



**Minutes of Ordinary Meeting  
Held 9 November 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 C Young	(Director Operations)
Mr L Hannan	(Director Planning and Development)
Mr G Smith	(Director Finance)
Mrs H Golinski	(Minute Secretary / Executive Assistant)
Ms M Maeseele	(Communications and Marketing Manager)

**Absent**

Mrs K Jones	(Director HR and Customer Service)
-------------	------------------------------------

**Observer**

Mrs M Jelf	(Senior Planner)
------------	------------------

## C O N T E N T S

2022 final audit report .....	158	Assistance Grants – St Vincent de Paul Society.....	192
2022 Queensland Information Centres Association Conference .....	172	Development Application No. 18842 .....	69
Annual Report 2021 - 2022 .....	201	Development Application No. 21737 .....	30
Application for Keeping more than maximum number of animals .....	142	Development Application No. 22279 ...	111
Brisbane Valley Rail Trail Users Association – Request for Mural to be painted/attached on Building.....	166	Development Application No. 22549 .....	5
Business arising out of minutes of previous meeting .....	3	Development Application No. 23035 .....	96
Closure of Meeting .....	209	Development Application No. DA17371	58
Community Assistance Grants – Somerset Excellence Bursaries - August 2022 .....	197	Economic Development and Tourism Advisory Committee Representative	205
Community Assistance Grants 2022 - 2023 – Lions Club of Esk Inc .....	195	Finance report.....	159
Community Assistance Grants 2022 - 2023 – St Vincent de Paul Society Qld – Lowood Esk Conference .....	193	Items for reports for future meetings ...	209
Community Assistance Grants 2022 - 2023 – Toogoolawah and District Men's Shed Inc. ....	194	Kilcoy Racetrack and Showgrounds – Judges and Race Callers Box and Camera Position .....	166
Confirmation of Minutes .....	3	Kilcoy SES Headquarters extension ...	181
Conflict of Interest .....	5	Leave of Absence .....	3
Consideration of notified motions .....	208	Matters of Public Interest .....	3
Council Meeting Dates – 2023 .....	202	Mayor and Councillor Reports.....	206
Declarable Conflict of interest – Cr Brieschke- Agenda Item 11 – DA18842 .....	67	Meetings authorised by Council .....	206
Declarable Conflict of interest – Cr Brieschke- Agenda Item 14 - Prescribed Activity – Toogoolawah Christmas Tree 2022 .....	135	Opening of Meeting.....	3
Declarable Conflict of interest – Cr Brieschke- Agenda Item 17 Tender 1261 – Hire of Wet Hire Plant for a 24 month period.....	155	Policy Review .....	203
Declarable Conflict of interest – Cr Isidro- Agenda Item 11 – DA18842.....	67	Prescribed Activity – Toogoolawah Christmas Tree 2022 .....	135
Declarable Conflict of interest – Cr Whalley- Agenda Item 11 – DA18842	68	Receipt of Petition.....	208
Declarable Conflict of interest – Mayor Lehmann- Agenda Item 31, Community		Reception of notices of motion for next meeting.....	209
		Regional Road and Transport Group Program Review .....	180
		Sale of land for overdue rates or charges .....	147
		Somerset Tourism Strategy Annual Review - 2022.....	178
		Tender 1261 – Hire of Wet Hire Plant for a 24-month period .....	155
		Tender 1262 – Supply of Traffic Control Services and Traffic Management Signage and Devices.....	157
		The 19 <sup>th</sup> annual Somerset Rail Trail Fun Run or Ride – Post Event Review .	173
		The Condensery Operating Hours .....	168
		Youth Engagement Strategy 2018 – Review and Engagement Plan.....	170

**Opening of Meeting**

The Mayor, Cr Graeme Lehmann, opened the meeting at 9.06am.

**Leave of Absence**

Nil

**Confirmation of Minutes**

The Chief Executive Officer outlined corrections to a resolution of 26 October 2022 due to a typo: The resolution is corrected to read: THAT Council agree to sponsor (\$600 plus GST if applicable) and provide value-in-kind support to the Sixth annual Brisbane Valley Rail Trail Australia Day Bike Ride event on Thursday, 26 January 2023 utilising the Tourism and Promotions Budget.

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Whalley

“THAT the Minutes of the Ordinary Meeting held 26 October 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**

Council is hosting four Disaster Management Preparation for Business workshops across the region this month.

These free workshops will provide resources for all types of business to assist in preparation, response and recovery during and after disaster events.

The first was held in Toogoolawah last night with the remainder being held at Lowood Golf Club tonight, Kilcoy Explore Centre 15 November and Somerset Civic Centre 16 November. For more information, please read the flyers on the Somerset Regional Council website, Facebook or visit Somerset Tickets to register.

Likewise, the Somerset Regional Council’s popular Farmers Dinner is being held Thursday, 17 November at the Somerset Civic Centre. Please visit the Somerset Regional Council website or Facebook page for more information to register for this free event.

Saturday, 19 November - Glen Rock Stitches Annual Christmas Sale, Anglican Church Hall, Esk

Saturday, 26 November - The ‘Natural State and Perceptions’ Exhibition will open at The Condensery Somerset Regional Art Gallery at 4pm. Bookings are required.

**Matters of public interest – Cr Gaedtke**

State Government will soon gauge the community's views on growing the containers for change program by expanding the program to potentially include glass wine and spirit bottles to ramp up recycling, put money back into the pockets of Queenslanders and charities, and protect the state's environment and great lifestyle. Consultation is expected to be launched in December and run through to February 2023.

The Area Director QFES publicly acknowledged the students of Kilcoy State High School when he presented Certificate II in Public Safety program at the Awards Morning held on 21 October 2022. The Area Director thanked the brigades, mentors and instructors involved in this program as without them, the program would not be possible.

Federal and State Governments have discussed the 2032 Olympic and Paralympic Games infrastructure budget allocations and associated responsibilities, it is reassuring to learn that the State Government has proposed a draft master plan for significant upgrade of South Bank to modernize the precinct ahead of the 2032 Olympics. The draft master plan was produced after extensive community consultation which highlighted how residents and visitors want to evolve the parklands more than 30 years on after its creation after World Expo '88.

### **Matters of public interest – Cr Choat**

This past month we have seen an escalation in crime across the southern districts of our Region and most notably in Lowood. Criminal activities have comprised anti-social behaviour including, public drunkenness and drug taking, destruction of public property with cases of theft and damage to private property.

The Lowood CWA Hall has had its windows smashed on two separate occasions and just this past weekend youths were seen on the roof of the historic Lowood Train Station and Lions' Den. I was disappointed to be advised no officer attended the Lowood CWA Hall when requested.

Last week Lowood residents were shocked to see three police vehicles torched at the unattended station. The police are yet to apprehend the culprit, however the feeling in our community is that if not even the police station itself is safe from such acts of wanton destruction, how can residents be expected to feel safe in their homes.

The issue here is the lack of resources and Lowood should be a 24-hour station and not manned on a part-time basis.

On my election to Parliament in 2012 there were 9 police at the Lowood station and in just three years I had successfully lobbied to increase numbers to 16. My understanding is that to man the station with three eight-hour shifts, there needs to be 25 full-time officers. Since I left office in 2015 there has only been one position added at Lowood with staffing stifled at 17. Long gone also is the crime car I secured which provided mobile officers in the area when the station was unattended. This lays bare the Palaszczuk Government's pathetic record on policing and blatant disregard for community safety.

I was pleased to see our Member for Lockyer Jim McDonald MP - a former veteran police officer himself, call on this disgraceful situation to be addressed. It is unfair that the hard-working police in Lowood should have to accept second-rate working conditions and that our community should be left vulnerable without the protection we are entitled to.

The loss of three police vehicles places additional pressure on the officers stationed at Lowood and must surely reduce capability and morale. I call on the Premier, the Minister and Commissioner Carroll to replace the vehicles immediately and to provide the level of staffing required to see Lowood operate as a 24-hour station as a matter of priority.



### Conflict of Interest

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

Cr Brieschke stated that she will be declaring a conflict of interest in agenda items number 11, 14 and 17.

Cr Isidro stated that she will be declaring a conflict of interest in agenda item number 11.

Cr Whalley stated that he will be declaring a conflict of interest in agenda item number 11.

Cr Wendt stated that he will be declaring a conflict of interest in agenda item number 11.

The CEO outlined the legislative requirement that where Council has decided a matter previously the matter doesn't need to be decided again where it is associated with the same matter. Cr Wendt has previously declared his relationship to a similar tender in 2020. Council resolved that Cr Wendt may stay in the room including voting on the matter. General consensus was reached that the decision as made in 2020 will apply to agenda item 11 as it is the same matter and declaration and that Cr Wendt may stay in the room including voting on the matter.

The Director Finance declared a conflict of interest in agenda item 11 pursuant to the Employee Conflict of Interest Policy and advised he will leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

<b>Subject:</b>	<b>Development Application No. 22549</b> <b>Development Application for a Development Permit for Material Change of Use for Community Use (Toogoolawah Gateway Centre - Library and Meeting and Interview Rooms)</b>
<b>File No:</b>	<b>DA22549</b>
<b>Assessment No:</b>	<b>00002-50000-000</b>
<b>Action Officer:</b>	<b>SP-MW</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location:	Cressbrook Street, Toogoolawah
Real property description:	Lot 16 SP135793
Site area:	0.404ha
Current land use:	Vacant land
Easements/encumbrances:	Stormwater easement

### South East Queensland Regional Plan 2017

Land use category:	Urban Footprint
--------------------	-----------------

### Somerset Region Planning Scheme (Version Four)

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

### Application

Proposal:	Community Use (Toogoolawah Gateway Centre - Library and Meeting and Interview Rooms)
Category of assessment:	Code assessment
Applicant details:	Somerset Regional Council c/- ONF Surveyors PO Box 896 KINGAROY QLD 4610

Owner details: Somerset Regional Council  
Date application received: 21 June 2022  
Date application properly made: 21 June 2022

**Referral agencies** Nil

**Public notification** Not applicable

### **RECOMMENDED DECISION**

Approve the development application DA22549 subject to the conditions and requirements contained in the schedules and attachments of this report.

### **Locality Plan of Lot 16 SP135793**

**Situated at Cressbrook Street, Toogoolawah**

## **2.0 PROPOSAL**

This development application seeks Council's approval for a development permit for material change of use for a Community use for the Toogoolawah Gateway Centre consisting of library, meeting rooms and interview rooms on land at Cressbrook Street, Toogoolawah on land formally described as Lot 16 SP135793.

The site is currently vacant. The development proposes a new building on the northern half of the site. The northern two thirds of the building will form a new library while the balance of the building will contain interview rooms, a seminar room and toilets.

The building is irregular in shape, however when viewed from above the roof generally forms a stretched octagonal shape. The building is further articulated underneath the roof, with a recessed main entry on the western side of the building and a covered terrace on the eastern side of the building.

The development proposes an ancillary carpark on the southern half of the site. The proposed car park contains 26 sealed spaces including two persons with disabilities (PWD) spaces. The PWD spaces are closest to the building.

Access to the site is proposed via a new driveway crossover to Cressbrook Street.

A bicycle and pedestrian access to the Brisbane Valley Rail Trail is shown at the southern end of the carpark. It is considered a preferable location for the pathway would be at the northern end of the carpark between the building and the carpark as this would avoid potential conflict between cyclists, pedestrians and car park users.

## **3.0 SITE DETAILS**

The subject site is generally rectangular in shape, however the southern boundary is not at right angles to the other boundaries. The site contains an existing 5.0 metre wide stormwater easement that adjoins the Cressbrook Street frontage of the site.

The site is bounded by Cressbrook Street to the west and south and the Brisbane Valley Rail Trail to the east.

The northern half of the Cressbrook Street frontage contains a sealed road with kerb and channel. The kerb and channel stops generally opposite the southern side of the Gunyah Street road reserve and the balance of the Cressbrook Street frontage contains a sealed street with a gravelled verge. The Cressbrook Street road reserve widens at the southern

boundary of the site, however the road alignment continues generally along a similar north-south alignment to the balance of the street rather than following the property boundary.

The southern end of the site contains a drainage line within an easement that flows eastward under the Rail Trail.

#### **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 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.

##### **5.4 Somerset Region Planning Scheme (Version Four)**

###### **5.4.1 Strategic framework assessment**

An assessment against the Strategic Framework was not required as the proposed development is not an impact assessable development.

###### **5.4.2 Code compliance summary**

The Somerset Region Planning Scheme identifies assessment benchmarks which development is to be assessed against, with proposed solutions measured against the performance outcome proposed by the Code. An assessment against the relevant parts of the Planning Scheme is set out below. In instances where alternative solutions are provided in lieu of the acceptable outcomes they are discussed below.

<b>Applicable code</b>	<b>Compliance with overall outcomes</b>	<b>Performance outcomes</b>
Centre zone code	Yes	PO2, PO5
Community activities code	Yes	No alternative outcomes proposed
Services works and infrastructure code	Yes	No alternative outcomes proposed

Transport access and parking code	Yes	PO7
<b>Applicable overlay code</b>	<b>Compliance with overall outcomes</b>	<b>Performance outcomes</b>
HIA management area overlay code	Not relevant	Not applicable

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

The development is not assessable against the High impact activities management area overlay code.

### 5.4.3 Performance outcome assessment

#### Centre zone code

Performance outcome	Acceptable outcome												
<b>Building setbacks</b>													
<b>PO2</b> 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.	<b>AO2.1</b> 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>	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												
<b>Applicant comment</b> The proposed building is located 8m from the front boundary (Cressbrook Street) of the subject site. A 5m wide easement along the front boundary of the subject site requires the proposed building to be setback from the front boundary to avoid the easement and Council infrastructure located within the easement.													
<b>Performance outcome assessment</b> A commercial building would be built to the primary street frontage however the entire western frontage of the site adjacent to Cressbrook Street is affected by a 5 metre wide easement making it not possible to build within the front five metres of the site.  The development is for a community use. The front of the site has been softened through the provision of landscaping in front of the building. The balance of the site will be grassed with additional landscaping.  It is recommended that that alternative outcome be accepted in this instance.													
<b>Awnings</b>													

<p><b>PO5</b></p> <p>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.</p>	<p><b>A05</b></p> <p>Awnings are provided to the following main streets:</p> <table border="1" data-bbox="794 309 1321 689"> <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>	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												
<p><b>Applicant comment</b></p> <p>The proposed building provides covered areas over the main entry and along the eastern aspect with the Rail trail. The subject site is not adjoined by buildings with continuous awnings and the proposed design contributes to an attractive streetscape.</p> <p><b>Performance outcome assessment</b></p> <p>The same comments applicable for PO2 are relevant to this criteria. It is considered counterproductive to provide a standalone awning on the front of this site.</p> <p>It is recommended that that alternative outcome be accepted in this instance.</p>													

#### Transport, access and parking code

Performance outcome	Acceptable outcome
<b>Car parking locations and treatments</b>	
<p><b>PO7</b></p> <p>Car parking location minimises impacts on the streetscape and contributes to the intended character of the zone and locality.</p>	<p><b>A07.1</b></p> <p>Car parking is located behind or within a building.</p>
<p><b>Applicant comment</b></p> <p>Due to the narrow shape of the subject site and easement along the site's frontage, car parking is located adjacent to the proposed building.</p> <p><b>Performance outcome assessment</b></p> <p>Parking is setback from Cressbrook Street at 8.2m whereas the front wall of the building is 9m from Cressbrook Street. The site does not have sufficient depth to provide parking behind the building. Due to the larger setbacks it is considered the car parking will not be dominant within the streetscape.</p> <p>It is recommended that that alternative outcome be accepted in this instance.</p>	

#### 5.4.4 Overall outcome assessment

The proposal is considered to comply with all the relevant overall outcomes, noting compliance with each of the relevant performance outcomes.

### 5.5 Local government infrastructure plan

#### 5.5.1 Priority infrastructure area

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

### 5.5.2 Infrastructure charges

Under Somerset Regional Council Charges Resolution (No. 1) 2022, the proposal involves the following:

Planning scheme use	Charge category
Community use	Places of assembly

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

### 5.5.3 Trunk infrastructure requirements

#### 5.5.3.1 Water and sewerage networks

The site is located inside the connections area or future connections area for both the water and sewerage networks as shown in Urban Utilities' Netserv Plan.

Connection to internal water reticulation and effluent disposal systems are subject to plumbing approval.

#### 5.5.3.2 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 for a use designated as a Place of assembly.

#### 5.5.3.3 Stormwater network

The site slopes away from Cressbrook Street. Standard development conditions are recommended to ensure no actionable nuisance for other properties and discharge to a lawful point of discharge.

An adopted charge for the stormwater network applies as the site is within the Urban footprint.

#### 5.5.3.4 Transport network

The proposal is not considered to result in adverse impacts to the safety and efficiency of the road network. Cressbrook Street is not considered a trunk road under the local government infrastructure plan.

An adopted charge for the transport network applies.

## 6.0 REFERRAL AGENCIES

In accordance with the *Planning Regulation 2017*, the application did not trigger referrals to any referral agencies.

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

## 7.0 OTHER RELEVANT MATTERS

No other relevant matters have been considered as part of this application.

## 8.0 CONCLUSION

The application seeks Council's approval for a Community use development for a Library and meeting room and interview rooms on land in the Centre zone within Toogoolawah. The proposal has been assessed against the relevant parts of the Somerset Region Planning Scheme (Version Four) and state planning instruments and has been found to align with the planning intent for the site.

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

## 9.0 ATTACHMENT

1. Site Plan, Information, drawn by Graham Richardson Associates, Drawing No. 1808.W1 Issue P, dated 1 August 2022.
2. Floor Plan, drawn by Graham Richardson Associates, Drawing No. 1808.W2 Issue P, dated 20 December 2021.
3. North Elevation South Elevation, drawn by Graham Richardson Associates, Drawing No. 1808.W4 Issue P, dated 20 December 2021.
4. West Elevation, drawn by Graham Richardson Associates, Drawing No. 1808.W6 Issue P, dated 20 December 2021.
5. Landscape Works Set Out Plan – Part A, drawn by Graham Richardson Associates, Drawing No. 1808.L1 Issue P, dated 1 August 2022.
6. Landscape Works Set Out Plan – Part B, drawn by Graham Richardson Associates, Drawing No. 1808.L2 Issue P, dated 1 August 2022.
7. Traffic engineering response, reference 22BRT0483 LT01, prepared by TTM Consulting Pty Ltd, dated 6 October 2022.
8. Draft Infrastructure Charges Notice

## RECOMMENDED DECISION

1. THAT Council approve Development Application No. 22549 for a Development Permit for Material Change of Use for Community Use (Toogoolawah Gateway Centre - Library and Meeting and Interview Rooms) on land situated at Cressbrook Street, Toogoolawah, formally described as Lot 16 SP135793, 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, Information, drawn by Graham Richardson Associates, Drawing No. 1808.W1 Issue P, dated 1 August 2022.	
	Floor Plan, drawn by Graham Richardson Associates, Drawing No. 1808.W2 Issue P, dated 20 December 2021.	
	North Elevation South Elevation, drawn by Graham Richardson Associates, Drawing No. 1808.W4 Issue P, dated 20 December 2021.	
	East Elevation, drawn by Graham Richardson Associates, Drawing No. 1808.W5 Issue P, dated 20 December 2021.	
	West Elevation, drawn by Graham Richardson Associates,	

	Drawing No. 1808.W6 Issue P, dated 20 December 2021.	
	Landscape Works Set Out Plan – Part A, drawn by Graham Richardson Associates, Drawing No. 1808.L1 Issue P, dated 1 August 2022.	
	Landscape Works Set Out Plan – Part B, drawn by Graham Richardson Associates, Drawing No. 1808.L2 Issue P, dated 1 August 2022.	
	Traffic engineering response, reference 22BRT0483 LT01, prepared by TTM Consulting Pty Ltd, dated 6 October 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 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 the use
	<b>Visual Amenity</b>	
1.5	All fixed mechanical plant must be contained within the building or visually screened to all street frontages, public viewing locations and adjoining premises.	At all times
1.6	Open storage areas, loading areas, bin storage areas and other unsightly areas, must be screened from view from all street frontages and public places.	Prior to commencement of use and maintained at all times
1.7	Any development and hard landscaping must not comprise highly reflective materials that create slippery or otherwise hazardous conditions.	At all times
<b>SCHEDULE 2 – GENERAL CONDITIONS</b>		
<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 Planning Scheme Policy 4 – Design Standards.	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.	At all times



2.4	<p>It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including:</p> <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to Compliance Assessment
	<b>Open Space / Park / Landscaping</b>	
2.5	The development site must be landscaped. The works must be undertaken in accordance with an operational works approval.	As part of Operational works for Landscaping Works
2.6	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times
2.7	<p>The developer must submit to Council for endorsement, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below:</p> <ul style="list-style-type: none"> <li>Comply with the <i>Somerset Regional Council Planning Scheme</i>.</li> <li>To enhance the appearance of the development internally and externally.</li> <li>To make a positive contribution to the streetscape;</li> <li>To screen unsightly objects from public view;</li> <li>To contribute to an environment by providing shade to reduce glare, heat absorption and radiation;</li> <li>To ensure common areas are useable;</li> <li>To provide long term erosion protection;</li> <li>To integrate with existing vegetation and other natural features of the site and adjoining lands; and</li> <li>To provide adequate vehicle sightlines and road safety.</li> </ul> <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> <li>The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site;</li> <li>The number and size of plants;</li> <li>The typical planting detail including preparation, backfill, staking and mulching.</li> </ul>	As part of Operational works for Landscaping Works

	<ul style="list-style-type: none"> <li>The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing by the Planning Manager. Any amendments approved by the Planning Manager are taken to be a part of the approved Landscape Plan.</li> <li>All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period.</li> <li>Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work.</li> <li>Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by: <ul style="list-style-type: none"> <li>Using trees which have a clean trunk height of at least 1.8 metres (at maturity);</li> <li>Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines;</li> </ul> </li> <li>A minimum of 70% of landscaped areas must be retained as a permeable surface.</li> <li>Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times.</li> </ul>	
	<b>General services</b>	
2.8	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to commencement of use
2.9	Provide evidence of connection to all utilities.	Prior to commencement of use.
	<b>Earthworks</b>	
2.10	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times
2.11	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times
2.12	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times
2.13	The foundation design of the proposed dwelling must be certified by a Registered Professional Engineer of Queensland (RPEQ) for the proposed location.	As part of Building Application

	A copy of the Certified foundation design is to be submitted to Council.	
	<b>Footpaths</b>	
2.14	Provide a concrete footpath with a width of 1.5 metres, for the full frontage of the site of the development.	As part of Operational Works
2.15	Provide a 1.5m wide concrete footpath between the building and car park that connects the development with the Brisbane Valley Rail Trail.	As part of Operational Works
	<b>Vehicle Access</b>	
2.16	All vehicular access shall provide convenient and safe access and egress from the site in accordance with Planning Scheme Policy 4 – Design Standards.	At all times
2.17	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council.	At all times
2.18	All vehicles shall enter and leave the site in a forward gear	At all times
	<b>Car Parking</b>	
2.19	Provide on-site car parking for 26 vehicles, including two spaces for disabled persons in accordance with Council Planning Scheme.  All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and Planning Scheme Policy 4 – Design Standards.	Prior to commencement of use and maintained at all times
2.20	Provide secure bicycle parking and associated support facilities for a minimum of four bicycles in accordance with AS2890.	Prior to commencement of use
2.21	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	Prior to commencement of use
2.22	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, bitumen or pavers in accordance with Australian Standards.	At all times
	<b>Stormwater</b>	
2.23	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times
2.24	Stormwater Drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream	At all times

	landholders.	
2.25	Attenuate the difference between pre and post developed flows.	As part of Operational Works
2.26	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.  <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works
2.27	Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer Queensland (RPEQ), which generally conforms to the approved development plan/s and <i>Somerset Regional Council Planning Scheme</i> .  The SBSMP should include the following: <ul style="list-style-type: none"> <li>Quantity and quality of stormwater to be released from the development;</li> <li>All sources of potential contamination (including but not limited to the actual and potential release of all contaminants;</li> <li>The potential impact of these sources;</li> <li>Impact of the release of stormwater from the development on the quality and integrity of the receiving environment;</li> <li>Measures to be implemented to prevent the likelihood of stormwater contamination; and</li> <li>Maintenance schedule.</li> </ul>	As part of the lodgement of the Operational Works application
	<b>Erosion and Sediment Control</b>	
2.28	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> <li>Be required to install additional measures.</li> <li>Be responsible for the restoration work.</li> </ul> Should the developer fail to complete the works determined by 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
2.29	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
2.30	Prepare an Erosion and Sediment Control Plan designed by a	As part of the

	Registered Professional Engineer Queensland (RPEQ). Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	lodgement of the Operational Works application
2.31	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
2.32	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> <li>i) Milling;</li> <li>ii) Chipping and/or mulching</li> <li>iii) Disposal at an approved waste disposal facility.</li> </ul> No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.	At all times
2.33	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times
2.34	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.	As part of Operational Works
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> <li>• Burn or bury waste generated in association with this</li> </ul>	At all times

	<p>development approval at or on the development site; nor</p> <ul style="list-style-type: none"> <li>Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>Stockpile any waste on the development site.</li> </ul>	
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase
	<b>Nuisance</b>	
3.5	Notwithstanding any other condition of this development approval, this approval does not authorise any release of contaminants which causes or is likely to cause an environmental nuisance beyond the boundaries of the approved place.	At all times
3.6	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 increase the risk of causing environmental nuisance beyond the boundaries of the approved place.	At all times
	<b>Waste Management</b>	
3.7	<p>All general waste produced as part of the operation must be disposed of through either:</p> <ul style="list-style-type: none"> <li>a. The number of standard waste services as determined by Council; or</li> <li>b. A private agreement with a licensed waste disposal contractor through an exemption granted by Council.</li> </ul>	At all times
3.8	<p>The approval holder must provide an impervious, screened area which is drained as required by Council, where all waste containers are placed.</p> <p>The bins are not to be visible from Cressbrook Street when stored in the screened area.</p>	At all times
<b>SCHEDULE 4 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <b>Planning Act 2016</b> . [A copy of section 71 will be enclosed with the Decision Notice].		

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The current *Aboriginal Cultural Heritage Act 2003* should be adhered to.

The Act is administered by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP).

The Aboriginal Cultural Heritage Act establishes a Duty of Care for Indigenous Cultural Heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting an activity.

Penalty proposing an activity that involves additional surface disturbance beyond that which has already occurred at the proposed site need to be mindful of the Cultural Heritage Duty of Care requirement.

Details on how to fulfil the Cultural Heritage Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.

Council strongly advises that you contact DSDSATSIP's Cultural Heritage Coordination Unit to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of proponents under the terms of the current Aboriginal Cultural Heritage Act

#### **Attachments for the Decision Notice include:**

1. Site Plan, Information, drawn by Graham Richardson Associates, Drawing No. 1808.W1 Issue P, dated 1 August 2022.
2. Floor Plan, drawn by Graham Richardson Associates, Drawing No. 1808.W2 Issue P, dated 20 December 2021.
3. North Elevation South Elevation, drawn by Graham Richardson Associates, Drawing No. 1808.W4 Issue P, dated 20 December 2021.
4. West Elevation, drawn by Graham Richardson Associates, Drawing No. 1808.W6 Issue P, dated 20 December 2021.
5. Landscape Works Set Out Plan – Part A, drawn by Graham Richardson Associates, Drawing No. 1808.L1 Issue P, dated 1 August 2022.
6. Landscape Works Set Out Plan – Part B, drawn by Graham Richardson Associates, Drawing No. 1808.L2 Issue P, dated 1 August 2022.
7. Traffic engineering response, reference 22BRT0483 LT01, prepared by TTM Consulting Pty Ltd, dated 6 October 2022.

#### **Resolution**

Moved – Cr Brieschke

Seconded – Cr Isidro

1. "THAT Council approve Development Application No. 22549 for a Development Permit for Material Change of Use for Community Use (Toogoolawah Gateway Centre - Library and



Meeting and Interview Rooms) on land situated at Cressbrook Street, Toogoolawah, formally described as Lot 16 SP135793, 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*

<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Site Plan, Information, drawn by Graham Richardson Associates, Drawing No. 1808.W1 Issue P, dated 1 August 2022.	
	Floor Plan, drawn by Graham Richardson Associates, Drawing No. 1808.W2 Issue P, dated 20 December 2021.	
	North Elevation South Elevation, drawn by Graham Richardson Associates, Drawing No. 1808.W4 Issue P, dated 20 December 2021.	
	East Elevation, drawn by Graham Richardson Associates, Drawing No. 1808.W5 Issue P, dated 20 December 2021.	
	West Elevation, drawn by Graham Richardson Associates, Drawing No. 1808.W6 Issue P, dated 20 December 2021.	
	Landscape Works Set Out Plan – Part A, drawn by Graham Richardson Associates, Drawing No. 1808.L1 Issue P, dated 1 August 2022.	
	Landscape Works Set Out Plan – Part B, drawn by Graham Richardson Associates, Drawing No. 1808.L2 Issue P, dated 1 August 2022.	
	Traffic engineering response, reference 22BRT0483 LT01, prepared by TTM Consulting Pty Ltd, dated 6 October 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 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 the use
	<b>Visual Amenity</b>	
1.5	All fixed mechanical plant must be contained within the building or visually screened to all street frontages, public viewing locations and adjoining premises.	At all times
1.6	Open storage areas, loading areas, bin storage areas and	Prior to

	other unsightly areas, must be screened from view from all street frontages and public places.	commencement of use and maintained at all times
1.7	Any development and hard landscaping must not comprise highly reflective materials that create slippery or otherwise hazardous conditions.	At all times
<b>SCHEDULE 2 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No.</b>	<b>Condition</b>	<b>Timing</b>
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work
2.2	All works are to be designed and constructed in accordance with the requirements of the Planning Scheme Policy 4 – Design Standards.	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.	At all times
2.4	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to Compliance Assessment
<b>Open Space / Park / Landscaping</b>		
2.5	The development site must be landscaped. The works must be undertaken in accordance with an operational works approval.	As part of Operational works for Landscaping Works
2.6	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times
2.7	The developer must submit to Council for endorsement, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the	As part of Operational works for Landscaping Works

	<p>performance criteria listed below:</p> <ul style="list-style-type: none"> <li>• Comply with the <i>Somerset Regional Council Planning Scheme</i>.</li> <li>• To enhance the appearance of the development internally and externally.</li> <li>• To make a positive contribution to the streetscape;</li> <li>• To screen unsightly objects from public view;</li> <li>• To contribute to an environment by providing shade to reduce glare, heat absorption and radiation;</li> <li>• To ensure common areas are useable;</li> <li>• To provide long term erosion protection;</li> <li>• To integrate with existing vegetation and other natural features of the site and adjoining lands; and</li> <li>• To provide adequate vehicle sightlines and road safety.</li> </ul> <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> <li>• The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site;</li> <li>• The number and size of plants;</li> <li>• The typical planting detail including preparation, backfill, staking and mulching.</li> <li>• The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing by the Planning Manager. Any amendments approved by the Planning Manager are taken to be a part of the approved Landscape Plan.</li> <li>• All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period.</li> <li>• Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work.</li> <li>• Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by: <ul style="list-style-type: none"> <li>○ Using trees which have a clean trunk height of at least 1.8 metres (at maturity);</li> <li>○ Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines;</li> </ul> </li> <li>• A minimum of 70% of landscaped areas must be retained as a permeable surface.</li> <li>• Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times.</li> </ul>	
	<b>General services</b>	
2.8	Connect the development to a reticulated water supply, sewer	Prior to

	infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	commencement of use
2.9	Provide evidence of connection to all utilities.	Prior to commencement of use.
	<b>Earthworks</b>	
2.10	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times
2.11	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times
2.12	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times
2.13	The foundation design of the proposed dwelling must be certified by a Registered Professional Engineer of Queensland (RPEQ) for the proposed location.  A copy of the Certified foundation design is to be submitted to Council.	As part of Building Application
	<b>Footpaths</b>	
2.14	Provide a concrete footpath with a width of 1.5 metres, for the full frontage of the site of the development.	As part of Operational Works
2.15	Provide a 1.5m wide concrete footpath between the building and car park that connects the development with the Brisbane Valley Rail Trail.	As part of Operational Works
	<b>Vehicle Access</b>	
2.16	All vehicular access shall provide convenient and safe access and egress from the site in accordance with Planning Scheme Policy 4 – Design Standards.	At all times
2.17	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council.	At all times
2.18	All vehicles shall enter and leave the site in a forward gear	At all times
	<b>Car Parking</b>	
2.19	Provide on-site car parking for 26 vehicles, including two spaces for disabled persons in accordance with Council	Prior to commencement of

	<p>Planning Scheme.</p> <p>All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and Planning Scheme Policy 4 – Design Standards.</p>	use and maintained at all times
2.20	Provide secure bicycle parking and associated support facilities for a minimum of four bicycles in accordance with AS2890.	Prior to commencement of use
2.21	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	Prior to commencement of use
2.22	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, bitumen or pavers in accordance with Australian Standards.	At all times
	<b>Stormwater</b>	
2.23	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times
2.24	Stormwater Drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times
2.25	Attenuate the difference between pre and post developed flows.	As part of Operational Works
2.26	<p>Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.</p> <p><i>Note: Such consent may require supporting engineering plans and calculations.</i></p>	As part of Operational Works
2.27	<p>Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer Queensland (RPEQ), which generally conforms to the approved development plan/s and <i>Somerset Regional Council Planning Scheme</i>.</p> <p>The SBSMP should include the following:</p> <ul style="list-style-type: none"> <li>• Quantity and quality of stormwater to be released from the development;</li> <li>• All sources of potential contamination (including but not limited to the actual and potential release of all contaminants;</li> <li>• The potential impact of these sources;</li> <li>• Impact of the release of stormwater from the development on the quality and integrity of the receiving environment;</li> </ul>	As part of the lodgement of the Operational Works application

	<ul style="list-style-type: none"> <li>Measures to be implemented to prevent the likelihood of stormwater contamination; and</li> <li>Maintenance schedule.</li> </ul>	
	<b>Erosion and Sediment Control</b>	
2.28	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> <li>Be required to install additional measures.</li> <li>Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times
2.29	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
2.30	Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ). Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	As part of the lodgement of the Operational Works application
2.31	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
2.32	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> <li>iv) Milling;</li> <li>v) Chipping and/or mulching</li> <li>vi) Disposal at an approved waste disposal facility.</li> </ul> <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times
2.33	All declared weeds and pests are to be removed from the	At all times

	subject land and kept clear of such nuisance varieties during the course of operations.	
2.34	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.	As part of Operational Works
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
3.3	The holder of this development approval must not: <ul style="list-style-type: none"> <li>Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>Stockpile any waste on the development site.</li> </ul>	At all times
3.4	The holder of this development approval must not: <ul style="list-style-type: none"> <li>Release stormwater runoff into a roadside gutter/swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase
<b>Nuisance</b>		
3.5	Notwithstanding any other condition of this development approval, this approval does not authorise any release of contaminants which causes or is likely to cause an environmental nuisance beyond the boundaries of the approved place.	At all times
3.6	No change, replacement or operation of any plant or equipment is permitted if the change, replacement or	At all times

	operation of the plant or equipment increases, or is likely to increase the risk of causing environmental nuisance beyond the boundaries of the approved place.	
	<b>Waste Management</b>	
3.7	All general waste produced as part of the operation must be disposed of through either: <ul style="list-style-type: none"> <li>a. The number of standard waste services as determined by Council; or</li> <li>b. A private agreement with a licensed waste disposal contractor through an exemption granted by Council.</li> </ul>	At all times
3.8	The approval holder must provide an impervious, screened area which is drained as required by Council, where all waste containers are placed.  The bins are not to be visible from Cressbrook Street when stored in the screened area.	At all times
<b>SCHEDULE 4 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <b>Planning Act 2016</b> . <i>[A copy of section 71 will be enclosed with the Decision Notice].</i>		
<b>Currency Period</b> - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being six (6) years starting the day the approval takes effect.		
The applicant may make representations ( <b>change representations</b> ) about a matter in this development application within the <b>applicant's appeal period</b> under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.		
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i> ).		
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.		
All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act (as amended)</i> and the <i>workplace Health and Safety Regulation (as amended)</i> .		
All Operational Work is to comply with relevant codes for design and construction.		



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

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

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

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

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

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

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

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

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

The current *Aboriginal Cultural Heritage Act 2003* should be adhered to.

The Act is administered by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP).

The Aboriginal Cultural Heritage Act establishes a Duty of Care for Indigenous Cultural Heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting an activity.

Penalty proposing an activity that involves additional surface disturbance beyond that which has already occurred at the proposed site need to be mindful of the Cultural Heritage Duty of Care requirement.

Details on how to fulfil the Cultural Heritage Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.

Council strongly advises that you contact DSDSATSIP's Cultural Heritage Coordination

Unit to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of proponents under the terms of the current Aboriginal Cultural Heritage Act.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Development Application No. 21737 Development Application for a Development Permit for Reconfiguring a Lot by Subdivision (one lot into eight lots in two stages, plus new road and Park)</b>
<b>File No:</b>	<b>DA21737</b>
<b>Assessment No:</b>	<b>02817-00000-000</b>
<b>Action Officer:</b>	<b>SP – MW</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location:	Clarendon Road, Lowood
Real property description:	Lot 202 RP884485
Site area:	14.27ha
Current land use:	Vacant
Easements/encumbrances:	Not applicable

### Somerset Region Planning Scheme (Version Four)

Zone:	Emerging community zone
Precinct:	Not applicable
Overlays:	OM1 Agricultural land overlay OM3 Biodiversity overlay OM3 Koala conservation overlay OM4 Bushfire hazard overlay OM7 Flood hazard overlay OM8 High impact activities management area overlay

### South East Queensland Regional Plan 2017

Land use category:	Urban footprint
--------------------	-----------------

### Application

Proposed development:	Subdivision (one lot into eight lots in two stages, plus new road and park)
Category of assessment:	Impact assessment
Applicant details:	Jennifer Le c/- Norris Clark and O'Brien Pty Ltd PO Box 3448 NEWMARKET QLD 4051
Owner details:	Andy and Jennifer Le
Date application received:	23 November 2021

<b>Referral Agencies</b>	Not applicable
<b>Public Notification</b>	Required
Submissions received	None

## RECOMMENDED DECISION

Approve the development application DA21737 subject to the conditions and requirements contained in the schedules and attachments of this report.

**Locality plan of Lot 202 RP884485  
Situated at Clarendon Road, Lowood**

**2.0 PROPOSAL**

This development application seeks approval for a development permit for reconfiguring a lot on land at Clarendon Road, Lowood, described as Lot 202 RP884485. The application seeks to create a new residential development toward the northern end of Lowood, immediately west of the Macadamia Estate.

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

The proposal seeks to create a staged reconfiguration of the site.

Stage 1 comprises a one into four lot reconfiguration which creates a number of balance lots which would be developed further in the future. A concept subdivision plan has been submitted for future development of proposed Lots 6 and 7 however the concept layout is not accepted as a part of this application. Proposed Lot 8 contains an existing dam and the majority of that proposed lot is subject to flood hazard. The applicant has provided an effluent disposal report to demonstrate how a single house on Lot 8 could be located and serviced. Proposed Lot 9 is a smaller lot located at the northeast corner of the site, adjacent to Clarendon Road and a proposed road on the adjoining property.

Stage 2 comprises a one into five lot reconfiguration of Lot 9, proposing access via the adjoining future road from the estate to the east. Each of these lots has an area of 600m<sup>2</sup>. These lots can not be created until the road on the adjoining property is constructed. As lots that are general residential in function, the proposal provides sealed roads with kerb and channel, reticulated water and sewer, stormwater, underground power and telecommunications.

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

The proposal involves the following:

<b>Development yield</b>	8 lots
<b>Development staging</b>	
Stage 1	3 balance lots 1 semi rural lot
Stage 2	5 residential lots

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

The application did not require referral to the State Assessment and Referral Agency (SARA).

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

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

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

#### **3.1 Site history**

The application was lodged in November 2021.

#### **3.2 Site details**

The site is located on the northern fringe of Lowood, approximately 900 metres in a straight line from the Drakes supermarket near the centre of town but approximately 1.5 kilometres by road. The development land is contained within a single parcel and is vacant. The site contains a dam in the north western corner of the lot.

The site has an elevation change from approximately 58m AHD at the south eastern corner of the lot to approximately 43m AHD at the edge of the dam. Whilst the overall slope of the site is toward the northwest corner of the site, the site contains an overland flow path that directs stormwater from the western end of Macadamia Drive in a northwest direction to the dam. None of the site contains slopes exceeding 15%.

#### **3.3 Surrounding land uses**

Nearby land to the east comprises the Macadamia Estate that was developed as a staged residential estate between 1994 and 2011. The site also adjoins a 7,982m<sup>2</sup> undeveloped reserve between the subject site and the Macadamia Estate. Vehicular access to the site is proposed from Macadamia Drive which currently ends at the eastern boundary of the site.

Council is assessing a separate Reconfiguring a Lot application over 55 Clarendon Road. 55 Clarendon Road adjoins the northern half of the eastern boundary of the site, between Clarendon Road and Macadamia Drive.

The site adjoins the Lowood Golf Course to the south. The site adjoins Clarendon Road to the north however access is not proposed to Clarendon Road as part of Stage 1.

The land to the west comprises larger semi-rural lots.

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

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

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

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

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

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

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

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

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

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

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

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

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

##### **4.3.1 Walkable Neighbourhoods (Schedule 12A)**

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

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

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

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

It is clear from the explanatory material accompanying the new assessment benchmark that these provisions were not drafted for very low-density residential areas (such as the Park residential precinct), given the Regulation specifically excludes development in the Rural residential zone. As such, Stage 1 of the development is not relevant to the Walkable Neighbourhood provisions. The five lots in Stage 2 will need to address the Walkable Neighbourhood provisions.

The proposal generally complies with the assessment benchmarks within the Schedule, in that the five general residential style lots generally represent a grid like development, has block lengths less than 250m based upon the adjoining development to the east, and are within 400m walking distance of a reserve. The development would be conditioned to concrete footpaths and street trees to the standard outlined.

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

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

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

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

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

##### *Settlement pattern*

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

The development allows for the provision of additional residential lots within 1.5 kilometres of the main commercial section of Lowood.

##### *Natural environment*

Council's Strategic Framework Map 2c does not show Significant Vegetation over the site. A small part of the northern section of the site extends into the Water Supply Buffer Area, however this area will remain largely undeveloped as part of Stage 1, and Stage 2 will involve a small number of sewerred residential lots.

It is considered the proposed development will be consistent with the strategic framework for natural environment.

##### *Natural resources*

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

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

##### *Community identity and regional character landscape*

The proposed development does not result in impacts upon the natural landscape qualities, sporting and recreation facilities, cultural heritage or important community elements of the Somerset Region.

The site is also outside the Town Identity areas for Lowood which largely focus upon the Lowood centre and Park Street and Railway Street.

##### *Economic development*

The development supports the commercial function of the Lowood district centre through the provision of additional residential development within the immediate catchment of the centre. The site is also outside the Town Identity areas for Lowood.

##### *Infrastructure and services*

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

##### *Transport*

The site is contained within the Transport Service Catchment but outside the Priority Infrastructure Area for Lowood. The proposed development is generally consistent with all transport outcomes of the Somerset Region Planning Scheme. The proposed development alleviates impacts to the transport network through the creation of a residential estate in proximity to existing road networks without direct access to higher order roads.

It is considered that the proposal generally complies with the zone and development codes in Parts 6 and 8 of the planning scheme and appropriately advances the strategic policy intent of the planning scheme.

### 5.1.2 Code compliance summary

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

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

Applicable code	Compliance with overall outcomes	Performance outcomes
Reconfiguring a lot code	Yes	PO1, PO9, PO11
Services, works and infrastructure code	Yes	PO1, PO2,
Transport, access and parking code	Yes	Complies with all acceptable outcomes
Applicable overlay code	Compliance with overall outcomes	Performance outcomes
Agricultural land overlay code	Yes	PO2
Biodiversity overlay code	Yes	Complies with all acceptable outcomes
Bushfire hazard overlay code	Yes	Complies with all acceptable outcomes
Flood hazard overlay code	Yes	PO8, PO13

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

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

### 5.1.3 Performance outcome assessment

#### Reconfiguring a lot code

Performance outcome	Acceptable outcome
<b>Lot size and subdivision design</b>	
<b>PO1</b> <i>Lot size and dimensions:</i> (a) provide sufficient area for the siting and construction of buildings and structures; (b) provide for safe vehicular and pedestrian access;	<b>AO1.1</b> The minimum <i>lot</i> size and dimensions complies with <b>Table 8.3.4.3.B– Minimum Lot Size and Dimensions</b> .

<p>(c) respond appropriately to site characteristics including slope of the land and topography; and</p> <p>(d) are consistent with the intended character of the zone.</p>	<p><b>AO1.2</b></p> <p><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.</p>
<p><b>Proposal</b></p> <p>The proposal provides for a residential development with lot sizes between 600m<sup>2</sup> and 6.07 hectares. The minimum lot size for the proposed lots is 600m<sup>2</sup> with 18m frontage, as the proposed development includes lots consistent with the criteria for the General residential zone.</p> <p><b>Planning comments</b></p> <p>The site is located in the Emerging community zone. The development proposes to create lots in Stage 2 that are consistent with general residential zone criteria.</p> <p>The proposed lots comply with the minimum lot size and frontage dimensions for General residential lots.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	
<p><b>Movement network and access</b></p>	
<p><b>PO9</b></p> <p>Reconfiguring a lot enhances public safety and minimises of potential for crime and vandalism by maximising opportunities for casual surveillance of streets and public spaces.</p>	<p><b>AO9</b></p> <p><i>Lots</i> are arranged to front streets and <i>public open space</i>.</p>
<p><b>Proposal</b></p> <p>Complies AO9</p> <p><b>Planning comments</b></p> <p>All lots except proposed Lot 8 are arranged to front streets. Proposed Lot 8 has frontage to Clarendon Road however is proposed to be accessed via a flood free access easement across proposed Lot 7.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	
<p><b>Movement network and access</b></p>	
<p><b>PO11</b></p> <p>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.</p>	<p><b>AO11</b></p> <p>All lots are located within 500 metres (radial distance) of an existing or potential public transport route.</p>
<p><b>Proposal</b></p> <p>The proposal is not located within an area that may be serviced by an existing or potential public transport route.</p> <p><b>Planning comments</b></p> <p>The subdivision is for a small residential development that is located toward the northern end of Lowood, away from any major arterial roads. There is currently no public transport route within 500 metres radial distance of this location, as it is not practicable nor reasonably necessary to provide a service.</p>	



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

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

### Services, works and infrastructure code

Performance outcome	Acceptable outcome
<b>PO1</b> Premises have an adequate volume and supply of water that: <ul style="list-style-type: none"> <li>(a) meets the needs of users;</li> <li>(b) is adequate for fire fighting purposes.</li> <li>(c) ensures the health, safety and convenience of the community; and</li> </ul> minimises adverse impacts on the receiving environment.	<b>AO1.1</b> Where the <i>site</i> is located in a reticulated water supply <i>service catchment</i> area, the <i>development</i> is connected to the reticulated water supply.  OR  <b>AO1.2</b> Where the <i>site</i> is not located in a reticulated water supply <i>service catchment</i> area, the <i>development</i> is provided with a potable water supply.  OR  <b>AO1.3</b> Where the <i>site</i> is not located in a reticulated water supply <i>service catchment</i> area, the <i>development</i> is provided with a potable water supply from a tank with a minimum storage capacity of 45,000 litres per <i>dwelling</i> .  OR  <b>AO1.4</b> Where the <i>site</i> is not located in a reticulated water supply <i>service catchment</i> area, the <i>development</i> is connected to a potable water supply from an approved bore, and has a tank with a minimum storage capacity of 10,000 litres, per <i>dwelling</i> .
<b>Proposal</b> The proposal provides for a residential development with lot sizes between 600m <sup>2</sup> and 6.07 hectares. The minimum lot size for the proposed lots is 600m <sup>2</sup> with 18m frontage, as the proposed development includes lots consistent with the criteria for the General residential zone.	
<b>Planning comments</b> The proposed development is outside the connection area and future connection areas stated in the Water Netserv Plan. As such current infrastructure master planning does not	

consider development of the site and Urban Utilities does not guarantee to provide a connection to its water service or wastewater service for the subject site.

