



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

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 C Young	(Director Operations)
Mr L Hannan	(Director Planning and Development)
Mr G Smith	(Director Finance)
Mrs K Jones	(Director HR and Customer Service)
Mr M McGoldrick	(Director Corporate and Community Services)
Mrs H Golinski	(Minute Secretary / Executive Assistant)
Ms K Cope	(Communications Coordinator)
Mrs M Jelf	(Senior Planner)

*Denotes attendance via Teams

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Opening of Meeting

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

Leave of Absence

Nil

CEO noted that as per section 29 of Council's standing orders Cr Brieschke is attending today's meeting via TEAMS.

Confirmation of Minutes**Resolution**

Moved – Cr Choat

Seconded – Cr Isidro

"THAT the Minutes of the Ordinary Meeting held 27 September 2023 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 Isidro**

9-15 October is Get Ready Queensland week. I ask the residents of Somerset, Are you prepared for extreme weather events?

Council is asking residents to take the time to understand 3 simple steps to help keep loved ones and property safe.

1. Understand your risk: Everyone's disaster risk is different.
2. Make a plan: Extreme weather can happen very fast.
3. Pack a kit: Have a well-stocked emergency kit and store it somewhere safe so you have the things you need during a disaster.

Visit www.getready.qld.gov.au for more information.

October

12 Brisbane Valley Interagency meeting

14 Exhibition Opening, Condensery (Immensity and Littoralis)

20 2032 Working Group meeting, via Teams

21 Free Tree Day, Fernvale

21 CWA 100th Birthday Celebration

24 Council meeting

Matters of public interest – Cr Gaedtke

I believe that the time has arrived that I gracefully retire from the role as Somerset Regional Councillor, therefore I will not be seeking re-election in March next year. I have been involved with Local Government since the age of sixteen, when I applied for the Junior Clerk Typist position with Kilcoy Shire Council. With encouragement and support from my peers, I worked my way to Manager Finance and Administration with Kilcoy Shire Council prior to its amalgamation with Esk Shire Council in March 2008. I was first elected as Councillor in the 2016 Local Government Elections. I have thoroughly enjoyed my career, where I have

experienced never ending changes, surmountable challenges, and I have met many wonderful enterprising, brilliant and caring people. When I am asked to speak to our school students about my role, I express sincerely to our young future leaders, if you find the right job, it will never feel like a job, but rather a part of life that presents enjoyment, passion and unmeasurable rewards. With a mountain made of memories, knowledge, experience and gratification, I look forward to the next chapter of my life. Lastly, I wish to thank those residents and colleagues who have always offered support and valued my efforts in the Local Government world, either as a staff member or as a Councillor. For now, and up until 16 March 2024, I look forward to continuing to serve the community with pride and dedication.

Matters of public interest – Cr Wendt

I would just like to remind residents that the final free tree day is on at Fernvale on 21 October. These days are an amazing event with the community only too happy to come and collect their trees, sausage and drink. The staff have done an excellent job arranging these I thank them on behalf of the community.

Declaration of Interest

Cr Brieschke declared a conflict of interest in Agenda Item 10 Tender 1324 – Standing Offer Arrangement – Mowing and Slashing Services for a 36-month period.

Subject:	Development Application No. 23824
Development Application for a Development Permit for Material Change of Use for Indoor Sport and Recreation (Swim School)	
File No:	DA23824
Assessment No:	01430-60000-000, 01431-00000-000
Action Officer:	SP—MO

1.0 APPLICATION SUMMARY

Property details

Location:	38 and 40 Prospect Street, Lowood
Real property description:	Lot 21 RP65946 and Lot 27 SP171552
Site area:	Lot 21: 1,348m ² Lot 27: 4,132m ² Total: 5,480m ²
Current land use:	Vacant land
Easements/encumbrances:	Lot A SP181314 (stormwater)

South East Queensland Regional Plan 2017

Land use category:	Urban footprint
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Planning scheme details

Planning scheme	Somerset Region Planning Scheme (Version 4.2)
Zone:	General residential zone
Precinct:	Not within a precinct
Overlays:	OM8 High impact activities management area overlay OM12 Scenic amenity overlay

Application details

Proposal:	Indoor sport and recreation (swim school)
Category of assessment:	Impact assessment
Applicant details:	Queensland Child Care Service Pty Ltd c/- Urbicus Pty Ltd

110 Kennedy Terrace
PADDINGTON QLD 4064
Owner details: Queensland Child Care Service Pty Ltd
Date application received: 30 May 2023
Date application properly made: 30 May 2023

Referrals None required

Public notification Required
Notification period 6 July 2023 to 27 July 2023
Submissions received One received, opposing the development

RECOMMENDED DECISION

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

2.0 PROPOSAL

This development application seeks approval for a development permit for material change of use for indoor sport and recreation (swim school), on land at 38 and 40 Prospect Street, Lowood, formally described as Lot 21 RP65946 and Lot 27 SP171552. The proposal seeks to establish a learn to swim centre on land adjoining the Lowood State High School.

The proposal involves a single storey building housing an eight lane, 25 metre swimming pool. The building has a gross floor area of approximately 746m², with a maximum building height of 7.3 metres.

The development incorporates design features similar to established school buildings at the adjoining schools and provides materials and finishes that support the transition between educational facilities and traditional residential development along Prospect Street.

The application was accompanied by technical reporting for acoustics, traffic and stormwater. Council officers have engaged suitably qualified consultants to peer review the acoustic report and traffic impact assessment report, with both peer reviews finding that the proposal adequately addresses the relevant assessment criteria.

The proposal retains provision for a future childcare centre at the rear of the site (subject to a further planning approval).

3.0 SITE DETAILS

3.1 Description of the land

The site is irregularly shaped with frontage to Prospect Street at the northern boundary and Ramsey Court to the western boundary. The site is currently vacant, with one parcel (Lot 21) previously being improved with a dwelling house and associated buildings structures.

Lot 27 was created with the intention of being used for a childcare centre, and previously benefited from a development approval for a childcare centre (which has since lapsed). The land contains a sign that, for a significant time, advertised the site as being a future childcare centre.

Lots being to the north, south and west are typically improved with dwelling houses and associated buildings and structures. Adjoining the site to the east is the Lowood State High School.

The land has fall of approximately 10% from the Prospect Street frontage to the boundary adjoining the High School.

3.2 Access

Access to the site will be via a new crossover to Prospect Street, which is a Trunk Collector in Council's road hierarchy. Detailed design of the crossover will form part of a future operational works application.

Given the location of the access in proximity to the Prospect Street and Peace Street intersection, the application included a traffic impact assessment to ensure compliance with relevant traffic standards. The submitted assessment demonstrated the intersections will continue to function correctly at opening and at the 10-year horizon.

3.3 Connection to electricity and telecommunications

The land is within the General residential zone, and as such the development conditions require the development to connect to the reticulated electricity and telecommunications networks.

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

The proposal requires assessment against the following assessment benchmarks.

5.1 State Planning Policy 2017

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*

Schedule 10 of the *Planning Regulation 2017* establishes assessment triggers, requirements, and assessment benchmarks. No Council assessment of the development against an assessment benchmark from the Regulation was required. Where a referral agency undertakes an assessment against a matter as required by the Regulation, this is discussed in section 6.0 of this report.

The proposal:

- (a) does not impact on any regulated vegetation;
- (b) does not impact on any koala habitat areas;
- (c) is not located within a koala priority area;
- (d) is not located in proximity to a Queensland heritage place or local heritage place;
- (e) does not involve any environmentally relevant activities.

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 4.2)

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.

5.6.1.1 Settlement pattern

The proposal advances the settlement pattern of the region as it provides for a well-placed community use adjoining the educational precinct within Lowood. The proposed swim school will not compromise the role and function of Centre zoned land within the town or the regional centres hierarchy.

The proposal is not subjected to natural hazards through the State Planning Policy or planning scheme overlays.

5.6.1.2 Natural environment

The site is not known to contain any matters of local, state or national environmental significance and the proposal is not anticipated to impact on any natural environmental values.

5.6.1.3 Natural resources

The proposal does not involve any impact on an identified natural resource, including agricultural land, extractive resources, forestry, or drinking water catchments.

5.6.1.4 Community identity and regional landscape character

The specific outcomes for the Town identity – Lowood intend for the consolidation of town facilities and community services within the town centre, to strengthen the centre's identity, convenience, and vitality. It is considered that, despite this specific outcome, the proposal is a well-located activity, given its co-location with Lowood's educational establishments.

The proposed swim school will not compromise the role and function of Centre zoned land within the town or the regional centres hierarchy or diminish the planned outcomes for the centre.

5.6.1.5 Economic development

The proposal does not impact on the continued development of Council's town centres network nor the industrial development areas within each town. The proposal provides for a community activity co-located with Lowood's established schools.

5.6.1.6 Infrastructure and services

The provision of infrastructure and services at the development site meets the desired standard of service and the standard requirements set out in the development codes and Local Government Infrastructure Plan.

5.6.1.7 Transport

The provision of transport services at the development site meets the desired standard of service and the standard requirements set out in the development codes and Local Government Infrastructure Plan.

The proposal does not impact on or relate to any aviation infrastructure.

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
General residential zone code	Yes	No alternative outcomes proposed
Recreation activities code	Yes	No alternative outcomes proposed
Services works and infrastructure code	Yes	No alternative outcomes proposed
Transport access and parking code	Yes	PO5, PO7
Applicable overlay code	Compliance with overall outcomes	Performance outcomes
Scenic amenity 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

Transport access and parking code

Performance outcome	Acceptable outcome
Site access	
PO5 Vehicular access points are positioned along the frontage where they do not impact on the safety, capacity and operation of the existing <i>road</i> network having regard to: <ul style="list-style-type: none"> (a) the amount and type of vehicular traffic; (b) the type of use and traffic generation; (c) the current and future on-street parking arrangements; (d) proximity to intersections; and (e) available sight distances. 	AO5.1 Where the <i>site</i> has two street frontages, vehicular access is provided from the minor street.
Alternative outcome assessment	

Access to the site is via Prospect Street, which is a trunk collector street. The site also has frontage to Ramsey Court, which is an Access Street (Minor) in Council's road hierarchy, and is the minor of the two streets.

The application has been accompanied by a traffic impact assessment that demonstrates that the proposed access arrangement is sufficient for the anticipated traffic generation, and will result in compliant levels of service at the property access as well as the nearby Prospect Street and Peace Street intersection.

Council sought to have the traffic assessment reviewed by a suitably qualified consultancy, who agreed with the outcome of the traffic impact assessment and determined that the access and adjoining access will continue to operate sufficiently having regard to adopted road standards and level of service requirements.

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

Car parking locations and treatments

PO7

Car parking location minimises impacts on the streetscape and contributes to the intended character of the zone and locality.

AO7.1

Car parking is located behind or within a building.

Alternative outcome assessment

The proposed car parking is located to the side of the building, rather than behind or within a building.

Due to the slope of the land, the parking area requires substantial fill to create a level parking area. The site has been designed to prioritise the building towards the residential interfaces to the north/west of the site, with the parking provided to adjoin the established parking area at the Lowood High School.

The parking area is setback from the streetscape behind a dense landscaping area. The recommended conditions of approval require the provision of particular landscaping on the frontage to mitigate visual impact on the streetscape.

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

5.6.4 Overall outcome assessment

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

5.7 Local government infrastructure plan

5.7.1 Priority infrastructure area

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

5.7.2 Infrastructure charges

The proposed development is for indoor sport and recreation, which is within the indoor sport and recreation use category under *Somerset Regional Council Charges Resolution (No. 1) 2022*. In determining the appropriate charging area, the land is located within the urban footprint of Lowood.

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 Drinking water and wastewater networks

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

Infrastructure charges for the drinking water and wastewater 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 trunk public park and community land network infrastructure, and no trunk infrastructure has been identified as being required to support the development.

There is no adopted charge for the public parks and community land network applicable to the proposal.

5.7.3.3 Stormwater network

Stormwater as a result of the development is not anticipated to result in an adverse impact on Council's trunk stormwater network infrastructure, and no additional trunk infrastructure has been identified as being necessary to deliver the development.

Standard development conditions are recommended to ensure no actionable nuisances occur and discharge to a lawful point of discharge is achieved, as required by the Queensland Urban Drainage Manual (QUDM).

An adopted charge for the stormwater network applies, with the draft infrastructure charges notice identifying how the levied charge for the network has been worked out as required by the *Planning Act 2016*.

5.7.3.4 Transport network

The proposal is not anticipated to result in an adverse impact on Council's trunk transport network infrastructure, and no additional trunk infrastructure has been identified as being required to deliver the development.

An adopted charge for the transport network applies, with the draft infrastructure charges notice identifying how the levied charge for the network has been worked out as required by the *Planning Act 2016*.

6.0 REFERRAL

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

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

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 3 July 2023;
- (b) a notice was published in The Lockyer and Somerset Independent newspaper on 5

- July 2023;
- (c) a notice in the prescribed form was placed on the premises on 5 July 2023 and maintained for the minimum period of 15 business days until at least 27 July 2023.

Council received the notice of compliance on 28 July 2023, confirming that public notification had been undertaken in accordance with the statutory requirements.

7.2 Matters raised in submissions

During the public notification period, Council received one submission opposing the development.

The matters raised in the submissions are outlined below:

Submission concern – Traffic

The submission raised concern about the impact on traffic and availability of parking in the area as a result of the development. The submission also raises concern that the parking associated with the swim school would be used by persons associated with the nearby schools.

Officer comment

With respect of parking availability, the proposal demonstrates compliance with the minimum parking required under Council's Transport access and parking code. Improper use of the carparking area by members of the community that are not patrons of the swim school is not a planning matter and would be operational matters to be addressed by the operator.

With respect of traffic impact, the application has been accompanied by a traffic impact assessment that demonstrates that the proposed access arrangement is sufficient for the anticipated traffic generation. Further, anticipated level of service at the property access as well as the nearby Prospect Street and Peace Street intersection has been demonstrated.

Council officers had the traffic impact assessment peer reviewed by a suitably qualified consultancy, who agreed with the outcome of the traffic impact assessment and determined that the access and adjoining access will continue to operate sufficiently having regard to adopted road standards and level of service requirements.

Submission concern – Need for development and competition with Lowood Public Swimming Pool

The submission raised concern that there was no need for the proposed development and that the pool would compete with the recently refurbished Lowood Public Swimming Pool.

Officer comment

Need typically forms part of an assessment or justification for development that is not anticipated by the planning scheme, to demonstrate that there is a need for the development that requires the use to occur despite the intended purpose the land.

The consideration of need has not formed part of the assessment of the application. Officers consider that there are sufficient planning reasons to permit the use of land for a learn to swim centre as the land is co-located with other educational facilities.

Planning decisions cannot be anti-competitive in nature, and officers do not consider that there are sufficient reasons to refuse the application on planning grounds that would warrant an assessment of need in this circumstance.

8.0 OTHER RELEVANT MATTERS

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

9.0 REASONS FOR THE RECOMMENDED DECISION

Council officers have undertaken the assessment of the application as required by section 45 of the *Planning Act 2016*. The assessment of the proposed development, subject to the imposition of the recommended development conditions, has determined it to be generally:

- (a) consistent with the intention of the Somerset Region Planning Scheme;
- (b) achieving the outcomes identified in the applicable assessment benchmarks for which the application was required to be assessed.

Should Council make an alternative decision for the application, Council must provide reasons for the decision to satisfy section 63(5) of the *Planning Act 2016*.

10.0 CONCLUSION

The proposed development is for a new swim school in proximity to existing schools within Lowood. The proposal has demonstrated compliance with acceptable outcomes of each of the applicable assessment benchmarks, or otherwise complied with the relevant performance outcomes.

