



**Minutes of Ordinary Meeting  
Held Tuesday, 24 October 2023**

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

**Present**

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

**Observer** Mrs M Jelf (Senior Planner)

**Apologies**

Cr Bob Whalley (Councillor)

\*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**

Cr Whalley sought a leave of absence from today's meeting.

**Resolution**

Moved – Cr Isidro

Seconded – Cr Choat

“THAT Cr Whalley be granted a leave of absence from today's meeting”.

Carried

*Vote - Unanimous*

CEO noted that as per section 29 of the Standing Orders Cr Brieschke and Cr Wendt have been authorised to attend today's meeting via TEAMS.

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

Moved – Cr Gaedtke

Seconded – Cr Choat

“THAT the Minutes of the Ordinary Meeting held 11 October 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 Brieschke**

The Esk Hospital Auxiliary will be hosting a fund-raising movie night at Toogoolawah Pictures, Saturday, 28 October with a screening of 'My Big Fat Greek Wedding 3'.

Friday, 3 November 2023 will be the Esk District Co-op AGM, Mt Beppo Hall. RSVP required.

**Matters of public interest – Cr Choat**

October is National Safe Work Month which is a time to commit to building safe and healthy workplaces. This year's theme is “For everyone's safety, work safely”.

Many people think of a workplace as a 9-5 situation at a premises they attend each working day. A workplace today can be many things and in our region particularly, what defines a workplace is commonly not a 9-5 situation.

Those engaged in rural activities, delivery drivers, carers and others whose workplaces are varied and often not regulated or inspected are just as at risk of a workplace injury as those on a building site or large facility.

Remember too we often enter the workplaces of others when we are going about our day or people enter our workspaces in the same way. Workplace safety is a consideration for and about everyone.

The primary objective of National Safe Work Month is to encourage all individuals and organisations to prioritise safety in their workplaces and work towards reducing the number of work-related injuries, illnesses and of course fatalities.

Individuals, their families and the broader community are all impacted by work related injury and illness. Safe Work Australia data shows that on average in Australia around twelve people die in the workplace each and every month.

These statistics demonstrate why it is so important to keep safety as a workplace priority.

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

I am delighted to share that the Kilcoy Yowies are going on tour! Very early in the season, the Kilcoy Yowies were invited to participate in the Fijian Cup. The competition runs from 30 November to 3 December at Lawaqa Park, Sigatoka, Fiji. The format will provide each team with a minimum of three games on each day of the preliminary rounds, with a playoff structure through to the finals to decide the winning teams in each division. Congratulations, best of luck and well done Yowies!

Thirty-eight regions in Queensland are most at risk of a horror bushfire season due to below-average rainfall, above-average temperatures, and a high fuel load, according to the Queensland Fire and Emergency Service. It was reported that Somerset and Redland City are most at risk of bushfires in the southeast. It is imperative that our residents and visitors to our region understand the fire risks associated with the current weather conditions.

### **Conflict of Interest**

No declarations of conflict of interest in the following agenda items were notified at this time.

<b>Subject:</b>	<b>Development Application No. 14350 - Application for a Development Permit for a Material Change of Use – Expansion to Intensive Animal Husbandry (poultry farm) – two additional sheds and additional 90,000 birds</b>
<b>File No:</b>	<b>DA14350</b>
<b>Assessment No.:</b>	<b>03841-00000-000</b>
<b>Action Officer:</b>	<b>SP - MJ</b>

### **1.0 APPLICATION SUMMARY**

#### **Property details**

Location	390 West Road, Coominya
Real Property Description	Lot 12 SP167573
Area	121.4994 hectares
Current land use	Intensive Animal Husbandry - Poultry farm
Easements and Encumbrances	I SP332727

#### **Former Esk Shire's Planning scheme details**

Zone	Rural zone
Precinct	Arable Agriculture and Catchment Precinct
Structure Plan	Not applicable
Overlays	Economic Resource Overlay Catchment Management Overlay

## Major Transport and Energy Corridor and Infrastructure Overlay

**Somerset Region Planning Scheme details**

Zone	Rural zone
Precinct	Not applicable
Overlays	OM1 Agricultural land OM3 Biodiversity OM4 Bushfire hazard OM5 Flood hazard OM8 High Impact Activity Management Area

**SEQ Regional Plan 2009-2031**

Category	Regional landscape and rural production area
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**Application details**

Level of Assessment	Impact assessment
Applicant/s	Brisbane Valley Holdings Pty Ltd
Applicants contact details	C/- TJ Kelly Surveys Pty Ltd P.O. Box 221 Beaudesert QLD 4285
Land Owner/s	Brisbane Valley Holdings Pty Ltd
Date properly made	19 June 2014

**Referral Agencies**

Concurrence Agencies	State Assessment and Referral Agency
Advice Agencies	Nil
Third Party Advice Agencies	Seqwater

**Notification Stage**

Compliance received	11 June 2015
Submissions received	Seven
Submissions properly made	Six

**RECOMMENDED DECISION**

**THAT** Council approve the Development Application subject to the requirements and conditions contained in the Schedules and Attachments.

**1.0 APPLICATION**

Pursuant to Chapter 6 Sections 260(1) and (3) of the *Sustainable Planning Act 2009* (SPA), the applicant has made a properly made development application and is seeking approval for a Development Permit for Making a Material Change of Use for an Expansion to Intensive Animal Husbandry (poultry farm).

The following level of assessment applies to the development under the former Esk Shire Planning Scheme 2005 (as amended) as the site is located within the Rural Zone – Arable Agriculture and Catchment Precincts:

- Impact Assessable for Expansion to Intensive Animal Husbandry (poultry farm)

The application will be assessed against the relevant matters set out in section 314 of SPA.

## **2.0 PROPOSAL**

The development application was originally lodged with Council on 19 May 2014. The subject land is currently benefitted by six poultry sheds and the development application originally proposed an additional six poultry sheds. The proposed sheds were to be sleeved in between the existing sheds and to the rear of the existing sheds. The 12 sheds were anticipated to house a total of between 570,000 and 700,000 birds.

The application was properly made on 19 June 2014. On 22 July 2014, Council issued an Information request that included (among other items) a request for an Air quality assessment (odour assessment) to support the proposed development. A response to the information request was received on 21 April 2015.