Stage 1 consists of balance lots which at this point do not require connection to the reticulated water network.

Urban Utilities have indicated options for provision of water for Stage 2 including:

- (a) connections at the Macadamia Drive street frontage, or
- (b) existing from Macadamia Drive with provision of a Council road within the development site; or
- (c) a water main extension within Clarendon Road.

Stage 2 of the development will therefore require detailed liaison with Urban Utilities and the adjoining developer to integrate with the proposed development to the east of the site, to ensure reticulated water can be supplied to the site. It is probable that the future water main on 55 Clarendon Road that services the lots closest to the subject site will be used to serve proposed Lots 1 to 5 in Stage 2 of this development.

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

#### **PO2**

Provision is made for the treatment and disposal of sewage and effluent to protect public health and prevent contamination of soils, ground water or surface water or *adversely impact on water quality.*

#### **AO2.1**

Where the *site* is located in a reticulated sewerage *service catchment* area, the *development* is connected to the reticulated sewerage supply.

OR

#### **AO2.2**

Where the *site* is not located in a reticulated sewerage *service catchment* area, the development is connected to an on-site and efficient on-site waste water disposal system in accordance with *Queensland, Plumbing and Wastewater Code* and *Australian Standard A3500.*

#### **Planning comments**

The applicant provided a Services Advice Notice from Urban Utilities which included the following comments.

*There are no existing wastewater property connections servicing the proposed development site. To service the development, the applicant has proposed a new gravity sewer main to the existing Macadamia Drive pump station (SP465) to service Lots 1 -5. Localised fill along the south-eastern boundary of Lot 7 is proposed to ensure adequate cover to the new sewer main is provided. Onsite wastewater disposal is proposed for large Lots 6-8.*

*Urban Utilities does not object to the proposal in principle provided gravity drainage can be achieved, however a number of items need to be resolved before an Urban Utilities approval can be issued ...*

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

#### **Agricultural Land overlay code**

<b>Performance outcome</b>	<b>Acceptable outcome</b>
----------------------------	---------------------------

<p><b>PO2</b>  <i>Sensitive land uses</i> in proximity to Agricultural land Class A or Class B or Important Agricultural Areas are located and designed in a manner that:</p> <ul style="list-style-type: none"> <li>(a) avoids land use conflict;</li> <li>(b) avoids the alienation of the resource;</li> <li>(c) manages impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash; and</li> <li>(d) does not adversely affect public health, safety and amenity;</li> </ul> <p>unless it is demonstrated that the area does not support Agricultural land Class A or Class B or Important Agricultural Areas as mapped.</p> <p>Note- Note where Reconfiguring a lot occurs within land identified as <i>Agricultural land Class A or Class B</i> or Important Agricultural Areas for <i>urban purposes</i> within a <i>Future urban area</i> or <i>Urban investigation area</i> and is otherwise consistent with the Planning Scheme (including Part 4 - Strategic Framework) and other relevant State planning policy, State planning regulatory provisions or State legislation a buffer to <i>sensitive land uses</i>, dedicated as public open space may be provided in accordance with a structure plan.</p>	<p><b>Where for Reconfiguring a Lot in the Rural zone or a Residential Zone Category on land that adjoins the Rural zone</b>  <b>AO2</b>          Lots created for <i>sensitive land uses</i> within land identified as agricultural land Class A or Class B identified on <b>Agricultural land overlay maps OM01a-b</b> provide a public open space buffer area with a minimum width of:</p> <ul style="list-style-type: none"> <li>(a) 300 metres where open ground conditions apply; or</li> <li>(b) 50 metres minimum width where vegetated in accordance with a detailed landscape plan and maintained in accordance with a public open space management plan.</li> </ul>
<p><b>Proposal</b>          Not Applicable with AO2. The proposed development is in the Emerging community zone</p> <p><b>Planning comments</b>          Stage 2 of the development will result in lots created for sensitive land use within 300 metres of the identified Class A agricultural land. Land on the opposite side of Clarendon Road to the northwest part of the site is identified as Agricultural land Class A. The land designated as Class A land is located on lots that are approximately 5 hectares in size and are predominantly being used for residential purposes. As a consequence it is considered the designated agricultural land immediately to the north of the site is not usable for agricultural purposes and as such the proposed development does not avoid alienation of the resource.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	

#### Flood hazard overlay code

Performance outcome	Acceptable outcome
High flood hazard area	

<p><b>PO8</b> Development is located and designed to:</p> <ul style="list-style-type: none"> <li>(a) maintain hydrological function of the premises;</li> <li>(b) not increase the number of people calculated to be at risk from flooding;</li> <li>(c) minimises the flood impact on adjoining premises;</li> <li>(d) ensure the safety of all persons by ensuring that an appropriate proportion of <i>buildings</i> are set above the <i>defined flood level</i>;</li> <li>(e) reduce the carriage of debris in flood waters;</li> <li>(f) reduce property damage; and</li> <li>(g) provide road access to <i>buildings</i> above the level of the 1% AEP flood level.</li> </ul>	<p><b>Where for Reconfiguring a Lot AO8.8</b> Additional lots, except where for the purposes of public open space:</p> <ul style="list-style-type: none"> <li>(a) are not located in areas of High flood hazard area as identified on <b>Flood Hazard Overlay Map OM-007</b> ; or</li> <li>(b) are demonstrated to be above the <i>defined flood level</i>.</li> </ul>
<p><b>Planning comments</b> Proposed Lot 8 has been designed with a developable house area clear of the High flood hazard area. Proposed Lot 8 has an area of 5.168 hectares. The potential use of the majority of this lot as public open space is considered unwarranted in that the site is generally remote from community services and is not in Council's Local Government Infrastructure Plan with respect to recreation and open space.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	
<p><b>Significant flood hazard area, Low flood hazard area or Potential flood hazard area</b></p>	
<p><b>PO13</b> Development is located and designed to:</p> <ul style="list-style-type: none"> <li>(a) maintain hydrological function of the premises;</li> <li>(b) not increase the number of people calculated to be at risk from flooding;</li> <li>(c) minimises the flood impact on adjoining premises;</li> <li>(d) ensure the safety of all persons by ensuring that a proportion of <i>buildings</i> are set above the <i>defined flood level</i>;</li> <li>(e) reduce the carriage of debris in flood waters;</li> <li>(f) reduce property damage; and</li> <li>(g) provide road access to <i>buildings</i> above the level of the 1% AEP flood level.</li> </ul> <p>Note- where the development is located in a Potential flood hazard area as identified on <b>Flood Hazard Overlay Map OM-007</b>, and there is no <i>defined flood level</i>, a hydraulic (flood hazard assessment) report prepared by a RPEQ is required in substantiation of a Performance Solution. Alternatively, the <i>defined flood level</i> from an adjacent representative hazard area</p>	<p><b>Where for Reconfiguring a Lot AO13.6</b> Additional lots, except where for the purposes of public open space:</p> <ul style="list-style-type: none"> <li>(a) are not located in areas of Significant flood hazard area, Low flood hazard area or Potential flood hazard area as identified on <b>Flood Hazard Overlay Map OM-007</b> ; or</li> <li>(b) are demonstrated to be above the <i>defined flood level</i>.</li> </ul>

may be used if deemed appropriate by Council.	
<p><b>Proposal</b> The proposal plan has been amended to allow for a proposed Building Location Envelope (BLE) [for proposed Lot 8].</p> <p><b>Planning comments</b> Proposed Lot 8 has been designed with a developable house area clear of the Flood hazard areas. The potential use of the majority of this lot as public open space is considered unwarranted in that the site is generally remote from community services and is not in Council's Local Government Infrastructure Plan with respect to recreation and open space.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	

#### 5.1.4 Overall outcome assessment

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

## 6.0 OTHER PLANNING CONSIDERATIONS

### 6.1 Trunk infrastructure and services

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

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

### 6.2 Water supply and sewerage networks

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

The applicant has proposed to connect proposed Lots 1 to 5 of the subdivision to the reticulated water and sewer networks, however the proposed lots in Stage 1 are not proposed to be connected to sewer.

It is recommended that the development be conditioned to provide the reticulated water and sewer network connection to each of proposed Lots 1 to 5, and that a certificate of connection (or similar) be provided stating that the connection is available to each lot.

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

### 6.3 Electricity and telecommunications

The existing electricity supply in Macadamia Drive is located underground. The existing electricity supply in Clarendon Road is above ground.

The recommended conditions of approval require each lot, with the exception of proposed Lot 7 and 8 to be connected to underground reticulated electricity and telecommunications networks, and that a certificate of connection (or similar) be provided stating that the connection is available to each lot.

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

#### **6.4 Stormwater network**

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

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

#### **6.5 Transport network**

The proposed subdivision, in conjunction with the development of the lot to the east, provides a logical continuation of the local road network within the estate that meets the local service needs of the development.

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

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

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

The Local government infrastructure plan does not identify any future trunk park on the development site. The nearest indicated park, shown as OSF004 is located approximately 1 kilometre to the east of the site.

The site adjoins an area of Council owned land designated as a reserve. It is therefore considered that the provision of an augmented local park is not required.

While the subject land forms part of the urban footprint, it is located outside the Public Parks and Community Land Service Catchment. As such, infrastructure contributions for parks and open space are not applicable in this instance.

#### **7.0 REFERRAL AGENCIES**

In accordance with the *Planning Regulation 2017*, the application did not require referral to the State Assessment and Referral Agency (SARA).

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

#### **8.0 PUBLIC NOTIFICATION**

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

- (a) Public notification was served to all adjoining landowners on 12 July 2022.
- (b) A notice was published in the Somerset on 13 July 2022.
- (c) A notice in the prescribed form was placed on the premises on 13 July 2022 and maintained for the minimum period of 15 business days.

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

## 9.0 CONCLUSION

The proposed development is for the staged subdivision of land, creating a new general residential lots within the Emerging community area at Lowood. Stage 2 of the development will be dependent upon the development of the adjoining development of 55 Clarendon Road to the east.

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

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

## 10.0 ATTACHMENT

1. Stage 1 - Proposed Subdivision Lots 6-9, Lot 202 Clarendon Road, Lowood, Ref No 10928PP Issue H, prepared by Norris Clarke and O'Brien, dated 20 June 2022
2. Stage 2 - Proposed Subdivision Lots 10-15, Lot 202 Clarendon Road, Lowood, Ref No 10928PP Issue A, prepared by Norris Clarke and O'Brien, dated 20 June 2022
3. Civil Engineering Assessment Report, Ref 21114, Revision 0, prepared by HCE Engineers, dated 17 November 2021
4. Concept Civil Services Layout Plan, Drawing No 21114-SK06 Revision A, prepared by HCE Engineers, dated 13 April 2022.
5. Stormwater Management Plan, Ref 21114, Revision 0, prepared by HCE Engineers, dated 17 November 2021
6. Site Evaluation – Effluent Disposal Report, Assess 2205126, prepared by Envirodisposal Pty Ltd, dated 16 June 2022
7. Draft Infrastructure Charges Notice

## RECOMMENDED DECISION

1. THAT Council approves Development Application No. 21737 for Development Permit for Reconfiguring a Lot by Subdivision (one lot into eight lots, plus new road and open space) on land situated at Clarendon Road, Lowood, formally described as Lot 202 RP884485, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.
2. THAT the officer report for this application be published to the website as Council's Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	Stage 1 - Proposed Subdivision Lots 6-9, Lot 202 Clarendon Road, Lowood, Ref No 10928PP Issue H, prepared by Norris Clarke and O'Brien, dated 20 June 2022	
	Stage 2 - Proposed Subdivision Lots 10-15, Lot 202 Clarendon Road, Lowood, Ref No 10928PP Issue A, prepared by Norris Clarke and O'Brien, dated 20 June 2022	

	Civil Engineering Assessment Report, Ref 21114, Revision 0, prepared by HCE Engineers, dated 17 November 2021	
	Concept Civil Services Layout Plan, Drawing No 21114-SK06 Revision A, prepared by HCE Engineers, dated 13 April 2022.	
	Stormwater Management Plan, Ref 21114, Revision 0, prepared by HCE Engineers, dated 17 November 2021	
	Site Evaluation – Effluent Disposal Report, Assess 2205126, prepared by Envirodisposal Pty Ltd, dated 16 June 2022	
1.2	<p>The Applicant is to complete each stage of the development in sequence in accordance with the approved plans.</p> <p>The Applicant is not to submit to Council the Plan of Survey for a stage for endorsement until the Applicant has received endorsement of the Plan of Survey for the preceding stage.</p>	As indicated.
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.4	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.6	<p>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.</p> <p>Currently, the amount is set at \$41 per allotment.</p>	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.7	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.8	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	Make an Operational Work application to Council and pay	Prior to the



	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.	commencement of Operational Work.
2.2	All works are to be designed and constructed in accordance with the requirements of Planning Scheme Policy 4 – Design Standards.	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 Council's endorsement of the Plan of subdivision.
2.4	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to Compliance Assessment.
2.5	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
	<b>Building Above Flood Level</b>	
2.6	Any filling below the Defined Flood Level (DFL) will be in accordance with an approved flood study.	As part of Operational Works.
2.7	Buildings are located to avoid significant flood flows or velocities.	At all times.
2.8	The development does not increase the flood hazard for other properties.	At all times.
	<b>General Services</b>	
2.9	<p>(a) Connect proposed Lots 6 to 9 to an underground electricity supply, and telecommunications utilities and reticulated water in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.</p> <p><i>Note: 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.</i></p> <p>(b) Connect proposed Lots 1 to 5 to a reticulated water supply, sewer infrastructure, stormwater, underground electricity supply, and telecommunications utilities in</p>	<p>Prior to Council's endorsement of the Plan of subdivision for Stage 1.</p> <p>Prior to Council's endorsement of the Plan of subdivision</p>

	accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	for Stage 2.
2.10	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.11	Electricity/telecommunication/water supply/sewer drawings must be co-ordinated with the civil engineering design details, to ensure that service clashes are avoided.	Prior to Council's endorsement of the Plan of subdivision.
2.12	Install hydrant and valve location indicators and where serviced by kerb and channel, place brass markers in the kerb line at each service crossing. (Water, Sewer, Electricity and telecommunications)	Prior to request for endorsement of each stage of the Plan of Subdivision.
	<b>Earthworks</b>	
2.13	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times.
2.14	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.15	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times.
	<b>Roadworks</b>	
2.16	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.17	Road reserve widths are to be 20m in accordance with the <i>Somerset Regional Council Planning Scheme</i> .	Prior to Council's endorsement of the Plan of subdivision.
2.18	Road carriageway widths to be in accordance with Planning Scheme Policy 4 – Design Standards.	Prior to Council's endorsement of the Plan of subdivision.
2.19	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	Prior to commencement of and during construction of works.

	works.	
2.20	Provide 6m x 3 chord truncations on property boundaries at all road intersections.  Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to Council's endorsement of the Plan of subdivision.
2.21	Provide sufficient road reserve area to allow for the provision of a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	Prior to Council's endorsement of the Plan of subdivision.
2.22	Provide verge and access in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
	<b>Footpaths</b>	
2.23	Provide a concrete footpath with a width of 1.5 metres, for the full frontage of the internal road to proposed Lots 1 to 5 of the development and internal roads in accordance with Somerset Regional Council Planning Scheme.  <i>Note: If the footpath has been constructed on the east side of that internal road within the adjoining development on Lot 1 RP159873, this will satisfy compliance with this condition.</i>	As part of Operational Works for Stage 2.
	<b>Street Lighting</b>	
2.24	Install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows:  i) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5 ii) Collector Roads – Lighting Category P4.  Install all street lighting on the same side as footpaths, where applicable.  Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).	As part of Operational Works.
	<b>Vehicle Access</b>	
2.25	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> Planning Scheme Policy 4 – Design Standards.	At all times.
2.26	Provide an all weather access along the full length of the 8 metre wide access easement serving proposed Lot 8.	Prior to Council's endorsement of the Plan of subdivision for Stage 1.
2.27	The landowner is responsible for construction and	At all times.

	<p>maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.</p>	
	<b>EASEMENTS</b>	
2.28	<p>Dedicate land subject to flooding during a 1% Average Exceedance Probability (AEP) flood event as an easement for drainage purposes.</p> <p>The easement is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council's Solicitor shall prepare all documentation.</p>	Prior to Council's endorsement of the Plan of subdivision.
2.29	<p>Provide an easement over stormwater and interallotment drainage located within private property.</p> <p>The easement widths may vary but must extend to include the flood paths for the Q100 flood flows including provisions for freeboard and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with Queensland Urban Drainage Manual (QUDM). The easement is to be dedicated at no cost to Council.</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> <p>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property.</p>	Prior to Council's endorsement of Stage 2 of the Plan of subdivision.
	<b>STORMWATER</b>	
2.30	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.31	Stormwater drainage and flows are to have a no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.32	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
2.33	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.

2.34	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.  <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works.
	<b>Erosion and Sediment Control</b>	
2.35	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> Should the developer fail to complete the works determined by 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.
2.36	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.
2.37	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times.
2.38	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.	As part of Operational Works.
<b>SCHEDULE 4 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		

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

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

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

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

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

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

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

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

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

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

**Attachments for the Decision Notice include:**

- Stage 1 - Proposed Subdivision Lots 6-9, Lot 202 Clarendon Road, Lowood, Ref No 10928PP Issue H, prepared by Norris Clarke and O'Brien, dated 20 June 2022
- Stage 2 - Proposed Subdivision Lots 10-15, Lot 202 Clarendon Road, Lowood, Ref No 10928PP Issue A, prepared by Norris Clarke and O'Brien, dated 20 June 2022
- Civil Engineering Assessment Report, Ref 21114, Revision 0, prepared by HCE Engineers, dated 17 November 2021
- Concept Civil Services Layout Plan, Drawing No 21114-SK06 Revision A, prepared by HCE Engineers, dated 13 April 2022.
- Stormwater Management Plan, Ref 21114, Revision 0, prepared by HCE Engineers, dated 17 November 2021
- Site Evaluation – Effluent Disposal Report, Assess 2205126, prepared by Envirodisposal Pty Ltd, dated 16 June 2022

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Choat

1. “THAT Council approves Development Application No. 21737 for Development Permit for Reconfiguring a Lot by Subdivision (one lot into eight lots, plus new road and open space) on land situated at Clarendon Road, Lowood, formally described as Lot 202 RP884485, 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.
	Stage 1 - Proposed Subdivision Lots 6-9, Lot 202 Clarendon Road, Lowood, Ref No 10928PP Issue H, prepared by Norris Clarke and O'Brien, dated 20 June 2022	
	Stage 2 - Proposed Subdivision Lots 10-15, Lot 202 Clarendon Road, Lowood, Ref No 10928PP Issue A, prepared by Norris Clarke and O'Brien, dated 20 June 2022	
	Civil Engineering Assessment Report, Ref 21114, Revision 0, prepared by HCE Engineers, dated 17 November 2021	
	Concept Civil Services Layout Plan, Drawing No 21114-SK06 Revision A, prepared by HCE Engineers, dated 13 April 2022.	
	Stormwater Management Plan, Ref 21114, Revision 0, prepared by HCE Engineers, dated 17 November 2021	
	Site Evaluation – Effluent Disposal Report, Assess 2205126, prepared by Envirodisposal Pty Ltd, dated 16 June 2022	
1.2	The Applicant is to complete each stage of the development in sequence in accordance with the approved plans.  The Applicant is not to submit to Council the Plan of Survey for a stage for endorsement until the Applicant has received endorsement of the Plan of Survey for the preceding stage.	As indicated.
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.

1.4	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.6	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources.  Currently, the amount is set at \$41 per allotment.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.7	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to request for endorsement of each stage of the Plan of Subdivision.
1.8	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision.
<b>SCHEDULE 2 – ENGINEERING</b> <i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.2	All works are to be designed and constructed in accordance with the requirements of Planning Scheme Policy 4 – Design Standards.	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 Council's endorsement of the Plan of subdivision.
2.4	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to Compliance Assessment.



2.5	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
	<b>Building Above Flood Level</b>	
2.6	Any filling below the Defined Flood Level (DFL) will be in accordance with an approved flood study.	As part of Operational Works.
2.7	Buildings are located to avoid significant flood flows or velocities.	At all times.
2.8	The development does not increase the flood hazard for other properties.	At all times.
	<b>General Services</b>	
2.9	<p>(a) Connect proposed Lots 6 to 9 to an underground electricity supply, and telecommunications utilities and reticulated water in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.</p> <p><i>Note: 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.</i></p> <p>(b) Connect proposed Lots 1 to 5 to a reticulated water supply, sewer infrastructure, stormwater, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.</p>	<p>Prior to Council's endorsement of the Plan of subdivision for Stage 1.</p> <p>Prior to Council's endorsement of the Plan of subdivision for Stage 2.</p>
2.10	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.11	Electricity/telecommunication/water supply/sewer drawings must be co-ordinated with the civil engineering design details, to ensure that service clashes are avoided.	Prior to Council's endorsement of the Plan of subdivision.
2.12	Install hydrant and valve location indicators and where serviced by kerb and channel, place brass markers in the kerb line at each service crossing. (Water, Sewer, Electricity and telecommunications)	Prior to request for endorsement of each stage of the Plan of Subdivision.
	<b>Earthworks</b>	
2.13	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times.

2.14	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.15	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times.
<b>Roadworks</b>		
2.16	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.17	Road reserve widths are to be 20m in accordance with the <i>Somerset Regional Council Planning Scheme</i> .	Prior to Council's endorsement of the Plan of subdivision.
2.18	Road carriageway widths to be in accordance with Planning Scheme Policy 4 – Design Standards.	Prior to Council's endorsement of the Plan of subdivision.
2.19	All works on or adjacent to roadways must be adequately signed in accordance with the " <i>Austrorads Guide to Temporary Traffic Management</i> ". Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works.
2.20	Provide 6m x 3 chord truncations on property boundaries at all road intersections.  Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to Council's endorsement of the Plan of subdivision.
2.21	Provide sufficient road reserve area to allow for the provision of a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	Prior to Council's endorsement of the Plan of subdivision.
2.22	Provide verge and access in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
<b>Footpaths</b>		
2.23	Provide a concrete footpath with a width of 1.5 metres, for the full frontage of the internal road to proposed Lots 1 to 5 of the development and internal roads in accordance with <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works for Stage 2.

	<i>Note: If the footpath has been constructed on the east side of that internal road within the adjoining development on Lot 1 RP159873, this will satisfy compliance with this condition.</i>	
	<b>Street Lighting</b>	
2.24	<p>Install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows:</p> <ul style="list-style-type: none"> <li>iii) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5</li> <li>iv) Collector Roads – Lighting Category P4.</li> </ul> <p>Install all street lighting on the same side as footpaths, where applicable.</p> <p>Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).</p>	As part of Operational Works.
	<b>Vehicle Access</b>	
2.25	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> Planning Scheme Policy 4 – Design Standards.	At all times.
2.26	Provide an all weather access along the full length of the 8 metre wide access easement serving proposed Lot 8.	Prior to Council's endorsement of the Plan of subdivision for Stage 1.
2.27	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
	<b>EASEMENTS</b>	
2.28	<p>Dedicate land subject to flooding during a 1% Average Exceedance Probability (AEP) flood event as an easement for drainage purposes.</p> <p>The easement is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council's Solicitor shall prepare all documentation.</p>	Prior to Council's endorsement of the Plan of subdivision.
2.29	<p>Provide an easement over stormwater and interallotment drainage located within private property.</p> <p>The easement widths may vary but must extend to include the flood paths for the Q100 flood flows including provisions for freeboard and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with</p>	Prior to Council's endorsement of Stage 2 of the Plan of subdivision.

	<p>Queensland Urban Drainage Manual (QUDM). The easement is to be dedicated at no cost to Council.</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> <p>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property.</p>	
	<b>STORMWATER</b>	
2.30	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.31	Stormwater drainage and flows are to have a no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.32	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
2.33	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.34	<p>Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.</p> <p><i>Note: Such consent may require supporting engineering plans and calculations.</i></p>	As part of Operational Works.
	<b>Erosion and Sediment Control</b>	
2.35	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
2.36	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during	At all times.

	the course of the project, and to prevent dust nuisance.	
2.37	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times.
2.38	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.	As part of Operational Works.
<b>SCHEDULE 4 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.		
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.		
<p>Upon receiving the certification by a RPEQ, and submission and approval of as constructed drawings and documentation, Council will accept the works as "On Maintenance".</p> <p>Council will bond the developer for an amount equal to 5% of the operational works and the Developer is required to maintain all works for a period of 12 months for civil works and 18 months for landscaping (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.</p> <p>At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".</p>		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		

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

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

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

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

*Carried*

*Vote - Unanimous*

<b>Subject:</b>	<b>Development Application No. DA17371 Change Application to Development Approval – Minor Change under section 81 of the <i>Planning Act 2016</i></b>
<b>File No:</b>	<b>DA17371</b>
<b>Assessment No:</b>	<b>05064-20000-000</b>
<b>Action Officer:</b>	<b>SP-MW</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location	801 Cressbrook Caboonbah Road, Cressbrook
Real Property Description	Lot 205 on Crown Land CSH2421
Area	102.8 hectares
Current land use	Watts Bridge Memorial Airfield
Easements and Encumbrances	Nil

### Original Planning Scheme Information

Planning scheme	Somerset Region Planning Scheme Version Two
Zone	Rural

### Planning Scheme

Planning Scheme	Somerset Region Planning Scheme Version Four
Zone	Rural
Overlays	OM1 Agricultural land OM8 HIA management area

### ShapingSEQ

Land Use Category	Regional Landscape and Rural Production Area
-------------------	--

### Application

Original Category of Assessment	Impact Assessable
Original Date of Approval	28 March 2018
Applicants contact details	Watts Bridge Memorial Airfield Inc. c/- Mayhill Planning and Architecture Pty Ltd Attn: Michael Lowe 2/72 Merivale Street
Land Owner	Watts Bridge Memorial Airfield Inc.

Date application received	14 September 2022
Date properly made	13 October 2022

**State Agency Referrals**

Concurrence	Nil
Advice	Nil
Third Party Advice	Nil

**RECOMMENDED DECISION**

Approve the request to change the development approval for Development Application No. DA17371 subject to the amended conditions and requirements contained in the Schedules.

**2.0 BACKGROUND TO APPROVAL**

Council at its Ordinary Meeting of 28 March 2018 approved a development permit for a Reconfiguring a Lot by Subdivision dividing land into parts by agreement – Subdivision by lease for 60 year term at Lot 205 on Crown Land CSH2421 at 801 Cressbrook Caboonbah Road, Cressbrook.

The site has frontage to Cressbrook Caboonbah Road and Silverleaves Road in Cressbrook.

**Locality Plan of Lot 205 on Crown Land CSH2421  
Situated at 801 Cressbrook Caboonbah Road, Cressbrook**

Until 2015, SEQ Water owned the land on which the Watts Bridge Memorial Airfield (WBMA) is located. SEQ Water leased that land to Council, who sub-leased it to Watts Bridge Memorial Airfield Inc., who then sub-sub-leased it to individual tenants.

In late 2015 SEQ Water made the decision to dispose of the property, and offered first right of purchase to Watts Bridge Memorial Airfield Inc. Given their historical management of the site Watts Bridge Memorial Airfield Inc took up that offer and purchased the site. The purchase saw Watts Bridge Memorial Airfield Inc take over the existing lease between SEQ Water and Council.

This change effectively created an inefficient structure whereby WBMA owned the land, which it leased to Council, which sub-leased it back to WBMA, which sub-sub leased it to individual members.

The 60 year lease term requested as a part of the initial approval of DA17371 was designed to provide security for tenants that had made substantial investments and improvements to the properties on the airfield.

The approval of the Development Permit for Reconfiguring a Lot by dividing land into parts by agreement – Subdivision by Lease for 60 year term enabled Council to be removed from these lease structures, and allowed WBMA (as owner of the land) to enter into leases directly with tenants.

On 26 February 2020, Council approved an extension to the currency period for an additional two years, up to and including 4 April 2024.

**3.0 REQUESTED CHANGE**

This 'Request to Change an Existing Approval' relates to changing the approved plans and Condition 1.1 of the approval.

### **Condition 1.1**

1.1	Carry out the development 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
	Plan of Leases on SP187961 described as Leases ACAA, ACAB, ACAE, ACAF, ACBA TO ACBF, ACCA TO ACCF; ACDA TO ACDF; ACEA TO ACEF; ACFA TO ACFG; AFAA, CHAA TO CHAD; CHBA TO CHBH; CSAA TO CSAF; FDAA, HAAA TO HAAD; HABA TO HABF; HACA TO HACF AND HADA TO HADH in Lot 205 on Plan CSH2421 prepared by Cottrell Cameron and Steen Surveys Pty Ltd dated 16/05/2006; and	
	Plan of SP150986 describing Lease ACAC in Lot 205 on CSH2421 prepared by Urban and Rural Pty Ltd dated 16/09/2002; and	
	Plan of SP150987 describing Lease ACAD in Lot 205 on CSH2421 prepared by Urban and Rural Pty Ltd dated 16/09/2002; and	
	Watts Bridge Memorial Airfield Master Plan and Precinct 1 Plan Issue C Sheet 4, Precincts 2-3 Plan Issue C Sheet 5, Precinct 6 Plan Issue B Sheet 7, and Precincts 7-8 Plan Issue B Sheet 8 prepared by ARUP PTY LTD; and	
	Department of Infrastructure, Local Government and Planning pre-lodgement advice dated 30 October 2017 referenced 1709-1735 SPL.	

### **Applicant representations**

The proposed minor change involves the amalgamation of three lots (referred to as lots CHBD, CHBE, CHBF in Precinct 8 in the original approval) into two lots (referred to as CHBY and CHBZ on the proposed change plan).

The three existing approved lots are 20m wide by 42m deep each (each being 840m<sup>2</sup>). Feedback has been received that a wider lot that accommodates a broader hanger would increase the appeal of these lots.

The amalgamation will result in two lots, each 30m wide by 42m deep (each being 1260m<sup>2</sup>) to facilitate users that require a wider hanger design to accommodate different aircraft requirements.

It is proposed to amend Condition 1.1 in the following manner:

1.1	Carry out the development in accordance with the material contained in the development application, supporting	At all times
-----	--	--------------



	<p>documentation and the plan(s) listed below, except where amended by these conditions of approval.</p> <p>Plan of Leases on SP187961 described as Leases ACAA, ACAB, ACAE, ACAF, ACBA TO ACBF, ACCA TO ACCF; ACDA TO ACDF; ACEA TO ACEF; ACFA TO ACFG; AFAA, CHAA TO CHAD; CHBA <b>TO CHBC, CHBG</b> TO CHBH; CSAA TO CSAF; FDAA, HAAA TO HAAD; HABA TO HABF; HACA TO HACF AND HADA TO HADH in Lot 205 on Plan CSH2421 prepared by Cottrell Cameron and Steen Surveys Pty Ltd dated 16/05/2006; and</p> <p>Plan of SP150986 describing Lease ACAC in Lot 205 on CSH2421 prepared by Urban and Rural Pty Ltd dated 16/09/2002; and</p> <p>Plan of SP150987 describing Lease ACAD in Lot 205 on CSH2421 prepared by Urban and Rural Pty Ltd dated 16/09/2002; and</p> <p><b>Lease Proposal Plan, Watts Bridge Memorial Airfield Inc, Plan Ref 22281-P1 describing Leases CHBY and CHBZ prepared by AJS Surveys dated 26 August 2022, and</b></p> <p>Watts Bridge Memorial Airfield Master Plan and Precinct 1 Plan Issue C Sheet 4, Precincts 2-3 Plan Issue C Sheet 5, Precinct 6 Plan Issue B Sheet 7, and Precincts 7-8 Plan Issue B Sheet 8 prepared by ARUP PTY LTD; and</p> <p>Department of Infrastructure, Local Government and Planning pre-lodgement advice dated 30 October 2017 referenced 1709-1735 SPL.</p>	
--	---	--

It is proposed to include the following additional plan within the following plans:

Lease Proposal Plan, Watts Bridge Memorial Airfield Inc, Plan Ref 22281-P1 describing Leases CHBY and CHBZ prepared by AJS Surveys dated 26 August 2022
---

#### 4.0 PLANNING CONSIDERATIONS

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

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

#### 5.0 OTHER PLANNING CONSIDERATIONS

##### 5.1 Referral Agencies

No formal referral was required for this change application.

When the original application was lodged with Council in 2017, the then Department of Infrastructure Local Government and Planning (DILGP) provided advice that the proposed subdivision "... if consistent with the existing Preliminary Approval for a Material Change of Use (DA 4939), would meet the criteria for 'exempt subdivision' as defined in Schedule 24 of the Planning Regulation 2017. Consequently, subject to this existing preliminary approval

*remaining relevant to the use of the site, the proposed subdivision would not be prohibited development under the Planning Regulation 2017.”*

A copy of the DILGP advice confirming the proposal qualifies as ‘exempt subdivision’ under Schedule 24 of the Planning Regulation 2017 is provided at Attachment 2.

Given the application involves a rationalisation of three of the hangar sites to two, it is considered the proposed change is consistent with the Department’s previous advice

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

The original application was subject to Impact assessment because reconfiguration of a lot by way of lease subdivision within the above zone is Impact assessable development under the planning scheme. Additionally, as per Table 5.6.1 – Reconfiguring a Lot of the Planning Scheme the application is Impact Assessable, as the lot sizes do not meet the minimum lot sizes and dimensions for the Rural Zone in Table 8.3.4.3B – Minimum lot sizes and dimensions.

No submissions were received during the Public notification period for the original Subdivision by Lease application in 2017. The proposed change is a minor change to the internal layout ancillary to the main use of the site as an operational airfield.

The existing leased lots are on a 102 hectare lot and the approved development is a consistent use within the rural landscape.

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

## **6.0 CONCLUSION**

The proposed minor change to the development approval proposes to reduce the number of leases on the site by one, creating two larger leases that provide more flexibility of use than the three smaller leases. As such, in this instance it is considered that the proposed changes should be approved.

## **7.0 ATTACHMENT**

1. DA17371 – Decision Notice dated 4 April 2018.
2. Lease Proposal Plan, Watts Bridge Memorial Airfield Inc, Plan Ref 22281-P1 describing Leases CHBY and CHBZ prepared by AJS Surveys dated 26 August 2022.

## **RECOMMENDED DECISION**

1. That Council approves the Change Application under section 81 of the *Planning Act 2016* for DA17371 for a Development Permit for Reconfiguring a Lot (Subdivision by Lease 60 years) on land described as Lot 205 CSH2421, situated at 801 Cressbrook Caboonbah Road, Cressbrook subject to the conditions contained in the Schedules and Attachments.
2. That Council’s report for this application be published to the website as Council’s Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

## **SCHEDULES**

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>
--

No	Condition	Timing
1.1	<p>Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.</p> <p>Plan of Leases on SP187961 described as Leases ACAA, ACAB, ACAE, ACAF, ACBA TO ACBF, ACCA TO ACCF; ACDA TO ACDF; ACEA TO ACEF; ACFA TO ACFG; AFAA, CHAA TO CHAD; CHBA TO CHBH; CSAA TO CSAF; FDAA, HAAA TO HAAD; HABA TO HABF; HACA TO HACF AND HADA TO HADH in Lot 205 on Plan CSH2421 prepared by Cottrell Cameron and Steen Surveys Pty Ltd dated 16/05/2006; and</p> <p>Plan of SP150986 describing Lease ACAC in Lot 205 on CSH2421 prepared by Urban and Rural Pty Ltd dated 16/09/2002; and</p> <p>Plan of SP150987 describing Lease ACAD in Lot 205 on CSH2421 prepared by Urban and Rural Pty Ltd dated 16/09/2002; and</p> <p>Watts Bridge Memorial Airfield Master Plan and Precinct 1 Plan Issue C Sheet 4, Precincts 2-3 Plan Issue C Sheet 5, Precinct 6 Plan Issue B Sheet 7, and Precincts 7-8 Plan Issue B Sheet 8 prepared by ARUP PTY LTD; and</p> <p>Department of Infrastructure, Local Government and Planning pre-lodgement advice dated 30 October 2017 referenced 1709-1735 SPL.</p>	At all times
1.1	<p>Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.</p> <p>Plan of Leases on SP187961 described as Leases ACAA, ACAB, ACAE, ACAF, ACBA TO ACBF, ACCA TO ACCF; ACDA TO ACDF; ACEA TO ACEF; ACFA TO ACFG; AFAA, CHAA TO CHAD; CHBA <b>TO CHBC, CHBG</b> TO CHBH; CSAA TO CSAF; FDAA, HAAA TO HAAD; HABA TO HABF; HACA TO HACF AND HADA TO HADH in Lot 205 on Plan CSH2421 prepared by Cottrell Cameron and Steen Surveys Pty Ltd dated 16/05/2006; and</p> <p>Plan of SP150986 describing Lease ACAC in Lot 205 on CSH2421 prepared by Urban and Rural Pty Ltd dated 16/09/2002; and</p> <p>Plan of SP150987 describing Lease ACAD in Lot 205 on CSH2421 prepared by Urban and Rural Pty Ltd dated 16/09/2002; and</p>	At all times

	<b>Lease Proposal Plan, Watts Bridge Memorial Airfield Inc, Plan Ref 22281-P1 describing Leases CHBY and CHBZ prepared by AJS Surveys dated 26 August 2022, and</b>	
	Watts Bridge Memorial Airfield Master Plan and Precinct 1 Plan Issue C Sheet 4, Precincts 2-3 Plan Issue C Sheet 5, Precinct 6 Plan Issue B Sheet 7, and Precincts 7-8 Plan Issue B Sheet 8 prepared by ARUP PTY LTD; and	
	Department of Infrastructure, Local Government and Planning pre-lodgement advice dated 30 October 2017 referenced 1709-1735 SPL.	
1.2	Comply with 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
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council; and/or levied but not fully paid over the subject land.	Prior to Compliance Assessment Request
<b>SCHEDULE 2</b>		
<b>ADVISORY NOTES</b>		
This approval has effect in accordance with the provisions of section 71 of the <b>Planning Act 2016</b> . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i>		
<b>Currency Period</b> - Pursuant to section 85 of the <b>Planning Act 2016</b> 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 <b>Planning Regulation 2017</b> .		
The applicant may make representations ( <b>change representations</b> ) about a matter in this development application within the <b>applicant's appeal period</b> under the process established in chapter 3, part 5, Subdivision 1 of the <b>Planning Act 2016</b> .		
The <b>Planning Act 2016</b> provides for a person to make a change to this development application outside the applicants appeal period, following the process outlined in chapter 3, part 5, Subdivision 2 of the Act.		
The form <b>Application to Approval Plan of Subdivision</b> <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.

**Attachments for Decision Notice include:**

1. Existing Approved Plan of Leases
2. Lease Proposal Plan, Watts Bridge Memorial Airfield Inc, Plan Ref 22281-P1 describing Leases CHBY and CHBZ prepared by AJS Surveys dated 26 August 2022.
3. Prelodgement advice from DILGP dated 30 October 2017

**Resolution**

Moved – Cr Whalley

Seconded – Cr Wendt

1. "THAT Council approves the Change Application under section 81 of the *Planning Act 2016* for DA17371 for a Development Permit for Reconfiguring a Lot (Subdivision by Lease 60 years) on land described as Lot 205 CSH2421, situated at 801 Cressbrook Caboonbah Road, Cressbrook subject to the conditions contained in the Schedules and Attachments.
2. That Council's report for this application be published to the website as Council's Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

**SCHEDULES**

**SCHEDULE 1 – GENERAL CONDITIONS**

No	Condition	Timing
1.1	<p>Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.</p> <p>Plan of Leases on SP187961 described as Leases ACAA, ACAB, ACAE, ACAF, ACBA TO ACBF, ACCA TO ACCF, ACDA TO ACDF, ACEA TO ACEF, ACFA TO ACFG, AFAA, CHAA TO CHAD, CHBA TO CHBH, CSAA TO CSAF, FDA, HAAA TO HAAD, HABA TO HABF, HACA TO HACE AND HADA TO HADH in Lot 205 on Plan CSH2421 prepared by Cottrell Cameron and Steen Surveys Pty Ltd dated 16/05/2006; and</p> <p>Plan of SP150986 describing Lease ACAC in Lot 205 on CSH2421 prepared by Urban and Rural Pty Ltd dated 16/09/2002; and</p> <p>Plan of SP150987 describing Lease ACAD in Lot 205 on CSH2421 prepared by Urban and Rural Pty Ltd dated 16/09/2002; and</p> <p>Watts Bridge Memorial Airfield Master Plan and Precinct 1 Plan Issue C Sheet 4, Precincts 2-3 Plan Issue C Sheet 5, Precinct 6 Plan Issue B Sheet 7, and Precincts 7-8 Plan Issue B Sheet 8 prepared by ARUP PTY LTD; and</p>	At all times

	Department of Infrastructure, Local Government and Planning pre-lodgement advice dated 30 October 2017 referenced 1709-1735 SPL.	
1.1	<p>Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.</p> <p>Plan of Leases on SP187961 described as Leases ACAA, ACAB, ACAE, ACAF, ACBA TO ACBF, ACCA TO ACCF; ACDA TO ACDF; ACEA TO ACEF; ACFA TO ACFG; AFAA, CHAA TO CHAD; CHBA <b>TO CHBC, CHBG</b> TO CHBH; CSAA TO CSAF; FDAA, HAAA TO HAAD; HABA TO HABF; HACA TO HACF AND HADA TO HADH in Lot 205 on Plan CSH2421 prepared by Cottrell Cameron and Steen Surveys Pty Ltd dated 16/05/2006; and</p> <p>Plan of SP150986 describing Lease ACAC in Lot 205 on CSH2421 prepared by Urban and Rural Pty Ltd dated 16/09/2002; and</p> <p>Plan of SP150987 describing Lease ACAD in Lot 205 on CSH2421 prepared by Urban and Rural Pty Ltd dated 16/09/2002; and</p> <p><b>Lease Proposal Plan, Watts Bridge Memorial Airfield Inc, Plan Ref 22281-P1 describing Leases CHBY and CHBZ prepared by AJS Surveys dated 26 August 2022, and</b></p> <p>Watts Bridge Memorial Airfield Master Plan and Precinct 1 Plan Issue C Sheet 4, Precincts 2-3 Plan Issue C Sheet 5, Precinct 6 Plan Issue B Sheet 7, and Precincts 7-8 Plan Issue B Sheet 8 prepared by ARUP PTY LTD; and</p> <p>Department of Infrastructure, Local Government and Planning pre-lodgement advice dated 30 October 2017 referenced 1709-1735 SPL.</p>	At all times
1.2	Comply with 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
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council; and/or levied but not fully paid over the subject land.	Prior to Compliance Assessment Request
<b>SCHEDULE 2</b>		
<b>ADVISORY NOTES</b>		
This approval has effect in accordance with the provisions of section 71 of the <b>Planning Act 2016</b> . [A copy of section 71 will be enclosed with the Decision Notice]		

<b>Currency Period</b> - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being 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 <b><i>Planning Regulation 2017</i></b> .
The applicant may make representations ( <b>change representations</b> ) about a matter in this development application within the <b>applicant's appeal period</b> under the process established in chapter 3, part 5, Subdivision 1 of the <i>Planning Act 2016</i> .
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicants appeal period, following the process outlined in chapter 3, part 5, Subdivision 2 of the Act.
The form <b><i>Application to Approval Plan of Subdivision [version 1.0 effective 3 July 2017]</i></b> 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.
<u><i>Carried</i></u>
<i>Vote - Unanimous</i>

Director of Finance left the meeting at 9.19am.

#### **Declarable Conflict of interest – Cr Brieschke- Agenda Item 11 – DA18842**

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

This declarable conflict of interest arises because I am a shareholder for the Esk and District Co-op.

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

Cr Brieschke left the meeting at 9.21am.

#### **Declarable Conflict of interest – Cr Isidro- Agenda Item 11 – DA18842**

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

The nature of my interest is as follows -

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

**Particulars -**

- (i) Name of related parties: Tanya Lukritz
- (ii) The nature of my relationship with this related party is that Tanya Lukritz is my sister-in-law
- (iii) The nature of the related party's interest in this matter is that she is the Manager for Esk District Co-op Ltd.

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

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

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

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

**Resolution**

Moved – Cr Choat

Seconded – Cr Whalley

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

Carried

Vote - Unanimous

**Declarable Conflict of interest – Cr Whalley- Agenda Item 11 – DA18842**

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

This declarable conflict of interest arises because I have a business relationship with the applicant as I supply forklifts to them.

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

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

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

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

**Resolution**

Moved – Cr Wendt

Seconded – Cr Choat



“THAT Cr Whalley is not required to leave the meeting and may remain and participate and vote on this matter, by reason that as the interest is considered to be sufficiently remote so as not to unduly influence his impartiality.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Development Application No. 18842 Change Application (Minor Change) to Material change of use for a Shop (supermarket)</b>
<b>File No:</b>	<b>DA18842</b>
<b>Assessment No:</b>	<b>00453-00000-000</b>
<b>Action Officer:</b>	<b>SP - MJ</b>

## 1.0 APPLICATION SUMMARY

### Subject land

Location:	101 Ipswich Street, Esk (formally 101, 105 and 111 Ipswich Street, Esk)
Real property description:	Lot 1 SP331080 (formally Lot 1 RP103749, 2 RP103749 and 14 SP156236)
Site area:	3,232m <sup>2</sup>
Current land use:	Supermarket and shops
Easements/encumbrances:	Nil identified

### South East Queensland Regional Plan 2017

Land use category:	Urban footprint
--------------------	-----------------

### Planning scheme details

Planning scheme:	Somerset Region Planning Scheme
Zone:	Centre zone

Overlays:	Flood hazard overlay High impact activities management area overlay Infrastructure overlay Stock route management overlay
-----------	--

### Application details

Development approval:	Material change of use for a Shop (Supermarket)
Development proposal:	Material change of use for a Shop (Supermarket)
Original approval date:	26 February 2020
Original category of assessment:	Code assessment
Applicant details:	Esk Central Pty Ltd C/- Adapt Town Planning and Development Management PO Box 7618 SIPPY DOWNS QLD 4556
Owner details:	Esk Central Pty Ltd
Date application received:	9 June 2022

<b>Referral agencies</b>	State Assessment and Referral Agency
--------------------------	--------------------------------------

<b>Public notification</b>	Not required for original application.
----------------------------	--

## RECOMMENDED DECISION

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

### Locality Plan of Lot 1 SP331080 Situated at 101 Ipswich Street, Esk

## 2.0 BACKGROUND AND PROPOSAL

Council, at its Ordinary Meeting of 26 February 2020, approved Development Application No. 18842 for a Material change of use for a Shop (supermarket), on land at 101 Ipswich Street, Esk formally described as Lot 1 SP331080.

The applicant seeks an amendment to the conditions of approval to allow for unrestricted hours of access to accommodate smaller delivery trucks servicing the supermarket.