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

11.0 ATTACHMENT

- 1. Proposal plans
- 2. Noise impact assessment report
- 3. Site-based stormwater management plan
- 4. Traffic impact assessment
- 5. Draft infrastructure charges notice

RECOMMENDATION

THAT Council:

- 1. approve Development Application No. 23824 for a Development Permit for Material Change of Use for Indoor Sport and Recreation (Swim School) on land situated at 38 and 40 Prospect Street, Lowood, formally described as Lot 21 RP65946 and Lot 27 SP171552, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.
- 2. publish the officer's report for this application to Council's website as the statement of reasons in accordance with section 63(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 plans and documents	At all times.

	listed below (including as amended in RED by Council), except where amended by these development conditions.	
	Existing Site and Demolition Plan (part of Cover Sheet), drawn by Neylan Architecture, reference 2207 DA.100 Issue C, dated 04/08/2023.	
	Proposed Site Plan, drawn by Neylan Architecture, reference 2207 DA.101 Issue C, dated 04/08/2023.	
	Proposed Swim School Floor Plan, drawn by Neylan Architecture, reference 2207 DA.102 Issue C, dated 04/08/2023.	
	Proposed Car Park Plan, drawn by Neylan Architecture, reference 2207 DA.103 Issue C, dated 04/08/2023.	
	Proposed Roof Plan, drawn by Neylan Architecture, reference 2207 DA.104 Issue C, dated 04/08/2023.	
	Proposed Elevations, drawn by Neylan Architecture, reference 2207 DA.105 Issue C, dated 04/08/2023.	
	Proposed Elevations, drawn by Neylan Architecture, reference 2207 DA.106 Issue C, dated 04/08/2023.	
	Proposed Sections, drawn by Neylan Architecture, reference 2207 DA.107 Issue C, dated 04/08/2023.	
	Noise Impact Assessment, prepared by Assured Environmental, reference 14463 R2, dated 09/08/2023.	
	Site Based Stormwater Management Plan, prepared by Milanovic Neale, reference C5569, dated 31/03/2023.	
1.2	A legible copy of this Development Approval, including the approved plans and documents bearing Council's stamp, must be available on the subject land for inspection.	During the construction phase.
	General	
1.3	The development must comply with the relevant provisions of the Somerset Region Planning Scheme (Version 4.2) and Local Laws, to the extent they have not been varied by this Development Approval.	At all times.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council, including any charges that are levied but not fully paid over the subject land.	Prior to the commencement of the use.
1.5	All development conditions of this Development Approval must be complied with at no cost to Council unless stated otherwise in any specific condition of approval.	At all times.
1.6	Repair any damage to existing infrastructure (e.g. kerb and channel, footpath, or roadway) that may have occurred as part of the development. Any damage that is deemed to create a hazard to the community must be repaired immediately.	At all times.
	Use of premises	
1.8	This Development Approval is for the purpose of an Indoor Sport and Recreation (Swim School) and may include any	At all times.

	ancillary activities where these activities remain incidental to and necessarily associated with the approved uses.	
1.9	Provide the development generally in accordance with the following: (a) Indoor sport and recreation (court area)—598m ² gross floor area; (b) Indoor sport and recreation (non-court area)—148m ² gross floor area; (c) Area impervious to stormwater—2,403m ² .	At the commencement of the use.
1.10	Undertake the development in accordance with the following hours of operation: (a) Monday to Friday 7am to 6:30pm; (b) Saturday and Sunday 7am to 2pm.	At all times.
1.11	Loading and unloading activities occur during the following period: (a) 7am and 6pm Monday to Friday; and (b) 8am and 5pm Saturday and Sunday.	At all times.
	Amalgamation of land	
1.12	Lot 21 RP65946 and Lot 27 SP171552 are to be amalgamated by Plan of Subdivision into one parcel. This shall occur at no cost to Council.	Prior to the commencement of the use.
	Building design	
1.13	Construct the development generally in accordance with the colours, materials and finishes shown on the approved plans.	At the commencement of the use.
1.14	Install street numbering and any building name at the road frontage of the site, to enable identification by emergency services.	Prior to the commencement of use and to be maintained at all times.
1.15	The building and structures must be constructed of robust materials that are graffiti resistant.	At all times.
1.16	Retaining walls fronting the streetscape and adjoining Lot 91 SP331971 (Lowood High School) are to have rendered finishes and colours generally consistent with the colours of the building.	Prior to the commencement of use and to be maintained at all times.
	Landscaping, screening and amenity	
1.17	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops or kerbing barrier approved by Council.	Prior to the commencement of use and to be maintained at all times.

1.18	Screen loading/unloading facilities, plant areas, refuse storage and other outdoor storage facilities on the site from direct view from any adjoining road or public space.	Prior to the commencement of use and to be maintained at all times.
1.19	Locate garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners as per the approved plans, or otherwise in the rear or side setbacks, and include screening (e.g. fencing or landscaping) from view from any road frontage.	Prior to the commencement of use and to be maintained at all times.
1.20	Landscaping provided forward of the carpark (as annotated in RED on the approved plans) is to be provided as a combination of shrubs and trees that: (a) acts as a screen to the retaining wall; (b) has a maximum distance of 1 metres between plantings; (c) is grown to and maintained at a minimum 1.5 metres in height; and (d) incorporates a minimum 200L pot size tree adjoining the driveway ramp.	As part of operational works for landscaping.
1.21	Any graffiti on buildings, structures, or fences on the subject land visible from public viewing locations must be removed within 24 hours or upon direction by Council.	At all times
	Service connections	
1.22	Connect the development to the reticulated drinking water and wastewater networks in accordance with the standards and requirements of the South East Queensland Distributor-Retailer Authority, trading as Urban Utilities.	Prior to the commencement of the use and to be maintained at all times.
1.23	Connect the development to the reticulated electricity and telecommunications networks to the standards of the relevant service provider.	Prior to the commencement of the use and to be maintained at all times.
1.24	Remove any services made redundant as a result of the development and reinstate the land.	Prior to the commencement of the use.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
	General	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, carparking, landscaping, clearing, and stormwater drainage, required as stated in the following conditions.	Prior to the commencement of Operational Work.

2.2	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Region Planning Scheme</i> .	At all times.
2.3	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	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"> Plans and specifications must be prepared and certified with the Operational Work application. Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 	As part of operational works approval and construction.
	Landscaping	
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.
	Earthworks	
2.7	All earthworks to be constructed in accordance with <i>AS3798 Guidelines on earthworks for commercial and residential developments</i> . Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times.
2.8	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.9	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.
	Vehicle access	
2.10	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Region Planning Scheme</i> .	At all times.
2.11	The landowner is responsible for construction and maintenance of vehicular access for the property, from the	At all times.

	road carriageway to property boundary in accordance with <i>Somerset Region Planning Scheme</i> . Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	
2.12	All construction vehicles shall enter and leave the site in a forward gear.	At all times.
2.13	Access to the site shall be designed for a light vehicle in accordance with <i>Austroads</i> design manual. Note: All waste collection is to be kerbside.	As part of operational works for car parking.
2.14	Provide on-site car parking for 37 vehicles in accordance with <i>Somerset Region Planning Scheme</i> . All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and <i>Somerset Region Planning Scheme</i> .	Prior to the commencement of use and to be maintained at all times.
2.15	Tandem parking spaces are to be line marked or sign posted as "staff only".	Prior to the commencement of use and to be maintained at all times.
2.16	Provide secure bicycle parking and associated support facilities for a minimum of 8 bicycles in accordance with <i>Somerset Region Planning Scheme</i> .	Prior to the commencement of use and to be maintained at all times.
2.17	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	Prior to the commencement of use and to be maintained at all times.
2.18	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.	Prior to the commencement of use and to be maintained at all times.
	Stormwater	
2.19	Ensure stormwater drainage is delivered to a lawful point of discharge.	At all times.
2.20	Stormwater drainage and flows are to have no increase in peak discharge immediately downstream of this development for a selected range of storm durations, and a selected range of AEP's up to the defined flood event.	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	Stormwater drainage and flows are to have no increase in flood levels on adjoining land that may damage or adversely effect the value or potential use of the land.	At all times.
2.23	Design and construction of all stormwater drainage works must comply with the relevant sections of the <i>Queensland Urban Drainage Manual (QUDM)</i> and the <i>Somerset Region Planning Scheme</i> .	As part of operational works for stormwater.
2.24	Stormwater Drainage shall be constructed in general accordance with Milanovic Neale, Site Based Stormwater Management Plan, dated March 2023.	As part of the operational works application for stormwater works.
2.25	Containments or contaminated water must not be directly or indirectly released from the Premises to surface water or groundwater at or outside the premises except for: (a) uncontaminated overland stormwater flow; or (b) uncontaminated stormwater to the stormwater system.	At all times.
	Erosion and sediment control	
2.26	Erosion and sedimentation controls shall be implemented in accordance with current IECA best practice, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.	At all times.
2.27	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 during demolition and construction.
2.28	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,	As part of the lodgement of the operational works application.

	sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	
2.29	Where vegetation is removed, the vegetation waste shall be disposed of by: i) Milling; ii) Chipping and/or mulching; iii) Disposal at an approved waste disposal facility. No incineration of vegetation or waste will be permitted at the site.	At all times.
2.30	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times.
SCHEDULE 3 – ENVIRONMENTAL HEALTH <i>Assessment Manager</i>		
No	Condition	Timing
	General	
3.1	The approved development shall not cause any adverse impact on the amenity of the neighbourhood by the emission of noise, vibration, odour, glare, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	At all times.
3.2	Notwithstanding any other development condition of this Development Approval, this Development Approval does not authorise any release of contaminants that cause, or is likely to cause, an Environmental Nuisance or Environmental Harm.	At all times.
3.3	No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm.	At all times.
3.4	All buildings, structures, fittings, fixtures, and grounds forming part of this development approval must be maintained: (a) in a serviceable condition; and (a) in a state of good repair and efficient action; and (b) in a clean, sanitary condition; and (c) free of accumulated disused materials; and (d) free of vermin and pest infestations.	At all times.
	Noise	
3.5	The approved development must be operated in accordance with the report titled 38 – 40 Prospect Street, Lowood: Noise Impact Assessment, Release: R2, prepared by Assured Environmental (the approved acoustic report).	At all times.

3.6	Construct a 1 m barrier along the western boundary of the site as described in Figure 3 of the approved acoustic report. The barrier is to be constructed gap free out of a material with a surface density of 12kg/m ² and is to be installed along the natural ground level on top of the retaining wall.	Prior to the commencement of use and to be maintained at all times.
3.7	Provide certification from a suitably qualified person, that the installation and construction of the acoustic barrier is in accordance with the approved acoustic report.	Prior to the commencement of use.
3.8	Mechanical plant must be selected, sited and installed so as to comply with the approved acoustic report.	Prior to the commencement of use and to be maintained at all times.
3.9	Provide certification from a suitably qualified person, that the selection, siting and installation of mechanical plant is in accordance with the approved acoustic report.	Prior to the commencement of use.
	Air	
3.10	No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the premises.	At all times.
	Light	
3.11	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any other premises outside the boundaries of the property to which this development permit relates.	At all times.
	Water	
3.12	Contaminants or contaminated water must not be directly or indirectly released from the premises or to the ground or groundwater at the premises except for: (a) uncontaminated overland stormwater flow; (b) uncontaminated stormwater to the stormwater system; (c) contaminants lawfully released to sewer; or (d) a release in accordance with a condition of this Development Approval.	At all times.
3.13	Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.	At all times.
3.14	Any spillage of contaminants must be cleaned up immediately by a method other than hosing or otherwise	At all times.

	releasing the contaminants into stormwater drainage, a roadside gutter, waters or onto unsealed ground.	
3.15	Contaminants must be stored in such a manner to prevent contact with incident rainfall and overland flow of stormwater.	At all times.
	Waste	
3.16	All general waste produced as part of the operation of the development must be disposed of through either: (a) The number of standard waste services as determined by Council; or (b) A private agreement with a licensed waste disposal contractor through an exemption granted by Council.	At all times.
3.17	The approval holder must provide an impervious, screened area which is drained as required by Council, where all refuse bins are placed.	At all times.
SCHEDULE 4 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> .		
Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if first change of use does not happen within the currency period – being six (6) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
The applicant has the right of appeal to the Planning and Environment Court regarding the conditions of this approval.		
Parts of the Somerset Region are within Fire Ant Biosecurity Zones. If you are working with organic materials, you are legally obliged to check the fire ant biosecurity zones and use fire ant-safe practices before moving them to a new location (<i>Biosecurity Regulation 2016</i>). If you are unable to do so, you must apply for a biosecurity instrument permit. Penalties can also apply to individuals and businesses that do not use fire ant-safe practices before moving materials. 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 Biosecurity Zones as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants

The *Aboriginal Cultural Heritage Act 2003* 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 provisions apply for failing to fulfil the Cultural Heritage Duty of Care.

Persons 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 Cultural Heritage Duty of Care Duty Guidelines gazetted with the Act.

Council strongly advises that you obtain a copy of the Cultural Heritage Duty of Care Guidelines and seek further information on the responsibilities of proponents under the terms of the current Aboriginal Cultural Heritage Act.

Information about the cultural heritage duty of care is available at qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care

An Infrastructure Charges Notice accompanies this Development Approval and Levied Charges are applicable. Details of the current value of the Levied Charge, how the Levied Charge was calculated, how the Levied Charge may be escalated, and when payment of the Levied Charge is required can be found on the Infrastructure Charges Notice or the accompanying information notice.

From 1 July 2014, Infrastructure Charges related to the water supply and wastewater network are given by and paid to the South East Queensland Distributor-Retailer Authority, trading as Urban Utilities, and are separate from this Development Approval and the accompanying Infrastructure Charges Notice.

Additional advice about the Infrastructure Charges Notice may be sought from Council's planning section, on (07) 5424 4000 or mail@somerset.qld.gov.au.

Authorisation to connect the approved development to the water supply and wastewater networks and for property service connections require a Water Approval from the South East Queensland Distributor-Retailer Authority, trading as Urban Utilities.

For the approval of a Plan of Subdivision, written evidence from Urban Utilities must be provided to Council to verify that the conditions of any necessary Water Approval have been complied with.

This Development Approval does not authorise the installation of advertising devices. Advertising devices (other than billboards or where particular overlays apply) are governed by Council's *Local Law No. 1 (Administration) 2011* and *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*.

Advertising devices, other than 'permitted advertisements' (as that term is defined in the subordinate local law), require Local Law Approval prior to installation.

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

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

Attachments for the Decision Notice include:

- Existing Site and Demolition Plan (part of Cover Sheet), drawn by Neylan Architecture, reference 2207 DA.100 Issue C, dated 04/08/2023.
- Proposed Site Plan, drawn by Neylan Architecture, reference 2207 DA.101 Issue C, dated 04/08/2023.
- Proposed Swim School Floor Plan, drawn by Neylan Architecture, reference 2207 DA.102 Issue C, dated 04/08/2023.
- Proposed Car Park Plan, drawn by Neylan Architecture, reference 2207 DA.103 Issue C, dated 04/08/2023.
- Proposed Roof Plan, drawn by Neylan Architecture, reference 2207 DA.104 Issue C, dated 04/08/2023.
- Proposed Elevations, drawn by Neylan Architecture, reference 2207 DA.105 Issue C, dated 04/08/2023.
- Proposed Elevations, drawn by Neylan Architecture, reference 2207 DA.106 Issue C, dated 04/08/2023.
- Proposed Sections, drawn by Neylan Architecture, reference 2207 DA.107 Issue C, dated 04/08/2023.
- Noise Impact Assessment, prepared by Assured Environmental, reference 14463 R2, dated 09/08/2023.
- Site Based Stormwater Management Plan, prepared by Milanovic Neale, reference C5569, dated 31/03/2023.

