (b) recreation; (c) privacy; (d) outdoor entertaining; (e) landscaping; (f) amenity; (g) outlook; and (h) climate. 	<p>A013.1 In addition to landscaped open space, each <i>ground level</i> unit is provided with a <i>private open space</i> area that has:</p> <ul style="list-style-type: none"> (a) a minimum area of 30 square metres; (b) a minimum width of 3 metres; and (c) direct access from a living room. <p>PO13.2 <i>Private open space</i> for units above ground <i>storey</i> are provided in the form of a balcony/ balconies having a minimum area of 8 square metres and a minimum width of 2 metres with direct access from a living room.</p>
<p>Proposal The proposed two-bedroom dwellings are not provided with a ground floor open space area. Additionally, the balconies provided for these dwellings are approximately eight square metres with a minimum dimension of approximately 1.5 metres. The applicant has provided a 65m² communal open space area at the rear of the site, which includes clothes drying areas with northern sunlight exposure.</p> <p>The three-bedroom dwelling is provided private open space and balconies in accordance with the acceptable outcomes.</p> <p>Performance outcome assessment</p>	

The dwellings are two-bedrooms and modest in size in a highly walkable location, with access to Yowie Park and its adjacent recreation facilities. As such, it is acceptable that the development provide a lesser sized private open space.

The amount of open space is reasonable for the needs of the residents, with respect to liveability, amenity, and privacy, and the use of communal open space and nearby parks additional opportunity for recreation and entertainment, consistent with the expectation of living in a medium density residential product.

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

Security, safety and privacy

PO17

Habitable spaces do not directly overlook *private open spaces* or *habitable rooms* on the same *site* or on adjacent land.

AO17.1

Where *habitable room* windows directly face *habitable room* windows in an adjacent unit within 2 metres at *ground level* or 9 metres at levels above *ground level*, privacy is protected by:

- (a) sill heights a minimum of 1.5 metres above floor level; or
- (b) fixed opaque glazing in any part of the window below 1.5 metres above floor level; or
- (c) fixed internal screens; or
- (d) if at *ground level*, fencing to a minimum of 1.5 metres above *ground level*.

Proposal

The proposal includes balconies within nine metres of the neighbouring dwelling to the north, although not necessarily directed at habitable room windows. The applicant has proposed to preserve privacy by providing a 1.4 metre high timber balustrade, with 90mm timber balusters with 55mm gap. This design is an alternative to a 1.5 metre high fixed screen or opaque glazing as proposed by the acceptable outcome.

Performance outcome assessment

It is considered that the proposed design treatment, being 10cm lower and made of alternative materials than the acceptable outcomes, appropriately ensures privacy between the proposed dwellings and the adjoining house.

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

Multiple dwelling and dual occupancy code

Performance outcome	Acceptable outcome
Vehicle parking and servicing	
PO3 The amount of on-site car parking and service vehicle loading/ unloading is consistent with: <ul style="list-style-type: none"> (a) the nature of the use; (b) the traffic generation of the use; (c) the loading/ unloading needs of the use; 	AO3.1 The minimum number of car parking spaces complies with Table 8.3.6.3.B– Minimum car parking requirements .

(d) the availability of street parking in the Centre zone; and		
(e) the impact of the <i>road</i> network.		
Extract from Table 8.3.6.3.B		
Multiple dwelling	Dwelling no. of bedrooms	Spaces per dwelling
	One bedroom	1 space
	Two bedroom	1.5 spaces
	Three bedroom	2 spaces
	Visitors parking	0.25 spaces per dwelling
Proposal The proposal involves one three-bedroom dwelling and three two-bedroom dwellings. The acceptable outcome provides that 6.5 parking spaces for resident use, and one space for visitor parking, for a total of 7.5 spaces. The development includes an enclosed two car garage for the three-bedroom dwelling, an enclosed single car garage for the three two-bedroom dwellings, and three visitor parking spaces at the back of the site, for a total of eight spaces.		
Performance outcome assessment The applicant has proposed a sufficient number of parking spaces, however the mix of resident and visitor spaces does not align with the acceptable outcome. It is recommended that the each of the visitor parking be allocated to a two-bedroom dwelling, such that every dwelling is provided with two spaces, and no onsite visitor parking. This approach ensures that a sufficient number of spaces for each dwelling are achieved. Additionally, the removal of visitor parking at the rear of the site will minimise the likelihood for vehicles to reverse from the site if a visitor finds each space occupied. It is considered that sufficient parking exists in local streets to accommodate additional visitor parking. It is recommended that that alternative outcome be accepted in this instance.		
Site access		
PO5 Vehicular access points are positioned along the frontage where they do not impact on the safety, capacity and operation of the existing <i>road</i> network having regard to: (a) the amount and type of vehicular traffic; (b) the type of use and traffic generation; (c) the current and future on-street parking arrangements; (d) proximity to intersections; and (e) available sight distances.	AO5.1 Where the <i>site</i> has two street frontages, vehicular access is provided from the minor street. AO5.2 Direct access is not provided to an arterial or higher order <i>road</i> .	
Proposal The site gains access from Mary Street, which is a state-controlled arterial road.		
Performance outcome assessment		

The application required referral to the State Assessment and Referral Agency (SARA) for assessment of the impact onto their road. SARA have advised that the development proposal is acceptable, and enclosed within the referral agency response an approval under the *Transport Infrastructure Act 1994* for the access location.

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

Refuse storage and collection

PO12

On-site facilities are located in areas that:

- (a) provide reasonable standards of amenity to *sensitive land uses*;
- (b) maintains the amenity of *adjoining premises*;
- (c) are not visually obtrusive when viewed from the street;
- (d) are carefully sited so as to promote a cohesive streetscape in the Centre zone; and
- (e) can be conveniently accessed by contractors.

AO12.1

In the Centre zone refuse storage areas are located behind the front building line and are screened from view.

Proposal

As a residential development of four dwellings, the site will be provided with wheelie bins serviced on the kerb. The bins are to be stored in a screened enclosure along the driveway, with in the front setback of the building.

Performance outcome assessment

The proposed bin enclosure is considered to appropriately address reasonable standards of amenity and not be visually obtrusive in the streetscape.

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

5.6.4 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.

5.7 Local government infrastructure plan

5.7.1 Priority infrastructure area

The development land is located within the priority infrastructure area as shown in the Local government infrastructure plan mapping.

5.7.2 Infrastructure charges

The proposed development is for multiple dwelling, which is identified as being a residential use under Somerset Regional Council Charges Resolution (No. 1) 2022.

The site is located within Kilcoy urban footprint, and accordingly the higher adopted charge rate applies to the development, in accordance with the charges areas identified in Table 2 of the charges resolution.

The site receives a demand discount for the previously established workshop.

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

5.7.3 Trunk infrastructure requirements

5.7.3.1 Water and sewerage networks

The site is located within the connections area or future connections area for both the water and sewerage networks as shown in Urban Utilities' Netserv Plan. The recommended conditions package requires the development to connect to both networks to the satisfaction of Urban Utilities.

Infrastructure charges for the water and sewerage networks (where applicable) are managed by Urban Utilities separately from this development application.

5.7.3.2 Public parks and community land network

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

An adopted charge for the public parks and community land network applies.

5.7.3.3 Stormwater network

There are no known issues with the existing drainage of the site. Standard development conditions are recommended to ensure non-worsening for other properties and discharge to a lawful point of discharge.

An adopted charge for the stormwater network applies.

5.7.3.4 Transport network

The proposal is an appropriate residential use on centre land that is not anticipated to result in unreasonable impacts on the safety and efficiency of any Council controlled roads. The application was assessed by the State Assessment and Referral Agency for matters relating to state-controlled roads, including traffic impact, with the agency providing no objection subject to the imposition of development conditions.

An adopted charge for the transport network applies.

6.0 REFERRAL AGENCIES

6.1 Statutory referrals

In accordance with the *Planning Regulation 2017*, the application required referral to the State Assessment and Referral Agency (SARA) for matters relating to state-controlled roads. 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 response will be attached to Council's decision notice and a copy has been attached to this report for Council's reference.

6.2 Third party advice

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

7.0 PUBLIC NOTIFICATION

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

No comments or submissions were received.

8.0 OTHER RELEVANT MATTERS

There are no other relevant matters applicable for code assessment.

9.0 CONCLUSION

This application seeks approval to construct a multiple dwelling for four townhouses on land in the Centre zone, within easy walking distance of Kilcoy's retail and commercial centre and the Yowie Park recreational areas.

The application has been assessed by Council officers and the State Assessment and Referral Agency and determined that the proposal is generally consistent with the relevant assessment benchmarks. Where alternative outcomes have been proposed they have been assessed against the associated performance outcomes as discussed throughout the 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.

10.0 ATTACHMENT

1. Proposal plans
2. Concept engineering plans
3. SARA referral agency response
4. Draft infrastructure charges notice

RECOMMENDED DECISION

1. THAT Council approve Development Application No. 21826 for a Development Permit for Material Change of Use for Multiple Dwelling (Four Townhouses) on land situated at 4 Mary Street, Kilcoy, formally described as Lot 4 RP84868, 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.	At all times
	Site Plan, drawn by Carla Brown architect, reference 2021003 DA-001 Issue B, dated 01/04/2022	
	Proposed Area Plan, drawn by Carla Brown architect, reference 2021003 DA-002 Issue B, dated 01/04/2022	
	Ground Floor Plan, drawn by Carla Brown architect, reference 2021003 DA-100 Issue B, dated 01/04/2022	
	Level 1 Plan, drawn by Carla Brown architect, reference 2021003 DA-101 Issue B, dated 01/04/2022	
	Proposed Roof Plan, drawn by Carla Brown architect, reference 2021003 DA-102 Issue B, dated 01/04/2022	
	Ground Level Detail Plan, drawn by Carla Brown architect, reference 2021003 DA-150 Issue B, dated 01/04/2022	
	Level 1 Detail Plan, drawn by Carla Brown architect, reference 2021003 DA-151 Issue B, dated 01/04/2022	
	Elevations, drawn by Carla Brown architect, reference 2021003 DA-300 Issue B, dated 01/04/2022	
	Elevations, drawn by Carla Brown architect, reference 2021003 DA-301 Issue B, dated 01/04/2022	
	Materials and Finishes, drawn by Carla Brown architect,	

	reference 2021003 DA-501 Issue B, dated 01/04/2022	
	Concept Roadworks Layout Plan, drawn by Urban Engineering Solutions, reference C0389-DA-RW-100 P1, dated 17/03/2022	
	Concept Stormwater Catchment Layout Plan, drawn by Urban Engineering Solutions, reference C0389-DA-SD-100 P1, dated 17/03/2022	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase
1.4	Pay to Council any outstanding rates, charges or expenses that are a charge over the subject land levied by Council' and/or levied but not fully paid over the subject land.	Prior to the commencement of use
1.5	Obtain development approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to the commencement of use
	Landscaping strip	
1.6	<p>A landscape strip with a minimum width of two metres is provided along the full road frontage (excluding crossover, sight-triangle, and pedestrian access only).</p> <p>The landscaping is to be formed of shrubs that provide a minimum 1.5m height for the length of the strip.</p> <p>Fencing in accordance with the State Assessment and Referral Agency condition, is to be provided behind the landscaping strip.</p>	Prior to the commencement of use and to be maintained
	Visual and general amenity	
1.7	Any graffiti within the proposed development must be removed immediately.	At all times
1.8	All plant and air conditioning is to be visually screened from the street.	At all times
1.9	<p>All buildings, structures, fittings, fixtures and grounds are maintained:</p> <ul style="list-style-type: none"> • In a serviceable condition, and • In a state of good repair and efficient action, and • In a clean, sanitary condition, and • Free of accumulated disused materials, and • Free of vermin and pest infestations. 	At all times
	Indoor and outdoor lighting	
1.10	Lighting must be provided to the following areas of the site:	Prior to commencement

	<ul style="list-style-type: none"> The entries and exits of the approved building. 	of use
1.11	<p>The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:</p> <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. 	Prior to commencement of use and to be maintained
	Materials and finishes	
1.12	Materials and finishes are to be generally in accordance with the approved Materials and Finishes plan drawn by Carla Brown architect, reference 2021003 DA-501 Issue B an, dated 01 April 2022.	Prior to commencement of use and to be maintained.
1.13	Balustrading for balconies for Units 2, 3 and 4 are to be provided in accordance with the approved Materials and Finishes plan drawn by Carla Brown architect, reference 2021003 DA-501 Issue B an, dated 01 April 2022.	Prior to commencement of use and to be maintained.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
	Engineering	
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Planning Scheme</i> .	At all times
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times
	General services	
2.3	<p>Connect the development to a reticulated water supply, sewer infrastructure, 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 electricity or telecommunication service, these lots may connect direct to such service to the approval and requirements of the service provider.</p>	Prior to commencement of use
2.4	The applicant must provide written evidence (e.g. connection	Prior to

	certificate) from each particular service provider stating either that the development has been connected to the applicable service.	commencement of use
	Earthworks	
2.5	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organization.	At all times
2.6	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
	Car parking	
2.7	Provide on-site car parking for eight vehicles in accordance with <i>Somerset Regional Council Planning Scheme</i> . Each dwelling is to be allocated two parking spaces. Signage is to be provided at the front of the site advising no visitor parking on site. All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and <i>Somerset Regional Council Planning Scheme</i> .	Prior to commencement of use
2.8	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, bitumen or pavers in accordance with Australian Standards.	At all times
2.9	All vehicles shall enter and leave the site in a forward gear	At all times
	Stormwater	
2.10	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times
2.11	Stormwater Drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times
	Erosion and sediment control	
2.12	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. Should the developer fail to complete the works determined by	At all times

	Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.	
2.13	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project, and to prevent dust nuisance.	At all times
2.14	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	At all times
2.15	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> i) Milling; ii) Chipping and/or mulching iii) Disposal at an approved waste disposal facility. <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No.	Condition	Timing
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> ▪ Burn or bury waste generated in association with this development approval at or on the development site; nor ▪ Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor ▪ Stockpile any waste on the development site. 	At all times
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> ▪ Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of 	During construction phase

	<ul style="list-style-type: none"> ▪ sand, silt or mud in the gutter, drain or water; or ▪ Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water. 	
	Waste management	
3.5	All general waste produced as part of the operation must be disposed of through the number of standard waste services as determined by Council.	At all times
3.6	The applicant must provide an impervious, screened area which is drained as required by Council, where all waste containers are placed.	At all times
3.7	All construction / demolition waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
SCHEDULE 4 – 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.		
4.1	Comply with the requirements of the amended referral agency response 2201-26910 SRA dated 12 August 2022 or as amended.	As indicated in the attached referral agency response.
4.2	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 commencement of the use.
SCHEDULE 5 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the currency period – being six (6) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		

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

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

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

This approval permits the use of premises as *multiple dwellings*, which does not include *rooming accommodation* or *short-term accommodation* as separately defined. The use of premises for these uses will require separate development approval.

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

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:

- Site Plan, drawn by Carla Brown architect, reference 2021003 DA-001 Issue B, dated 01/04/2022
- Proposed Area Plan, drawn by Carla Brown architect, reference 2021003 DA-002 Issue B, dated 01/04/2022
- Ground Floor Plan, drawn by Carla Brown architect, reference 2021003 DA-100 Issue B, dated 01/04/2022
- Level 1 Plan, drawn by Carla Brown architect, reference 2021003 DA-101 Issue B, dated 01/04/2022
- Proposed Roof Plan, drawn by Carla Brown architect, reference 2021003 DA-102 Issue B, dated 01/04/2022
- Ground Level Detail Plan, drawn by Carla Brown architect, reference 2021003 DA-150 Issue B, dated 01/04/2022
- Level 1 Detail Plan, drawn by Carla Brown architect, reference 2021003 DA-151 Issue B, dated 01/04/2022
- Elevations, drawn by Carla Brown architect, reference 2021003 DA-300 Issue B, dated 01/04/2022
- Elevations, drawn by Carla Brown architect, reference 2021003 DA-301 Issue B, dated 01/04/2022

- Materials and Finishes, drawn by Carla Brown architect, reference 2021003 DA-501 Issue B, dated 01/04/2022
- Concept Roadworks Layout Plan, drawn by Urban Engineering Solutions, reference C0389-DA-RW-100 P1, dated 17/03/2022
- Concept Stormwater Catchment Layout Plan, drawn by Urban Engineering Solutions, reference C0389-DA-SD-100 P1, dated 17/03/2022
- State Assessment and Referral Agency referral response
- Infrastructure charges notice

Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

1. THAT Council approve Development Application No. 21826 for a Development Permit for Material Change of Use for Multiple Dwelling (Four Townhouses) on land situated at 4 Mary Street, Kilcoy, formally described as Lot 4 RP84868, 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 CONDITION*Assessment Manager*

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Site Plan, drawn by Carla Brown architect, reference 2021003 DA-001 Issue B, dated 01/04/2022	
	Proposed Area Plan, drawn by Carla Brown architect, reference 2021003 DA-002 Issue B, dated 01/04/2022	
	Ground Floor Plan, drawn by Carla Brown architect, reference 2021003 DA-100 Issue B, dated 01/04/2022	
	Level 1 Plan, drawn by Carla Brown architect, reference 2021003 DA-101 Issue B, dated 01/04/2022	
	Proposed Roof Plan, drawn by Carla Brown architect, reference 2021003 DA-102 Issue B, dated 01/04/2022	
	Ground Level Detail Plan, drawn by Carla Brown architect, reference 2021003 DA-150 Issue B, dated 01/04/2022	
	Level 1 Detail Plan, drawn by Carla Brown architect, reference 2021003 DA-151 Issue B, dated 01/04/2022	
	Elevations, drawn by Carla Brown architect, reference 2021003 DA-300 Issue B, dated 01/04/2022	
	Elevations, drawn by Carla Brown architect, reference 2021003 DA-301 Issue B, dated 01/04/2022	
	Materials and Finishes, drawn by Carla Brown architect, reference 2021003 DA-501 Issue B, dated 01/04/2022	
	Concept Roadworks Layout Plan, drawn by Urban Engineering Solutions, reference C0389-DA-RW-100 P1, dated 17/03/2022	
	Concept Stormwater Catchment Layout Plan, drawn by Urban Engineering Solutions, reference C0389-DA-SD-100 P1, dated 17/03/2022	

1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase
1.4	Pay to Council any outstanding rates, charges or expenses that are a charge over the subject land levied by Council' and/or levied but not fully paid over the subject land.	Prior to the commencement of use
1.5	Obtain development approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to the commencement of use
Landscaping strip		
1.6	<p>A landscape strip with a minimum width of two metres is provided along the full road frontage (excluding crossover, sight-triangle, and pedestrian access only).</p> <p>The landscaping is to be formed of shrubs that provide a minimum 1.5m height for the length of the strip.</p> <p>Fencing in accordance with the State Assessment and Referral Agency condition, is to be provided behind the landscaping strip.</p>	Prior to the commencement of use and to be maintained
Visual and general amenity		
1.7	Any graffiti within the proposed development must be removed immediately.	At all times
1.8	All plant and air conditioning is to be visually screened from the street.	At all times
1.9	<p>All buildings, structures, fittings, fixtures and grounds are maintained:</p> <ul style="list-style-type: none"> • In a serviceable condition, and • In a state of good repair and efficient action, and • In a clean, sanitary condition, and • Free of accumulated disused materials, and • Free of vermin and pest infestations. 	At all times
Indoor and outdoor lighting		
1.10	<p>Lighting must be provided to the following areas of the site:</p> <ul style="list-style-type: none"> • The entries and exits of the approved building. 	Prior to commencement of use
1.11	<p>The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:</p> <ul style="list-style-type: none"> • Not causing nuisance by way of light spill or glare at 	Prior to commencement of use and to be maintained

	adjacent properties and roadways. <ul style="list-style-type: none"> • 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. 	
	Materials and finishes	
1.12	Materials and finishes are to be generally in accordance with the approved Materials and Finishes plan drawn by Carla Brown architect, reference 2021003 DA-501 Issue B an, dated 01 April 2022.	Prior to commencement of use and to be maintained.
1.13	Balustrading for balconies for Units 2, 3 and 4 are to be provided in accordance with the approved Materials and Finishes plan drawn by Carla Brown architect, reference 2021003 DA-501 Issue B an, dated 01 April 2022.	Prior to commencement of use and to be maintained.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
	Engineering	
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Planning Scheme</i> .	At all times
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times
	General services	
2.3	<p>Connect the development to a reticulated water supply, sewer infrastructure, 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 electricity or telecommunication service, these lots may connect direct to such service to the approval and requirements of the service provider.</p>	Prior to commencement of use
2.4	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that the development has been connected to the applicable service.	Prior to commencement of use
	Earthworks	
2.5	All earthworks to be constructed in accordance with	At all times

	AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organization.	
2.6	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
	Car parking	
2.7	Provide on-site car parking for eight vehicles in accordance with <i>Somerset Regional Council Planning Scheme</i> . Each dwelling is to be allocated two parking spaces. Signage is to be provided at the front of the site advising no visitor parking on site. All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and <i>Somerset Regional Council Planning Scheme</i> .	Prior to commencement of use
2.8	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, bitumen or pavers in accordance with Australian Standards.	At all times
2.9	All vehicles shall enter and leave the site in a forward gear	At all times
	Stormwater	
2.10	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times
2.11	Stormwater Drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times
	Erosion and sediment control	
2.12	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. 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.	At all times
2.13	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the	At all times

	course of the project, and to prevent dust nuisance.	
2.14	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	At all times
2.15	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> 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
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No.	Condition	Timing
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> ▪ Burn or bury waste generated in association with this development approval at or on the development site; nor ▪ Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor ▪ Stockpile any waste on the development site. 	At all times
3.4	The holder of this development approval must not: <ul style="list-style-type: none"> ▪ Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or ▪ Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water. 	During construction phase

	Waste management	
3.5	All general waste produced as part of the operation must be disposed of through the number of standard waste services as determined by Council.	At all times
3.6	The applicant must provide an impervious, screened area which is drained as required by Council, where all waste containers are placed.	At all times
3.7	All construction / demolition waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
SCHEDULE 4 – 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.		
4.1	Comply with the requirements of the amended referral agency response 2201-26910 SRA dated 12 August 2022 or as amended.	As indicated in the attached referral agency response.
4.2	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 commencement of the use.
SCHEDULE 5 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the currency period – being six (6) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i>).		

Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.
This approval permits the use of premises as <i>multiple dwellings</i> , which does not include <i>rooming accommodation</i> or <i>short-term accommodation</i> as separately defined. The use of premises for these uses will require separate development approval.
Construction hours are 6:30 am to 6:30 pm Monday to Saturday, with no work to be undertaken on Sundays or public holidays. Noise levels from construction work shall at all times comply with the requirements of the Environmental Protection Act 1994.
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
<u>Carried</u>
<i>Vote - Unanimous</i>

Subject:	Development Application No. 22441
	Development Application for Development Permit for Material Change of Use for Childcare Centre (100 children)
File No:	DA22441
Action Officer:	SP – MO Assessment No: 00840-00000-000

1.0 APPLICATION SUMMARY

Subject Land

Location:	7 Banks Creek Road and 1470 Brisbane Valley Highway, Fernvale
Real property description:	Lot 1 RP171617 and Lot 3 RP171617
Site area:	Lot 1: 1,108m ² Lot 3: 1,674m ² Total: 2,782m ²
Current land use:	Dwelling house
Easements/encumbrances:	Nil identified

South East Queensland Regional Plan 2017

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

Zone:	Centre zone
Precinct:	Not applicable
Overlays:	OM8 High impact activities management area overlay OM9 Infrastructure overlay

Application

Proposal:	Childcare Centre (100 children)
Category of assessment:	Code assessment
Applicant details:	Property Projects Australia PO Box 1264 New Farm QLD 4005
Owner details:	Daryl and Ian Kraut, Glenys Wyman and Maureen Bray
Date application received:	19 May 2022
Date application properly made:	19 May 2022

Referral agencies

State Assessment and Referral Agency

Public notification

Not required

RECOMMENDED DECISION

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

2.0 PROPOSAL

This development application seeks approval for a development permit for material change of use for childcare centre (100 children), on land at 7 Banks Creek Road and 1470 Brisbane Valley Highway, Fernvale, formally described as Lot 1 RP171617 and Lot 3 RP171617.

The proposal seeks to construct a new childcare centre building for one hundred children, a minimum of 16 staff, outdoor play areas and 20 car parking spaces.

The building will be a single storey with a maximum roof height of 4.725m above the finished floor level. The development involves minor amounts of cut and fill, however the maximum height of retaining above adjoining land is one metre (for the new residential lots off Banks Creek Road), and 1.2 metres for retaining where cut below the adjoining lot (post office).

The building has a gross floor area of 755m² and will contain five separate learning rooms catering for children of different ages. The outdoor play area has an area of 805m² separated into three separate areas for the different ages.

The proposal has been designed to provide a landscaped interface from the Brisbane Valley Highway frontage, and an active interface to the Banks Creek Road frontage. The planning scheme considers that Banks Creek Road is the primary frontage, with the highway the secondary frontage. Despite this, the planning scheme ordinarily requires the construction of built to boundary when adjoining the Brisbane Valley Highway, as the main street of the Fernvale centre.

The application seeks an alternative design outcome, to provide a landscaped interface to the Highway and an attractive interface on the Banks Creek Road frontage, including pedestrian entrance and combination transparent and solid feature fencing. This layout minimises noise exposure from the Brisbane Valley Highway and reduces the need for acoustic barriers along the highway interface.

The State Assessment and Referral Agency (SARA), in its referral response, has required additional acoustic attenuation (barriers) within the carparking areas at the building frontage, to meet the State's requirement for acoustic attenuation. Council is unable to alter a requirement imposed by SARA, however can add additional requirements regarding the design of the barriers. Accordingly, the recommended conditions package includes a requirement for the submission of detailed plans for the acoustic barrier for Council's

approval. The condition requires the acoustic barriers to be made of materials and finishes that match the materials and finishes of the building and fencing on the primary frontage.

The application has been accompanied by a Traffic Impact Assessment prepared by TTM Consulting which demonstrates that the driveway access will not result in any significant impact to Banks Creek Road. The State Assessment and Referral Agency has assessed the proposed development for the functionality of the intersection of Banks Creek Road and Brisbane Valley Highway and determined that the proposal complies with their requirements.

The proposed development has generally demonstrated compliance with the relevant assessment benchmarks and as such is recommended for approval, subject to reasonable and relevant conditions.

3.0 SITE DETAILS

The development constitutes two regular shaped allotments, which together will make a single irregular shaped site. The land has frontage to both the Brisbane Valley Highway and Banks Creek Road. Access is to be gained via Banks Creek Road, which is a collector street in Council's road hierarchy.

7 Banks Creek Road currently has a dwelling that is proposed to be removed, and 1470 Brisbane Valley Highway is unimproved. The site is to be cleared in its entirety for the construction of the development. The land gently slopes to the north. Minor retaining works will be required to construct the proposed buildings, car parking, and open space areas.

4.0 PLANNING LEGISLATION

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

After carrying out the assessment, Council as the assessment manager:

- (a) must approve the development to the extent the development complies with all of the assessment benchmarks; and
- (b) may decide to approve the development even if the development does not comply with some or all of the assessment benchmarks; and
- (c) may only decide to refuse the development if it does not comply with some or all of the assessment benchmarks and compliance cannot be achieved through development conditions.

5.0 ASSESSMENT BENCHMARKS

5.1 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.

5.2 South East Queensland Regional Plan 2017

The site is located within the urban footprint. The application has been assessed against the provisions of the regional plan and the associated regulatory requirements and was considered to comply.

5.3 Schedule 10 of the *Planning Regulation 2017*

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

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

The site fronts a State-controlled road, and the State Assessment and Referral Agency has assessed the proposal against the relevant State Development Assessment Provisions, as discussed in the referral agencies section of this report.

5.4 Temporary local planning instruments

There are currently no temporary local planning instruments in effect within the Somerset Region.

5.5 Variation approvals

The property is not benefitted by any variation approvals.

5.6 Somerset Region Planning Scheme (Version Four)

5.6.1 Strategic framework assessment

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

5.6.2 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; or
- (b) proposes an outcome where no acceptable outcome is stated in the code and the proposed outcome does not satisfy the performance outcome.

Applicable code	Compliance with overall outcomes	Performance outcomes
Centre zone code	Yes	PO2, PO4, PO5
Community activities code	Yes	PO10
Services works and infrastructure code	Yes	PO6
Transport access and parking code	Yes	PO7
Applicable overlay code	Compliance with overall outcomes	Performance outcomes
Not applicable	-	-

The High impact activities management area overlay code does not apply as the development does not involve a high impact activity. The Infrastructure overlay code does not apply as the site is located within an urban area.

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

5.6.3 Performance outcome assessment

Centre zone code

Performance outcome	Acceptable outcome				
Building setbacks					
PO2 Building setbacks: (f) contribute to the establishment of a continuous 'main street' character; (g) assist in the provision of active frontages and the engagement of development with the public realm; (h) facilitate the establishment of awnings on main streets; (i) do not detract from the amenity of <i>adjoining premises</i> , in terms of privacy, access to natural light, and ventilation; and (j) provide for the efficient use of the site.	AO2.1 New buildings and structures are built to the <i>primary street frontage</i> boundary of the site, including the following main streets: <table border="1" data-bbox="794 465 1369 573"> <tr> <th>Centre</th><th>Main street/s</th></tr> <tr> <td>Fernvale</td><td>Brisbane Valley Hwy Main Street</td></tr> </table> AO2.2 Where an <i>adjoining premises</i> is located in the General residential zone , buildings and structures are setback a minimum 3 metres from the common side boundary.	Centre	Main street/s	Fernvale	Brisbane Valley Hwy Main Street
Centre	Main street/s				
Fernvale	Brisbane Valley Hwy Main Street				
Proposal The proposed building is not built to the primary street frontage (Banks Creek Road), nor to the Brisbane Valley Highway. The design of the childcare centre is constrained by the shape of the land, the provision of connected indoor and outdoor spaces, and acoustic requirements for protection from traffic noise from the highway. The proposal involves the construction of acoustic fences on the boundaries, which does not meet the minimum setback of AO2.2 for the northern boundary Performance outcome assessment The application seeks an alternative design outcome, to provide a landscaped interface to the Highway and an active interface on the Banks Creek Road frontage, including pedestrian entrance and combination transparent and solid feature fencing. This design choice has been made to balance operational requirements for the childcare centre, including the provision of indoor areas opening directly to the outdoor play spaces, the minimisation of traffic noise to the building and outdoor play areas and the minimisation of acoustic attenuation treatments within the frontage of the site. To compensate for the change, the carparking area is to be landscaped with a combination of groundcovers/shrubs and shade trees. The layout is considered to be the most efficient way to balance the operational requirements of the use, noting that childcare centres are anticipated uses for the centre area, and the design outcomes sought for new centre development. Importantly, the proposed development is not breaking any existing high quality pedestrian interfaces, as the existing site fronting the highway is vacant, and the Banks Creek Road lot contains a single detached dwelling. There is also no awning on the adjoining post office, nor any adjacent centre zoned land. The layout will not detract from the amenity of adjoining properties, with access to light and ventilation maintained. It is considered that the proposed design is an appropriate outcome for the site, however it does not comply with the performance outcome. Accordingly, an assessment of the proposal against the overall outcomes is required.					

Centre design					
<p>PO4 Development contributes to an attractive, vibrant and well-designed town centre where:</p> <ul style="list-style-type: none"> (a) development addresses the public realm; (b) building design, layout, and tenancy mix activates the street and pedestrian thoroughfares; (c) building services do not dominate the streetscape; and (d) conflict between pedestrians and vehicles is minimized. 	<p>AO4.3 Ground level facades which address the <i>primary street frontage</i> incorporate a glassed area of not less than 25 percent of the total area of the external wall.</p> <p>AO4.5 Car parking is provided behind the building alignment to the <i>primary street frontage</i>.</p>				
<p>Proposal The ground level of the childcare centre is screened from the primary frontage by a feature fence providing a combination of solid and semi-transparent sections. This fence is required to meet safety obligations for the outdoor play areas.</p> <p>The carparking is provided beside the building when viewed from the primary frontage, and between the building and the highway frontage.</p> <p>Performance outcome assessment The design of the centre is led by the need to provide integrated indoor and outdoor activity areas. The proposed design ensures that vehicles and pedestrians do not conflict and keeps outdoor play spaces for children away from the highway and associated traffic noise.</p> <p>The introduction of a new community activity on the main street will add to the well-planned layout of the town centre and provides an appropriate building design to balance use requirements with site constraints. The design also does not dominate the streetscape.</p> <p>It is considered that the design appropriately balances the use requirements and site constraints and delivers a design that respects both the established and planned character of the Fernvale centre.</p> <p>It is recommended that that alternative outcome be accepted in this instance.</p>					
Awnings					
<p>PO5 The main street/s of each town centre are provided with continuous awnings.</p> <p>Awnings contribute to a human scale streetscape character, and promote pedestrian movement, comfort and safety.</p>	<p>AO5 Awnings are provided to the following main streets:</p> <table border="1"> <thead> <tr> <th>Centre</th><th>Main street/s</th></tr> </thead> <tbody> <tr> <td>Fernvale</td><td>Brisbane Valley Hwy Main Street</td></tr> </tbody> </table>	Centre	Main street/s	Fernvale	Brisbane Valley Hwy Main Street
Centre	Main street/s				
Fernvale	Brisbane Valley Hwy Main Street				
<p>Proposal The proposed building is not constructed adjoining the Brisbane Valley Highway, as such it does not provide an awning over the highway footpath.</p> <p>Performance outcome assessment</p>					

As identified in the PO2 assessment above, the proposed development does not include any aspect that is built to boundary, and therefore does not involve an awning.

Whilst the design is considered to be an appropriate response to the specific challenges of the site, the alternative outcome is unable to comply with the performance outcome. Accordingly, an assessment of the proposal against the overall outcomes is required.

Community activities code

Performance outcome	Acceptable outcome
Hours of operation	
PO10 The hours of operation do not create environmental nuisance or detrimentally impact on the amenity of the locality.	AO10 The hours of operation occur only between 7am and 6pm Monday to Friday where adjacent to a <i>sensitive land use</i> or where adjoining land in the: <ul style="list-style-type: none"> (a) General residential zone; (b) General residential zone - park residential precinct; (c) Rural residential zone; and (d) Emerging community zone.
Proposal The proposed childcare centre is to operate between 6am and 6pm Monday to Friday.	
Performance outcome assessment The application was accompanied by a noise impact assessment report, which was amended to ensure that all adjoining sensitive receptors are not unreasonably impacted by the proposed use. The report requires the construction of acoustic barriers on the property boundaries to mitigate the noise impact to tolerable levels.	
Council has had the noise impact assessment, including the amendments made to the assessment, peer reviewed by a suitably qualified consultancy that confirms no detrimental impacts to amenity will be experienced.	
It is recommended that that alternative outcome be accepted in this instance.	

Services works and infrastructure code

Performance outcome	Acceptable outcome
Vegetation clearing	
PO6 Vegetation must be protected to ensure that: <ul style="list-style-type: none"> (a) vegetation of historical, cultural or visual significance is retained; (b) vegetation is retained for erosion prevention and slope stabilisation; (c) the character of the local area is maintained; (d) pedestrian shading is maintained; (e) the conservation of natural biodiversity is assisted. 	AO6.1 No vegetation clearing (unless <i>minor operational work</i>). OR AO6.2 Vegetation clearing is essential for carrying out work authorised or required under another Act. OR AO6.3

	<p>Vegetation clearing is within the path of, or within three metres of road, water supply, sewage or stormwater drainage works.</p> <p>OR</p> <p>AO6.4 Vegetation clearing is within three metres (as measured from the centre of the diameter of the tree's trunk, at ground level) of an existing building or structure.</p> <p>OR</p> <p>AO6.5 Vegetation clearing is authorised by Council and is considered as one or more of the following:</p> <ul style="list-style-type: none"> (a) actually or potentially dangerous as a result of being dead, dying or diseased, structurally unsound, or having a growth form or habit which is hazardous; (b) a threat to the safety of persons or property or the environment integrity; (c) restricting the habitability of the dwelling on the site. <p>OR</p> <p>AO6.6 Vegetation clearing is essential for the survey of the property boundary by a licensed cadastral surveyor.</p> <p>OR</p> <p>AO6.7 Vegetation clearing is undertaken to:</p> <ul style="list-style-type: none"> (a) maintain an existing fire break; (b) undertake works in order to implement an approved fire management plan; or establish a fire break during a fire event or to contain fire in some other way during a fire event.
<p>Proposal The proposal requires the clearing of the site.</p> <p>Performance outcome assessment The clearing, if undertaken separately to this application, would not be assessable or prohibited under either the Somerset Region Planning Scheme (Version Four) or the <i>Planning Regulation 2017</i>.</p> <p>The vegetation on site is not mapped as having any ecological significance and consists of planted trees and shrubs as part of the former residential uses of the land.</p>	

The recommended conditions of approval include requirements about the removal of the vegetation.

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

Transport, access and parking code

Performance outcome	Acceptable outcome
Car parking locations and treatments	
PO7 Car parking location minimises impacts on the streetscape and contributes to the intended character of the zone and locality.	A07.1 Car parking is located behind or within a building.
Proposal The carparking is provided beside the building when viewed from the primary frontage, and between the building and the highway frontage.	
Performance outcome assessment The proposed design, as discussed above, is considered to minimise impact on the streetscape and positively contribute to the planned character of the streetscape.	
It is recommended that that alternative outcome be accepted in this instance.	

5.6.4 Overall outcome assessment

The proposal does not comply with performance outcome PO2 and PO5 of the Centre zone code. Accordingly, an assessment of the overall outcomes of the zone code is required.

Centre zone code – Overall outcomes

a) The Centre zone is the focus and location for shopping uses and other centre, business and community activities and administrative and government services in each of the sub-regional catchments of the Somerset Region;
Overall outcome assessment The proposal involves a community activity (childcare centre) to service the sub-regional catchment surrounding Fernvale. The proposal is considered to comply with this overall outcome.
b) The development of business activities is of a scale and intensity that is consistent with the intended role and function of each town centre in the Somerset Region town centres network;
Overall outcome assessment The planning scheme provides that childcare centres are community activities, not business activities. This overall outcome is therefore not relevant to the proposal.
c) A mix of accommodation, community, entertainment and recreation activities that assist in the creation of a vibrant mixed-use centre are established where complementary to the primary business and service function of each centre
Overall outcome assessment The proposed childcare centre is of a scale and intensity that is consistent with the Fernvale centre, as the district centre within the southern half of the region. The additional

use will add to the mix of services provided within the centre, and is complementary to other services and functions within the town.

The proposal is considered to comply with this overall outcome.

- d) Uses that strengthen the function of the town centres as destinations in their own right and gateways to tourism focus areas in the greater Somerset Region are promoted;

Overall outcome assessment

The proposal is for a community activity that supports the every-day function of the town, and is not intended to directly support tourism opportunities within the region.

The proposal does not conflict with the overall outcome.

- e) A predominantly low rise built form is maintained, consistent with the established scale and character of existing buildings in the town centre;

Overall outcome assessment

The proposed building provides a low-rise built-form consistent with the scale of other similar development within the town centre. The proposal provides for a more modern building on a prominent frontage, that is consistent with the modernisation of services anticipated within the Fernvale centre.

The proposal is considered to comply with this overall outcome.

- f) The design and layout of development contributes to a vibrant and visually attractive town centre streetscape with buildings orientated towards the primary street frontage, built to the front boundary and with awnings over the footpath for an enhanced pedestrian experience and a high level of amenity;

Overall outcome assessment

The design of the development is led by the need to provide integrated indoor and outdoor activity areas and minimise exposure to traffic noise from the highway. The introduction of a new community activity on the main street will add to the well-planned layout of the town centre, and provides and appropriate building design to balance use requirements with site constraints.

The design and layout of the development will provide for the visually attractive town centre streetscape as part of the ongoing development of Fernvale as the commercial and retail centre of the Somerset region.

The application seeks an alternative design outcome, to provide a landscaped interface to the Highway and the active interface on the Banks Creek Road frontage, including pedestrian entrance and combination transparent and solid feature fencing. This results in no built-to-boundary elements, nor awnings. This design also reduces the need for acoustic attenuation barriers within the front interface of the site.

Importantly, the proposed development is not breaking any existing high quality pedestrian interfaces, as the existing site fronting the highway is vacant, and the Banks Creek Road lot contains a single detached dwelling. There is also no awning on the adjoining post office, nor any adjacent centre zoned land.

It is considered that the design of this development appropriately balances the intended design outcomes of the Centre zone with the operational requirements and site constraints. However, the proposal does not comply with the overall outcome.

- g) Development reinforces a pedestrian-oriented and active streetscape, and uses that have car-oriented frontages or activities such as services stations are located on the periphery of town centres;

Overall outcome assessment

The proposal provides a dedicated pedestrian entrance separate from the car park and delivers an active and attractive streetscape with landscaping and feature fencing provided. The use is not a car-oriented use, such as a service station or drive through, however does provide car parking within the site frontage.

As identified above, it is considered that the design of this development appropriately balances the intended design outcomes of the Centre zone with the operational requirements and site constraints. However, the proposal does not comply with the overall outcome.

- h) Development conserves and sensitively integrates with historic places or items of cultural heritage significance;

Overall outcome assessment

The site is not located within proximity to any places registered by the State Government or Council as a heritage place. There is no known indigenous cultural significance of/on the site, however the developer has obligations under Queensland's Aboriginal Cultural Heritage Act separate to the development assessment system.

This overall outcome is therefore not relevant to the proposal.

- i) Development is serviced by the full range of urban infrastructure networks, including the reticulated water supply, sewerage and stormwater drainage networks, road transport networks and electricity and telecommunications infrastructure;

Overall outcome assessment

The proposed development is to be connected to the reticulated water, wastewater, stormwater, electricity, and telecommunications facilities to the standard required of the relevant entities. The recommended conditions package requires confirmation or certification that the connections are provided prior to the commencement of the use.

The proposal is considered to comply with this overall outcome.

- j) Development is designed to incorporate sustainable practices including maximising energy efficiency and water conservation;

Overall outcome assessment

The proposed development will meet mandated sustainability targets outlined in the National Construction Code.

The proposal is considered to comply with this overall outcome.

- k) Areas of ecological significance, including watercourses, are retained, enhanced and buffered from the impacts of development; and

Overall outcome assessment

The site is not in proximity to any ecological corridors, waterways, or mapped vegetation.

This overall outcome is therefore not relevant to the proposal.

- l) Development responds to flooding constraints.

Overall outcome assessment

The site is not subject to flood constraint on OM7 Flood hazard overlay map.

This overall outcome is therefore not relevant to the proposal.

5.7 Local government infrastructure plan

5.7.1 Priority infrastructure area

The development land is located within the priority infrastructure area as shown in the Local government infrastructure plan mapping.

5.7.2 Infrastructure charges

The proposed development is for a childcare centre, which is identified as being an educational establishment under Somerset Regional Council Charges Resolution (No. 1) 2022.

In considering the existing discounts for calculating additional demand, there is no assumed demand for land within the Centre zone, as Council does not levy charges for subdividing land in this zone. A discount for the existing dwelling on Lot 3 is available.

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

5.7.3 Trunk infrastructure requirements

5.7.3.1 Water and sewerage networks

The site is located within the connections area or future connections area for both the water and sewerage networks as shown in Urban Utilities' Netserv Plan. The recommended conditions package requires the development to connect to both networks to the satisfaction of Urban Utilities.

Infrastructure charges for the water and sewerage networks (where applicable) are managed by Urban Utilities separately from this development application.

5.7.3.2 Public parks and community land network

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

Infrastructure charges for the public parks and community land network are not applicable to the proposal.

5.7.3.3 Stormwater network

There are no known issues with the existing drainage of the site. The development proposal includes onsite stormwater detention to ensure non-worsening of stormwater being discharged to the stormwater network. The development condition package requires the development be operated to ensure non-worsening for adjoining or downstream properties and to discharge to a lawful point of discharge.

An adopted charge for the stormwater network applies, as shown in the draft infrastructure charges notice attached to this report.

5.7.3.4 Transport network

The site gains access from Banks Creek Road, which is a collector street in Council's road hierarchy. The application included a Traffic Impact Assessment prepared by TTM Consulting which demonstrates that the driveway access will not result in any significant impact to Banks Creek Road.

The State Assessment and Referral Agency has assessed the proposed development for the functionality of the intersection of Banks Creek Road and Brisbane Valley Highway and determined that proposal complies with their assessment criteria.

An adopted charge for the transport network applies, as shown in the draft infrastructure charges notice attached to this report.

6.0 REFERRAL AGENCIES

6.1 Statutory referrals

In accordance with the *Planning Regulation 2017*, the application required referral to the State Assessment and Referral Agency (SARA) for matters relating to state-controlled roads. 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 response will be attached to Council's decision notice and a copy has been attached to this report for Council's reference.

As a result of a direction from SARA, the applicant has proposed an acoustic barrier within the carparking area to reduce the impact of traffic noise from the State-controlled road onto the childcare building. As SARA has conditioned that this barrier be provided, Council is unable to alter that requirement. However, Council has the ability to stipulate design criteria that are additional to the requirements of the SARA referral response.

6.2 Third party advice

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

7.0 PUBLIC NOTIFICATION

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

No comments or submissions were received.

8.0 OTHER RELEVANT MATTERS

There are no other relevant matters applicable for code assessment.

9.0 CONCLUSION

This application seeks approval to construct a new childcare centre for up to 100 children on land in the Centre zone. The use is anticipated in the zone and provides a necessary community facility at a highly accessible location. The application has been supported by technical reporting for traffic impact, noise, stormwater, concept civil work, and traffic noise, and has been found to appropriately manage impacts in accordance with planning scheme and State planning requirements.

The development seeks an alternative design outcome than anticipated by the Centre zone code, as the proposal does not provide for built-to-boundary buildings nor an awning over the Highway Main Street. It is considered that the design of the development appropriately balances the intended design outcomes for centre development within operational requirements and site constraints, for the reasons identified in section 5.6 of this report.