## 3.0 PLANNING LEGISLATION

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

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

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

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

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

## 4.0 ASSESSMENT OF REQUESTED CHANGES

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

### 4.1 Applicant representations

Based on the current approval there are currently no limits on the opening hours of the IGA. There are only restrictions for onsite servicing. As such, it is intended to change the servicing hours in Condition 1.7. We note that the deliveries of smaller supplies are outside of the IGA's control (particularly in small regional towns), and may occur outside of the delivery

hours currently listed in Condition 1.7 of the approval (i.e. smaller deliveries like bread and milk). Waste collection, larger truck unloading and forklift movements generally comply with Condition 1.7 with a slight revision to allow slightly extended weekday servicing, and extended Saturday and Sunday servicing, in accordance with AO18 of the Business Uses Code.

As per the recommendations in the Environmental Noise Assessment, the acoustic fence and limited hours of operation for waste collection and all other heavier unloading/loading activities within the loading dock will ensure an appropriate level of residential amenity and privacy is achieved in accordance with PO9 of the Centre Zone Code. The assessment report also confirms there will be limited noise impacts expected within the loading zone (but still a significant improvement when compared to the pre-developed scenario). The loading zone will operate within restricted hours accordingly.

In addition, the following is proposed:

- Regular smaller deliveries (VAN, SRV, MRV) can happen after hours within the front car parking areas with deliveries occurring via the airlock.
- Irregular larger after hours deliveries can occur along Hassall Street on Council land where required.

The Esk IGA is the only supermarket in town to service the local community and it is considered appropriate to provide unfettered access to allow deliveries of goods to occur to the site.

#### **Current Condition 1.7**

Refuse collection and other loading and unloading activities are to only occur during the following periods:

- (a) 7 am and 6 pm Monday to Friday; and
- (b) 8 am to 5 pm Saturday and Sunday.

#### **Proposed amended Condition 1.7**

Large truck deliveries including waste collection activities within the loading dock are to only occur between 6am and 7pm Monday to Sunday. Small to medium truck deliveries after hours may occur from Hassell Street or the front car park provided they do not use the onsite rear service lane and loading dock.

#### **4.2 Officer comments**

Council officers have reviewed the amended Environmental Noise Assessment and the proposed changes to servicing of the development and can provide the following comments.

The applicant has advised that the amendments to the conditions are required to facilitate deliveries outside of the currently conditioned hours. The deliveries will predominantly relate to bread, milk and fresh produce and other small goods, which are primarily delivered in a small truck or van. The applicant has advised that deliveries of these types of products have historically always been delivered to this facility outside the current conditioned times.

The material provided by the applicant identifies that the deliveries will occur within the newly constructed car park and will utilise the airlock entry off the carpark into the building. The applicant has also advised, some unloading is proposed to occur along Hassall Street, within the road reserve. Given the width of the current road reserve, delivery within the road reserve is not considered practical.

The proposed amendment to Condition 1.7 to increase the allowable hours for refuse collection and deliveries is considered appropriate in part. The proposed change of hours for Monday to Friday to 6am to 7pm Monday to Saturday is agreed. However, the proposed amendment to Sunday hours are considered inappropriate given the adjoining dwelling house. The applicant has relied upon PO18 of the Business Activities Code, however this assessment benchmark relates to service stations.

To ensure the amenity of the immediate area is maintained, the following conditions are proposed:

**Proposed Amended Condition 1.7**

Refuse collection and other loading and unloading activities within the designated loading area are to only occur during the following permitted delivery hours:

- (a) 6 am and 7 pm Monday to Saturday; and
- (b) 8 am to 5 pm Sunday.

**Timing**

At all times.

**Proposed new Condition 1.7A**

The development must comply with the report 1296RI-R2 prepared by RoadPro Acoustics titled "Environmental Noise Assessment Esk Central IGA" Revision 2, dated 16 August 2022.

**Timing**

At all times.

**Proposed new Condition 1.7B**

Deliveries of bread, milk and other fresh food items such as meat and dairy products may occur outside of the permitted delivery hours and must occur via the airlock located on the front of the building adjacent to Ipswich Street. The loading zone/back dock must not be used outside of the permitted delivery hours.

**Timing**

At all times.

**Proposed new Condition 1.7C**

Forklifts must not be used for unloading outside the permitted delivery hours.

**Timing**

At all times.

**Proposed new Condition 1.7D**

IGA Deliveries are not to occur within the Ipswich Street or Hassall Street road reserves.

**Timing**

At all times.

**Proposed new Condition 1.7E**

Deliveries are not to occur at any time within the existing staff car park located to the north east of the existing building.

**Timing**

At all times.

**Proposed new Condition 1.8F**

Delivery vehicles must not utilise the main carpark during operating hours of the supermarket.

**Timing**

At all times.

**Condition 1.8 – to be deleted**

The current condition 1.8 has been made redundant by proposed condition 1.7A.

**5.0 TRUNK INFRASTRUCTURE AND CHARGES**

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

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

**6.0 REFERRAL AGENCIES**

The original application required referral to the State Assessment and Referral Agency (SARA) due to the subject land's proximity to a State Controlled Road. The proposed amendments to the servicing requirements are not considered to impact on the referral agency and as such, a response from SARA was not required in this instance.

**7.0 PUBLIC NOTIFICATION**

The original application was subject to code assessment and therefore did not require public notification.

**8.0 CONCLUSION**

The proposed changes seek to alter the servicing arrangements of the development by allowing some small deliveries outside the permitted delivery hours within the development's car park.

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

**9.0 ATTACHMENT**

1. Approved Site Plan – Drawing Number 1028-SD102 – Revision E and amended by Somerset Regional Council – prepared by BRD Group – dated April 2019
2. Approved Floor Plan – Drawing Number 1028-SD103 – Revision E and amended by Somerset Regional Council – prepared by BRD Group – dated April 2019
3. Approved Roof Plan - Drawing Number 1028-SD104 – Revision E – prepared by BRD Group – dated April 2019
4. Approved Elevations - Drawing Number 1028-SD201 – Revision E – prepared by BRD Group – dated April 2019
5. Approved Section - Drawing Number 1028-SD202 – Revision E – prepared by BRD Group – dated April 2019
6. Approved Perspectives - Drawing Number 1028-SD1301 – Revision E – prepared by BRD Group – dated April 2019
7. Landscape Sketch Design Package – Drawing Numbers LCP2, LCP3, LCP4, LCP5, LCP6 – prepared by James Birrell Design – dated 5 November 2019

8. Environmental Noise Assessment – Reference No. 1296RI-R2 Esk Central IGA Revision 2 – prepared by RoadPro Acoustics - dated 16 August 2022

### RECOMMENDED DECISION

1. THAT Council approve the Minor Change to Development Application No. 18842 for a Material change of use for a Shop (supermarket) on land situated at 101 Ipswich Street, Esk, formally described as Lot 1 SP331080, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	<ol style="list-style-type: none"> <li>Proposed Site Plan – Drawing Number 1028-SD102 – Revision E and amended by Somerset Regional Council – prepared by BRD Group – dated April 2019</li> <li>Proposed Floor Plan – Drawing Number 1028-SD103 – Revision E and amended by Somerset Regional Council – prepared by BRD Group – dated April 2019</li> <li>Proposed Roof Plan - Drawing Number 1028-SD104 – Revision E – prepared by BRD Group – dated April 2019</li> <li>Proposed Elevations - Drawing Number 1028-SD201 – Revision E – prepared by BRD Group – dated April 2019</li> <li>Proposed Section - Drawing Number 1028-SD202 – Revision E – prepared by BRD Group – dated April 2019</li> <li>Proposed Perspectives - Drawing Number 1028-SD1301 – Revision E – prepared by BRD Group – dated April 2019</li> <li>Landscape Sketch Design Package – Drawing Numbers LCP2, LCP3, LCP4, LCP5, LCP6 – prepared by James Birrell Design – dated 5 November 2019</li> <li>Site layout and engineering details – Reference 190304 Drawing Number 2 and amended by Somerset Regional Council – prepared by DME Projects – dated November 2019</li> <li>Engineering and Services Report – Reference 190304-R001 - Prepared by DME Projects – dated June 2019</li> </ol>	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times

1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Prior to commencement of use
1.5	Obtain Building Approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed. The demolition application must be submitted to a Building Certifier or Council with the appropriate forms and fees associated with this application.	Prior to commencement of use
1.6	Mechanical plant and equipment is to be screened from view from Ipswich Street and Hassall Street.	At all times
1.7	<del>Refuse collection and other loading and unloading activities are to only occur during the following periods:</del>  <del>(a) 7 am and 6 pm Monday to Friday; and</del> <del>(b) 8 am to 5 pm Saturday and Sunday.</del>	At all times
1.7	Refuse collection and other loading and unloading activities within the designated loading area are to only occur during the following permitted delivery hours:  (a) 6 am and 7 pm Monday to Saturday; and (b) 8 am to 5 pm Sunday.	At all times
1.7A	The development must comply with the report 1296RI-R2 prepared by RoadPro Acoustics titled "Environmental Noise Assessment Esk Central IGA" Revision 2, dated 16 August 2022.	At all times
1.7B	Deliveries of bread, milk and other fresh food items such as meat and dairy products may occur outside of the permitted delivery hours and must occur via the airlock located on the front of the building adjacent to Ipswich Street. The loading zone/back dock must not be used outside of the permitted delivery hours.	At all times
1.7C	Forklifts must not be used for unloading outside the permitted delivery hours.	At all times
1.7D	IGA Deliveries are not to occur within the Ipswich Street or Hassall Street road reserves.	At all times
1.7E	Deliveries are not to occur at any time within the existing staff car park located to the north east of the existing building.	At all times

1.7F	Delivery vehicles must not utilise the main carpark during operating hours of the supermarket.	At all times
1.8	<del>Submit a Noise Impact Assessment Report prepared by a suitably qualified person to assess the likely impacts on nearest sensitive receptors of the loading and unloading area and driveway.</del>	<del>Prior to commencement of use Maintained at all times.</del>
1.9	Obtain approval from Council for the acoustic impact report in accordance with 1.8 above.	Prior to commencement of use Maintained at all times.
1.10	Implement all noise attenuation measures recommended in the approved acoustic report in order to achieve the specified noise limits.	Prior to commencement of use Maintained at all times.
1.11	In addition to the acoustic requirements of conditions 1.8, 1.9 and 1.10, a 1.8m high screen fence is to be provided along the entire length of the boundary between the subject land and Lot 3 RP61742 to provide visual screening.	Prior to commencement of use Maintained at all times.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
No	Condition	Timing
2.1	Lot 14 SP156236, Lot 1 RP103749 and Lot 2 RP103749, are to be amalgamated by Plan of Survey into one parcel and existing access easements be removed from the title.	Prior to commencement of use.
2.2	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work
2.3	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times
2.4	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to Compliance Assessment
2.5	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including:	Prior to Compliance Assessment



	<ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	
2.6	Obtain Building Approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed. The demolition application must be submitted to a Building Certifier or Council with the appropriate forms and fees associated with this application.	As part of Building Works
	<b>OPEN SPACE / PARK/LANDSCAPING</b>	
2.7	The developer is to prepare and landscape the site in general accordance with the approved Landscape Plan, or as otherwise approved by Council. The works must be undertaken in accordance with an operational works approval.	As part of Operational Works
	<b>GENERAL SERVICES</b>	
2.8	<p>Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority.</p> <p>Appropriate evidence that the connections have occurred is to be provided to Council.</p>	Prior to commencement of use.
	<b>BUILDING ABOVE FLOOD LEVEL</b>	
2.9	<p>The current Defined Flood Event (DFE) for the development is 111.10 m elevation level and the following must be achieved:</p> <ul style="list-style-type: none"> <li>Floor heights for non-habitable buildings (except for buildings classified under the Building Code of Australia as Class 7a or Class 10) shall be a minimum of the DFE.</li> <li>All hazardous, noxious material, or chemicals are located and stored above the DFE;</li> <li>Electrical switchboards, power points, main data servers and the like are positioned above the DFE. Electrical and data installations below the DFE are designed and constructed to withstand submergence in flood water.</li> <li>Contingency plans are in place to account for the potential need to relocate property prior to a flood event to above the DFE (i.e. to transfer plant, equipment and stock).</li> </ul>	Prior to commencement of use
2.10	Signage is provided on site indicating the position and path of all safe evacuation routes off the site	Prior to commencement of

		use and at all times.
	<b>EARTHWORKS</b>	
2.11	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times
	<b>ROADWORKS</b>	
2.12	All works on or adjacent to roadways must be adequately signed in accordance with the “ <i>Manual for Uniform Traffic Control Devices – Part 3, Works on Roads</i> ”. Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works
2.13	Provide verge and access in accordance with <i>Somerset Regional Council Design Standards</i> .	As part of Operational Works
	<b>KERB AND CHANNEL</b>	
2.14	Reinstate the kerb where permanent vehicular crossovers have become redundant.	Prior to commencement of use
	<b>FOOTPATHS</b>	
2.15	Provide a concrete full width footpath, for the full frontage of the site of the development along Ipswich Street.  Concrete full width footpaths to be broom finished with approved coloured surfacing to Council Design Standards.	As part of Operational Works
2.16	Ramps, upgraded footpaths and upgraded landscaping is to be provided for the full frontage of the development along Hassall Street.	As part of Operational Works
2.16a	Any ramps and elevated footpaths located within the Hassall Street road reserve are to be maintained by the owner of the land the subject to this development approval.	At all times
2.16b	All works required for this development must take due regard of any and all existing services and, if considered necessary by the relevant authority, such works must be altered at the cost of the Applicant.	As part of Operational Works
	<b>VEHICLE ACCESS</b>	
2.17	All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Design Standards</i> .	Prior to Compliance Assessment
2.18	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council’s Policy and Standards.	At all times
	<b>CAR PARKING</b>	

2.19	Provide on-site car parking for twenty eight (28) vehicles, including two (2) spaces for disabled persons in accordance with Council Planning Scheme.  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 Design Standards</i> .	As part of Operational Works
2.20	Provide secure bicycle parking and associated support facilities for a minimum of twelve (12) bicycles in accordance with AS2890.	As part of Operational Works
2.21	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	As part of Operational Works
2.22	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, or asphalt in accordance with Australian Standards.	As part of Operational Works At all times
	<b>REFUSE STORAGE AREA</b>	
2.23	Refuse bin storage areas must be provided on the premises within a building.	Prior to commencement of use
2.24	Refuse bins are not to be located along the common boundary with Lot 3 RP61742.	At all times
2.25	Provide Waste Collection Areas in such locations so as to allow a servicing vehicle to enter and manoeuvre, so as to minimize the risk of injury to persons or damage to property, and leave the property in forward gear.	Prior to commencement of use
	<b>VISUAL AND GENERAL AMENITY</b>	
2.26	Any graffiti within the proposed development must be removed immediately.	At all times
2.27	All plant and air conditioning is to be visually screened from the street.	At all times
	<b>OUTDOOR LIGHTING</b>	
2.28	External lighting shall be provided to ensure safety of the users of the development by: <ul style="list-style-type: none"> <li>Providing outdoor lighting in accordance with Australian Standard AS1158.3.1 – Road Lighting – Pedestrian Area (category P) Lighting – Performance and Installation Design Requirements.</li> <li>The use of vandal resistant lighting in public or publicly accessible areas.</li> </ul>	Prior to commencement of use
2.29	Lighting must be provided to the following areas of the site:	

	<ul style="list-style-type: none"> <li>The entries and exits of the approved building.</li> <li>The pathways between the parking areas and the entrances/exits of the building/s.</li> <li>Throughout car parking areas.</li> </ul>	
2.30	<p>The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:</p> <ul style="list-style-type: none"> <li>Providing Lighting that is designed, installed and regulated in accordance with the parameters outlined in <i>Australian Standard AS 1158</i>.</li> <li>Not causing nuisance by way of light spill or glare at adjacent properties and roadways.</li> <li>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.</li> <li>Directing lighting onto the subject land and away from neighbouring properties.</li> <li>Using shrouding devices to preclude light overspill onto surrounding properties where necessary.</li> <li>Not operating lighting that uses sodium lights or flare plumes.</li> </ul>	Prior to commencement of use
	<b>STORMWATER</b>	
2.31	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.32	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 Design Standards</i> .	As part of Operational Works
2.33	Stormwater Drainage shall be constructed in general accordance with DME Projects Engineering-Design-Civil Project Services, Esk Central – Retail Extension CNR Ipswich and Hassall Streets Esk, Site Layout and Details, and dated November 19.	As part of Operational Works
2.34	Provide a Gross Pollutant Trap for the carpark for the proposed supermarket to adequately achieve water quality improvements through removing of gross pollutants generated from the proposed development.	As part of Operational Works
2.35	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works
2.36	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	Prior to Compliance Assessment
	<b>EROSION AND SEDIMENT CONTROL</b>	

2.37	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul>	At all times
2.38	<p>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.</p>	At all times
2.39	<p>Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ). Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.</p>	As part of the lodgement of the Operational Works application
2.40	<p>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.</p>	At all times
2.41	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> <li>i) Milling;</li> <li>ii) Chipping and/or mulching</li> <li>iii) Disposal at an approved waste disposal facility.</li> </ul> <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times
	<b>LANDSCAPING</b>	
2.42	<p>The development is to prepare and landscape the site. The works must be undertaken in accordance with an operational works approval.</p>	As part of Operational Works
2.43	<p>The developer must submit to Council for endorsement, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect,</p>	Prior to and following commencement of use

	<p>horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below:</p> <ul style="list-style-type: none"> <li>• Comply with the <i>Somerset Design Standards</i>.</li> <li>• To enhance the appearance of the development internally and externally.</li> <li>• To make a positive contribution to the streetscape;</li> <li>• To screen unsightly objects from public view;</li> <li>• To contribute to an environment by providing shade to reduce glare, heat absorption and radiation;</li> <li>• To ensure common areas are useable;</li> <li>• To provide long term erosion protection;</li> <li>• To integrate with existing vegetation and other natural features of the site and adjoining lands; and</li> <li>• To provide adequate vehicle sightlines and road safety.</li> </ul> <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> <li>• The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site;</li> <li>• The number and size of plants;</li> <li>• The typical planting detail including preparation, backfill, staking and mulching.</li> <li>• The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing by Council. Any amendments approved by Council are taken to be a part of the approved Landscape Plan.</li> <li>• All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period.</li> <li>• Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work.</li> <li>• Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by: <ul style="list-style-type: none"> <li>○ Using trees which have a clean trunk height of at least 1.8 metres (at maturity);</li> <li>○ Using shrubs with a maximum height of 0.75</li> </ul> </li> </ul>	
--	--	--

	<ul style="list-style-type: none"> <li>metres, in order to retain sight lines;</li> <li>Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times.</li> </ul>	
2.44	Landscape areas must be maintained, and the site must remain in a clean and tidy state.	At all times
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>Stockpile any waste on the development site.</li> </ul>	At all times
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>Release stormwater runoff into a roadside gutter/ swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>Deposit sand, silt or mud in a roadside gutter, stormwater drain or water; or in a place where it could reasonably be expected to move or be washed into a roadside gutter/swale, stormwater drain or water and result in a build-up of sand, silt or mud in the gutter, drain or water.</li> </ul>	During construction phase
3.5	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance to any premises beyond the boundaries of the development site.	At all times
<b>SCHEDULE 4 – REFERRAL AGENCY</b>		
<b>Department of State Development Manufacturing Infrastructure and Planning</b>		
<i>Concurrence Agency Response</i>		

4.1	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 the all referral agency responses and include conditions exactly as stated in the response.
4.2	Concurrence Agency response dated 16 October 2019 and referenced 1909-13131 SRA.
4.3	Concurrence Agency response will be attached to Council's Decision Notice for DA18842.
<b>SCHEDULE 5 – ADVICE</b>	
<i>Assessment Manager</i>	
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.	
<b>Currency Period</b> - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being six (6) years starting the day the approval takes effect.	
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .	
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicants appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.	
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.	
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Manager of Operations if in his opinion a dust nuisance exists.	
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i> ).	
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards."	

**Attachments for the Decision Notice include:**

1. Proposed Site Plan – Drawing Number 1028-SD102 – Revision E and amended by Somerset Regional Council – prepared by BRD Group – dated April 2019
2. Proposed Floor Plan – Drawing Number 1028-SD103 – Revision E and amended by Somerset Regional Council – prepared by BRD Group – dated April 2019
3. Proposed Roof Plan - Drawing Number 1028-SD104 – Revision E – prepared by BRD Group – dated April 2019
4. Proposed Elevations - Drawing Number 1028-SD201 – Revision E – prepared by BRD



- Group – dated April 2019
5. Proposed Section - Drawing Number 1028-SD202 – Revision E – prepared by BRD Group – dated April 2019
  6. Proposed Perspectives - Drawing Number 1028-SD1301 – Revision E – prepared by BRD Group – dated April 2019
  7. Landscape Sketch Design Package – Drawing Numbers LCP2, LCP3, LCP4, LCP5, LCP6 – prepared by James Birrell Design – dated 5 November 2019
  8. Site layout and engineering details – Reference 190304 Drawing Number 2 and amended by Somerset Regional Council – prepared by DME Projects – dated November 2019
  9. Engineering and Services Report – Reference 190304-R001 - Prepared by DME Projects – dated June 2019
  10. Environmental Noise Assessment – Reference No. 1296RI-R2 Esk Central IGA Revision 2 – prepared by RoadPro Acoustics - dated 16 August 2022
  11. State assessment and referral agency response – Reference 20190024 – dated 16 October 2019

**Resolution**

Moved – Cr Choat

Seconded – Cr Wendt

1. “THAT Council approve the Minor Change to Development Application No. 18842 for a Material change of use for a Shop (supermarket) on land situated at 101 Ipswich Street, Esk, formally described as Lot 1 SP331080, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.

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

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	<ol style="list-style-type: none"> <li>1. Proposed Site Plan – Drawing Number 1028-SD102 – Revision E and amended by Somerset Regional Council – prepared by BRD Group – dated April 2019</li> <li>2. Proposed Floor Plan – Drawing Number 1028-SD103 – Revision E and amended by Somerset Regional Council – prepared by BRD Group – dated April 2019</li> <li>3. Proposed Roof Plan - Drawing Number 1028-SD104 – Revision E – prepared by BRD Group – dated April 2019</li> <li>4. Proposed Elevations - Drawing Number 1028-SD201 – Revision E – prepared by BRD Group – dated April 2019</li> <li>5. Proposed Section - Drawing Number 1028-SD202 – Revision E – prepared by BRD Group – dated April 2019</li> <li>6. Proposed Perspectives - Drawing Number 1028-SD1301 – Revision E – prepared by BRD Group –</li> </ol>	

	<p>dated April 2019</p> <p>7. Landscape Sketch Design Package – Drawing Numbers LCP2, LCP3, LCP4, LCP5, LCP6 – prepared by James Birrell Design – dated 5 November 2019</p> <p>8. Site layout and engineering details – Reference 190304 Drawing Number 2 and amended by Somerset Regional Council – prepared by DME Projects – dated November 2019</p> <p>9. Engineering and Services Report – Reference 190304-R001 - Prepared by DME Projects – dated June 2019</p>	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Prior to commencement of use
1.5	Obtain Building Approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed. The demolition application must be submitted to a Building Certifier or Council with the appropriate forms and fees associated with this application.	Prior to commencement of use
1.6	Mechanical plant and equipment is to be screened from view from Ipswich Street and Hassall Street.	At all times
1.7	<p><del>Refuse collection and other loading and unloading activities are to only occur during the following periods:</del></p> <p><del>(a) 7 am and 6 pm Monday to Friday; and</del></p> <p><del>(b) 8 am to 5 pm Saturday and Sunday.</del></p>	At all times
1.7	<p>Refuse collection and other loading and unloading activities within the designated loading area are to only occur during the following permitted delivery hours:</p> <p>(a) 6 am and 7 pm Monday to Saturday; and</p> <p>(b) 8 am to 5 pm Sunday.</p>	At all times
1.7A	The development must comply with the report 1296RI-R2 prepared by RoadPro Acoustics titled “Environmental Noise Assessment Esk Central IGA” Revision 2, dated 16 August 2022.	At all times

1.7B	Deliveries of bread, milk and other fresh food items such as meat and dairy products may occur outside of the permitted delivery hours and must occur via the airlock located on the front of the building adjacent to Ipswich Street. The loading zone/back dock must not be used outside of the permitted delivery hours.	At all times
1.7C	Forklifts must not be used for unloading outside the permitted delivery hours.	At all times
1.7D	IGA Deliveries are not to occur within the Ipswich Street or Hassall Street road reserves.	At all times
1.7E	Deliveries are not to occur at any time within the existing staff car park located to the north east of the existing building.	At all times
1.7F	Delivery vehicles must not utilise the main carpark during operating hours of the supermarket.	At all times
<del>1.8</del>	<del>Submit a Noise Impact Assessment Report prepared by a suitably qualified person to assess the likely impacts on nearest sensitive receptors of the loading and unloading area and driveway.</del>	<del>Prior to commencement of use Maintained at all times.</del>
1.9	Obtain approval from Council for the acoustic impact report in accordance with 1.8 above.	Prior to commencement of use Maintained at all times.
1.10	Implement all noise attenuation measures recommended in the approved acoustic report in order to achieve the specified noise limits.	Prior to commencement of use Maintained at all times.
1.11	In addition to the acoustic requirements of conditions 1.8, 1.9 and 1.10, a 1.8m high screen fence is to be provided along the entire length of the boundary between the subject land and Lot 3 RP61742 to provide visual screening.	Prior to commencement of use Maintained at all times.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	Lot 14 SP156236, Lot 1 RP103749 and Lot 2 RP103749, are to be amalgamated by Plan of Survey into one parcel and existing access easements be removed from the title.	Prior to commencement of use.
2.2	Make an Operational Work application to Council and pay the required fees where an application involves earthworks,	Prior to the commencement of

	erosion and sediment control, roadworks, car parks, landscaping, and stormwater drainage required as stated in the following conditions.	Operational Work
2.3	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times
2.4	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to Compliance Assessment
2.5	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to Compliance Assessment
2.6	Obtain Building Approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed. The demolition application must be submitted to a Building Certifier or Council with the appropriate forms and fees associated with this application.	As part of Building Works
<b>OPEN SPACE / PARK/LANDSCAPING</b>		
2.7	The developer is to prepare and landscape the site in general accordance with the approved Landscape Plan, or as otherwise approved by Council. The works must be undertaken in accordance with an operational works approval.	As part of Operational Works
<b>GENERAL SERVICES</b>		
2.8	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority.  Appropriate evidence that the connections have occurred is to be provided to Council.	Prior to commencement of use.
<b>BUILDING ABOVE FLOOD LEVEL</b>		
2.9	The current Defined Flood Event (DFE) for the development is 111.10 m elevation level and the following must be achieved: <ul style="list-style-type: none"> <li>Floor heights for non-habitable buildings (except for buildings classified under the Building Code of</li> </ul>	Prior to commencement of use

	<p>Australia as Class 7a or Class 10) shall be a minimum of the DFE.</p> <ul style="list-style-type: none"> <li>All hazardous, noxious material, or chemicals are located and stored above the DFE;</li> <li>Electrical switchboards, power points, main data servers and the like are positioned above the DFE. Electrical and data installations below the DFE are designed and constructed to withstand submergence in flood water.</li> <li>Contingency plans are in place to account for the potential need to relocate property prior to a flood event to above the DFE (i.e. to transfer plant, equipment and stock).</li> </ul>	
2.10	Signage is provided on site indicating the position and path of all safe evacuation routes off the site	Prior to commencement of use and at all times.
	<b>EARTHWORKS</b>	
2.11	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times
	<b>ROADWORKS</b>	
2.12	All works on or adjacent to roadways must be adequately signed in accordance with the “ <i>Manual for Uniform Traffic Control Devices – Part 3, Works on Roads</i> ”. Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works
2.13	Provide verge and access in accordance with <i>Somerset Regional Council Design Standards</i> .	As part of Operational Works
	<b>KERB AND CHANNEL</b>	
2.14	Reinstate the kerb where permanent vehicular crossovers have become redundant.	Prior to commencement of use
	<b>FOOTPATHS</b>	
2.15	<p>Provide a concrete full width footpath, for the full frontage of the site of the development along Ipswich Street.</p> <p>Concrete full width footpaths to be broom finished with approved coloured surfacing to Council Design Standards.</p>	As part of Operational Works
2.16	Ramps, upgraded footpaths and upgraded landscaping is to be provided for the full frontage of the development along Hassall Street.	As part of Operational Works
2.16a	Any ramps and elevated footpaths located within the Hassall Street road reserve are to be maintained by the owner of the land the subject to this development approval.	At all times

2.16b	All works required for this development must take due regard of any and all existing services and, if considered necessary by the relevant authority, such works must be altered at the cost of the Applicant.	As part of Operational Works
	<b>VEHICLE ACCESS</b>	
2.17	All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Design Standards</i> .	Prior to Compliance Assessment
2.18	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards.	At all times
	<b>CAR PARKING</b>	
2.19	Provide on-site car parking for twenty eight (28) vehicles, including two (2) spaces for disabled persons in accordance with Council Planning Scheme.  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 Design Standards</i> .	As part of Operational Works
2.20	Provide secure bicycle parking and associated support facilities for a minimum of twelve (12) bicycles in accordance with AS2890.	As part of Operational Works
2.21	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	As part of Operational Works
2.22	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, or asphalt in accordance with Australian Standards.	As part of Operational Works  At all times
	<b>REFUSE STORAGE AREA</b>	
2.23	Refuse bin storage areas must be provided on the premises within a building.	Prior to commencement of use
2.24	Refuse bins are not to be located along the common boundary with Lot 3 RP61742.	At all times
2.25	Provide Waste Collection Areas in such locations so as to allow a servicing vehicle to enter and manoeuvre, so as to minimize the risk of injury to persons or damage to property, and leave the property in forward gear.	Prior to commencement of use
	<b>VISUAL AND GENERAL AMENITY</b>	
2.26	Any graffiti within the proposed development must be removed immediately.	At all times

2.27	All plant and air conditioning is to be visually screened from the street.	At all times
	<b>OUTDOOR LIGHTING</b>	
2.28	<p>External lighting shall be provided to ensure safety of the users of the development by:</p> <ul style="list-style-type: none"> <li>Providing outdoor lighting in accordance with Australian Standard AS1158.3.1 – Road Lighting – Pedestrian Area (category P) Lighting – Performance and Installation Design Requirements.</li> <li>The use of vandal resistant lighting in public or publicly accessible areas.</li> </ul>	Prior to commencement of use
2.29	<p>Lighting must be provided to the following areas of the site:</p> <ul style="list-style-type: none"> <li>The entries and exits of the approved building.</li> <li>The pathways between the parking areas and the entrances/exits of the building/s.</li> <li>Throughout car parking areas.</li> </ul>	
2.30	<p>The outdoor lighting of the development must mitigate adverse lighting and illumination impacts by:</p> <ul style="list-style-type: none"> <li>Providing Lighting that is designed, installed and regulated in accordance with the parameters outlined in <i>Australian Standard AS 1158</i>.</li> <li>Not causing nuisance by way of light spill or glare at adjacent properties and roadways.</li> <li>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.</li> <li>Directing lighting onto the subject land and away from neighbouring properties.</li> <li>Using shrouding devices to preclude light overspill onto surrounding properties where necessary.</li> <li>Not operating lighting that uses sodium lights or flare plumes.</li> </ul>	Prior to commencement of use
	<b>STORMWATER</b>	
2.31	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.32	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 Design Standards</i> .	As part of Operational Works
2.33	Stormwater Drainage shall be constructed in general accordance with DME Projects Engineering-Design-Civil Project Services, Esk Central – Retail Extension CNR Ipswich and Hassall Streets Esk, Site Layout and Details,	As part of Operational Works

	and dated November 19.	
2.34	Provide a Gross Pollutant Trap for the carpark for the proposed supermarket to adequately achieve water quality improvements through removing of gross pollutants generated from the proposed development.	As part of Operational Works
2.35	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works
2.36	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	Prior to Compliance Assessment
<b>EROSION AND SEDIMENT CONTROL</b>		
2.37	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul>	At all times
2.38	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project, and to prevent dust nuisance.	At all times
2.39	Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ). Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	As part of the lodgement of the Operational Works application
2.40	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	At all times
2.41	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> <li>i) Milling;</li> <li>ii) Chipping and/or mulching</li> </ul>	At all times



	<p>iii) Disposal at an approved waste disposal facility.</p> <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>	
	<b>LANDSCAPING</b>	
2.42	The development is to prepare and landscape the site. The works must be undertaken in accordance with an operational works approval.	As part of Operational Works
2.43	<p>The developer must submit to Council for endorsement, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below:</p> <ul style="list-style-type: none"> <li>• Comply with the <i>Somerset Design Standards</i>.</li> <li>• To enhance the appearance of the development internally and externally.</li> <li>• To make a positive contribution to the streetscape;</li> <li>• To screen unsightly objects from public view;</li> <li>• To contribute to an environment by providing shade to reduce glare, heat absorption and radiation;</li> <li>• To ensure common areas are useable;</li> <li>• To provide long term erosion protection;</li> <li>• To integrate with existing vegetation and other natural features of the site and adjoining lands; and</li> <li>• To provide adequate vehicle sightlines and road safety.</li> </ul> <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> <li>• The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site;</li> <li>• The number and size of plants;</li> <li>• The typical planting detail including preparation, backfill, staking and mulching.</li> <li>• The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing by Council. Any amendments approved by Council are taken to be a part of the approved Landscape Plan.</li> <li>• All declared weeds and pests must be removed from the subject land and the subject land kept clear of</li> </ul>	Prior to and following commencement of use

	<p>such nuisance varieties at all times during the course of development works and any ensuing defects liability period.</p> <ul style="list-style-type: none"> <li>• Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work.</li> <li>• Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by: <ul style="list-style-type: none"> <li>○ Using trees which have a clean trunk height of at least 1.8 metres (at maturity);</li> <li>○ Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines;</li> <li>○ Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times.</li> </ul> </li> </ul>	
2.44	Landscape areas must be maintained, and the site must remain in a clean and tidy state.	At all times
<b>SCHEDULE 3 – ENVIRONMENTAL</b>		
<i>Assessment Manager</i>		
3.1	All solid, semi-solid and liquid waste generated from the construction and occupation of this approved development must be collected and disposed of by Council's contractor or other Council approved waste collector unless otherwise approved by Council.	At all times
3.2	All construction / demolition or other waste is to be removed from the site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	During construction phase
3.3	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>▪ Burn or bury waste generated in association with this development approval at or on the development site; nor</li> <li>▪ Allow waste generated in association with this development approval to burn or be burnt or buried at or on the development site; nor</li> <li>▪ Stockpile any waste on the development site.</li> </ul>	At all times
3.4	<p>The holder of this development approval must not:</p> <ul style="list-style-type: none"> <li>▪ Release stormwater runoff into a roadside gutter/ swale, stormwater drain or water that results in a build-up of sand, silt or mud in the gutter, drain or water; or</li> <li>▪ Deposit sand, silt or mud in a roadside gutter,</li> </ul>	During construction phase

	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.	
3.5	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance to any premises beyond the boundaries of the development site.	At all times
<b>SCHEDULE 4 – REFERRAL AGENCY</b> <b>Department of State Development Manufacturing Infrastructure and Planning</b> <i>Concurrence Agency Response</i>		
4.1	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 the all referral agency responses and include conditions exactly as stated in the response.	
4.2	Concurrence Agency response dated 16 October 2019 and referenced 1909-13131 SRA.	
4.3	Concurrence Agency response will be attached to Council's Decision Notice for DA18842.	
<b>SCHEDULE 5 – ADVICE</b> <i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> , and development may commence in accordance with section 72.		
<b>Currency Period</b> - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being six (6) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicants appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.		
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Manager of Operations if in his opinion a dust nuisance exists.		
The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . For particular applications, there may also be a right to make an		

application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

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

Carried

Vote - Unanimous

Cr Brieschke and The Director of Finance returned to the meeting at 9.26am.

<b>Subject:</b>	<b>Development Application No. 23035</b>
	<b>Development Application for a Reconfiguration of a Lot - Subdivision (one lot into two lots)</b>
<b>File No:</b>	<b>DA23035</b>
<b>Assessment No:</b>	<b>01746-02005-000</b>
<b>Action Officer:</b>	<b>SP-MJ</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location: 5/13 First Avenue, Somerset Dam  
 Real property description: Lot 5 SP269058 and Common property SP217608 (for access purposes only)  
 Site area: 954m<sup>2</sup>  
 Current land use: Dwelling house  
 Easements/encumbrances: Nil identified

### South East Queensland Regional Plan 2017

Land use category: Regional landscape and rural production area

### Somerset Region Planning Scheme (Version Four)

Zone: Township zone  
 Precinct: Not applicable

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

### Application

Proposal: Subdivision (one into two lots)  
 Category of assessment: Code assessment  
 Applicant details: Luke Ryan  
 C/- Adams and Sparkes Town Planning  
 PO Box 1000  
 BUDDINA QLD 4557  
 Owner details: Luke P Ryan  
 Date application received: 11 October 2022  
 Date application properly made: 13 October 2022

**Referral agencies** None required

**Public notification**

Not required

**RECOMMENDED DECISION**

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

**Locality Plan of Lot 5 SP269058****Situated at 5/13 First Avenue, Somerset Dam****2.0 BACKGROUND**

The subject site formed part of a previous subdivision development permit creating two standard format lots, six lots in a community title scheme and common property approved on 12 October 2007 (Council reference DA No. 6264). Under this development permit, the subject site comprised of two individual allotments. These two lots were subsequently registered as Lots 5 and 6 on SP217608 in 2009.

In 2014, Lots 5 and 6 on SP217608 were subsequently amalgamated into a single title and registered to form the current subject site, described as Lot 5 on SP269058. The landowner is now seeking to re-subdivide the existing lots back into the two lots originally registered on SP217608.

**2.1 PROPOSAL**

This development application seeks approval for a Reconfiguration of a Lot - Subdivision (one lot into two lots), on land at 5/13 First Avenue, Somerset Dam formally described as Lot 5 SP269058.

The application is made under Version Four of the Somerset Region Planning Scheme (the planning scheme). The site is located within the Township zone.

Proposed Lot 5 is to have an area of 542m<sup>2</sup> and proposed Lot 6 an area of 412m<sup>2</sup>. Proposed Lot 6 will contain the existing dwelling house and proposed Lot 5 will be vacant.

Both lots will gain access via the existing common property driveway. A driveway crossover for proposed lot 6 to the common property has previously been constructed as part of the dwelling house located on this lot. A crossover for Lot 5 will be provided as part of the construction of a future dwelling house on this lot.

As the proposed subdivision has previously been constructed and registered under an earlier approval, both proposed lots are already provided with connections to all available services and infrastructure.

**3.0 SITE DETAILS**

The subject land forms part of the existing Somerset Village Green Community Title Scheme, with access gained via a private driveway in common property from First Avenue. The site slopes generally from north-west to south-east of about 10-15%. The site has previously been cleared of vegetation.

The site adjoins State owned land zoned as Rural to the north and west, dwelling house to the south and dwelling house and common property to the east.

**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 subject site is included in the Regional Landscape and Rural Production Area (RLRPA) designation of the *South-East Queensland Regional Plan 2017* ('SEQRP').

Schedule 10, Part 16, Division 1(1), Section 23 of the *Planning Regulation 2017* makes subdivision prohibited development in the RLRPA unless, among other things, the reconfiguration is an exempt subdivision. In accordance with the Regulation, subdividing the subject site into two lots is an exempt subdivision because:

1. Exempt subdivision includes a subdivision that is excluded development;
2. Excluded development includes development in the RLRPA if the site is included in an urban zone under a local categorising instrument;
3. The definition of 'urban zone' under the Regulation includes the 'Township Zone';
4. The local categorising instrument (the Somerset Region Planning Scheme) includes the site within the Township Zone.

Given the above, subdividing the subject site from one (1) into two (2) lots is not prohibited development under the *Planning Regulation 2017*.

### **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.

#### **5.3.1 Schedule 12A – Reconfiguring a lot**

In accordance with Section 1.(1)(e) of the Schedule 12A, assessment is not required due to the reconfiguration not being associated with the construction or extension of a road.

### **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, PO4 and PO11
Services works and infrastructure code	Yes	No alternative outcomes proposed
Transport access and parking code	Yes	No alternative outcomes proposed
Applicable overlay code	Compliance with overall outcomes	Performance outcomes
Biodiversity overlay code	Yes	No alternative outcomes proposed
Bushfire hazard overlay code	Yes	PO1
Catchment management overlay code	Yes	PO1

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
<b>Lot size and subdivision</b>	
<b>PO1</b> <i>Lot size and dimensions:</i> (e) provide sufficient area for the siting and construction of buildings and structures; (f) provide for safe vehicular and pedestrian access; (g) respond appropriately to site characteristics including slope of the land and topography; and (h) are consistent with the intended character of the zone.	<b>AO1.1</b> The minimum <i>lot</i> size and dimensions complies with <b>Table 8.3.4.3.B</b> – Minimum Lot Size and Dimensions.
<b>PO4</b> Where in the Rural zone, lots must be of an appropriate size and configuration to sustain the utility and productive capacity of the land for rural purposes and to	<b>AO4.1</b> Lot boundaries relate to natural features such as ridges or other catchment boundaries, drainage lines or flood flows, or remnant stands of vegetation.

<p>reduce potential for impacts on the natural environment by facilitating opportunities for the implementation of improved land management practices and through provision of safe and adequate water supply and sewerage disposal.</p> <p>Development involving a realignment of boundaries does not result in:</p> <ul style="list-style-type: none"> <li>(a) Fragmentation of rural lands and loss of land to rural production;</li> <li>(b) Conflict between farming and residential uses;</li> <li>(c) Loss of farming flexibility;</li> <li>(d) Ribbon development along rural roads;</li> <li>(e) Detrimental impacts on areas of ecological and scenic values;</li> <li>(f) Loss of practical access to extractive and mineral resources; or</li> <li>(g) A net increase in the number of lots within the Rural zone.</li> </ul>	<p>AND</p> <p><b>AO4.2</b></p> <p>The minimum lot size is in accordance with the provisions of Table 8.3.4.3.B – Minimum Lot Sizes and Dimensions.</p>
<p><b>Performance Outcome Assessment</b></p> <p>Both proposed lots achieve the minimum lot size of 400m<sup>2</sup>. However the 20 metre road frontage requirement cannot be achieved. Given the size of the allotments and the existing access arrangement it is considered that safe vehicular access can be provided and the frontage width is consistent with the immediate locality.</p> <p>It is recommended that that alternative outcome be accepted in this instance.</p>	
<b>Performance outcome</b>	<b>Acceptable outcome</b>
<b>Movement network and access</b>	
<p><b>PO11</b></p> <p>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.</p>	<p><b>AO11</b></p> <p>All lots are located within 500 metres (radial distance) of an existing or potential public transport route.</p>
<p><b>Performance Outcome Assessment</b></p> <p>Subject land is located outside of any public transport routes. As such, it is not practicable or reasonable to require access to the network.</p> <p>It is recommended that that alternative outcome be accepted in this instance.</p>	

### Bushfire hazard overlay code

<b>Performance outcome</b>	<b>Acceptable outcome</b>
<b>General</b>	
<p><b>PO1</b></p> <p>Development avoids being sited and does not increase the number of persons living</p>	<p><b>AO1.1</b></p> <p>Uses within the following <i>Activity groups</i> are located outside of a Very High (potential</p>



<p>or working on land subject to Very High (potential intensity) Bushfire Hazard or High (potential intensity) Bushfire Hazard identified on <b>Bushfire hazard overlay map OM-004a-b</b>; unless it is demonstrated that:</p> <p>(a) the subject land or the proposed siting of the development is in an area of the subject land that is a Medium (potential intensity) Bushfire Hazard (or lesser); or bushfire mitigation measures are adequate for the potential bushfire intensity level of the site, being supported by a bushfire hazard risk assessment and bushfire management plan which has been prepared by a suitably qualified person(s).</p> <p>Note- A bushfire management plan is prepared in accordance with SC6.6 Planning Scheme Policy 6 –</p>	<p>intensity) Bushfire Hazard or High (potential intensity) Bushfire Hazard identified on <b>Bushfire hazard overlay map OM-004a-b</b>:</p> <p>(a) <i>Accommodation activities group</i>;  (b) <i>Business activities group</i>;  (c) <i>Community activities group</i>; and  (d) <i>Entertainment activities group</i>;</p> <p><b>OR</b></p> <p><b>AO1.2</b>  A site specific bushfire hazard and risk assessment is prepared to confirm that the subject land or proposed development site is not in a Bushfire Hazard Area or is in a Medium (potential intensity) Bushfire Hazard Area or lesser.</p> <p>Note- A bushfire hazard and risk assessment is prepared in accordance with SC6.6 Planning Scheme Policy 6 –</p> <p><b>OR</b></p> <p><b>AO1.3</b>  The development is sited, designed and operated in accordance with a bushfire management plan prepared by a suitably qualified person(s) which demonstrates that appropriate measures will be put in place to mitigate risks to life and property and/or lessen the bushfire (potential intensity) hazard level to the site.</p> <p>Note- A bushfire management plan is prepared in accordance with SC6.6 Planning Scheme Policy 6 –</p> <p><b>OR</b></p> <p><b>AO1.4</b>  New lots are designed with a size and shape:</p> <p>(a) capable of accommodating efficient emergency access to building for fire fighting vehicles through avoiding rear lot configurations and long narrow lots with long accessways to buildings on site; and  (b) to ensure the buildings and structures are sited in the area of lowest potential intensity bushfire hazard on the lot and in accordance with a bushfire</p>
--	--

	<p>management plan to be conditioned on the Reconfiguring a Lot approval.</p> <p>Note- A bushfire management plan is prepared in accordance with SC6.6 Planning Scheme Policy 6 –</p>
<p><b>Performance Outcome Assessment</b></p> <p>The subject land is located within the potential impact buffer of the Very high potential bushfire area. The development application was accompanied by a Bushfire Risk Assessment and Management Plan for a future dwelling on proposed Lot 5. The Risk Assessment has concluded that, with the recommendations implemented, a dwelling house can be appropriately established on proposed Lot 5.</p> <p>The subject land is accessed via an existing driveway which is capable of being utilised by emergency vehicles.</p> <p>Given the location of the subject land on the periphery of the township and the previous development approval, it is considered that the bushfire mitigation measures proposed are adequate and appropriate to facilitate a future dwelling house.</p> <p>It is recommended that that alternative outcome be accepted in this instance.</p>	

#### Catchment management overlay code

Performance outcome	Acceptable outcome
<p><b>PO1</b></p> <p>Land use and <i>development</i> is:</p> <ul style="list-style-type: none"> <li>i. appropriately separated from <i>watercourses</i> and <i>waterbodies</i> to avoid <i>adversely impacting on water quality</i>; and</li> </ul> <p>connected to reticulated sewerage or is connected to an on-site waste water treatment or effluent disposal system that complies with Element 1 of the <i>Seqwater Development Guidelines – Development Guidelines for Water Quality Management in Drinking Water Catchments</i>.</p>	<p><b>AO1.1</b></p> <p>Development is setback a minimum of:</p> <ul style="list-style-type: none"> <li>(a) 25 metres from the <i>high bank</i> of a <i>watercourse</i> identified on <b>Catchment management overlay maps OM005a-b</b>; and</li> <li>(b) 100 metres from the <i>full supply level</i> or the <i>upper flood margin level</i> of a <i>waterbody</i> (whichever is greater) identified on <b>Catchment management overlay maps OM005a-b</b>.</li> </ul> <p><b>AND</b></p> <p><b>AO1.2</b></p> <p><i>Buildings</i> are connected to reticulated sewerage</p> <p><b>OR</b></p> <p><b>Where within a Higher Risk Catchment Area identified on Catchment management overlay maps OM005a-b</b></p> <p><b>AO1.3</b></p> <p>The development, including <i>effluent disposal areas</i> is setback a minimum of:</p> <ul style="list-style-type: none"> <li>(a) 100 metres from the <i>high bank</i> of a <i>watercourse</i> identified on <b>Catchment</b></li> </ul>

	<p><b>management overlay maps OM005a-b;</b> and</p> <p>(b) 400 metres from the <i>full supply level</i> or the <i>upper flood margin level</i> of a <i>waterbody</i>, whichever is greater, identified on <b>Catchment management overlay maps OM005a-b.</b></p> <p><b>OR</b></p> <p><b>Where within a Lower Risk Catchment Area identified on Catchment management overlay maps OM005a-b</b></p> <p><b>AO1.4</b></p> <p>The development, including <i>effluent disposal areas</i> is setback a minimum of:</p> <p>(a) 75 metres from the <i>high bank</i> of a <i>watercourse</i> identified on <b>Catchment management overlay maps OM004a-b;</b> and</p> <p>150 metres from the <i>full supply level</i> or the <i>upper flood margin level</i> of a <i>waterbody</i>, whichever is greater, identified on <b>Catchment management overlay maps OM004a-b.</b></p>
<p><b>Performance Outcome Assessment</b></p> <p>The subject land is wholly contained within the 400 metre setback to the full supply level of a waterway. The original creation of the subject land included a communal wastewater system to service the development. Both lots were originally connected, this connection is proposed to be reinstated. No additional demand on the system is anticipated and the wastewater generated will be consistent with the original approval.</p> <p>It is recommended that that alternative outcome be accepted in this instance.</p>	

#### 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) 2021.

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 for the water network, but outside of the connections area and future connections area for the sewerage network. The development that originally created the lots included a sewerage treatment plant, which serviced the development, both lots can be connected to this system. The recommended conditions package requires the development to connect to the reticulated water network 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 as the proposal is outside of the relevant service catchments.