Resolution

Moved – Cr Choat

Seconded – Cr Wendt

“THAT Council:

1. approve Development Application No. 23824 for a Development Permit for Material Change of Use for Indoor Sport and Recreation (Swim School) on land situated at 38 and 40 Prospect Street, Lowood, formally described as Lot 21 RP65946 and Lot 27 SP171552, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.
2. publish the officer’s report for this application to Council’s website as the statement of reasons in accordance with section 63(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 plans and documents	At all times.

	listed below (including as amended in RED by Council), except where amended by these development conditions.	
	Existing Site and Demolition Plan (part of Cover Sheet), drawn by Neylan Architecture, reference 2207 DA.100 Issue C, dated 04/08/2023.	
	Proposed Site Plan, drawn by Neylan Architecture, reference 2207 DA.101 Issue C, dated 04/08/2023.	
	Proposed Swim School Floor Plan, drawn by Neylan Architecture, reference 2207 DA.102 Issue C, dated 04/08/2023.	
	Proposed Car Park Plan, drawn by Neylan Architecture, reference 2207 DA.103 Issue C, dated 04/08/2023.	
	Proposed Roof Plan, drawn by Neylan Architecture, reference 2207 DA.104 Issue C, dated 04/08/2023.	
	Proposed Elevations, drawn by Neylan Architecture, reference 2207 DA.105 Issue C, dated 04/08/2023.	
	Proposed Elevations, drawn by Neylan Architecture, reference 2207 DA.106 Issue C, dated 04/08/2023.	
	Proposed Sections, drawn by Neylan Architecture, reference 2207 DA.107 Issue C, dated 04/08/2023.	
	Noise Impact Assessment, prepared by Assured Environmental, reference 14463 R2, dated 09/08/2023.	
	Site Based Stormwater Management Plan, prepared by Milanovic Neale, reference C5569, dated 31/03/2023.	
1.2	A legible copy of this Development Approval, including the approved plans and documents bearing Council's stamp, must be available on the subject land for inspection.	During the construction phase.
	General	
1.3	The development must comply with the relevant provisions of the Somerset Region Planning Scheme (Version 4.2) and Local Laws, to the extent they have not been varied by this Development Approval.	At all times.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council, including any charges that are levied but not fully paid over the subject land.	Prior to the commencement of the use.
1.5	All development conditions of this Development Approval must be complied with at no cost to Council unless stated otherwise in any specific condition of approval.	At all times.
1.6	Repair any damage to existing infrastructure (e.g. kerb and channel, footpath, or roadway) that may have occurred as part of the development. Any damage that is deemed to create a hazard to the community must be repaired immediately.	At all times.
	Use of premises	
1.8	This Development Approval is for the purpose of an Indoor Sport and Recreation (Swim School) and may include any	At all times.

	ancillary activities where these activities remain incidental to and necessarily associated with the approved uses.	
1.9	Provide the development generally in accordance with the following: (d) Indoor sport and recreation (court area)—598m ² gross floor area; (e) Indoor sport and recreation (non-court area)—148m ² gross floor area; (f) Area impervious to stormwater—2,403m ² .	At the commencement of the use.
1.10	Undertake the development in accordance with the following hours of operation: (c) Monday to Friday 7am to 6:30pm; (d) Saturday and Sunday 7am to 2pm.	At all times.
1.11	Loading and unloading activities occur during the following period: (c) 7am and 6pm Monday to Friday; and (d) 8am and 5pm Saturday and Sunday.	At all times.
	Amalgamation of land	
1.12	Lot 21 RP65946 and Lot 27 SP171552 are to be amalgamated by Plan of Subdivision into one parcel. This shall occur at no cost to Council.	Prior to the commencement of the use.
	Building design	
1.13	Construct the development generally in accordance with the colours, materials and finishes shown on the approved plans.	At the commencement of the use.
1.14	Install street numbering and any building name at the road frontage of the site, to enable identification by emergency services.	Prior to the commencement of use and to be maintained at all times.
1.15	The building and structures must be constructed of robust materials that are graffiti resistant.	At all times.
1.16	Retaining walls fronting the streetscape and adjoining Lot 91 SP331971 (Lowood High School) are to have rendered finishes and colours generally consistent with the colours of the building.	Prior to the commencement of use and to be maintained at all times.
	Landscaping, screening and amenity	
1.17	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops or kerbing barrier approved by Council.	Prior to the commencement of use and to be maintained at all times.

1.18	Screen loading/unloading facilities, plant areas, refuse storage and other outdoor storage facilities on the site from direct view from any adjoining road or public space.	Prior to the commencement of use and to be maintained at all times.
1.19	Locate garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners as per the approved plans, or otherwise in the rear or side setbacks, and include screening (e.g. fencing or landscaping) from view from any road frontage.	Prior to the commencement of use and to be maintained at all times.
1.20	Landscaping provided forward of the carpark (as annotated in RED on the approved plans) is to be provided as a combination of shrubs and trees that: (e) acts as a screen to the retaining wall; (f) has a maximum distance of 1 metres between plantings; (g) is grown to and maintained at a minimum 1.5 metres in height; and (h) incorporates a minimum 200L pot size tree adjoining the driveway ramp.	As part of operational works for landscaping.
1.21	Any graffiti on buildings, structures, or fences on the subject land visible from public viewing locations must be removed within 24 hours or upon direction by Council.	At all times
Service connections		
1.22	Connect the development to the reticulated drinking water and wastewater networks in accordance with the standards and requirements of the South East Queensland Distributor-Retailer Authority, trading as Urban Utilities.	Prior to the commencement of the use and to be maintained at all times.
1.23	Connect the development to the reticulated electricity and telecommunications networks to the standards of the relevant service provider.	Prior to the commencement of the use and to be maintained at all times.
1.24	Remove any services made redundant as a result of the development and reinstate the land.	Prior to the commencement of the use.
SCHEDULE 2 – ENGINEERING		
<i>Assessment Manager</i>		
No	Condition	Timing
	General	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, carparking, landscaping, clearing, and stormwater drainage, required as stated in the following conditions.	Prior to the commencement of Operational Work.

2.2	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Region Planning Scheme</i> .	At all times.
2.3	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	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"> Plans and specifications must be prepared and certified with the Operational Work application. Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements. 	As part of operational works approval and construction.
	Landscaping	
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.
	Earthworks	
2.7	All earthworks to be constructed in accordance with <i>AS3798 Guidelines on earthworks for commercial and residential developments</i> . Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times.
2.8	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.9	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.
	Vehicle access	
2.10	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Region Planning Scheme</i> .	At all times.
2.11	The landowner is responsible for construction and maintenance of vehicular access for the property, from the	At all times.

	road carriageway to property boundary in accordance with <i>Somerset Region Planning Scheme</i> . Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	
2.12	All construction vehicles shall enter and leave the site in a forward gear.	At all times.
2.13	Access to the site shall be designed for a light vehicle in accordance with <i>Austroads</i> design manual. Note: All waste collection is to be kerbside.	As part of operational works for car parking.
2.14	Provide on-site car parking for 37 vehicles in accordance with <i>Somerset Region Planning Scheme</i> . All car parking and circulation areas to be provided with sealed surface, line marking, or be otherwise designed in accordance with AS2890 and <i>Somerset Region Planning Scheme</i> .	Prior to the commencement of use and to be maintained at all times.
2.15	Tandem parking spaces are to be line marked or sign posted as "staff only".	Prior to the commencement of use and to be maintained at all times.
2.16	Provide secure bicycle parking and associated support facilities for a minimum of 8 bicycles in accordance with <i>Somerset Region Planning Scheme</i> .	Prior to the commencement of use and to be maintained at all times.
2.17	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	Prior to the commencement of use and to be maintained at all times.
2.18	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.	Prior to the commencement of use and to be maintained at all times.
	Stormwater	
2.19	Ensure stormwater drainage is delivered to a lawful point of discharge.	At all times.
2.20	Stormwater drainage and flows are to have no increase in peak discharge immediately downstream of this development for a selected range of storm durations, and a selected range of AEP's up to the defined flood event.	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	Stormwater drainage and flows are to have no increase in flood levels on adjoining land that may damage or adversely effect the value or potential use of the land.	At all times.
2.23	Design and construction of all stormwater drainage works must comply with the relevant sections of the <i>Queensland Urban Drainage Manual (QUDM)</i> and the <i>Somerset Region Planning Scheme</i> .	As part of operational works for stormwater.
2.24	Stormwater Drainage shall be constructed in general accordance with Milanovic Neale, Site Based Stormwater Management Plan, dated March 2023.	As part of the operational works application for stormwater works.
2.25	Containments or contaminated water must not be directly or indirectly released from the Premises to surface water or groundwater at or outside the premises except for: (c) uncontaminated overland stormwater flow; or (d) uncontaminated stormwater to the stormwater system.	At all times.
	Erosion and sediment control	
2.26	Erosion and sedimentation controls shall be implemented in accordance with current IECA best practice, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> • Be required to install additional measures. • Be responsible for the restoration work. Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.	At all times.
2.27	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 during demolition and construction.
2.28	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,	As part of the lodgement of the operational works application.

	sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	
2.29	Where vegetation is removed, the vegetation waste shall be disposed of by: iv) Milling; v) Chipping and/or mulching; vi) Disposal at an approved waste disposal facility. No incineration of vegetation or waste will be permitted at the site.	At all times.
2.30	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times.
SCHEDULE 3 – ENVIRONMENTAL HEALTH <i>Assessment Manager</i>		
No	Condition	Timing
	General	
3.1	The approved development shall not cause any adverse impact on the amenity of the neighbourhood by the emission of noise, vibration, odour, glare, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	At all times.
3.2	Notwithstanding any other development condition of this Development Approval, this Development Approval does not authorise any release of contaminants that cause, or is likely to cause, an Environmental Nuisance or Environmental Harm.	At all times.
3.3	No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm.	At all times.
3.4	All buildings, structures, fittings, fixtures, and grounds forming part of this development approval must be maintained: (b) in a serviceable condition; and (e) in a state of good repair and efficient action; and (f) in a clean, sanitary condition; and (g) free of accumulated disused materials; and (h) free of vermin and pest infestations.	At all times.
	Noise	
3.5	The approved development must be operated in accordance with the report titled 38 – 40 Prospect Street, Lowood: Noise Impact Assessment, Release: R2, prepared by Assured Environmental (the approved acoustic report).	At all times.

3.6	Construct a 1 m barrier along the western boundary of the site as described in Figure 3 of the approved acoustic report. The barrier is to be constructed gap free out of a material with a surface density of 12kg/m ² and is to be installed along the natural ground level on top of the retaining wall.	Prior to the commencement of use and to be maintained at all times.
3.7	Provide certification from a suitably qualified person, that the installation and construction of the acoustic barrier is in accordance with the approved acoustic report.	Prior to the commencement of use.
3.8	Mechanical plant must be selected, sited and installed so as to comply with the approved acoustic report.	Prior to the commencement of use and to be maintained at all times.
3.9	Provide certification from a suitably qualified person, that the selection, siting and installation of mechanical plant is in accordance with the approved acoustic report.	Prior to the commencement of use.
	Air	
3.10	No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the premises.	At all times.
	Light	
3.11	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any other premises outside the boundaries of the property to which this development permit relates.	At all times.
	Water	
3.12	Contaminants or contaminated water must not be directly or indirectly released from the premises or to the ground or groundwater at the premises except for: (e) uncontaminated overland stormwater flow; (f) uncontaminated stormwater to the stormwater system; (g) contaminants lawfully released to sewer; or (h) a release in accordance with a condition of this Development Approval.	At all times.
3.13	Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.	At all times.
3.14	Any spillage of contaminants must be cleaned up immediately by a method other than hosing or otherwise	At all times.

	releasing the contaminants into stormwater drainage, a roadside gutter, waters or onto unsealed ground.	
3.15	Contaminants must be stored in such a manner to prevent contact with incident rainfall and overland flow of stormwater.	At all times.
	Waste	
3.16	All general waste produced as part of the operation of the development must be disposed of through either: (c) The number of standard waste services as determined by Council; or (d) A private agreement with a licensed waste disposal contractor through an exemption granted by Council.	At all times.
3.17	The approval holder must provide an impervious, screened area which is drained as required by Council, where all refuse bins are placed.	At all times.
SCHEDULE 4 – ADVICE		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> .		
Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if first change of use does not happen within the currency period – being six (6) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
The applicant has the right of appeal to the Planning and Environment Court regarding the conditions of this approval.		
Parts of the Somerset Region are within Fire Ant Biosecurity Zones. If you are working with organic materials, you are legally obliged to check the fire ant biosecurity zones and use fire ant-safe practices before moving them to a new location (<i>Biosecurity Regulation 2016</i>). If you are unable to do so, you must apply for a biosecurity instrument permit. Penalties can also apply to individuals and businesses that do not use fire ant-safe practices before moving materials. 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 Biosecurity Zones as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants

The *Aboriginal Cultural Heritage Act 2003* 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 provisions apply for failing to fulfil the Cultural Heritage Duty of Care.

Persons 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 Cultural Heritage Duty of Care Duty Guidelines gazetted with the Act.

Council strongly advises that you obtain a copy of the Cultural Heritage Duty of Care Guidelines and seek further information on the responsibilities of proponents under the terms of the current Aboriginal Cultural Heritage Act.

Information about the cultural heritage duty of care is available at qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care

An Infrastructure Charges Notice accompanies this Development Approval and Levied Charges are applicable. Details of the current value of the Levied Charge, how the Levied Charge was calculated, how the Levied Charge may be escalated, and when payment of the Levied Charge is required can be found on the Infrastructure Charges Notice or the accompanying information notice.

From 1 July 2014, Infrastructure Charges related to the water supply and wastewater network are given by and paid to the South East Queensland Distributor-Retailer Authority, trading as Urban Utilities, and are separate from this Development Approval and the accompanying Infrastructure Charges Notice.

Additional advice about the Infrastructure Charges Notice may be sought from Council's planning section, on (07) 5424 4000 or mail@somerset.qld.gov.au.

Authorisation to connect the approved development to the water supply and wastewater networks and for property service connections require a Water Approval from the South East Queensland Distributor-Retailer Authority, trading as Urban Utilities.

For the approval of a Plan of Subdivision, written evidence from Urban Utilities must be provided to Council to verify that the conditions of any necessary Water Approval have been complied with.

This Development Approval does not authorise the installation of advertising devices. Advertising devices (other than billboards or where particular overlays apply) are governed by Council's *Local Law No. 1 (Administration) 2011* and *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*.

Advertising devices, other than 'permitted advertisements' (as that term is defined in the subordinate local law), require Local Law Approval prior to installation.