As a result of continued concerns with the potential odour implications of the development, the applicant formally changing the development application on 18 September 2015, reducing the number of additional sheds to three (a total of nine sheds) at a maximum of 45,000 birds per shed (total 405,000 birds). The change was considered to be minor and the assessment process did not recommence and the public notification period did not recommence.

The applicant advised on 26 October 2015 that they would consider their position and provide advice to Council. On 12 September 2016, the applicant requested to temporarily put the application on hold for a period of six months. Since October 2015, Council has, in good faith, continued to extend the decision-making period to allow the applicant time to consider their position and progress other matters.

On 13 October 2022, the applicant made a further change to the application, to further reduce the additional sheds to two, a total of eight across the farm. The change was accompanied by a revised Air quality assessment report. The application now involves an additional 90,000 birds, to make a total of 360,000 birds. The sheds are to be sleeved between the existing sheds and all existing services provided on the site will be utilised.

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

The subject land contains an area of about 121 hectares and generally flat and devoid of vegetation. The surrounding properties are predominantly rural in nature. Since the original lodgement of the development application, a large number of the surrounding properties have been incorporated into a separate material change of use for a preliminary approval overriding the planning scheme. The preliminary approval was subsequently approved by Council and facilitates the development for predominantly rural activities. The property immediately to the west of the subject land is currently vacant and has not been included as part of the preliminary approval.

## **4.0 ASSESSMENT- STATE LEGISLATION**

This application is made under the provisions of the *Sustainable Planning Act 2009*. As such, it is subject to the requirements of the Regulatory Provisions of the South East Queensland Regional Plan 2009-2031 (SEQRP), relevant Acts and State Planning Policies. The site is located within the Regional landscape and rural production area under the SEQRP. The proposed use does not require assessment against the SEQRP Regulatory Provisions and the application did not require referral to the Department of State Development, Infrastructure and Planning (DSDIP).

### **4.1 VEGETATION MANAGEMENT ACT 1999**

The subject land contains stands of regulated vegetation, being Category B vegetation. The vegetation is located as part of the mapped wetland and is not in close proximity to the development. The vegetation is not anticipated to be impacted as part of the development.

#### **4.2 ENVIRONMENTAL PROTECTION ACT 1994**

The site is not listed on the Contaminated Land Register or the Environmental Management Register.

#### **4.3 STATE PLANNING POLICIES**

##### **State Planning Policy 1/92**

###### *Development and Conservation of Good Quality Agricultural Land*

At the time of lodgement, the subject land contained mapped Category C Good Quality Agricultural Land (GQAL). The current State Planning Policy (SPP), dated July 2017, maps the subject land as containing Important agricultural areas and Agricultural land classified as class A and B.

Given the proposal involves an expansion of two sheds to an existing poultry farm, it is considered that the proposal is consistent with the provisions contained in the former Esk Shire Planning Scheme 2005 (as amended) regarding good quality agricultural land and so it is consistent with the intent of SPP 1/92 and SPP 2017.

##### **State Planning Policy 1/03**

###### *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide*

The proposal is considered to be consistent with the provisions contained in the former Esk Shire Planning Scheme 2005 (as amended) regarding Natural Hazard Management and so it is consistent with the intent of SPP 1/03.

The subject land is mapped by SPP 2017 as being contained within a Flood hazard area. Further to this, the Somerset Region Planning Scheme identified that the subject land is impacted by extreme flood hazard. The existing and proposed development are located outside of the mapped flood hazard area and are not anticipated to be impacted.

The former Esk Shire's Planning Scheme did not map the subject land as containing bushfire hazard. The SPP 2017 and the Somerset Region Planning Scheme identify a small section towards the rear of the subject land as containing mapped bushfire hazard (medium hazard). The existing and proposed development are not in close proximity to the area of identified hazard.

As such, it is considered that the natural hazard outcomes are satisfied by the development.

##### **State Planning Policy 4/10 – Healthy Waters**

While not an urban development the application material has included a 'Stormwater Management Plan' (SWMP). Conditions of approval will reflect Storm Water Management and the recommendations of the SWMP.

#### **5.0 ASSESSMENT – FORMER ESK SHIRE'S PLANNING SCHEME**

##### **5.1 Desired Environmental Outcomes assessment**

The Desired Environmental Outcomes (DEOs) are based on the concept of ecological sustainability established by the IPA and are the basis for the measures of the planning scheme.

The relevant DEOs applicable to the development are as follows:

<b>DEO (a)</b>
The use of the shire's natural resources is managed on a sustainable basis to meet the needs and aspirations of the community, and maintain environmental, community and economic values.
<b>Council officer comment</b>
The proposed development represents an expansion to an existing poultry farm. The proposal is considered to be consistent with the localities values.
<b>DEO (b)</b>
Esk Shire has a sustainable and diverse rural economy with a wide range of employment opportunities due to the expansion of existing industries in areas such as tourism, regional recreation and the establishment of new economic activities;
<b>Council officer comment</b>
The existing poultry farm employs a number of people, it is anticipated that the proposed expansion will continue to offer employment opportunities.
<b>DEO (c)</b>
Effective coordination between infrastructure services, land use planning and economic development activities is achieved, and infrastructure is protected (including transport, water supply and energy corridors) from inappropriate development;
<b>Council officer comment</b>
The proposed development has demonstrated that it is unlikely to have adverse impacts on the immediate and surrounding localities.
<b>DEO (d)</b>
The natural and scenic attributes of the Brisbane Valley are managed and protected to maintain biodiversity and ecological processes, and to promote continued economic development and the health and wellbeing of the community.
<b>Council officer comment</b>
The subject land is identified as having very minimal scenic amenity values. As the proposed development involves only an expansion to an existing poultry farm, it is anticipated that the development will not adversely impact on the natural and scenic attributes of the locality.
<b>DEO (e)</b>
The natural processes and water quality values of the Brisbane River and the Shire's other waterways and their catchments are maintained and enhanced;
<b>Council officer comment</b>
The subject land contains a first order stream which feeds into nearby Lockyer Creek. The existing and proposed development has been supported by a stormwater management plan which stipulates how stormwater is dealt with across the site. It is considered that the development will not adversely impact on the water quality of the locality.
<b>DEO (f)</b>