#### **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.

Infrastructure charges for the stormwater network are not applicable as the site is located outside of the Urban Footprint.

#### **5.7.3.4 Transport network**

The proposed development is not anticipated to adversely impact on the local transport network.

An adopted charge for the transport network applies. A draft infrastructure charges notice is attached.

### **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.

No comments or submissions were received.

### **8.0 OTHER RELEVANT MATTERS**

There are no other relevant matters applicable for code assessment.

### **9.0 CONCLUSION**

The proposed development involves a one into two lot subdivision within the Somerset Dam village. Both proposed lots comply with the minimum lot size and despite the minimum frontage requirements not being satisfied, it is considered that the lots are of a sufficient dimension to facilitate a future dwelling house.

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 survey plan – Reference SP332810 – dated 27 June 2022.
2. Somerset Village Green – Community Titles Scheme – Services Location Diagram
3. Bushfire Risk Assessment and Bushfire Risk Management Plan – Reference No. Revision 1 – prepared by Ecological Natural Area Management – dated December 2020.
4. Draft Infrastructure charges notice

#### RECOMMENDED DECISION

1. THAT Council approve Development Application No. 23035 for a Reconfiguration of a Lot - Subdivision (one lot into two lots) on land situated at 5/13 First Avenue, Somerset Dam, formally described as Lot 5 SP269058, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.
2. THAT the officer report for this application be published to the website as Council's Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	1. Proposed survey plan – Reference SP332810 – dated 27 June 2022.	
	2. Somerset Village Green – Community Titles Scheme – Services Location Diagram	
	3. Bushfire Risk Assessment and Bushfire Risk Management Plan – Reference No. Revision 1 – prepared by Ecological Natural Area Management – dated December 2020.	
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.4	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for approval of the Plan of Subdivision.
1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for approval of the Plan of Subdivision.
1.6	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources.	Prior to request for approval of the Plan of Subdivision.

	Currently, the amount is set at \$41 per allotment.	
1.7	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to request for approval of the Plan of Subdivision.
1.8	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for approval of the Plan of Subdivision.
1.9	Connect the development to a reticulated water supply, electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to request for approval of the Plan of Subdivision.
1.10	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that each lot has been connected to the applicable service, is available at a standard connection, or has a current supply agreement.	Prior to request for approval of the Plan of Subdivision.
1.11	The development is to be connected to the sewer treatment plant located within CP SP217608. Evidence of connection is to be provided to Council.	Prior to request for approval of the Plan of Subdivision.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>ENGINEERING</b>	
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 endorsement of the Plan of subdivision.
	<b>VEHICLE ACCESS</b>	
2.3	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.
2.4	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.
2.5	Make an Access Application to Council and pay the	Prior to

	required fees where an application involves works required as stated in the conditions.	Commencement of Access works.
	<b>STORMWATER</b>	
2.6	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.7	Stormwater Drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
<b>SCHEDULE 3 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.		
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.		
<p>Upon receiving the certification by a RPEQ, and submission and approval of as constructed drawings and documentation, Council will accept the works as "On Maintenance".</p> <p>Council will bond the developer for an amount equal to 5% of the operational works and the Developer is required to maintain all works for a period of 12 months for civil works and 18 months for landscaping (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.</p> <p>At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".</p>		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		

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

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

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

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

**Attachments for the Decision Notice include:**

1. Proposed survey plan – Reference SP332810 – dated 27 June 2022.
2. Somerset Village Green – Community Titles Scheme – Services Location Diagram
3. Bushfire Risk Assessment and Bushfire Risk Management Plan – Reference No. Revision 1 – prepared by Ecological Natural Area Management – dated December 2020.

**Resolution**

Moved – Cr Whalley

Seconded – Cr Brieschke

1. “THAT Council approve Development Application No. 23035 for a Reconfiguration of a Lot - Subdivision (one lot into two lots) on land situated at 5/13 First Avenue, Somerset Dam, formally described as Lot 5 SP269058, 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.
	4. Proposed survey plan – Reference SP332810 – dated 27 June 2022.	
	5. Somerset Village Green – Community Titles Scheme – Services Location Diagram	
	6. Bushfire Risk Assessment and Bushfire Risk Management Plan – Reference No. Revision 1 – prepared by Ecological Natural Area Management – dated December 2020.	
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.



1.4	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for approval of the Plan of Subdivision.
1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for approval of the Plan of Subdivision.
1.6	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources.  Currently, the amount is set at \$41 per allotment.	Prior to request for approval of the Plan of Subdivision.
1.7	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to request for approval of the Plan of Subdivision.
1.8	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for approval of the Plan of Subdivision.
1.9	Connect the development to a reticulated water supply, electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to request for approval of the Plan of Subdivision.
1.10	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that each lot has been connected to the applicable service, is available at a standard connection, or has a current supply agreement.	Prior to request for approval of the Plan of Subdivision.
1.11	The development is to be connected to the sewer treatment plant located within CP SP217608. Evidence of connection is to be provided to Council.	Prior to request for approval of the Plan of Subdivision.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>ENGINEERING</b>	
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 endorsement of the Plan of subdivision.

	<b>VEHICLE ACCESS</b>	
2.3	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.
2.4	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.
2.5	Make an Access Application to Council and pay the required fees where an application involves works required as stated in the conditions.	Prior to Commencement of Access works.
	<b>STORMWATER</b>	
2.6	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.7	Stormwater Drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
<b>SCHEDULE 3 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.		
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.		

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

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

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

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

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

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

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

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

*Carried*

*Vote - Unanimous*

<b>Subject:</b>	<b>Development Application No. 22279</b>
	<b>Development Application for a Reconfiguration of a Lot -</b>
	<b>Subdivision 1 into 88 lots</b>
<b>File No:</b>	<b>DA22279</b>
<b>Assessment No:</b>	<b>02816-00000-000</b>
<b>Action Officer:</b>	<b>SP-MJ</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location:	55 Clarendon Road, Lowood
Real property description:	Lot 1 RP159873
Site area:	8.58 hectares
Current land use:	Dwelling house
Easements/encumbrances:	Nil identified

### South East Queensland Regional Plan 2017

Land use category:	Urban footprint
--------------------	-----------------

**Somerset Region Planning Scheme (Version Four)**

Zone:	Emerging community zone
Precinct:	Not applicable
Desired settlement pattern:	Future residential
Overlays:	Agricultural land overlay Bushfire hazard overlay High impact activities management area overlay

**Application**

Proposal:	Reconfiguration of a Lot by Subdivision (1 into 88 lots)
Category of assessment:	Impact assessment
Applicant details:	Northwood Estate Trust C/- Statewide Town Planning 3/123 Link Road VICTORIA POINT QLD 4165
Owner details:	W. J. and R. M. McNally
Date application received:	12 April 2022
Date application properly made:	19 April 2022

<b>Referral agencies</b>	State Assessment and Referral Agency
--------------------------	--------------------------------------

<b>Public notification</b>	Required
----------------------------	----------

Submissions received	Two
----------------------	-----

**RECOMMENDED DECISION**

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

**Locality Plan of Lot 1 RP159873**  
**Situated at 55 Clarendon Road, Lowood**

**2.0 PROPOSAL**

This development application seeks approval for a Reconfiguration of a Lot by Subdivision (1 into 88 lots), on land at 55 Clarendon Road, Lowood formally described as Lot 1 RP159873.

The application is made under Version Four of the Somerset Region Planning Scheme (the planning scheme). The site is located within the Emerging community zone.

The subject site is intended for future residential development in accordance with the Lowood Desired Settlement Pattern for Emerging Community Areas. The proposed development reinforces a variety of lot sizes and potential dwelling densities which appropriately responds to the growing need for affordable housing within the SEQ region. Proposed lot sizes range from 601m<sup>2</sup> – 987m<sup>2</sup>.

The existing two storey dwelling is proposed to be retained wholly within Lot 35 and all other site improvements are to be removed. The proposed lot composition remains generally rectangular with a suitable front to depth ratio that facilitates the intended residential redevelopment of the site. The following lot composition is proposed:

- 600m<sup>2</sup>-699m<sup>2</sup> (67 Lots)
- 700m<sup>2</sup>-799m<sup>2</sup> (3 Lots)
- 800m<sup>2</sup> or larger (18 Lots)

The current allotment has a dual frontage onto Clarendon Road with a total length of 550 metres. The applicant proposes a new access point onto Clarendon Road located within the Northwest corner of the site as an intersection. A 15m wide major collector street is proposed partially along the subject site's Western boundary in anticipation that when L202/RP884485 develops in the future the ultimate road width is achieved. Lots 33, 34 and 35 are proposed to maintain the existing two access points onto Clarendon Road and one new access point; located at the furthest point from the bend to maintain line of sight for road users.

A total of 5 stages are proposed for the development, with approximately 17-27 lots included in most stages. Staging has been determined based on a logical pattern of development and timely civil construction, starting with the lots surrounding the Southern access point off Macadamia Drive and Clarendon Road.

### **3.0 SITE DETAILS**

The site is a regular shaped allotment with frontage to Clarendon Road at the norther and eastern boundaries. The site is predominantly devoid of vegetation and has historically been used for rural purposes. The site slopes to the north-western direction.

### **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 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.

4

##### **5.3.1 Schedule 12A – Reconfiguring a lot**

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

The proposed development has been assessed against the provisions of Schedule 12A of the Regulation. The development is considered to satisfy the requirements for the following reasons:

- The road layout does not result in any cul-de-sacs or dead ends.
- All lots have frontage widths less than 250 metres.
- Street trees are able to be provided and if approved can be conditioned as required.
- Footpaths are able to be provided in accordance with the requirements.
- Open space is provided within 500 metres of the subject land.

#### **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**

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

##### **Settlement pattern**

The proposed reconfiguration is located within Council's Town or Urban Area under the Strategic Framework Map 1c. The site is also located within the Future residential designation of the Desired Settlement Area: Emerging Community Areas for Lowood.

The development allows for the provision of additional residential lots within 1.5 kilometres of the main commercial section of Lowood.

##### *Natural environment*

Council's Strategic Framework Map 2c does not show Significant Vegetation over the site. A small part of the northern section of the site extends into the Water Supply Buffer Area, however the lots within this area will be connected to the reticulated wastewater network and are unlikely to impact negatively on the Water Supply Buffer Area.

It is considered the proposed development will be consistent with the strategic framework for natural environment.

##### *Natural resources*

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

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

##### *Community identity and regional character landscape*

The proposed development does not result in impacts upon the natural landscape qualities, sporting and recreation facilities, cultural heritage or important community elements of the Somerset Region.

The site is also outside the Town Identity areas for Lowood which largely focus upon the Lowood centre and Park Street and Railway Street.

*Economic development*

The development supports the commercial function of the Lowood district centre through the provision of additional residential development within the immediate catchment of the centre. The site is also outside the Town Identity areas for Lowood.

*Infrastructure and services*

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

*Transport*

The site is contained within the Transport Service Catchment but outside the Priority Infrastructure Area for Lowood. The proposed development is generally consistent with all transport outcomes of the Somerset Region Planning Scheme. The proposed development alleviates impacts to the transport network through the creation of a residential estate in proximity to existing road networks without direct access to higher order roads.

It is considered that the proposal generally complies with the zone and development codes in Parts 6 and 8 of the planning scheme and appropriately advances the strategic policy intent of the planning scheme.

**5.6.2 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.

<b>Applicable code</b>	<b>Compliance with overall outcomes</b>	<b>Performance outcomes</b>
Reconfiguration of a Lot code	Yes	PO1 and PO13
Services works and infrastructure code	Yes	No alternative outcomes proposed
Transport access and parking code	Yes	No alternative outcomes proposed
<b>Applicable overlay code</b>	<b>Compliance with overall outcomes</b>	<b>Performance outcomes</b>
Bushfire 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 code**

<b>Performance outcome</b>	<b>Acceptable outcome</b>
<b>Lot size and subdivision design</b>	

<p><b>PO1</b>  <i>Lot</i> size and dimensions:</p> <ul style="list-style-type: none"> <li>(a) provide sufficient area for the siting and construction of buildings and structures;</li> <li>(b) provide for safe vehicular and pedestrian access;</li> <li>(c) respond appropriately to site characteristics including slope of the land and topography; and</li> <li>(d) are consistent with the intended character of the zone.</li> </ul>	<p><b>AO1.1</b>  The minimum <i>lot</i> size and dimensions complies with <b>Table 8.3.4.3.B</b>– Minimum Lot Size and Dimensions.</p> <p>Generally across the development the minimum lot sizes are satisfied. However, a small number of frontages do not achieved the 18 metres frontage requirement. Notwithstanding this, the lots are of a size to provide sufficient area for the siting of a dwelling and the lot sizes are appropriate with the character of the locality.</p>
<p><b>Performance Outcome Assessment</b>  One lot, being Lot 12, is a rear allotment which contains a 5 metre wide access handle. Given the handle has a length of 9.88 metres and services only a single lot, it is considered that access to the lot can be appropriately managed.</p> <p>It is recommended that that alternative outcome be accepted in this instance.</p>	
<p><b>Movement network and access</b></p>	
<p><b>PO13</b>  Rear <i>lot</i> access is appropriately managed to reduce vehicular conflict and provide legal access.</p>	<p><b>AO13.1</b>  The minimum width of an access handle for rear lots is:</p> <ul style="list-style-type: none"> <li>(a) 6 metres for residential activities; and</li> <li>(b) 8 metres for other activities.</li> </ul> <p><b>AO13.2</b>  The maximum length of an access handle for a rear allotment is 50 metres.</p> <p><b>AO13.3</b>  Access easements are established over common access driveways to rear lots.</p>
<p><b>Performance Outcome Assessment</b>  One lot, being Lot 12, is a rear allotment which contains a 5 metre wide access handle. Given the handle has a length of 9.88 metres and services only a single dwelling house, it is considered that access to the lot can be appropriately managed.</p> <p>It is recommended that that alternative outcome be accepted in this instance.</p>	

#### 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 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 as the proposal is outside of the relevant service catchments.

#### **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 development is not considered to have an unreasonable impact on the local road network. Access to site will be provided via Clarendon Road, as part of Stage 4. Prior to this, Stages 2 and 3 will predominantly be accessed via Macadamia Drive. Stage 1, which only consists of splitting the existing dwelling house off onto its own lot, will main access to Clarendon Road.

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

### 7.1 Notification requirements

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

- (a) Public notification was served to all adjoining landowners on 26 July 2022.
- (b) A notice was published in The Somerset newspaper on 27 July 2022.
- (c) A notice in the prescribed form was placed on the premises on 26 July 2022 and maintained for the minimum period of 15 business days until 18 August 2022.

Council received the Notice of Compliance on 23 August 2022, confirming that public notification had been undertaken in accordance with the statutory requirements.

### 7.2 Matters raised in submissions

During the notification period, Council received two submissions.

The matters raised in the submissions are outlined below:

#### **Submission concern – Potential for higher density development (Dual occupancy)**

The first paragraph states “variety of lot sizes and potential dwelling densities” and “Over 20% of proposed lots are capable of supporting higher density dwelling densities including dual occupancies”.

The proposed plan of subdivision highlights lots greater than 800 m<sup>2</sup> which would be those potentially utilized as higher density dwellings. This could potentially create a block of 4 lots, namely Lots 36, 37, 64, and 65, where there were 4 dual occupancies giving a density of 8 dwellings on 3400 m<sup>2</sup>.

This concentration of multiple dwellings would not be in keeping with the current amenity of the Macadamia Drive/Walnut Cres/Almond Street precinct.

This density could be reduced by spreading the potential higher density lots throughout the proposed subdivision and still maintain the numbers of higher density lots for the subdivision.

#### **Officer comment**

The application material does identify that higher density development could occur on the lots greater than 800m<sup>2</sup>. Notwithstanding this, the establishment of dual occupancies on these lots will be subject to future Material change of use development applications. The concerns raised in the submission are valid, however the planning scheme does not require “larger” lots to be dispersed amongst a development.

It is recommended that the standard development conditions be imposed.

#### **Submission concern – Traffic**

The proposed subdivision indicates that access (ingress/egress) to Lots 36 and 37 will be via a 6 m wide easement.

If Lots 36 and 37 are developed as higher density (dual occupancy) dwellings, this could have the potential of 4 dwellings being on these lots. It is most likely, given current demographics, that these dwellings will have two vehicles per residence. Potentially, there could be 8 vehicles exiting these lots of a morning and entering of an afternoon at peak traffic times. These vehicle will be exiting directly into oncoming traffic along Macadamia Drive and having to turn across the bend in Macadamia Drive of an afternoon.

This traffic flow is not in keeping with the general road safety conditions currently experienced in Macadamia Drive. If the higher density lots were further along Macadamia Drive to the west, then entering and exiting these lots would be safer due to improved sight lines.

Our objection is not to the access easement, just to the amount of potential traffic this development could create so far along an adjoining boundary and affect the ambience of the single dwelling residence.

**Officer comment**

The comments raised in the submission are valid. Notwithstanding this, the Reconfiguration of a Lot code requires a minimum access width for rear lots of 6 metres, which the access easement proposed for Lots 36 and 37 satisfies. If further applications for dual occupancy are received for Lots 36 and 37 are received, the access requirements will be dealt with at this time.

It is recommended that the standard development conditions be imposed.

**Submission concern – Open space**

The development provides open space near the western side of the development. The application also states that “open space is available 500m to the south”. The open space to the south is a golf course and is 1.1km to Lowood centre where parks and playground equipment are available.

It is our submission that a playground be provided in close proximity to the centre of the development which would be a gathering point for local children without the need to travel into Lowood town centre.

**Officer comment**

Council’s Local Government Infrastructure Plan does not identify that a park is required to be provided in this location. The open space provided as part of the development will predominantly be part of the stormwater drainage network. This space may provide passive recreation opportunities for residents.

It is recommended that the standard development conditions be imposed.

**Submission concern – Tree planting**

The submission has raised concerns about the size of the lots to allow tree plantings within the lots, particularly between lots.

**Officer comment**

The lot sizes generally satisfy the minimum size requirements of the planning scheme. While tree planting within lots may be challenging, street trees will be required within the road reserve.

It is recommended that the standard development conditions be imposed.

**Submission concern – Housing design opportunities**

The submission has raised concerns for the future dwelling houses to all be of a similar design.

**Officer comment**

As the development application involves only a reconfiguration of a lot, the design of future dwellings cannot be considered. While a varied built form is the ultimate expectation, the house designs will likely be controlled by market demands.

It is recommended that the standard development conditions be imposed.

## 8.0 OTHER RELEVANT MATTERS

The proposal plans indicate that the access to the subject land from Clarendon Road will have a width of 15 metres within the subject land. The applicant has identified that it is intended for the additional 5 metres of road reserve to be provided within the adjoining land (Lot 202 RP884485) as part of the development application DA21737. To ensure the road is constructed to an ultimate width of 20 metres, both developments will be conditioned to provide the road and the developers will need to determine an agreement between themselves to deliver the infrastructure.

## 9.0 CONCLUSION

The development application proposes a logical extension to the residential zone within Lowood. The development generally satisfies the relevant assessment benchmarks from the State Planning Policy and the Somerset Region Planning Scheme (Version Four), with any alternative outcomes outlined within this report.

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

## 10.0 ATTACHMENT

1. Plan of proposed land reconfiguration – Reference 9483-400-01 – Revision C – prepared by Statewide Survey Group – dated 21 March 2022
2. Staging Plan – Reference 9483-STAGE Revision A – prepared by Statewide Survey Group
3. State Assessment and Referral Agency Concurrence agency response
4. Engineering Report and Stormwater Management Plan – Reference 21471 Revision A – prepared by vT Consulting Engineers – dated May 2022
5. Draft Infrastructure Charges Notice

## RECOMMENDED DECISION

1. THAT Council approve Development Application No. 22279 for a Reconfiguration of a Lot by Subdivision (1 into 88 lots) on land situated at 55 Clarendon Road, Lowood, formally described as Lot 1 RP159873, 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.

	<ol style="list-style-type: none"> <li>1. Plan of proposed land reconfiguration – Reference 9483-400-01 – Revision C – prepared by Statewide Survey Group – dated 21 March 2022</li> <li>2. Staging Plan – Reference 9483-STAGE Revision A – prepared by Statewide Survey Group</li> <li>3. Engineering Report and Stormwater Management Plan – Reference 21471 Revision A – prepared by vT Consulting Engineers – dated May 2022</li> </ol>	
1.2	<p>The Applicant is to complete each stage of the development in sequence in accordance with the approved plans.</p> <p>The Plan of Survey for a stage will not be endorsed until the Applicant has received endorsement of the Plan of Survey for the preceding stage.</p>	As indicated.
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.4	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to Council's approval of each stage of the Plan of Subdivision.
1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to Council's approval of each stage of the Plan of Subdivision.
1.6	<p>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.</p> <p>Currently, the amount is set at \$41 per allotment.</p>	Prior to Council's approval of each stage of the Plan of Subdivision.
1.7	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to Council's approval of each stage of the Plan of Subdivision.
1.8	Remove any services made redundant as a result of the development and reinstate the land.	Prior to Council's approval of each stage of the Plan of Subdivision.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>ENGINEERING</b>	
2.1	Design and construct all works in accordance with Planning	At all times.

	Scheme Policy 4 – Design Standards and Council's <i>Standard Drawings</i> applicable at the time of the lodgement of the Operation works approval for each stage.	
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
2.3	<p>Provide RPEQ certification that the design and construction of all civil components of the Operational Work associated with the development are completed in accordance with the approved drawings, designs, schedules and specifications, the conditions of approval for the Development incorporating any approved amendments, and within specified tolerances or, where not specified, within generally accepted tolerance, also in accordance with relevant certificates, sound engineering principles and practices and that the works are fit for the purpose for which they are intended.</p> <p>The responsible RPEQ shall provide the required certifications and checklists required by Council, including, but not limited to:</p> <p><b>Certifications</b></p> <ul style="list-style-type: none"> <li>- Consulting Engineer's Certificate</li> </ul> <p><b>Checklists</b></p> <ul style="list-style-type: none"> <li>- Operational Works Lodgement Requirements</li> <li>- Requirements for the Lodgement of Pavement Design Report</li> <li>- Pre-On-Maintenance Inspection Checklist of Works</li> <li>- Formal On-Maintenance Requirements</li> <li>- Off Maintenance Requirements</li> </ul> <p>In accordance with Schedule 6 of Somerset Regional Council's Planning scheme – Version 4.2 Administrative Amendment – dated 17 December 2021</p>	Prior to Council's approval of the Plan of Subdivision for the relevant stage of the development.
	<b>OPEN SPACE/PARK/LANDSCAPING</b>	
2.4	<p>Dedicate all land shown as park, open space, and drainage on the proposal plan of subdivision as drainage reserve only.</p> <p>The reserve is to be dedicated at no cost to Council.</p>	Prior to Council's approval of each stage of the Plan of Subdivision for the applicable stage.
	<b>GENERAL SERVICES</b>	
2.5	Connect each lot to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority.	Prior to Council's approval of the Plan of Subdivision for the relevant stage of the development.

2.6	Provide written evidence (eg connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Council's approval of the Plan of subdivision for the applicable stage.
2.7	Provide written evidence from a RPEQ that electricity/ telecommunication/ water supply drawings have been coordinated with the civil engineering design details, to ensure there are no service clashes.	Prior to Council's approval of the Plan of subdivision for the applicable stage.
<b>EARTHWORKS</b>		
2.8	Carry out all earthworks in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times.
2.9	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.10	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on properties without providing Council with written permission from the respective property owner(s).	At all times.
<b>ROADWORKS</b>		
2.11	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.12	Provide road reserve and carriageway widths in accordance with Planning Scheme Policy 4 – Design Standards (Table SC6.5.8.1.2.3 and Council's Standard drawing.  The applicant is to provide a revised lot layout plan reflecting the road hierarchies for approval.	Prior to Council's approval of the Plan of Subdivision.
2.13	Road carriageway widths are to be in accordance with the <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.14	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.
2.15	Provide 6m x 3 chord truncations on property boundaries at all road intersections.	Prior to Council's approval of the Plan of subdivision.

	Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	
2.16	Provide sufficient road reserve area to allow for the provision of a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	Prior to Council's approval of the Plan of subdivision.
2.17	Provide verge and access in accordance with <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
	<b>VEHICLE ACCESS</b>	
2.18	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.
2.19	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.
	<b>STORMWATER</b>	
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	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.24	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.  <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.25	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's	At all times.



	<p>satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	
2.26	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.
2.27	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times.
2.28	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work.	As part of Operational Works.
	<b>STREET TREES</b>	
2.29	Plant at least one street tree per 15m, along each side of all roads.	Prior to Council's approval of the plan of subdivision for the applicable stage.
	<b>FOOTPATHS</b>	
2.30	<p>Provide 1.5m wide (minimum) footpaths along one side, for the full length of Access Streets and Collector Streets in accordance with SRC Planning Scheme requirements.</p> <p><i>The applicant is to provide a revised lot footpath plan reflecting the location of the required footpaths and associated road crossings to Council for approval</i></p>	Prior to Council's approval of the plan of subdivision for the applicable stage.
	<b>STREET NAMES</b>	
2.31	Submit a list of names for all new roads, along with the reasons for selecting such names, for the road names to be considered and approved by Council.	Prior to Council's approval of the plan of subdivision for the applicable stage.
	<b>STREET LIGHTING</b>	
2.32	Design and install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows:	Prior to Council's approval of the plan of subdivision for

	i) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5 ii) Collector Roads – Lighting Category P4. Install all street lighting on the same side as footpaths, where applicable.  Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).	the applicable stage.
	<b>KERB AND CHANNEL</b>	
2.33	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
	<b>ACCESS</b>	
	Direct access to Clarendon Road is not to be provided except for Lots 33,34 and 35.	
<b>SCHEDULE 3 - REFERRAL AGENCY CONDITIONS</b>		
Referral agency response given under section 56 of the <i>Planning Act 2016</i>		
Pursuant to section 62 of the <i>Planning Act 2016</i> , the assessment manager must, other than to the extent a referral agency's response provides advice, comply with all referral agencies' responses and include conditions exactly as stated in the response. The following referral agency responses have been received and are attached to the Decision Notice.		
3.1	Comply with the requirements of the referral agency response 2205-28690 SRA dated 10 June 2022 or as amended.	As indicated in the attached referral agency response.
3.2	Provide certification to Council from a suitably qualified person or the relevant agency demonstrating that the requirements of the referral agency response have been met.	Prior to request for endorsement of the Plan of Subdivision.
<b>SCHEDULE 4 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		

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

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

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

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

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

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

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

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

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

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

#### Attachments for the Decision Notice include:

1. Plan of proposed land reconfiguration – Reference 9483-400-01 – Revision C – prepared by Statewide Survey Group – dated 21 March 2022
2. Staging Plan – Reference 9483-STAGE Revision A – prepared by Statewide Survey Group
3. State Assessment and Referral Agency Concurrence agency response
4. Engineering Report and Stormwater Management Plan – Reference 21471 Revision A – prepared by vT Consulting Engineers – dated May 2022

#### Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

1. "THAT Council approve Development Application No. 22279 for a Reconfiguration of a Lot by Subdivision (1 into 88 lots) on land situated at 55 Clarendon Road, Lowood, formally described as Lot 1 RP159873, 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. <ol style="list-style-type: none"> <li>4. Plan of proposed land reconfiguration – Reference 9483-400-01 – Revision C – prepared by Statewide Survey Group – dated 21 March 2022</li> <li>5. Staging Plan – Reference 9483-STAGE Revision A – prepared by Statewide Survey Group</li> <li>6. Engineering Report and Stormwater Management Plan – Reference 21471 Revision A – prepared by vT Consulting Engineers – dated May 2022</li> </ol>	At all times.
1.2	The Applicant is to complete each stage of the development in sequence in accordance with the approved plans.  The Plan of Survey for a stage will not be endorsed until the Applicant has received endorsement of the Plan of Survey for the preceding stage.	As indicated.
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.4	A Licensed Surveyor must install new Survey Marks in their Prior to Council's correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to Council's approval of each stage of the Plan of Subdivision.
1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to Council's approval of each stage of the Plan of Subdivision.
1.6	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources.	Prior to Council's approval of each stage of the Plan of Subdivision.

	Currently, the amount is set at \$41 per allotment.	
1.7	Provide certification from a Licenced Surveyor that all services (e.g. water, sewerage, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to Council's approval of each stage of the Plan of Subdivision.
1.8	Remove any services made redundant as a result of the development and reinstate the land.	Prior to Council's approval of each stage of the Plan of Subdivision.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>ENGINEERING</b>	
2.1	Design and construct all works in accordance with Planning Scheme Policy 4 – Design Standards and Council's <i>Standard Drawings</i> applicable at the time of the lodgement of the Operation works approval for each stage.	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
2.3	<p>Provide RPEQ certification that the design and construction of all civil components of the Operational Work associated with the development are completed in accordance with the approved drawings, designs, schedules and specifications, the conditions of approval for the Development incorporating any approved amendments, and within specified tolerances or, where not specified, within generally accepted tolerance, also in accordance with relevant certificates, sound engineering principles and practices and that the works are fit for the purpose for which they are intended.</p> <p>The responsible RPEQ shall provide the required certifications and checklists required by Council, including, but not limited to:</p> <p><b>Certifications</b></p> <ul style="list-style-type: none"> <li>- Consulting Engineer's Certificate</li> </ul> <p><b>Checklists</b></p> <ul style="list-style-type: none"> <li>- Operational Works Lodgement Requirements</li> <li>- Requirements for the Lodgement of Pavement Design Report</li> <li>- Pre-On-Maintenance Inspection Checklist of Works</li> <li>- Formal On-Maintenance Requirements</li> <li>- Off Maintenance Requirements</li> </ul> <p>In accordance with Schedule 6 of Somerset Regional</p>	Prior to Council's approval of the Plan of Subdivision for the relevant stage of the development.

	Council's Planning scheme – Version 4.2 Administrative Amendment – dated 17 December 2021	
	<b>OPEN SPACE/PARK/LANDSCAPING</b>	
2.4	Dedicate all land shown as park, open space, and drainage on the proposal plan of subdivision as drainage reserve only.  The reserve is to be dedicated at no cost to Council.	Prior to Council's approval of each stage of the Plan of Subdivision for the applicable stage.
	<b>GENERAL SERVICES</b>	
2.5	Connect each lot to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority.	Prior to Council's approval of the Plan of Subdivision for the relevant stage of the development.
2.6	Provide written evidence (eg connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Council's approval of the Plan of subdivision for the applicable stage.
2.7	Provide written evidence from a RPEQ that electricity/ telecommunication/ water supply drawings have been coordinated with the civil engineering design details, to ensure there are no service clashes.	Prior to Council's approval of the Plan of subdivision for the applicable stage.
	<b>EARTHWORKS</b>	
2.8	Carry out all earthworks in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times.
2.9	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.10	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on properties without providing Council with written permission from the respective property owner(s).	At all times.
	<b>ROADWORKS</b>	
2.11	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.12	Provide road reserve and carriageway widths in accordance with Planning Scheme Policy 4 – Design Standards (Table SC6.5.8.1.2.3 and Council's Standard drawing.	Prior to Council's approval of the Plan of Subdivision.

	The applicant is to provide a revised lot layout plan reflecting the road hierarchies for approval.	
2.13	Road carriageway widths are to be in accordance with the <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.14	All works on or adjacent to roadways must be adequately signed in accordance with the " <i>Austrroads Guide to Temporary Traffic Management</i> ". Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works.
2.15	Provide 6m x 3 chord truncations on property boundaries at all road intersections.  Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to Council's approval of the Plan of subdivision.
2.16	Provide sufficient road reserve area to allow for the provision of a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	Prior to Council's approval of the Plan of subdivision.
2.17	Provide verge and access in accordance with <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
	<b>VEHICLE ACCESS</b>	
2.18	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.
2.19	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.
	<b>STORMWATER</b>	
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</i>	As part of Operational Works.

	<i>Regional Council Planning Scheme.</i>	
2.23	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and <i>Somerset Regional Council Planning Scheme.</i>	As part of Operational Works.
2.24	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.  <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.25	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> Should the developer fail to complete the works determined by 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.
2.26	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.
2.27	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times.
2.28	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work.	As part of Operational Works.
	<b>STREET TREES</b>	
2.29	Plant at least one street tree per 15m, along each side of all roads.	Prior to Council's approval of the plan of subdivision for the applicable stage.
	<b>FOOTPATHS</b>	



2.30	Provide 1.5m wide (minimum) footpaths along one side, for the full length of Access Streets and Collector Streets in accordance with SRC Planning Scheme requirements.  <i>The applicant is to provide a revised lot footpath plan reflecting the location of the required footpaths and associated road crossings to Council for approval</i>	Prior to Council's approval of the plan of subdivision for the applicable stage.
	<b>STREET NAMES</b>	
2.31	Submit a list of names for all new roads, along with the reasons for selecting such names, for the road names to be considered and approved by Council.	Prior to Council's approval of the plan of subdivision for the applicable stage.
	<b>STREET LIGHTING</b>	
2.32	Design and install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows:  iii) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5 iv) Collector Roads – Lighting Category P4. Install all street lighting on the same side as footpaths, where applicable.  Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).	Prior to Council's approval of the plan of subdivision for the applicable stage.
	<b>KERB AND CHANNEL</b>	
2.33	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with Planning Scheme Policy 4 – Design Standards.	As part of Operational Works.
	<b>ACCESS</b>	
	Direct access to Clarendon Road is not to be provided except for Lots 33,34 and 35.	
<b>SCHEDULE 3 - REFERRAL AGENCY CONDITIONS</b>		
Referral agency response given under section 56 of the <i>Planning Act 2016</i>		
Pursuant to section 62 of the <i>Planning Act 2016</i> , the assessment manager must, other than to the extent a referral agency's response provides advice, comply with all referral agencies' responses and include conditions exactly as stated in the response. The following referral agency responses have been received and are attached to the Decision Notice.		
3.1	Comply with the requirements of the referral agency response 2205-28690 SRA dated 10 June 2022 or as amended.	As indicated in the attached referral agency response.
3.2	Provide certification to Council from a suitably qualified person or the relevant agency demonstrating that the requirements of the referral agency response have been	Prior to request for endorsement of the Plan of Subdivision.

	met.	
<b>SCHEDULE 4 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.		
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.		
Upon receiving the certification by a RPEQ, and submission and approval of as constructed drawings and documentation, Council will accept the works as "On Maintenance".		
Council will bond the developer for an amount equal to 5% of the operational works and the Developer is required to maintain all works for a period of 12 months for civil works and 18 months for landscaping (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.		
At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.		
The Fire Ant Restricted Area as well as general information can be viewed on the DAF website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a>		

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

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

Carried

Vote - Unanimous

### **Declarable Conflict of interest – Cr Brieschke- Agenda Item 14 - Prescribed Activity – Toogoolawah Christmas Tree 2022**

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

The nature of my interest is as follows –

This declarable conflict of interest arises because I hold the position of Secretary on the executive committee of the Toogoolawah and District Progress Association Inc., of which the Toogoolawah Christmas Tree is a subcommittee.

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

Cr Brieschke left the meeting at 9.31am.

<b>Subject:</b>	<b>Prescribed Activity – Toogoolawah Christmas Tree 2022</b>
<b>File Ref:</b>	<b>Environmental Management/Reports/Environmental Health Reports</b>
<b>Action Officer:</b>	<b>EHO-DB</b>

### **Background/Summary**

Council has received an application from Toogoolawah Christmas Tree Sub Committee of the Toogoolawah and District Progress Association Inc. to hold a public place activity, specifically a Christmas Street Carnival. The carnival is proposed to take place on Cressbrook Street, Toogoolawah between Gunya Street and Dingyarra Street, on Saturday 10 December 2022. Setup would start at 11.30am, with the event commencing at 4.30pm and closing at 8.30pm. Pack-up and dismantling would take place from 8.30pm until 11.30pm.

The applicant has advised that 1000 persons are expected to attend the event. Entertainment will be provided in the form of amusement rides, street performers, fireworks display and arrival of Santa via parachute. A BBQ and twilight markets will also be provided. No alcohol will be served at the event.

It is noted that similar Christmas Street Carnivals have been held in this location in past years.

Council regulates this activity through *Local Law No.1 (Administration) 2011*, and *Subordinate Local Law 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011*.

### **Assessment of Application**

Under section 9 of *Local Law No. 1 (Administration) 2011*, Council may grant an approval for an application for undertaking regulated activities on local government-controlled areas and roads only if it is satisfied that:

<b>Criteria – LL, section 9(1)(a)</b>	<b>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</b>
Officer Comment	<p>A temporary road closure permit is required to be obtained from the Queensland Police Department.</p> <p>The fireworks contractor holds a Fireworks Contractor Licence under the <i>Explosives Act 1999</i> from the Queensland Government.</p> <p>All licensable food businesses will be required to provide current Food Licence certificates prior to being confirmed as stall holders at the event. The applicant has advised that no alcohol will be served at the event.</p>
<b>Criteria – LL, section 9(1)(b)</b>	<b>The proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and</b>
Officer Comment	<p>The applicant has submitted a traffic management plan and is approved by Council.</p> <p>The applicant has provided copies of the following to Council:</p> <ul style="list-style-type: none"> <li>• an engineer's inspection report for each ride; and</li> <li>• a Certificate of Registrable Plant for each ride; and</li> <li>• a Certificate of Currency for Public Liability Insurance for each ride operator.</li> </ul> <p>Issues relating to amenity and environmental nuisance will be addressed below.</p>
<b>Criteria – LL, section 9(1)(c)</b>	<b>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;</b>
Officer Comment	The event is a community event run by a not-for-profit organisation.
<b>Criteria – LL, section 9(1)(d)</b>	<b>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</b>
Officer Comment	<i>Subordinate Local Law 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011</i> prescribes criteria for the proposed activity. An assessment against that criterion is provided below.
<b>Criteria – LL, section 9(1)(e)</b>	<b>The grant of the approval would be consistent with the purpose of any relevant local law; and</b>
Officer Comment	The approval would be generally consistent with Council's Local Laws.
<b>Criteria – LL,</b>	<b>If the application relates to trust land - the grant of the approval</b>

<b>section 9(1)(f)</b>	<b>would be consistent with the terms and conditions of the trust; and</b>
Officer Comment	The event will be held on a local government-controlled road and the proposed use is generally consistent with the terms and conditions of the trust.
<b>Criteria – LL, section 9(1)(g)</b>	<b>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.</b>
Officer Comment	Not applicable.
<b>Criteria – SLL, section 4(1)</b>	<b>The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government-controlled area or road.</b>
Officer Comment	Subject to approval of the event, a temporary road closure permit will be obtained from Queensland Police permitting the closure of the road.
<b>Criteria – SLL, section 4(2)</b>	<b>There must be a public demand for the prescribed activity in respect of which the approval is sought.</b>
Officer Comment	There is a public demand for the event.
<b>Criteria – SLL, section 4(3)</b>	<b>The physical characteristics of the local government-controlled area or road must be suitable for the prescribed activity.</b>
Officer Comment	The area intended for use is suitable for the purposes of a street festival. Adequate space is available to accommodate the various rides, amusements and stalls, including the expected number of attendees at the event.
<b>Criteria – SLL, section 4(4)</b>	<b>The prescribed activity must not cause nuisance, inconvenience or annoyance to – (a) The occupier of any land which adjoins the location of the prescribed activity; or (b) Vehicular traffic; or (c) Pedestrian traffic.</b>
Officer Comment	Onstage entertainment will consist of a church band and a solo musical performance. The event will close at 8.30pm, after which time there may be some noise relating to pack up and dismantling of equipment.  A condition of approval will require that no nuisance, as defined by the <i>Environmental Protection Act 1994</i> , is caused by the event.  Surrounding residents are required to be informed of the time and date of the fireworks display and it will be recommended that pets be secured during this time.  Vehicular and pedestrian traffic are not expected to be inconvenienced by the event.
<b>Criteria – SLL, section 4(5)</b>	<b>The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.</b>
Officer Comment	It is unlikely that the proposed event will unreasonably detract from the amenity of the surrounding area.  Conditions of approval would require the applicant to not cause a nuisance as defined in the <i>Environmental Protection Act 1994</i> , and to

	ensure the area is left in a tidy condition after the event has concluded.
<b>Criteria – SLL, section 4(8)</b>	<p><b>If the prescribed activity is the holding of a public place activity on a local government controlled area or road –</b></p> <p><b>(a) The undertaking of the prescribed activity must not generate significant noise, dust, or light pollution or other significantly adverse effects on the surrounding area; and</b></p> <p><b>(b) There must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and</b></p> <p><b>(c) Adequate provision must exist for the disposal of waste generated by the undertaking of the prescribed activity; and</b></p> <p><b>(d) Adequate provision must exist for people and (if relevant) vehicles to enter and leave the site of the prescribed activity.</b></p>
<b>Officer Comment</b>	<p>(a) Noise – noise is likely to be generated through the operation of rides and the amusements and stage entertainment throughout the night. The event will cease at 8.30pm. Surrounding residents will be informed about the fireworks display.</p> <p>Noise nuisance will be appropriately conditioned if the event is approved.</p> <p>Dust – No dust nuisance is expected for this event.</p> <p>Light – Light nuisance will be appropriately conditioned if the event is approved.</p> <p>(b) Required numbers for toilets and sanitary conveniences will be conditioned if the event is approved.</p> <p>(c) A requirement for adequate waste facilities will be conditioned if the event is approved. The applicant has asked for Council to supply 10 community bins for use during the event.</p> <p>(d) Provision will be made for vehicle access to the site. Access will be provided for QFES vehicles to access the fire station.</p>

### Operations Department Assessment

Council's Operations Department has assessed the traffic management plan and have no objection to the proposed. Council can assist with the provision of 9 road closure signs, 4 detour ahead signs, 10 community bins and providing access to power supply.

### Attachments

1. Site plan

### Recommendation

THAT Council approve the application to hold a public place activity, subject to the conditions listed below:

No.	CONDITION
<b>1.0</b>	<b>ENVIRONMENTAL/ LOCAL LAW</b>
1.1	The approval is limited to Cressbrook Street, Toogoolawah, between Gunya Street and Dingyarra Street, as identified on the approved site plan.

1.2	The approval is limited to operation on Saturday 10 December 2022 between the hours of 4.30pm and 8.30pm. Setup for the event may commence at 11.30am and clean-up must be completed by 11.30pm.																							
1.3	The approval holder must: <ul style="list-style-type: none"><li>• Display the approval in the manner, and at the locations, specified by the local government; and</li><li>• Produce the approval for inspection by an authorised person on demand.</li></ul>																							
1.4	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.																							
1.5	The activity must not unreasonably detract from the amenity of the area in which the event is located.																							
1.6	The activity must not create a safety risk.																							
1.7	All buildings, structures, vehicles, facilities or equipment used in the operation of the event must be maintained at all times: <ul style="list-style-type: none"><li>• In good working order; and</li><li>• In good state of repair; and</li><li>• In a clean and sanitary condition.</li></ul>																							
1.8	The approval holder must provide and maintain the following number of toilets and sanitary conveniences: <table><tr><td></td><td colspan="3">Males</td><td colspan="2">Females</td></tr><tr><td>Patrons</td><td>WC</td><td>Urinals</td><td>Hand Basins</td><td>WC</td><td>Hand Basins</td></tr><tr><td>&lt;1000</td><td>3</td><td>4</td><td>4</td><td>9</td><td>4</td></tr></table>							Males			Females		Patrons	WC	Urinals	Hand Basins	WC	Hand Basins	<1000	3	4	4	9	4
	Males			Females																				
Patrons	WC	Urinals	Hand Basins	WC	Hand Basins																			
<1000	3	4	4	9	4																			
1.9	The approval holder must ensure sufficient lighting and illumination is provided throughout the event area.																							
1.10	The activity must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> .																							
1.11	The approval holder must ensure that a food licence issued under the <i>Food Act 2006</i> is obtained (to the extent that it is required) by any entities selling food at the event.																							
1.12	The approval holder must keep and maintain in and about the event area, adequate waste disposal facilities; for example, bins, that are to be serviced by an appropriately licensed waste contractor.																							
1.13	The approval holder must ensure that all litter and debris is collected and appropriately disposed of following the closure of the event.																							
1.14	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.																							
1.15	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.																							
1.16	The approval holder must obtain, view and take a copy of an engineer’s inspection report for each ride. A copy of the report is to be provided to Council prior to the event.																							
1.17	The approval holder must ensure that each amusement ride operator supplies a Certificate of Registrable Plant for each ride, issued through Workplace Health and Safety Queensland.																							

1.18	The approval holder must also receive a Certificate of Currency for Public Liability Insurance for each amusement operator, fireworks display operator, and skydiving operator. 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.
1.19	The approval holder is to ensure that no persons other than the designated fireworks personnel enter the fireworks exclusion zone. This will require the organiser to erect signage and temporary fencing in the RV area to prevent access.
<b>2.0</b>	<b>OPERATIONS</b>
2.1	A temporary road closure permit is to be obtained from the Queensland Police Department for the temporary road closure. A copy of the permit must be provided to Council.
2.2	A traffic management plan, including a traffic guidance scheme, has been approved by Council.
<b>3.0</b>	<b>Fireworks Display</b>
3.1	Written approval should be obtained from the Department of Mines and Energy should any pyrotechnic display be proposed as part of the event.
3.2	Provide Council a copy of the fireworks display approval prior to the event and any conditions attached to the approval, given by the Department of Mines and Energy. A licenced technician must conduct all fireworks displays.