Whilst the proposal does not comply with all of the assessment benchmarks, Council may decide to approve the development despite the non-compliances. It is considered that there are appropriate reasons to approve the development despite the design criteria, and accordingly, it is the officer's recommendation that the application be approved, subject to the imposition of reasonable and relevant development conditions, as outlined in the schedules and attachments to this report.

10.0 ATTACHMENTS

1. Proposal plans
2. Landscape concept plan
3. Noise impact assessment
4. Engineering report and stormwater management plan
5. Traffic engineering report
6. SARA referral agency response
7. Draft infrastructure charges notice

RECOMMENDED DECISION

1. THAT Council approve Development Application No. 22441 for a Development Permit for Material Change of Use for Childcare Centre (100 children) on land situated at 7 Banks Creek Road and 1470 Brisbane Valley Highway Fernvale, formally described as Lot 1 RP171617 and Lot 3 RP171617, 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.	At all times.
	Site Plan, reference 202200019 DA02 Rev 2, prepared by On Architecture, dated 28/06/2022	
	Proposed Floor Plan, reference 202200019 DA03 Rev 1, prepared by On Architecture, dated 13/05/2022	
	Proposed Roof Plan, reference 202200019 DA04 Rev 1, prepared by On Architecture, dated 13/05/2022	
	Proposed Elevations, reference 202200019 DA05 Rev 2, prepared by On Architecture, dated 28/06/2022	
	Proposed Elevations, reference 202200019 DA06 Rev 2, prepared by On Architecture, dated 28/06/2022	
	Building Section, reference 202200019 DA07 Rev 1, prepared by On Architecture, dated 13/05/2022	
	Landscape Design, reference 2220_Fernvale CCC, prepared by Das Studio, dated 19/05/2022	
	Updated Noise Impact Assessment, reference 22-047, prepared by MWA Environmental, dated 04/08/2022.	
	Engineering Report & Stormwater Management Plan, prepared by vT Consulting Engineers, reference 22092 Rev D, dated June 2022.	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase.

1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to the commencement of use.
1.5	Submit to Council for approval detailed plans of additional acoustic barriers required by the SARA concurrence agency response for Council's approval. The fence is to be made of materials and finishes that match the materials and finishes of the building and fencing on the primary frontage.	Prior to building works approval.
1.6	Construct the acoustic barrier in accordance with the approved plans submitted under Condition 1.5.	Prior to commencement of use and to be maintained.
1.6	The maximum number of places at the childcare centre is 100.	At all times.
1.7	Obtain building approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to commencement of demolition works.
1.8	Lot 1 RP171617 and Lot 3 RP171617 are to be amalgamated by Plan of Survey into one parcel. All associated survey documentation shall be prepared at no cost to the Somerset Regional Council.	Prior to commencement of use.
1.9	Install street numbering conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained.
1.10	All buildings, structures, fittings, fixtures and grounds forming part of this development must be maintained: <ul style="list-style-type: none"> • In a serviceable condition; • In a state of good repair and efficient action; • In a clean, sanitary condition; • Free of accumulated disused materials; and • Free of vermin and pest infestations. 	At all times.
1.11	Any graffiti within the proposed development must be removed immediately.	At all times
1.12	All plant and air conditioning is to be visually screened from the street.	At all times.
1.13	Fencing along the Banks Creek Road frontage is to provide a combination of solid and open timber baton fencing as shown on the approved plans.	To be maintained at all times.

1.14	Submit to Council for approval, an amended landscaping plan responding to the amended acoustic barrier ensuring pedestrian safety within the carpark.	Prior to commencement of building works and to be maintained at all times.
1.15	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use and to be maintained.
1.16	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> vii) Milling; viii) Chipping and/or mulching ix) 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.
1.17	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.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.2	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.3	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to commencement of use.
2.4	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.
SERVICES		
2.5	Connect the development to a reticulated water supply, sewer infrastructure, electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant	Prior to commencement of use.

	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. New property poles are not to be installed.	
2.6	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that the development has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to commencement of use.
	EARTHWORKS	
2.7	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.
2.8	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
	ROADWORKS	
2.9	Install all traffic signs and line markings in accordance with <i>Austroads</i> .	Prior to commencement of use.
2.10	All works on or adjacent to roadways must be adequately signed in accordance with the " <i>Austroads Guide to Temporary Traffic Management</i> ". Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works.
	FOOTPATHS	
2.11	Provide a concrete footpath with a width of 1.5 metres, for the full frontage of the site of the development, including the Brisbane Valley Highway and Banks Creek Road frontages.	As part of Operational Works.
	VEHICLE ACCESS	
2.12	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.13	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.14	All vehicles shall enter and leave the site in a forward gear	At all times.
2.15	All manoeuvring areas shall enable access to a VAN vehicle in accordance with <i>Austroads</i> design manual.	As part of Operational Works.

2.16	The Applicant is to construct the vehicle access in accordance with Council's standard drawing SRC-ROAD-013.	As part of Operational Works.
	CAR PARKING	
2.17	Provide on-site car parking for 20 vehicles in accordance with the approved plans. All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.18	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	Prior to commencement of use.
2.19	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete or bitumen in accordance with Australian Standards.	At all times.
	STORMWATER	
2.20	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.21	Stormwater Drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.22	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.23	Stormwater Drainage shall be constructed in general accordance with Engineering Report & Stormwater Management Plan, prepared by vT Consulting Engineers, reference 22092 Rev D, dated June 2022.	As part of Operational Works.
	EROSION AND SEDIMENT CONTROL	
2.24	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. 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.	At all times.

SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No	Condition	Timing
	HOURS OF OPERATION	
3.1	The approved hours of operation for the childcare centre are 6am to 6pm Monday to Friday.	At all times.
	GENERAL	
3.2	Notwithstanding any other condition of this development approval, this development approval does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance or harm beyond the boundaries of the development site.	At all times.
3.3	No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm.	At all times.
3.4	The approved use shall not cause any adverse impact on the amenity of the neighbourhood by the emission of noise, vibration, odour, glare, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	At all times.
	LIGHTING	
3.5	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any other premises outside the boundaries of the property to which this development permit relates.	At all times.
	NOISE	
3.6	The approved development must be operated in accordance with the report titled Updated Noise Impact Assessment Proposed Childcare Centre 7 Banks Creek Road Fernvale, dated 4 August 2022, prepared by MWA Environmental.	At all times.
3.7	Construct the following acoustic barriers in accordance with the report titled Updated Noise Impact Assessment Proposed Childcare Centre 7 Banks Creek Road Fernvale, dated 4 August 2022, prepared by MWA Environmental: <ul style="list-style-type: none"> • 2.3 metre high acoustic barrier along the northeastern site boundary (above the finished level of the adjacent outdoor play area) • 2.1 metre high acoustic barrier along part of northwestern boundary of the Outdoor Play areas (above the finished level of the adjacent outdoor play area) • 2.1 metre high acoustic barrier along part of the southwestern boundary of the Outdoor Play areas (above the finished level of the adjacent outdoor play area) • 1.8 metre high acoustic barrier along the northeastern boundary of the Car parking area (above the finished level of the adjacent car park area). 	Prior to the commencement of use.

	The acoustic barriers must be gap free and constructed of materials achieving a minimum surface density of 12.5kg/m ² .	
3.8	Provide certification from a suitably qualified person, that the installation and construction of the acoustic barriers are in accordance with the report titled Updated Noise Impact Assessment Proposed Childcare Centre 7 Banks Creek Road Fernvale, dated 4 August 2022, prepared by MWA Environmental.	Prior to the commencement of use.
	WASTE	
3.9	All general waste produced as part of the operation of the development must be disposed of through either: (a) The number of standard waste services as determined by Council; or (b) A private agreement with a licensed waste disposal contractor through an exemption granted by Council.	At all times.
3.10	The approval holder must provide an impervious, screened area which is drained as required by Council, where all refuse bins are placed.	At all times.
3.11	Servicing of refuse bins is to be undertaken via kerbside collection only.	At all times.
SCHEDULE 4 – 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.		
4.1	Comply with the requirements of the amended referral agency response 2206-29174 SRA dated 9 August 2022 or as amended.	As indicated in the attached referral agency response.
4.2	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 commencement of the use.
SCHEDULE 5 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the currency period – being six (6) years starting the day the approval takes effect.		

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

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

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

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

No licensable food preparation activities are permitted under this approval unless the operator holds a current food business licence for the activity under the *Food Act 2006* or any superseding legislation as published from time to time.

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

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

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

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:

- Site Plan, reference 202200019 DA02 Rev 2, prepared by On Architecture, dated 28/06/2022
- Proposed Floor Plan, reference 202200019 DA03 Rev 1, prepared by On Architecture, dated 13/05/2022
- Proposed Roof Plan, reference 202200019 DA04 Rev 1, prepared by On Architecture, dated 13/05/2022
- Proposed Elevations, reference 202200019 DA05 Rev 2, prepared by On Architecture, dated 28/06/2022
- Proposed Elevations, reference 202200019 DA06 Rev 2, prepared by On Architecture, dated 28/06/2022

- Building Section, reference 202200019 DA07 Rev 1, prepared by On Architecture, dated 13/05/2022
- Landscape Design, reference 2220_Fernvale CCC, prepared by Das Studio, dated 19/05/2022
- Updated Noise Impact Assessment, reference 22-047, prepared by MWA Environmental, dated 04/08/2022.
- Engineering Report & Stormwater Management Plan, prepared by vT Consulting Engineers, reference 22092 Rev D, dated June 2022.
- State Assessment and Referral Agency referral agency response
- Infrastructure Charges Notice

Resolution

Moved – Cr Choat

Seconded – Cr Whalley

1. “THAT Council approve Development Application No. 22441 for a Development Permit for Material Change of Use for Childcare Centre (100 children) on land situated at 7 Banks Creek Road and 1470 Brisbane Valley Highway Fernvale, formally described as Lot 1 RP171617 and Lot 3 RP171617, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.
2. THAT the officer report for this application be published to the website as Council’s Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

SCHEDULE 1 – GENERAL CONDITIONS*Assessment Manager*

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	Site Plan, reference 202200019 DA02 Rev 2, prepared by On Architecture, dated 28/06/2022	
	Proposed Floor Plan, reference 202200019 DA03 Rev 1, prepared by On Architecture, dated 13/05/2022	
	Proposed Roof Plan, reference 202200019 DA04 Rev 1, prepared by On Architecture, dated 13/05/2022	
	Proposed Elevations, reference 202200019 DA05 Rev 2, prepared by On Architecture, dated 28/06/2022	
	Proposed Elevations, reference 202200019 DA06 Rev 2, prepared by On Architecture, dated 28/06/2022	
	Building Section, reference 202200019 DA07 Rev 1, prepared by On Architecture, dated 13/05/2022	
	Landscape Design, reference 2220_Fernvale CCC, prepared by Das Studio, dated 19/05/2022	
	Updated Noise Impact Assessment, reference 22-047, prepared by MWA Environmental, dated 04/08/2022.	
	Engineering Report & Stormwater Management Plan, prepared by vT Consulting Engineers, reference 22092 Rev D, dated June 2022.	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.

1.3	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to the commencement of use.
1.5	Submit to Council for approval detailed plans of additional acoustic barriers required by the SARA concurrence agency response for Council's approval. The fence is to be made of materials and finishes that match the materials and finishes of the building and fencing on the primary frontage.	Prior to building works approval.
1.6	Construct the acoustic barrier in accordance with the approved plans submitted under Condition 1.5.	Prior to commencement of use and to be maintained.
1.6	The maximum number of places at the childcare centre is 100.	At all times.
1.7	Obtain building approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to commencement of demolition works.
1.8	Lot 1 RP171617 and Lot 3 RP171617 are to be amalgamated by Plan of Survey into one parcel. All associated survey documentation shall be prepared at no cost to the Somerset Regional Council.	Prior to commencement of use.
1.9	Install street numbering conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained.
1.10	All buildings, structures, fittings, fixtures and grounds forming part of this development must be maintained: <ul style="list-style-type: none"> • In a serviceable condition; • In a state of good repair and efficient action; • In a clean, sanitary condition; • Free of accumulated disused materials; and • Free of vermin and pest infestations. 	At all times.
1.11	Any graffiti within the proposed development must be removed immediately.	At all times
1.12	All plant and air conditioning is to be visually screened from the	At all times.

	street.	
1.13	Fencing along the Banks Creek Road frontage is to provide a combination of solid and open timber baton fencing as shown on the approved plans.	To be maintained at all times.
1.14	Submit to Council for approval, an amended landscaping plan responding to the amended acoustic barrier ensuring pedestrian safety within the carpark.	Prior to commencement of building works and to be maintained at all times.
1.15	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use and to be maintained.
1.16	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> x) Milling; xi) Chipping and/or mulching xii) 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.
1.17	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.

SCHEDULE 2 – ENGINEERING*Assessment Manager*

No	Condition	Timing
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.2	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.3	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to commencement of use.
2.4	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	At all times.

	SERVICES	
2.5	<p>Connect the development to a reticulated water supply, sewer infrastructure, 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 electricity or telecommunication service, these lots may connect direct to such service to the approval and requirements of the service provider. New property poles are not to be installed.</p>	Prior to commencement of use.
2.6	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that the development has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to commencement of use.
	EARTHWORKS	
2.7	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.
2.8	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
	ROADWORKS	
2.9	Install all traffic signs and line markings in accordance with <i>Austroads</i> .	Prior to commencement of use.
2.10	All works on or adjacent to roadways must be adequately signed in accordance with the " <i>Austroads Guide to Temporary Traffic Management</i> ". Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works.
	FOOTPATHS	
2.11	Provide a concrete footpath with a width of 1.5 metres, for the full frontage of the site of the development, including the Brisbane Valley Highway and Banks Creek Road frontages.	As part of Operational Works.
	VEHICLE ACCESS	
2.12	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.13	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.14	All vehicles shall enter and leave the site in a forward gear	At all times.

2.15	All manoeuvring areas shall enable access to a VAN vehicle in accordance with Austroads design manual.	As part of Operational Works.
2.16	The Applicant is to construct the vehicle access in accordance with Council's standard drawing SRC-ROAD-013.	As part of Operational Works.
CAR PARKING		
2.17	Provide on-site car parking for 20 vehicles in accordance with the approved plans. All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.18	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	Prior to commencement of use.
2.19	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete or bitumen in accordance with Australian Standards.	At all times.
STORMWATER		
2.20	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.21	Stormwater Drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.22	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.23	Stormwater Drainage shall be constructed in general accordance with Engineering Report & Stormwater Management Plan, prepared by vT Consulting Engineers, reference 22092 Rev D, dated June 2022.	As part of Operational Works.
EROSION AND SEDIMENT CONTROL		
2.24	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.

	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.	
SCHEDULE 3 – ENVIRONMENTAL		
<i>Assessment Manager</i>		
No	Condition	Timing
HOURS OF OPERATION		
3.1	The approved hours of operation for the childcare centre are 6am to 6pm Monday to Friday.	At all times.
GENERAL		
3.2	Notwithstanding any other condition of this development approval, this development approval does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance or harm beyond the boundaries of the development site.	At all times.
3.3	No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm.	At all times.
3.4	The approved use shall not cause any adverse impact on the amenity of the neighbourhood by the emission of noise, vibration, odour, glare, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	At all times.
LIGHTING		
3.5	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any other premises outside the boundaries of the property to which this development permit relates.	At all times.
NOISE		
3.6	The approved development must be operated in accordance with the report titled Updated Noise Impact Assessment Proposed Childcare Centre 7 Banks Creek Road Fernvale, dated 4 August 2022, prepared by MWA Environmental.	At all times.
3.7	Construct the following acoustic barriers in accordance with the report titled Updated Noise Impact Assessment Proposed Childcare Centre 7 Banks Creek Road Fernvale, dated 4 August 2022, prepared by MWA Environmental: <ul style="list-style-type: none"> 2.3 metre high acoustic barrier along the northeastern site boundary (above the finished level of the adjacent outdoor play area) 2.1 metre high acoustic barrier along part of northwestern boundary of the Outdoor Play areas (above the finished level of the adjacent outdoor play area) 2.1 metre high acoustic barrier along part of the 	Prior to the commencement of use.

	<p>southwestern boundary of the Outdoor Play areas (above the finished level of the adjacent outdoor play area)</p> <ul style="list-style-type: none"> 1.8 metre high acoustic barrier along the northeastern boundary of the Car parking area (above the finished level of the adjacent car park area). <p>The acoustic barriers must be gap free and constructed of materials achieving a minimum surface density of 12.5kg/m².</p>	
3.8	Provide certification from a suitably qualified person, that the installation and construction of the acoustic barriers are in accordance with the report titled Updated Noise Impact Assessment Proposed Childcare Centre 7 Banks Creek Road Fernvale, dated 4 August 2022, prepared by MWA Environmental.	Prior to the commencement of use.
	WASTE	
3.9	<p>All general waste produced as part of the operation of the development must be disposed of through either:</p> <ul style="list-style-type: none"> (c) The number of standard waste services as determined by Council; or (d) A private agreement with a licensed waste disposal contractor through an exemption granted by Council. 	At all times.
3.10	The approval holder must provide an impervious, screened area which is drained as required by Council, where all refuse bins are placed.	At all times.
3.11	Servicing of refuse bins is to be undertaken via kerbside collection only.	At all times.
SCHEDULE 4 – 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.		
4.1	Comply with the requirements of the amended referral agency response 2206-29174 SRA dated 9 August 2022 or as amended.	As indicated in the attached referral agency response.
4.2	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 commencement of the use.
SCHEDULE 5 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		

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

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

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

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

No licensable food preparation activities are permitted under this approval unless the operator holds a current food business licence for the activity under the *Food Act 2006* or any superseding legislation as published from time to time.

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

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

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.

Carried

Vote - Unanimous

Subject:	Development Application No. 22754 Development Application for a Reconfiguration of a lot - Subdivision (1 into 2 lots)
File No:	DA22754

Assessment No:	00610-00000-000
Action Officer:	SP-MJ

1.0 APPLICATION SUMMARY

Subject Land

Location:	97 Outlook Drive, Esk
Real property description:	Lot 7 RP155067
Site area:	2.337 hectares
Current land use:	Dwelling house
Easements/encumbrances:	Nil identified

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:	Park residential precinct

Overlays:	Biodiversity overlay
	Bushfire hazard overlay
	Catchment management overlay
	Extractive resources overlay
	Flood hazard overlay
	High impact activities management area overlay
	Scenic amenity overlay

Application

Proposal:	Reconfiguration of a Lot – subdivision (1 into 2 lots)
Category of assessment:	Code assessment
Applicant details:	Baird and Hayes Surveyors and Town Planners P.O. Box 867 IPSWICH QLD 4305
Owner details:	S. Hillman and T. Blyth
Date application received:	28 July 2022
Date application properly made:	4 August 2022

Referral agencies	None required
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Public notification	Not required
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RECOMMENDED DECISION

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

2.0 PROPOSAL

This development application seeks approval for a Reconfiguration of a lot - Subdivision (1 into 2 lots), on land at 97 Outlook Drive, Esk formally described as Lot 7 RP155067.

The application is made under Version Four of the Somerset Region Planning Scheme (the planning scheme). The site is located within the General residential zone – Park residential precinct.

The development application involves the subdivision of one lot into two lots. The subject land currently contains an area of 2.337 hectares, the proposal will result in proposed Lot 71 having an area of 4,046m² and proposed Lot 72 having an area of 1.9324 hectares. Lot 71 is proposed to have 66.715 metres of frontage to Outlook Drive and Lot 72 will have a frontage of 11.478 metres also to Outlook Drive. Proposed Lot 72 will contain the existing dwelling and associated sheds, Lot 71 will be vacant.

3.0 SITE DETAILS

The site is a regular shaped allotment with frontage to Outlook Drive at the northern boundary. The site is currently contains a dwelling house and associated sheds. About two thirds of the subject land contains core koala habitat, the proposed boundary location has been positioned with consideration to the koala habitat.

4.0 PLANNING LEGISLATION

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

5.0 ASSESSMENT BENCHMARKS

5.1 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.

5.2 South East Queensland Regional Plan 2017

The site is located within the urban footprint. The application has been assessed against the provisions of the regional plan and the associated regulatory requirements and was considered to comply.

5.3 Schedule 10 of the *Planning Regulation 2017*

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

The proposal does impact on koala habitat areas, however the applicant has confirmed that only 500m² of vegetation is anticipated to be impacted by the proposed new boundary realignment which is consistent with the exemptions included in the Regulation.

5.3.1 Schedule 11 – Koala habitat areas

The proposal impacts on core koala habitat, the proposed new boundary between the two lots dissects in part core koala habitat. The application material confirms only 500m² of habitat will be impacted, as such the exemption is satisfied.

The recommended conditions of approval include requirements to ensure that koala safety fencing is implemented on the external fences of yards to prevent koala movements within the site.

5.3.1 Schedule 12A – Reconfiguring a lot

The proposal involves the subdivision of land in the General residential zone, however no additional roads are proposed and under the provisions of Schedule 10, Part 14, does not require assessment against the assessment benchmarks within Schedule 12A of the Regulation.

5.4 Temporary local planning instruments

There are currently no temporary local planning instruments in effect within the Somerset Region.

5.5 Variation approvals

The property is not benefitted by any variation approvals.

5.6 Somerset Region Planning Scheme (Version Four)

5.6.1 Strategic framework assessment

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

5.6.2 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; or
- (b) proposes an outcome where no acceptable outcome is stated in the code and the proposed outcome does not satisfy the performance outcome.

Applicable code	Compliance with overall outcomes	Performance outcomes
Reconfiguration of a lot code	Yes	PO1 and PO11
Services works and infrastructure code	Yes	No alternative outcomes proposed
Transport access and parking code	Yes	PO11
Applicable overlay code	Compliance with overall outcomes	Performance outcomes
Biodiversity overlay code	Yes	No alternative outcomes proposed
Bushfire hazard overlay code	Yes	No alternative outcomes proposed
Catchment management overlay code	Yes	No alternative outcomes proposed
Flood hazard overlay code	Yes	No alternative outcomes proposed

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

5.6.3 Performance outcome assessment

Reconfiguration of a Lot

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;	AO1.1 The minimum <i>lot</i> size and dimensions complies with Table 8.3.4.3.B – Minimum Lot Size and Dimensions.

(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.	AO1.2 (a) <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.
Performance Outcome Assessment While the minimum lot size stipulated by the code is satisfied by the proposal, Lot 72 has a frontage of only 11.478 metres. Despite the reduced frontage to Outlook Drive for Lot 72, the proposed development is considered to satisfy the outcomes of the code. Proposed Lot 72 will maintain the existing driveway and the existing dwelling house. Proposed Lot 71 will predominantly be void of vegetation and will contain 66 metres of frontage to Outlook Drive. Proposed Lot 71 will predominantly be located outside the flood hazard overlay code Overall, the proposed development is consistent with the character of the locality. It is recommended that that alternative outcome be accepted in this instance.	
Performance outcome	Acceptable outcome
Movement network and access	
PO11 Access to existing or future public transport services is provided where practicable and reasonably necessary having regard to the location of the <i>site</i> and access to public transport.	AO11 (b) All lots are located within 500 metres (radial distance) of an existing or potential public transport route.
Performance Outcome Assessment The subject land is not located within 500 metres, given the proposal involves only one additional allotment, it is considered that it is not reasonable to require access to the public transport network. It is recommended that that alternative outcome be accepted in this instance.	