Places and landscapes of cultural heritage significance in the Shire are protected and managed in keeping with the aspirations of the community and the attainment of economic and other benefits; and a high quality built environment is achieved with development consistent with desired local character and sited so as to minimise the potential adverse impacts of flood, bushfire and landslide;
<b>Council officer comment</b>
The proposed development is an expansion to an existing poultry farm. The proposed additional poultry sheds are to be sleeved between the existing sheds, as such will not be an obtrusive addition. The development is consistent with the local character and is not considered to adversely impact on any natural hazards.
<b>DEO (g)</b>
An efficient and compact settlement pattern is achieved for the Shire that is functional and cost effective while also providing for: - the longer term growth opportunities for the four major towns of Esk, Lowood, Fernvale and Toogoolawah; - expansion of the villages in very limited circumstances where it is necessary to accommodate an activity which directly services the surrounding rural community; A high quality living environment is maintained in the Shire; land resources are used effectively and development is in harmony with the natural surrounding;
<b>Council officer comment</b>
The proposed development is not anticipated to impact on the desired settlement pattern of the region.
<b>DEO (h)</b>
Convenient access is achieved to a diversity of housing, services and facilities in established settlements.
<b>Council officer comment</b>
The application material has identified that the closest established settlement of Coominya will not be impacted by the development.

## 5.2 former Esk Shire's Planning Scheme compliance summary:

"The former Esk Shire Planning Scheme 2005 (as amended) identifies relevant codes and overlays against which the development is to be assessed with proposed solutions measured against the performance outcomes proposed by the Code. In instances where alternative solutions are provided in lieu of the probable solutions they are discussed below.

Applicable Code	Performance Outcome Compliance	Is Alternative Solution Provided?
Rural zone code	Yes	Not required
Intensive animal industries code	Yes	SO1
Applicable Overlay Code	Performance Outcome Compliance	Is Alternative Solution Provided?
Economic Resources overlay code	Yes	SO1
Catchment management overlay code	Yes	Not required

The development as proposed complies with the provisions of the relevant codes identified in the former Esk Shire Planning Scheme 2005 (as amended) with the exception of the following.

### Intensive animal industry code

#### SO1-Stated Specific Outcomes Sought and Probable Solutions

<b>Element (i): ENVIRONMENTAL IMPACTS</b>	
<b>Specific Outcomes</b>	<b>Probable Solutions</b>
SO1 Buildings, pens, other structures and waste treatment and disposal areas are to be located, constructed and managed such that the maximum number of animals intended to be kept on the land can be accommodated without creating significant adverse environmental and amenity impacts	PS1.1 All proposals for new or expanding intensive animal industries are to conform to the minimum separation distances and minimum site areas as nominated in table 1  OR  PS1.2 Development complies with separation distances contained within relevant State Government guidelines <sup>1</sup>
<b>Planning Comments</b>	
<p>The existing and proposed poultry farm is located about 3.5km from the village zoned land of the Coominya township, in lieu of the required 5km where in excess of 80,000 birds are proposed to be kept.</p> <p>The most recent change to the development application has included an odour impact assessment report. The odour impact assessment has identified that when utilising a K-Factor of 2.2 a number of unrelated properties are impacted by the 2.5 odour unit contour (plume).</p> <p>Since lodgement of the subject development application, an approval for a Preliminary Approval to override the planning scheme, which facilitates the use of surrounding land for more intensive animal industries has been approved by Council. The Preliminary approval included a large number of properties, including several that are specifically impacted by the odour plume associated with the subject development application.</p> <p>In particular, two properties (Lot 11 SP167573 and Lot 10 SP167573) which are identified by the subject application's odour impact assessment as being impacted by the highest odour value were included as part of the Preliminary Approval. This is of particular importance as the increase in odour value as a result of this development application is minimal when compared with the existing approved odour plume impacts. Given the inclusion of these properties in the Preliminary Approval, it is taken that an agreement has been reached by the applicant and these landowners regarding the ongoing potential odour impacts.</p> <p>Notwithstanding the above, there are two other adjoining properties (Lot 157 CA3114 and Lot 156 CA3114) that are impacted by the 2.5 odour unit plume, which are neither, included as part of the subject application, nor as part of the Preliminary Approval. Both lots are currently vacant and each have an area of about 33 hectares. Lot 157 is</p>	

<sup>1</sup> The current State Government guidelines are "Separation Distances for Queensland Piggeries" and the "Reference Manual for the Establishment and Operation of Beef Cattle Feedlots in Queensland."

currently impacted by the Preliminary Approval odour plume, however the impacted area is anticipated to increase as a result of the expanded farm. Lot 156 is not currently impacted by an odour plume, the proposed plume extends into a small section of the north eastern corner of Lot 156.

While the impact to Lot 157 is anticipated to worsen as a result of the subject development application, the anticipated increase is minimal and a significant portion of the lot remains for a future dwelling house.

It is anticipated that the expansion to the poultry farm can occur without causing significant adverse environmental and amenity impacts.

### Economic Resources overlay code

<b>Element (i): GOOD QUALITY AGRICULTURAL LAND (Map OM1A)</b>	
<b>Specific Outcomes</b>	<b>Probable Solutions</b>
<p>SO1 Development does not reduce the utility and productive capacity of good quality agricultural land in terms of:</p> <ul style="list-style-type: none"> <li>- farm practices being protected from adjacent uses;</li> <li>- adjacent uses not compromising agricultural operations;</li> <li>- avoiding residential uses encroaching onto agricultural land;</li> <li>- incorporating buffers to adjacent incompatible uses;</li> <li>- defining a boundary between agricultural land and residential areas</li> </ul>	<p>PS1.1 Development is not located on land that is or is adjoining good quality agricultural land identified on Map OM1A</p> <p>OR</p> <p>PS1.2 Development only occurs on land identified as good quality agricultural land on Map OM1A that has the following characteristics:</p> <ul style="list-style-type: none"> <li>- slope &gt;12%; or</li> <li>- soil depth &lt; 0.3m; or</li> <li>- 50% rock (&gt; 200mm in diameter)</li> </ul> <p>and does not result in the alienation or fragmentation of GQAL</p> <p>OR</p> <p>PS1.3 Where development is for extractive industry purposes, the site is rehabilitated to a state where its agricultural land class is in the category good quality agricultural land</p>
<b>Planning Comments</b>	
<p>The subject site is mapped by the former Esk Shire Planning Scheme as containing Good quality agricultural land (GQAL) (category C). Given the development involves only the expansion, by two sheds, to a poultry farm, it is not anticipated that the GQAL is going to be further detrimentally impacted by the development.</p> <p>It is considered that the development further adversely impacts the productivity of the GQAL.</p>	

### 6.0 ASSESSMENT – SOMERSET REGION PLANNING SCHEME

Since the lodgement of the original application, the Somerset Region Planning Scheme came into effect on 1 March 2016 and has been subsequently amended a number of times. As such, an assessment against the relevant provisions has also been provided as follows.