**Resolution**

Moved – Cr Whalley

Seconded – Cr Choat

“THAT Council approve the application to hold a public place activity, subject to the conditions listed below:

subject to the conditions listed below:

No.	CONDITION																		
1.0	ENVIRONMENTAL/ LOCAL LAW																		
1.1	The approval is limited to Cressbrook Street, Toogoolawah, between Gunya Street and Dingyarra Street, as identified on the approved site plan.																		
1.2	The approval is limited to operation on Saturday 10 December 2022 between the hours of 4.30pm and 8.30pm. Setup for the event may commence at 11.30am and clean-up must be completed by 11.30pm.																		
1.3	The approval holder must: <ul style="list-style-type: none"><li>• Display the approval in the manner, and at the locations, specified by the local government; and</li><li>• Produce the approval for inspection by an authorised person on demand.</li></ul>																		
1.4	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.																		
1.5	The activity must not unreasonably detract from the amenity of the area in which the event is located.																		
1.6	The activity must not create a safety risk.																		
1.7	All buildings, structures, vehicles, facilities or equipment used in the operation of the event must be maintained at all times: <ul style="list-style-type: none"><li>• In good working order; and</li><li>• In good state of repair; and</li><li>• In a clean and sanitary condition.</li></ul>																		
1.8	The approval holder must provide and maintain the following number of toilets and sanitary conveniences: <table><tr><td></td><td colspan="3">Males</td><td colspan="2">Females</td></tr><tr><td>Patrons</td><td>WC</td><td>Urinals</td><td>Hand Basins</td><td>WC</td><td>Hand Basins</td></tr><tr><td>&lt;1000</td><td>3</td><td>4</td><td>4</td><td>9</td><td>4</td></tr></table>		Males			Females		Patrons	WC	Urinals	Hand Basins	WC	Hand Basins	<1000	3	4	4	9	4
	Males			Females															
Patrons	WC	Urinals	Hand Basins	WC	Hand Basins														
<1000	3	4	4	9	4														



1.9	The approval holder must ensure sufficient lighting and illumination is provided throughout the event area.
1.10	The activity must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> .
1.11	The approval holder must ensure that a food licence issued under the <i>Food Act 2006</i> is obtained (to the extent that it is required) by any entities selling food at the event.
1.12	The approval holder must keep and maintain in and about the event area, adequate waste disposal facilities; for example, bins, that are to be serviced by an appropriately licensed waste contractor.
1.13	The approval holder must ensure that all litter and debris is collected and appropriately disposed of following the closure of the event.
1.14	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.
1.15	<p>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.</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>
1.16	The approval holder must obtain, view and take a copy of an engineer’s inspection report for each ride. A copy of the report is to be provided to Council prior to the event.
1.17	The approval holder must ensure that each amusement ride operator supplies a Certificate of Registrable Plant for each ride, issued through Workplace Health and Safety Queensland.
1.18	The approval holder must also receive a Certificate of Currency for Public Liability Insurance for each amusement operator, fireworks display operator, and skydiving operator. 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.
1.19	The approval holder is to ensure that no persons other than the designated fireworks personnel enter the fireworks exclusion zone. This will require the organiser to erect signage and temporary fencing in the RV area to prevent access.
<b>2.0</b>	<b>OPERATIONS</b>
2.1	A temporary road closure permit is to be obtained from the Queensland Police Department for the temporary road closure. A copy of the permit must be provided to Council.
2.2	A traffic management plan, including a traffic guidance scheme, has been approved by Council.
<b>3.0</b>	<b>Fireworks Display</b>
3.1	Written approval should be obtained from the Department of Mines and Energy should any pyrotechnic display be proposed as part of the event.
3.2	Provide Council a copy of the fireworks display approval prior to the event and any conditions attached to the approval, given by the Department of Mines and Energy. A licenced technician must conduct all fireworks displays.”
	<u>Carried</u>
	<i>Vote - Unanimous</i>

Cr Brieschke returned to the meeting at 9.33am.

<b>Subject:</b>	<b>Application for Keeping more than maximum number of animals</b>
<b>– 1 RP139228 -</b>	<b>03211-00000-000 - 338 Prenzlau Road Prenzlau</b>
<b>File Ref:</b>	<b>LICENCING – LOCAL LAWS – Keeping of Animals</b>
<b>Action Officer:</b>	<b>RSO- MC</b>

### Background/Summary

#### Application Details

Council received an application to keep three dogs from the occupier of 338 Prenzlau Road, Prenzlau. The application relates to small and medium breeds including one Jack Russell and two American Staffordshire dogs.

Regulatory Services Officers conducted an inspection of the site with the property occupier and noted the following:

- There is one dwelling located on the property.
- All dogs are microchipped and not de-sexed
- The dogs have access to an area around the house.
- The small dog will have access to the house.
- The property fencing is constructed of dog mesh fencing and is in good condition and adequate to contain dogs at time of inspection.

#### Assessment Summary

##### Complaint History:

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

##### Submissions:

During the submission period, Council received one submission from persons who were in receipt of the notification.

The submission raised concerns regarding the temperament of the American Staffordshire breed of the dog, and concerns with barking associated with the Jack Russell breed of dog.

##### Supervisor Comment:

The two breeds for dogs in the application are not restricted breeds under the *Animal Management (Cats and Dogs) Act 2008*. Council has no record of complaints relating to the subject dogs.

##### Local Law Assessment:

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

Criteria:	Compliance (Y/N)
-----------	------------------

(1) Whether the premises on which the animal or animals can be effectively and comfortably kept on the premises.	Yes
Comments: The enclosure is suitable for the subject dogs.	
(2) Whether a residence exists on the premises.	Yes
Comments: There is a residence on the premises.	
(3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of <i>Local Law No. 2 (Animal Management) 2011</i> .	Yes
Comments: The fencing was deemed adequate at the time of inspection.	
(4) Whether the applicant for the approval or some other suitable person to supervise the animal or animals will be resident on the premises on which the animal or animals are to be kept.	Yes
Comments: The applicant resides on the property and can supervise the animals.	
(5) Whether the animal or animals will be properly supervised.	Yes
Comments: The applicant resides on the property and can supervise the animals.	
(6) If the application relates to the keeping of dogs or cats – whether the animals identified in the application are registered with the local government.	Yes
Comments: Two of the subject dogs are currently registered with the Somerset Regional Council.  The third dog, a Jack Russell named Milo is subject to this application.	
(7) If section 14 of the Animal Management Act applies to the applicant for the approval - whether the applicant has complied with the requirements of the section.  14. <i>Owner must ensure cat or dog is implanted</i>  1) <i>A person who is or becomes an owner of a cat or dog that is not implanted with a PPID must ensure the cat or dog is implanted with a PPID before it is 12 weeks old unless the person has a reasonable excuse.</i>  <i>Maximum penalty—20 penalty units.</i>  <i>Note — A cat or dog that is more than 12 weeks old on the commencement of this section need not be implanted with a PPID unless it is supplied. See section 43Y.</i>  2) <i>It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove—</i>  a) <i>here is a signed veterinary surgeon's certificate for the cat or dog stating that implanting it with a PPID is likely to be a serious risk to the health of the cat or dog; or</i>	Yes

<p><i>b) for a dog, the ownership is to use it as—</i></p> <p><i>(i) a government entity dog; or</i></p> <p><i>(ii) a working dog; or</i></p> <p><i>(iii) another class of dog prescribed under a regulation.</i></p>	
Comments: All of the dogs listed on this application are microchipped.	
(8) Whether the applicant is a suitable person to hold the approval.	Yes
Comments: Nothing adverse recorded.	
<p>(9) Whether the grant of the approval for the prescribed activity on the premises is likely to –</p> <p>a) cause nuisance, inconvenience or annoyance to occupiers of adjoining land; or</p> <p>b) affect the amenity of the surrounding area; or</p> <p>c) have a deleterious effect on the local environment or cause pollution or other environmental damage.</p>	No
Comments: (a) No complaints received, (b) rural setting nil effect on surrounding area; (c) nil effect.	
<p>(10) If the application relates to the keeping of cats –</p> <p>a) whether the cats have been desexed; and</p> <p>b) whether the cats have been fitted with an approved microchip.</p>	N/A
Comments: N/A	
<p>(11) If the application relates to the keeping of an animal or animals on multi residential premises –</p> <p>a) whether the applicant - is entitled to make use of a common area; and</p> <p>b) whether the applicant has exclusive possession and control of the whole or a part of the common area for the purpose of keeping the animal or animals; and</p> <p>c) whether the applicant has the written permission of the person or body which manages or controls the common area to use the common area, or a part of the common area, for the purpose of keeping the animal or animals.</p>	N/A
Comments: N/A	
(12) Where the animal or animals are to be kept on premises other than multi residential premises and the applicant is not the owner of the premises - whether the applicant has the written permission of the owner of the premises to keep the animal or animals on the premises.	N/A
Comments: The applicant is the owner of the property.	
(13) Whether the applicant has been refused a similar type of approval by the local government or another local government.	N/A
Comments: First application submitted by the applicant to the Somerset Regional Council.	

(14) If the application relates to the keeping of dogs on an allotment, the local government may only grant an approval if it is satisfied that no dog which is a regulated dog is kept on the allotment.	N/A
Comments: There are no regulated dogs listed within this application.	
(15) If the application relates to the keeping of up to 4 dogs over the age of 3 months on an allotment which is located outside a designated area and has an area of 10,000m <sup>2</sup> or more – whether the applicant for the approval is a current member of an approved entity.	Yes
Comments: The application is for the keeping of 3 dogs on an allotment located outside the designated area with an area of 4.218 hectares.  The applicant is a member of 'Responsible Pet Breeders' – membership # 4744.	
(16) If the application relates to the keeping of up to 6 dogs over the age of 3 months on an allotment which is located outside a designated area and has an area of 20,000m <sup>2</sup> or more – whether the applicant for the approval is an accredited breeder.	N/A
Comments:	

#### Attachments

N/A.

#### Recommendation

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

1. On land described as Lot 1 on RP139228, situated at 338 Prenzlau Road, Prenzlau;
2. For dogs described in **Schedule 1** below; and
3. Subject to the conditions set out in **Schedule 2** below.

#### Schedule 1

Description of dogs:					
Name	Breed	Colour	Sex (M/F)	Desexed (Y/N)	Microchip No.
Tonka	American Staffy	Fawn	M	N	953010002764252

Koda	American Staffy	Black	F	N	953010004376735
Milo	Jack Russell	White and Fawn	F	N	953010005543734

**Schedule 2**

No.	CONDITION
<b>1.0</b>	<b>LOCAL LAW</b>
1.1	The approval holder must take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises.
1.2	The approval holder must at all times maintain a proper enclosure in accordance with Schedule 8 of <i>Subordinate Local Law No. 2 (Animal Management 2011)</i> .
1.3	The approval holder must ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining premises.
1.4	The approval holder must ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person.
1.5	The approval holder must ensure that any enclosure in which the dogs are kept is maintained in: <ul style="list-style-type: none"> <li>(i) a clean and sanitary condition and disinfected regularly; and</li> <li>(ii) an aesthetically acceptable condition.</li> </ul>
1.6	The approval is limited to the dogs identified in Schedule 1 of this approval.
1.7	The approval holder must be a current member of an approved entity. Upon expiry of the approved entity membership, the approval holder is to forward a copy of the renewed membership to Council.
1.8	The dogs identified in Schedule 1 of this approval must hold registration with Somerset Regional Council.
1.9	The approval holder must at all times comply with provisions of the <i>Animal Management (Cats and Dogs) Act 2008</i> .

**Resolution**

Moved – Cr Choat

Seconded – Cr Brieschke

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

1. On land described as Lot 1 on RP139228, situated at 338 Prenzlau Road, Prenzlau;
2. For dogs described in **Schedule 1** below; and
3. Subject to the conditions set out in **Schedule 2** below.

**Schedule 1**

Description of dogs:					
Name	Breed	Colour	Sex (M/F)	Desexed (Y/N)	Microchip No.

Tonka	American Staffy	Fawn	M	N	953010002764252
Koda	American Staffy	Black	F	N	953010004376735
Milo	Jack Russell	White and Fawn	F	N	953010005543734

## Schedule 2

No.	CONDITION
<b>1.0</b>	<b>LOCAL LAW</b>
1.1	The approval holder must take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises.
1.2	The approval holder must at all times maintain a proper enclosure in accordance with Schedule 8 of <i>Subordinate Local Law No. 2 (Animal Management 2011)</i> .
1.3	The approval holder must ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining premises.
1.4	The approval holder must ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person.
1.5	The approval holder must ensure that any enclosure in which the dogs are kept is maintained in: <ul style="list-style-type: none"> <li>(i) a clean and sanitary condition and disinfected regularly; and</li> <li>(ii) an aesthetically acceptable condition.</li> </ul>
1.6	The approval is limited to the dogs identified in Schedule 1 of this approval.
1.7	The approval holder must be a current member of an approved entity. Upon expiry of the approved entity membership, the approval holder is to forward a copy of the renewed membership to Council.
1.8	The dogs identified in Schedule 1 of this approval must hold registration with Somerset Regional Council.
1.9	The approval holder must at all times comply with provisions of the <i>Animal Management (Cats and Dogs) Act 2008</i> .  <div style="text-align: right;"><u>Carried</u></div>
	<i>Vote - Unanimous</i>

**Subject:** Sale of land for overdue rates or charges  
**File Ref:** Rates/ abandonment/ sale of lands FY2023  
**Action Officer:** DFIN

## Background/Summary

Council's Revenue Policy includes the following:

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

*situation applies, a recommendation to acquire the land for overdue rates may be made.”*

In the absence of a court judgement, sale of lands action may legally be commenced for land with three years of overdue rates and charges. The sale of land process allows property owners a minimum of three months after Council issues a notice of intention to sell land for overdue rates or charges in which to fully pay overdue rates and avoid further action.

Endorsement is also sought to serve notices of intention to sell land using the substituted service provisions (section 239) of the Local Government Act 2009 where appropriate to manage Council's legal risks.

There are 34 properties listed below associated with overdue rates totalling \$232,414.77.

<b>Attachments</b>
--------------------

Nil

<b>Recommendation</b>
-----------------------

1. THAT the property described as L 35 RP154297 at 118 Hacienda Crescent Coominya Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00219-00000-000).
2. THAT the property described as L 116 F3361 at 47 Clive Street Fernvale Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00824-19000-000).
3. THAT the property described as L 17 SP125067 at 176C Main Street Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01134-60000-000).
4. THAT the property described as L 26 SP181868 at 19 Varley Street Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01254-60800-000).
5. THAT the property described as L 6 RP14965 and L 7 RP14965 at 15 Main Street South Moore Qld 4314 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01577-00000-000).
6. THAT the property described as L 73 RP7747 at 55 Charles Street Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01868-60000-000).
7. THAT the property described as L 112 RP7754 and L 113 RP7754 at 43 George Street Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01893-00000-000).
8. THAT the property described as L 2 RP7733 at 23 Dingyarra Street Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve



and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02075-00000-000).

9. THAT the property described as L 16 RP156375 at 104 Lockyer View Road Wivenhoe Pocket Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02553-00000-000).
10. THAT the property described as L 2 RP218809 at 2729 Forest Hill Fernvale Road Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02771-50000-000).
11. THAT the property described as L 310 SP216807 at 15 Peregrine Drive Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02807-10070-000).
12. THAT the property described as L 395 SP223250 at 35 Peregrine Drive Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02807-10170-000).
13. THAT the property described as L 324 SP216807 at 14 Sandpiper Drive Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02807-18050-000).
14. THAT the property described as L 26 RP140440 at 40 Lehmanns Road Coolana Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02975-00000-000).
15. THAT the property described as L 59 RP156746 at 121 Green Valley Road Minden Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03172-00000-000).
16. THAT the property described as L 10 RP136766 at 99 Herrmanns Road Prenzlau Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03267-00000-000).
17. THAT the property described as L 3 RP144338 at 386 Watsons Road Mount Tarampa Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03476-30000-000).
18. THAT the property described as L 52 RP140848 at 245 Mount Tarampa Road Mount Tarampa Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03543-00000-000).

19. THAT the property described as L 1 RP819202 at 73 Malmborg Road Coominya Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03910-50000-000).
20. THAT the property described as L 88 RP902465 at 120 Edinburgh Drive Mount Hallen Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04223-49800-000).
21. THAT the property described as L 1 RP188821 at 5220 Brisbane Valley Highway Esk Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04451-00000-000).
22. THAT the property described as L 20 SP309714 at 742 Esk Crows Nest Road Biarra Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04647-00000-000).
23. THAT the property described as L 9 RP150636 at 598 Esk Crows Nest Road Biarra Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04658-00000-000).
24. THAT the property described as L 2 SP190746 at 913 Esk Kilcoy Road Coal Creek Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04775-40000-000).
25. THAT the property described as L 712 CC2846 at 663 Brisbane Valley Highway Wanora Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (34595-00000-000).
26. THAT the property described as L 49 SP216473 at 14 Natan Road Fernvale Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (34723-80600-000).
27. THAT the property described as L 117 LX2540 at 7 Finch Lane Jimna Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80006-00000-000).
28. THAT the property described as L 3 RP59341 at 51 Mary Street Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80110-50000-000).
29. THAT the property described as L 3 K37922 at 88 Atthow Street Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80553-00000-000).

30. THAT the property described as L 20 SP215345 at 88 Seib Street Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80667-10000-000).
31. THAT the property described as L 3 RP174040 at 21 Mccauleys Lane Sandy Creek Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80882-00000-000).
32. THAT the property described as L 2 SP179594 at House 220 Billy Green Drive Villeneuve Qld 4514 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (81125-32502-000).
33. THAT the property described as L 27 SP200488 at 24 Montana Place Woolmar Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (81230-53600-000).
34. THAT the property described as L 24 RP201555 at 71 Brockhurst Drive Hazeldean Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (81323-00600-000).
35. THAT further Council endorse the service of any notices required for these actions using Section 239 of the Local Government Act 2009 where appropriate.

**Resolution**

Moved – Cr Whalley

Seconded – Cr Wendt

1. THAT the property described as L 35 RP154297 at 118 Hacienda Crescent Coominya Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00219-00000-000).
2. THAT the property described as L 116 F3361 at 47 Clive Street Fernvale Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (00824-19000-000).
3. THAT the property described as L 17 SP125067 at 176C Main Street Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01134-60000-000).
4. THAT the property described as L 26 SP181868 at 19 Varley Street Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01254-60800-000).

5. THAT the property described as L 6 RP14965 and L 7 RP14965 at 15 Main Street South Moore Qld 4314 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01577-00000-000).
6. THAT the property described as L 73 RP7747 at 55 Charles Street Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01868-60000-000).
7. THAT the property described as L 112 RP7754 and L 113 RP7754 at 43 George Street Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (01893-00000-000).
8. THAT the property described as L 2 RP7733 at 23 Dingyarra Street Toogoolawah Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02075-00000-000).
9. THAT the property described as L 16 RP156375 at 104 Lockyer View Road Wivenhoe Pocket Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02553-00000-000).
10. THAT the property described as L 2 RP218809 at 2729 Forest Hill Fernvale Road Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02771-50000-000).
11. THAT the property described as L 310 SP216807 at 15 Peregrine Drive Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02807-10070-000).
12. THAT the property described as L 395 SP223250 at 35 Peregrine Drive Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02807-10170-000).
13. THAT the property described as L 324 SP216807 at 14 Sandpiper Drive Lowood Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other

terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02807-18050-000).

14. THAT the property described as L 26 RP140440 at 40 Lehmanns Road Coolana Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (02975-00000-000).
15. THAT the property described as L 59 RP156746 at 121 Green Valley Road Minden Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03172-00000-000).
16. THAT the property described as L 10 RP136766 at 99 Herrmanns Road Prenzlau Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03267-00000-000).
17. THAT the property described as L 3 RP144338 at 386 Watsons Road Mount Tarampa Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03476-30000-000).
18. THAT the property described as L 52 RP140848 at 245 Mount Tarampa Road Mount Tarampa Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03543-00000-000).
19. THAT the property described as L 1 RP819202 at 73 Malmberg Road Coominya Qld 4311 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (03910-50000-000).
20. THAT the property described as L 88 RP902465 at 120 Edinburgh Drive Mount Hallen Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04223-49800-000).
21. THAT the property described as L 1 RP188821 at 5220 Brisbane Valley Highway Esk Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04451-00000-000).
22. THAT the property described as L 20 SP309714 at 742 Esk Crows Nest Road Biarra Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other

terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04647-00000-000).

23. THAT the property described as L 9 RP150636 at 598 Esk Crows Nest Road Biarra Qld 4313 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04658-00000-000).
24. THAT the property described as L 2 SP190746 at 913 Esk Kilcoy Road Coal Creek Qld 4312 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (04775-40000-000).
25. THAT the property described as L 712 CC2846 at 663 Brisbane Valley Highway Wanora Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (34595-00000-000).
26. THAT the property described as L 49 SP216473 at 14 Natan Road Fernvale Qld 4306 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (34723-80600-000).
27. THAT the property described as L 117 LX2540 at 7 Finch Lane Jimna Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80006-00000-000).
28. THAT the property described as L 3 RP59341 at 51 Mary Street Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80110-50000-000).
29. THAT the property described as L 3 K37922 at 88 Atthow Street Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80553-00000-000).
30. THAT the property described as L 20 SP215345 at 88 Seib Street Kilcoy Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80667-10000-000).
31. THAT the property described as L 3 RP174040 at 21 Mccauleys Lane Sandy Creek Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other

terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (80882-00000-000).

32. THAT the property described as L 2 SP179594 at House 220 Billy Green Drive Villeneuve Qld 4514 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (81125-32502-000).

33. THAT the property described as L 27 SP200488 at 24 Montana Place Woolmar Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (81230-53600-000).

34. THAT the property described as L 24 RP201555 at 71 Brockhurst Drive Hazeldean Qld 4515 be sold by way of auction for overdue rates or charges with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements. (81323-00600-000).

35. THAT further Council endorse the service of any notices required for these actions using Section 239 of the Local Government Act 2009 where appropriate.

Carried

*Vote - Unanimous*

**Declarable Conflict of interest – Cr Brieschke- Agenda Item 17 Tender 1261 – Hire of Wet Hire Plant for a 24 month period**

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

The nature of my interest is as follows –

This declarable conflict of interest arises because people who are a related party of mine have an interest in this matter.

Particulars:

- Name of related parties: David Brieschke, Hayden Brieschke and Jordan Brieschke.
- The nature of my relationship with these related parties is David Brieschke is my husband and Hayden and Jordan Brieschke are my sons.
- The nature of the related party's interest in this matter is David, Hayden and Jordan Brieschke are employed by Dully's Designer Homes Pty Ltd.

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

Cr Brieschke left the meeting at 9.37am.

**Subject: Tender 1261 – Hire of Wet Hire Plant for a 24-month period**  
**File Ref: Corporate management\ tendering\ tenders**  
**Action Officer: SPO**

### Background/Summary

Wet plant hire refers to external plant hired with an operator.

Tenders were called via the VendorPanel portal which is an electronic tendering platform.

38 tender submissions were received for wet hire plant from both local and non-local contractors. 12 tenders were rejected due to non-conformances or for pricing that was considered too expensive when compared with similar offers or historical data.

Tenders received have been ranked based on price using a notional hire period that is typical for the hire period for that type of plant (e.g. an eight-hour day). As per Council's purchasing policy a 10% advantage has been given to local suppliers, the 10% advantage has been applied by adding 10% to the price of non-local suppliers and the rankings applied using the adjusted price.

All tenders have been scrutinised via set selection criteria encompassing compulsory insurances and work health and safety matters. Information around human and other resource issues that may affect the ability of tenderers to meet Council's needs were also considered. Contractors that do not meet the minimum requirements will not be used.

The tender analysis contains rankings of comparable items of plant in different localities.

Some tenderers have offered miscellaneous equipment that is not readily comparable with any other item offered by other tenderers, but which may nevertheless be useful to Council on some occasions (e.g. articulated dump trucks).

In addition to a CPI-based rise and fall clause, due to the volatility in fuel prices, a fuel levy of 6.5% for plant and 12.5% for trucks has been added to this contract to assist in supporting Council's contractors. The fuel levy will be applied when prices rise above \$2.50 per litre and removed when fuel prices drop back below \$2.50 per litre, levy pricing is based on the average Brisbane pump price.

### Attachments

A commercial in confidence copy of the tender analysis schedules including rankings by tenderer for each category of plant in each locality is provided separately.

### Recommendation

THAT Council confirm that:

1. All Contractors listed on the tender analysis schedules (registered in Council's electronic document management system as document 1451112) are accepted for a 24-month period starting 12 December 2022 and terminating 1 December 2024 as ranked as per the tender analysis including the offers received for various miscellaneous equipment where a pricing schedule has been submitted; and
2. Should Council become aware of any contractor not meeting any contract requirement including minimum insurance coverage, licensing, accreditations etc during the term of the contract, the relevant contractor or contractors are to be removed from the tender schedules.

### Resolution

Moved – Cr Whalley

Seconded – Cr Gaedtke



THAT Council confirm that:

1. All Contractors listed on the tender analysis schedules (registered in Council's electronic document management system as document 1451112) are accepted for a 24-month period starting 12 December 2022 and terminating 1 December 2024 as ranked as per the tender analysis including the offers received for various miscellaneous equipment where a pricing schedule has been submitted; and
2. Should Council become aware of any contractor not meeting any contract requirement including minimum insurance coverage, licensing, accreditations etc during the term of the contract, the relevant contractor or contractors are to be removed from the tender schedules.

Carried

*Vote - Unanimous*

Cr Brieschke returned to the meeting at 9.39am.

<b>Subject:</b>	<b>Tender 1262 – Supply of Traffic Control Services and Traffic Management Signage and Devices for a 60-month period with the option of 2 x 12-month extension periods</b>
<b>File Ref:</b>	<b>Corporate management\tendering\tenders</b>
<b>Action Officer:</b>	<b>SPO</b>

### Background/Summary

Eight submissions were received for Tender 1262.

Tender submissions were analysed via mandatory and qualitative criteria.

Tenders analysed have been ranked from lowest to highest based on a notional hire period price consisting of a two-man crew with a sign vehicle for one day and then multiplied out by 12 crews per day for the region for a twelve-month period. Tenders were then scored against qualitative criteria with this score added to the price score to give a total out of five.

An annual rise and fall clause applies to the tender based on Brisbane CPI and minimum wage increases applicable for the Building and Construction General On-Site Award.

It is recommended that only the top three ranked suppliers are accepted onto the contract.

### Attachments

A commercial in confidence copy of the tender price and criteria analysis and price only analysis including price rankings for each locality is provided separately for Councillors information.

### Recommendation

THAT Council accepts the offers from the below suppliers for Tender 1262 – Supply of Traffic Control Services and Traffic Management Signage and Devices for a 60-month period with the option of 2 x 12-month extension periods, as ranked for the whole of the

Somerset Region, commencing 28 November 2022 and terminating on 28 November 2027 subject to the use of the 2 x 12-month extension period options:

1. Acquired Awareness Traffic Management Pty Ltd
2. Verifact Traffic
3. Lockyer Valley Traffic Management

### **Resolution**

Moved – Cr Isidro

Seconded – Cr Brieschke

“THAT Council accepts the offers from the below suppliers for Tender 1262 – Supply of Traffic Control Services and Traffic Management Signage and Devices for a 60-month period with the option of 2 x 12-month extension periods, as ranked for the whole of the Somerset Region, commencing 28 November 2022 and terminating on 28 November 2027 subject to the use of the 2 x 12-month extension period options:

1. Acquired Awareness Traffic Management Pty Ltd
2. Verifact Traffic
3. Lockyer Valley Traffic Management.”

**Carried**

Vote – 6 -1

**Subject: 2022 final audit report**

**File Ref: External audit**

**Action Officer: DFIN**

### **Background/Summary**

Section 213 of the Local Government Regulation 2012 requires an audit report to the Mayor from the Auditor-General to be presented at the next ordinary meeting of Council.

The attached reports from Queensland Audit Office (QAO) to the Mayor and Chief Executive Officer dated 31 October 2022 and 7 October 2022 detail the results of the FY2022 audit.

Attention is drawn to the following:

- An unmodified (or favourable) audit opinion has been issued for Somerset Regional Council’s FY2022 financial statements. These statements were made available on Council’s website as soon as they were certified by audit
- Audit have assessed council’s overall financial sustainability risk as “low”
- While Council’s overall operating result for FY2022 was a deficit of \$4.7 million, QAO has assessed “that Council has been able to generate reasonable levels of funding from its own source revenue to fund ongoing operations, supplemented with grant funds”
- Green traffic light ratings have been issued for all five assessed internal control elements (control environment, risk assessment, control activities, information and communication and monitoring activities).
- Final FY2022 audit fees are expected of \$95,900 excluding grant audits. The

increasing audit cost reflects in part the 28% increase in total annual transactions processed by the finance team between FY2020 and FY2022 (measured based on audited cash flow statements).

An immaterial uncorrected misstatement issue has been raised by audit in respect of “deferral of building and planning fees”. Council’s Director Planning and Development and Director Finance are working to manage the risk of a similar issue being raised by audit in future years.

#### Attachments

Queensland Audit Office reports to the Mayor and Chief Executive Officer dated 31 October 2022 and 7 October 2022

#### Recommendation

THAT the 2022 final management audit report to the Mayor from Queensland Audit Office dated 31 October 2022 be received and the contents noted.

#### Resolution

Moved – Cr Choat

Seconded – Cr Gaedtke

THAT the 2022 final management audit report to the Mayor from Queensland Audit Office dated 31 October 2022 be received and the contents noted.”

Carried

Vote - Unanimous

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

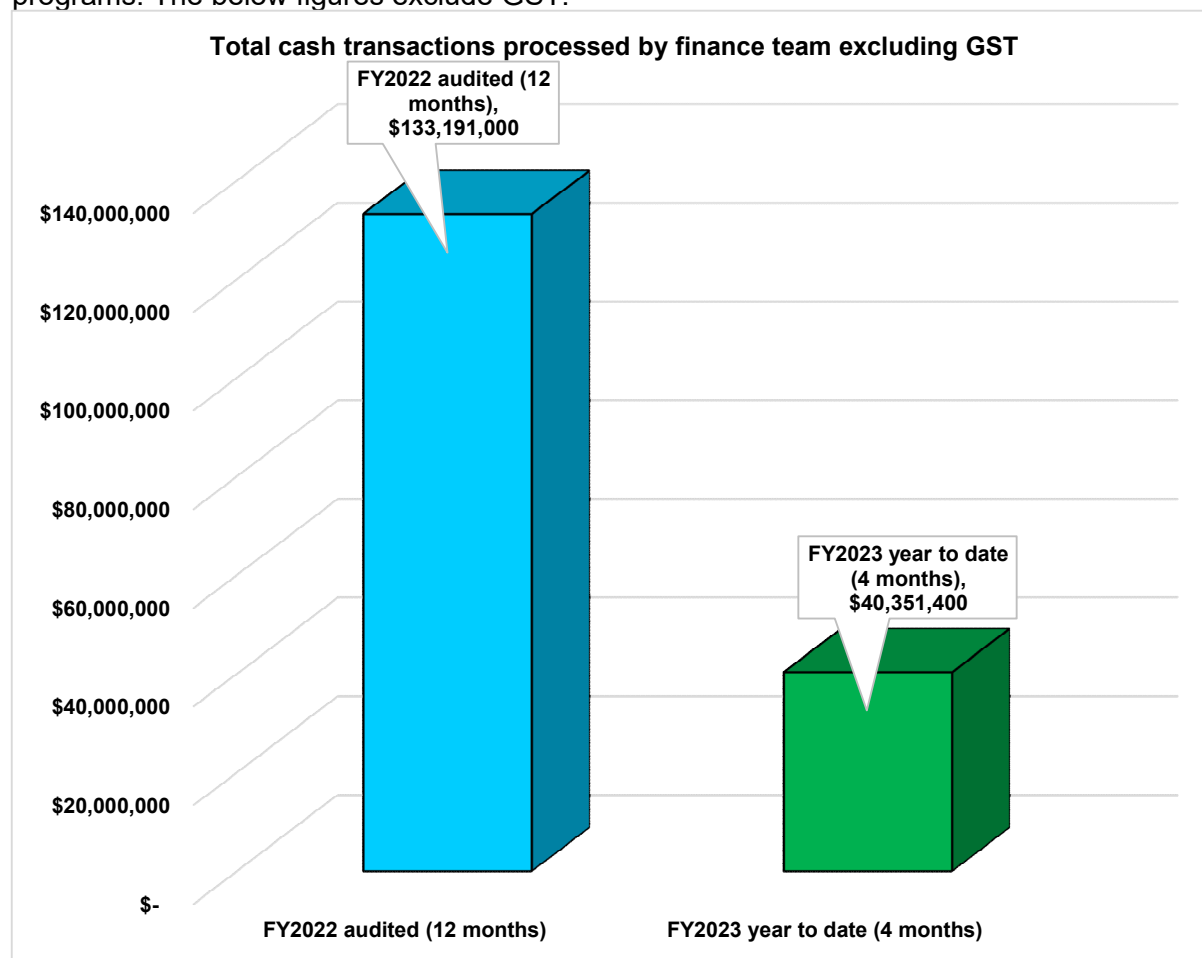
#### Background/Summary

##### Financial reports

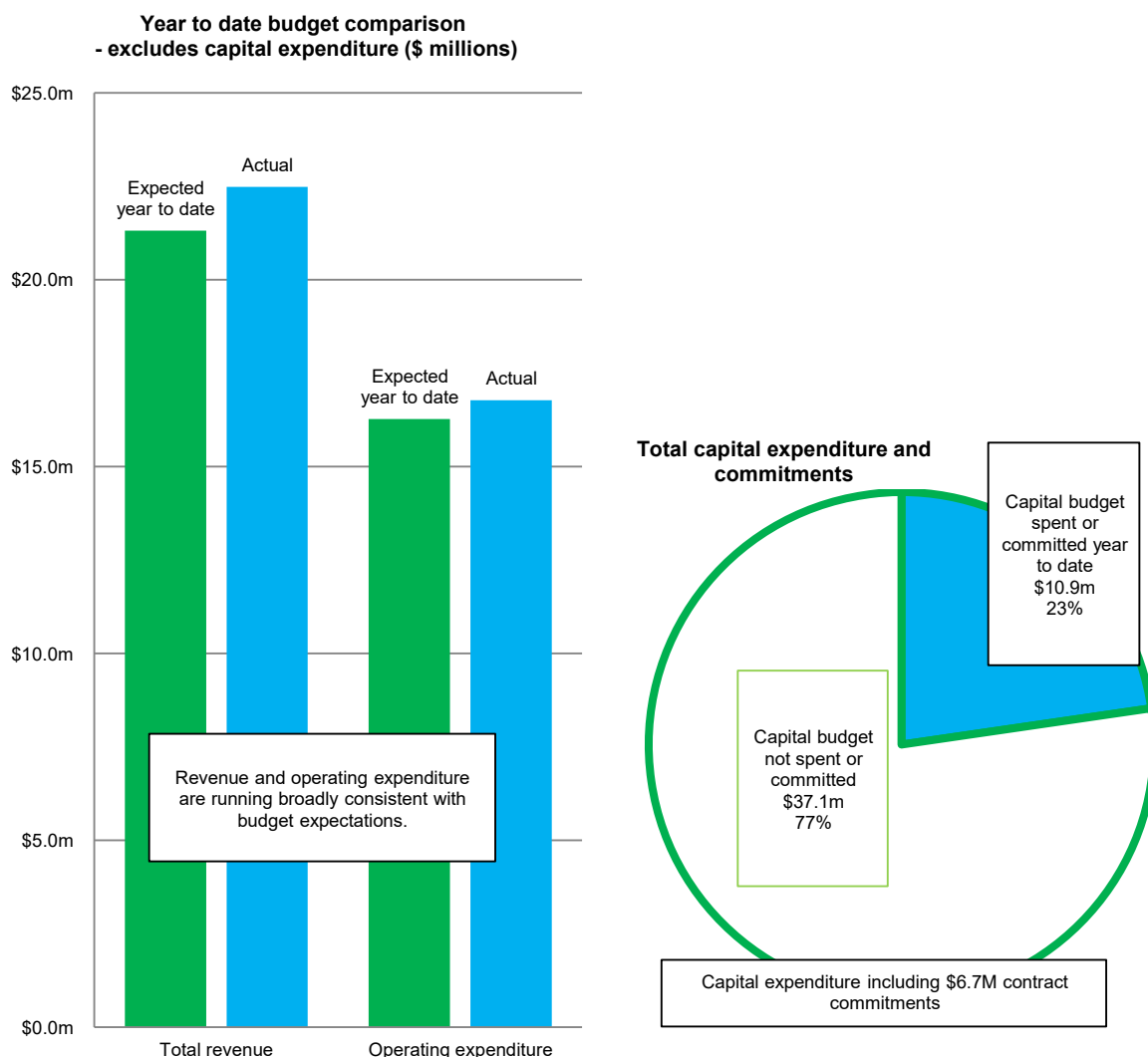
Reports for the period 1 July 2022 to 31 October 2022 are attached detailing the progress that has been made in relation to Council’s FY2023 budget as required by Local Government Regulation 2012 s204.

The finance team processed cash transactions for the FY2022 financial year versus prior years as below with transactions increasing with larger capital and recoverable works

programs. The below figures exclude GST:



Provisional results for the financial year to date with 33% of the year completed are summarised as follows:



## Grants

- Council officers have been preparing and lodging submissions under Disaster Recovery Funding Arrangements (DRFA) to the Queensland Reconstruction Authority (QRA). Significant detail is required for these submissions under relevant funding guidelines. Repairs to some assets that were damaged by the declared disasters earlier in 2022 have been necessarily carried out prior to DRFA approvals being obtained and after the emergency works period for the February 2022 declared flood. It is considered likely that some of this expenditure will be treated as non-reimbursable maintenance by QRA.
- Council is awaiting the outcome of an application made under the Australian Government's Bridges Renewal Program on 27 July 2022 as follows:

	Project value	Funds sought
Replace Lester Kropp bridge on Neurum Road which is in "very poor" condition (Instrada) on a 552-vehicle per day road with a new in situ two-lane concrete bridge.	\$7,272,576	\$5,000,000

- Council is awaiting the outcome of an application made under the Federal/State Flexible Funding Program on 19 October 2022 as follows:

	Project value	Funds sought
--	---------------	--------------

Merryl Dray memorial shelters, Lowood Park.	\$142,870	\$100,000
---	-----------	-----------

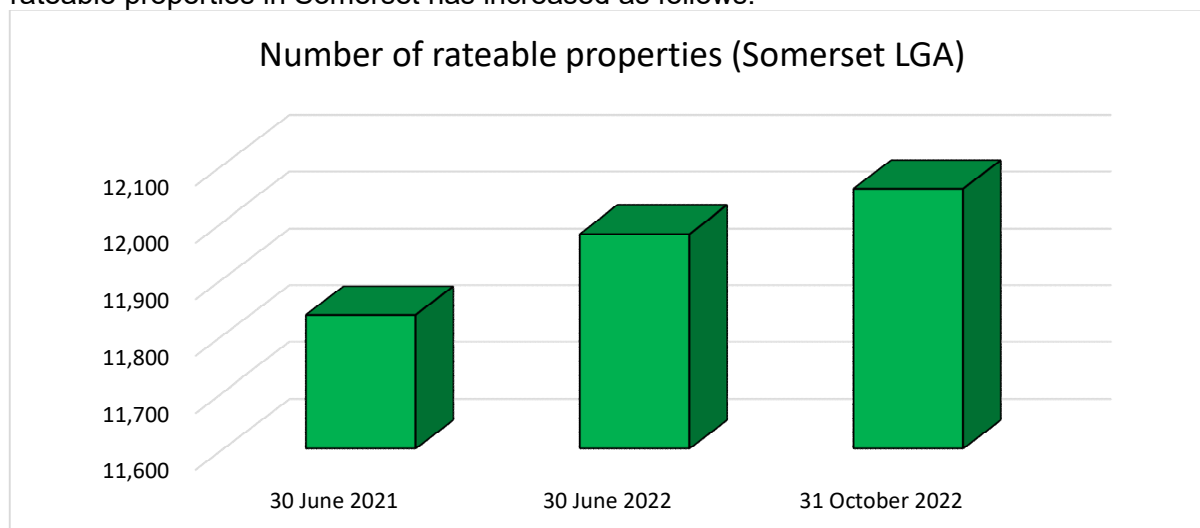
- Council is awaiting the outcome from Queensland Reconstruction Authority over the following competitive project application under the Queensland Resilience and Risk Reduction Fund:

	Project value	Funds sought
Replace culvert ch550 on Murrumba Rd to prevent catastrophic loss in flood	\$1,126,412	\$563,206

- On 25 October 2022, the Australian Government announced that Building Better Regions Fund round 6 in which Council had submitted two funding applications had been withdrawn. Officers are seeking advice about alternative funding options for the relevant projects.

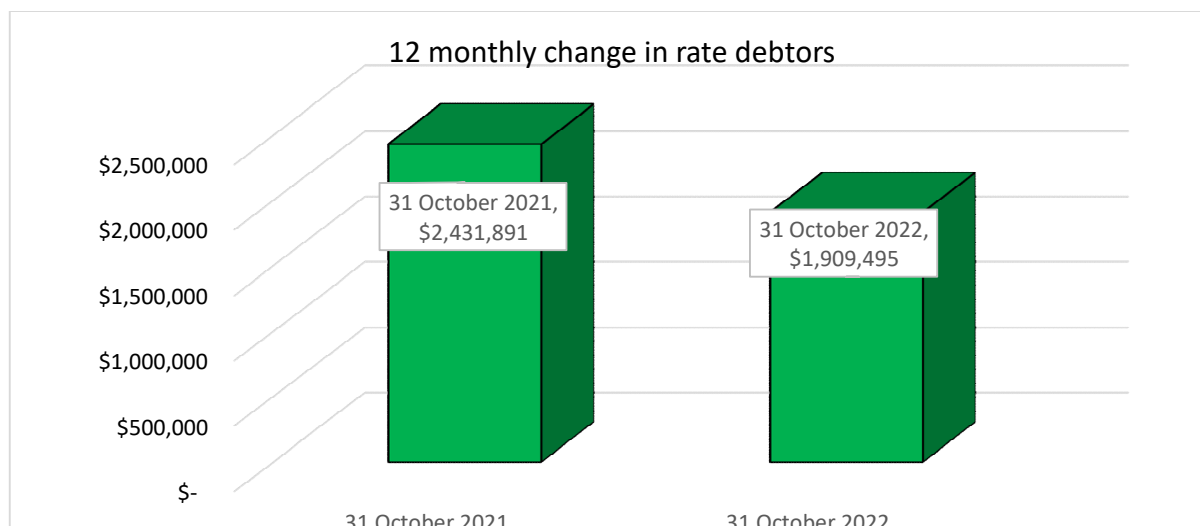
### Growth

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



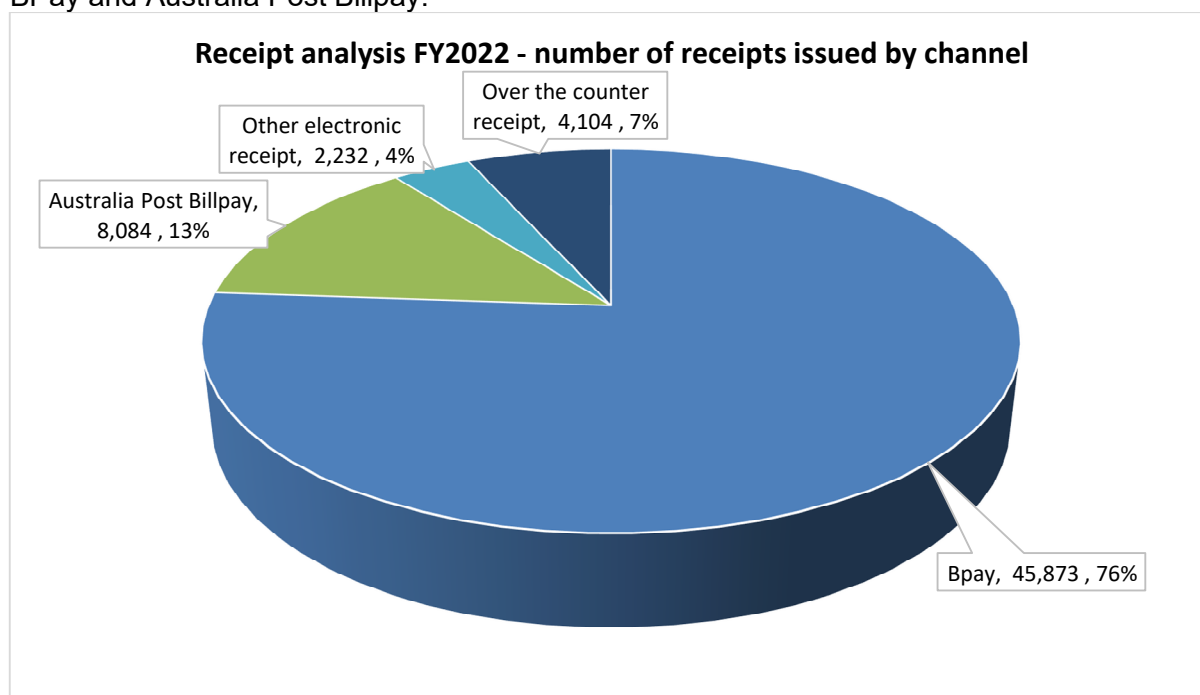
### Rates

On 23 June 2022, Council issued 25 notices of intention to sell land for overdue rates or charges consistent with a May 2022 Council resolution. These notices were prepared in-house to avoid incurring legal costs (if possible) which would be recoverable from relevant landowners in addition to the overdue rates. Seven of the notices have been referred to Council's solicitors for finalisation. The seven properties are in Mount Stanley (two assessments and multiple parcels), Coominya (two assessments), Lowood, Fairney View and Biarra. Total rate debtors have been contained as follows over the past 12 months:



### Receipting

Officers are investigating ways of increasing electronic payment options available for ratepayers and other customers and of increasing electronic receipting generally. During 2021/2022, 93% of all receipts issued by Council were for electronic transactions including BPay and Australia Post Billpay.



### Investments

Council relies on interest revenue to keep rates and charges at the lowest possible level. The Reserve Bank of Australia has increased the cash rate from 0.10% (as recently as 3 May 2022) to 2.85% on 1 November 2022.

An investment summary is attached detailing interest earnings from Queensland Treasury Corporation (QTC) cash fund and other sources (3.29% net for October 2022).