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

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

Carried

Vote - Unanimous

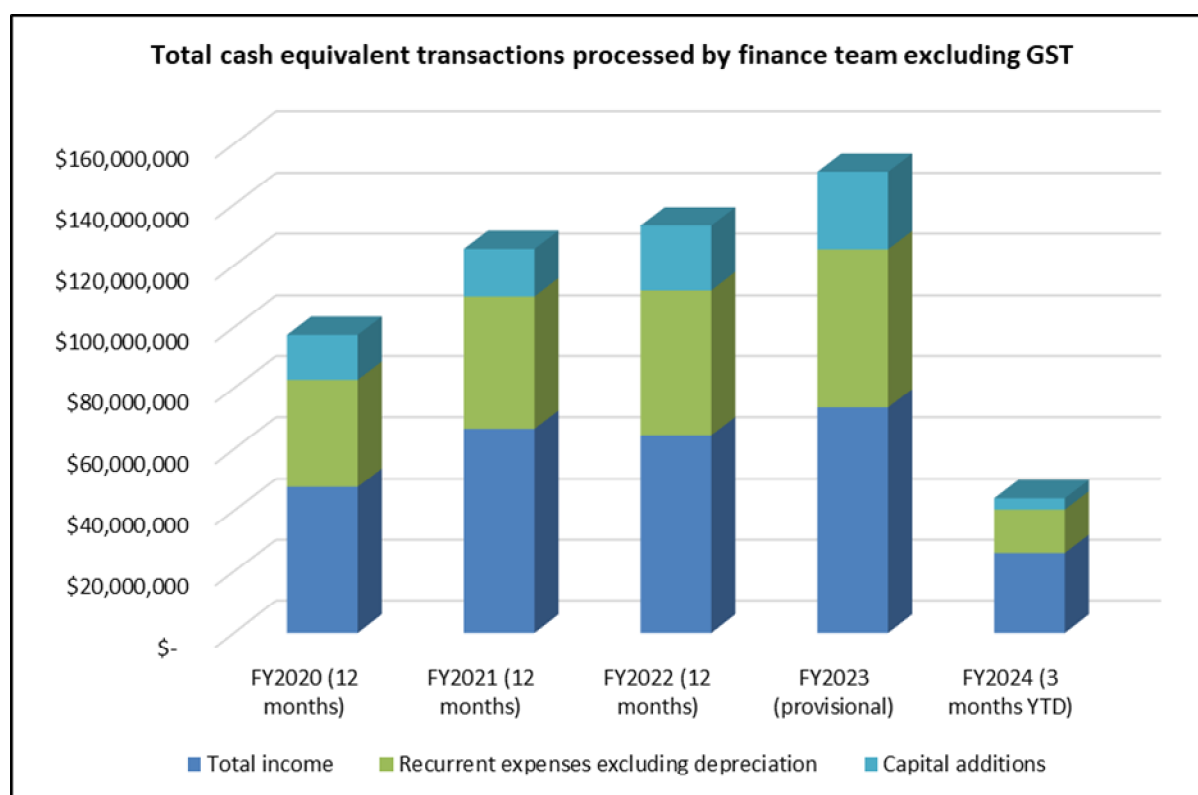
Subject: Finance report
File Ref: Monthly reporting - finance
Action Officer: DFIN

Background/Summary

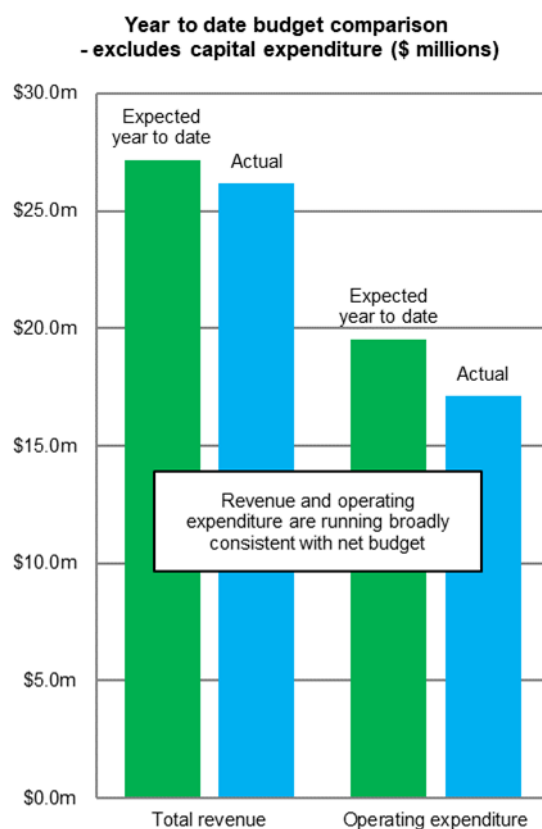
Financial reports

Reports for the period 1 July 2023 to 3 October 2023 are attached detailing the progress that has been made in relation to Council's FY2024 budget consistent with Local Government Regulation 2012 s204. Council officers have prepared FY2023 draft financial statements and are actively working with audit to obtain audit certificates and reports. Audit have advised that certificates will be issued on 20 October 2023.

The finance team has processed cash equivalent transactions (excluding GST and depreciation) to date versus previous years as below. Provisional total FY2023 transactions were 55% greater than FY2020 transactions. This represents a 16%+ year-on-year increase in overall activity.

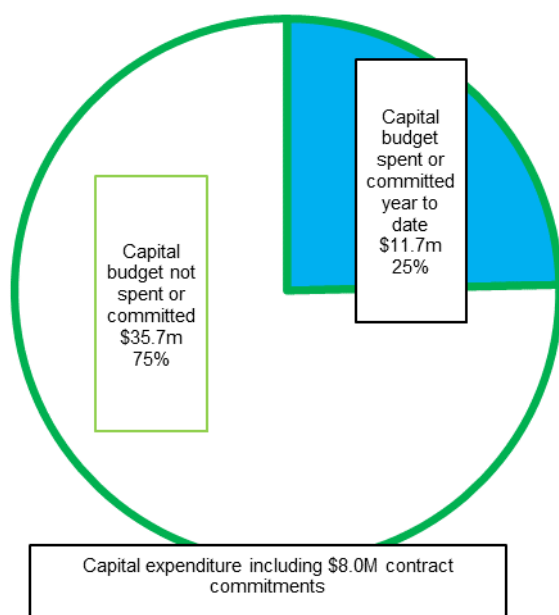


Provisional results for the financial year to date with 26% of the financial year completed are



summarised as follows:

Total capital expenditure and commitments



Grants

- Council is awaiting the outcome of an application made under the Australian Government's Heavy Vehicle Safety and Productivity Program (HVSPP) on 8 June 2023 as follows:

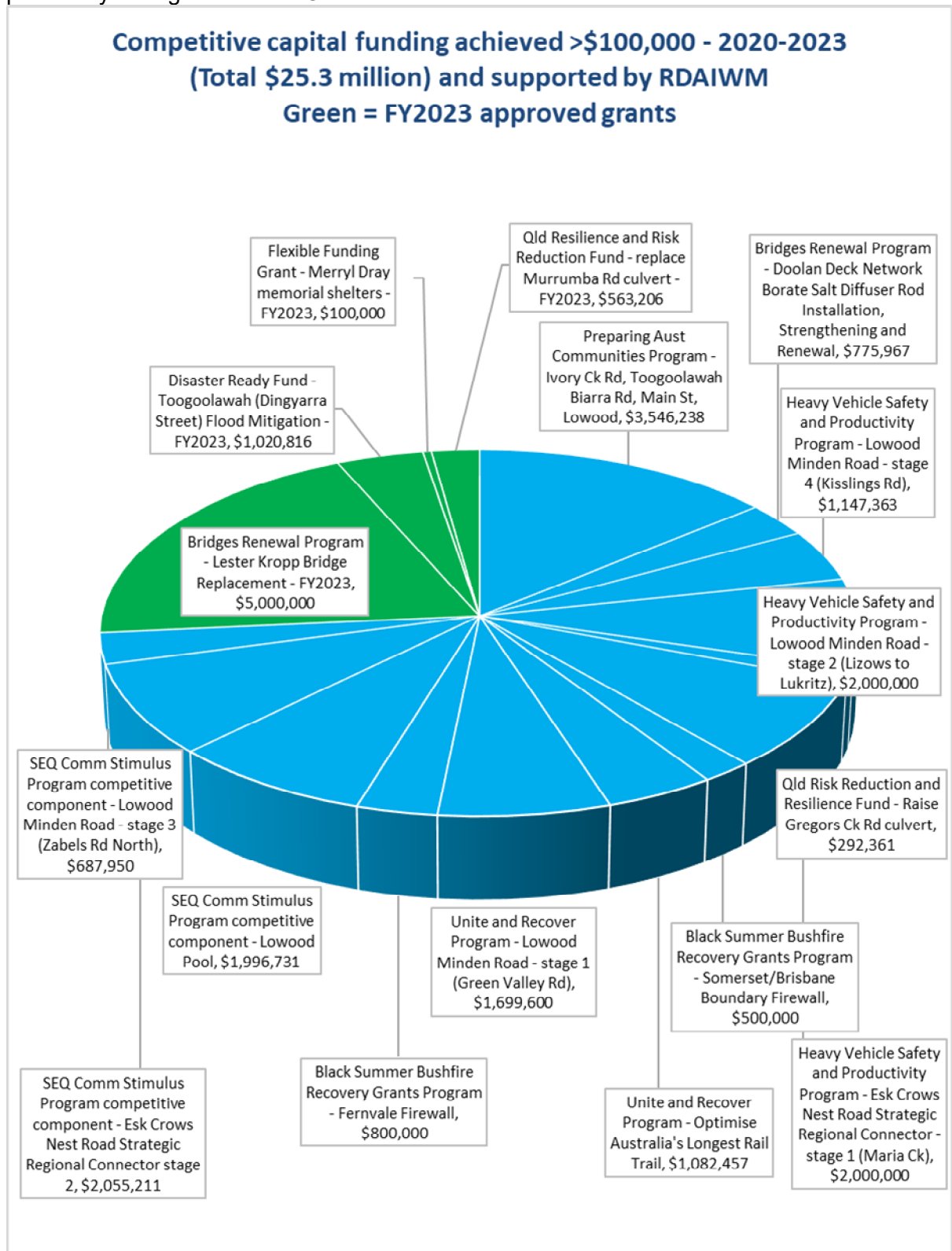
	Project value	HVSPP funding sought
Fernvale South Productivity Link. Construct a new road segment and seal, widen and strengthen existing roads which together would form an inter-highway connecting road along the Fernvale development area southern boundary offering most traffic a 1.92km distance saving compared to longer State-controlled routes while also avoiding Fernvale town centre	\$10,003,000	\$5,000,000

- Council is awaiting the outcome of an expression of interest lodged under the Queensland Government's Growing Future Tourism Program (GFTP) on 8 September 2023 as follows:

	Project value	GFTP funding sought
Brisbane Valley Rail Trail Mountain Park. Construct 6.2 km of walking trails on Mt Glen Rock, Esk along with other elements. The project capitalises on the BVRT which drew 34,674 visitors through Esk in 2021 at 11.9% annual growth & will attract 1000 new visitor nights & 1600 new day trip visitors. This visitor growth will support 3 full time equivalent jobs in a high unemployment area.	\$2,658,600	\$1,329,300

- Council officers have been preparing submissions under the Queensland Resilience and Risk Reduction Program (QRRRF) and Disaster Recovery Funding Arrangements (DRFA) to the Queensland Reconstruction Authority (QRA).

- Competitive grants awarded during FY2023 compared to competitive grants awarded previously during the current Council term are summarised as below:

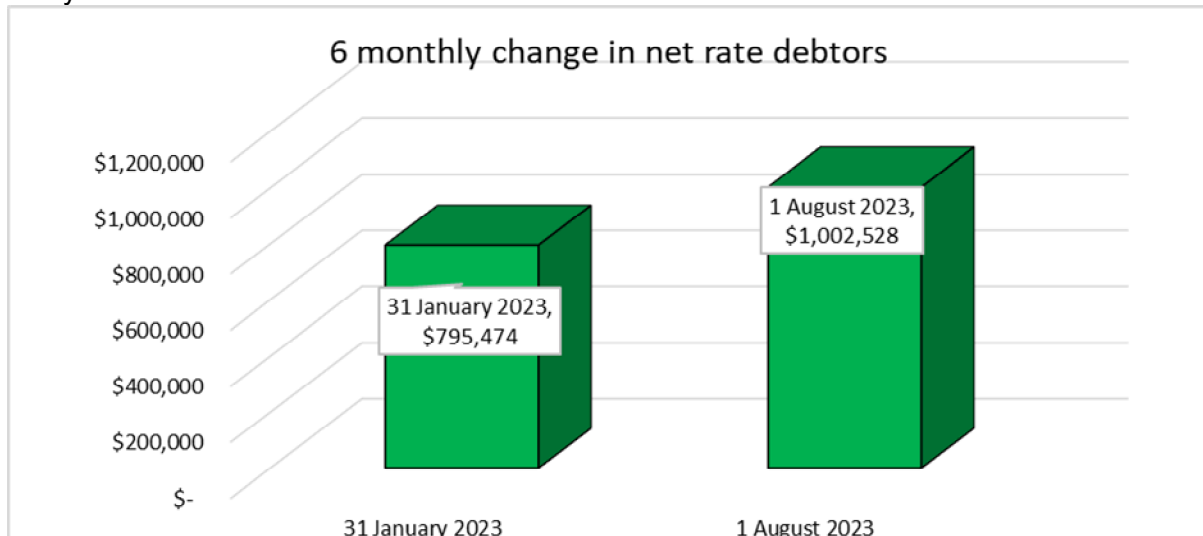


Rate recovery

An auction to recover overdue rates for 5220 Brisbane Valley Highway Esk was successfully held on 22 September 2023. A further seven sale of land actions are in progress. Council is working with property owners and their mortgagees to avoid completion of the process by

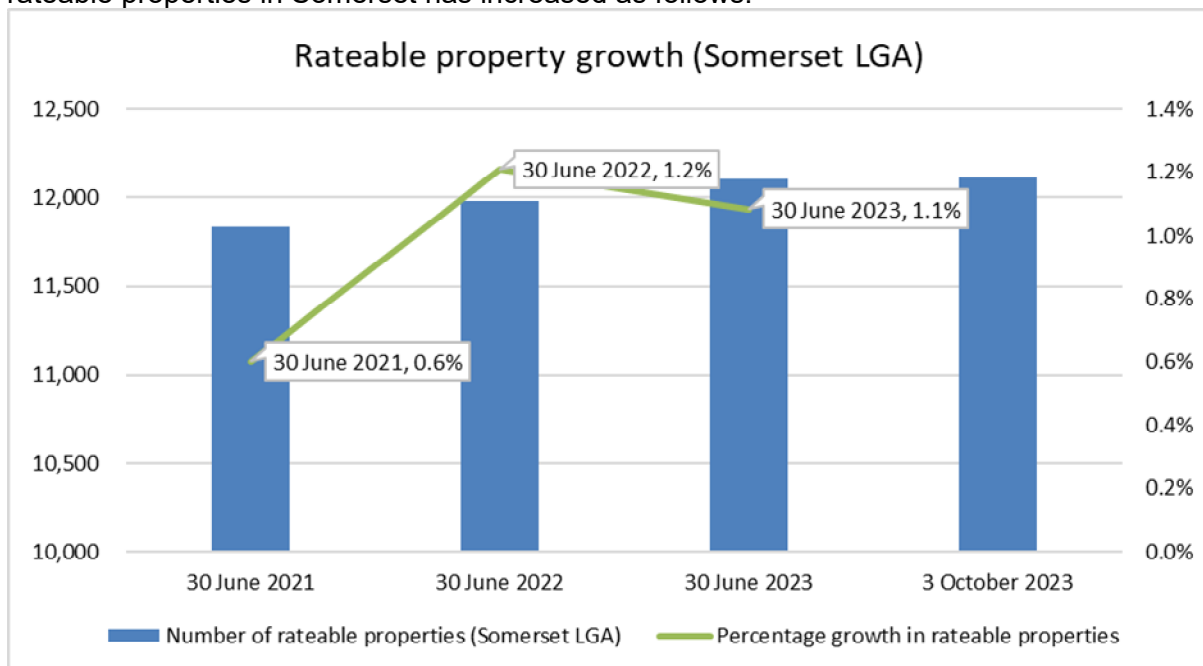
auction where possible. Action has ceased on a further four properties where notices of intention to sell land for overdue rates were issued in July 2023.

Council issues rate notices each six months. Total rate debtors prior to the issue of current half year rates were contained as follows:



Growth

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



Investments

Council relies on interest revenue to keep rates at the lowest possible level. The Reserve Bank of Australia rapidly increased its target interest rate from 0.10% on 3 May 2022 to 4.10% on 7 June 2023 (ie 13 months).

An investment summary is attached detailing interest earnings from Queensland Treasury Corporation (QTC) cash fund and other sources. Council's key long-term investment strategy has been to maintain interest-bearing credit facilities totalling \$53.8 million to Urban

Utilities (UU) which helps fund vital 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 3.27%. Interest rates on the UU facilities are reviewed annually by QTC based on the rate resetting formula.