Transport, access and parking code

Performance outcome	Acceptable outcome
Vehicle standing and manoeuvring areas	
PO11 Long driveways are designed and treated to soften their visual appearance when viewed from the street frontage.	AO11 (c) Internal driveways (except in the Rural zone) do not exceed 50 metres in length.
Performance Outcome Assessment The existing driveway servicing the dwelling house is to be maintained as part of the proposal. The existing driveway exceeds 50 metres in length. Given the driveway is existing, the visual appearance will not be altered from the current arrangement.	

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

Flood hazard overlay

The subject land is impacted by the Flood hazard overlay, the proposed development will result in proposed Lot 71 being almost entirely outside the mapped flood hazard. The existing dwelling is located within the Significant flood hazard area, the existing dwelling and access to Outlook Drive will be maintained with no alterations proposed.

5.6.4 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.

5.7 Local government infrastructure plan

5.7.1 Priority infrastructure area

The development land is not located within the priority infrastructure area as shown in the Local government infrastructure plan mapping.

5.7.2 Infrastructure charges

The proposed development is for a subdivision, which adopts a charge consistent with a three or more-bedroom dwelling under the Somerset Regional Council Charges Resolution (No. 1) 2022.

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

5.7.3 Trunk infrastructure requirements

5.7.3.1 Water and wastewater networks

The site is not located within the connections area or future connections area for either the water and sewerage networks, and as such future development on the created lots will require the provision of onsite services. The application has demonstrated that appropriate area exists to facilitate onsite wastewater treatment and drinking water storage, however the provision of such services will be assessed when dwellings are constructed on the lots.

5.7.3.2 Public parks and community land network

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

An adopted charge for the public parks and community land network applies.

5.7.3.3 Stormwater network

There are no known issues with the existing drainage of the site. Standard development conditions are recommended to ensure non-worsening for other properties and discharge to a lawful point of discharge.

An adopted charge for the stormwater network applies.

5.7.3.4 Transport network

Both lots are proposed to be accessed via Outlook Drive which is constructed to a bitumen standard. The proposal is not anticipated to have an unreasonable impact on the network.

An adopted charge for the transport network applies.

6.0 REFERRAL AGENCIES**6.1 Statutory referrals**

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

6.2 Third party advice

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

7.0 PUBLIC NOTIFICATION

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

8.0 OTHER RELEVANT MATTERS

There are no other relevant matters applicable for code assessment.

9.0 CONCLUSION

The proposed development involves the subdivision of one lot into two lots. The proposed development is generally consistent with the requirements of the planning scheme and results in a new allotment which achieves the minimum lot size and is mostly clear of planning scheme overlays. It is recommended that the application be approved, subject to the imposition of reasonable and relevant conditions, as outlined in the schedules and attachments.

10.0 ATTACHMENT

1. Proposed Reconfiguration of Lot Plan – Reference No. 14451 Drawing No. P02-01b – dated 21 July 2022
2. Draft Infrastructure Charges Notice

RECOMMENDED DECISION

1. THAT Council approve Development Application No. 22754 for a Reconfiguration of a lot - Subdivision (1 into 2 lots) on land situated at 97 Outlook Drive, Esk, formally described as Lot 7 RP155067, 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. 1. Proposed Reconfiguration of Lot Plan – Reference No. 14451 Drawing No. P02-01b – dated 21 July 2022	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	Prior to Council's approval of the Plan of Subdivision.
1.3	A Licensed Surveyor must install new Survey Marks in their correct positions in accordance with the Survey Plan and the work must be certified in writing.	Prior to Council's approval of the Plan of Subdivision.

1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to Council's approval of the Plan of Subdivision.
1.5	Remove any services made redundant as a result of the development and reinstate the land.	Prior to Council's approval of the Plan of Subdivision.
1.6	All electrical and telecommunication infrastructure must be wholly within the lots they serve. If the electrical and telecommunication cannot be wholly contained within the lots they serve, easement/s are to be established to protect the infrastructure arrangement. A Licensed Surveyor must certify in writing that all service connections are wholly within the lots they serve.	Prior to Council's approval of the Plan of Subdivision.
1.7	Certification must be submitted to council from a cadastral surveyor which certifies that: (a) the boundary clearances for any existing buildings that are to remain on the site comply with the relevant provisions of the planning scheme and the <i>Building Act 1975</i> (unless varied by this development approval); (b) all existing and proposed utility services and connections (e.g. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible; (c) all existing effluent disposal areas are wholly located within the lot they serve and comply with the boundary setback requirements of the <i>Plumbing and Drainage Act 2002</i> and associated codes and requirements, as determined by a building certifier or other suitably qualified professional; and (d) all dams (including ponded water, dam walls and associated spillway structures) are wholly located within the boundaries of a single lot.	Prior to Council's approval of the Plan of Subdivision.
1.8	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 Council's approval of the Plan of Subdivision.
SCHEDULE 2 – ENGINEERING <i>Assessment Manager</i>		
No	Condition	Timing
	ENGINEERING	
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Planning Scheme</i> .	At all times.

2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to Council's approval of the Plan of Subdivision.
	GENERAL SERVICES	
2.3	Connect the lots to 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 approval of the Plan of Subdivision.
2.4	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 approval of the Plan of Subdivision.
	VEHICLE ACCESS	
2.5	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Planning Scheme</i> .	At all times
2.6	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with <i>Somerset Regional Council Planning Scheme</i> . Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times
	STORMWATER	
2.7	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times
2.8	Stormwater Drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times
SCHEDULE 3 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the Planning Act 2016 . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i>		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being four (4) years starting the day the approval takes effect.		

This approval requires Council to approve a plan of subdivision before the plan can be registered or otherwise recorded, pursuant to Part 9. Section 69 of the <i>Planning Regulation 2017</i> .
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.
The form <i>Application to Approval Plan of Subdivision</i> [version 1.0 effective 3 July 2017] must be completed by the person requesting development assessment of this conditional approval. The form must be submitted to Council and must be accompanied by the relevant fees, and a compliance summary of development conditions. If there is insufficient space on the form, the person must attach extra pages outlining compliance.
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.
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.
Any further developments of the site may require further approvals.
Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.

Attachments for the Decision Notice include:

1. Proposed Reconfiguration of Lot Plan – Reference No. 14451 Drawing No. P02-01b – dated 21 July 2022

Resolution	Moved – Cr Brieschke	Seconded – Cr Wendt
<ol style="list-style-type: none"> 1. "THAT Council approve Development Application No. 22754 for a Reconfiguration of a lot - Subdivision (1 into 2 lots) on land situated at 97 Outlook Drive, Esk, formally described as Lot 7 RP155067, 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 <i>Planning Act 2016</i>. 		

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. 2. Proposed Reconfiguration of Lot Plan – Reference No. 14451 Drawing No. P02-01b – dated 21 July 2022	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	Prior to Council's approval of the Plan of Subdivision.
1.3	A Licensed Surveyor must install new Survey Marks in their correct positions in accordance with the Survey Plan and the work must be certified in writing.	Prior to Council's approval of the Plan of Subdivision.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to Council's approval of the Plan of Subdivision.
1.5	Remove any services made redundant as a result of the development and reinstate the land.	Prior to Council's approval of the Plan of Subdivision.
1.6	All electrical and telecommunication infrastructure must be wholly within the lots they serve. If the electrical and telecommunication cannot be wholly contained within the lots they serve, easement/s are to be established to protect the infrastructure arrangement. A Licensed Surveyor must certify in writing that all service connections are wholly within the lots they serve.	Prior to Council's approval of the Plan of Subdivision.
1.7	Certification must be submitted to council from a cadastral surveyor which certifies that: (e) the boundary clearances for any existing buildings that are to remain on the site comply with the relevant provisions of the planning scheme and the <i>Building Act 1975</i> (unless varied by this development approval); (f) all existing and proposed utility services and connections (e.g. electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible; (g) all existing effluent disposal areas are wholly located within the lot they serve and comply with the boundary setback requirements of the <i>Plumbing and Drainage Act 2002</i> and associated codes and requirements, as determined by a building certifier or other suitably qualified professional; and	Prior to Council's approval of the Plan of Subdivision.

	(h) all dams (including ponded water, dam walls and associated spillway structures) are wholly located within the boundaries of a single lot.	
1.8	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 Council's approval of the Plan of Subdivision.
SCHEDULE 2 – ENGINEERING <i>Assessment Manager</i>		
No	Condition	Timing
	ENGINEERING	
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to Council's approval of the Plan of Subdivision.
GENERAL SERVICES		
2.3	Connect the lots to 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 approval of the Plan of Subdivision.
2.4	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 approval of the Plan of Subdivision.
VEHICLE ACCESS		
2.5	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Planning Scheme</i> .	At all times
2.6	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with <i>Somerset Regional Council Planning Scheme</i> . Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times
STORMWATER		

2.7	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times
2.8	Stormwater Drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times
SCHEDULE 3 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the Planning Act 2016 . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i>		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the ‘currency period’ – being four (4) years starting the day the approval takes effect.		
This approval requires Council to approve a plan of subdivision before the plan can be registered or otherwise recorded, pursuant to Part 9. Section 69 of the Planning Regulation 2017 .		
The applicant may make representations (change representations) about a matter in this development application within the applicant’s appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant’s appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
The form Application to Approval Plan of Subdivision <i>[version 1.0 effective 3 July 2017]</i> must be completed by the person requesting development assessment of this conditional approval. The form must be submitted to Council and must be accompanied by the relevant fees, and a compliance summary of development conditions. If there is insufficient space on the form, the person must attach extra pages outlining compliance.		
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council’s standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.		
The Plan of Subdivision will not be released until all works are completed to Council’s satisfaction or uncompleted works are suitably bonded.		
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.		
Any further developments of the site may require further approvals.		
Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws”.		
<i>Vote - Unanimous</i>		<u>Carried</u>

Subject:	Application for Temporary Entertainment Event – Temporary Shooting Range - 865 Wivenhoe-Somerset Road, Split Yard Creek
File:	Environmental Management/Reports/Environmental Health Reports
Action Officer:	EHO-BW

Background/Summary

On 7 September 2022, Council received a temporary entertainment event application from NIOA Gun Club (Ref: 1432185) to hold a down the line clay target event at 865 Wivenhoe-Somerset Road, Split Yard Creek. The event is proposed for Sunday 9 October 2021, starting at 11.00am and concluding at 4.00pm. The applicant advises that the maximum attendance for the event will be 60 people, who are members of the Queensland Club.

The event will be hosted at the residence of Mr Leofric North, who is the property owner of 865 Wivenhoe-Somerset Road.

Council granted an approval for a similar event which was held at this property in 2021.

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	The proposed activity will require an Exemption For A Range certificate issued by the Queensland Police Service. The applicant has advised that this certificate will be applied for after the Temporary Entertainment Event approval is issued.
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	As part of the Exemption For A Range certificate issued by Queensland Police, the applicant will be required to comply with a number of conditions relating to weapons safety. The applicant has also provided a copy of the NIOA Gun Club – Split Yard Creek Range Standing Orders. This document details how the shoot will be organised in order to ensure safety for all participants.
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	Subordinate Local Law No.1.12 (Operation of Temporary Entertainment Events) 2011 prescribes criteria for the proposed activity. An assessment against that criterion is provided below.
Criteria – LL, Section 9(1)(e)	The grant of the approval would be consistent with the purpose of any relevant local law; and
Officer comment	The proposed activity is generally consistent with Council's local laws.
Criteria – LL, Section 9(1)(f)	If the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
Officer comment	The subject land is not trust land.
Criteria – LL, Section 9(1)(g)	If the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.
Officer comment	Not applicable.
Criteria – SLL, Section 4(1)	The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place.
Officer comment	The firing point for the range will be located on the front lawn of the house located at 865 Wivenhoe-Somerset Road. The house is surrounded by the property owners freehold land and beyond that is their long-term flood reserve lease on Lake Wivenhoe. The attached site plan shows the firing point and field of fire across the property owners land. The location of this event is isolated from other properties and residences and is therefore safe and appropriate for use as a temporary shooting range.
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 amenity of the surrounding area will be adversely affected by the event. The location of the event is isolated away from neighbouring properties and residences.

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	It is unlikely that the event will result in significant noise nuisance due to the isolated location of the event. A condition of approval will require the applicant to comply with the <i>Environmental Protection Act 1994</i> , which includes provisions for noise nuisance at shooting ranges. Dust and light pollution are not expected to be generated by the event.
Criteria – SLL, Section 4(4)	There must be enough toilets and sanitary conveniences provided for the event.
Officer comment	The applicant proposes to use the toilet facilities at the property owners house for the event. Due to the small scale of the event and a maximum of 60 people expected to be in attendance for no more than 5 hours, the toilet facilities available at the property owners house would be sufficient for this event. It is noted that these arrangements were sufficient for the event held in 2021.
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	Minor amounts of waste are expected for the event. The applicant advises that all waste associated with the event will be collected and disposed of.
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	Adequate space will be available onsite for parking. Entry and exit from the site will be via the main access road for the property, off Wivenhoe-Somerset Road.

Attachments

1. Site Plan – 865 Wivenhoe-Somerset Road, Split-Yard Creek

Recommendation

It is recommended that the Council approve the application subject to the conditions listed below:

No.	CONDITION
1.0	ENVIRONMENTAL/ LOCAL LAW
1.1	The approval holder must: <ul style="list-style-type: none"> • Display the approval in the manner, and at the locations, specified by the local government; and • Produce the approval for inspection by an authorised person on demand.
1.2	The approval holder must 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.

1.3	The approval holder must provide Somerset Regional Council with a copy of an Exemption For A Range certificate issued by the Queensland Police Service relating to the temporary range located at 865 Wivenhoe-Somerset Road Split Yard Creek. The Exemption For A Range certificate must be provided to Council by no later than Thursday 6 October 2022.
1.4	The operation of the temporary entertainment event must not unreasonably detract from the amenity of the area in which the place is located.
1.5	The temporary entertainment event is limited to the operation of a temporary shooting range on Lot 29 RP168154, 865 Wivenhoe-Somerset Road, Split Yard Creek from 11.00am to 4.00pm on Sunday 9 October 2022.
1.6	The approval holder must provide an appropriate number of waste bins that are to be serviced by an appropriately licensed waste contractor. The number of waste bins provided must be sufficient to accept all waste generated by the event, including waste from attendees and event staff.
1.7	The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20 million dollars. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the event.
1.8	<p>The approval holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.</p> <p>“Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.</p>
1.9	The temporary entertainment event must not cause an environmental nuisance as defined by the <i>Environmental Protection Act 1994</i> .
1.10	The operation of the temporary entertainment event must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken.
1.11	<p>All buildings, structures, vehicles, facilities or equipment used in the operation of the temporary entertainment event must be maintained at all times:</p> <ul style="list-style-type: none"> • In good working order. • In good state of repair. • In a clean and sanitary condition.
1.12	The approval holder must ensure that a food licence issued under the <i>Food Act 2006</i> is obtained (to the extent that it is required) by any entities selling or providing food at the event.
1.13	The approval holder must ensure that the temporary entertainment event is run generally in accordance with the application material submitted to Council.
1.14	The approval holder is to provide a contact number for any complaints received during the event.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Whalley

“It is recommended that the Council approve the application subject to the conditions listed below:

No.	CONDITION
1.0	ENVIRONMENTAL/ LOCAL LAW

1.1	The approval holder must: <ul style="list-style-type: none"> • Display the approval in the manner, and at the locations, specified by the local government; and • Produce the approval for inspection by an authorised person on demand.
1.2	The approval holder must 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.
1.3	The approval holder must provide Somerset Regional Council with a copy of an Exemption For A Range certificate issued by the Queensland Police Service relating to the temporary range located at 865 Wivenhoe-Somerset Road Split Yard Creek. The Exemption For A Range certificate must be provided to Council by no later than Thursday 6 October 2022.
1.4	The operation of the temporary entertainment event must not unreasonably detract from the amenity of the area in which the place is located.
1.5	The temporary entertainment event is limited to the operation of a temporary shooting range on Lot 29 RP168154, 865 Wivenhoe-Somerset Road, Split Yard Creek from 11.00am to 4.00pm on Sunday 9 October 2022.
1.6	The approval holder must provide an appropriate number of waste bins that are to be serviced by an appropriately licensed waste contractor. The number of waste bins provided must be sufficient to accept all waste generated by the event, including waste from attendees and event staff.
1.7	The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20 million dollars. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the event.
1.8	<p>The approval holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.</p> <p>“Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.</p>
1.9	The temporary entertainment event must not cause an environmental nuisance as defined by the <i>Environmental Protection Act 1994</i> .
1.10	The operation of the temporary entertainment event must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken.
1.11	<p>All buildings, structures, vehicles, facilities or equipment used in the operation of the temporary entertainment event must be maintained at all times:</p> <ul style="list-style-type: none"> • In good working order. • In good state of repair. • In a clean and sanitary condition.
1.12	The approval holder must ensure that a food licence issued under the <i>Food Act 2006</i> is obtained (to the extent that it is required) by any entities selling or providing food at the event.
1.13	The approval holder must ensure that the temporary entertainment event is run generally in accordance with the application material submitted to Council.
1.14	The approval holder is to provide a contact number for any complaints received during the event”.

Carried

	Vote - Unanimous
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Subject:	Temporary Entertainment Event – Kilcoy Cow Horse Club Pty Ltd – Tom Curtain- Nothin’s Going to Stop Us Tour
File:	Environmental Management/Reports/Environmental Health Reports
Action Officer:	EHO-DB

Background/Summary

Council has received a temporary entertainment event application (Ref: 1430435, 1430428, 1430925) to conduct a Katherine Outback Experience horse and working dog event located at Lot 9 SP294669, 1550 Neurum Road, Mount Archer. The proposed event is called “Tom Curtain - Nothin’s Going to Stop Us Tour” and will involve real horse-starting and working dog demonstrations combined with live music and humorous bush tales. There will also be a bouncing castle and live music, with camping onsite to be provided.

The event is proposed to be operated on Saturday 26 November 2022 from 8am until 11:30pm. The applicant has advised that the expected attendance rate at the event is 1,500 patrons and staff.

Council has recently received a similar event application at this location for 1 October 2022 for a campdraft, bull ride and live music.

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</p>

	<p>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 from the amenity of the area.
Criteria – SLL, section 4(3)	Entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.
Officer Comment	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, and 3 accessible toilets. The number of toilets required to be provided will be conditioned 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	The applicant has provided a Traffic Management Plan (TMP) that has been approved by Council's Operations Department.

Discussion

Council has not received the following:

- A copy of a liquor licence to cover 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

1. Site plan
2. Event Management Plan - Tom Curtain- Nothin's Going to Stop Us Tour – KCHC - 26 November 2022(1 October 2022).

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 11 November 2022.
1.2	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 11 November 2022.
1.3	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.
1.4	The operation of the temporary entertainment event must not unreasonably detract from the amenity of the area in which the place is located.
1.5	The temporary entertainment event is limited to the operation of real horse-starting and working dog demonstrations combined with live music and humorous bush tales. There will be a bouncing castle, live music, camping and parking located on Lot 9 SP294669, between the hours of 8am until 11:30pm on Saturday 26 November 2022.
1.6	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
1.7	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 contactor.
1.8	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.
1.9	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.
1.10	The temporary entertainment event must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> .
1.11	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.
1.12	The activity must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken.

1.13	The approval holder must provide appropriate lighting in all areas of the temporary entertainment event including the proposed parking area.
1.14	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.
1.15	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.
1.16	The approval holder must ensure that the temporary entertainment event is run generally in accordance with the application material submitted to Council.
1.17	The approval holder must ensure that the temporary entertainment event is run in accordance with the approved Event Management Plan titled Tom Curtain- Nothin's Going to Stop Us Tour – KCHC - 26 November 2022(1 October 2022).
2.0	OPERATIONS
2.1	Any event directional signage that is displayed should not be erected any sooner than the morning of the event and must be taken down the night after the event is finished.
2.2	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 Choat

Seconded – Cr Isidro

"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 11 November 2022.
1.2	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 11 November 2022.
1.3	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.
1.4	The operation of the temporary entertainment event must not unreasonably detract from the amenity of the area in which the place is located.
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1.6	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
1.7	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.

1.8	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.
1.9	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.
1.10	The temporary entertainment event must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> .
1.11	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.
1.12	The activity must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken.
1.13	The approval holder must provide appropriate lighting in all areas of the temporary entertainment event including the proposed parking area.
1.14	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.
1.15	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.
1.16	The approval holder must ensure that the temporary entertainment event is run generally in accordance with the application material submitted to Council.
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2.0	OPERATIONS
2.1	Any event directional signage that is displayed should not be erected any sooner than the morning of the event and must be taken down the night after the event is finished.
2.2	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." <p style="text-align: right;"><u>Carried</u></p> <p>Vote - Unanimous</p>

Subject:	Planning and Development Department Monthly Report – August 2022
File Ref:	Governance/Reporting/Officer Reports
Action Officer:	DPAD, ESM, SP, SBC, NRMO

Report

A summary of the Department's activities during the month of August 2022 is provided for Council's information.

Planning Development Applications

A total of twenty-five (25) development applications were received in August 2022.

Assessment Type	July 2021	August 2021	July 2022	August 2022
Building Works assessable against the Planning Scheme	10	15	12	14
Material Change of Use	3	4	9	7
Reconfiguring a Lot	2	2	2	2
Operational Works	2	1	3	1
Combined Applications	1	1	-	1
Total	18	23	26	25

The list of applications received is provided in Appendix 1.

A total of thirty-two (32) development applications were decided in August 2022.

Approved/Refused	July 2021	August 2021	July 2022	August 2022
Refused - Council	-	-	-	-
Approved - Council	2	4	1	9
Approved - Delegated Authority	21	17	9	23
Total	23	21	10	32

The list of applications decided is provided in Appendix 1A.

Building Development Approvals

A total of fifty-seven (57) building approvals were issued in the region for August 2022.

Assessment Type: Building Works

Status	July 2021	August 2021	July 2022	August 2022
Accepted	109	109	84	60
Approved - Council	17	13	22	14
Approved - Private Certifier	95	96	56	43

The list of applications approved is provided in Appendix 2.

Building Compliance Matters

The following are non-compliant building activities in this period:

August 2022:

Unapproved building works at Moore and Royston.

**Plumbing Compliance Permits and Inspections**

A total of thirty-nine (39) plumbing and drainage approvals were issued in the region for August 2022.

Assessment Type: Plumbing Approval

Status	July 2021	August 2021	July 2022	August 2022
Approved	40	26	28	39
Info Request	3	9	14	17
Total	43	36	52	56
Plumbing Inspections	92	92	84	137

The list of applications approved is provided in Appendix 3.