### 6.1 Strategic framework assessment

The development application has been assessed against the strategic framework of the planning scheme and is considered to support Council's overall 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.

#### 6.1.1 Settlement pattern

Element 3.3.10 of this theme provides specific outcomes for the development of high impact activities within the region, and seeks to ensure that the urban, rural residential, rural lifestyle and tourism focus areas are protected from impacts of high impact activities. High impact activities, such as poultry farms, must be appropriately located to protect the health, wellbeing, amenity and safety of communities and individuals from the impacts of air, noise, and odour emissions.

The proposal has demonstrated that the impacts of the development on surrounding communities can be managed, in particular in relation to odour.

The settlement pattern theme contains 13 elements. The most relevant elements to the proposal are discussed below.

<b>Element – High impact activities</b>	
<b>3.3.10.1 Specific outcomes</b>	<b>Council officer comment</b>
(a) The location of high impact activities in Somerset Region: <ul style="list-style-type: none"> <li>i. provides a reasonable level of amenity protection for towns, small townships, rural residential areas and other substantial settlements of established small rural lifestyle lots;</li> <li>ii. protects the amenity of the Principal Future Strategic Tourism Focus Area and the Lake Somerset Water-based Recreation Focus Area in order to promote tourism and recreation development opportunities in these two focus areas;</li> <li>iii. protects the long-term urban growth opportunities provided by the Glamorgan Vale Urban Investigation Area;</li> </ul>	<p>The subject land is located within a rural area which offers diverse land sizes. As part of the development application material, an odour assessment has been provided which has demonstrated that for the properties unrelated to the previously approved Preliminary Approval (Council reference DA21509), only a minor increase in odour impact is expected. The impacted property maintains a portion of unaffected land which could be developed for a future dwelling house.</p> <p>The proposed development demonstrates that the expansion to the poultry farm is appropriately located to protect the amenity of the immediate locality</p>

<p>iv. has no adverse impact on water quality in the catchments of the major drinking water storages of Lake Somerset, Lake Wivenhoe and the Mid- Brisbane River below Wivenhoe Dam;</p> <p>v. does not worsen the opportunity for rural activities to be undertaken on adjoining premises by way of impacts arising from the operation of the high impact activity.</p> <p>(b) High impact activities are appropriately located and managed to protect the health, well being, amenity, safety and environmental health of communities and individuals from the impacts of air, noise and odour emissions and from the impacts of hazardous materials;</p>	
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### 6.1.2 Natural environment

The natural environment theme contains four elements, namely biodiversity network, watercourses and wetlands, air and noise environment, and contaminated land. The subject land is included on the Biodiversity overlay map, in particular as containing Regulated Vegetation and containing a High Ecological Significance Wetland.

Element – Biodiversity network	
3.4.2.1 Specific outcomes	Council officer comment
<p>(a) The areas of ecological significance identified on Strategic Framework Map 2—Natural Environment are protected (including significant vegetation (remnant, regrowth and other vegetation of local significance), waterways and wetlands);</p> <p>(b) Areas of ecological significance are protected from the adverse impacts of development unless the proposal:</p> <p>(i) is a significant community project and/or for an infrastructure item identified on Strategic Framework Map 5—Access, Mobility and Infrastructure; or</p>	<p>The subject land contains mapped regulated vegetation (Category B), regulated vegetation (wetland) and High ecological significant wetland.</p> <p>The mapped vegetation coincides with the location of the wetland. The existing poultry farm is located about 300 metres from the wetland, the proposed sheds are further from the wetland. The development is already operating in accordance with a stormwater management plan, this is expected to continue.</p> <p>As such, the development is considered to not adversely impact on the vegetation or wetland.</p>

<ul style="list-style-type: none"> <li>(ii) is for a small-scale, low-impact, nature-oriented tourism activity; or</li> <li>(iii) avoids, mitigates or offsets the impacts of the development on the area of ecological significance;</li> </ul> <p>(b) Areas of ecological significance located adjacent to a development proposal are protected, mitigated or offset through appropriate measures that minimise impacts on the area of ecological significance, including setbacks to the area, fencing and supplementary planting, as deemed reasonable and relevant to the proposal; and</p> <p>(c) The integrity of the biodiversity corridors identified on Strategic Framework Map 2—Natural Environment are maintained or enhanced through the minimisation of development footprint and strategic rehabilitation works.</p>	
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<b>Element – Watercourses and wetlands</b>	
<b>3.4.3.1 Specific outcomes</b>	<b>Council officer comment</b>
<ul style="list-style-type: none"> <li>(a) The waterways and wetlands of Somerset Region identified on Strategic Framework Map 2 – Natural Environment are protected and enhanced;</li> <li>(b) Waterways and wetlands are protected from the adverse impacts of development unless the proposal: <ul style="list-style-type: none"> <li>(i) Is a significant community project and/or for an infrastructure item identified on Strategic Framework Map 5 – Access, Mobility and Infrastructure; or</li> <li>(ii) Is for small scale, low-impact, nature-oriented tourism activities; or</li> </ul> </li> </ul>	<p>As discussed previously, the mapped wetland is located about 300 metres from the development. The development is appropriately managed in accordance with a stormwater management plan. As such, it is considered that the development can proceed without adverse impacts.</p>