Interest revenue for FY2024 is budgeted at \$255 on average for every rateable property in Somerset.

Road maintenance and flood repairs

Council's 30 most costly road segments including both ordinary maintenance and flood repairs for the year to date were as below. Costs per linear metre where relevant has been added for context:

Road segment	Cost (\$000's)	Cost per linear metre (\$)
Mount Byron (flood repairs) 07927Ch10960-Ch12850	119	63
Scrub Creek (flood repairs) 01671Ch1670-Ch1850	100	
Monsildale (flood repairs) 08545Ch1530-Ch3750	91	41
Reinbotts RdCulvCh0.4	86	
Stirlings Rd (flood repairs) 07785Ch550-Ch3000	82	
Glamorgan Vale (bitumen) Ch9320-Ch11260	76	
Banks Ck Rd (flood repairs) 05482Ch5040-Ch8210	74	23
Larsens Rd (flood repairs) 05607Ch3890-Ch5940	71	
Boyces Rd (flood repairs) 03548Ch20-Ch2460	66	27
Kiernan La (flood repairs) 05615Ch20-Ch1560	65	42
Linville Rd (flood repairs) 04092Ch4822-Ch4823	64	
Banks Ck England Ck Rd (flood repairs) 05476Ch240-Ch2910	63	24
Harris Rd (flood repairs) 05053Ch1040-Ch3310	62	27
Muddy Creek Rd (flood repairs) 08522Ch0-Ch1670	60	36
Ivory Ck Rd (flood repairs) 08338Ch10140-Ch12580	57	
Gregors Creek Rd (bitumen) Ch9580-Ch12550	53	18
Mount Byron Rd (flood repairs) 07888Ch8830-Ch10290	49	34
Avoca Ck Rd (flood repairs) 08538Ch1230-Ch2320	44	41
Bischoffs Rd (flood repairs) 01713Ch450-Ch500	44	
Ivory Creek (flood repairs) 08336Ch8000-Ch9870	42	22
Bischoffs Rd (flood repairs) 01723Ch1620-Ch1630	40	
England Ck Rd (flood repairs) 05471Ch3605-Ch4960	40	29
Kennedy Rd (flood repairs) 05462Ch0-Ch1250	37	30
England Ck Rd (flood repairs) 05472Ch4960-Ch6200	36	29
Monsildale Ck Rd (flood repairs) 08544Ch880-Ch1440	34	61
Himstedts Rd (flood repairs) 08265Ch380-Ch2710	31	14
Beutel Rd (flood repairs) 05514Ch0-Ch1680	31	19
Monsildale (flood repairs) 08546Ch3760-Ch4500	30	41
Scrub Ck Rd (flood repairs) 114ScourCh1710-1910	30	
Noble Rd (flood repairs) 02930Ch0-Ch1080	30	28
Subtotal (\$000's)	1,707	

Special road maintenance/ renewal

In addition to ordinary bitumen road maintenance and flood repairs, expenditure on resealing of bitumen roads is budgeted for FY2024 at \$2.3M. Resealing is a necessary part of the ongoing cost of managing the sealed road network.

Attachments

Financial reports and payment listings
Letter from Deputy Premier dated 4 October 2023 granting major policy exemption during the caretaker period.

Recommendation

THAT Council receive the financial reports for 1 July 2023 to 3 October 2023 and the report on payments processed from 30 August 2023 to 26 September 2023 totalling \$12,679,141.28 and that the contents be noted.

Resolution

Moved – Cr Isidro

Seconded – Cr Gaedtke

“THAT Council receive the financial reports for 1 July 2023 to 3 October 2023 and the report on payments processed from 30 August 2023 to 26 September 2023 totalling \$12,679,141.28 and that the contents be noted.”

Carried*Vote - Unanimous***Declaration of Interest - Cr Brieschke - Agenda Item 10 - Tender 1324 – Standing Offer Arrangement – Mowing and Slashing Services for a 36-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.
- The nature of my relationship with these related parties is David Brieschke is my husband.
- The nature of the related party's interest in this matter is David Brieschke are employed by one of the tenderers in this matter.

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 9.14am

Subject:	Tender 1324 – Standing Offer Arrangement – Mowing and Slashing Services for a 36-month period
File Ref:	Corporate management – tendering - tenders
Action Officer:	SPO

Background/Summary

Tender 1324 is a standing offer arrangement for the supply of mowing and slashing services for a 36-month-period as and when required.

A 10% loading was applied to prices submitted by non-local suppliers consistent with Council's procurement policy requirements for standing offer arrangements.

There were 504 different combinations of mowing deck size and location covered by the tender.

58% of all offers received were from local suppliers and 69% of all first ranked offers were from businesses based in the Somerset Regional Council LGA.

Tenderers were asked to submit pricing for up to five pricing schedules based on the following mowing and slashing categories. Tenderers could submit pricing for one or more categories:

- A – Council and Department of Transport and Main Roads roadside slashing
- B – Council parks, reserves and vacant land – slashing services
- C – Council parks, sportsfields and grounds - mowing services (One and two person crews)
- D – Overgrown private allotments – acreage/ large properties – slashing services
- E – Overgrown private allotments – residential/ small properties – mowing services (One and two person crews)

This arrangement has been called for a 36-month period with prices set for the full term of the contract. Prices will increase by CPI Brisbane on each anniversary of the contract and a 6.5% fuel levy will be applied to the hourly rates only, if the price of diesel exceeds \$2.75 per litre (Brisbane), the fuel levy will apply for the period that the price of diesel is above \$2.75 (Brisbane) per litre including GST.

Tenderers were required to supply hourly rates and fixed travel rates for various locations throughout the region. Tenders were assessed as per mandatory criteria including compliance with Council's tender requirements, insurances, WH&S and other legislative requirements (e.g. General Biosecurity Obligations), Department of Transport and Main Roads (DTMR) traffic management and licensing requirements, evidence of the tenderers commercial experience and suitability of plant proposed (in relation to the categories tendered).

Tenderers who were able to demonstrate compliance with the evaluation criteria (including relevant commercial mowing and slashing experience and the suitability of plant proposed for each category tendered) were accepted and then ranked based on prices submitted.

It is recommended that this tender be awarded to multiple suppliers to ensure options are available to Council throughout the contract term for mowing and slashing services.

Attachments

Confidential attachments - Tender analysis including Commercial in Confidence pricing

Recommendation

THAT Council accept the tender offers from all suppliers as ranked on the tender price analysis for the various categories for Tender 1324 - Supply of Mowing and Slashing Services for a 36-month-period starting 16 October 2023 with the contract terminating on 25 September 2026.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Whalley

“THAT Council accept the tender offers from all suppliers as ranked on the tender price analysis for the various categories for Tender 1324 - Supply of Mowing and Slashing Services for a 36-month-period

starting 16 October 2023 with the contract terminating on 25 September 2026”.

Carried

Vote - Unanimous

Cr Brieschke rejoined the meeting at 9.17am

Subject:	Toogoolawah Golf Club Hosting 2022 and 2023 Queensland Cross Country Championships Events – Post Events Report
File Ref:	Recreation and Cultural Services – Event Management – Community Events – Festivals - Sporting
Action Officer:	CTM

Background / Context

In 2022 and 2023 Queensland Athletics (QA) held the 39th annual Queensland All School Cross Country Championships and 123rd annual Queensland Cross Country Championships respectively at the Toogoolawah Golf Course (TGC). The events were conducted in partnership with Somerset Regional Council and the Toogoolawah Golf Club.

Council supported the events with funding of \$12,500 excluding GST per annum and value-in-kind support. For a fee, the Golf Club provided access to the venue and equipment, as well as providing catering and coordination services.

The 39th annual Queensland All Schools Cross Country Championships were held in May 2022. The event saw a total of 844 registrations and a spectator crowd of between 2,000 and 2,500 people.

The 123rd annual Queensland Cross Country Championships were held in July 2023. The event saw a total of 560 registrations and a spectator crowd of between 1,500 and 2,00 people.

Previously, the TGC hosted the 121st annual Queensland Cross Country Championships in July 2021. The event saw a total of 597 registrations and a spectator crowd of between 1,500 and 2,000 people. The event recorded one of the highest ever total registrations according to QA.

Approximately 95 per cent of event registrations are visitors to the Somerset Region. The single day events are estimated to bring between \$100,000 to \$150,000 into the Region, through direct event operating expenditures (e.g. accommodation, venue and equipment hire) and visitor expenditure.

The continued feedback from QA with regards to the event venue and the Region is positive. The venue is well suited to hosting a cross country event. It provides a challenging course, is well set out and is well supported by the Golf Club.

The Golf Club continue to provide positive feedback also, citing the well organised nature of the event, the additional revenue stream for the club, economic benefits for local businesses and the respect shown by visitors to their facility.

QA have expressed an interest in continuing to hold annual Cross Country events at the TGC in 2024 and 2025 on a rotating basis. The Golf Club have also expressed an interest in continuing to host the event in 2024 and 2025 in line with the current terms.

The event aligns well with the *Experience Somerset* brand, leveraging existing infrastructure and natural assets. The event has strong links to the Somerset Tourism Strategy (2021-2025) and Tourism Marketing Action Plan (2023-2025). Additionally, the event has provided positive economic and community outcomes.

Attachments

Nil.

Recommendation

THAT Council:

1. Receive the Toogoolawah Golf Club Hosting the 2022 and 2023 Queensland Cross Country Championships Events – Post Events Report and that the contents be noted.
2. Commit funding of \$12,500 excluding GST toward sponsoring the 41st annual Queensland All Schools Cross Country Championships to be held in May 2024 at the Toogoolawah Golf Course, with funding to be identified at the next budget review, pending a Memorandum of Understanding being agreed upon by all parties.
3. Commit funding of \$12,500 excluding GST toward sponsoring the 125th annual Queensland Cross Country Championships to be held in 2025 at the Toogoolawah Golf Course, pending a Memorandum of Understanding being agreed upon by all parties.

Resolution

Moved – Cr Whalley

Seconded – Cr Isidro

“THAT Council:

1. Receive the Toogoolawah Golf Club Hosting the 2022 and 2023 Queensland Cross Country Championships Events – Post Events Report and that the contents be noted.
2. Commit funding of \$12,500 excluding GST toward sponsoring the 41st annual Queensland All Schools Cross Country Championships to be held in May 2024 at the Toogoolawah Golf Course, with funding to be identified at the next budget review, pending a Memorandum of Understanding being agreed upon by all parties.
3. Commit funding of \$12,500 excluding GST toward sponsoring the 125th annual Queensland Cross Country Championships to be held in 2025 at the Toogoolawah Golf Course, pending a Memorandum of Understanding being agreed upon by all parties.

Carried

Vote - Unanimous

Subject:	2023 Somerset Christmas Lights Competition – Nomination of Judges
File Ref:	Tourism – Events – 2023 Somerset Christmas Lights Competition
Action Officer:	TO

Background/Summary

Planning for the 2023 Somerset Christmas Lights Competition is currently underway. It is proposed that the judging panel is comprised of the following:

- Two (2) x Councillors from Somerset Regional Council
- One (1) x external judge with an interest/background in Christmas light displays

The Councillors will need to be available on Monday 27 November and Monday 4 December 2023 for judging and Friday 8 December 2023 for the awards presentation.

It is proposed that Mr Jason Beattie, a Christmas lights enthusiast from Glamorganvale, is invited to assist in this year's judging. Mr Beattie and his father Geoffrey Beattie have a large Christmas lights display every year which proves popular with residents and visitors alike.

Key dates for the Christmas Lights Competition are:

- Entries open: Monday, 23 October 2023.
- Entries close: Thursday, 23 November 2023 at 4pm.
- Judging: Monday, 27 November and Monday, 4 December 2023.
- Lights trail: Advertised from Friday 1 December 2023
- Awards presentation: Friday 8 December 2023

Attachments

Nil

Recommendation

THAT Council:

1. Appoint Councillors Brieschke and Wendt to participate as the primary judges in the 2023 Somerset Christmas Lights Competition.
2. Appoint Councillor Whalley as a replacement judge for the 2023 Somerset Christmas Lights Competition, in the instance that one of the primary judges is not available.
3. Appoint Mr Jason Beattie as the external judge for the 2023 Somerset Christmas Lights Competition.
4. Endorse the key dates for the 2023 Somerset Christmas Lights Competition.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Choat

“THAT Council:

1. Appoint Councillors Brieschke and Wendt to participate as the primary judges in the 2023 Somerset Christmas Lights Competition.
2. Appoint Councillor Whalley as a replacement judge for the 2023 Somerset Christmas Lights Competition, in the instance that one of the primary judges is not available.
3. Appoint Mr Jason Beattie as the external judge for the 2023 Somerset Christmas Lights Competition.

4. Endorse the key dates for the 2023 Somerset Christmas Lights Competition.

Carried

Vote - Unanimous

Subject:	Brisbane Valley Rail Trail Festival of Cycling Sponsorship Review
File Ref:	Recreation and Cultural Services – Event Management –
	Community Events – Festivals – Sporting
Action Officer:	CTM

Background/Summary

In June 2023, Council resolved to commit \$2,500 excluding GST to sponsor the third annual Brisbane Valley Rail Trail Festival of Cycling event.

The event, coordinated by the Brisbane Valley Rail Trail Users Association (BVRTUA), was held on Saturday, 9 September 2023. The event featured a selection of distances (45, 75 and 100 kilometres), commencing from Harlin, Esk and Coominya. All events converged upon Blackbutt, with the finish integrated with the annual Blackbutt Avocado Festival.

The Council sponsorship was matched by the South Burnett Regional Council.

The event attracted total participation of 150 riders. A report of the event has been compiled by the BVRTUA, with direct feedback from participants included (please refer to attachments).

Boutique events such as the Brisbane Valley Rail Trail Festival of Cycling are well suited to the Somerset Region and complement existing recreational assets.

There is a positive case to support such events in the future, with alignment to the Tourism Strategy (2021-2025) and the Tourism Marketing Action Plan (2023-2025).

Attachments

Confidential attachment - Brisbane Valley Rail Trail Festival of Cycling Event Wrap Up

Recommendation

THAT Council receive the Brisbane Valley Rail Trail Festival of Cycling Sponsorship Review Report and note its contents.

Resolution

Moved – Cr Isidro

Seconded – Cr Whalley

“THAT Council receive the Brisbane Valley Rail Trail Festival of Cycling Sponsorship Review Report and note its contents.”