The number of home sewerage treatment plants on Council's register is 2316 of which 387, or 16.7% are currently overdue for servicing.

Mid-Brisbane (Black Snake Creek Catchment) Wastewater Risk Mitigation Program

Council's plumbing inspectors have continued working through the next phase of the Wastewater Risk Mitigation Program within the Mid-Brisbane (Black Snake Creek Catchment). Twenty-one eligible properties in the Glamorgan Vale area were sent invitations to apply for upgrade subsidy; eight of which have volunteered for an inspection, with six inspections resulting in the allocation of funding. One property has had a plumbing application approved and installation of HSTP has been carried out.

New Somerset Economic Development Strategy

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

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).

Public consultation on the draft strategy is anticipated to commence in late September / October.

Lowood Futures Strategy

Council has engaged consultants, AECOM, to assist developing a *Lowood Futures Strategy*.

The Strategy will:

- Outline opportunities to become a regionally attractive destination and secure new investment.

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

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

Following formative consultation with a discrete Lowood Community Reference Group, formal public consultation on the Draft Concept Master Plan was undertaken, utilising Council's 'Have your say' platform, from Monday 15 August 2022 to Monday 5 September 2022.

Environmental Health Services

Food Safety Training



Council subscribes to the *I'm ALERT* food safety training package which offers food businesses, community groups, schools and the general public access to free online interactive food safety training. Just go to www.somerset.imalert.com.au

Swimming Pool Water Quality Monitoring

Swimming pool water sampling was not conducted during the month as pools in the region are not currently open. Sampling will recommence in conjunction with the swimming season which is expected to commence in the middle of September.



Mosquito Monitoring



Officers are currently planning the 2022-2023 mosquito surveillance program in conjunction with Queensland Health which is proposed to be conducted in various towns and villages in the region from January to March 2022.

The main aim of the annual surveillance program is to establish the level of confidence in:

- the assumption that mosquitoes *Aedes aegypti* or *Aedes albopictus* are not present in the Somerset Region, and
- the likelihood of early detection – to facilitate eradication.

In addition to the Queensland Dengue Management Plan 2015 – 2020; Queensland Health is currently working with local governments in SEQ to establish an emergency response framework that will be triggered on confirmation of positive *Aedes aegypti* or *Aedes albopictus* identification in SEQ.

An overview of the section activities for the month is contained in Appendix 4.

Pest Management

The following is a report on activities in the Pest Management sections for the months of July and August.

Invasive Animal Control

The following is a summary of pest animal control activities for the months:

Wild dogs

1080 baits injected:

	July 2022	August 2022
Fernvale	14	-
Dundas	13	-
Crossdale	8	-
Toogoolawah	15	-
Total	50	-



Dingo scalps presented:

	July 2022	August 2022
Kilcoy	-	11
Toogoolawah	-	3
Eskdale	5	-
Total	5	14

Feral pigs

1080 baits injected:

	July 2022	August 2022
	-	-
Total	-	-



Feral pig scalps presented:

	July 2022	August 2022
Buaraba	100	15
Eskdale	61	-
Total	161	15

Feral pigs reported to be impacting on a landholder in the Cooeimbardi area, pre feeding is underway in preparation of deployment of the trap.

Rabbits:



- Officers have been working with landholders to control rabbit infestations in the following areas:
 - Prenzlau, Biarra, Hazeldean.
- Officers are continuing to work closely with Seqwater in controlling rabbits around Somerset and Wivenhoe Dams.

Fox:



- Pest Management Officers are continuing to monitor den sites that have been found and fumigated.
Council received a complaint in Fernvale fox predating on poultry. A cage trap was deployed resulting in the capture of one fox.

Invasive Plant Control

A summary of invasive plant and other vegetation treatment activities for the month is as follows:

July:

- **Mother of Millions**- Lowood, Fernvale, Neurum, Buaraba, Coominya.
- **Giant rats tail grass** – Lowood, Sandy Creek, Mt Kilcoy, Esk, Fernvale.
- **Fireweed**- Lowood, Neurum, Sandy Creek, Esk, Coominya, Fernvale, Toogoolawah, Mt Tarampa, Glamorgan Vale, Buaraba.
- **Leucaena**- Toogoolawah.
- **Lantana** – Braemore, Brisbane Valley Highway.
- **Council managed infrastructure**- Minden Bikeway.
- **Main Roads Element 8** – D'Aguilar Highway East.
- **Herbicide applied** – 10,281L.

August 2022:

- **Mother of Millions**- Esk, Coominya, Lowood, Crossdale, Moore, Hazeldean, Toogoolawah, Gregors Creek, Kilcoy, Jimna, Fernvale, Tarampa.
- **Fireweed** – Villeneuve, Lowood, Moore, Hazeldean, Coominya, Neurum, Kilcoy, Fernvale, Glamorgan Vale, Wivenhoe Pocket, Tarampa.
- **Giant rats tail grass** – Lowood, Tarampa
- **Lantana Control** –Neurum, Villeneuve.
- **Groundsel** – Gregors Creek.
- **Leucaena** – Esk Kilcoy Road
- **Council managed infrastructure**- Kilcoy show grounds, Jensen Swamp,
- **Main Roads Element 5**- D'Aguilar Highway, Esk Kilcoy Road,
- **Herbicide applied** – 11,900L.

Lantana Chemical Subsidy Program

As part of the 2021/22 budget, Council has funded an ongoing Lantana Chemical Subsidy Program, where a 50% subsidy is provided to eligible landholders who purchase approved chemicals to control lantana for the business located within the Somerset Region.

The 2022/23 program has commenced with Council receiving 43 expressions of interest to participate in the program in the first two months.

Compliance under the *Biosecurity Act 2014*:

	July 2022	August 2022
Information notices	-	-
Biosecurity Orders	-	-
Enter and Clear action	-	-

Regulatory Services

An overview of the section activities for the month are contained in Appendix 4.

Natural Resource Management

Land for Wildlife

- Council welcomed one new Land for Wildlife member at Buaraba in August 2022.
- Preparation for next Land for Wildlife workshop focussing on Native Bees on 17 September 2022.

Somerset Flora and Fauna



- Ongoing work with Ecosure (Consultants) to develop a Matters of Local Environmental Significance (MLES) framework to inform a future planning scheme amendment.
- Birds Queensland has been engaged to produce a “Birds Places of Somerset” brochure for the Somerset Region. The “Bird Places” series has been adopted in several other SEQ Local Governments and promotes locations throughout the Council area for Bird watching opportunities.

Catchment Management

- Resilient Rivers Project Updates:
 - Planting has been completed at the next stage of the Black Snake Creek Project (2 properties at Glamorgan Vale) and is now under two years of maintenance to assist plant establishment.
 - A round of minor maintenance/repairs has been commissioned across all Black Snake Creek project sites in respect of the Flood events earlier this year.



Offsets – Planting



Delivery of Councils Capital Works Offsets:

- 850 (Koala) trees have been planted along the Brisbane Valley Rail Trail between Esk and Toogoolawah and is under maintenance.
- Investigations underway into deployment opportunities along the Brisbane Valley Rail Trail in respect of 22/23 Offset proposal, including meeting with Department of Transport and Main Road staff on 21 July 2022.

Collaborations

- The Recovery and Resilience teams continue to work on key sites across the region, including: Yowie Park, Kilcoy; The Condensery, Toogoolawah; Shines Road, Wivenhoe Pocket; Brisbane Valley Rail Trail, Lowood.
- Preparations underway for a community Tree planting event in collaboration with Conservation Volunteers Australia, and the Somerset Recovery and Resilience team. The planting will take place at the Toogoolawah Condensery 3 September 2022.

Business Recovery Officer



August saw the commencement of Council's new Business Recovery Officer, Ms Jacqui O'Connor. Below is a summary of the Business Recovery Officer's activities during the month of August.

1. Events

- Procurement processes for the Grant Writing Workshops were recommenced, and a facilitator was approved and appointed. A total of nine sessions, targeting three sectors, across three locations, opened for registrations to be held in September.
- Planning commenced for an agricultural specific workshop to update primary producers on current issues.

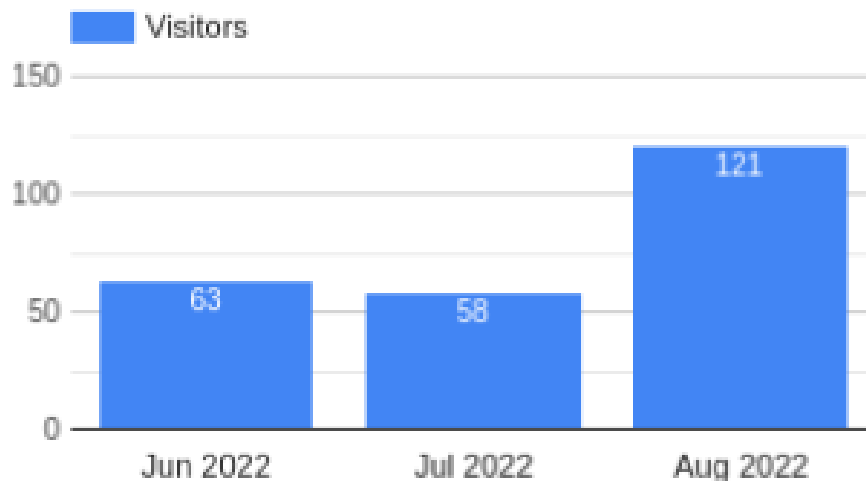
- Discussed a potential event with DESBT about Disaster Management Preparations for Businesses. Looking to hold four sessions at four locations across the region during the month of November.
- Initiated communication with members of the EDTAC to determine topics for future events. A calendar of events for 2023 was being prepared.

2. Business Communications

- The priority during August was to plan informative workshops for the remainder of the year. Business visits will become more important from next month.
- Content for the third edition of the Flood Recovery Newsletter was being updated for distribution in the coming months.

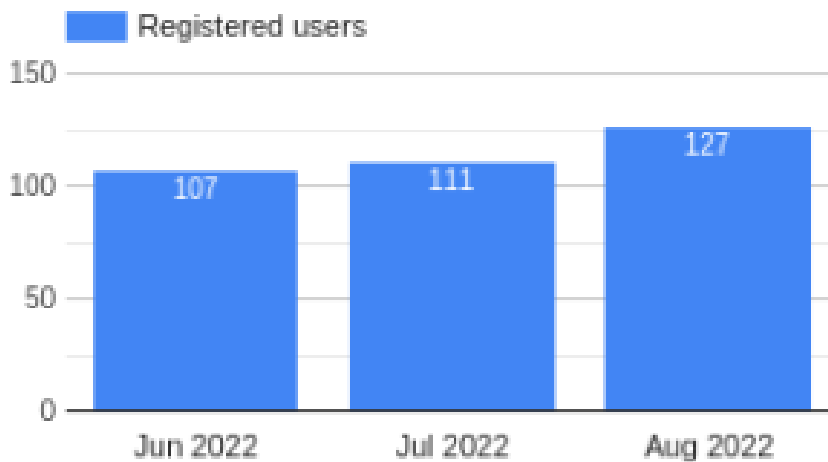
3. Grants - Somerset Regional Council Grant Finder - August 2022 Monthly Report Highlights

- Total portal visitors: August = 121



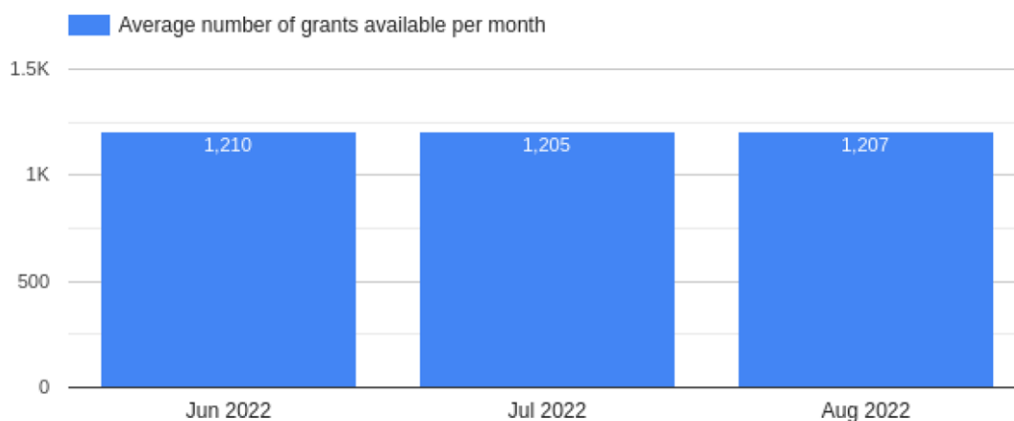
A visitor is someone who has viewed our portal but may or may not be registered. Per month totals are shown above. This figure only includes unique visitors. I.e. the same person is not double counted.

- Total registrations =127



Registrations are people that have registered to our portal via the signup form and are still active. Total cumulative registrations are shown above.

- Number of grants on the portal = 1,207



Average number of grants available on our portal per month. Approx. 30 grants will open, close or be announced each week in Australia. Hence an average figure is provided.

Recommendation

THAT the Department of Planning and Development Monthly Report for August 2022 be received and the contents noted.

Resolution

Moved – Cr Brieschke

Seconded – Cr Whalley

“THAT the Department of Planning and Development Monthly Report for August 2022 be received and the contents noted”.

Carried

Vote - Unanimous

Subject: Report of the Audit Committee meeting
File Ref: Audit committee

Action Officer: DFIN

Background/Summary

Section 211 (4) of the Local Government Regulation 2012 requires a written report about the matters reviewed at an audit committee meeting and the committee's recommendations about the matters to be presented at the next meeting of Council.

Attachments

Report of the Somerset Regional Council Audit Committee meeting of 7 September 2022

Recommendation

THAT the report of the Somerset Regional Council Audit Committee meeting of 7 September 2022 be received and the contents noted

Resolution

Moved – Cr Brieschke

Seconded – Cr Gaedtke

“THAT the report of the Somerset Regional Council Audit Committee meeting of 7 September 2022 be received and the contents be noted”.

Carried

Vote - Unanimous

Subject: Completion of the Caller's and Judges Box
File Ref: SRC/Facilities/Planning
Action Officer: DCORP

Background/Summary

A quotation was obtained for the refurbishment of the Race Callers Room and the two camera positions (finishing post and SkyTV). The quotation for the refurbishment was approximately \$45k (Excl GST). During discussions with the Club, the President advised that the club were willing to contribute \$24,000 to the costs of the \$45,000 upgrade from a Racing Queensland grant. The Grant deed is attached.

The club have reviewed the detail of work required as set out in the quotation provided by Dan Banditt constructions and agree that the scope of work is appropriate.

Attachments

Nil

Recommendation

THAT Council

- i) accept the Kilcoy Race Club's offer of \$24,000 for the Race Caller and Judges Room project
- ii) seek further quotations for the work required and
- iii) budget for the remaining costs from a future Budget review.

Resolution

Moved – Cr Whalley

Seconded – Cr Gaedtke

“THAT Council

- i) accept the Kilcoy Race Club’s offer of \$24,000 for the Race Caller and Judges Room project
- ii) seek further quotations for the work required and
- iii) budget for the remaining costs from a future Budget review”.

Carried

Vote - Unanimous

Subject: Regional Arts Development Fund Committee Application
File Ref:
Action Officer: ACM

Background/Summary

The Regional Arts Development Fund (RADF) committee currently has a vacancy on the committee for a community member. The position was advertised in local papers, with two expressions of interest (EOI) being received. The committee considered the EOI’s and have made a recommendation for Pipier Weller to be invited to join the committee.

Attachments

Nil

Recommendation

THAT Council accept the expression of interest from Pipier Weller to join the RADF Advisory Committee.

Resolution

Moved – Cr Whalley

Seconded – Cr Isidro

“THAT Council accept the expression of interest from Pipier Weller to join the RADF Advisory Committee”.

Carried

Vote - Unanimous

Subject: Endorsement sought for medium value contract – Kilcoy Aquatic Centre – Amenities Refurbishment
File:
Action Officer: DCORP

Background/Summary

Council has engaged the services of Daniel Bandit constructions to refurbish the internal amenities at the Kilcoy Pool.

The internal amenities were in poor condition, the water proofing of the shower area was not effective, the tiles have been continuously kept falling off, doors were not aligned, and framework had begun to separate from the walls. This made the change rooms and showers

a hazard. Privacy of occupants was difficult to provide due to the nature of damage to the change cubicles and the toilets.

Quotes were requested from Greg Eva, Garnel Constructions, and Daniel Banditt. Daniel Bandit was the only contractor to respond with a Quotation. Greg Eva declined to quote, and Garnel Constructions failed to submit.

Due to the specialised nature of the requirements, time restraints – Daniel Banditt was awarded the works and advised to proceed with the refurbishment. The Budget for the works was \$50,000 in 2021/22 and cost of the works was \$44,180. ex gst.

Attachments

Nil

Recommendation

THAT Council confirm because of the specialised nature of the services sought, and limited suppliers being able to comply and facilitate the required repairs in the time frame required (prior to the season restart), that Daniel Bandit constructions, be endorsed for the works at the Kilcoy Pool amenities.

Resolution

Moved – Cr Wendt

Seconded – Cr Brieschke

“THAT Council confirm because of the specialised nature of the services sought, and limited suppliers being able to comply and facilitate the required repairs in the time frame required (prior to the season restart), that Daniel Bandit constructions, be endorsed for the works at the Kilcoy Pool amenities”.

Carried

Vote - Unanimous

Subject: Somerset Health and Wellbeing Expo

File Ref: Community Services/Service Provision/Community Development

Action Officer: CDO

Background/Summary

Queensland Health has provided \$76,000 to provide localised mental health initiatives throughout the region. The funds are to be acquitted by June 2023. Holding local events which provide positive mental health and community connectedness, at the Kilcoy and Esk Community Wellness Hubs, or in parks nearby, was one of the agreed activities by Queensland Health.

Planning for an event at Kilcoy, to be held on the Wednesday in Mental Health Week (8-16 October), commenced some months ago, but within the last few weeks, it became obvious that the grounds surrounding the Kilcoy Hub would not be large enough to host the activity, with a large number of relevant services wanting to attend. After discussions, the site immediately adjacent to the Kilcoy Explore Centre was deemed to be the best location, being a flat area, with easy access to power and public amenities. There are currently seventeen stall holders booked to attend, along with a program of healthy activities running from 10am – 2pm.

To ensure adequate street parking for visitors to the event, it would be advantageous if stall holders were allowed to park their vehicles (subject to suitable ground conditions) in the area adjacent to the Hall of History.

Attachments

Attachment 1 – Proposed Somerset Health and Wellbeing Expo Layout

Recommendation

THAT Council approve the use of the area adjacent to the Kilcoy Explore Centre for the Somerset Health and Wellbeing Expo and allow parking of stall holder vehicles on the grassed area (subject to suitable ground conditions) adjacent to the Hall of History.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Choat

“THAT Council approve the use of the area adjacent to the Kilcoy Explore Centre for the Somerset Health and Wellbeing Expo and allow parking of stall holder vehicles on the grassed area (subject to suitable ground conditions) adjacent to the Hall of History”.

Carried

Vote - Unanimous

Subject:	Regional Arts Development Fund (RADF) Funding Rounds 2022/23 Financial Year.
File Ref:	2022 – 23 RADF
Action Officer:	ACM

Background/Summary

The RADF grants program was established in 1991 as a state and local government partnership to support professional artists and arts practitioners living in regional Queensland. The program focuses on the development of quality arts and arts practice for regional communities.

To assist with the delivery of the program, the Regional Arts Development Fund (RADF) Committee was established, as an advisory committee to provide advice to Council on the delivery of the RADF program within the Somerset Regional Council area.

As per the Terms of Reference, the Somerset Regional Council RADF program has four funding rounds per year with Committee meeting dates approved by Council and then held to assess applications from each round.

Attachments

Attachment 1 - Regional Arts Development Funding Rounds 2022/2023

Recommendation

THAT Council approve the proposed Regional Arts Development Fund (RADF) funding round dates for 2022-23 financial year as per attachment 1.

Resolution

Moved – Cr Brieschke

Seconded – Cr Isidro

“THAT Council approve the proposed Regional Arts Development Fund (RADF) funding round dates for 2022-23 financial year as per attachment 1.”





Carried*Vote - Unanimous*












Subject: Tourism and Promotions Report – August 2022
File Ref: Tourism – Promotions
Action Officer: A/MRT

Background/Summary

The following is the August 2022 summary of activities for Somerset Explore and Visitor Information Centres and the Tourism team members.


Visitor Statistics


	Somerset	Brisbane	Other SEQ	Rest of state	Interstate	International	Total
 Esk VIC	102	83	60	10	106	2	363
 Fernvale Explore Centre	90	139	56	21	60	1	367
 Kilcoy Explore Centre	183	111	137	68	196	6	701
 The Condensery	302	149	86	38	23	5	603

	First	Second	Third
Esk	 Maps and Directions	 Glen Rock Gallery	 Brisbane Valley Rail Trail
Fernvale	 Maps and Directions	 Brisbane Valley Rail Trail	Fishing/Boating/Lakes
Kilcoy	 Maps and Directions	 Caravanning and Camping	 Outdoor Activities
The Condensery	 The Condensery	 The Condensery	 The Condensery

	The Condensery exhibitions	The Condensery Events/Activities	Building
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Motivators

Merchandise Sold 	
Esk	\$9
Fernvale	\$27
Kilcoy	\$508
Total	\$544

Active Volunteers 	
Esk	10
Fernvale	19
Kilcoy	10
TOTAL	39

Digital Media**Facebook**

3363 (+27)
Reach 10770
(+ 142%)

Instagram

1509 (+10)
Reach: 1033
(+10%)

Website

Page Views: 3746

Visitors: 1395 new, 46 returning

Peak Time: Saturday, 20 August

Most Popular Pages: Experience Somerset, Events, Outdoor Adventure,

Device Type: 52% Mobile, 43% Desktop, 5% Tablet

Volunteer acknowledgement and engagement

Planning in progress for Volunteer Family tour in October and December 2022. The October tour will focus on tourism attractions around Lake Somerset and the December tour will incorporate the traditional Christmas dinner for volunteers.

Glen Rock Art Gallery (Esk Visitor Information Centre)

The August exhibition in Glen Rock Gallery showcased the works of the Mount Beppo Artists from around Esk, Toogoolawah and beyond. The exhibition showcases art in various media, including oils, watercolours, ceramics and acrylics.

Glen Rock Art Gallery now also has a permanent collection of small gifts, cards and jewellery for sale, made by members of the Somerset Art Society.

Best of Queensland Experiences Program

Tourism and Events Queensland released the results of the 2021/2022 Best of Queensland Experiences Program, with six Somerset tourism businesses reaching this status.

Operators who reached the Best of Queensland Experience status were invited to apply for TEQ's pilot transformation Experiences Mentoring Program, with only 10 places on offer for the Brisbane region, no Somerset businesses were successful. It is expected that this

program will be run through the Brisbane EDA early next year to allow access for more businesses to participate and improve their experiences.

The Tourism Development Officer will continue to work with businesses to increase the region's Best of Queensland Experiences offerings over the coming months.