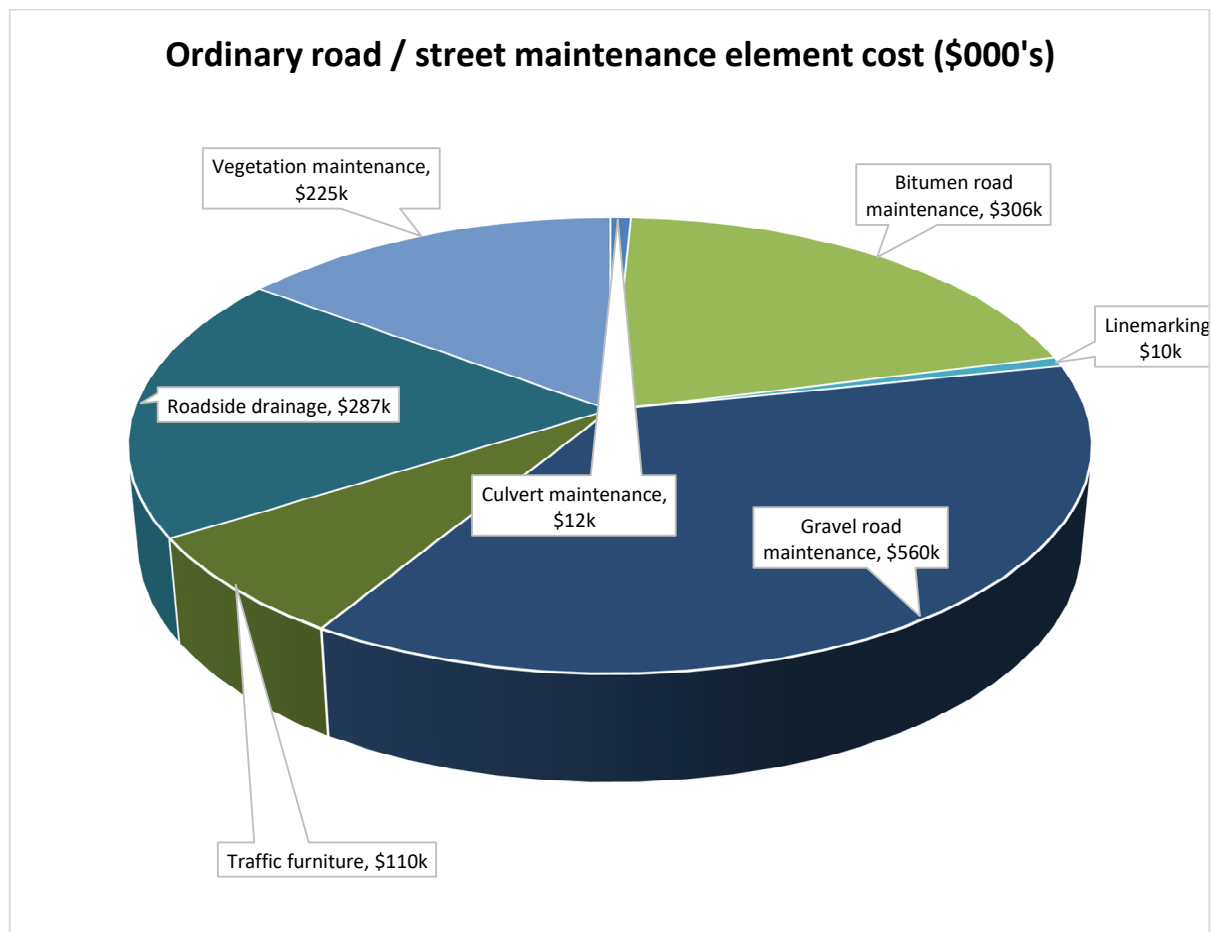
Council's key long-term investment strategy has been to maintain interest-bearing credit facilities totalling \$43.8 million to Urban Utilities (UU) which help fund infrastructure like Lowood wastewater treatment plant as well as providing mutual benefit to both UU and

Council. These currently carry a combined weighted average interest rate of 2.11% and are reviewed each 30 June. Council is awaiting Queensland Treasury approval to establish a third credit facility of \$10 million. This is expected to be in place in 2022/2023.

### Ordinary road maintenance detail

Ordinary road maintenance costs are as below. These exclude \$1.196M in approved and unapproved repairs charged to flood damage ledger numbers:

Maintenance type	Total (\$000's)
Bitumen road maintenance	306
Gravel road maintenance	560
Roadside drainage	287
Culvert maintenance	12
Vegetation maintenance	225
Traffic furniture	110
Linemarking	10
Total actual year to date	1,510
Expected pro-rata budget year to date	2,208



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

Road segment	Cost (\$000's)	Cost per linear metre (\$)



Scrub Creek Rd DRFA claim	130	
Linville Rd DRFA claim	105	
West Branch RdXQLER35Ch19065-19070	96	
Clarendon Rd (bitumen) Ch1630-Ch5750	72	17
Monsildale Rd (gravel) Ch1630-Ch10200	52	6
Kangaroo Creek R (gravel) Ch3190-Ch7830	51	11
Monsildale Rd (gravel) Ch12000-Ch19100	46	7
Louisavale Rd (gravel) Ch5010-Ch5810	44	55
Spring Creek Rd (gravel) Ch60-Ch4210	41	10
Scrub Creek RdCulvCh1.6REPA	33	
Rasmussen Mt Arc (bitumen) Ch2380-Ch4300	30	16
Monsildale Rd DRFA claim	28	
Rohlmanns Rd (gravel) Ch170-Ch3260	28	9
Twin Lakes Rd (bitumen) Ch0-Ch1210	27	22
Cairnscroft St (bitumen) Ch0-Ch590	27	45
Monsildale Rd (gravel) Ch19270-Ch22570	25	8
Spring Creek Rd (gravel) Ch4210-Ch7200	25	8
Brightview Rd DRFA claim	22	
Monsildale Creek (gravel) Ch890-Ch1440	21	39
Monsildale Creek (gravel) Ch4500-Ch5410	21	23
Kangaroo Creek (gravel) Ch11000-Ch11570	21	37
E Summervilles Rd DRFA claim	20	
Sandy Creek Rd Li (gravel) Ch0-Ch3010	20	7
Larkhill Boundary Rd DRFA claim	20	
Kangaroo Creek (gravel) Ch8010-Ch10100	18	8
Gregors Creek Rd DRFA claim	14	
Rifle Range Rd DRFA claim	13	
Timm Creek Rd (gravel) Ch6750-Ch7180	12	28
Monsildale Rd (gravel) Ch300-Ch1510	12	10
Brennan Rd (gravel) Ch4080-Ch4610	11	22
Subtotal (\$000's)	1,085	

### Special road maintenance/ renewal

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

### Attachments

Financial reports and payment listings

### Recommendation

THAT Council receive the financial reports for 1 July 2022 to 31 October 2022 and payments processed during the period 30 September 2022 to 1 November 2022 totalling \$15,775,184.56 and that the contents be noted.

### Resolution

Moved – Cr Whalley

Seconded – Cr Isidro

THAT Council receive the financial reports for 1 July 2022 to 31 October 2022 and payments processed during the period 30 September 2022 to 1 November 2022 totalling \$15,775,184.56 and that the contents be noted.

Carried

Vote - Unanimous

**Subject:** Kilcoy Racetrack and Showgrounds – Judges and Race Callers Box and Camera Position

**File Ref:** SRC - Council Properties - Design and Construction

**Action Officer:** DCORP

### Background/Summary

At Council's Ordinary meeting of 28 September 2022 Council were provided a report concerning the funding of the works to the Race Caller's and Judges Room and the Camera Position. Council resolved as follows:

"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".

Council officers referred the detailed list of works to three contractors for quotation – Dully's Designer Homes, Garnel Constructions and Daniel Banditt Constructions. Unfortunately, only one contractor responded to the request for Quotation. That contractor was DB Constructions.

The price submitted was within the \$45k Budget for the works. A copy of the detailed quotation is attached.

### Attachments

Attachment 1 – Daniel Banditt Quote - Race Callers Room and Camera Room (Confidential)

### Recommendation

THAT Council accept the quotation submitted by Daniel Banditt Constructions for the refurbishment works to the Race Callers and Judges Room and the camera position at a total cost of \$44,882.73 excluding GST..

#### Resolution

Moved – Cr Isidro

Seconded – Cr Wendt

THAT Council accept the quotation submitted by Daniel Banditt Constructions for the refurbishment works to the Race Callers and Judges Room and the camera position at a total cost of \$44,882.73 excluding GST..

Carried

*Vote - Unanimous*

**Subject:** Brisbane Valley Rail Trail Users Association – Request for Mural to be painted/attached on Building.

**File Ref:** SRC/Council Properties/Operation and Maintenance

**Action Officer:** DCORP

### Background/Summary

The Brisbane Valley Rail Trail User Association have engaged Susan McConnell to provide the group with some concepts for a mural or murals in Fernvale. The group identified potential locations for the mural with their ideal location being the rear wall/s of the Fernvale Explore Centre.



The passing Rail Trail traffic would get to enjoy the mural/s while passing the building. The Susan McConnell designs to be painted are:





The images are as previously presented to Council at Workshop. The FCA recognise that the first image in the set shown in this report will need to be altered to remove the words “Fernvale dump”.

Each of the paintings are in a panel and would according to the Brisbane Valley Rail Trail Users Association be able to be painted on the five or six different walls at the rear of the building. The Brisbane Valley Rail Trail Users Association are also investigating an option to paint the murals onto panels then fix the panels onto the wall.

From Council’s perspective, there may be a small amount of upkeep required and there would potentially be a high risk of vandalism.

### Attachments

Mockup of locations of panels and enlarged images

### Recommendation

THAT Council approve the location of the Fernvale Explore Centre rear wall for a mural as presented and requested by the Brisbane Valley Rail Trail User Association.

#### Resolution

Moved – Cr Gaedtke

Seconded – Cr Choat

“THAT Council approve the location of the Fernvale Explore Centre rear wall for a mural as presented and requested by the Brisbane Valley Rail Trail User Association.”

Carried

Vote - Unanimous

**Subject:**

**The Condensery Operating Hours**

**File Ref:**

**Customer Liasion - CSRAG The Condensery**

**Action Officer: ACM**

### Background/Summary

A further review of visitors to The Condensery has recently been conducted to assist in aligning operating hours with currently available staff resources, patronage times and other regional galleries in the surrounding areas. This investigation has included the feasibility of opening on certain public holidays.

An analysis of patronage has shown that the majority of visitors come to The Condensery from Wednesday to Sunday, with Mondays and Tuesdays having significantly less visitors (refer Table 2).

The review has also shown that the majority of visitors come to The Condensery between the hours of 10am and 4pm (refer Table 3). While the number of days with visitors between 9am and 10am are slightly higher, these numbers are also likely to include contractors and maintenance personnel who typically conduct work at The Condensery in the mornings.

**Table 1: Visitors per year**

	2016	2017	2018	2019	2020	2021	2022 (YTD)	Total	Avge / year
The Condensery	2,277	3,081	4,758	4,456	2,654	4,181	3,718	20,513	3,808

**Table 2: Numbers of visitors by day of the week**

	Average visitors per day	Total visitors per year
<b>Monday</b>	7	381
<b>Tuesday</b>	9	473
<b>Wednesday</b>	13	694
<b>Thursday</b>	14	702
<b>Friday</b>	17	860
<b>Saturday</b>	16	857
<b>Sunday</b>	12	645

**Table 3: Visitor patronage times**

	Avge. Arrival Time (First visitor)	Avge. Arrival Time (Last visitor)	No. Days (with visitors before 10am)	No. Days (with visitors after 4pm)
<b>October</b>	10:16	13:45	7	4
<b>November</b>	10:56	14:33	7	3
<b>December</b>	10:21	12:32	9	0
<b>January</b>	10:59	13:58	5	0
<b>February</b>	10:41	13:52	5	0
<b>March</b>	10:57	13:25	3	0
<b>April</b>	10:01	14:20	10	2
<b>May</b>	10:49	14:15	8	5

<b>June</b>	10:10	14:36	12	2
<b>July</b>	10:10	14:40	8	5
<b>August</b>	10:11	15:27	11	7
<b>September</b>	10:19	14:51	10	4

On analysis of public holiday patronage at Kilcoy and Fernvale Explore Centres and in light of the recent visitor statistic review at gallery, it is proposed that The Condensery close on the following public holidays;

- Christmas Day
- Boxing Day
- New Years Day
- Good Friday

Subject to volunteer availability, The Condensery will open on the remaining public holidays with visitation statistics monitored and reviewed in 12 months' time. If approved, it is proposed that the revised opening hours commence at the start of the calendar year in 2023.

### Recommendation

THAT Council approves the following changes to the operating hours of The Condensery:

- Mondays and Tuesdays – Closed
- Wednesday to Sunday: 10am – 4pm
- Public holidays: Closed Christmas Day, Boxing Day, New Year's Day and Good Friday with patronage on public holidays to be reviewed in 12 months time.

### Resolution

Moved – Cr Brieschke

Seconded – Cr Whalley

“THAT Council approves the following changes to the operating hours of The Condensery:

- Mondays and Tuesdays – Closed
- Wednesday to Sunday: 10am – 4pm
- Public holidays: Closed Christmas Day, Boxing Day, New Year's Day and Good Friday with patronage on public holidays to be reviewed in 12 months time.”

*Carried*

*Vote - Unanimous*

<b>Subject:</b>	<b>Youth Engagement Strategy 2018 – Review and Engagement Plan</b>
<b>File Ref:</b>	<b>Community Services – Youth Development – Youth Engagement Strategy</b>
<b>Action Officer:</b>	<b>Youth Engagement Officer</b>

### Background/Summary

The Somerset Regional Council Youth Engagement Strategy 2018 – following the review of the Youth Engagement Strategy 2015 – was adopted by Council at the Ordinary Meeting

held on 26 September 2018. Further to this adoption, the Decision was carried that “Council approve the YEO to consult and engage with Somerset youth every five years to assist with future reviews of the Youth Engagement Strategy.”

In accordance with the recommendations, the Youth Engagement Officer (YEO) is scheduled to consult and engage with youth in 2023 to help guide the review of the Youth Engagement Strategy 2018. The importance of this consultation was highlighted in the 2018 review as a method to ‘determine the focus of the strategy in the future’ and the upcoming review should aim to develop a clear, strategic platform for action for Somerset Regional Council for the next five years. The consultation will be achieved through the proposed Youth Engagement Strategy (YES) Review - Engagement Plan to reach youth across Somerset.

The YES Review - Engagement Plan will include:

- Have Your Say survey for entire community
- Hard copy survey undertaken, where possible, by youth at Somerset secondary schools
- Consultation with Somerset student leaders through Student Council Representative meetings at secondary schools.
- Consultation with relevant stakeholders – including those from school, service and community organisation settings.

The review of the Youth Engagement Strategy 2018 will encompass a broad range of data and information from the past five years. This is inclusive of, but not limited to, the results of the YES Review Engagement Plan, the Somerset Social Plan, the Somerset Arts and Culture Strategy, updated local, state and federal policies, census results and various other relevant materials.

The YEO role, as outlined in previous documents, has changed since the initial consultation process for the Youth Engagement Strategy took place. The YDO at that time worked in a full-time capacity, had a limited workload due to the role having recently been created and had no established relationships or biases in the community. In comparison, current capacity for the YEO to develop an informed and unbiased review and update of the current Youth Engagement Strategy is limited. The YEO intends to carry out the YES Review - Engagement Plan in the first half of 2023 and has capacity to do so due to the relationships that have already been established in the community. As such, the review of the Youth Engagement Strategy could then take place in the second half of 2023 and would be most appropriately undertaken by qualified consultants.

#### **Attachments**

- Youth Engagement Strategy Review - Engagement Plan

#### **Recommendation**

THAT Council

1. approve the Youth Engagement Officer to carry out the Youth Engagement Strategy Review - Engagement Plan in 2023 to inform the scheduled review of the Youth Engagement Strategy 2018.
2. allocate \$20,000 in the 23/24 budget for the appointment of consultants to undertake the Youth Engagement Strategy review scheduled for 2023.



**Resolution**

Moved – Cr Isidro

Seconded – Cr Whalley

“THAT Council

1. approve the Youth Engagement Officer to carry out the Youth Engagement Strategy Review - Engagement Plan in 2023 to inform the scheduled review of the Youth Engagement Strategy 2018.
2. allocate \$20,000 in the 23/24 budget for the appointment of consultants to undertake the Youth Engagement Strategy review scheduled for 2023.”

Carried*Vote - Unanimous*

<b>Subject:</b>	<b>2022 Queensland Information Centres Association Conference</b>
<b>File Ref:</b>	<b>Tourism – 2022 – Visitor Information Centres</b>
<b>Action Officer:</b>	<b>TO</b>

**Background/Summary**

From Tuesday, 4 October 2022 to Thursday, 6 October 2022 the Queensland Information Centres Association (QICA) Conference was held in Noosa, QLD. The conference’s purpose is for representatives of QICA members to come together and provide updates on emerging themes in the tourism industry. 2022 also provided the opportunity for the host, Noosa, to showcase its attractions, facilities, and overall tourism product.

Carole Labram, Tourism Officer attended the conference as Somerset’s representative.

The key themes presented at this year’s conference included:

- Sustainable Tourism
  - Change in paradigm from “leave no trace” to “leave a place better than before”.
  - Assess what can be done to offset the impacts of tourism activities and operations, including tree planting, sustainable events, plastic free programs.
  - Trees for Tourism and Plastic Free Noosa initiatives were presented by Tourism Noosa to offset the environmental impact of the tourism industry.
  - Lady Elliot Island Case Study was presented by Peter Gash OAM, providing an overview of the change to the island from a mine to a sustainable ecotourism destination.
- Accessible Tourism
  - Approximately 14 per cent of visitors require accessibility services.
  - There is a need to address all types of access issues, not just for those with disabilities (i.e. vision, physical and intellectual disabilities, low mobility, prams, sensory etc.).
  - Consider both temporary and permanent mobility concerns.
  - Venue audits can be conducted to determine the current accessibility status of a venue and/or event.
- Indigenous Tourism
  - Consideration should be given to authentic indigenous experiences.
  - Focus on truth telling to provide an accurate reflection of the history, both good and bad.
  - Strategic direction is provided in the First Nations Tourism Plan 2020-2025.



- **Volunteers**
  - Consider the difference between customer service (i.e. helping customers with their enquiries) and customer experience (i.e. the lasting impression you leave with a customer).
  - Have multiple methods for capturing feedback.
  - Responses need to be provided to all feedback.
  - Share good news stories.

### Attachments

Nil

### Recommendation

THAT Council receive the 2022 Queensland Information Centres Association Conference report and the contents be noted.

#### **Resolution**

Moved – Cr Brieschke

Seconded – Cr Gaedtke

“THAT Council receive the 2022 Queensland Information Centres Association Conference report and the contents be noted.”

*Carried*

*Vote - Unanimous*

<b>Subject:</b>	<b>The 19<sup>th</sup> annual Somerset Rail Trail Fun Run or Ride – Post Event Review</b>
<b>File Ref:</b>	<b>Recreation and Cultural Services / Event Management / 2021 – 2022 – Somerset Rail Trail Fun Run or Ride</b>
<b>Action Officer:</b>	<b>A/MRT</b>

### Background/Summary

Somerset Regional Council hosted the 19<sup>th</sup> annual Somerset Rail Trail Fun Run or Ride (SRTFRR) on Sunday, 10 July 2022. The event reached 879 registrations across the three formats.

In 2022, the event included the popular 8km and 3km run / walk event between Lowood and Fernvale, as well as a new bike route from Coominya to Fernvale.

Despite wet weather leading into the event causing issues with the trail and a relocation of the festival component within the Fernvale Sports Park, the 19<sup>th</sup> instalment of the event still drew an estimated 1,700 to 2,000 people to the event. Total registrations for the event make it one of the highest entered events in recent years.

The new bike leg for the event was well received, though needs further consideration to ensure increased participation and effectively managed conflicts with pedestrians (i.e. change of starting location and change of starting time).

There was a safety incident that occurred at the festival component of the event, which was

well managed by event staff. Further resources may be required to support the festival should it grow and incidents such as this be considered to have an increased likelihood.

To improve the event further ahead of the 20<sup>th</sup> instalment in 2022, feedback has been sort from staff, volunteers, participants and commercial operators. This feedback has informed a review of the following areas; Purpose and Objectives, Promotion, Logistics / Operations and the Festival.

### **Purpose and Objectives**

The event continues to serve a dual purpose of encouraging an active and healthy Somerset, increasing local participation, and promoting the region as a tourist destination.

- Encouraging an active and healthy Somerset, increasing local participation
  - *10 per cent increase in local participation*
    - There was a 27 per cent increase in local registrations (228) for the event in 2022 comparative to 2021. There was a significant increase in participation around the Esk area (up 140 per cent against 2021) and Fernvale area (up 28 per cent), but there was also a marked decrease in participation from the Lowood area (down 19 per cent).
  - *Increase local youth participation through schools' promotions offering ten free entries per school to the 19 schools in the region*
    - There was minimal take up of this offer for the second year straight. It is difficult to promote this offer through schools due to the event being scheduled on the final Sunday of the July school holidays.
- Promoting the region as a tourist destination
  - *15 per cent increase in participation from individuals from outside the region*
    - There was a 17 per cent increase in registrations from outside the region in 2022 (651 registrations) comparative to 2021.
  - *25 per cent increase in participation from individuals residing in Brisbane*
    - There was minimal change (three per cent decrease) in registration from Brisbane and Moreton Bay residents in 2022 (234 registrations).
  - *20 per cent increase in participation from individuals residing in Ipswich*
    - There was a significant, 117 per cent increase in registration from Ipswich residents (182).
  - *20 per cent increase in participation from individuals residing in Toowoomba*
    - There was a 10 per cent decrease in registration from Toowoomba residents (37)

Given the mitigating circumstances of poor weather leading into the event and the ongoing uncertainty of the pandemic, an overall increase in registrations of 19 per cent is a satisfactory result.

Registrations from Somerset, Brisbane, Moreton Bay and Ipswich remain the target markets for this event. The Toowoomba market has not been able to achieve pre-pandemic levels and does not remain a key market for this event.

**Proposal 1:** *Maintain dual purpose of the event targeting local participation and visitor participation, specifically from Brisbane, Moreton Bay and Ipswich.*

### **Budget and Sponsorship**

The total budget for the SRTFRR in 2022 was \$44,000.00.

Additionally, the event raised \$16,800 in sponsorship revenue and \$13,100.50 in registration revenue.

The total event expenses for the 2022 SRTFRR were approximately \$83,378.15. Overall service costs have increased in line with recent inflation trends. The event also saw significant increases in traffic control, transport services and signage costs with the new bike ride starting location. There was also a significant increase in staff expenditure (i.e. administration and labour support).

The total estimated contribution of staff to the event is estimated to be a 0.5 Full Time Equivalent (FTE) for the month of April, gradually increasing to a 2.4 FTE contribution in the weeks immediately preceding the event and the event itself. The average staff contribution across the three months preceding the event is 1.0 FTE. This staff contribution is drawn from the Corporate and Community Services, Human Resources and Customer Service and departments.

**Proposal 2:** *Engage a casual staff member to provide assistance and drive event planning and operation from November 2022 through to the event close and post-race analysis.*

In 2022 the event major sponsor was AandM Civil Contracting. In addition, the event had three gold sponsors, six silver sponsors and three valued partners (in kind support). Local Somerset businesses comprised 66 per cent of total sponsorship revenue.

2022 concluded a two-year agreement with AandM Civil as the major sponsor for the event.

The 2022 event beneficiary was the Ipswich Hospital Foundation (IHF). The total amount raised for the IHF was \$3,440, which comprised two dollars from every entry (\$1,758) and voluntary participant donations made during the registration process (\$1,682).

IHF also provided in-kind support for the event with the provision of complimentary event equipment and promotional support.

**Proposal 3:** *Explore opportunities for a new event beneficiary and major sponsor for the 20<sup>th</sup> instalment of the event.*

## Promotion

Successful promotional activities for 2022 included:

- The 'Flash Sale' (accounted for 62 per cent of all registrations)
- Direct email using previous participants (1,567 subscribers, with an above 40 per cent open rate of emails)
- Social media advertising
- Finisher medallions
- Branded water bottles
- Q-Run promotional support (social media posts, website and direct email)
- Partnering with the Ipswich Hospital Foundation

Branding for the event was appropriate. The logo has a level of awareness and recognition. The name of the event is suitably descriptive and representative of the event, though quite long.

Given the event will be entering it's 20<sup>th</sup> instalment in 2023, significant consideration should

be given to the name of the event. Potential names should recognise the region, historic nature of the trail and significance of the event. Some initial thoughts regarding a new name for the event include the Somerset Rail Trail Classic and the Brisbane Valley Rail Trail Classic.

Given the significant following of the event, it could be a significant promotional tool to engage the community in providing feedback regarding potential name changes through social media i.e. a social media poll on potential names.

**Proposal 4:** *Council Officers to draft a report for Council consideration regarding a name change of the event.*

This year's event date worked well, with strong registrations for the event. Poor weather leading into the event may have impacted registrations. The effect of the weather is unclear and typically July is a dryer month for the area.

The weather also led to the rescheduling of the Brisbane Airshow on the same weekend, which effected event operations and potentially registrations.

The event does remain well positioned within the running festival market. It is scheduled for the weekend following the Gold Coast Marathon and a fortnight preceding the Ipswich Hospital Foundation Park 2 Park event.

There may be an opportunity to reschedule the event to the following weekend or a weekend in early August. The rationale for such a decision would be that due to the event occurring on the final day of the July school holidays it is not an attractive proposition for families to attend. Family participation in the event has recently been decreasing and school student participation has been almost non-existent. A later date may suit young families and schools better, though it should be noted that regular club winter sports will be operating on this weekend.

Again, this could be a good promotional opportunity for Council to engage with the event's community for a positive outcome.

**Proposal 5:** *Council Officers to draft a report for Council consideration regarding a change of date for the event.*

In 2022 the SRTFRR was promoted through radio, social media, partner channel shares, press releases, direct email, billboard, local newspapers, billboards, partner driven channels, posters and brochures.

The various forms of promotion, both traditional and contemporary digital, provided satisfactory awareness and engagement with the event.

### **Logistics / Operations**

In 2022 the SRTFRR course commenced from the Coominya Memorial Park, Clock Park (Lowood) and along the BVRT in Vernor for the 20km bike ride, 8km run / walk and 3km run / walk respectively. The events commenced at 7.30am (bike ride) and 9am respectively (run / walk). The intent in commencing the bike ride 90 minutes before the run / walk was to allow the bike riders sufficient time to safely pass the 8km and 3km starting areas prior to their commencement.

Bike riders were detoured passed the Clock Park starting area via Peace Street.

All participants finished at the same location in the Fernvale Sports Park (FSP).

The courses worked well, though there were some issues with the bike course and conflicts with the run / walk routes. It was difficult to direct bike riders through the Clock Park detour. There were also some minor conflicts between riders and pedestrians at both starting locations. Some riders also finished the 20km ride with 60 to 90 minutes prior to the commencement of the run / walk and the post event festival.

Anecdotal bike ride feedback was that the course was too short, and the start time did not complement the other events sufficiently.

**Proposal 6:** *Consideration and investigation should be given into altering the event course for a safer and better user experience, including coordination of the bike leg.*

The finishing area for the SRTFRR was adjusted following sustained above average rainfall, which meant the bottom (rectangular) field of the FSP was unable to be utilised due to concerns for vehicle damage and participant safety. Participants were led around the oval of the Sports Park to a finishing area on the northern end of the external boundary of the oval. Given the grassed areas were not suitable for the festival, it was relocated to the netball courts. This relocation of festival was sufficient but not desirable. It also significantly impacted car parking, as the area adjacent to the netball courts has been utilised for overflow car parking in previous years. Having the finishing area and festival disconnected was also not desirable.

In 2023 the finishing area and festival will return the bottom oval, pending weather, and the area adjacent to the netball courts will be utilised for overflow carparking.

Signage on the course and in the start and finishing areas were adequate, with installation occurring in the days prior to the event, though any re-branding of the event will result in significant event collateral changes and increased expenditure.

Traffic management in Coominya (Main St, Lowood (Main St and Prospect St), at the 3km start line (Forest Hill Fernvale Rd) and at the post event festival (Brisbane Valley Highway) were sufficient. There were issues with the bike ride detour around Clock Park via Peace St, which may be rectified with alterations to the bike ride route and start time.

Bus transfers between the Fernvale Sports Park, 3km Start Line and Clock Park and luggage transfers from Clock Park to Fernvale Sports Park were also well utilised and appreciated.

## **Festival**

The Events Officer (EO) was responsible for the festival portion of the event. This included but not limited to, securing food, drink and general vendors, general communication, collecting of insurance and application documentation, data entry, confirming amusements, children's DJ, face painter, live entertainment, site map layout and mapping, liaising with contractors, suppliers, first aid, staging, council staff and volunteers, festival set up and pack down, waste removal, amenities check, pick and delivery of hired equipment.

The end of race festival was successful and saw many friends and families of the runners/riders join in on the excitement, even amongst the Covid-19 restrictions enforcing mask wearing, social distancing and seated eating and drinking. The live musician was great as background entertainment. It would be worth increasing the size of the overall event in future to include more stallholders/food vendors as well as providing additional shade.

Most of the festival set up was completed the day before the event with security guarding equipment overnight. Whilst this was an advantage come event day, it was still a lot of physical work for a small number of staff.

The festival requires a significant amount of staff planning, physical setup and on the day coordination and monitoring for an event that runs for a relatively short time. There should be consideration given to extended and expanding the festival to ensure a greater return on investment for Council (e.g. greater connectivity to the Fernvale Markets, more musicians (including local musicians) or partnering with the Valley of the Garden Club to offer a greater array of stall holders). Unfortunately, initiatives such as these were unable to be pursued in 2022 due to staff capacity.

There was one safety incident at the festival component of the event, due to anti-social behaviour who entered the event on horseback. The individual did not respond to requests from event staff and police were informed. Consideration for onsite security at the festival should be considered if there is reasonable suspicion that such individuals will attend the event in future years or if the festival grows further.

**Proposal 7:** Review and consider further festival attractions and greater connectivity to the markets.

#### Attachments

1. Somerset Rail Trail Fun Run or Ride 2022 – Registration Review

#### Recommendation

THAT Council:

1. Receive the Somerset Rail Trail Fun Run or Ride – Post Event Report and that the contents be noted.
2. Endorse proposals 1 to 7, to be applied in planning for the 19<sup>th</sup> annual Somerset Rail Trail Fun Run or Ride.

#### Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

“THAT Council:

1. Receive the Somerset Rail Trail Fun Run or Ride – Post Event Report and that the contents be noted.
2. Endorse proposals 1 to 7, to be applied in planning for the 19<sup>th</sup> annual Somerset Rail Trail Fun Run or Ride.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Somerset Tourism Strategy Annual Review - 2022</b>
<b>File Ref:</b>	<b>Tourism / Promotions</b>
<b>Action Officer:</b>	<b>A/MRT</b>

#### Background/Summary

The Somerset Tourism Strategy, 2021-2025 (the Tourism Strategy) was adopted by Council in May 2021. The Tourism Strategy outlines 36 opportunities for Council to pursue between 2021-2025, including 12 priority opportunities.

The visitor economy remains an integral component of the Somerset Region, contributing approximately \$70 million annually into the Somerset Regional economy, through visitation exceeding 500,000 annually. One of the aims of the Tourism Strategy is to raise visitation by 10 per cent and increase the tourism economy by approximately \$6 million.

To support the implementation of the Tourism Strategy, Council has ensured annual investment and restructured the Tourism team. The Tourism team have been restructured to provide greater flexibility and focus, which has included the creation of the new Tourism Development Officer role, a refined job description and recruitment of a Tourism Officer and change of title of the Visitor Information Services Officer to Tourism Officers. Additionally, the Esk and Toogoolawah Visitor Information Centres (VICs) have changed their VIC status from a yellow 'I' to a white 'I', allowing the centre to have less stringent operating hours and greater staff flexibility.

In the past 18 months since the Tourism Strategy's adoption, Council Officers, have actioned or progressed 75 per cent of the priority opportunities (see attachment 1), highlighted by:

- The redevelopment of the Experience Somerset website, complemented by the new Destination Video and Visitor Guide,
- Building local tourism partnerships (including agri-tourism), primarily through the implementation of the Best of Brisbane Region Experiences Support program,
- The implementation of Rail Trail infrastructure improvements program through the townships of Fernvale, Lowood, Coominya, Esk and Toogoolawah,
- Promotion of the Brisbane Airshow, and
- Preliminary research into a strategic and coordinated approach to events planning and promotion.

According to Roy Morgan Data (see attachment 2) visitation to the Somerset Region increased by approximately 30 per cent during the 2021-2022 financial year comparative to the first half of the 2021 calendar year. Whilst this would be assumed as borders re-opened and pandemic restrictions eased during this period it is still promising.

A key finding of the Roy Morgan Data is that Somerset is attracting visitation from the 'Leading Lifestyle' persona. This persona accounted for 15 per cent of visitation into the Somerset Region. This is a promising finding as this persona group are found to be high value travellers, who invest greater amounts into their visits and seek a greater level of experience.

A priority action of the Tourism Strategy is to undertake an annual review of the Tourism Strategy implementation priorities. Council Officers have undertaken a review of the implementation priorities in consultation with Councillors, Executive Officers and representatives of the Somerset Region Economic Development and Tourism Advisory Committee (EDTAC).

The feedback from these stakeholders is that the Tourism Strategy, and the ongoing commitment from Council, is an integral policy document leading the development of Tourism within the Somerset Region. The stakeholders largely agree that the priority opportunities as outlined in the Tourism Strategy remain the primary actions for Council to undertake.

Of the priority opportunities yet to actioned or progressed undertaking an updated visitor accommodation investigation is a key gap. Anecdotal evidence supplied through feedback from Tourism and Event operators alike, is that accommodation capacity is a significant inhibitor of the Somerset tourism economy.

The ability to provide a greater quantity and variety of accommodation options is a limiting factor to developing tourism experiences, attractions and events throughout the region. Further investigations into accommodation development opportunities could be of assistance following the development of the Tourism Marketing Plan once target markets and visitor segments have been adequately defined. Such an investigation would be conducted by Tourism staff, in collaboration with Planning Officers.

### Attachments

1. Somerset Tourism Strategy – Priority Opportunities Review (2022)
2. Roy Morgan Visitor Snapshot Report – Somerset Region – 1 January 2021 to 30 June 2022

### Recommendation

THAT Council receive the Somerset Tourism Strategy Annual Review – 2022 and that the contents be noted.

#### Resolution

Moved – Cr Whalley

Seconded – Cr Choat

“THAT Council receive the Somerset Tourism Strategy Annual Review – 2022 and that the contents be noted.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Regional Road and Transport Group Program Review</b>
<b>File Ref:</b>	<b>Community services / service provision / regional roads and transport group committee</b>
<b>Action Officer:</b>	<b>ESM</b>

### Background/Summary

Following the RRTG meeting in September it was requested that all RRTG member submit a new 4 year program of proposed works, and that the current Transport Infrastructure Development Scheme (TIDS) program is reviewed.

To meet the requirements of the Regional Roads and Transport Alliance, the amended TIDS program needs to be presented to the Northern South East Queensland Roads and Transport Group (NSEQ RRTG). The NSEQ RRTG Technical Committee is scheduled to meet on 17 November 2022 where this matter will be discussed with endorsement by the Executive Committee in February 2023. It is noted that the NSEQ RRTG is very flexible in regards to member Councils reviewing project delivery, on the proviso that the overall budget allocation remains unchanged.



Attachment one (1) shows the existing 2021-22 to 2025-26 TIDS program as last reviewed by Council, and Attachment two (2) shows the revised 2022-23 to 2025-26 program.

Council Officer's provide the following commentary with regard to the revised 2022/23 requested TIDS program:

- Originally proposed 2022/23 TIDS project, Toogoolawah Biarra project, has now been funded under the "Federal Governments Preparing Australia Program".
- New proposal for TIDS 2022/23 program is the Glamorgan Vale Road project which has been move forward from the 2023/24 project to replace the Toogoolawah Biarra project. This was adopted in the 2022/23 capital works budget.
- Originally proposed Wells Street, at Linville State School, is now proposed to be requested under the 2023/24 TIDS Program. This was adopted in the 2022/23 capital works budget.
- New proposal for TIDS 2022/23 program is the Royston Street project which has been moved forward from the 2023/24 project to replace the Wells Street, at Linville State School project. This is following recent meetings between Council Officers and Staff at Kilcoy State School, who requested safety improvements around the school due to current needs of the pupils. This project will look to provide a wombat crossing at the school and improved footpath facilities to enhance safety.
- Lowood Minden Road Intersection at Jensen Swamp project originally proposed is to remain on the 2022/23 TIDS program. This was adopted in the 2022/23 capital works budget.

Council is requested to consider and endorse the revised 2022/23 to 2025/26 TIDS program to allow it to be approved by the NSEQ RRTG. The budget for each of the years remains the same as originally requested, with additional funding being received from 2022/23.

#### Attachments

1. Program Development 2021-22 to 2025-26 (Original Proposal) – Attachment 1
2. Program Development 2022-23 to 2025-26 (New Proposal) – Attachment 2

#### Recommendation

THAT Council endorse the revised Transport Infrastructure Development Scheme Programs 2022-23 to 2025-26 for presentation to the Northern South East Queensland Regional Roads and Transport Group Executive Meeting for approval.

#### Resolution

Moved – Cr Choat

Seconded – Cr Brieschke

THAT Council endorse the revised Transport Infrastructure Development Scheme Programs 2022-23 to 2025-26 for presentation to the Northern South East Queensland Regional Roads and Transport Group Executive Meeting for approval.

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Kilcoy SES Headquarters extension (QFS Grants Project 202101)</b>
<b>File Ref:</b>	<b>SRC/GRANTS AND SUBSIDIES - PROGRAMS - State Emergency Service SES</b>

**Action Officer: DCORP**

### Background/Summary

In April 2020, QFES Grants approved Council's application for \$50,000.00 towards the upgrading of toilet and shower facilities at the Kilcoy SES headquarters, Council subsequently allocated a further \$25,000.00 towards this project. Quotes to carry out this work were requested from a number of local contractors, however, the project was not awarded at the time due to unable to meet the conditions of the grant. Council officers have subsequently applied for and received an extension of time to complete this project. The project is currently due to be completed by the end of June 2023.

Council officers have recently sought quotes from three local contractors – Dully's Designer Homes, Daniel Banditt Constructions and Garnel Constructions.

- Dully's Designer Homes submitted a conforming quotation but have since advised that they are unable to meet the project time frame,
- Daniel Banditt Constructions has provided a conforming quotation and
- Garnel Constructions failed to submit a quotation.

The price (ex GST) submitted by Daniel Banditt Constructions is within the available project budget. A copy of the quotation is attached.

### Attachments

Attachment 1 – Daniel Banditt Constructions quote – Kilcoy SES Headquarters extension (Confidential)

### Recommendation

THAT Council accept the quotation submitted by Daniel Banditt Constructions for the extension to the Kilcoy SES Headquarters for a price of \$74,376 (excl GST).

#### Resolution

Moved – Cr Whalley

Seconded – Cr Brieschke

"THAT Council accept the quotation submitted by Daniel Banditt Constructions for the extension to the Kilcoy SES Headquarters for a price of \$74,376 (excl GST)."

Carried

*Vote - Unanimous*

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

### Background/Summary

#### Technical Design Team

The Operations Design Team provided engineering support to the works department on numerous projects, including Mack Street, Esk Crows Nest Road and Patrick Street. The Design Team continued to develop detailed design drawings for the 2022/23 capital works

program, and provide engineering development support to the planning department on MCU and RAL applications.

The team has also continued to oversee operations in the parks and gardens and facilities including street tree planting and new bin surrounds in Lowood.

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

This month the design team is working on several internal projects as well as project managing externally outsourced design projects of the 2022-2023 capital projects.

### Permits

	Oct-22	Oct-21
Land Access Permit	66	131
Property Access Applications	12	14
National Heavy Vehicle Regulator Permits Processed	18	18

### Works Department

#### **Day Labour Works**

- Patrick Street, Lowood construction works - footpath and roadworks under construction.
- Esk Crows Nest Road Stage 1, preliminary works environmental management and vegetation clearing underway.
- Mack Street, Esk Stage 2 – roadworks on going
- Copley Lane Bridge- structural works completed and awaiting on some signage.
- Wade Street, Kilcoy - road awaiting asphalt.
- William Street, Kilcoy - concreting completed and awaiting contractors for asphalt works.
- Mowing and slashing works on Council and DTMR roads are occurring.
- Crews continue to respond and complete CSR's.
- Maintenance to flood affected roads continues throughout the region with a focus of attending to unformed/unused roads.

#### **Workshop-Mechanical**

- Completed repairs, services, and scheduled maintenance of Council fleet.
- Annual test and tag of all Council lifting equipment including chains, concrete clutches, pipe lifters etc. 150 items in total have been completed with only three failures.
- Annual COI inspections of Council's 13 x large trucks and 9 x large trailers have been conducted by TMR inspectors with only two minor defects detected that were repaired on the same day.
- Annual COI inspections of Council's 16 x medium trucks and 1 x medium trailer have been conducted inhouse by Workshop staff.
- Monthly check and start test on emergency gensets were carried out at Esk Civic Centre, Esk Administration office, Fernvale Futures and Kilcoy depot.
- One of the two vacant mechanics positions has been filled with a mechanic starting on the 14 November. This still leaves one mechanic's position vacant which is being re-advertised. Hopefully this position will also be filled soon especially with mowing season about to start.

#### **Workshop – Welding Bay**

- Welding bay has been carrying out various repairs to Council fleet as well as repairs to other various Council assets around the region, such as handrail, park furniture, etc.

- Welding bay has started to design and fabricate a pair of lockable gates that will be used to close Walsh's Crossing at Mt Kilcoy road when it is flooded, this is a trial system. These gates have been requested by the local QPS.
- A quarterly electrical test and tag on Council's portable electrical items have been carried out, also electrical equipment from all four SES groups have been tested.

### **Department of Transport and Main Roads (TMR) Works**

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

- Repairing potholes and sealing of patches on pavement repairs over the TMR network.
- Stage 2 stabilising works on DTMR Roads continues. Forest Hill-Fernvale Road is completed, and Gatton Esk Road (Middle St) has started.
- Grading of Kilcoy Murgon Road started this month and is progressing.
- Drainage works on Brisbane Valley Highway continues.
- Vegetation spraying on various TMR roads continue.
- Ongoing signage and guidepost repairs continue throughout TMR network.

### **Works carried out by Contractors**

- AandM Civil Contractors continuing with stabilising works on Forest Hill-Fernvale Road.
- RPQ sealing program on various roads throughout Council and TMR network
- Various other contractors continue to assist with maintenance and flood damage.

### **DRFA February 2022 Flood Event**

A total of 53 submissions are proposed. To date 32 submissions have been lodged with 15 being approved for a recommended value of \$7.77M. A copy of the submissions map is attached.

Now moving into the design/documentation stage, followed by construction. A trial of three local construction contractors is proposed in November 2022 to streamline the processes to ensure compliance with QRA Guidelines for reimbursement. The target completion date for the DRFA program is 30 June 2024.

### **Weather Outlook**

#### **Wetter than average November to January likely for most of eastern Australia**

For the fortnight 31 October to 13 November, above median rainfall is likely (greater than 60% chance) for most of eastern Australia.

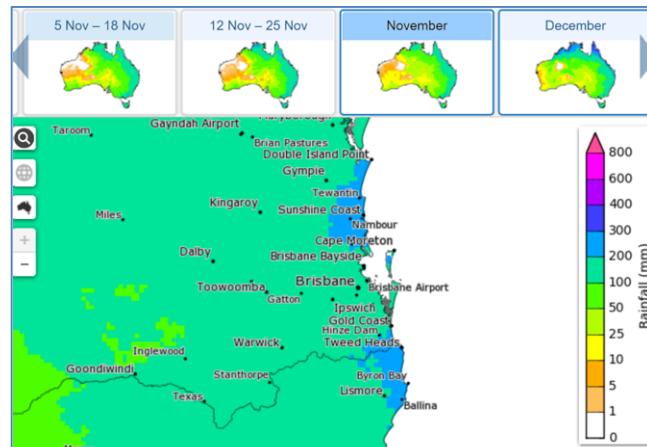
For November, the long-range rainfall forecast is similar to that for the fortnight 31 October to 13 November.

Monthly outlooks are generally tending towards neutral conditions (i.e., not favouring above or below median rainfall) by January.

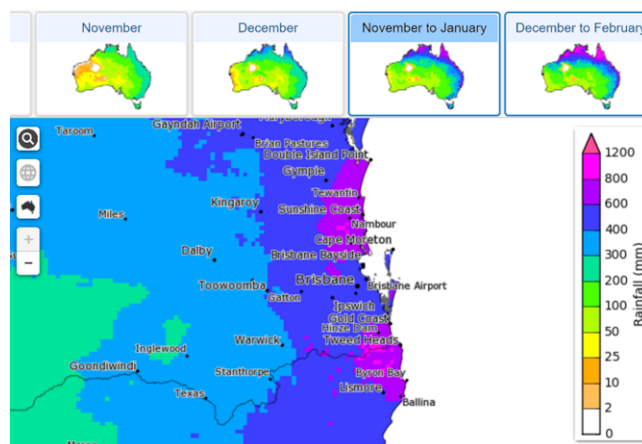
For November to January as a whole, the rainfall outlook is similar to the outlook for November.

Past accuracy for November to January long-range outlooks for chance of above median rainfall is moderate to high for most of Australia.

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



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



## Disaster Management

- Training has been completed for Evacuation Centre Management for 20 staff members, including several Councillors. The training was facilitated by Red Cross.
- 19 staff have received training Local Disaster Coordination Centre management. The training, facilitated by QFES, included an exercise on the last day to test learnings. A member of Qld Rural Fire and Qld Police were in attendance both days.
- Property Specific Flood Certificates went “LIVE” officially via social media (Facebook) on 11 October. This generated significant downloads in the first 48 hours with over 500 certificates requested. We have now exceeded 1000 downloads (in 20 Days).
- Generators and Barbeques have been purchased to be stored in Evacuation Trailers (x2) and Fernvale State School.
- Inspector General of Emergency Management’s (IGEM) report on the February / March Flooding Event was received with 19 recommendations suggested. Of those 19 recommendations, most were directed towards State Government agencies, however two recommendations are of interest to Council, namely;
  - the use of Emergency Alert. QFES have now provided officers training in the use of Emergency Alert, and
  - LGAs that have opt-in Warning Systems (i.e. the Somerset Early Warning Network), should look at methods to improve subscription rates.

- The State Government introduced legislation to drop levels to 80% in preparation of a forecasted wetter than average season. This resulted in dam releases that inundated both Twin Bridges and Savages Crossing for a period of approximately two weeks.
- The Local Disaster Coordination Centre was placed on STAND UP, and the Local Disaster Management Group on LEAN FORWARD over the weekend 22/23 October due to severe weather impacting South East Queensland. The groups were both placed on STAND DOWN by Sunday afternoon as the weather conditions eased. No major flooding reported.