Carried

Vote - Unanimous

Subject:	Operations Report for September 2023
File Ref:	Governance – Reporting – Officer Reports
Action Officer:	EA OPS

Background/Summary

Engineering Services Team

The Engineering Services Design Team continues design delivery for the 2023-2024 budget design program, with designs being readied for issue or finalised for the following Capital Works projects:

- Kilcoy Transfer Station
- Gunyah Street, Toogoolawah
- Cressbrook Street Culverts, Toogoolawah
- Ivory Creek Road, Toogoolawah
- King Street, Somerset Dam
- Pipeliner Park Stormwater Upgrades, Esk

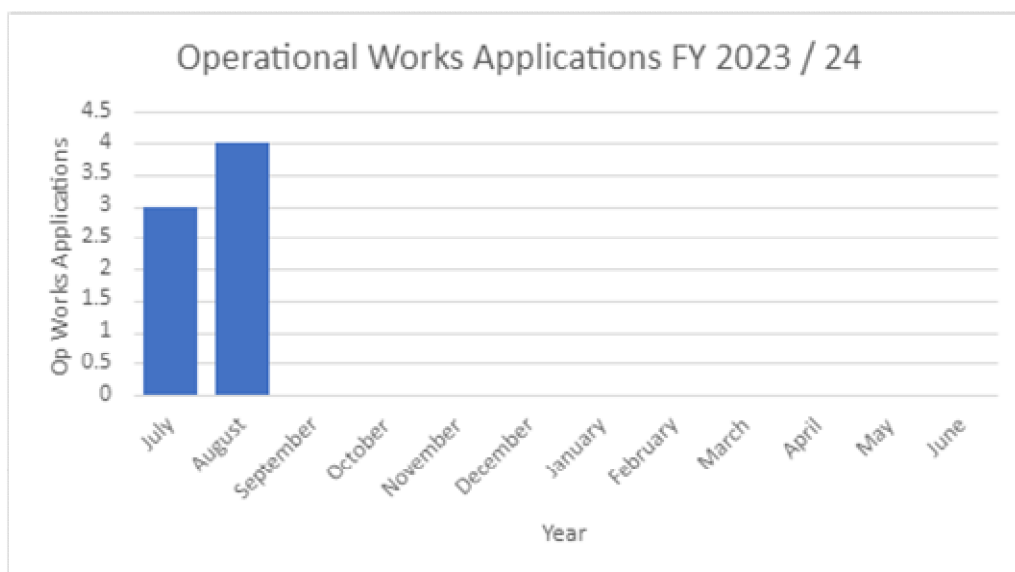
The team also received requests for quotes for the following design projects with the successful Consultant shown below:

- Beeston Road Intersection, Fernvale – Harrison Infrastructure Group
- West Road / Patrick Estate Road, Patrick Estate – Not awarded still to be determined.
- Fulham St, Toogoolawah – Contour Consulting Engineers
- Richard Street, Esk – Harrison Infrastructure Group
- Clive St, Fernvale – NK Transportation
- Lowood to Tarampa Footpath, Tarampa – Projex Partners

The team continues to provide engineering support to the works department on several projects such as:

- Murrumba Road Culverts
- Esk Crow Nest Road Stage 2
- Gunyah Street, Toogoolawah
- Prenzlau Road, Prenzlau
- Royston and Stanton Streets, Kilcoy
- Pipeliner Park Stormwater Upgrades, Esk

The Engineering Services Team provided engineering development advice to the planning department and assessment and applicant response to Operational Work applications with no new operational works applications being properly received in September:



There was no “Off Maintenance” inspections for the month of September but the Engineering Services Team did attend two significant prestart meetings during September:

- Brouff Road / Vogler Road (Asset 1) – Bulk Earthworks – 6-8 weeks construction proposed at this time.
- Windsor Drive, Mount Hallen Stage 5A – Cambridge Drive

This team note the current major developments currently “On Maintenance” and due to come “Off Maintenance” within the next 12 months include:

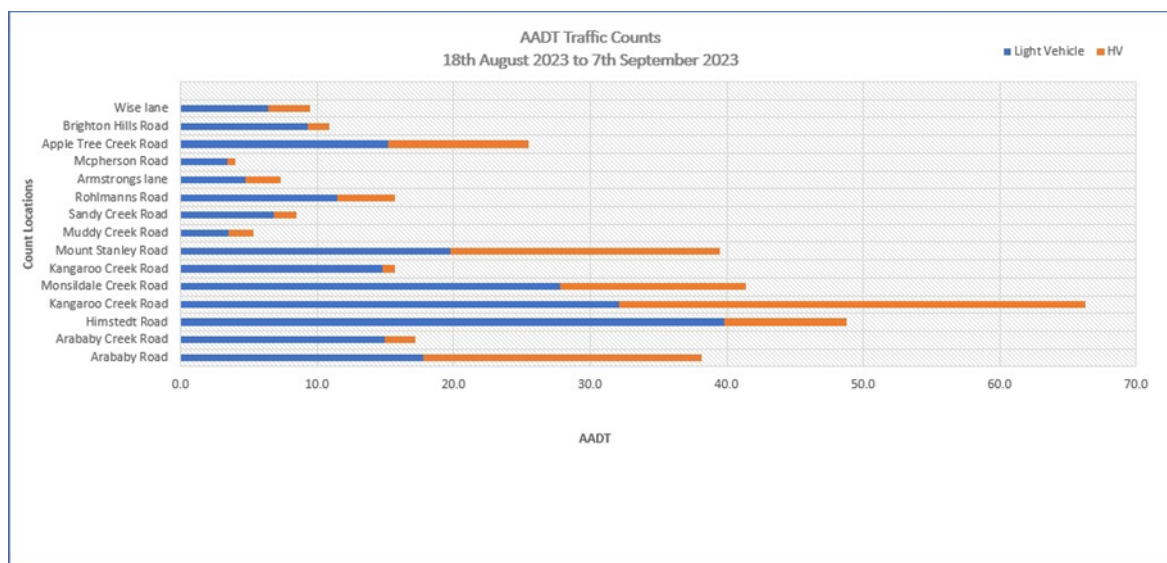
- Parklands at Clarendon Stages 2D & 2E
- Pine Tree Hill, Kilcoy Stages 3 to 6
- Hedley Park Stage 7
- Windsor Drive, Mount Hallen Stage 5C

The Engineering Services Parks and Facilities Team continues to oversee operations in the parks and facilities areas with the drier weather system bringing some relief to the mowing crew who were then able to assist in the first free tree day in Esk, which was a huge success.

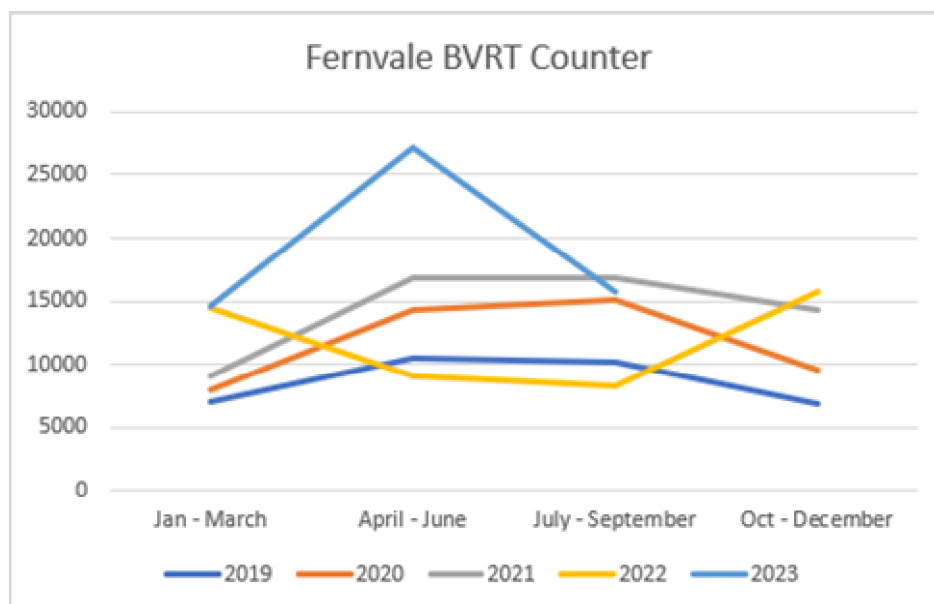
The Engineering Services Team continue to set out traffic counters within the region and provide continual assessment of Council infrastructure to ensure our information remains current within our asset and GIS systems, with all signage requirements being reviewed within our main town areas as well as overseeing works within road reserve applications, property access applications and heavy vehicle permits.

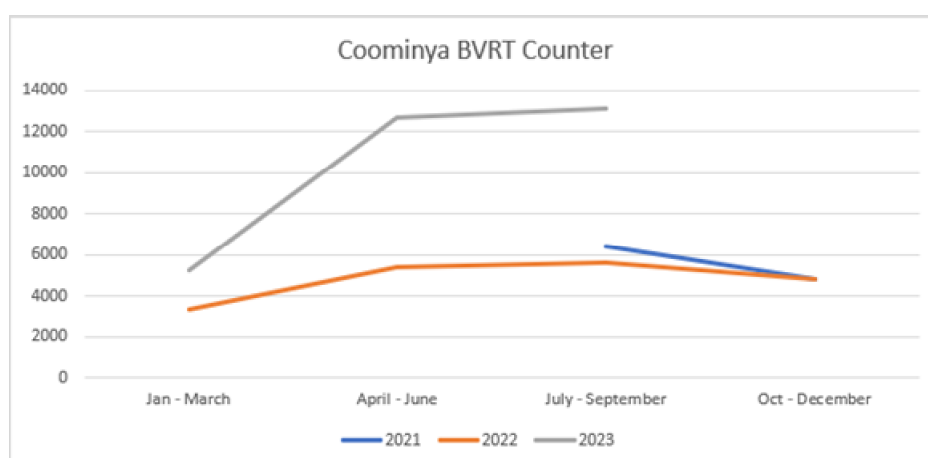
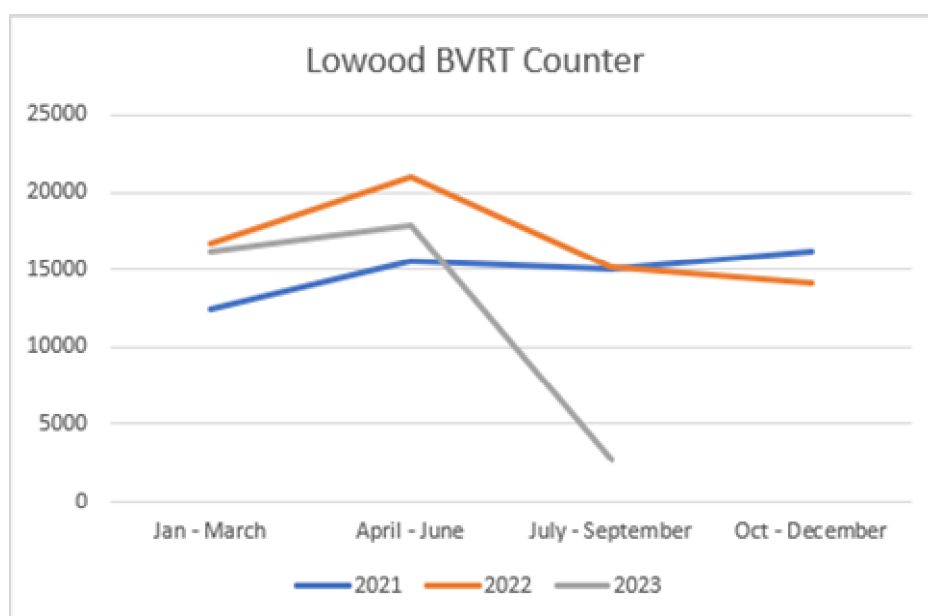
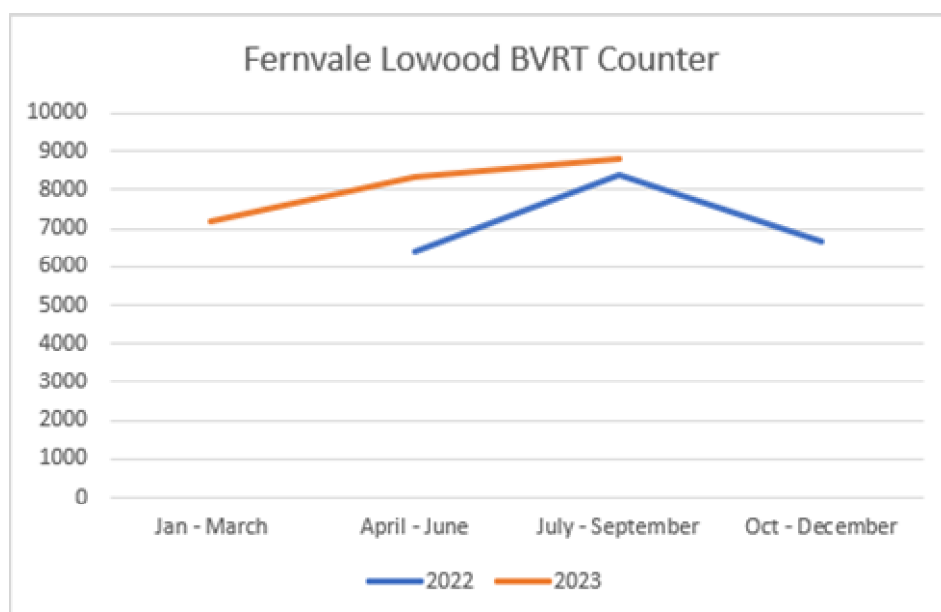
	Sep-23	Sep-22
Land Access Permit	42	58
Property Access Applications	12	22
National Heavy Vehicle Regulator Permits Processed	17	22

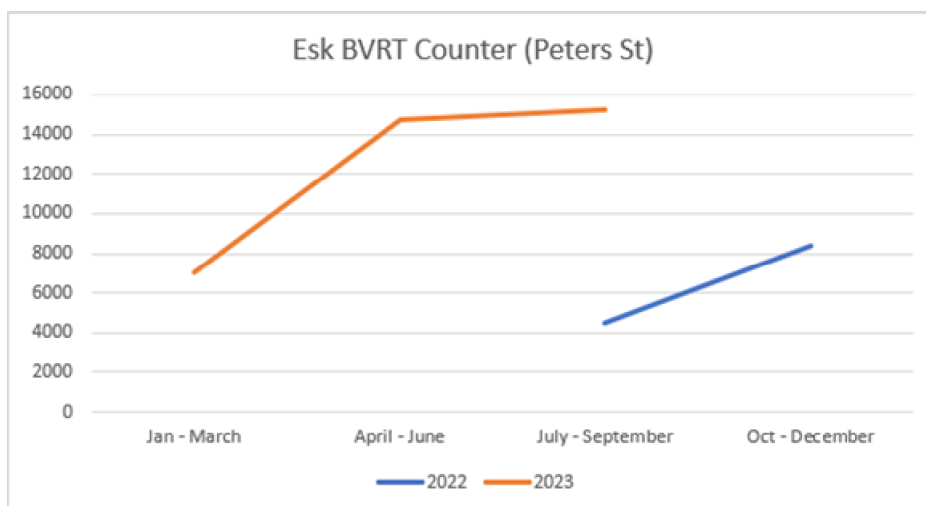
September traffic counts are shown below. All traffic counters have again been placed within the region and are due to be picked up by Monday 16th October 2023 following the standard three-week rotation.



Last quarter Brisbane Valley Rail Trail counter results are shown below:







Works Team

Completed Projects through 2023/24:

- Old Fernvale Road – headwall, grass swale.
- Waverley and Sheppards Road, Lake Manchester – Two-coat bitumen seal.
- Esk Crows Nest Road, Eskdale - Stage 1 – major road realignment. Seal from end of current sealed section to Maria Creek Road (4km).
- Glamorganvale Road, Wanora – Rehabilitate and widen road from Brisbane Valley Highway to Browns Bridge (1.65km)

Projects underway:

- Prospect and William Street, Lowood - stormwater installation – pipe arrival Sep 2023.
- Murrumba Road culverts – replace existing corrugated structures with RBCB and RCP's
- Royston Street, Kilcoy, between Mary and Rose Streets – replace footpaths, kerb & channel sections.
- Stanton Street, Kilcoy – intersection works with Royston Street, kerb & channel.
- Kilcoy Landfill – rehabilitation of landfill.
- East Street, Esk State School - new footpaths, kerb & channel, and infill.
- Gunyah Street, Toogoolawah - Cairnsroft Street to Drem Street, South Side, laying of pipes; kerb & channel.
- Prenzlau Road, Prenzlau - pavement widening.
- Esk Crows Nest Road, Eskdale - Stage 2 – Esk Crows Nest Strategic Regional Connector - Toowoomba Boundary section.
- Pipeliner Park, Esk - Field inlet pits x 7, and footpath around toilet block.
- Schroeder Lane, Fernvale - Seal Intersection with Fairney View Fernvale Road.