Buy From the Bush Queensland (17 September 2022)

Experience Somerset will have a presence at the Buy from the Bush Queensland Festival, hosted by Summerland Camels at Harrisville, in the Scenic Rim on Saturday 17 September, 2022. Four operators have expressed interest in attending and showcasing the region, including:

- Sister Bake Co
- Picnic Society
- One Tree Canoe
- Esk Caravan Park

Events

Nil for reporting period.

2022 Somerset Garden Competition

The 2022 Somerset Garden Competition is currently open for registration and will close on 15 September 2022. To date 14 entries have been received across all major categories.

Christmas Lights

Promotions and advertising confirmed for the event. Judges are currently being confirmed. Nominations to open following the completion of the Somerset Garden Competition.

Marketing Implementation Plan

Council have engaged an external provider to develop a marketing plan and promotional campaign. Promotions Officer will work closely with the provider through the entire development process to ensure the plan and campaign align with objectives outlined in the Tourism Strategy 2021-2025. Phase one (research and data compilation) is due to begin September 2022.

Marketing Opportunities

Investigating marketing opportunities for possible inclusion in the marketing implementation plan, including Emprise Group Camper Trailer of the Year (event hosting), Caravanning World, The Wanderer, Ipswich News Today.

Paid Advertising

Half page advertisement in the Ipswich News Today - Brisbane Valley Rail Trail Lift out. Content supplied: Half page ad design, half page editorial "Horses, Hiking and Bikes", three quarter page editorial "Mid Trail Treats" and accompanying imagery.

Promotional activities:

- Throughout August the Tourism team distributed 28 boxes of Experience Somerset Visitor Guides to 6 Queensland VICs and 4 Somerset tourism businesses, a total of 186 boxes since it was launched.
- Facilitated BEDA and crew from The Edit Suite on content video/photo shoots at One Tree Canoe, Pure Glamping (Wivenhoe Campgrounds) and Coominya BVRT.

- Liaison with TMR Senior Advisor of Marketing BVRT and selected Somerset operators regarding upcoming Trail Towns SBS episode. Creative content and direction supplied regarding tourism operators and locations for filming.
- Somerset Visitor Guides were sent to the Sunshine Coast Caravanning Expo on 19-21 August to be distributed on the Caravanning Queensland stand.

Attachments

Nil

Recommendation

THAT Council receive the Tourism and Promotions Report for the month of August 2022 and that the contents be noted.

Resolution

Moved – Cr Isidro

Seconded – Cr Wendt

“THAT Council receive the Tourism and Promotions Report for the month of August 2022 and that the contents be noted”.

Carried

Vote - Unanimous

Subject:	Corporate and Community Services Monthly Report – August 2022
File Ref:	INFORMATION MANAGEMENT - REPORTING - Corporate Service Report
Action Officer:	DCORP

Background/Summary

In delivering on Council's Operational Plan and commitment to excellent customer service, the Corporate and Community Services Department offer the following information as a representation of activities undertaken during the month of August 2022.

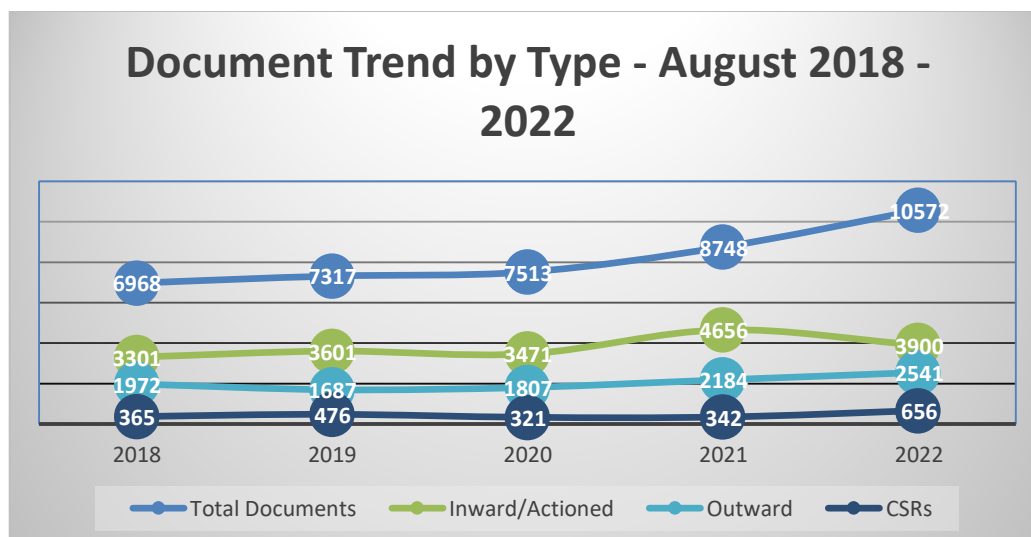
Records

Documentation – At a Glance – August 2022

Inward/Actioned Documents – 3900	Outward Correspondence - 2451
Customer Service Requests - 622	Councillor Requests – 34 (Thirty-Four)
Decision Notices/Workshop Outcomes - Decision Notices – 56 (Fifty-Six) Workshop Actions – 20 (Twenty)	Tender/Quotation – Tenders – Zero (0) Numbered Quotations – One (1)

Total Documents Registered for the month of August 2022 – 10572 - 17.25% increase

Comparison Figures – Registered Documentation – August 2021 – 8748



2022 disposal reports were given to the CEO for signature with 135 physical boxes ready to be destroyed for the financial year.

We have almost caught up with the influx of documentation handed to records during the relocation of the Esk Administration Office for the roof restoration.

Information and Communication Technology (ICT) Monthly Report – August 2022

Software and infrastructure upgrades continue in line with budgetary considerations and operational requirements, and work continues implementing audit recommendations in line with target dates.

The replacement public mapping solution is on target, with the internal solution also under development. Resourcing of GIS remains an issue with no specifically assigned staff. Maintenance to wireless networks and CCTV, as well as upgrades to equipment and processes continue to be implemented in order to improve support of a distributed workforce.

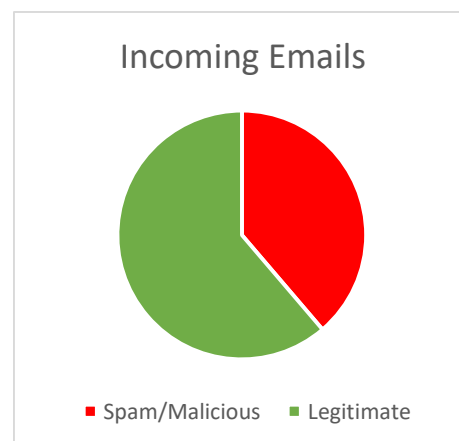
Upgrades to NBN services at multiple sites have been completed with further upgrades in progress.

Cyber Security

Incoming emails identified as malicious persisted at 40%, with the overall number of emails also remaining consistent. Phishing emails continue to target Office365, file sharing services and videoconferencing utilities, with several incoming malicious emails received from compromised email accounts at vendors and other government entities including Councils.

Phishing testing of all corporate email users continues in line with audit requirements, with no users 'caught' from emails in the current quarterly phishing test. Phishing testing involves sending benign copies of malicious emails to staff and Councillors to increase their awareness and test their response to a potential risk and forms an important part of cyber security preparedness.

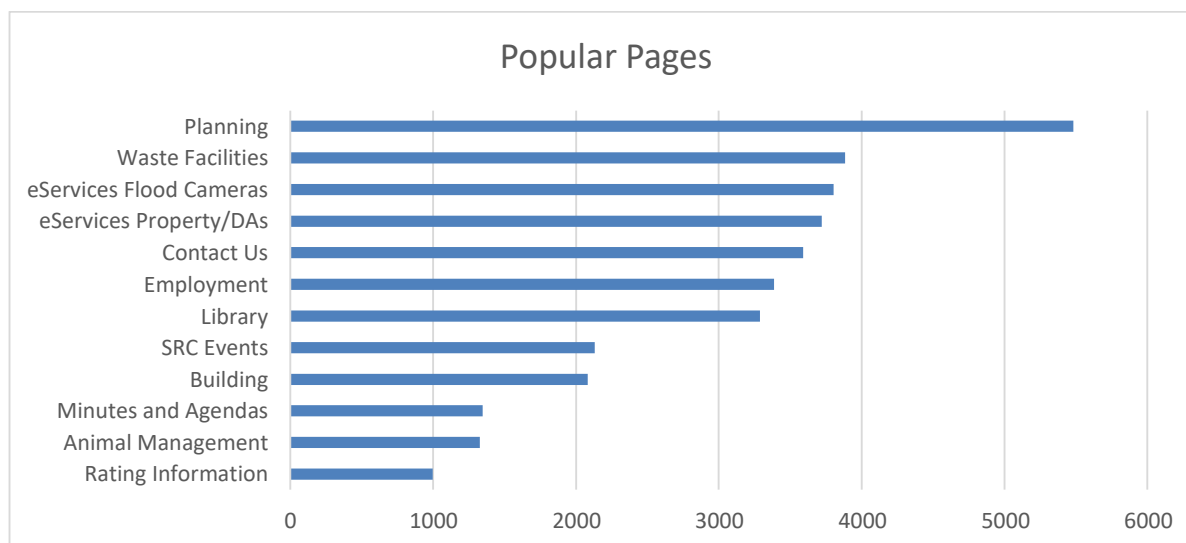
Internet facing resources continue to be bombarded with targeted attacks, with the Australian Cyber Security Centre (ACSC) and Queensland Government Chief Information Officer (QGCI) warnings of ongoing campaigns by foreign nations and organised hacker groups targeting Australian government and business networks enduring. Recent attacks have focused on targeted phishing emails and leveraging newly discovered software



vulnerabilities before patches to fix them are released or installed, and activity continues to attempt to take advantage of diminished ICT staff numbers and increased remote working. Thousands of compromise attempts continue to be detected on Council firewalls and websites, mostly comprising automated script attacks and targeting known vulnerabilities or weak passwords.

Websites

The primary corporate website (somersest.qld.gov.au) increased to 100,274 page views for the month, with Waste Facilities rising by 90% with the introduction of recycling services to the region. eServices (eservices.somersest.qld.gov.au) returned to 20,777 page views for the month.



Governance and Business Improvement

Annual Report

In accordance with the Local Government Regulation 2012, s190(1), the Chief Executive Officer is required to assess the local government's progress towards implementing the 5 year corporate plan and annual operational plan and include this assessment in Council's annual report. Contributions from staff across the organisation have been included in a draft Annual Report for the 2021-2022 period.

Section 182 of the Local Government Regulation 2012 specifies that the annual report must be adopted within 1 month after the day the auditor-general gives its audit report about the local government's financial statements.

Delegations

LGAQ released an update to its delegations registers on 1 August 2022. These will be reviewed, and a report prepared for Council's consideration.

In consultation with the Chief Executive Officer, consideration will be given to some matters being delegated further throughout the organisation to enable further organisational efficiencies. In accordance with s259 of the *Local Government Act 2009*, the chief executive officer may delegate the chief executive officer's powers to an appropriately qualified employee or contractor of the local government.






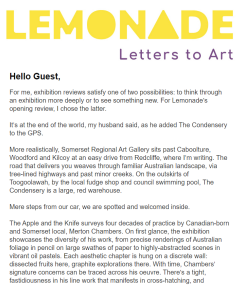
The power of delegation is an element of decision making by local governments. The focus of the elected Council is on setting the strategies and policies, which is then implemented by

the Chief Executive Officer and Council employees. Once policies have been adopted, routine decision making can be exercised by an appropriately skilled person.

As both Council and the Chief Executive Officer have a vast breadth of responsibilities to be undertaken, the *Local Government Act 2009* facilitates the delegation of responsibilities from both Council to the Chief Executive Officer, and from the Chief Executive Officer to other employees. This enables a local government to exercise its responsibilities in the most efficient and effective manner. The delegations made by a local government and the Chief Executive Officer must be recorded in a register of delegations and reviewed annually.

A decision made pursuant to a delegation has the same force and effect as one made by the person or body that granted the delegation. However, councillors may ask to be kept informed of decisions made under delegations as a matter of administrative practice.

The Condensery – Somerset Regional Art Gallery

 <p>603 Visitors</p>	 <p>46,473 Social Media Reach 2,053 Social Media Followers</p>	 <p>2 Exhibitions Presented 12 Exhibitions in Development</p>
 <p>6 Public or Educational Programs Delivered</p>	 <p>3 Billboards</p>	 <p>1 Independent Review</p>
<p><i>“Wonderful display. A credit to all”</i> <i>“Fabulous display of Merton Chambers. Gallery is a credit to the local community”</i> <i>“This is the most amazing display of art. I love the work of Merton Chambers. So many hours in the pencil drawings. Amazing!”</i> <i>“So cool”</i> <i>“Always the best exhibitions here. We often make a special trip to come”</i> <i>“I’m loving the Indigenous perspective and teachings of The Condensery. It’s been missing”</i> <i>“Awesome exhibition. Love Merton’s work & De-compose is amazing”</i> <i>“Wonderful surprise”</i> <i>“Marvellous show. Great to see the highway billboards”</i> <i>“Gallery is looking great. Beautifully curated”</i> <i>“I was blown away. The bunker display – beautiful”</i> August Feedback</p>		

Artistic Program

This month saw the continuation of two exhibitions, *The Apple and the Knife* a late career survey of work by eminent local artist Merton Chambers and *DE-compose* by Donna Davis in the bomb shelter exhibition space. Both exhibitions have received overwhelmingly positive visitor and critical response.

The Apple and the Knife exhibition was the subject of the first review by independent SEQ arts blog Lemonade Letters to Art, who wrote:

"The Apple and the Knife builds on The Condensery's growing reputation for exceptional contemporary art offerings, from Slow Churn (a survey show of artist's engaged with climate change and agriculture) to Material Sound (a touring exhibition of sound art). Moreover, ... the show fulfills the vital role of showcasing a local artist of international calibre: enabling Somerset residents and visitors alike to view the region, and the pressing need for climate action, through Chambers' engaging eyes. This is a straightforward exhibition, elegantly hung to foreground Chambers' deft deployment of line, colour, texture and form. And as my husband confirms, it's well worth the drive."

Extensive preparations continue for exhibitions opening in September including *Within Walking Distance* by Hayley Megan French, which features a new suite of paintings of The Condensery and Toogoolwah, and Karike Ashworth's *Brave Girl: The Warrior* will feature in the bomb shelter exhibition space, which was filmed along parts of the Brisbane Valley Highway between Esk and Toogoolawah.

Artist in residence Caitlin Franzmann continues to work on her new commission, which will be presented in the gallery in late November and include a new video work filmed at farms around the region.

An application was submitted to the Regional Arts Fund to support a participatory art project led by internationally renowned artist Hiromi Tango for late 2023, and discussions began on partnerships for the presentation of work by WA artist Anna Louise Richardson who examines the interactions between animals and humans in her drawing practice.

Learning and Engagement

The first *Things I want to say* youth workshop, funded through a RISE grant, was held at the end of the month. Dalby born artist Sidney McMahon led the workshop, with support from educator Jo Higgins and artist Tyza Hart. Additional workshops are planned over the coming months in the lead up to the exhibition, which addresses contemporary identity in May 2023. The exhibition will be accompanied by a youth art party, designed and developed by young people.

Linville State School attended a workshop with Toowoomba based artist Barbara Stephenson focussing on textile practice in response to *The Apple and the Knife*. Barbara also held two additional workshops for the local art societies and members of the public, teaching techniques to recycle old textiles and blankets into beautiful new creations.








The Condensery offered its first program to support local teachers' professional development, with a workshop on print making techniques led by Jinibara artist Jason Murphy. The booked-out event was very well received, with many participants commenting that there are not enough local professional development opportunities.

Operational

A targeted outdoor marketing campaign funded through a Cultural Tourism Accelerator grant resulted in three large billboards this month along the Brisbane Valley, D'Aguilar and Warrego highways. This successful campaign resulted in record visitor numbers for July and August with visitors commenting that they saw the billboards and were enticed to visit.

Staffing pressures continue to be felt with weekend shifts not able to be filled on current volunteer numbers.

Somerset Libraries

 6134 Reach 995 Followers 24 Posts	 2959 Website visits	 12,133 Physical Items Circulated	 44 Events and Activities
 504 Computer Bookings	 5777 Catalogue Searches	 7208 Total Interactions ▲ 17.85% 58 New Members	2801 Esk 1659 Kilcoy 2133 Lowood 451 Toogoolawah 164 Outreach

Somerset Libraries News**Annual Statistics**

Each Financial Year, Somerset Libraries must provide detailed annual reports back to the State Library of Queensland regarding provision of services and allocation of resources. A condition of the Service Level Agreement, annual reporting provides an opportunity to provide information about any issues that may have impacted on, or celebrate any successes achieved by, the library during the past year.

Highlights from the 2021-2022 report included:

- Visitation of 63,486 across all branches
- Loans of 57,311 across physical and digital materials
- Grants totalling \$24,737
- Collection acquisition of 6829 titles
- 960 patrons experiencing First 5 Forever programming

First 5 Forever Outreach

Our First 5 Forever Officers have been busy traversing the region this month, visiting 132 adults and 32 children across 8 different kindergarten and playgroups.

Creativebug Launch

In response to the high success of arts programs in Somerset Libraries and the Arts and Culture venues as a whole, a new database, Creativebug, was launched on Wednesday, 24 August. Creativebug offers online video arts and crafts workshops and techniques where patrons can learn how to paint, knit, crochet, sew, screen print, and more.

In the one week since being live the database has seen unprecedented success with 15 users having watched a total of 9 hours of art tutorials.

Somerset Civic Centre

 <p>22 Community Classes & Events</p> <p>10 Council workshops & events</p>	 <p>890 Visitors</p>	<p>Top Feedback –</p> <p>“Happy birthday to the Civic Centre and thanks for having the Valley of the Lakes Garden Club meetings every month for the last must be 6 or 7 years. The past year with the council running it has been so great. The staff are so wonderful, welcoming and helpful it helps make every meeting drama free and joyous”</p> <p><i>Lisa – Valley of the Lakes Garden Club</i></p>
 <p>7 Posts</p> <p>330 Followers</p> <p>7,639 Reach</p>	<p>Venue hire MTD \$757 YTD \$3,048</p> <p>Ticket sales MTD \$944 YTD \$5,079</p>	<p>“Thanks so much for your help yesterday. The members were very appreciative of the setup, especially being able to use the AV”.</p> <p><i>Shirley, Somerset Arts Society Inc, Annual General Meeting, Saturday 13 August</i></p>

Somerset Civic Centre News

Two ongoing objectives of the Centre’s annual programming strategy were achieved this month, with the third concert of our Morning Melodies program, and the third Arts Networking event.

Ticket sales for Morning Melodies, The Swingin’ Martinis were a little lower than the previous two concerts, however the performance received excellent anecdotal feedback from patrons as the best performance yet. One carer from a local aged care service provider even reported a noticeable increase of animation in several of her clients who are normally quiet and disengaged.

The development of the Arts and Cultural strategy continues this month with consultant Liz Burcham. Initial findings were presented for feedback to a group of 40 community members at the “What’s Your Vision” Arts Networking evening. This resulted in some spirited discussion around the future of arts and culture and the direction of visual arts development in the community. We look forward to seeing the strategy developed further as Liz makes her way around the region.

Creative design experts, Goldi, have presented three initial logo designs as part of the Centre’s rebranding. Consultation and feedback from the Arts & Culture Manager, Venue Coordinator and Civic Centre Advisory Committee Chair, Councillor Isidro was unanimous on first preferences and colour palettes. Further development of these initial concepts is currently being undertaken before being presented to Council.

The 10 Stories / 10th anniversary project for the Centre is coming along in leaps and bounds with 31 school and library workshops being held around the region. The artworks created by children participating in the workshops will be illuminated and displayed in a Garden of Light installation on the grounds of the Civic Centre as part of the 10th anniversary celebration on the 15th October.

The 10 Stories writing project has culminated in an installation piece in the foyer of the Civic Centre, with stories from local community champions being recorded and overlaid with images for the viewing pleasure of the community. The installation will be in place

from 1 September to 15 October, with the stories also being featured on the Council website.

Creative director Kate Baggerson, of Everybody NOW! is also on the ground in the region from the end of August, meeting with local dance groups who will participate in the centrepiece performance of the 10th anniversary project, The Inaugural Annual Dance Affair. From initial introductions to the project, several groups have expressed interest in participating including the Kilcoy Ballroom Dancers, Esk Senior Ballet, Esk Senior Tap Group, Esk Line Dancers, Lowood Line Dancers and Lowood State High School.



Events





A grant application was prepared and submitted on behalf of Council to host a community BBQ and cricket match with the Queensland Bulls in Kilcoy in June 2023.

Sport and Recreation

The following contains an overview of Sport and Recreation programs and projects for the month of August 2022.

Indoor sport, gymnasium and aquatic facility operations

Facility	Commentary / Highlights	Attendance for the Month	Comparative to Month Historical Average	Membership Change (comparative to previous month) - Total
Fernvale Indoor Sports Centre	<ul style="list-style-type: none"> Breaking the Cycle program had 42 young people participate in driving lessons with 52 hours, and 1,780kms travelled. A new mentor joined the program making 11 in total. The Little N Active program increased to 56 students. The new Blue Edge program for students at Lowood State High School for fitness, wellbeing and school attendance had 172 participate in August. 66 young people participated in the Basketball After Dark at the PCYC. This is an increase again from last month. 	2,791	 - 232 (1,491)	 (898) +20

Kilcoy Indoor Sports Centre	<ul style="list-style-type: none"> • Second highest monthly attendance at the facility • Hosted the Kilcoy State High School netball team games • Completed All Abilities training to provide more fitness options for more people 	2,527	 +252 (2,527)	 (209) -11
Toogoolawah Community Gym	<ul style="list-style-type: none"> • Four staff have completed the All ability raining to provide services for gym users with a range of abilities. • First Aid course run on 12 August 	571	 +202 (369)	 (98) - 32
Kilcoy Aquatic Centre	<ul style="list-style-type: none"> • Scheduled to reopen on 17 September 2022 • Just Sports n Fitness will commence as the manager of the facility from 1 September 2022 • Just Sports n Fitness have confirmed that they wish to leave single, monthly and seasonal entry fees the same for the 2022-23 season • Winter shut down protocols in place and maintenance works being implemented 			
Lowood Swimming Pool	<ul style="list-style-type: none"> • Construction works for the refurbishment of the Lowood Swimming Pool continued through August • Construction works are scheduled for completion in November 2022 • Just Sports n Fitness will commence as managers of the facility from 1 September 2022 • Just Sports n Fitness have confirmed that they wish to leave single, monthly and seasonal entry fees the same for the 2022-23 season 			
Toogoolawah Swimming Pool	<ul style="list-style-type: none"> • Scheduled to reopen on 17 September 2022 • Winter shut down protocols in place and maintenance works being implemented • Following the construction completion of the Splash Pad, Council Officers are organising an opening event which will include free entry to the facility, children's entertainment, a jumping and free sausage sizzle • Capital works are being undertaken to ensure that the facility is suitable to be reopened as a single facility with, combined with the Community Gym; additional fencing, footpath works, first aid room transition, signage installation. • Somerset Health and Fitness will commence as the manager of the facility from 1 September 2022 • Somerset Health and Fitness have confirmed that they wish to leave single, monthly and seasonal entry fees the same for the 2022-23 season 			

Sport & Recreation Highlights and Projects

- The fifth annual Somerset Sports Cup was held at the Toogoolawah State High School on 19 August. This was the first time the event was able to be held since 2019 due to the COVID-19 pandemic. The Acting Manager of Recreation and Tourism attended the event. Approximately 180 students from the Toogoolawah, Lowood and Kilcoy State High School participated in a round robin competition. Students participated in volleyball, football and touch football. Kilcoy State High School claimed the overall trophy.