<p>(iii) Avoids, mitigates or offsets the impacts of the development on the waterway and/or wetland;</p> <p>(c) Waterways and wetlands located adjacent to a development proposal are protected, mitigated or offset through appropriate measures that minimise impacts on the waterway and/or wetland, including setbacks to the waterway and/or wetland, fencing and supplementary planting, as deemed reasonable and relevant to the proposal; and</p> <p>(d) Industry standard best practice water quality management principles are incorporated in development proposals in the region's towns and small townships.</p>	
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<b>Element – Air and noise environment</b>	
<b>3.4.4.1 Specific outcomes</b>	<b>Council officer comment</b>
<p>(a) Air, noise and odour emissions from development and their impacts on community health and wellbeing and the natural environment are minimised through appropriate design, siting, construction and operation;</p> <p>(b) High impact activities that are likely to generate noise or air emissions avoid unacceptable environmental and amenity impacts through appropriate separation from towns or urban areas, small townships, rural residential areas and other settlements of established small rural lifestyle lots, Regional Water Storages, the Principal Future Strategic Tourism Focus Areas, the Lake Somerset Water-based Recreation Focus Areas and the Glamorgan Vale Urban Investigation Areas; and</p> <p>(c) High impact industry is located, designed, constructed and operated to avoid or minimise air, odour and noise emissions and any potential impacts on sensitive land uses.</p>	<p>The proposal has been supported by an odour impact assessment. As discussed previously, a number of properties are identified as being currently impacted by odour from the existing and surrounding poultry farms and in some cases the odour impacts are anticipated to increase slightly as a result of the proposed development.</p> <p>The odour impact assessment has identified that the township of Coominya is not anticipated to be impacted by the development.</p> <p>The impacted properties that do not benefit from agreements between the applicant and the respective landowners are currently vacant. Lot 157 is impacted by the existing odour model approved as part of DA16915 and the odour anticipated by the subject development applicant represents a slight increase in the amount of land impacted. Given the size of the allotment, there is considerable land that remains available for the construction of a future dwelling house.</p> <p>It is considered that the proposed expansion can occur without causing significant adverse impacts to existing and</p>

	future sensitive receptors (dwelling houses).
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### 6.1.3 Natural resources

The natural environment theme contains five elements, namely agricultural land, extractive resources, mining tenements, forestry and potable water resources. As discussed previously, the subject land both historically and currently is mapped as containing quality agricultural land. The subject land is not impacted by the other elements applicable to this theme.

Element – Agricultural land	
3.5.2.1 Specific outcomes	Council officer comment
<p>(a) Agricultural land identified on Strategic Framework Map 4—Economic Development and Natural Resources is protected for sustainable agricultural uses, through avoidance from fragmentation, alienation and/or use for non-agricultural development unless there is an overriding need for the proposal and it cannot be located on an alternative site; and</p> <p>(b) Sensitive land uses that have the potential to generate land use conflict with the current or future use of agricultural land identified on Strategic Framework Map 4—Economic Development and Natural Resources for agricultural purposes are appropriately separated from that land</p>	<p>As discussed previously, the subject land contains mapped agricultural land. As the proposed development involves only an increase to the number of sheds, which are wholly contained within the existing development footprint, it is considered that the agricultural land will not be further impacted by the development.</p>

### 6.1.4 Community identity and regional landscape character

The community identity and regional landscape character of the region is not affected by the proposal, as the development does not compromise the existing or planned character of the regions centres, townships or rural living areas. There were no specific outcomes of this theme that were considered relevant to the assessment of the proposal.

### 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 subject land is specifically identified as part of this theme, as part of the Coominya Food Production Investigation Area.

Element – Rural production	
3.7.4.1 Specific outcomes	Council officer comment



<p>(a) Agricultural land identified on Strategic Framework Map 4—Economic Development and Natural Resources is protected for its highest and best use for cropping and intensive horticulture, animal husbandry, intensive animal husbandry and other appropriate rural uses that maintain the ongoing productive capacity of these lands;</p> <p>(b) Sensitive land uses that have the potential to generate land use conflict with the current or future agricultural use of agricultural land are appropriately separated from that land;</p> <p>(c) Rural industry is located in rural areas where:</p> <ul style="list-style-type: none"> <li>(i) the use is not more appropriately located in an industry area in a town;</li> <li>(ii) off-site impacts on amenity, including the impacts of air, noise and odour emissions, and hazardous materials on nearby sensitive land uses and infrastructure networks are appropriately managed; and</li> <li>(iii) not located on agricultural land, unless there is an overriding need for the proposal in terms of public benefit and there is no alternative site;</li> </ul> <p>(d) Intensive animal industry is appropriately located having regard to the achievement of the specific outcomes and land use strategies described in section 3.3.10—Element—High impact activities;</p> <p>(e) Tourism activities that are associated with and promote rural production are supported where they do not detract from the primary rural use of the rural area.</p>	<p>The subject land is identified on Strategic Framework Map 4 – Economic Development and Natural Resources as part of the Coominya Food Production Investigation Area and the proposal is consistent with the intent of the investigation area.</p> <p>The application has identified that the proposed expansion can occur without significant impacts to the nearby sensitive receptors and is appropriately located within the rural landscape.</p>
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### 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. No specific assessment of the specific outcomes was required in this instance.

### 6.1.7 Transport

The subject land fronts West Road, which is connected to Coominya Connection Road, which is the higher order State-controlled road. Given the size of the poultry farm expansion, it is not considered that the development will adversely affect the overall road network. No specific assessment of the specific outcomes was required in this instance.

### 6.2 Somerset Region Planning Scheme 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
Rural zone code	Yes	PO13, PO14
Intensive animal industry code	Yes	PO1
Services works and infrastructure code	Yes	Not required
Transport access and parking code	Yes	Not required
Applicable overlay code	Compliance with overall outcomes	Performance outcomes
Agricultural land overlay code	Yes	Not required
Biodiversity overlay code	Yes	Not required
Bushfire overlay code	Yes	Not required
Flood hazard overlay code	Yes	Not required
High impact activity management area overlay code	Yes	PO1

#### Rural zone code

Amenity	
Performance outcomes	Acceptable outcomes

<p><b>PO13</b> The design, location and operation of development does not result in any undue adverse impact on the amenity of the locality, having regard to:</p> <ul style="list-style-type: none"> <li>(a) hours of operation;</li> <li>(b) lighting;</li> <li>(c) noise;</li> <li>(d) dust, odour and other airborne emissions;</li> <li>(e) public health and safety;</li> <li>(f) traffic generation;</li> <li>(g) the use of <i>advertising devices</i>;</li> <li>(h) visual amenity; and</li> <li>(i) overlooking and privacy.</li> </ul>	<p><b>AO13</b> No acceptable outcome provided.</p>
<p><b>PO14</b> Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:</p> <ul style="list-style-type: none"> <li>(a) noise;</li> <li>(b) hours of operation;</li> <li>(c) traffic;</li> <li>(d) lighting;</li> <li>(e) <i>advertising devices</i>;</li> <li>(f) visual amenity;</li> <li>(g) privacy;</li> <li>(h) odour; or</li> <li>(i) emissions.</li> </ul>	<p><b>AO14</b> No acceptable outcome provided.</p>
<p><b>Planning Comments</b></p> <p>The odour modelling provided as part of the application material has identified that a number of surrounding sensitive receptors are already likely to be impacted by odour from nearby poultry farms. As discussed within this report, the subject land, and other surrounding properties benefits from a planning approval which facilitates the use of a number of properties for intensive animal industries. The sensitive receptors currently and identified as being further impacted by the development, form part of this overarching preliminary approval and as such, are considered to have consented to the ongoing potential impact of odour.</p> <p>It is anticipated that the expansion to the poultry farm can occur without causing significant adverse environmental and amenity impacts.</p>	