Ongoing projects:

- Mowing and slashing works on Council and DTMR roads
- Crews continue to complete CSR's.
- Maintenance to flood affected roads continues throughout the region.
- General maintenance of Council's civil infrastructure

REPA Works

A total of 69 submissions have been lodged with QRA for Reconstruction of Essential Public Assets. Only 2 are awaiting final assessment. The categories for the submissions are

unsealed roads, sealed roads, drainage, and individual sites (e.g., landslips). The assistance by the Queensland Reconstruction Authority (QRA) is acknowledged.

Reconstruction works are generally being undertaken by contractors with unsealed roads and drainage packages being delivered first. All unsealed roads are now in the reconstruction phase. This is a great milestone.

Drainage packages are progressively being documented to enable calling of quotations. This will be followed by sealed roads packages and individual sites.

All works are required to be completed by the end of June 2024.

Council's crews are undertaking unsealed road reconstruction in the Toogoolawah Region and contractors are doing the remainder.

Flood Repair Works underway - carried out by Contractors.

- Browns Contracting – REPA / QRA flood repair works: Mount Stanley region; Harlin & Moore region.
- A & M Civil – REPA / QRA flood repair works: Coominya region; Fernvale region; Esk region.
- CPM Contractors – REPA / QRA flood repair works: East Wivenhoe region; Jimna / Monsildale region; Kilcoy region.

Flood Repair Works underway - carried out by SRC.

- Kilcoy C & M Crew 2 – REPA / QRA flood repair works: Toogoolawah region
- Northern Grader Crew – REPA / QRA flood repair works: Toogoolawah region

Other Works carried out by Contractors.

- Ertech Contractors is continuing with the reconstruction of Lowood Minden Road between Litzows Road and Lukritz Road – approximately 60% complete.

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 and pavement repairs over the TMR network.
- Weed spraying throughout the TMR network.
- Ongoing signage and guidepost repairs continue throughout the TMR network.
- Slashing and mowing throughout the TMR network.

Workshop – Mechanical

- Completed repairs, services, and scheduled maintenance of Council fleet.
- One new lease vehicle has arrived, a Toyota Camry Hybrid which is Council's third Hybrid vehicle.
- P.114 Komatsu grader has had a safety recall carried out at the Esk Workshop, the recall involves the fuel tank being removed and new mounting brackets fitted to the grader. This work was carried out over three days by Komatsu at no cost to Council.
- Half yearly service of Floating Plant Group 2 is almost complete.
- Quarterly inspection of all council trailers has begun and should be completed early next month.
- Annual inspection of council lifting chains and other various lifting equipment was conducted by Bunzl Safety, 120 items have been tested with only one failure, good result.
- Annual COI inspections of council's 16 x medium trucks have commenced by Workshop staff and will complete next month.

Workshop – Fabrication

- 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 have fabricated new barriers and bollards for the tipping area of Coominya transfer station and have started to install these, work should be completed early next month.
- P.245 Wheel Loader bucket repairs and replace hard facing wear strips under bucket.
- Replace wear strips on the side skids of a couple of the road-side slashers ready for upcoming mowing season.
- Carry out operation inspections on all playground equipment in the region. Carry out repairs where required.

Weather Outlook

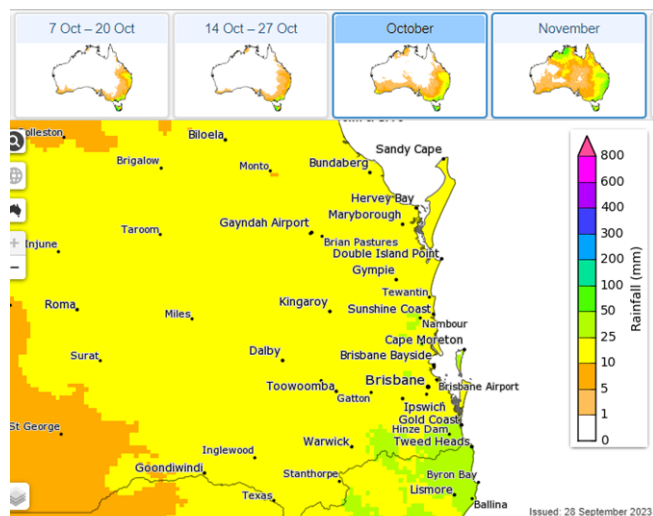
For October, below median rainfall is likely to very likely - 60% to greater than 80% chance for most of Australia, apart from north-western WA and southern Tasmania.

October to December rainfall is likely (60 to 80% chance) to be below median for much of Australia excluding most of central and northwestern WA and south-west Tasmania.

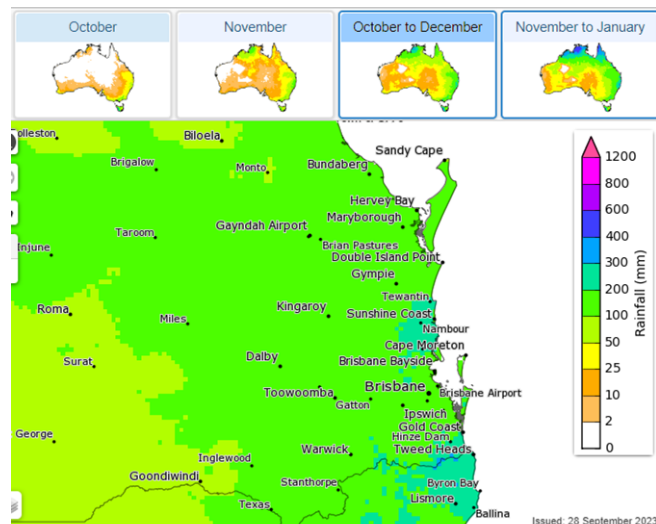
Unusually low rainfall for October to December is at least twice as likely for parts of southern, eastern, and northern Australia. Unusually low rainfall equates to the driest 20% of October to December periods from 1981 to 2018.

Bushfire will remain a risk for the Somerset region over the coming season due to drier conditions forecasted and an increase of fuel loads following the 2022 rain events.

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



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



Disaster Management

The following activities were conducted in September 2023

- Council has been advised that the application submitted as part of the Emergency Response Fund (QRA) to repair the irrigation system at the Kilcoy District Rugby League fields that was damaged in the floods of 2022 has been successful and we should be receiving the project funding schedules shortly.
- Urban Utilities have connected water to the Jimna 110k litre bushfire tank.
- Evacuation centre equipment has been relocated to a shipping container at the Lowood Works Depot. Ultimately the container will be relocated to the Lowood SES compound.
- Council has assisted QFES with bushfire preparedness messaging by placing VMS Trailers outside of Esk and Kilcoy.
- Council staff (DMO/NRMO) attended the Greater Brisbane Area Fire Management group meeting at Chermside on September 5.
- Council hosted QFES training (September 14) for Local Disaster Coordination Centre Staff and the Local Disaster Management Group for QDMA and Disaster Planning modules.
- Council met with Jimna residents to discuss disaster preparedness and field questions relating to specific risks in the township. As a result of these discussions, Council is assessing bushfire risk in the area behind Finch Lane and the hall.
- Council has recently been in discussions with the Insurance Council of Australia to help advocate on behalf of a resident who was being charged excessively due to a perceived flood risk on their property. The outcome of this was that their insurer acknowledged that the house was in a flood-free area of the large property and as such the resident was able to receive affordable insurance for the house.
- Council provided the Esk Caravan Park with some preparedness assistance for an exercise they are conducting with residents.
- DMO attended the Somerset Region Local Action Group meeting on 26 September. The group has been established to help build a more inclusive community that targets those with a disability.
- Council participated in a pre-season Exercise Nexus facilitated by the Department of Transport (DTMR) that focussed on severe weather and the impacts on the road network.
- Council has issued several press releases and social media posts regarding Bushfire Preparedness and the upcoming Get Ready week (9-15 October)

- Quotations have been received for a number of flooding related projects, namely;
 - Historical flood mapping
 - LGA-wide overland flow mapping
- QRA are expected to deliver Council with whole of LGA LiDAR data during October. This will provide more accurate LiDAR for the Somerset Region down to 1m grids.
- Australian Warning System templates have been customised for Somerset. These will need to be used from 1 November 2023 when issuing flood alerts.
- Draft data sharing license agreement sent to DTMR to allow for sharing of flood camera images and gauge data where available.
- Department of Environment and Science (DES) conducted an audit of the Esk Landfill to ensure that the site was well prepared for any extreme weather events. An outcome of these discussions was that Council agreed to construct a fire break around the entire site. This was completed during September.
- The Marburg radar is currently offline as it is being replaced by a new and more advanced system. It is estimated that this will not be completed until February 2024, which exceeds previous advice of a mid-November completion date. The Mt Stapylton radar will remain available during this period.
- Council has been advised that we now have a new QRA Liaison Officer – Ms Sharon Fong
- A Natural Disasters and Emergency Action Guide has been developed and printed under the Community Recovery and Resilience program. Copies are available at the Council administration building or from Allison Cuskelly. An electronic version will soon be placed on Council's website for download.

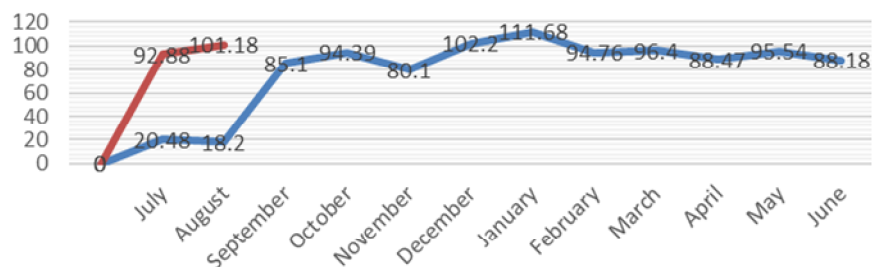


Waste Management

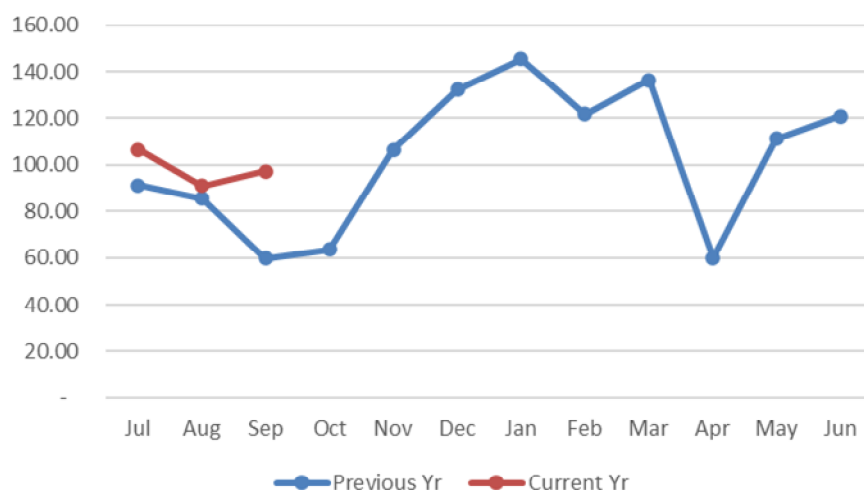
Kerbside Collection Contract – Ipswich Waste

Information regarding kerbside services performed for September was not available for this report. Information will be provided in October Operations Report.

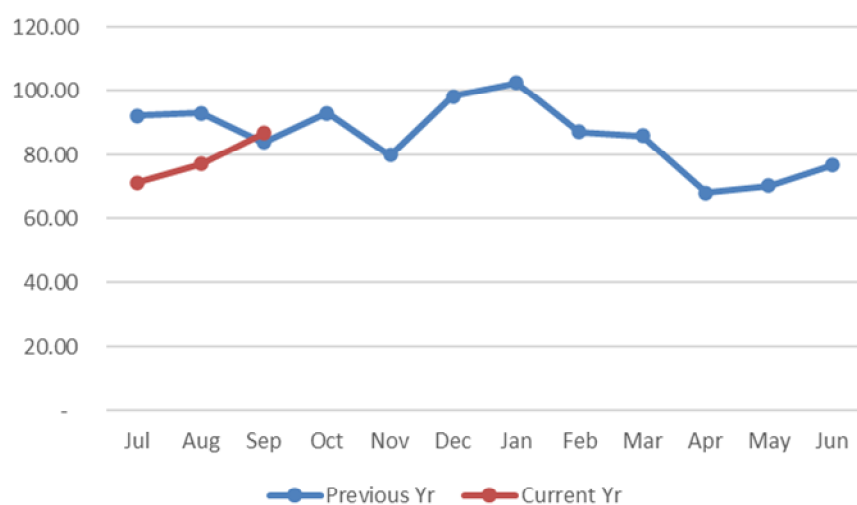
Monthly Kerbside Recycling Weights (Tonnes)

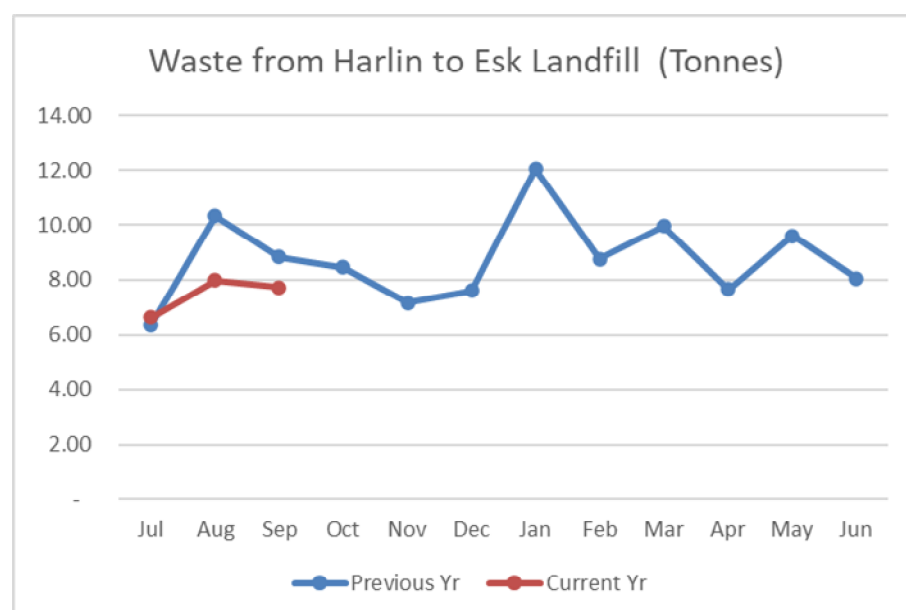
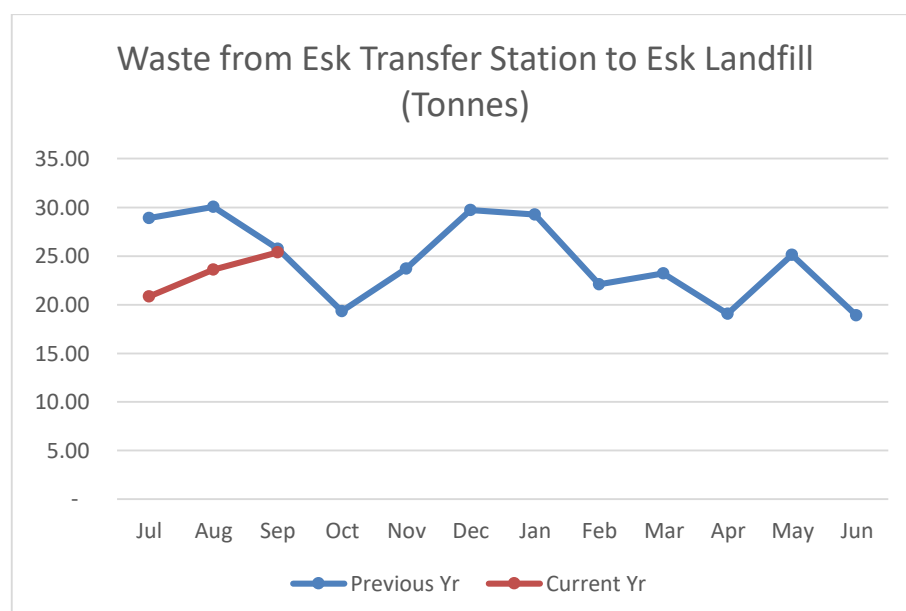