## Waste Management

### Kerbside Collection Contract – Ipswich Waste

During the month of September 2022, there were 55,014 kerbside services performed –

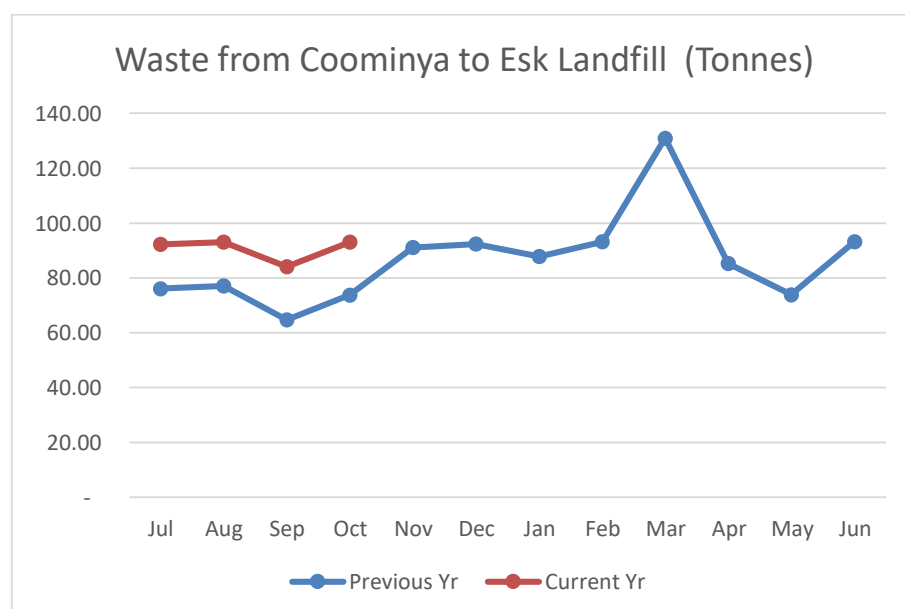
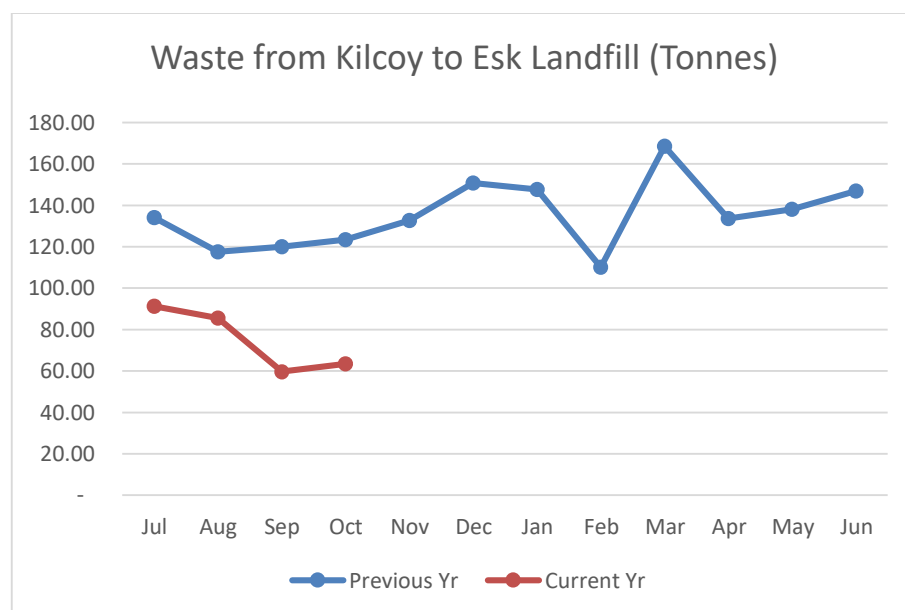
- General waste services – 41,601 with 83% presentation rate
- Recycling services – 13,413 with 59% presentation rate

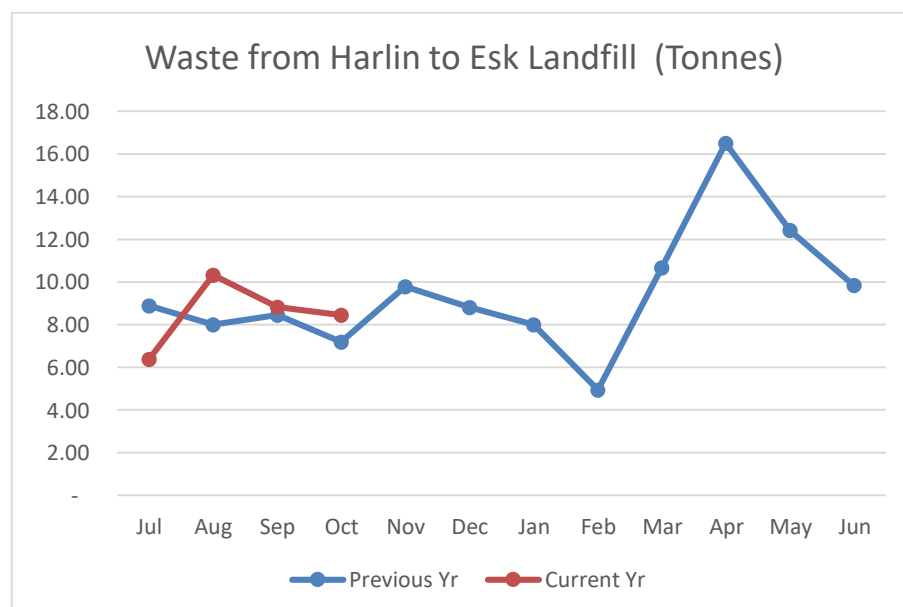
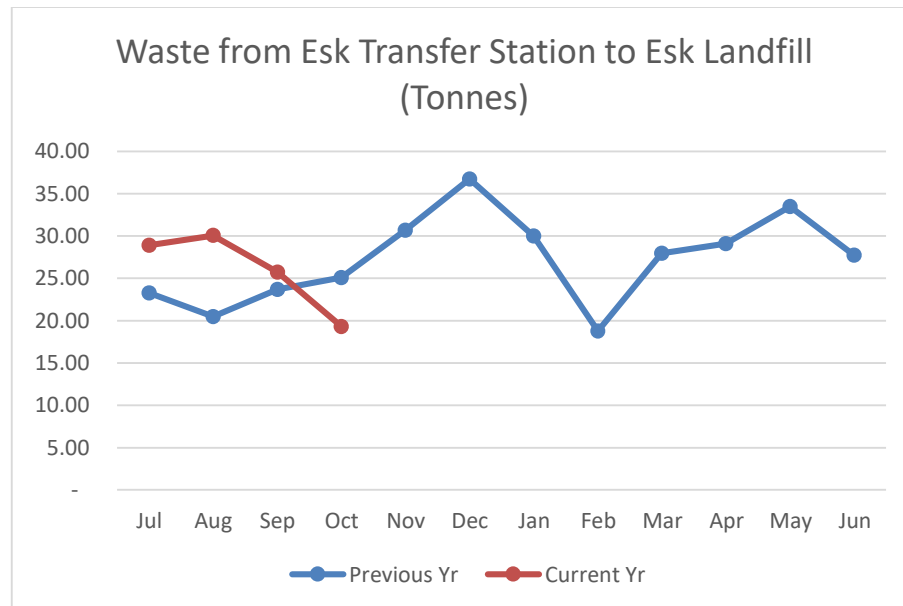
Refer to attached statistic report provided by Ipswich Waste Services for month of September 2022.

- Recycling bin rollout is completed – all properties have received their recycling bins.
- The recycling service commencement began in former Esk region on 5 September 2022.
- Ipswich Waste are investigating program to change over refuse bin lids – replacing with red lid (Australian Standards) – all new refuse bins will have a red lid.
- Ipswich Waste is investigating bulk recycling collection area for service improvements.
- Ipswich Waste is investigating improvements in reporting of weights to provide average bin weights.
- The second Somerset wheelie bin truck arrived on Friday, 28 October 2022. The truck will be commissioned in Ipswich to do its checks and when it passes all checks will start servicing Somerset Region.

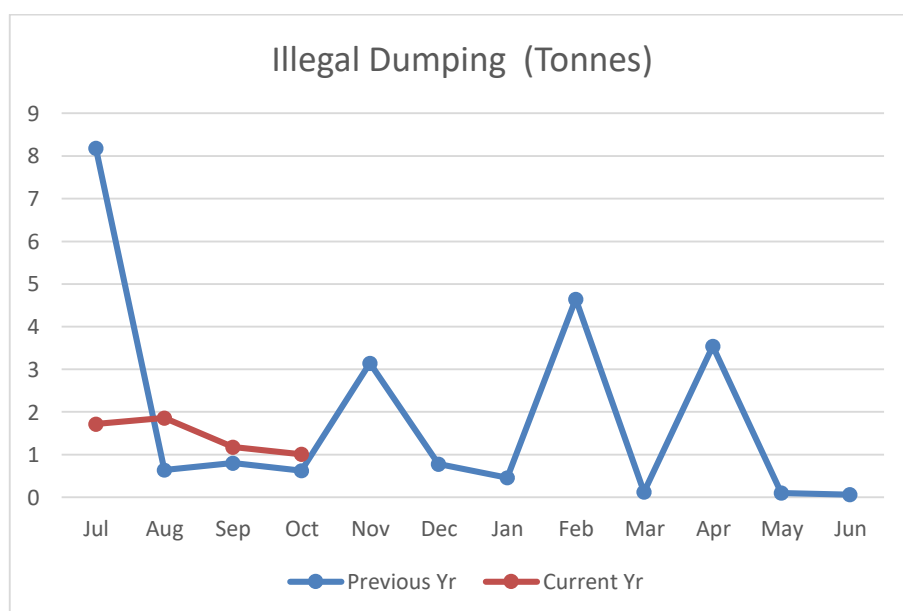
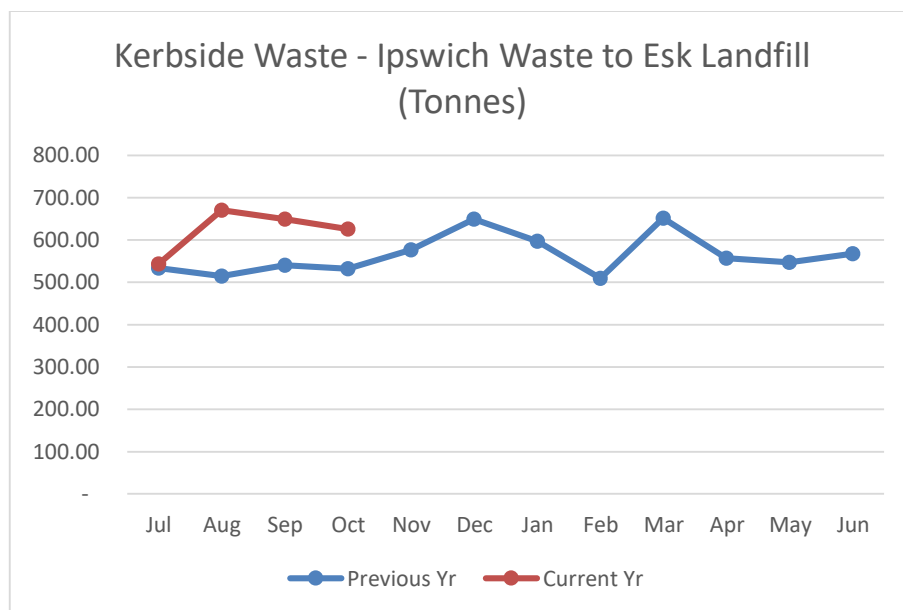


### Waste received at Esk Landfill









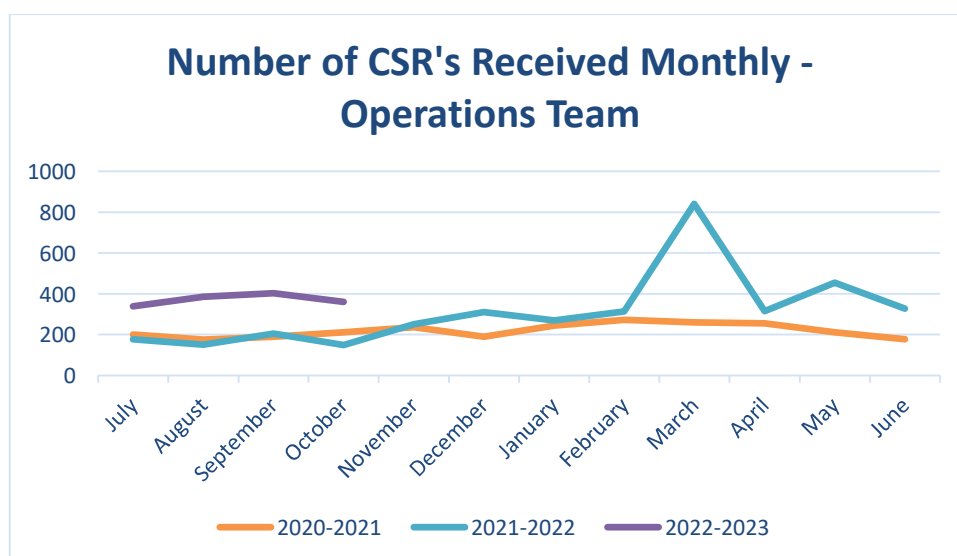
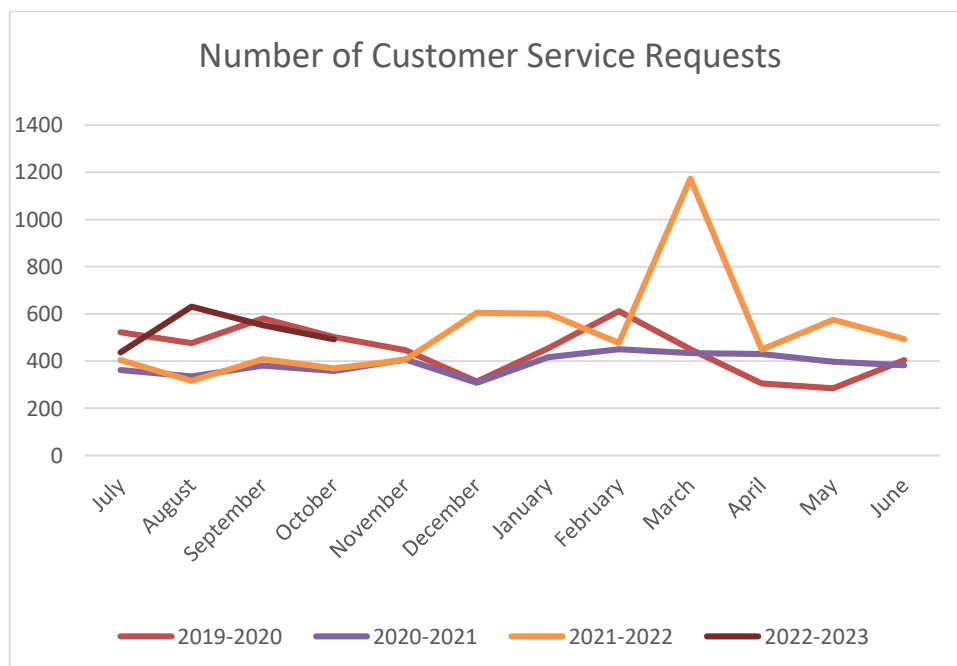
### **Park/Community Events**

Lights on/BBQ Event – Kilcoy District Progress Alliance Inc (KDPA) to be held on Friday, 2 December 2022 in Yowie Park. This event was approved to be held annually at Council's meeting on 10 November 2021 providing the following conditions are met each year:-

- must apply for a permit to carryout work on a road reserve or Council owned land to install and remove the Christmas tree and installation of lights.
- must apply for a temporary park event permit to hold the community BBQ
- must provide copies of tagged and tested certificates for existing lights that were installed last year in Yowie Park.

### **Customer Service Requests**

Council received 493 customer service requests for the month of October 2022 on Council's corporate customer service system. A copy of the report is attached for your information.



	Jul-22	Aug-22	Sep-22	Oct-22
Cemeteries	3	1	3	0
Disaster Management	1	0	0	0
Departmental reviews	2	0	1	0
Fences on roadways	0	0	0	1
Illegal dumping clean ups	13	5	10	8
Overgrown Council land	0	0	2	5

Parks including mowing, cleaning/maintenance park equipment including public toilets, tables and chairs, shade shelters etc.	4	6	6	3
Roads - bitumen	69	56	49	70
Roads - gravel	40	31	46	72
Roads - drainage	10	13	6	2
Roads - culverts	3	4	2	6
Roads - vegetation	31	16	9	10
Roads - footpaths	6	5	4	1
Roads - linemarking	1	1	0	0
Roads - bridgework	1	0	0	0
Roads - traffic furniture	18	23	9	5
Rural Property Number	12	5	1	2
Stormwater issues within private properties	3	2	4	3
Waste management	2	6	0	6
<b>Wheelie bins</b>				
Cancellation of extra services	1	22	30	5
Damaged lids and wheels	10	29	16	12
Replacement Split Bins	19	41	27	23
New Services	28	19	13	24
Extra services	7	7	8	5
Stolen/Non Delivery of New Bins	7	65	99	37
Missed services	4	3	13	14
Contractor requests/complaints	1	1	9	0
<b>Facilities</b>				
Air conditioning	1	0	2	1
Carpentry, painting, tiling and flooring	2	1	4	6
Electrical	5	4	4	4
Equipment, furniture and fixtures	9	7	3	10
Grounds maintenance	1	1	2	5
Pest Control	0	0	0	1
Plumbing	14	11	11	15
Roofing and guttering	1	0	1	2
Security, locks and CCTV	5	0	1	3
Signage	0	0	2	1

Vandalism	4	0	4	6
Cleaning	1	0	2	1
	339	385	403	361

### Attachments

DRFA February 2022 Flood Event – Submission Map – attachment 1  
 Ipswich Waste Services Statistic Report for September 2022 – attachment 2  
 Customer service report for October 2022 – attachment 3

### Recommendation

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

#### Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

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

Carried

Vote - Unanimous

### Declarable Conflict of interest – Mayor Lehmann- Agenda Item 31, Community Assistance Grants – St Vincent de Paul Society

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

This declarable conflict of interest arises because I have provided a letter of support to the applicant.

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

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

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

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

#### Resolution

Moved – Cr Choat

Seconded – Cr Whalley

“THAT Mayor Lehmann may participate in the decision about the matter, including by voting on the matter. The interest is considered to be sufficiently remote so as not to unduly influence his impartiality.”

Carried

Vote - Unanimous

### Subject:

**Community Assistance Grants 2022 - 2023 – St Vincent de Paul**

<b>File Ref:</b>	<b>Society Qld – Lowood Esk Conference Community Relations – Sponsorships – Donations - Doc Id 1429136</b>
<b>Action Officer:</b>	<b>DHRCS</b>

### Background/Summary

To assist with the costs associated with continuing the “safe site” visits program to vulnerable Somerset residents conducted by volunteers of the St Vincent de Paul Society in the current economic climate.

Amount requested: \$3,500

Total cost of project: \$3,500

Amount recommended to be granted: \$1,750 (50% contribution)

### Assessor's Summary

The applicant states:

- Assistance is sought to assist with costs associated with the continued delivery of “safe site” visits to vulnerable residents in the Somerset region.
- The Lowood Esk Conference (local branch) has been supporting our communities most vulnerable since 1991.
- Volunteers use their own vehicles to conduct home or “safe site” visits however associated costs are significantly impacting ongoing viability.
- Some volunteers have reduced their hours because they are unable to afford associated costs of home or “safe site” visits.
- The group purchase fuel cards to assist volunteers in their continued delivery of support to residents in crisis, the homeless, domestic, and family violence victims and residents who are experiencing financial hardship.
- In the last financial year volunteers supported some 647 locals with over \$40,000 financial assistance provided to those in need in the Somerset region.

### Attachments

Nil

### Recommendation

THAT the application as summarised in this report be recommended for funding and \$1,750 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist with the costs associated with the continuation of the “safe site” visits program to vulnerable Somerset residents conducted by volunteers of the St Vincent de Paul Society in the current economic climate.

### Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

“THAT the application as summarised in this report be recommended for funding and \$1,750 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, to assist with the costs associated with the continuation of the “safe site” visits program to vulnerable Somerset residents conducted by volunteers of the St Vincent de Paul Society in the current economic climate.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Community Assistance Grants 2022 - 2023 – Toogoolawah and District Men’s Shed Inc.</b>
<b>File Ref:</b>	<b>Community Relations – Sponsorships – Donations - Doc Id 1428780</b>
<b>Action Officer:</b>	<b>DHRCS</b>

### Background/Summary

Toogoolawah and District Mens Shed have applied for a Community Assistance Grant of \$20,000 to assist with the costs associated with upgrading the onsite septic system at the Toogoolawah Men’s Shed Club House located at 96 Bellambi Street, Toogoolawah QLD 4313.

At Councils Ordinary meeting on 8 December 2021 the group were awarded \$14,800 as a Community Assistance Grant to assist with the costs associated with improvement projects at The Toogoolawah Men’s Shed.

The four sub-projects associated with the improvement project are part of larger plans including a new shed (separately funded) with the overall vision to cater for more men to utilise the facilities.

The sub-projects included:

- Converting a disused concrete water tank into a safe storage space.
- Building safe driveways / pathways from the tank structure and between buildings.
- Alteration of bathroom and adding two new toilets.
- Adding a disabled access ramp.

Please note a building application has been submitted to Council for the above improvement projects, and the building application fee of \$1,300 has been paid, with several outstanding actions including but not limited to the requirement to submit and obtain approval of plumbing and drainage works associated with the project.

After the group were awarded the community assistance grant funding of \$14,800 on 8 December 2021, they were advised as part of the Council building approval that an upgrade of the existing septic system would be required.

The group have been unable to complete the project works listed above due to the Council building approval not being completed and a planning exemption certificate (now complete) being required to progress the approval.

The group have not claimed the \$14,800 awarded to date and have submitted a further Community Assistance Grant Application for \$20,000 to upgrade the onsite septic system and have requested Council consider awarding the funds for the septic system so that works can be completed and the building approval associated with the previous grant can be finalised.

### Assessor’s Summary

*As per the Community Assistance Grant Policy C/001, the following criteria may be used to assess grant applications:*

- *Maximum of one application per funding round (total of two per financial year) with maximum funding of \$5,000 per application unless exceptional circumstances can be demonstrated.*

### Attachments

Nil

### Recommendation

THAT

1. Council repurpose the Community Assistance Grant for \$14,800 awarded on 8 December 2021, to assist with the costs associated with part of the improvement projects at the Toogoolawah Men's Shed (Doc Id 1353570) and the installation of the Taylex Septic System at the Toogoolawah Men's Shed Club House located at 96 Bellambi Street, Toogoolawah QLD 4313.
2. Council conditionally approve (subject to the acquittal of the abovementioned works) a further \$5,000 Community Assistance Grant funding to assist with costs associated with the completion of the below improvement works at the Toogoolawah Men's Shed.

### Resolution

Moved – Cr Whalley

Seconded – Cr Wendt

“THAT

1. Council repurpose the Community Assistance Grant for \$14,800 awarded on 8 December 2021, to assist with the costs associated with part of the improvement projects at the Toogoolawah Men's Shed (Doc Id 1353570) and the installation of the Taylex Septic System at the Toogoolawah Men's Shed Club House located at 96 Bellambi Street, Toogoolawah QLD 4313.
2. Council conditionally approve (subject to the acquittal of the abovementioned works) a further \$5,000 Community Assistance Grant funding to assist with costs associated with the completion of the below improvement works at the Toogoolawah Men's Shed.

Carried

Vote - Unanimous

**Subject: Community Assistance Grants 2022 - 2023 – Lions Club of Esk Inc**  
**File Ref: Community Relations – Sponsorships – Donations - Doc Id 1447751**  
**Action Officer: DHRCS**

### Background/Summary

To assist with the costs associated with erecting a community Christmas tree in Memorial Park, Esk creating an annual community event to create Christmas spirit.

Amount requested: \$4,000

Total cost of project: \$8,800

Amount recommended to be granted: \$2,500

### Assessor's Summary

The applicant states:

- The Lions Club of Esk endeavor to bring back the community Christmas spirit in Esk by erecting a community Christmas tree.
- The construction of a 5m Christmas tree in Memorial Park, Esk would be completed in December each year creating a community Christmas spirit for all to enjoy.
- It is intended the community would come together to light the tree as an annual event.

#### Assessors summary

*The group have been the recipients of previous Community Assistance Grants totalling \$13,673.62.*

*The group have asked for consideration outside of regular funding rounds due to the event occurring before the next Community Assistance Grant Funding Round.*

*As per the Community Assistance Grant Policy C/001, the following criteria may be used to assess grant applications:*

- *Maximum of one application per funding round (total of two per financial year) with maximum funding of \$5,000 per application unless exceptional circumstances can be demonstrated.*
- *Funding for events held within the Somerset region will be considered at the following levels:*

<i>Small scale event</i>	<i>up to \$ 500</i>
<i>Large scale event</i>	<i>up to \$ 1,000</i>
<i>Annual Agricultural Shows</i>	<i>up to \$ 1,500</i>
<i>Large scale regional event</i>	<i>up to \$ 2,500</i>

### Attachments

Nil

### Recommendation

THAT the application as summarised in this report be recommended for funding and \$2,500 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, subject to approval of an application to carry out works within a Council road reserve or on Council land from the Operations Department, to assist with the costs associated with erecting a community Christmas tree in Memorial Park, Esk creating an annual event to create Christmas spirit in the community.

#### Resolution

Moved – Cr Brieschke

Seconded – Cr Wendt

“THAT the application as summarised in this report be recommended for funding and \$2,500 be granted through the Community Assistance Grants budget allocation; plus GST if applicable, subject to approval of an application to carry out works within a Council road reserve or on Council land from the Operations Department, to assist with the costs associated with erecting a community Christmas tree in Memorial Park, Esk creating an annual event to create Christmas spirit in the community”

Carried

*Vote - Unanimous*



<b>Subject:</b>	<b>Community Assistance Grants – Somerset Excellence Bursaries - August 2022</b>
<b>File Ref:</b>	<b>Community Relations – Sponsorships – Somerset Excellence Bursaries</b>
<b>Action Officer:</b>	<b>CEO - DHRCS</b>

### Background/Summary

Somerset excellence bursaries are not community grants as defined by the Local Government Regulation notwithstanding that they are to be funded from the same budget allocation as community assistance grants. As per policy, Excellence Bursaries are considered and approved at Officer level as delegated, and reported to Council's Ordinary meeting monthly.

Somerset Excellence Bursary applications are considered as part of the Community Assistance Grant Policy which Council provides:

- Regional Level selection \$250
- State Level selection \$500
- National Level selection \$750
- Selection for an event hosted internationally \$1,000
- Team application (Regional, State or National) Up to \$2,000 per team/group of 4 or more individuals.

Council received one (1) Somerset Excellence Bursary application during the month of August 2022 as detailed below:

Applicant	Bursary Recipient	Doc Id	Field	Level	Event
Mr Adrian Seemann	<b>Mr Adrian Seemann</b>	1419665	Skydiving	International \$1000	Representing Australia at World Parachuting Championships 2022, competing in the discipline of canopy piloting. Adrian qualified fifth at the Australian Nationals earlier this year to qualify.  Event date: 8 -15 October 2022  Held at Skydive Arizona, Eloy Arizona USA (note: this event is held every two years at varying locations internationally).

**Attachments**

Nil

**Recommendation**

THAT Council receives the Summary of Awarded Somerset Excellence Bursaries for the month of August 2022 and the contents be noted.

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Brieschke

“THAT Council receives the Summary of Awarded Somerset Excellence Bursaries for the month of August 2022 and the contents be noted.”

Carried*Vote - Unanimous*

<b>Subject:</b>	<b>Community Assistance Grants – Somerset Excellence Bursaries - September 2022</b>
<b>File Ref:</b>	<b>Community Relations – Sponsorships – Somerset Excellence Bursaries</b>
<b>Action Officer:</b>	<b>CEO - DHRCS</b>

**Background/Summary**

Somerset excellence bursaries are not community grants as defined by the Local Government Regulation notwithstanding that they are to be funded from the same budget allocation as community assistance grants. As per policy, Excellence Bursaries are considered and approved at Officer level as delegated, and reported to Council's Ordinary meeting monthly.

Somerset Excellence Bursary applications are considered as part of the Community Assistance Grant Policy which Council provides:

- Regional Level selection \$250
- State Level selection \$500
- National Level selection \$750
- Selection for an event hosted internationally \$1,000
- Team application (Regional, State or National) Up to \$2,000 per team/group of 4 or more individuals.

Council received eight (8) Somerset Excellence Bursary applications during the month of September 2022 as detailed below:

Applicant	Bursary Recipient	Doc Id	Field	Level	Event
Julie Eaddy	Ryder Cochrane	1428346	Golf	International \$1000	Ryder was selected to compete in the New Zealand Junior Open Under 8's Boy's competition. This is a nine-

					<p>hole event held over two days.</p> <p>The top two winners then receive an invitation to compete in the World Stars Event in Las Vegas in 2023.</p> <p>Event Date: 10-11 October 2022</p> <p>Held at the Te Puke Golf Club, Bay of Plenty New Zealand.</p>
Grant Sabine	<b>Faron Sabine</b>	1429692	Track and Field	Regional \$250	<p>Faron has been selected to represent the Darling Downs School Sport Track and Field Team representing the region in Triple Jump.</p> <p>Event Date: 13-16 October 2022</p> <p>Held at the State Championships at QEII Stadium, Brisbane, Queensland.</p>
Louise Carney	<b>Lilijana Sajkar</b>	1430346	Soccer	State \$500	<p>Lilijana has been selected in the Queensland Ladies Development Team to compete in the 2022 Christian Football Federation Australian National Titles.</p> <p>Event Date: 30 September - 3 October 2022</p> <p>Held at Palmview Sporting Complex, Sunshine Coast, Queensland.</p>
Louise Carney	<b>Alicija Sajkar</b>	1430349	Soccer	State \$500	<p>Alicija has been selected in the Queensland Ladies Development Team to compete in the 2022 Christian Football Federation Australian National Titles.</p> <p>Event Date: 30 September - 3 October 2022</p>

					Held at Palmview Sporting Complex, Sunshine Coast, Queensland.
Louise Carney	<b>Talija Sajkar</b>	1430348	Soccer	State \$500	Talija has been selected in the Queensland Ladies Development Team to compete in the 2022 Christian Football Federation Australian National Titles. Event Date: 30 September - 3 October 2022 Held at Palmview Sporting Complex, Sunshine Coast, Queensland.
Tracey Versace	<b>Jessica Lee Versace</b>	1434465	Track and Field	Regional \$250	Jessica-Lee has been selected in the 13-19 years Darling Downs School Sport Track and Field Team. Jessica-Lee will represent the region in both Discus and High Jump. Event Date: 13-16 October 2022 Held at the State Championships at QEII Stadium, Brisbane, Queensland.
Ella Green	<b>Elijah Green</b>	1436969	Track and Field	Regional \$250	Elijah has been selected in the 13-19 years Darling Downs School Sport Track and Field Team. Elijah will represent the region in long jump. Event Date: 13-16 October 2022 Held at the State Championships at QEII Stadium, Brisbane, Queensland.
Denise Bremner	<b>Samantha Bremner</b>	1437967	Cricket	Regional \$250	Samantha has been selected in the Metropolitan School Sports 13-15 years Girl's Cricket team.

					Event Date: 6 - 8 November 2022. Held at the State Championships in Boondall, Queensland.
--	--	--	--	--	--

#### Attachments

Nil

#### Recommendation

THAT Council receives the summary of Awarded Somerset Excellence Bursaries for the month of September 2022 and the contents be noted.

#### Resolution

Moved – Cr Whalley

Seconded – Cr Wendt

“THAT Council receives the summary of Awarded Somerset Excellence Bursaries for the month of September 2022 and the contents be noted”

Carried

Vote - Unanimous

**Subject: Annual Report 2021 - 2022**

**File Ref: CORPORATE MANAGEMENT - Reporting - Annual Report**

**Action Officer: GBIO**

#### Background/Summary

The Annual Report for Somerset Regional Council is presented for adoption.

The report covers the period 1 July 2021 to 30 June 2022 and has been prepared in accordance with the requirements of the *Local Government Act 2009* and the Local Government Regulation 2012.

#### Attachments

Annual Report including the audited financial statements

#### Recommendation

THAT the Annual Report for Somerset Regional Council, including the audited financial statements, for the period 1 July 2021 to 30 June 2022, be adopted.

#### Resolution

Moved – Cr Choat

Seconded – Cr Brieschke

“THAT the Annual Report for Somerset Regional Council, including the audited financial statements, for the period 1 July 2021 to 30 June 2022, be adopted.”

Carried

Vote - Unanimous

**Subject:** Council Meeting Dates – 2023  
**File Ref:** Governance – council meetings – Notices of Motion  
**Action Officer:** EA

### Background/Summary

Council is requested to adopt the Schedule of Meeting dates for the period January to December 2023 set out below:

18 January	12 July
8 February	26 July
22 February	9 August
8 March	23 August
22 March	13 September
12 April	27 September
26 April	11 October
10 May	25 October
24 May	15 November
14 June (Budget)	29 November
28 June	21 December (Thursday)

### Attachments

Nil

### Recommendation

THAT Council adopt the meeting dates as proposed in the below schedule of meeting dates for the period January to December 2023.

18 January	12 July
8 February	26 July
22 February	9 August
8 March	23 August
22 March	13 September
12 April	27 September
26 April	11 October
10 May	25 October
24 May	15 November
14 June (Budget)	29 November
28 June	21 December (Thursday)

### Resolution

Moved – Cr Isidro

Seconded – Cr Choat

“THAT Council adopt the meeting dates as proposed in the below schedule of meeting dates for the period January to December 2023.

18 January	12 July
8 February	26 July

22 February	9 August
8 March	23 August
22 March	13 September
12 April	27 September
26 April	11 October
10 May	25 October
24 May	15 November
14 June (Budget)	29 November
28 June	21 December (Thursday)"

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Policy Review – EX007 Investigation Policy, EX002 Standing Orders, EX008 Meeting Procedures, EX005 Councillor Code of Conduct</b>
<b>File Ref:</b>	<b>CORPORATE MANAGEMENT - POLICY - Policy Development – Doc Id. 1080792, 1200092, 1233510, 1271115</b>
<b>Action Officer:</b>	<b>GBIO</b>

**Background/Summary**

Council have previously resolved to adopt the following documents developed by the Department of Local Government:

- example investigation policy,
- best practice standing orders, and
- model meeting procedures.

The now Department of State Development, Infrastructure, Local Government and Planning have released new versions of these documents as follows:

- example investigation policy (May 2021),
- Best Practice Standing Orders for Local Government and Standing Committee Meetings (September 2022), and
- Model Meeting Procedures (Revised June 2022).

In summary, the following changes have been made:

*Investigation Policy*

- Clauses 7, 8, 9, 14 and 16 have been broadened and provide further clarification of the process to be followed and action to be taken when applying this policy.
- Clause 15 is new.
- Any other changes are minor and do not affect the overall application of the policy.

*Best Practice Standing Orders*

- The only change is to Clause 22.2, which referred to 23.7 (in error) rather than to 22.7. The September 2022 corrects this.

*Model Meeting Procedures*

- Amendments have been made to the 'Background' section.

- A new section entitled 'Application' has been added.
- Sections that have been broadened for clarity by referring to sections of relevant legislation include Clauses 2.1, 3 and 4.
- Clauses 5.1 and 5.5 have also been broadened for clarity.
- Clause 9.3 has been removed as it related to COVID-19 requirements in the Local Government Regulation 2012, which expired in June 2021.
- Any other changes are minor and do not affect the overall application of the policy.

It is recommended that the newer versions of these documents be adopted by Council to ensure adherence with the current legislation.

It should also be noted that, in accordance with s150D of the *Local Government Act 2009*, the Minister must make a code of conduct that sets out the standards of behaviour for councillors in performing their official functions as elected representatives consistent with the local government principles. On 4 August 2020, the then Minister for Local Government approved amendments to the code of conduct to reflect legislation changes in effect on 12 October 2020 for conflicts of interests and councillor advisors (Attachment 8 – NEW – Councillor Code of Conduct).

As the Councillor Code of Conduct is determined by the Minister for Local Government, it is recommended that EX/005 Councillor Code of Conduct (Attachment 7 – CURRENT – EX005 Councillor Code of Conduct) be repealed and removed from Council's policy register.

#### Attachments

- Attachment 1 – CURRENT - EX007 Investigation Policy
- Attachment 2 – NEW - EX007 Investigation Policy
- Attachment 3 – CURRENT – EX002 Standing Orders
- Attachment 4 – NEW – EX002 Standing Orders
- Attachment 5 – CURRENT – EX008 Meeting Procedures
- Attachment 6 – NEW – EX008 Meeting Procedures
- Attachment 7 – CURRENT – EX005 Councillor Code of Conduct
- Attachment 8 – NEW – Councillor Code of Conduct

#### Recommendation

THAT Council

1. adopt
  - (i) EX007 Investigation Policy
  - (ii) EX002 Standing Orders
  - (iii) EX008 Meeting Procedures
 as identified in appendices 1,2 and 3 and
2. repeal:
  - (iv) EX005 Councillor Code of Conduct .

#### Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

“THAT Council

1. adopt
  - (i) EX007 Investigation Policy
  - (ii) EX002 Standing Orders
  - (iii) EX008 Meeting Procedures
 as identified in appendices 1,2 and 3 and

2. repeal:



(iv) EX005 Councillor Code of Conduct"

Carried*Vote - Unanimous*

**Subject:** Economic Development and Tourism Advisory Committee  
**Representative**  
**File Ref:** Economic Development and Tourism Advisory Committee  
**Action Officer:** CEO

### Background/Summary

At the Economic Development and Tourism Advisory Committee (EDTAC) meeting on 16 August 2022, Mr Wayne Carlson tendered his resignation due to competing commitments. Council has written to Mr Carlson thanking him for his valuable contribution to the EDTAC.

On 9 February 2022, Council resolved to appoint six new members to the EDTAC, including Mr Carlson, following an Expression of Interest (EOI) process. Mr Carlson represented the community tourism sector per the EDTAC terms of reference. Since it has been less than 12 months since calling EOI's and the appointment of the members, it is not considered essential or efficient to call new EOI's for the EDTAC. Instead, it is more efficient to review the EOI's received in January 2022 and approach the next highest-ranking application for the community tourism sector.

The outcome of this review was that Mr Paul Lawson is the next highest-ranked application. On this basis, Mr Lawson has been contacted to discuss his interest and willingness to sit on the EDTAC. Mr Lawson affirmed his willingness and positively looked forward to potentially representing the tourism sector on the EDTAC.

Council Officers are confident that Mr Lawson will positively contribute to the EDTAC. Accordingly, Council is requested to consider the approval of Mr Lawson to join the EDTAC to represent the community tourism sector.

### Attachments

Nil

### Recommendation

THAT Council approve Mr Paul Lawson as a Community Tourism Representative for the Economic Development and Tourism Advisory Committee.

#### Resolution

Moved – Cr Gaedtke

Seconded – Cr Whalley

"THAT Council approve Mr Paul Lawson as a Community Tourism Representative for the Economic Development and Tourism Advisory Committee"

Carried*Vote - Unanimous*

**Meetings authorised by Council**

Nil

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

October

- 26 Ordinary Council Meeting  
Council Workshop Meeting
- 27 Special Somerset Civic Centre Advisory Committee meeting via Teams  
Meeting with Regional Development Australia, Ipswich & West Moreton  
Committee, Somerset Civic Centre
- 29 St Andrews Spring Fete  
'Let's Talk About Art and Brave Girl Performance' at The Condensery,  
Somerset Regional Art Gallery
- 31 Evacuation Centre Management training, Somerset Civic Centre

November

- 07 The Condensery SRC Art Gallery Advisory Committee meeting

**Cr Gaedtke – Councillor Report**

October

- 29 Let's Talk about Art – Afternoon Conversation within walking distance by Hayley &  
Brave Girl by Karike
- 31 Evacuation Centre Training – Esk

November

- 01 Citizenship Ceremony - Esk
- 02 Joint Urban Utilities Board/Councillor annual regional tour – Somerset and Lockyer  
Valley Regional Councils
- 07 The Condensery Advisory Committee Meeting – Toogoolawah
- 08 Valley of the Lakes Garden Club Annual General Meeting – Esk
- 08 Kilcoy Rodeo Committee Annual General Meeting – Kilcoy

The Condensery was the venue for an in-depth discussion around Art with Dr Alexandra Lawson, Dr Louise R Mayhew, Dr Karike Ashworth as guest speakers, which concluded with an energetic performance by Brave Girl Karike. With the sun setting in the background, the abundance of fresh picnic style refreshments, the ambience was complementary to the overall experience.

Planning for a sustainable water future and preparing for the 2032 Olympic and Paralympic Games was discussed at length at the joint tour of SRC and LVRC. The discussion outlined the current status of the situation and also again, highlights the critical position the regions are facing.

The President of the Valley of the Lakes Garden Club shared with the 79 guests/members at the Valley of the Lakes Garden Club Annual General Meeting that around 7,000 people attended the 2022 Esk Lifestyle and Garden Show, that this was the 12<sup>th</sup> annual general meeting for the club, and there are 125 club members, amongst other interesting facts. It was an honour to chair the election of committee members of one of the most successful clubs in our region. Congratulations to all involved.

**Cr Choat – Councillor Report**

## September

28 Council Ordinary Meeting and Workshop – Kilcoy Explore Centre

## October

02 Mass St Brendan's Catholic Church

09 Mass St Brendan's Catholic Church

12 Council Ordinary Meeting and Workshop – Kilcoy Explore Centre

Mass Kara Presentation

16 Mass St Brendan's Catholic Church

17 Meeting Remuneration Tribunal Local Government Association of Qld (LGAQ) Conference

18 -19 LGAQ Conference

20 Meeting Fernvale Recreation Grounds

Toogoolawah State High Annual Awards Presentation

21 Kilcoy State High Annual Awards Presentation

26 Council Ordinary Meeting and Workshop – Kilcoy Explore Centre

29 St Andrew's Anglican Parish Spring Fete

30 The Amazing Grace Celebration St Mel's Esk

## November

03 Regional Development Australia Ipswich & West Moreton Committee Meeting

06 Sweethearts of Song Ukraine Fundraiser

**Cr Whalley – Councillor Report**

I attended the Sustainable Trails Conference in St Helen's Tasmania between 31 October and 4 November. There were a wide range of speakers and topics and exceptional topic was the walking trails which were Grampians in Victoria, three Capes, Tasmania and the Great Ocean Road. Its an interesting fact that looking at the Australian population of 15 million people able to walk (once you take out the infants, hospitalized, jailed and extremely elderly) 22% have walked for two nights or more on a great walk.

We looked at what makes a successful mountain bike trail and they area as follows:

- a) within 1.5hours of a major airport
- b) good natural features – wildlife and unique animals
- c) quality trails – professional designed and catering for all experience levels.( 15% beginner, 70% intermediate, 15% skilled with the prime age bracket being 28-55 year)  
Trails should flow with no forced risk and end with a smile.
- d) Good pubs, cafes, restaurants and accommodation with variety
- e) Progressive expansion – don't get land locked
- f) Trails and business opportunities need for proactive partners and community.
- g) Make the trail a meaningful experience

Other notes from the conference were

- Know when to charge users for the trail use and use that funds to manage ecosystem and maintain trails.
- Brand your project early it helps people accept it
- Don't give a definite finish date on the project
- Funding applications – make it easy for the decision makers
- You need a coalition of support
  - a) get the community onboard
  - b) get business on board
  - c) let State and Federal members know exactly what you plan
  - d) talk to the appropriate departments i.e. Sport and rec, Environment and Health
- Signage and size of signs should reflect importance of information and should be orientated to height of the average person.

- Signage should also direct people easily around the town and trail and to places of interest.

### Cr Wendt – Councillor Report

October

26 Ordinary Council Meeting – Kilcoy

Workshop Meeting – Kilcoy

27 RDA Meeting – Esk

31 Training for Evacuation Centres – Esk

November

01 LRC Meeting – Lowood

08 Bendigo Bank AGM - Lowood

### Cr Lehmann – Councillor Report

I attend the Bendigo Bank AGM at Lowood where the committee was elected to continue. I want to thank the outgoing committee for their commitment to our community and look forward to the Bank serving our community for many years to come.

#### **Resolution**

Moved – Cr Isidro

Seconded – Cr Brieschke

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

Carried

*Vote - Unanimous*

### Receipt of Petition

Nil

### Consideration of notified motions

THAT Council writes to the Queensland Minister for Police and Corrective Services and Minister for Fire and Emergency Services, Hon Mark Ryan MP, and the Queensland Police Commissioner, Katarina Carrol, as follows:

1. Expressing Council's disgust at the damage sustained at the Lowood Police Station overnight Wednesday, 2 November 2022, by apparent vandalism.
2. Call on the State Government to reassess policing needs within Somerset Region, including a manned twenty-four-hour police station to provide adequate policing resources for our growing community.
3. Request a delegation with Queensland Police Service Officials to enable discussion about the future planning of policing facilities in the region. In particular, opportunities associated with Council's draft Lowood future's strategy.
4. Council's willingness to work collaboratively with Queensland Police Service to combat anti-social behaviour and establish potential future sites for policing facilities within the region.

#### **Resolution**

Moved – Cr Lehmann

Seconded – Cr Choat

“THAT Council writes to the Queensland Minister for Police and Corrective Services and Minister for Fire and Emergency Services, Hon Mark Ryan MP, and the Queensland Police Commissioner, Katarina Carrol, as follows:

1. Expressing Council's disgust at the damage sustained at the Lowood Police Station overnight Wednesday, 2 November 2022, by apparent vandalism.
2. Call on the State Government to reassess policing needs within Somerset Region, including a manned twenty-four-hour police station to provide adequate policing resources for our growing community.
3. Request a delegation with Queensland Police Service Officials to enable discussion about the future planning of policing facilities in the region. In particular, opportunities associated with Council's draft Lowood future's strategy.
4. Council's willingness to work collaboratively with Queensland Police Service to combat anti-social behaviour and establish potential future sites for policing facilities within the region."

**Carried**

*Vote - Unanimous*

#### **Reception of notices of motion for next meeting**

Nil

#### **Items for reports for future meetings**

THAT Council Officers bring back a report regarding traffic control management outlining opportunities for implementing and advocating for efficiencies with Traffic Management and associated cost.

#### **Resolution**

Moved – Cr Wendt

Seconded – Cr Whalley

"THAT Council Officers bring back a report regarding traffic control management outlining opportunities for implementing and advocating for efficiencies with Traffic Management and associated cost."

**Carried**

*Vote - Unanimous*

#### **Closure of Meeting**

#### **Summary**

There being no further business, the Mayor, Cr Graeme Lehmann closed the meeting at 10.37am.

## APPENDIX 1



**Policy Subject/Title:** Standing Orders

**Policy Number:** EX/002

---

**Responsible Officer:** Director Corporate and Community Services

**Related Policies / Procedures:** EX/004 Acceptable Requests Guidelines  
EX/007 Investigation Policy  
EX/008 Meeting Procedures

**Authorised by:** Somerset Regional Council

**Authorised on:** 9 November 2022 (\*Doc Id of Decision)

**Amendments:** 24 February 2021 (Doc Id 1271115)  
9 November 2022 (\*Doc Id of Decision)

---

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

Signed: .....

Date: .....

# Best Practice Standing Orders For Local Government and Standing Committee Meetings

September 2022



© State of Queensland, September 2022. Published by the Department of State Development, Infrastructure, Local Government and Planning, 1 William Street, Brisbane Qld 4000, Australia.

Licence: This work is licensed under the Creative Commons CC BY 4.0 Australia Licence. In essence, you are free to copy and distribute this material in any format, as long as you attribute the work to the State of Queensland (Department of State Development, Infrastructure, Local Government and Planning) and indicate if any changes have been made. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

Attribution: The State of Queensland, Department of State Development, Infrastructure, Local Government and Planning.

The Queensland Government supports and encourages the dissemination and exchange of information. However, copyright protects this publication. The State of Queensland has no objection to this material being reproduced, made available online or electronically but only if it is recognised as the owner of the copyright and this material remains unaltered.

The Queensland Government is committed to providing accessible services to Queenslanders of all cultural and linguistic backgrounds. If you have difficulty understanding this publication and need a translator, please call the Translating and Interpreting Service (TIS National) on 131 450 and ask them to telephone the Queensland Department of State Development, Infrastructure, Local Government and Planning on 13 QGOV (13 74 68).

Disclaimer: While every care has been taken in preparing this publication, the State of Queensland accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within. To the best of our knowledge, the content was correct at the time of publishing.

Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this report is available on the Department of State Development, Infrastructure, Local Government and Planning' website at [www.dsdilgp.qld.gov.au](http://www.dsdilgp.qld.gov.au).