The return of the event also saw the return of the teachers vs police exhibition touch football match. The teachers team featured teachers from the three schools and police from the Toogoolawah, Lowood and Esk precincts as well as metropolitan precincts. The teachers won the match.

Council financially contributes to the event by organising transport, first aid and trophies. The event continues to be well received by students and teachers. Given the event was not held for three years, Council Officers will work with teachers to run the event biennially.

- The Kilcoy Indoor Sports Centre Redevelopment draft Master Plan was released for public comment in August 2022. The Have Your Say feedback on the draft Master Plan will close on 21 September 2022.
- The SRO is part of the West Moreton Obesity Advisory Group giving input at regular meetings.
- A free Sporting Clubs Workshop was held on 24 August at the Kilcoy Golf Club with a record 14 attendees hearing from Olympic coach Mike Keelan about Grants, Volunteers, Committees and Fundraising.
- The SRO ran an exercise morning at the Lowood State High School as part of one in a series of Blue Edge Programs for the PCYC on 26 August. A group of approximately 20 students, two teachers, and three police officers participated in the group exercises. A motivational talk and photos followed the exercise and breakfast and was positively received.
- The SRO successfully applied for a grant of \$7,500 through Sport Australia's Regional Sports Event Fund to support Councils in regional and remote Australia host sporting events. The 2022 Somerset Ultimate Disc Event Exhibition was successfully held at the Fernvale Sports Park on 27 August. This event attracted families from the area, particularly those already involved in the clubs located at the Fernvale Sports Park.
- SRO planning for school holidays activities including Let's Paddle Canoe event, Somerset Scooter Championships and Somerset Rock Climbing Championships.

Youth Engagement

School Holiday Program

Planning for the Spring Holiday Program is well underway.

Scooter Skills and Maintenance Workshops

The Scooter Skills and Maintenance Workshops, which is the 2022 program for the annual Youth Activity Program, started in July and are scheduled to be held at each skate park in Somerset throughout Term 3 of the school year. The final three workshops were scheduled for the Esk Skate Park on 13 August which had no participants due to late cancellation, the Fernvale Skate Park on 27 August which had one participant, and the Lowood Skate Park on 10 September currently with one booking. The workshops are facilitated by Freestyle

Scooter Association and lead into the annual Somerset Scooter Championship event which will be held on 17 September at the Fernvale Skate Park.

Somerset Youth Leaders' Camp

The Somerset Youth Leaders' Camp for 2023 was scheduled to be held at the Gold Coast Recreation Centre, however due to appropriate dates being unavailable the Sunshine Coast Recreation Centre will be booked as an appropriate alternative.

School Support

Somerset Regional Council provided funds for the transport of high school students to the Leadership Camp at Maranatha Recreational Camp Site for the Kilcoy State High School in November 2022.

Planning continued throughout August for the RU OK Day at the Kilcoy State High School scheduled for early September.

Networks, Committees, Training, Events

- TBC

Community Development

The community development coordinated attended the Moreton Bay Local Level Alliance in Caboolture to present a report on the Wellbeing Journal Project. The project was funded through this group and the outcome was well received. The post meeting network was also valuable with two services interested in outreaching to Kilcoy.

Although there were no events held in August, planning was in progress for a number of upcoming events including RUOK Day at Kilcoy State High School 8 September, Teddy Bears Picnic at Esk 29 September, Somerset Health and Wellbeing Expo 12 October at Kilcoy, Regional Seniors Event 21 October at Esk and Farmers Dinner 17 November also in Esk. Work was also undertaken to assist consultants in the development of the community engagement aspect of the Somerset Social Plan and for the Building Inclusive Disaster Resilient Communities Forum to be held in Esk on 9 and 10 November.

The community development coordinator also received a large number of enquiries from services or workers new to Ipswich or Caboolture wanting to understand the needs of residents in the region. Hopefully, the time taken to do this converts to more targeted outreach. Resident requests for support this month were focused in two areas, housing/homelessness and supports for older persons.

Attachments

Nil

Recommendation

THAT the Corporate and Community Service Report for August 2022 be received, and the contents noted.

Resolution

Moved – Cr Wendt

Seconded – Cr Brieschke

“THAT the Corporate and Community Service Report for August 2022 be received, and the contents noted”.

Vote - Unanimous

Carried

Prescribed Conflict of Interest – Cr Wendt – Agenda Item 22 - Upgrade of Wernowskis Road Vernor

I inform this meeting that I have a prescribed conflict of interest in this matter (as defined in section 150 EI of the Local Government Act 2009)

The nature of my interest is as follows

I am part applicant for the working within a road reserve permit.

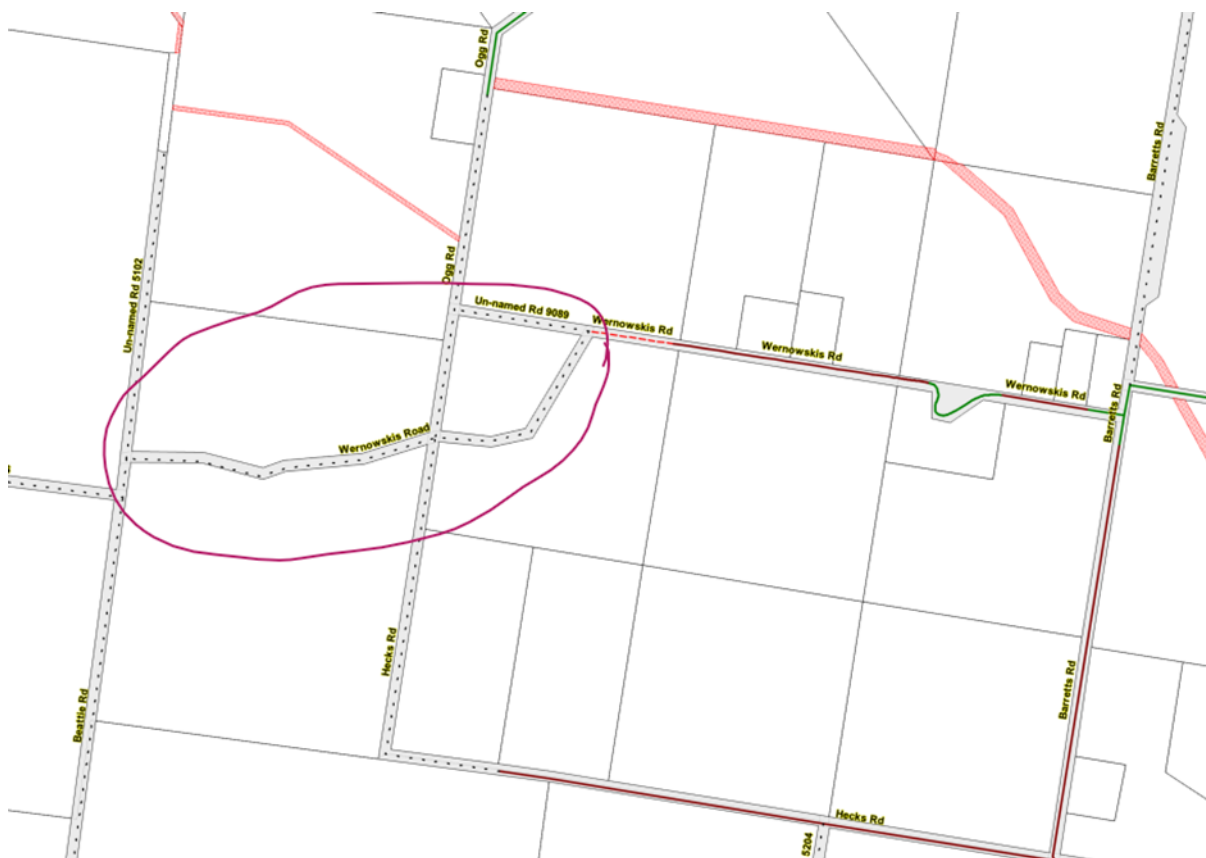
In accordance with section 150EM of the Local Government Act 2009 I will now leave the meeting and stay away from the meeting while this matter is discussed and voted on.

Cr Wendt left the meeting at 9.24am

Subject:	Upgrade of Wernowskis Road, Vernor
File Ref:	Roads / Design and Construction / Road Type Changes
Action Officer:	DOPER

Background/Summary

Council has recently received an application from two landowners adjoining Wernowskis Road, Vernor to pay at their cost for the upgrade of Wernowskis Road from unformed to gravel road standard. This proposal will see Council's gravel road network increase by approximately 970m and commit Council to ongoing maintenance of this road.



Wernowskis Road was impacted during the recent flooding events and Council has submitted a restoration of essential public asset application (REPA) along with several other unformed roads. However, as an unformed road the REPA guidelines will only fund basic maintenance confined to the use of locally won materials only and does not include the use of graders, rollers or importing of gravel. If the road was built to a gravel road standard its full restoration would be eligible for REPA funding.

Council officers have considered the proposal and reviewed the hydraulic performance of the existing culverts against Lower Order Road Design Guidelines. Council officers have recommended that for Council to consider taking over the section of road then it needs to meet the minimum requirements of a 4m pavement width on a 6m formation.

Other conditions include:

- Road to be built entirely within road reserve boundaries;
- Any additional culvert crossings to meet Council's current engineering guidelines; and
- Post construction inspection to be undertaken by a suitably qualified Council officer.

A Works within the road corridor application has been submitted as part of the proposal. The associated permit includes additional conditions, including by not limited to:

- Meeting the requirements of *Workplace, Health & Safety Act*;
- Meeting the requirements of *Transport Operations (Road Use Management) Act*;
- Meeting the requirements of *Aboriginal Cultural Heritage Act*;
- Meeting the requirements of *Environment Protection and Biodiversity Conservation Act*;
- Meeting the requirements of Austroads Guide to Traffic Management;
- Meeting the requirements in relation to fire ant management; and
- Identifying and taking appropriate action in relation to other public utility providers;

Attachments

NIL

Recommendation

THAT Council, approve in principle the increase of the gravel road network to include the full length of Wernowskis Road, subject to Council officer inspection and certification of road construction.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Whalley

“THAT Council, approve in principle the increase of the gravel road network to include the full length of Wernowskis Road, subject to Council officer inspection and certification of road construction”.

Carried

Vote - Unanimous

Cr Wendt returned to the meeting at 9.25am

Subject:

Request to Use Several Parks within Somerset Region for Tent of Promise

File Ref:	Council properties / usage / 2022-2023 Council hire agreements and bookings / 2022-2023 – bookings – parks and reserves (1433846,1433855, 1433849, 1434023)
Action Officer:	CSSA

Background/Summary

An application has been received from the association, Tent of Promise, seeking approval to set up in the following parks for two days at each location:-

- Clock Park, Lowood – Saturday and Sunday, 15-16 October 2022
- Memorial Park, Fernvale – Saturday and Sunday, 22-23 October 2022
- Pipeliner Park, Esk – Saturday and Sunday, 29-30 October 2022
- Railway Park, Coominya – date to be confirmed
- Stanley Gates Park, Moore – date to be confirmed
- Yowie Park, Kilcoy – date to be confirmed

The Tent of Promise is a not for profit association of like-minded Christians from many denominational backgrounds. The Tent of Promise association travels all over rural Australia. They have upcoming events in surrounding Council regions. They set up six pop up marquees, each 6m x 3m with all banners/signs erected on the inside of the marquees. The pop up covered area is used puppet shows and live music. The Tent of Promise connect with the local churches within each town they visit.

Attachments

Proposed layout plans for Clock Park, Lowood – Memorial Park, Fernvale – Pipeliner Park, Esk
Photo of Marquee set up

Recommendation

THAT Council, under Council's Local Law No 1 (Administration) 2001 and Subordinate Local Law No 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011, grant permission to use -

- Clock Park, Lowood – Saturday and Sunday, 15-16 October 2022
- Memorial Park, Fernvale – Saturday and Sunday, 22-23 October 2022
- Pipeliner Park, Esk – Saturday and Sunday, 29-30 October 2022
- Railway Park, Coominya – date to be confirmed
- Stanley Gates Park, Moore – date to be confirmed
- Yowie Park, Kilcoy – date to be confirmed

Subject to the following conditions:-

1.	The approval is limited to Clock Park, Lowood (15-16 October, 2022), Memorial Park, Fernvale (22-23 October 2022), Pipeliner Park, Esk (29-30 October 2022), on the approved site plan and as outlined in the event application unless otherwise stated in Council's approval conditions.
2.	For Railway Park – Coominya, Stanley Gates Park – Moore, and Yowie Park – Kilcoy when dates are confirmed you are required to contact Council with the dates and layout plans to seek approval.

3.	The approval holder must have Council's approval on site at the event and be able to produce for inspection by an authorised person on demand.
4.	Camping is not permitted on Council land.
5.	The approval holder must keep the area in a clean and tidy state, and the approval holder is required to adequately provide for the collection and disposal of waste generated by the event.
6.	No tent pegs or stakes to be used within the park for setting up of gazebos and bunting unless prior approval on the location has been sought from Council's Parks and Gardens Foreman to ensure there is no underground services in the area where the tent pegs will be placed.
7.	The approval holder is required to clean and/or stock the public conveniences with supplies during and after the Tent of Promise event.
8.	The activity must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> .
9.	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.
10.	The activity must not unreasonably detract from the amenity of the area in which the event is located.
11.	The activity must not create a safety risk.
12.	The approval holder must ensure that the design and construction of all structures that form part of the activity are safe and appropriate for the nature of the activity proposed and the number of people expected to attend.
13.	<p>All buildings, structures, vehicles, facilities or equipment used in the operation of the event must be maintained at all times:</p> <ul style="list-style-type: none"> • In good working order; and • In good state of repair; and • In a clean and sanitary condition
14.	All temporary signage for the event must be displayed on private property only and are only to be displayed 14 days prior to the event, and all signage must be removed from display one (1) day after the event.
15.	The approval holder must provide all necessary equipment and take all practical measures to ensure the safety of the people attending the activity.
16.	If food is being sold, the approval holder must ensure that a food license issued under the <i>Food Act 2006</i> is obtained (to the extent that is required) by all stall holders selling food at the event by contacting the Environmental Health Section of Somerset Regional Council for further information.
17.	The approval holder must maintain insurance that is applicable to the activity including

	without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the event. A certificate of currency must list Somerset Regional Council as an interested party and must be submitted to Council prior to the operation of the event.
18.	In the event of prevailing wet weather, a joint inspection of ground conditions is to be conducted with the approval holder and Council's Parks and Gardens Foreman. Should the grounds be deemed unsuitable for the purpose of the event and no other arrangements can be made, the event will be cancelled.
19.	Access to power supply and water within Pipeliner Park during the event will be provided if required

Resolution	Moved – Cr Choat	Seconded – Cr Brieschke
<p>“THAT Council, under Council's Local Law No 1 (Administration) 2001 and Subordinate Local Law No 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011, grant permission to use -</p> <ul style="list-style-type: none"> • Clock Park, Lowood – Saturday and Sunday, 15-16 October 2022 • Memorial Park, Fernvale – Saturday and Sunday, 22-23 October 2022 • Pipeliner Park, Esk – Saturday and Sunday, 29-30 October 2022 • Railway Park, Coominya – date to be confirmed • Stanley Gates Park, Moore – date to be confirmed • Yowie Park, Kilcoy – date to be confirmed <p>Subject to the following conditions:-</p>		
1.	The approval is limited to Clock Park, Lowood (15-16 October, 2022), Memorial Park, Fernvale (22-23 October 2022), Pipeliner Park, Esk (29-30 October 2022), on the approved site plan and as outlined in the event application unless otherwise stated in Council's approval conditions.	
2.	For Railway Park – Coominya, Stanley Gates Park – Moore, and Yowie Park – Kilcoy when dates are confirmed you are required to contact Council with the dates and layout plans to seek approval.	
3.	The approval holder must have Council's approval on site at the event and be able to produce for inspection by an authorised person on demand.	
4.	Camping is not permitted on Council land.	
5.	The approval holder must keep the area in a clean and tidy state, and the approval holder is required to adequately provide for the collection and disposal of waste generated by the event.	
6.	No tent pegs or stakes to be used within the park for setting up of gazebos and bunting unless prior approval on the location has been sought from Council's Parks and Gardens Foreman to ensure there is no underground services in the area where	

	the tent pegs will be placed.
7.	The approval holder is required to clean and/or stock the public conveniences with supplies during and after the Tent of Promise event.
8.	The activity must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> .
9.	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.
10.	The activity must not unreasonably detract from the amenity of the area in which the event is located.
11.	The activity must not create a safety risk.
12.	The approval holder must ensure that the design and construction of all structures that form part of the activity are safe and appropriate for the nature of the activity proposed and the number of people expected to attend.
13.	<p>All buildings, structures, vehicles, facilities or equipment used in the operation of the event must be maintained at all times:</p> <ul style="list-style-type: none"> • In good working order; and • In good state of repair; and • In a clean and sanitary condition
14.	All temporary signage for the event must be displayed on private property only and are only to be displayed 14 days prior to the event, and all signage must be removed from display one (1) day after the event.
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16.	If food is being sold, the approval holder must ensure that a food license issued under the <i>Food Act 2006</i> is obtained (to the extent that is required) by all stall holders selling food at the event by contacting the Environmental Health Section of Somerset Regional Council for further information.
17.	The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the event. A certificate of currency must list Somerset Regional Council as an interested party and must be submitted to Council prior to the operation of the event.
18.	In the event of prevailing wet weather, a joint inspection of ground conditions is to be conducted with the approval holder and Council's Parks and Gardens Foreman. Should the grounds be deemed unsuitable for the purpose of the event and no other arrangements can be made, the event will be cancelled.

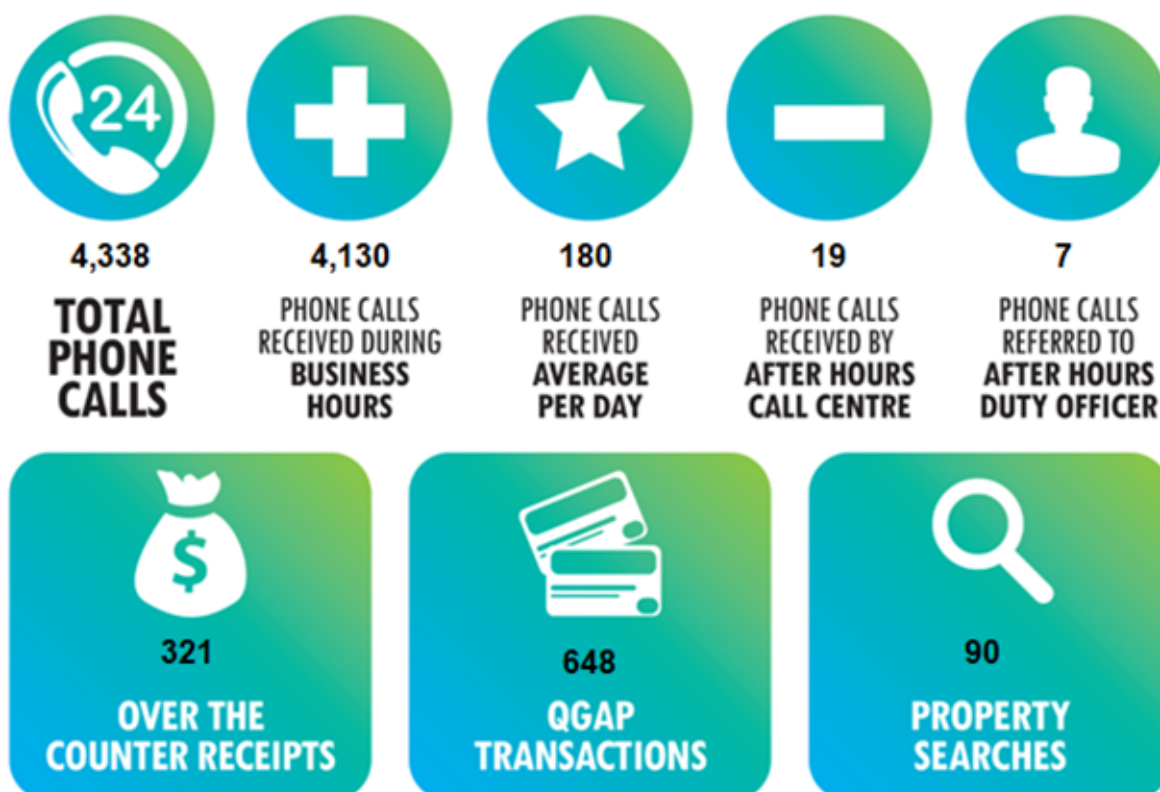
19.	Access to power supply and water within Pipeliner Park during the event will be provided if required".	<i>Carried</i>
	<i>Vote - Unanimous</i>	

Subject: Customer Service Report
File Ref: Officers Report
Action Officer: CSC

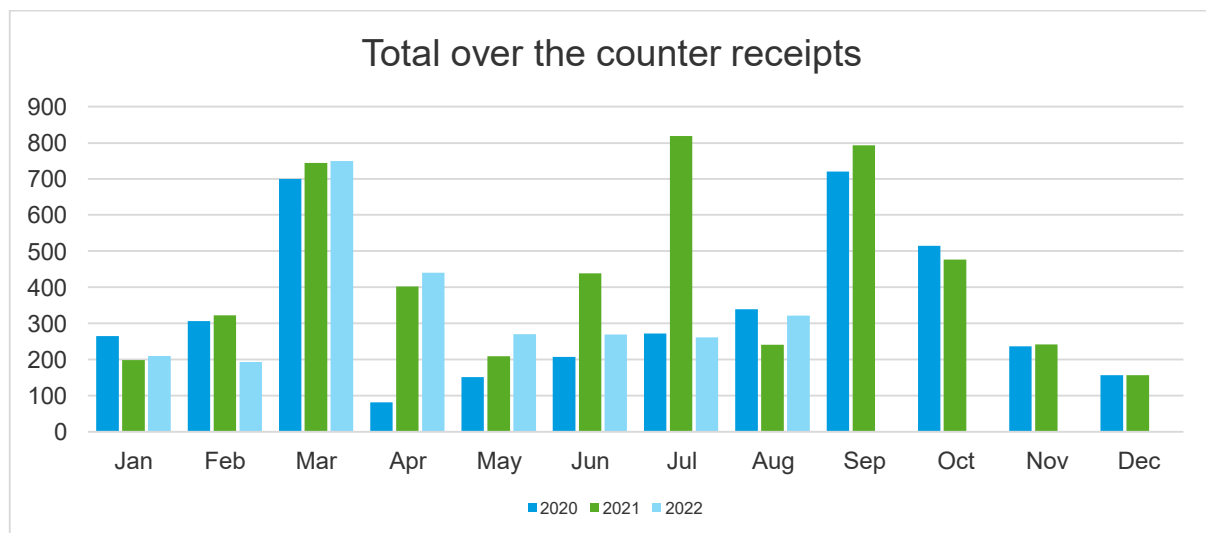
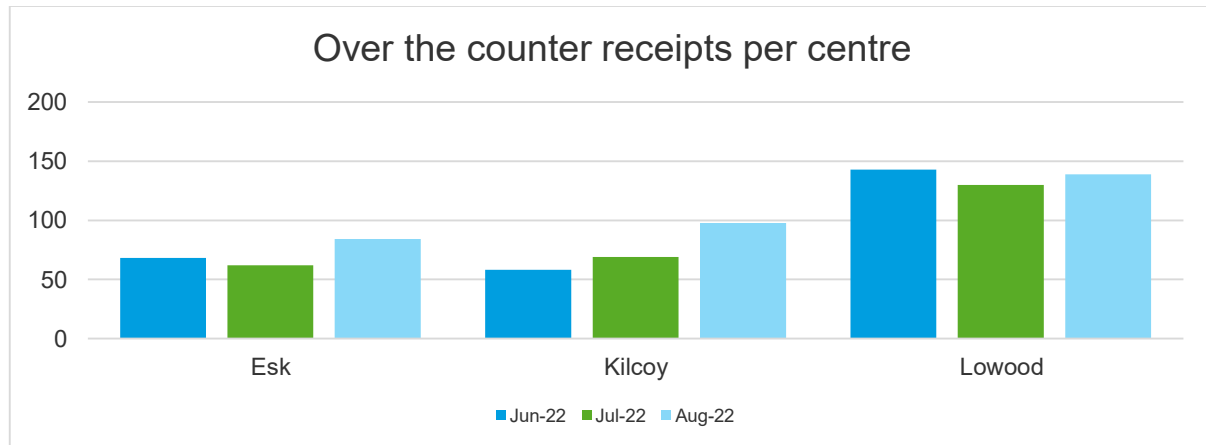
Background/Summary

In delivering on Council's Operational Plan and commitment to excellent customer service, a summary of the customer service section activities for the month of August 2022 is provided for Council's information.