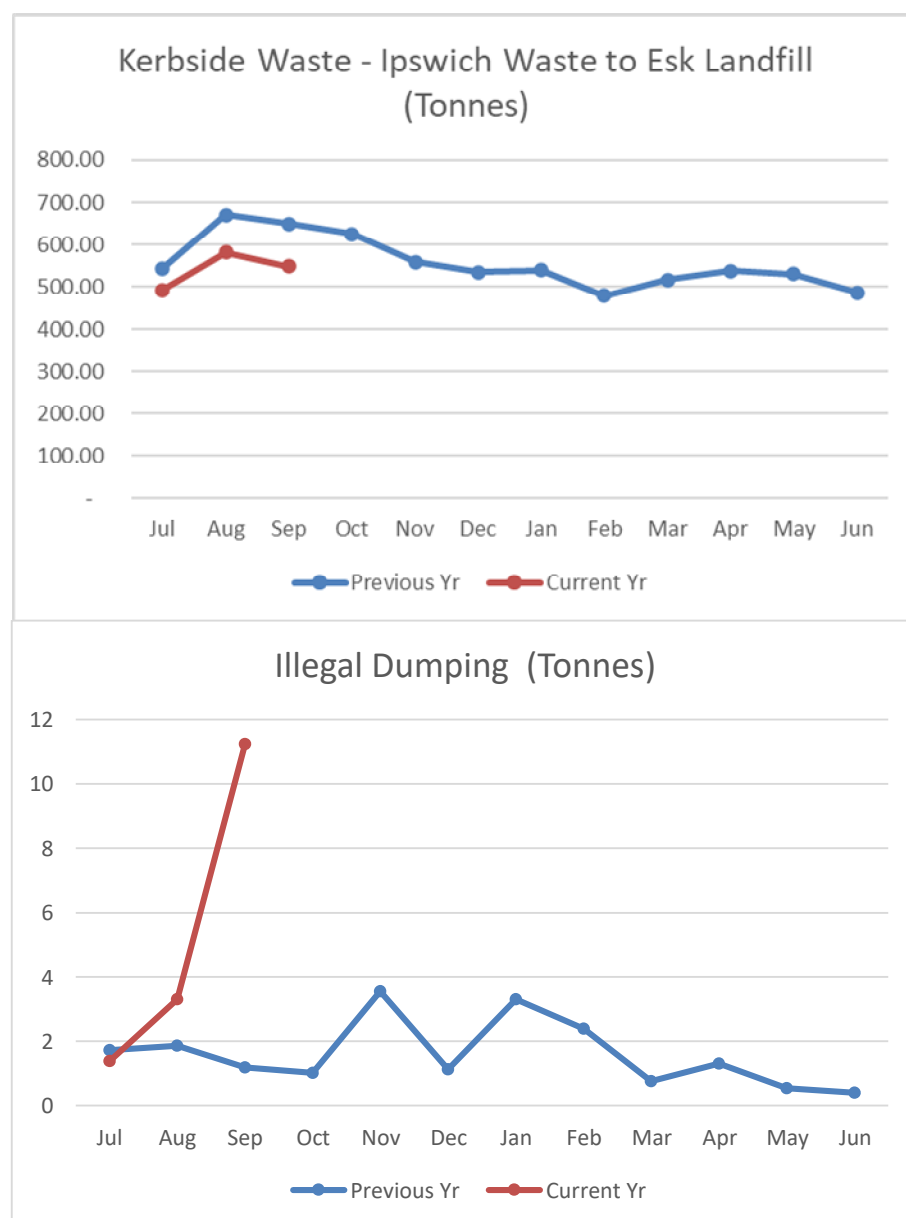
Waste from Kilcoy to Esk Landfill (Tonnes)

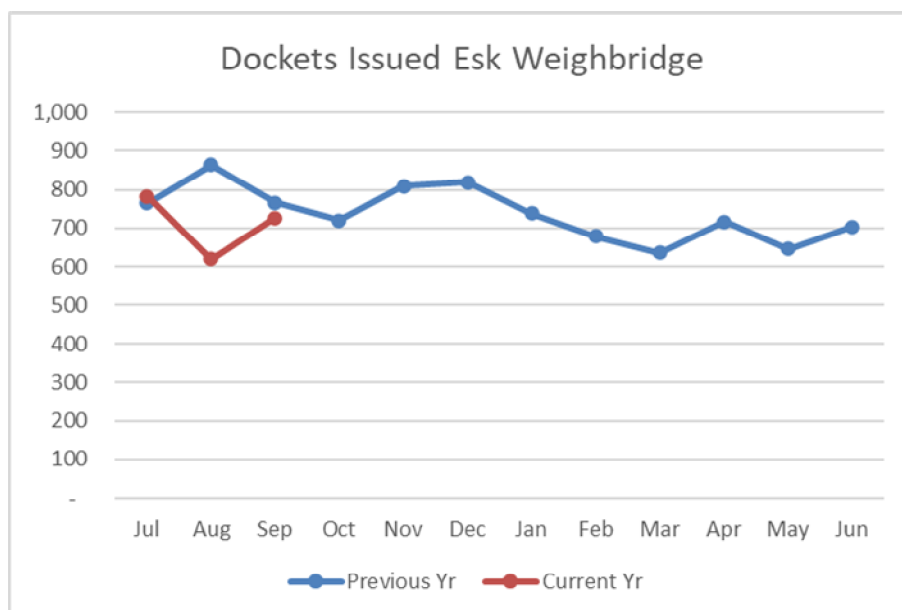


Waste from Coominya to Esk Landfill (Tonnes)







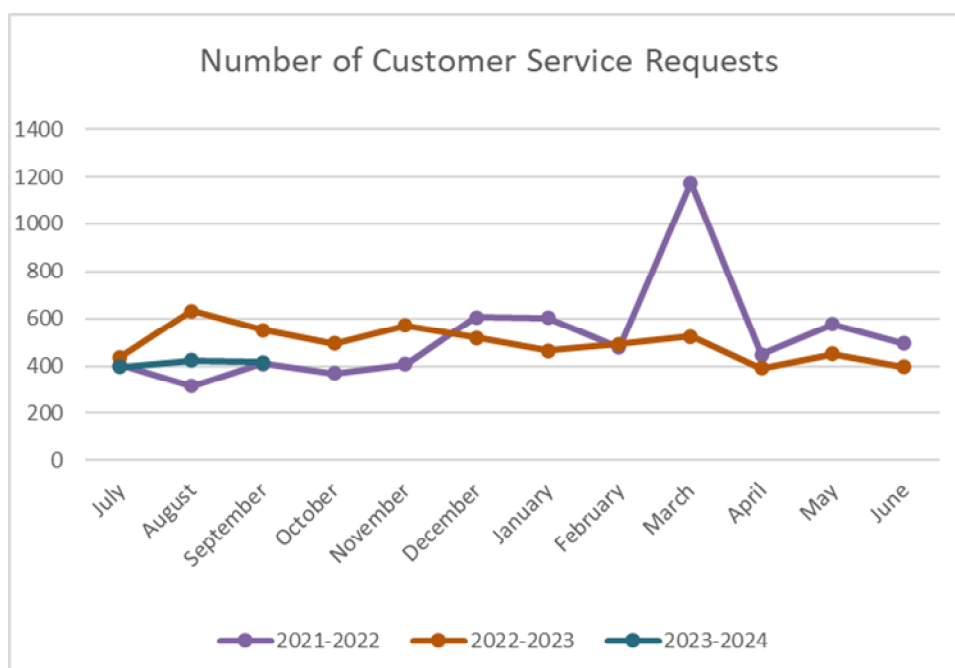


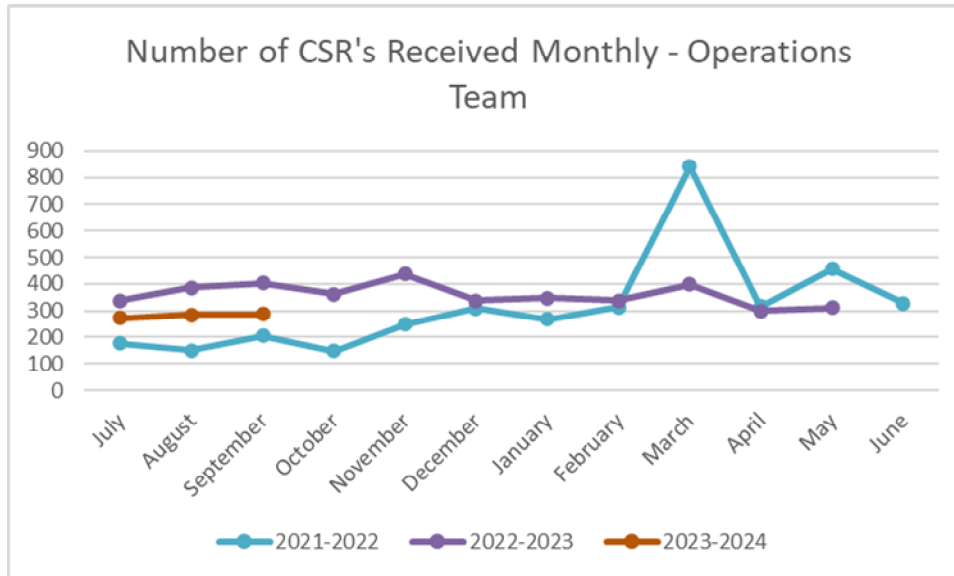
Approved Park/Community Events

No approved park community events for month of September 2023.

Customer Service Requests

Council received 415 customer service requests for the month of September 2023 on Council's corporate customer service system. A copy of the report is attached for your information.





	Jul-23	Aug-23	Sep-23
Cemeteries	1	1	1
Disaster Management	0	0	1
Departmental reviews	0	0	2
Fences on roadways	0	1	0
Illegal dumping clean ups	20	14	11
Overgrown Council land	2	1	2
Parks including mowing, cleaning/maintenance park equipment including public toilets, tables and chairs, shade shelters etc.	3	9	7
Roads - bitumen	25	20	13
Roads - gravel	18	13	8
Roads - drainage	8	5	7
Roads - culverts	3	1	2
Roads - vegetation	19	14	25
Roads - footpaths	3	5	8
Roads - linemarking	1	1	2
Roads - bridgework	0	0	1
Roads - traffic furniture	16	17	15
Rural Property Number	1	4	2
Stormwater issues within private properties	1	0	0
Waste management		0	1
Wheelie bins	0	0	0
Cancellation of extra services	0	19	9

Damaged lids and wheels	11	15	9
Replacement Split Bins	29	24	32
New Services	21	28	24
Extra services	4	6	10
Stolen/Non-Delivery of New Bins	5	16	9
Missed services	8	3	6
Contractor requests/complaints	3	2	4
Facilities	0	0	0
Air conditioning	2	1	0
Carpentry, painting, tiling & flooring	11	12	10
Electrical	5	7	6
Equipment, furniture & fixtures	10	10	8
Grounds maintenance	1	5	4
Pest Control	2	1	1
Plumbing	23	19	29
Roofing and guttering	2	0	0
Security, locks & CCTV	2	2	6
Signage	0	4	6
Vandalism	7	2	2
Cleaning	5	2	4
	272	284	287

Attachments

Attachment 1 - Customer service report for September 2023

Recommendation

THAT Council receive the Operations Report for September 2023 and the contents noted.

Resolution

Moved – Cr Isidro

Seconded – Cr Wendt

“THAT Council receive the Operations Report for September 2023 and the contents noted”.

Carried

Vote - Unanimous

Subject:	Community Assistance Grants – Summary of Excellence Bursary Applications Awarded for September 2023
File Ref:	Community Relations – Sponsorships – Somerset Excellence Bursaries
Action Officer:	DHRCS

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 four (4) excellence bursary applications for September 2023. Somerset Excellence Bursary applications awarded for the month of September 2023 as detailed below:

Applicant	Bursary Recipient	Doc Id	Field	Level	Event
Louise Carney	<i>Talija Sajkar</i>	1539205	Football	State	Talija was selected to complete as part of the QSCA Under 17 Girls Team at the Christian Football Federation National Tournament being held at the Sunshine Coast from 29 September to 2 October 2023.
Louise Carney	<i>Alicija Sajkar</i>	1539208	Football	State	Alicija was selected to complete as part of the QSCA Under 17 Girls Team at the Christian Football Federation National Tournament being held at the Sunshine Coast from 29 September to 2 October 2023.
Ella Green	<i>Noah Green</i>	1541904	Long jump and triple jump	State	Noah has been selected to attend the long jump and triple jump state championships being held at the QLD Sport and Athletics Centre, Nathan QLD from 12-15 October 2023.
Melissa Snell	<i>Henry Snell</i>	1545901	Soccer	State	Henry has been selected to represent Queensland in the Under 14 team at the Christian Football

					Federation Australia National Titles being held at Park Lakes Sports Complex in Bli Bli from 29 September – 2 October 2023.
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Attachments

Nil.

Recommendation

THAT Council receives the Summary of Awarded Somerset Excellence Bursaries for the month of September 2023 and the contents be noted.

Resolution

Moved – Cr Wendt

Seconded – Cr Gaedtke

“THAT Council receives the Summary of Awarded Somerset Excellence Bursaries for the month of September 2023 and the contents be noted.”.

Carried

Vote - Unanimous

Meetings authorised by Council

Nil

Mayor and Councillor Reports

Cr Isidro – Councillor Report

Following on from Cr Wendts earlier comments I would like to acknowledge the staff and in particular the organisers of the most recent Free Tree Day at Kilcoy. The event was well attended and very well run. Thank you.

Cr Choat – Councillor Report

I would also like to echo the sentiments of my fellow Councillors regarding the Free Tree Day and thank the staff for all their wonderful efforts in organising the days.

Cr Gaedtke– Councillor Report

September

27 Ordinary Council Meeting and Council Workshop – Esk

27 Kilcoy Chamber of Commerce Inc Annual General Meeting
October

03 Friends of Stonehouse Inc Monthly Meeting – Moore

03 Somerset Dam District Progress Association Monthly Meeting

05 Brisbane Valley Heritage Trails Monthly Meeting – Moore

09 Special Condensery Advisory Meeting – 2024 Program

09 Kilcoy District Progress Alliance Inc Monthly Meeting

10 Kilcoy Wellbeing Festival – Yowie Park

10 Kilcoy Show Society Monthly Meeting

The Brisbane Valley Heritage Trails are establishing communication around the existence of the original stock routes that were used as a method to herd livestock from Kilcoy to Moore.

The group hope to advertise the route as a drive destination and are eager to name the route as “The Drover’s Way”.

The Kilcoy District Progress Alliance are raising funds to once again erect Kilcoy’s Christmas Tree. Community can enjoy the festivities and turning on the Christmas Lights on Friday 1 December commencing at 5:30pm at Yowie Park.

The Kilcoy Show Society held a very well supported monthly meeting where many existing challenges and new ideas were identified and discussed.

Resolution

Moved – Cr Gaedtke

Seconded – Cr Isidro

“THAT the verbal and written reports of Mayor Lehmann and Councillors Brieschke, Isidro, Choat, Gaedtke, Whalley and Wendt be received.”

Carried

Vote - unanimous

Receipt of Petition

Nil

Consideration of notified motions

Nil

Reception of notices of motion for next meeting

Nil

Items for reports for future meetings

Nil

Closure of Meeting
Summary

There being no further business, the Mayor, Cr Graeme Lehmann closed the meeting at 9.31 am.