## Contents

Intent.....	5
1. Standing Orders .....	5
Procedures for Meetings of Local Government.....	5
2. Presiding Officer.....	5
3. Order of Business.....	5
4 Agendas.....	6
5 Petitions .....	6
6 Deputations.....	7
7. Public Participation at Meetings .....	7
8. Prescribed Conflict of Interest .....	8
9. Declarable Conflict of Interest .....	8
10. Reporting a Suspected Conflict of Interest .....	10
11. Loss of Quorum.....	11
Motions.....	11
12. Motion to be Moved .....	11
13. Absence of Mover of Motion .....	12
14. Motion to be Seconded .....	12
15. Amendment of Motion .....	12
16. Speaking to Motions and Amendments .....	12
17. Method of Taking Vote .....	13
18. Withdrawing a Motion.....	13
19. Repealing or Amending Resolutions .....	13
20. Procedural Motions .....	13
21. Questions .....	15
Meeting Conduct .....	15
22. Process for Dealing with Unsuitable Meeting Conduct .....	15
23. General Conduct during Meetings.....	16
24. Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to a Local Government by the Independent Assessor (IA) .....	17
25. Disorder.....	18
Attendance and Non-Attendance.....	18
26. Attendance of Public and the Media at Meeting.....	18
27. Closed Session.....	19
28. Teleconferencing of Meetings .....	20

## Intent

To assist local governments, the Department provides best practice standing orders that local governments can choose to adopt to provide written rules for the orderly conduct of local government meetings. These best practice standing orders incorporate the departmental model meeting procedures that deal with matters during council meetings that must be adhered to under the Local Government Act 2009 (LGA). Local governments can revise their standing orders to incorporate the model meeting procedures or adopt the model meeting procedures.

### 1. Standing Orders

- 1.1. These standing orders apply to local government meetings including standing committee meetings. These standing orders do not apply to meetings of the audit committee.
- 1.2. A provision of these standing orders may be suspended by resolution of any meeting of the local government except those sections that are mandatory under the model meeting procedures. A separate resolution is required for any suspension and must specify the application and duration of each suspension.
- 1.3. Where a matter arises at the local government meeting that is not provided for in these standing orders, the matters shall be determined by resolution of the local government upon a motion which may be put without notice but otherwise conforming with these standing orders.

## Procedures for Meetings of Local Government

### 2. Presiding Officer

- 2.1 The mayor will preside at a meeting of local government.
- 2.2 If the mayor is absent or unavailable to preside, the deputy mayor will preside.
- 2.3 If both the mayor and the deputy mayor, or the mayor's delegate, are absent or unavailable to preside, a councillor chosen by the councillors present at the meeting will preside at the meeting.
- 2.4 The local government will choose the chairperson for a committee meeting. This chairperson will normally preside over meetings of the committee.
- 2.5 If the chairperson of a committee is absent or unavailable to preside, a councillor chosen by the councillors present will preside over the committee meeting.
- 2.6 Before proceeding with the business of the local government meeting, the person presiding at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the local government.

### 3. Order of Business

- 3.1 The order of business will be determined by resolution of the local government from time to time. The order of business may be altered for a particular meeting where the councillors at that meeting pass a procedural motion to that effect. A motion to alter the order of business may be moved without notice.
- 3.2 Unless otherwise altered, the order of business will be as follows:

- Attendances
- apologies and granting of leaves of absence
- confirmation of minutes
- officers' reports.

**Note:** *The minutes of a preceding meeting, whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every ordinary meeting of the local government, in order that the minutes may be confirmed. No discussion will be permitted about these minutes except with respect to their accuracy as a record of the proceedings. Amendments to the minutes may be made prior to confirming the minutes. This must be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed the minutes can be amended. All councillors present at the meeting can vote to confirm the minutes including those who were absent at the previous meeting and those who had a conflict of interest at the previous meeting.*

## 4 Agendas

### 4.1 The agenda may contain:

- notice of meeting
- minutes of the previous meetings
- business arising out of previous meetings
- business which the mayor wishes to have considered at that meeting without notice
- matters of which notice has been given
- committees' reports referred to the meeting by the chief executive officer (CEO)
- officers' reports referred to the meeting by the CEO
- deputations and delegations from the community that are approved to attend
- any other business the council determines by resolution be included in the agenda.

4.2 Business not on the agenda, or not fairly arising from the agenda, will not be considered at any council meeting unless permission for that purpose is given by the local government at the meeting. Business must be in accordance with the adopted terms of reference for each committee.

4.3 The agenda for the local government must be made publicly available by 5pm on the business day after the notice of meeting is given to the councillors. The related reports for the local government meeting must also be included and available to the public excluding confidential reports.

4.4 Matters on the agenda that will require the meeting to be in a closed session will be clearly identified including the reasons why the session will be closed.

## 5 Petitions

### 5.1 Any petition presented to a meeting of the local government will:

- be in legible writing or typewritten and contain a minimum of ten (10) signatures
- include the name and contact details of the principal petitioner (i.e. the key contact)
- include the postcode of all petitioners, and
- have the details of the specific request/matter appear on each page of the petition.

5.2 Where a councillor presents a petition to a meeting of the local government, no debate in relation to it will be allowed, and the only motion which may be moved is:

- that the petition be received
- received and referred to a committee or officer for consideration and a report to the council, or
- not be received because it is deemed invalid.

5.3 The local government will respond to the principal petitioner in relation to all petitions deemed valid.

## 6 Deputations

6.1 A deputation wishing to attend and address a meeting of the council shall apply in writing to the CEO not less than seven (7) business days before the meeting.

6.2 The CEO, on receiving an application for a deputation, shall notify the chairperson who will determine whether the deputation may be heard. The CEO will inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time will be arranged for that purpose, and an appropriate time period allowed (e.g. 15 minutes).

6.3 For deputations comprising three or more persons, only three persons shall be at liberty to address the council meeting unless the councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.

6.4 If a member of the deputation other than the appointed speakers interjects or attempts to address the council meeting, the chairperson may terminate the deputation.

6.5 The chairperson may terminate an address by a person in a deputation at any time where:

- the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting
- the time period allowed for a deputation has expired, or
- the person uses insulting or offensive language or is derogatory towards councillors or other

6.6 The CEO is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

## 7. Public Participation at Meetings

7.1 A member of the public may take part in the proceeding of a meeting only when invited to do so by the chairperson.

7.2 In each local government meeting, time may be required to permit members of the public to address the local government on matters of public interest related to local government. The time allotted shall not exceed fifteen (15) minutes and no more than three (3) speakers shall be permitted to speak at one meeting. The right of any individual to address the local government during this period shall be at the absolute discretion of the local government.

7.3 If any address or comment is irrelevant, offensive, or unduly long, the chairperson may require the person to cease making the submission or comment.

7.4 For any matter arising from such an address, the local government may take the following actions:

- refer the matter to a committee
- deal with the matter immediately
- place the matter on notice for discussion at a future meeting
- note the matter and take no further action.

7.5 Any person addressing the local government shall stand, and act and speak with decorum and frame any remarks in respectful and courteous language.

7.6 Any person who is considered by the local government or the mayor to be unsuitably dressed may be directed by the mayor or chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

## 8. Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council or committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:

8.1 A councillor who has notified the chief executive officer of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting.

8.2 A councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of the interest.

8.3 When notifying the meeting of a prescribed conflict of interest, the following details must be provided:

- if it arises because of a gift, loan or contract, the value of the gift, loan or contract
- if it arises because of an application or submission, the subject of the application or submission
- the name of any entity other than the councillor that has an interest in the matter
- the nature of the councillor's relationship with the entity that has an interest in a matter
- details of the councillor's and any other entity's interest in the matter.

8.4 The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice from the Minister to participate in the matter.

8.5 Once the councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

## 9. Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at council or committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the councillor may disclose their suspicion and the processes under section 150EW of the LGA.

When dealing with a declarable conflict of interest, councillors must abide by the following procedures:

9.1 A councillor who has notified the chief executive officer of a declarable conflict of interest in a matter to be discussed at a council meeting must also give notice during the meeting.

9.2 A councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must inform the meeting of the conflict of interest

9.3 When notifying the meeting of a declarable conflict of interest, councillors should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following details must be provided:

- the nature of the declarable conflict of interest
- if it arises because of the councillor's relationship with a related party:
  - i. the name of the related party to the councillor
  - ii. the nature of the relationship of the related party to the councillor
  - iii. the nature of the related party's interest in the matter
- if it arises because of a gift or loan from another person to the councillor or a related party:
  - i. the name of the other person
  - ii. the nature of the relationship of the other person to the councillor or related party
  - iii. the nature of the other person's interest in the matter
  - iv. the value of the gift or loan and the date the gift or loan was made.

9.4 After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.

9.5 If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision.

9.6 The other non-conflicted councillors at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted councillors. The non-conflicted councillors may impose conditions on the councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The councillor must comply with any decision or condition imposed by the non-conflicted councillors.

9.7 In deciding on a councillor's declarable conflict of interest in a matter, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the LGA.

9.8 The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the other councillors in making their decision. The subject councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes

place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.

9.9 When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other councillors should consider the particular circumstances of the matter including, but not limited to:

- how does the inclusion of the councillor in the deliberation affect the public trust
- how close or remote is the councillor's relationship to the related part
- if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
- will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them
- how does the benefit or detriment the subject councillor stands to receive compare to others in the community
- how does this compare with similar matters that council has decided and have other councillors with the same or similar interests decided to leave the meeting
- whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.

9.10 If the non-conflicted councillors cannot decide about the declarable conflict of interest of a councillor, they are taken to have decided that the councillor must leave and stay away from the meeting while the non-conflicted councillors discuss and vote on the matter.

9.11 A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, and all subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted councillors decide that the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. briefing sessions or workshops.

9.12 In making the decision under 9.6 and 9.9, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).

9.13 A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister.

## 10. Reporting a Suspected Conflict of Interest

10.1 If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that councillor is participating in a decision on that matter, the councillor must immediately inform the chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.

10.2 The chairperson then should ask the relevant councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the councillor agrees they have a conflict of interest, the councillor must follow the relevant procedures above.

10.3 If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.



10.4 The non-conflicted councillors must then decide whether the councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have prescribed or declarable conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant procedures above.

10.5 If the councillors cannot reach a majority decision, then they are taken to have determined that the councillor has a declarable conflict of interest.

## 11. Loss of Quorum

11.1 In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the council must resolve to:

- delegate the consideration and decision on the matter, pursuant to section 257 of the LGA
- defer the matter to a later meeting
- not decide the matter and take no further action in relation to the matter.

11.2 All councillors including the conflicted councillors, may participate in deciding to delegate or defer a matter.

11.3 The council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.

11.4 If the matter cannot be delegated under an Act, the council should seek ministerial approval for the councillors to be able to consider and vote on the matter, subject to any conditions the Minister may impose.

## Motions

### 12. Motion to be Moved

12.1 A councillor is required to 'move' a motion and then another councillor is required to 'second' the motion.

12.2 When a motion has been moved and seconded, it will become subject to the control of the council and cannot be withdrawn without the consent of the council meeting.

12.3 Other councillors can propose amendments to the motion, which must be voted on before voting on the final motion.

- A motion brought before a meeting of the local government in accordance with the LGA or these standing orders will be received and put to the meeting by the chairperson.
- The chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
- The chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.

12.4 The chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is taken to a motion being taken as a formal motion, and the motion is then seconded, the chairperson may put the motion to the vote without discussion and the vote occur.

12.5 Not more than one motion or one proposed amendment to a motion may be put before a meeting of a local government at any one time.

## 13. Absence of Mover of Motion

13.1 Where a councillor who has given notice of a motion is absent from the meeting of the local government at which the motion is to be considered, the motion may be:

- moved by another councillor at the meeting, or  
deferred to the next meeting.

## 14. Motion to be Seconded

14.1 A motion or an amendment to a motion shall not be debated at a meeting of the local government unless or until the motion or the amendment is seconded, with the exception of procedural motions.

## 15. Amendment of Motion

15.1 An amendment to a motion will be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.

15.2 Where an amendment to a motion is before a meeting of the local government, no other amendment to the motion will be considered until after the first amendment has been voted on.

15.3 Where a motion is amended by another motion, the original motion will not be proposed as a subsequent motion to amend that other motion.

## 16. Speaking to Motions and Amendments

16.1 The mover of a motion or amendment will read it and state that it is so moved but will not speak to it until it is seconded.

16.2 The chairperson will manage the debate by allowing the councillor who proposed the motion the option of speaking first on the motion. The chairperson will then call on any other councillors who wish to speak against the motion and then alternatively for and against the motion as available, until all councillors who wish to speak have had the opportunity.

16.3 A councillor may make a request to the chairperson for further information before or after the motion or amendment is seconded.

16.4 The mover of a motion or amendment has the right to reply. Each councillor will speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.

16.5 Each speaker will be restricted to not more than five (5) minutes unless the chairperson rules otherwise.

16.6 Where two or more councillors indicate they may wish to speak at the same time, the chairperson will determine who is entitled to priority.

16.7 In accordance with section 254H of the Local Government Regulation 2012 (LGR), if a decision made at the council meeting is inconsistent with a recommendation or advice given to the council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

## 17. Method of Taking Vote

17.1 The chairperson will call for all councillors in favour of the motion to indicate their support. The chairperson will then call for all councillors against the motion to indicate their objection. A councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. If a division is taken, the minute secretary will record the names of councillors voting in the affirmative and of those voting in the negative. The chairperson will declare the result of a vote or a division as soon as it has been determined.

17.2 Councillors have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.

17.3 Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.

Note: If a report contains distinct recommendations, the decision of the council may be taken separately on each recommendation. If a decision by the meeting is contra to a recommendation in a report the minutes must give the reasons for the decision.

## 18. Withdrawing a Motion

18.1 A motion or amendment may be withdrawn by the mover with the consent of the council, which will be without debate, and a councillor will not speak to the motion or amendment after the mover has been granted permission by the council meeting for its withdrawal.

## 19. Repealing or Amending Resolutions

19.1 A resolution of the local government may not be amended or repealed unless notice of motion is given in accordance with the requirements of the legislation.

19.2 Councillors present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. The deferral will not be longer than three (3) months.

## 20. Procedural Motions

20.1 A councillor at a meeting of the local government may, during the debate of a matter at the meeting, move the following motions, as a procedural motion without the need for a seconder:

- that the question/motion be now put before the meeting

- that the motion or amendment now before the meeting be adjourned
- that the meeting proceeds to the next item of business
- that the question lie on the table
- a point of order
- a motion of dissent against the chairperson's decision
- that this report/document be tabled
- to suspend the rule requiring that (insert requirement)
- that the meeting stands adjourned.

20.2 A procedural motion, that 'the question be put', may be moved and where the procedural motion is carried, the chairperson will immediately 'put the question to the motion' or amendment to that motion under consideration. Where the procedural motion is lost, debate on the motion or amendment to that motion will resume.

20.3 The procedural motion, that the motion or amendment now before the meeting be adjourned, may specify a time or date, to which the debate will be adjourned. Where no date or time is specified:

- a further motion may be moved to specify a time or date; or
- the matter about which the debate is to be adjourned, will be included in the business paper for the next meeting.

20.4 Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion will cease and may be considered again by the local government on the giving of notice in accordance with the standing orders.

20.5 A procedural motion that the question lie on the table, will only be moved where the chairperson or a councillor requires additional information on the matter before the meeting (or the result of some other action of the council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the council will proceed with the next matter on the business paper. The motion, that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.

20.6 Any councillor may ask the chairperson to decide on a point of order where it is believed that another councillor:

- has failed to comply with proper procedures;
- is in contravention of the legislation; or
- is beyond the jurisdiction power of the council meeting.

**Note:** *Points of order cannot be used as a means of contradicting a statement made by the councillor speaking. Where a point of order is moved, consideration of the matter to which the motion was moved will be suspended. The chairperson will determine whether the point of order is upheld.*

*Upon the question of order suddenly arising during the process of a debate, a councillor may raise a point of order, and then the councillor against whom the point of order is raised, will immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or points of order at any time arising will, until decided, suspend the consideration and decision of every other question.*

20.7 A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order. Where such motion is moved, further consideration of any matter will be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of

the chairperson was made will proceed as though that ruling had not been made. Whereas a result of that ruling the matter was discharged as out of order, it will be restored to the business paper and be dealt with in the normal course of business.

20.8 The motion that this report/document be tabled may be used by a councillor to introduce a report or other document to the meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.

20.9 A procedural motion, 'to suspend the rule requiring that.....', may be made by any councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule will specify the duration of the suspension.

20.10 A procedural motion, that the meeting stands adjourned, may be moved by a councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a councillor's time for speaking to the matter, and will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting, the council meeting will continue with the business before the meeting at the point where it was discontinued on the adjournment.

## 21. Questions

21.1 A councillor may at the local government meeting ask a question for reply by another councillor or an officer regarding any matter under consideration at the meeting. A question will be asked categorically and without argument and no discussion will be permitted at the council meeting in relation to a reply or a refusal to reply to the question. A councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.

21.2 A councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.

21.3 The chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a councillor may move a motion that the chairperson's ruling be disagreed with, and if carried the chairperson will allow the question.

## Meeting Conduct

### 22. Process for Dealing with Unsuitable Meeting Conduct

The conduct of a councillor is unsuitable meeting conduct if the conduct happens during a council meeting and contravenes a behavioural standard of the Code of Conduct for Councillors. When dealing with an instance of unsuitable conduct by a councillor in a meeting, the following procedures must be followed:

22.1 The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a councillor at a meeting.

22.2 If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has had any previous warnings

for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to step 22.7.

22.3 If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial actions such as:

- ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
- apologising for their conduct;
- withdrawing their comments.

22.4 If the councillor complies with the chairperson's request for remedial action, no further action is required.

22.5 If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order being issued.

22.6 If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.

22.7 If the councillor still continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 22.3, the chairperson may make one or more of the orders below:

- an order reprimanding the councillor for the conduct
- an order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.

22.8 If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.

22.9 Following the completion of the meeting, the chairperson must ensure:

- details of any order issued is recorded in the minutes of the meeting
- if it is the third or more order made within a 12-month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the council and treated as inappropriate conduct
- the council's chief executive officer (CEO) is advised to ensure details of any order made is updated in the council's councillor conduct register.

22.10 Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 22.1, 22.7 and 22.8 above.

Note: Chairpersons of a meeting are carrying out a statutory responsibility under the LGA to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust don't arise because councillors disagree with the chairperson's decision or ruling during the meeting.

## 23. General Conduct during Meetings

23.1 After a meeting of the council has been formally constituted and the business commenced, a councillor will not enter or leave from the meeting without first notifying the chairperson.

23.2 Councillors will speak to each other or about each other during the local government meeting by their respective titles ('mayor' or 'councillor'), and when speaking of or addressing officers will call them by their respective official or departmental title and will confine their remarks to the matter under consideration.

23.3 No councillor who is speaking will be interrupted except upon a point of order being raised either by the chairperson or by another councillor.

23.4 When the chairperson speaks during the process of a debate, the councillor speaking or offering to speak will immediately cease speaking, and each councillor present will observe strict silence so that the chairperson may be heard without interruption.

## 24. Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to a Local Government by the Independent Assessor (IA)

Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to a local government) a referral from the IA of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 22.9 dot point two of this document.

When dealing with an instance of suspected inappropriate conduct which has been referred to a local government by the IA:

24.1 The council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the council may resolve to go into closed session under section 254J of the LGR to discuss the allegation.

24.2 The subject councillor has a declarable conflict of interest in the matter and is permitted by the council to remain in the meeting during the debate about whether the councillor engaged in the inappropriate conduct and answer questions put to the subject councillor by the chairperson to assist the other councillors in making a decision. This permission to remain in the meeting for the debate is on the condition that the subject councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the councillor is found to have committed inappropriate conduct.

24.3 Should the complainant be a councillor, that councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 9. If the complainant councillor who has a declarable conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other councillors must decide how to deal with the conflict of interest under section 9. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.



24.4 The council must debate the issue and decide whether the accused councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or deferred to another date when a quorum will be present.

24.5 If a decision is reached that the accused councillor has engaged in inappropriate conduct, then the councillors must decide what penalty or penalties from the orders detailed in 24.6, if any, to impose on the councillor. In deciding what penalty to impose, the council may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the council is reasonably satisfied is true.

24.6 The council may order that no action be taken against the councillor or make one or more of the following:

- an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct
- an order reprimanding the councillor for the conduct
- an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense
- an order that the councillor be excluded from a stated council meeting
- an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, for example that the councillor is ordered to resign from an appointment representing the local government on a state board or committee
- an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct
- an order that the councillor reimburse the council for all or some of the costs arising from the councillor's inappropriate conduct.

24.7 A local government may not make an order that the councillor attend training/counselling, be suspended from a meeting, be removed or resign from a position or that the same conduct will be treated as misconduct in future, in relation to a person who is no longer a councillor.

24.8 The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the details of the decision.

24.9 The chairperson must ensure the meeting minutes reflect the resolution made.

## 25. Disorder

25.1 The chairperson may adjourn the meeting of the local government, where disorder arises at a meeting other than by a councillor. On resumption of the meeting, the chairperson will move a motion to be put without debate, to determine whether the meeting will proceed. Where the motion is lost, the chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

## Attendance and Non-Attendance

## 26. Attendance of Public and the Media at Meeting



26.1 An area shall be made available at the place where any meeting of the local government is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area will be permitted to attend the meeting.

26.2 When the local government is sitting in closed session, the public and representatives of the media will be excluded.

## 27. Closed Session

27.1 Council and standing committee meetings may resolve that a meeting be closed to the public if its councillors consider it necessary to discuss any of the following matters:

- appointment, dismissal or discipline of the CEO
- industrial matters affecting employees
- the council's budget
- rating concessions
- legal advice obtained by the council, including legal proceedings that may be taken by or against the council
- matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council
- *negotiations* relating to the taking of land by the council under the *Acquisition of Land Act 1967*
- a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state.

27.2 A council or committee meeting cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide whether the councillor has a declarable conflict of interest in the matter.

27.3 Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting and the council must;

- delegate the matter
- decide by resolution to defer to a later meeting
- decide by resolution to take no further action on the matter.

**Note:** *None of the above will be considered, discussed, voted on or made during a closed session.*

*If a closed session includes attendance by teleconference, the councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.*

27.4 To take a matter into a closed session the council must abide by the following:

- pass a resolution to close the meeting
- the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered

- if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated
- not make a resolution while in a closed meeting (other than a procedural resolution).

## 28. Teleconferencing of Meetings

28.1 If a councillor wishes to be absent from a council meeting place during a meeting, the councillor must apply to the chairperson to participate by teleconference, at least three (3) business days prior to the meeting or as soon as practicable once the councillor becomes aware of their intended absence. The chairperson may allow a councillor to participate in a council or committee meeting by teleconference.

28.2 A councillor taking part by teleconference is taken to be present at the meeting if the councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the councillor must be recorded in the minutes as present at the meeting.

Note: Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.

28.3 In order for councils to manage the safety rules during the COVID-19 pandemic, changes have been added to the LGR that will expire in June 2021.

28.4 These provisions allow the council:

- the option to conduct the entire council meeting via phone, teleconference or video conference
- where possible, must provide streaming or other facilities so that the public can observe or hear the meeting as it is happening, at one of the council's public offices or on the council's website
- chairperson has the option to close the meeting on health and safety grounds to protect participants or observers from risk of exposure to COVID-19.

## APPENDIX 2



**Policy Subject/Title:** Investigation Policy

**Policy Number:** EX/007

---

**Responsible Officer:** Director Corporate and Community Services

**Related Policies / Procedures:** EX/002 Standing Orders  
EX/004 Acceptable Requests Guidelines  
EX/008 Meeting Procedures

**Authorised by:** Somerset Regional Council

**Authorised on:** 9 November 2022 (\*Doc Id of Decision)

**Amendments:** 28 November 2018 (Doc Id 1080792)  
9 November 2022 (\*Doc Id of Decision)

## 1. AUTHORITY

This is Somerset Regional Council's investigation policy for how complaints about the inappropriate conduct of councillors will be dealt with as required by the section 150AE of the *Local Government Act 2009* (the LGA). However, this policy does not relate to more serious councillor conduct.

## 2. COMMENCEMENT

The investigation policy was adopted by Council resolution on 9 November 2022 and applies from 10 November 2022.

## 3. SCOPE

This investigation policy applies to investigations and determinations of a complaint about the alleged inappropriate conduct of a councillor/s which has been referred by the Independent Assessor.

## 4. DEFINITIONS

**Assessor** means the Independent Assessor appointed under section 150CV of the LGA

**Behavioural standard** means a standard of behaviour for councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150E of the LGA

**Conduct** includes—

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct

**Councillor conduct register** means the register required to be kept by Council as set out in section 150DX of the LGA

**Inappropriate conduct** see section 150K of the LGA

**Investigation policy**, refers to this policy, as required by section 150AE of the LGA

**Investigator** means the person responsible under this investigation policy for carrying out the investigation of the suspected inappropriate conduct of a councillor or Mayor

**LGA** means the *Local Government Act 2009*

**Local government** meeting means a meeting of—

- (a) a local government; or
- (b) a committee of a local government

**Misconduct** see section 150L of the LGA

**Model procedures** see section 150F of the LGA

**Referral notice** see section 150AC of the LGA

***Tribunal*** means the Councillor Conduct Tribunal as established under section 150DK of the LGA

***Unsuitable meeting conduct*** see section 150H of the LGA

## **5. CONFIDENTIALITY**

Matters of suspected inappropriate conduct of a councillor are confidential except as otherwise specifically provided for either in the LGA or this investigation policy.

Note: It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the local government. Any release of information that a councillor knows, or should reasonably know, to be confidential to the local government, may be contrary to section 171(3) of the LGA and dealt with as misconduct.

## **6. NATURAL JUSTICE**

Any investigation of suspected inappropriate conduct of a councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

Natural justice or procedural fairness refers to three key principles:

- that the person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing)
- that the investigator(s) should be objective and impartial (absence of bias)
- that any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the councillors as part of the meeting agenda.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Ensuring decisions are based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material. A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

## **7. ASSESSOR'S REFERRAL**

The Council will receive from the assessor a referral notice about the suspected inappropriate conduct of a councillor/s. The referral notice will include details of the conduct and any complaint received about the conduct, state why the assessor reasonably suspects that the councillor has engaged in inappropriate conduct, and include information about the facts and circumstances that form the basis of the assessor's reasonable suspicion.

The referral notice may be accompanied by a recommendation from the assessor about how the local government may investigate or deal with the conduct. The recommendation of the assessor may be inconsistent with this policy.

The investigation must be conducted in a way consistent with:

- (i) any recommendation of the assessor
- (ii) to the extent that this policy is not inconsistent with the recommendation of the assessor – this investigation policy, or
- (iii) in another way the local government decides by resolution.

A resolution under subsection (iii) must state the decision and the reasons for the decision.

## **8. RECEIPT OF ASSESSOR'S REFERRAL**

On receipt of a referral notice about the suspected inappropriate conduct of a councillor/s from the assessor, the Council's Chief Executive Officer will forward a copy of that referral notice to the Mayor and all councillors, other than the councillor who is the subject of the complaint, or the complainant if the complainant is a councillor, as a confidential document.

Should the Mayor or a councillor/s disagree with any recommendation accompanying the assessor's referral notice, or form the opinion that the complaint should be dealt with in a way other than under this policy, the Mayor or councillor may request the matter be placed on the agenda of the next council meeting for the council to decide, by resolution, the appropriate process to investigate the complaint. Such a request must be made in accordance with the council's meeting procedure requirements.

## **9. INVESTIGATOR**

Unless otherwise resolved by Council, the Mayor will manage the investigation of suspected inappropriate conduct of other councillors.

If the suspected inappropriate conduct involves conduct where, in the circumstances, the Mayor believes it is in the best interests of the investigation to refer the matter for external investigation, then the Chief Executive Officer may refer the suspected inappropriate conduct to the president of the Councillor Conduct Tribunal (the Tribunal) or other entity to investigate and make recommendations to the council about dealing with the conduct.

If the suspected inappropriate conduct involves an allegation about the conduct of the Mayor or the Mayor as the complainant, then the Chief Executive Officer may refer the suspected inappropriate conduct to the president of the Tribunal, or another entity, to investigate and make recommendations to the council about dealing with the conduct.

## **10. EARLY RESOLUTION**

Before beginning an investigation, the investigator should consider whether the matter is appropriate for resolution prior to the investigation. This consideration can include any recommendations made by the assessor.

A matter is only appropriate for early resolution if the parties to the matter both voluntarily agree to explore early resolution. The investigator may engage an independent person with suitable qualifications or experience to facilitate this process.

If the matter cannot be resolved, the matter will then be investigated as outlined in this investigation policy.

If the matter is resolved prior to investigation, the investigator will advise the Chief Executive Officer of this outcome. In turn, the Chief Executive Officer will advise the Mayor (if the Mayor is not the investigator) and all councillors that the matter has been resolved. The Chief Executive Officer will also update the councillor conduct register to reflect this.

## **11. TIMELINESS**

The investigator will make all reasonable endeavours to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than eight weeks after the receipt of the complaint.

Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor (if the Mayor is not the investigator) to seek an extension of time.

## **12. ASSISTANCE FOR INVESTIGATOR**

If the Mayor, or another councillor appointed by Council resolution, is the investigator of a matter of suspected inappropriate conduct, the Mayor or councillor may use section 170A of the LGA to seek assistance during the investigation.

The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with the Council's procurement policy.

## **13. POSSIBLE MISCONDUCT OR CORRUPT CONDUCT**

If during the course of an investigation the investigator obtains information which indicates a councillor/s may have engaged in misconduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the assessor of the possible misconduct.

If during the course of an investigation, the investigator obtains information that indicates a councillor/s may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the assessor or Crime and Corruption Commission to be inappropriate conduct.

## **14. COMPLETION OF INVESTIGATION**

On the completion of an investigation, the investigator will provide a report to a Council meeting outlining as appropriate:

- the investigation process
- any witnesses interviewed
- documents or other evidence obtained



- a statement of the relevant facts ascertained
- confirmation that the subject councillor has been provided with an opportunity to respond to the complaint and the evidence gathered
- the investigation findings
- a statement of any relevant previous disciplinary history
- any recommendations about dealing with the conduct
- a record of the investigation costs.

The Council (with the exception of the councillor the subject of the investigation and the complainant, if another councillor) will consider the findings and recommendations of the investigator's report and decide whether the councillor has engaged in inappropriate conduct and, if so, what action it will take under section 150AH of the LGA.

The Chief Executive Officer is also required to ensure the details are entered into the councillor conduct register.

If there is a risk to the health and safety of the complainant, under s 254J of the LGR the Council may resolve that the meeting be closed to the public for the councillors to consider the investigation report and any recommendations. In accordance with s254J(6) of the LGR, the resolution in relation to what action is to be taken as a result of the investigation must be made after the meeting has been re-opened to the public and the decision recorded in the meeting minutes.

## **15. DISCIPLINARY ACTION AGAINST COUNCILLORS**

If the Council decides at the completion of the investigation that the councillor has engaged in inappropriate conduct, the Council may:

- order that no action be taken against the councillor, or
- make an order outlining action the councillor must undertake in accordance with section 150AH(1)(b) of the LGA.

## **16. NOTICE ABOUT THE OUTCOME OF INVESTIGATION**

After an investigation is finalised, the council must give notice about the outcome of the investigation to the person who made the complaint about the councillor/s' conduct that was the subject of the investigation and the subject councillor.

## **17. COUNCILLOR CONDUCT REGISTER**

The Chief Executive Officer must ensure decisions about suspected inappropriate conduct of a councillor/s are entered into the councillor conduct register.

Where a complaint has been resolved under section 10 of this policy, or otherwise withdrawn by the complainant, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.

## **18. EXPENSES**

Council must pay any reasonable expenses of Council associated with the investigation of suspected inappropriate conduct of a councillor including any costs of:

- the president of the Tribunal in undertaking an investigation for Council

- an independent investigator engaged on behalf of, or by the Tribunal
- an independent investigator engaged on behalf of the local government
- travel where the investigator needed to travel to undertake the investigation, or to interview witnesses
- seeking legal advice
- engaging an expert.

Note: Council may order the subject councillor reimburse it for all or some of the costs arising from the councillor's inappropriate conduct. Any costs incurred by complainants or the subject councillors will not be met by Council.

#### **19. DATE OF RESOLUTION**

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

Signed: .....

Date: .....

## APPENDIX 3



# Somerset

## REGIONAL COUNCIL

**Policy Subject/Title:** Meeting Procedures

**Policy Number:** EX/008

---

**Responsible Officer:** Director Corporate and Community Services

**Related Policies / Procedures:** EX/002 Standing Orders  
EX/004 Acceptable Requests Guidelines  
EX/007 Investigation Policy

**Authorised by:** Somerset Regional Council

**Authorised on:** 9 November 2022 (\*Doc Id of Decision)

**Amendments:** 28 November 2018 (Doc Id 1080792)  
24 February 2021 (Doc ID 1271115)  
9 November 2022 (\*Doc Id of Decision)

---

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

Signed: ..... Date: .....

# Model Meeting Procedures

Revised June 2022

© State of Queensland, September 2020. Published by the Department of State Development, Infrastructure, Local Government and Planning, 1 William Street, Brisbane Qld 4000, Australia. Licence: This work is licensed under the Creative Commons CC BY 4.0 Australia Licence. In essence, you are free to copy and distribute this material in any format, as long as you attribute the work to the State of Queensland (Department of State Development, Infrastructure, Local Government and Planning) and indicate if any change have been made. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

Attribution: The State of Queensland, Department of State Development, Infrastructure, Local Government and Planning. The Queensland Government supports and encourages the dissemination and exchange of information. However, copyright protects this publication. The State of Queensland has no objection to this material being reproduced, made available online or electronically but only if it is recognised as the owner of the copyright and this material remains unaltered.

The Queensland Government is committed to providing accessible services to Queenslanders of all cultural and linguistic backgrounds. If you have difficulty understanding this publication and need a translator, please call the Translating and Interpreting Service (TIS National) on 131 450 and ask them to telephone the Queensland Department of State Development, Infrastructure, Local Government and Planning on 13 QGOV (13 74 68).

Disclaimer: While every care has been taken in preparing this publication, the State of Queensland accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within. To the best of our knowledge, the content was correct at the time of publishing.

Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

# Contents

Model Meeting Procedures .....	1
Revised September 2020 .....	1
Contents.....	3
Purpose of the Model Meeting Procedures .....	4
Background .....	4
Application .....	4
Processes.....	5
1. Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting. ....	5
2. Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to a Local Government by the IA .....	6
3. Prescribed Conflict of Interest .....	8
4. Declarable Conflict of Interest .....	8
5. Reporting a Suspected Conflict of Interest .....	11
6. Loss of Quorum .....	11
7. Recording Prescribed and Declarable Conflicts of Interest .....	12
8. Closed Meetings.....	13
9. Teleconferencing Meetings .....	14

## Purpose of the Model Meeting Procedures

The purpose of the model meeting procedures is to set out certain procedures to ensure the local government principles are reflected in the conduct of council meetings, standing and advisory committee meetings as defined in the Local Government Regulation 2012 (LGR) and the City of Brisbane Regulation 2012 (COBR). However, model meeting procedures do not apply to meetings of the council's audit committee.

It is not intended that the model meeting procedures would deal with all aspects of meeting conduct but only those required to strengthen public confidence in council to deal with the conduct of councillors in meetings.

## Background

As required under section 150F of *the Local Government Act 2009* (the LGA) this document sets out:

- the process for how a chairperson of a council meeting may deal with instances of unsuitable meeting conduct by councillors,
- the process for how suspected inappropriate conduct of a councillor referred to the local government by the Independent Assessor (IA) is to be dealt with at a council meeting,
- the processes for dealing with conflicts of interests and recording them,
- the process for dealing with a loss of quorum,
- procedures for closed meetings, and
- the process for taking part in meetings by audio or audio visual link.

## Application

A council must either adopt the model meeting procedures or prepare and adopt other procedures for the conduct of its council meeting, standing and advisory committee meetings, that are consistent with the model meeting procedures.

If there is any inconsistency, then the council is taken to have adopted the model meeting procedures to the extent of the inconsistency. If a council chooses to continue using existing standing orders, the council must review them to ensure that they are consistent with the requirements of these model meeting procedures.

To assist council, the Department has published best practice standing orders that councils can choose to adopt.

A council must conduct its meetings in a manner that is consistent with either the model meeting procedures or its own meeting procedures.



## Processes

### 1. Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting.

The conduct of a councillor is unsuitable meeting conduct if the conduct happens during a council meeting and contravenes a behavioural standard of the **Code of Conduct for Councillors**. When dealing with an instance of unsuitable conduct by a councillor in a meeting, the following procedures must be followed:

- 1.1 The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a councillor at a meeting.
- 1.2 If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to step 1.7.
- 1.3 If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial action such as:
  - 1.3.1 ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct,
  - 1.3.2 apologising for their conduct,
  - 1.3.3 withdrawing their comments.
- 1.4 If the councillor complies with the chairperson's request for remedial action, no further action is required.
- 1.5 If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order being issued.
- 1.6 If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 1.7 If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 1.3, the chairperson may make one or more of the orders below:
  - 1.7.1 an order reprimanding the councillor for the conduct,
  - 1.7.2 an order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- 1.8 If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.
- 1.9 Following the completion of the meeting, the chairperson must ensure:

- 1.9.1 details of any order issued is recorded in the minutes of the meeting
- 1.9.2 if it is the third or more order made within a 12 month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the council and treated as inappropriate conduct
- 1.9.3 the council's chief executive officer (CEO) is advised to ensure details of any order made is updated in the council's councillor conduct register.

- 1.10 Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 1.1, 1.7 and 1.8 above.

**Note:** Chairpersons of a meeting are carrying out a statutory responsibility under the LGA and City of Brisbane Act 2010 (COBA) to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting, this involves a breach of the trust placed in them as the chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust don't arise because councillors disagree with the chairperson's decision or ruling during the meeting.

## **2. Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to a Local Government by the Independent Assessor**

Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to local government) a referral from the Independent Assessor (IA) of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 1.9.2 of this document.

In either case, the council must complete an investigation into the alleged conduct:

- consistent with any recommendations from the IA; and
- consistent with the council's investigation policy; or
- in another way decided by resolution of the council.

After the completion of the investigation, the council must decide in a council meeting, whether the councillor has engaged in inappropriate conduct, unless it has delegated responsibility for this decision under section 257 of the LGA or section 238 of the COBA.

When dealing with an instance of suspected inappropriate conduct which has been referred to a council by the IA.

- 2.1 The council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the council may resolve to go into closed session under section 254J(3)(f) of the LGR or section 242J(3)(f) of the COBR to discuss the allegation.
- 2.2 The subject councillor has a declarable conflict of interest in the matter and is permitted by the council to remain in the meeting during the debate about whether the councillor engaged in the inappropriate conduct and answer questions put to the subject councillor through the chairperson to assist the other councillors in making a decision. The

permission to remain in the meeting for the debate is on the condition that the subject councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in inappropriate conduct and what, if any, penalty to impose if the councillor is found to have committed inappropriate conduct.

- 2.3 Should the complainant be a councillor, that councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 4. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other councillors must decide how to deal with the conflict of interest under section 4. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.
- 2.4 The council must debate the issue and decide whether the subject councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or section 238 of the COBA or deferred to another date when a quorum will be present.
- 2.5 If a decision is reached that the subject councillor has engaged in inappropriate conduct, then the councillors must decide what penalty or penalties from the orders detailed in 2.6, if any, to impose on the councillor. In deciding what penalty to impose the council may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the council is reasonably satisfied is true.
- 2.6 The council may order that no action be taken against the councillor or make one or more of the following:
  - 2.6.1 an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct,
  - 2.6.2 an order reprimanding the councillor for the conduct,
  - 2.6.3 an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense,
  - 2.6.4 an order that the councillor be excluded from a stated council meeting,
  - 2.6.5 an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (for example that the councillor is ordered to resign from an appointment representing the local government on a state board or committee),
  - 2.6.6 an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct,
  - 2.6.7 an order that the councillor reimburse the council for all or some of the costs arising from the councillor's inappropriate conduct.

2.7 A local government may not make an order under 2.6.3; 2.6.4; 2.6.5; 2.6.6 in relation to a person who is no longer a councillor.

2.8 The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the details of the decision.

2.9 The chairperson must ensure the meeting minutes reflect the resolution made.

### 3. Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council meeting, standing or advisory committee meeting (other than ordinary business matters prescribed in s.150EF of the LGA). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:

3.1 A councillor who has notified the chief executive officer in writing of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting.

3.2 A councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of interest.

3.3 When notifying the meeting of a prescribed conflict of interest, the following particulars must, at a minimum, be provided:

3.3.1 if it arises because of a gift, loan or contract, the value of the gift, loan or contract

3.3.2 if it arises because of an application for which a submission has been made, the matters the subject of the application and submission

3.3.3 the name of any entity, other than the councillor, that has an interest in the matter

3.3.4 the nature of the councillor's relationship with the entity mentioned in 3.3.3 that has an interest in a matter

3.3.5 details of the councillor's and any other entity's interest in the matter.

3.4 The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice from the Minister to participate in the matter.

3.5 Once the councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

### 4. Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at council meetings, standing or advisory committee meetings that might lead to a decision that is contrary to the public interest (other than the interests prescribed under section 150EO of the LGA and section 177C of the COB, and ordinary business matters prescribed in s.150 EF of the LGA).

A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the councillor may disclose their suspicion and the processes under section 150EW of the LGA or Section 177T of COBA applies.

When dealing with a declarable conflict of interest, councillors must abide by the following procedures:

- 4.1 A councillor who has notified the chief executive officer in writing of a declarable conflict of interest in a matter to be discussed at a council meeting must also give notice during the meeting.
- 4.2 A councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must inform the meeting of the conflict of interest.
- 4.3 When notifying the meeting of a declarable conflict of interest, councillors should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following minimum details must be provided:
  - 4.3.1 the nature of the declarable conflict of interest
  - 4.3.2 if it arises because of the councillor's relationship with a related party:
    - i. the name of the related party
    - ii. the nature of the relationship of the related party to the councillor
    - iii. the nature of the related party's interest in the matter
  - 4.3.3 if it arises because of a gift or loan from another person to the councillor or a related party:
    - i. the name of the other person
    - ii. the nature of the relationship of the other person to the councillor or related party
    - iii. the nature of the other person's interest in the matter
    - iv. the value of the gift or loan and the date the gift or loan was made.
- 4.4 After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 4.5 If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision.

- 4.6 The other councillors at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted councillors.

The non-conflicted councillors may impose conditions on the councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The councillor must comply with any decision or condition imposed by the eligible councillors

- 4.7 In deciding on whether a councillor may participate in a decision about a matter in which the councillor has a declarable conflict of interest, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the LGA and section 177Q of COBA.

- 4.8 The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the other councillors in making their decision. The subject councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.

- 4.9 When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other councillors should consider the circumstances of the matter including, but not limited to:

- 4.9.1 how does the inclusion of the councillor in the deliberation affect the public trust
- 4.9.2 how close or remote is the councillor's relationship to the related party
- 4.9.3 if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
- 4.9.4 will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them
- 4.9.5 how does the benefit or detriment the subject councillor stands to receive compare to others in the community
- 4.9.6 how does this compare with similar matters that council has decided and have other councillors with the same or similar interests decided to leave the meeting
- 4.9.7 whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest?

- 4.10 If the non-conflicted councillors cannot decide about the declarable conflict of interest of a councillor, they are taken to have decided that the councillor must leave and stay away from the meeting while the non-conflicted eligible councillors discuss and vote on the matter.
- 4.11 A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted councillors decide that the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. workshops.
- 4.12 In making the decision under 4.6 and 4.9, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- 4.13 A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the LGA or section 177S of the COBA.

## 5. Reporting a Suspected Conflict of Interest

- 5.1 If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that councillor is participating in a decision on that matter, the councillor who believes or suspects this, must immediately inform the chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.
- 5.2 The chairperson should ask the relevant councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the councillor agrees they have a conflict of interest, the councillor must follow the relevant procedures above.
- 5.3 If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 5.4 The eligible councillors must then decide whether the councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant procedures above.
- 5.5 If the councillors cannot reach a majority decision, then they are taken to have determined that the councillor has a declarable conflict of interest. The councillor must leave and stay away from the place where the meeting is being held while the eligible councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged.

## 6. Loss of Quorum

6.1 In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the council must resolve to:

- 6.1.1 delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA; or
- 6.1.2 defer the matter to a later meeting
- 6.1.3 not to decide the matter and take no further action in relation to the matter.

All councillors including the conflicted councillors, may participate in deciding to delegate or defer a matter.

6.2 The council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.

6.3 If the matter cannot be delegated under an Act, the council may seek ministerial approval for the councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

## 7. Recording Prescribed and Declarable Conflicts of Interest

When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all of the relevant details of how the conflict of interest was dealt with, being:

- a. the name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest,
- b. the particulars of the prescribed or declarable conflict of interest provided by the councillor,
- c. the actions taken by a councillor after informing the meeting that they have, or they reasonably suspect another councillor has a prescribed or declarable conflict of interest,
- d. any decision then made by the eligible councillors,
- e. whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval,
- f. the council's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision,
- g. the name of each eligible councillor who voted on the matter and how each voted.



If the councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a councillor's personal interest by someone other than the councillor:

- a. the name of each councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each of the councillors voted.

Where a decision has been made under section 4.6 above – the minutes must include:

- a. the decision and reasons for the decision, and
- b. the name of each eligible councillor who voted, and how each eligible councillor voted.

## 8. Closed Meetings

Council meetings, standing and advisory committee meetings may resolve that a meeting be closed to the public if its councillors consider it necessary to discuss any of the following matters:

- a. appointment, dismissal or discipline of the CEO or, in the case of Brisbane City Council only, for senior executive employees,
- b. industrial matters affecting employees,
- c. the local government's budget,
- d. rating concessions,
- e. legal advice obtained by the local government, legal proceedings involving the local government, including legal proceedings that may be taken by or against the local government,
- f. matters that may directly affect the health and safety of an individual or a group of individuals,
- g. negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government,
- h. negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*,
- i. a matter that the local government is required to keep confidential under a law of, or a formal agreement, with, the Commonwealth or State.

A council meeting, standing and advisory committee meeting cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another

person and the eligible councillors at the meeting must decide by resolution whether the councillor has a declarable conflict of interest in the matter.

Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting and the council must;

- a. delegate the matter,
- b. decide by resolution to defer to a later meeting,
- c. decide by resolution to take no further action on the matter,
- d. none of the above will be considered, discussed, voted on or made during a closed session.

If a closed session includes attendance by teleconference, the councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.

To take a matter into a closed session the council must abide by the following:

- a. Pass a resolution to close the meeting.
- b. The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered.
- c. If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated.
- d. Not make a resolution while in a closed meeting (other than a procedural resolution).

## 9. Teleconferencing Meetings

9.1 If a councillor wishes to be absent from a council meeting place during a meeting, the councillor must apply to the chairperson to participate by teleconference, at least three business days prior to the meeting or as soon as practicable once the councillor becomes aware of their intended absence. The chairperson may allow a councillor to participate in a council meeting, standing or advisory committee meeting by teleconference.

9.2 A councillor taking part by teleconference is taken to be present at the meeting if the councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the councillor must be recorded in the minutes as present at the meeting.

**Note:** *Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.*