### Intensive animal industry code

Scale and intensity	
Performance outcomes	Acceptable outcomes
<p><b>PO1</b> The development incorporates a site layout, scale, and intensity that does not cause environmental nuisance or environmental harm and maintains:</p>	<p><b>AO1.4</b> <b>Where for a poultry farm:</b> All buildings and operational elements or a new or expanded facility are setback in accordance with <b>Table 8.2.10.3.D</b>.</p>

<ul style="list-style-type: none"> <li>(a) the character, landscape and scenic and visual amenity values of the locality;</li> <li>(b) the amenity and environmental health of <i>sensitive land uses</i>;</li> <li>(c) water quality in the catchments of the major drinking water storages</li> <li>(d) amenity and image of a tourism or recreation focus area</li> <li>(e) areas of ecological significance; and</li> <li>(f) the operation of lawfully existing <i>rural activities</i>.</li> </ul>	<p><b>AO1.5</b>  <b>Where for a poultry farm:</b>            Separation distances between the poultry farm building complex and a <i>sensitive land use</i> (not on the site of the poultry farm) are determined on a site-by-site basis using odour dispersion modelling.</p> <p>Where involving over 1,000 birds the modelling levels must be assessed against the following criteria:</p> <ul style="list-style-type: none"> <li>(a) 2.5 OU, 99.5%, 1 hour average for a sensitive land use site in a Rural zone</li> <li>(b) 1.0 OU, 99.5%, 1 hour average for the boundary of a non-Rural zone.</li> </ul>
<p><b>Planning Comments</b></p> <p>As discussed previously, despite a number of sensitive receptors being impacted by the anticipated odour, these receptors are considered to have entered into an agreement with the applicant which ensures that current and future landowners are aware of the potential impacts.</p> <p>It is anticipated that the expansion to the poultry farm can occur without causing significant adverse environmental and amenity impacts.</p>	

### High impact activities management area overlay

Performance outcomes	Acceptable outcomes
<p><b>PO1</b>  <i>High impact activities</i> in Somerset Region are appropriately located and operated to:</p> <ul style="list-style-type: none"> <li>(a) maintain the amenity of the <i>high impact activity management area</i>, having regard to the following:               <ul style="list-style-type: none"> <li>(i) air quality, including dust and odour;</li> <li>(ii) water quality;</li> <li>(iii) noise; and</li> <li>(iv) amenity considerations relevant to the <i>site</i>, locality and region;</li> </ul> </li> <li>(b) protect the opportunity for the compact urban expansion of the towns of Esk, Fernvale, Kilcoy, Lowood and Toogoolawah and the possible future development of the Glamorgan Vale Urban Investigation Area, from the impacts of <i>high impact activities</i>;</li> <li>(c) protect opportunities for tourism development; and</li> </ul>	<p><b>AO1.1</b>  <i>High impact activities</i> located within the <i>high impact activity management area</i> as shown on the <b><i>High impact activities management area overlay maps OM008a-b</i></b> are supported by a detailed site analysis that confirms that the site is suitable for the proposed high impact activity in terms of effective buffering from sensitive uses and appropriate access to water.</p>

(d) contribute to the management of water quality in the regional water storages of Lake Somerset and Lake Wivenhoe.	
<b>Planning Comments</b>	
The subject land contained within the High impact activities management area overlay, as discussed previously, while the subject land is located within close proximity to areas of higher density, the application has provided sufficient justification to demonstrate compliance with the planning outcomes.	

## 7.0 OTHER PLANNING CONSIDERATIONS

### Infrastructure charges

The proposed development is for Intensive animal industry which is identified as being a High Impact Rural under *Somerset Regional Council Charges Resolution (No. 1) 2022*.

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

### Trunk infrastructure requirements

#### Drinking water and wastewater networks

The site is not located within the connections area or future connections area for either the drinking water and wastewater networks, and as such the development requires the provision of onsite services. The recommended conditions package includes a requirement to provide drinking water storage in accordance with Council standards, and to connect the development to an approved onsite wastewater treatment system.

Additional water/supply is also required to support the development, it is considered that the existing water supply arrangement will be sufficient to support the additional bird numbers. Conditions requiring appropriate water supply are recommended.

#### Public parks and community land network

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

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

#### Stormwater network

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

There is no applicable adopted charge for the stormwater network as the site is located outside of the Urban Footprint.

#### Transport network

The subject directly accesses Council's road network (West Road). Given the development involves only a minor increase in the number of sheds/birds and as such, it is not considered that the development will cause an unreasonable impact on the local road network.

An adopted charge for the transport network applies.

## 8.0 STATE AGENCY REFERRALS

### Concurrence Agencies

#### Department of State Development, Infrastructure and Planning

The State Development, Infrastructure and Planning as a concurrence agency has assessed the impact of the proposed development and has no requirements as indicated on the attached response. Reference: SDA-0614-011637 dated 23 October 2014.

### Advice Agencies

There are no Advice Agencies relating to this application.

## 9.0 PUBLIC NOTIFICATION

The application was subject to impact assessment, and public notification was required. The application was publicly notified in accordance with the requirements of the *Sustainable Planning Act 2009* as follows:

- (a) public notification was served to all adjoining landowners on 13 May 2015;
- (b) a notice was published in the Gatton Star newspaper on 13 May 2015;
- (c) a notice in the prescribed form was placed on the premises on 13 May 2015

Council received the notice of compliance on 11 June 2015, confirming that public notification had been undertaken in accordance with the statutory requirements.

Seven submissions were received during the consultation period, six submissions are considered to be properly made.

### Matters raised in submissions

The matters raised in the submissions are outlined below:

#### Submission concern – Odour impacts

A number of submissions raised concerns about the odour impacts of the proposed development. In particular concerns raised about the actual impacts already being felt at the time from the existing farm.