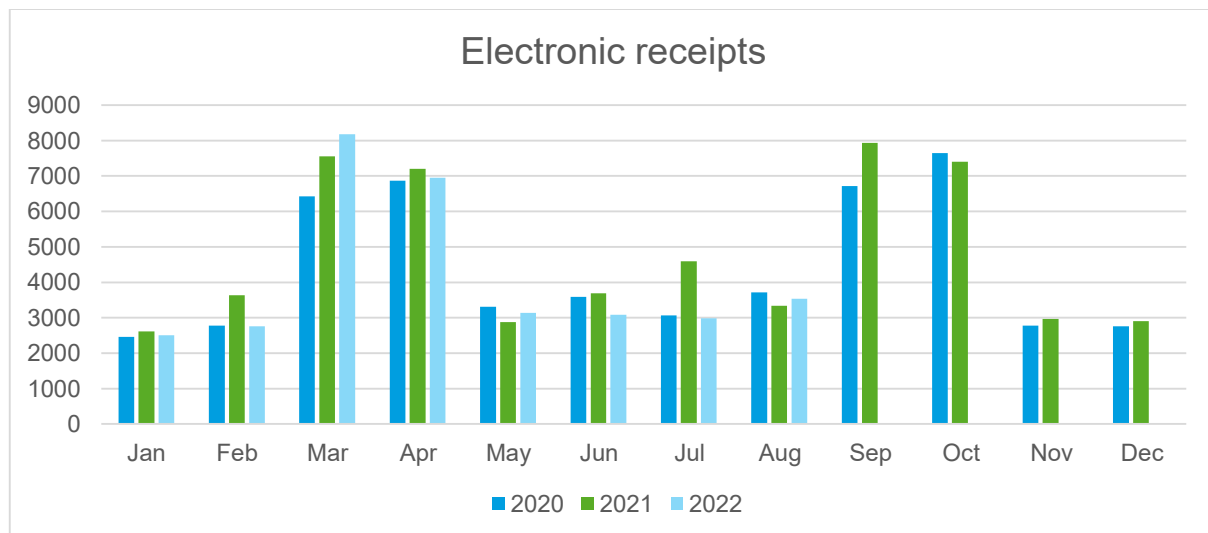
Summary for August 2022



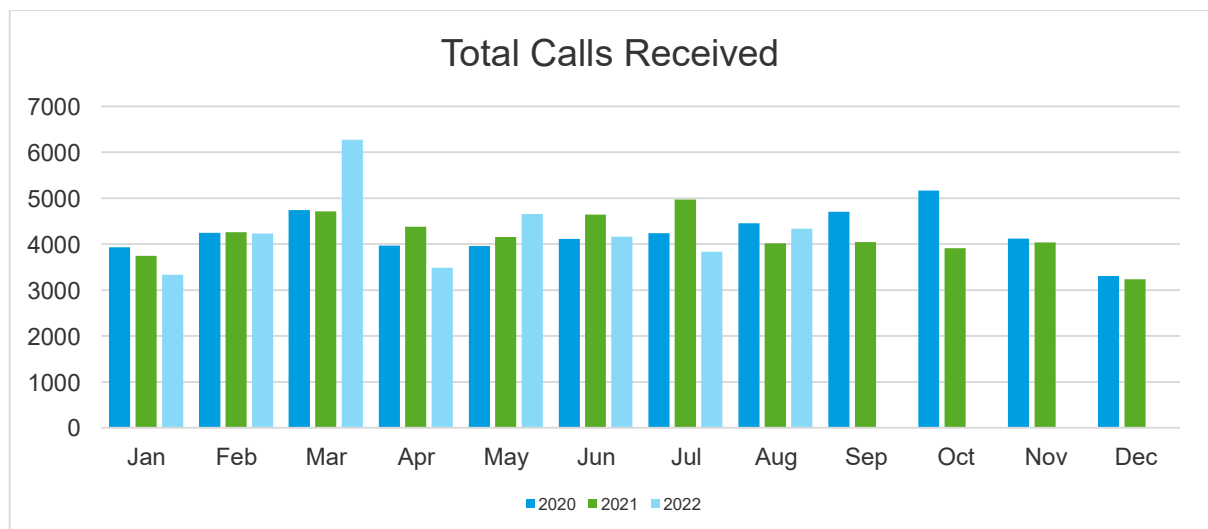
The below table shows the number of Council financial transactions that were taken over the counter at each of the customer service centres in the region for August 2022. These numbers include cheques that were posted into the Council. In total there was 321 financial transactions across the three customer service centres with 84 at Esk Administration Centre, 98 at Kilcoy Customer Service Centre and 139 at Lowood Customer Service Centre for August 2022.



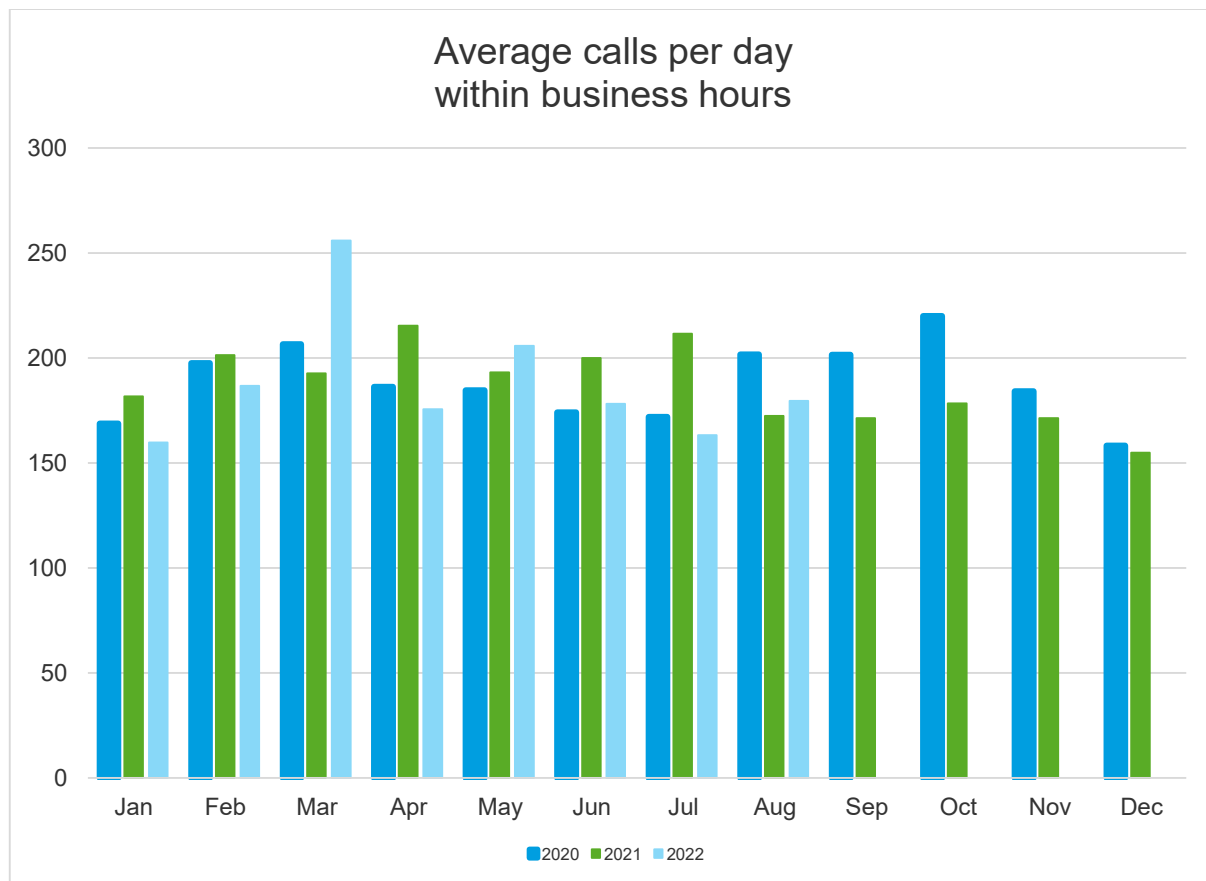
The below table illustrates all other financial transactions (excluding over the counter receipts) received at Council and processed by the finance department. These are BPay and EFT (electronic funds transfer) transactions for payments such as rates, animal registration etc.



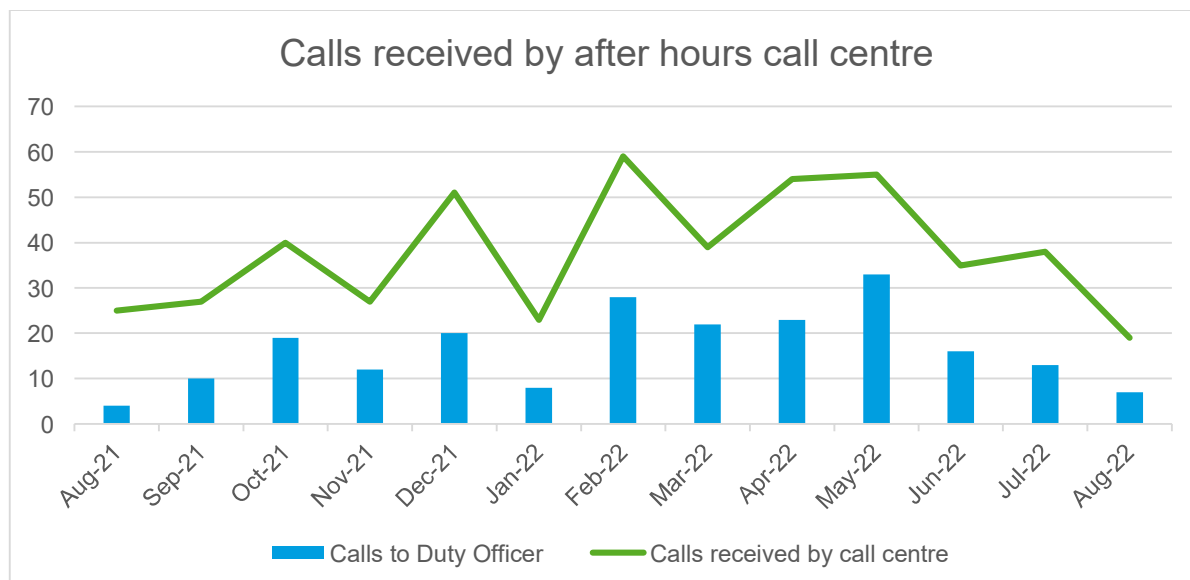
Below are the total number of calls received into the Council main phone line (07 5424 4000), including out of hours, compared to previous calendar years. Calls received does not include internal calls made within Council, or outbound calls. There were 4,338 calls received for the month of August 2022. This is an increase of 502 calls compared to July 2022. Compared to August 2022 there was an increase of 324 calls for the month. Recycling bins in the southern part of the region commenced delivery in August to start collection in mid-September which increased phone calls. Rates were also issued on 23 August.



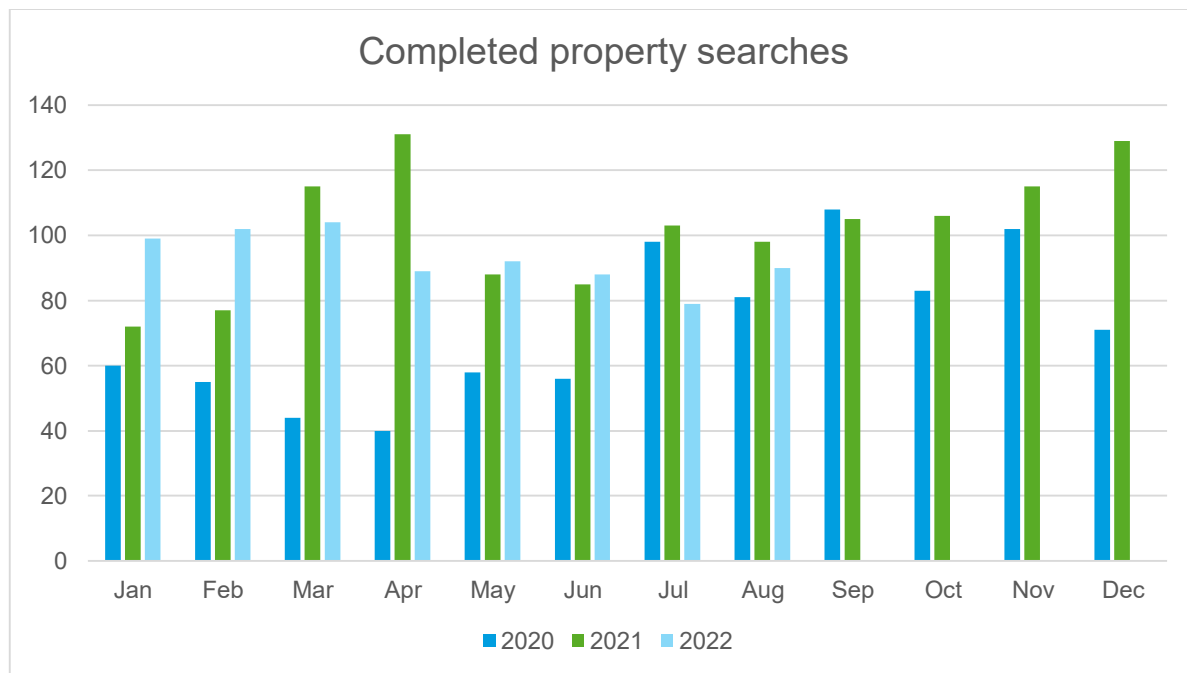
Listed below is a comparison of the average calls received per day within business hours. On average there were 163 calls received each business day for July 2022, which was a decrease of 15 calls on average per day from June 2022. Compared to July 2021 there was a decrease of 48 calls on average per day.



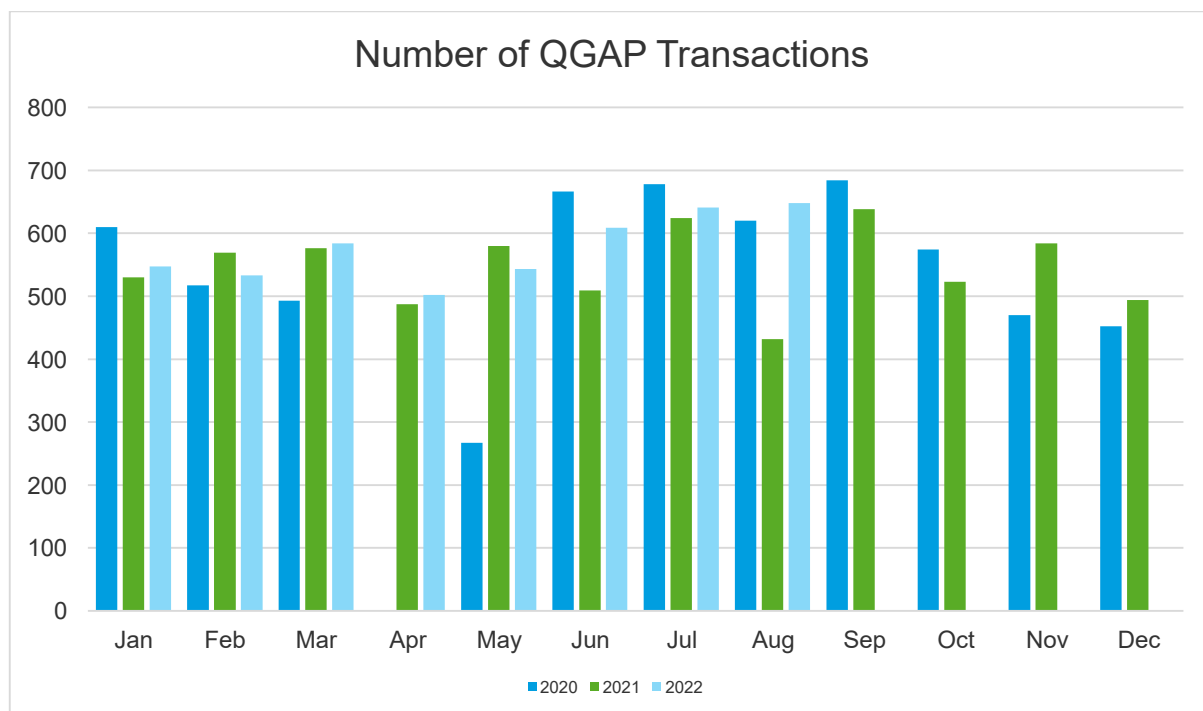
There were 4,130 calls received during business hours and 208 out of hours. Of the 208 calls received out of hours, 19 calls transferred to the afterhours call centre. There was a decrease of 19 calls to Council's afterhours provider compared to July 2022.



For the month of August 2022 there were 90 property searches completed for prospective purchasers. This increased by 11 completed searches for the month compared to July 2022.



There were 648 Queensland Government Agent Program (QGAP) transactions for the Lowood QGAP agency in August 2022. On average there were 28 transactions per business day in August which is a decrease of one transaction per day compared to July 2022.



Attachments

Nil

Recommendation

THAT Council receive the *Customer Service Report for August 2022* and the contents be noted.

Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

“THAT Council receive the *Customer Service Report for August 2022* and the contents be noted”.

Carried*Vote - Unanimous***Meetings authorised by Council**

Nil

Mayor and Councillor Reports**Cr Brieschke – Councillor Report**

September

- 21 Ordinary Council Meeting
- Council Workshop Meeting
- 23 Toogoolawah Pool Splash Pad Official Opening
- 26 Meeting at The Condensery
- 27 Visit to Toogoolawah Men's Shed
- Annual Qld High Risk Weather Season Preparedness Briefing

Cr Gaedtke– Councillor Report

September

- 21 Ordinary Council Meeting
- 21 Council Workshop
- 23 Toogoolawah Pool Splashpad Opening
- 23 Zone 26 Pony Club Queensland Championships
- 26 Condensery Meeting - Toogoolawah
- 26 Kilcoy Lions/Kilcoy Bowls Clubs meeting
- 27 Kilcoy Interagency Meeting

Cr Choat – Councillor Report

August

- 24 Council Ordinary Meeting and Workshop – Kilcoy Explore Centre
- 28 Mass St Brendan's Catholic Church

September

- 02 Council Meeting – Condensery Exhibition
- 04 Mass St Brendan's Catholic Church
- 06 Meeting – Condensery Exhibitor Karike Ashworth
- 08 Executive Meeting – NSEQRRTG – The J Facility Noosa
- 11 Mass St Brendan's Catholic Church
- 12 Council Meeting – Queen Elizabeth II Commemorative Arrangements
- 18 Mass St Brendan's Catholic Church & Parish Management Committee Meeting

Cr Wendt – Councillor Report

August

- 24 Ordinary Council Meeting – Kilcoy
- Workshop Meeting – Kilcoy
- 27 Villeneuve Rural Fire Brigade Open Day – Villeneuve

September 2022

- 02 Teams Meeting - Mayor and Councillors
- 03 Esk Group Fire Brigade Training Day – Toogoolawah
- 05 Condensery Special Committee Meeting – Teams
- 06 Meeting with Karike Ashworth - Teams
- 08 NSEQ RRTG Executive Meeting - Teams
- 12 Meeting with Mayor and Councillors re Queen's passing - Teams
- 16 Queen's Jubilee Celebration – Rail Trail @ Lowood
- 21 Ordinary Council Meeting – Kilcoy
Workshop Meeting – Kilcoy
Fernvale Sports Park Advisory Committee Meeting – Fernvale
Somerset and Wivenhoe Fish Stocking Assoc Meeting – Fernvale
- 23 Toogoolawah Splash Pad Opening – Toogoolawah
- 24 Free Tree Day – Fernvale
- 27 QFES Seasonal Briefing – Teams
Lowood Recreation Grounds Committee Meeting – Lowood

Resolution

Moved – Cr Brieschke

Seconded – Cr Whalley

“THAT the verbal and written reports of Cr Brieschke, Gaedtke, Choat and Wendt be received”.

Carried*Vote - Unanimous***Receipt of Petition**

Nil

Consideration of notified motions

Nil

Reception of notices of motion for next meeting

Nil

Items for reports for future meetings

Nil

Closure of Meeting**Summary**

There being no further business, the Mayor, Cr Graeme Lehmann closed the meeting at 9.29am.

Attachment 1

REGIONAL ARTS DEVELOPMENT FUNDING ROUNDS 2022/23 Financial Year

RADF Round Stage one closes Proposal Snapshot	Stage one decisions advised	RADF Round Stage two closes Projects shortlisted	RADF Committee Assessment Meeting Date at 1pm
7 October 2022	21 October 2022	4 November 2022	14 November 2022
9 January 2023	23 January 2023	13 February 2023	27 February 2023
11 April 2023 (Tuesday)	24 April 2023	8 May 2023	15 May 2023
10 July 2023	17 July 2023	7 August 2023	14 August 2023