#### Officer comment

At the time of public notification the application proposed an additional six sheds, 12 in total and the odour modelling at the time showed a significant worsening in odour over a number of properties. Since consultation has occurred, the development application has undertaken a number of changes, most recently to reduce the number of additional sheds to two, eight in total. With a reduction in sheds (and subsequent bird numbers), the anticipated odour impacts have also reduced since the application was originally advertised.

The odour model provided to support the additional two sheds identifies that that only two properties, both of which are currently vacant and not included as part of the Preliminary approval, are likely to be further impacted by the expansion.

It is recommended that the standard development conditions be imposed.

#### Submission concern – Property values

Submissions raised concerns about the proposed development adversely impacting their property values.

#### Officer comment

A number of submissions raised concerns about the impact of the existing and proposed expansion to the development application adversely impacting the value of their property.

This matter is not considered a planning matter and is not a reason for refusal of the application. No additional development conditions are recommended.

**Further submission consideration**

In addition to the submissions received during the formal consultation period, more recently a submission was received from an adjoining land owner impacted by the 2.5 odour unit plume. The submission raised concerns about the potential impact on their properties from the increased odour. The concerns raised have been reviewed and on balance the anticipated additional odour impacts are regarded as minimal, considering:

- existing approved odour impacts present over one of the adjoining lots;
- the existing intensive animal industries operating within the immediate locality;
- the large area remaining to be utilised to construct a future dwelling house on the existing lots.

**OTHER RELEVANT MATTERS****Reasonable expectations of the community**

In determining whether a development is consistent with the reasonable expectations of the community, it is relevant to consider:

- (a) what are the expectations of the community;
- (b) the reasonableness of those expectations considering the planning provisions applying to the subject land; and
- (c) after the reasonable expectations are identified by following the first two steps, consideration of the extent to which those expectations are consistent with the proposed development.

The subject land is benefitted by an existing approval for a poultry farm containing six sheds and a total of 270,000 birds. The proposal represents an increase of two sheds and 90,000 birds, total of 360,000 birds. Since the original development application lodgement the Brisbane Valley Protein Precinct (the Protein Precinct) has substantially advanced. Council has approved an overriding Preliminary Approval over the Protein Precinct and a development permit has been granted for two separate broiler poultry farms which form part of the Protein Precinct. One of these farms has subsequently been constructed and is currently in operation.

As part of the preparation of the application seeking a Preliminary Approval to override the planning scheme, the applicant undertook considerable community engagement which educated the local community on their future aspirations for the area. As a result, the local community has a reasonable expectation of the establishment of development consistent with the Protein Precinct, for which this development application is consistent.

**Public interest**

It is acknowledged that the poultry industry generally contributes to the community by providing a protein product for consumption. The development application has provided sufficient evidence to support the proposal.

**CONCLUSION**

The proposed development is for material change of use for the expansion to an existing broiler poultry farm. The application involves an additional 90,000 birds across two additional sheds. The application has been supported by documentation which identifies that the impacts on surrounding sensitive receptors is considered to be minor when compared to the impacts already approved by existing related development approvals.

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

### 10.0 ATTACHMENT

1. Site plan – Drawing No. D 01 – prepared by Santrev Pty Ltd – dated 6 June 2022
2. Farm layout – Drawing No. D 02 – prepared by Santrev Pty Ltd – dated 6 June 2022
3. 2 Shed layout – Drawing No. D 03 – prepared by Santrev Pty Ltd – dated 6 June 2022
4. Elevations – 1 to 4 – Drawing No. D 04 – prepared by Santrev Pty Ltd – dated 6 June 2022
5. Odour Assessment Study of a Proposed Expansion to the West Road Poultry Farm – Reference D21131-2 Odour assessment study poultry farm expansion – prepared by Katestone – dated July 2022
6. Draft Infrastructure Charges Notice

### RECOMMENDED DECISION

THAT Council:

1. approve Development Application No. 14350 for a Development Permit for Material Change of Use for an expansion to an Intensive animal husbandry (poultry farm – two additional sheds (eight sheds in total) and maximum of 90,000 additional birds and a total of 360,000 birds) on land situated at 390 West Road, Coominya, formally described as Lot 12 SP167573, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.

SCHEDULE 1 – GENERAL CONDITIONS		
No	Condition	Timing
1.1	<p>Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.</p> <ol style="list-style-type: none"> <li>1. Site plan – Drawing No. D 01 – prepared by Santrev Pty Ltd – dated 6 June 2022</li> <li>2. Farm layout – Drawing No. D 02 – prepared by Santrev Pty Ltd – dated 6 June 2022</li> <li>3. 2 Shed layout – Drawing No. D 03 – prepared by Santrev Pty Ltd – dated 6 June 2022</li> <li>4. Elevations – 1 to 4 – Drawing No. D 04 – prepared by Santrev Pty Ltd – dated 6 June 2022</li> <li>5. Odour Assessment Study of a Proposed Expansion to the West Road Poultry Farm – Reference D21131-2 Odour assessment study poultry farm expansion – prepared by Katestone – dated July 2022</li> </ol>	At all times.
1.2	Comply with relevant provisions of the former Esk Shire Planning Scheme 2005 (as amended); Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Before the change happens.



	<b>Bird numbers</b>	
1.5	The maximum number of birds to be housed at any one time is 360,000 birds, with a maximum of 45,000 birds permitted in each shed.	At all times.
	<b>Farm operation</b>	
1.6	The poultry farm is to operate as a conventional broiler farm.	At all times.
	<b>Landscaping</b>	
1.7	The existing landscaped earth mound surrounding the shed pad is to be maintained and appropriately landscaped to provide sufficient screening of the development.	At all times.
	<b>Shed design</b>	
1.8	Sheds are to be constructed in similar colours as the existing sheds and be of a non-reflective colorbond.	As part of building works.
	<b>Water supply</b>	
1.9	The development is to be provided with a suitable water supply which services the needs of the poultry and also the operation of the farm.  If necessary, seek the appropriate approvals to obtain the required water supply.	At all times.
<b>SCHEDULE 2 – Engineering</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Esk Shire Planning Scheme</i> .	At all times.
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times.
	<b>BUILDING ABOVE FLOOD LEVEL</b>	
2.3	Buildings are located to avoid significant flood flows or velocities.	At all times.
2.4	The development does not increase the flood hazard for other properties.	At all times.
	<b>VEHICLE ACCESS</b>	
2.5	All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Esk Shire Planning Scheme</i> .	At all times.
2.6	All vehicles shall enter and leave the site in a forward gear	At all times.
2.7	The existing access to Coominya Connection Road is to be utilised as part of the development. No new access points are permitted.	At all times.

	<b>STORMWATER</b>	
2.8	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.9	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.
2.10	Stormwater drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.11	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.
2.12	<p>Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer Queensland (RPEQ), which generally conforms to the approved development plan/s and <i>Somerset Regional Council Development Standards</i>.</p> <p>The SBSMP should include the following:</p> <ul style="list-style-type: none"> <li>• Quantity and quality of stormwater to be released from the development;</li> <li>• All sources of potential contamination (including but not limited to the actual and potential release of all contaminants;</li> <li>• The potential impact of these sources;</li> <li>• Impact of the release of stormwater from the development on the quality and integrity of the receiving environment;</li> <li>• Measures to be implemented to prevent the likelihood of stormwater contamination; and</li> <li>• Maintenance schedule.</li> </ul>	Prior to commencement of use.
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.13	<p>Erosion and sedimentation controls shall be implemented in accordance with current 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:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul>	At all times.

	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.	
2.14	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project, and to prevent dust nuisance.	At all times.
2.15	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	At all times.
2.16	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> <li>i) Milling;</li> <li>ii) Chipping and/or mulching</li> <li>iii) Disposal at an approved waste disposal facility.</li> <li>iv) Burning provided fire permits are in place.</li> </ul> <p>Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times
2.17	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times.
<b>SCHEDULE 3 – Environmental Assessment Manager</b>		
<b>No.</b>	<b>Condition</b>	<b>Timing</b>
	<b>General</b>	
3.1	Notwithstanding any other condition of this development approval, this development approval does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance or harm beyond the boundaries of the development site.	At all times
3.2	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.
3.3	The approved use shall not cause any adverse impact on the amenity of the neighbourhood by the emission of noise, vibration, odour, glare, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	At all times.

3.4	The approval holder must not implement any management plan prepared as a condition of this development permit, or amend any management plan, where such implementation or amendment would result in a contravention of any condition of this development approval.	At all times.
	<b>Site Based Environmental Management Plan</b>	
3.5	<p>A Site Based Environmental Management Plan (SBEMP) must be prepared and submitted to Council for their approval.</p> <p>The SBEMP must address the following matters:</p> <ul style="list-style-type: none"> <li>▪ Environmental commitments – a commitment by senior management to achieve environmental goals.</li> <li>▪ Identification of environmental issues and potential impacts covering at least air quality, water quality, land degradation and contamination as well as waste management.</li> <li>▪ Control measures for design, construction and routine operations to minimise the likelihood of causing environmental harm.</li> </ul> <p><b>Note - These should include:</b></p> <ul style="list-style-type: none"> <li>▪ References to the location and extent of the area affected by site activities as shown on the plan of development;</li> <li>▪ Procedures to be implemented to effect environmental management such as shed washing/ disinfecting and collection of waste water and so on;</li> <li>▪ Facilities for the storage of fuels, chemicals, and other potential contaminants</li> <li>▪ Contingency plans and emergency procedures for non-routine situations.</li> <li>▪ Organisational structure and responsibility.</li> <li>▪ Effective communication.</li> <li>▪ The monitoring of releases of contaminants into the environment.</li> <li>▪ Conducting environmental impact assessment of any releases.</li> <li>▪ Staff training, in particular, the promotion of awareness of environmental issues and the prevention of adverse environmental impacts from the operations of the approved development.</li> <li>▪ Record keeping.</li> <li>▪ The periodic review of environmental performance and continual improvement</li> </ul> <p>A copy of the Site Based Environmental Management Plan approved pursuant to this condition must be kept at the approved place and be made available to all employees and an authorised officer of Council, upon request by an employee or that officer.</p>	Prior to the commencement of the use.
3.6	The development is to comply with Site Based Environmental Management Plan.	At all times.

	<b>Review of Site Based Environmental Management Plan</b>							
3.7	<p>The approved Site-Based Management Plan must provide provisions for a review of this Plan to be carried out at least:</p> <p>a) immediately a potential or actual source of environmental contamination, that is not already identified in the Plan, is realised; or otherwise</p> <p>b) Every two years after the commencement of the use.</p> <p>Changes, to procedures and operations for carrying out the approved development realised by any review process, must be implemented immediately.</p>	At all times.						
	<b>Lighting</b>							
3.8	<p>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.</p>	At all times.						
	<b>Noise</b>							
3.9	<p>The approval holder must ensure:</p> <p>a) Vehicle and forklift manoeuvring areas and access roads are to be well maintained with minimal obstacles which may cause loads to react (i.e. speed bumps, pot holes and grates);</p> <p>b) Care is taken during loading and unloading of trucks during catch out to reduce the impacts on surrounding properties;</p> <p>c) Regular and effective maintenance of stationary and mobile equipment is to be undertaken to ensure acoustic outputs are maintained.</p>	At all times.						
3.10	<p>All onsite roads must be well maintained to minimise truck bounce as they move around the site. Vehicles using internal roads must be limited to 20km/hr.</p>	At all times.						
3.11	<p>Mechanical plant must be designed and installed to comply with the noise criterion presented in condition 2.13.</p>	At all times.						
3.12	<p>Noise Levels at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level <math>L_{Amax\ adj,T}</math></p> <table><tr><td></td><td><u>Period</u></td></tr><tr><td>Background noise level plus 8 dB(A)</td><td>7 am – 6 pm</td></tr><tr><td>Background noise level plus 5 dB(A)</td><td>6 pm – 10 pm</td></tr></table>		<u>Period</u>	Background noise level plus 8 dB(A)	7 am – 6 pm	Background noise level plus 5 dB(A)	6 pm – 10 pm	At all times.
	<u>Period</u>							
Background noise level plus 8 dB(A)	7 am – 6 pm							
Background noise level plus 5 dB(A)	6 pm – 10 pm							

	<p>Background noise level plus 3 dB(A) 10 pm – 7 am</p> <p>Noise Levels at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level <math>L_{Amax\ adj, T}</math></p> <p style="text-align: center;"><u>Period</u></p> <p>Background noise level plus 10 dB(A) 7 am – 6 pm  Background noise level plus 10 dB(A) 6 pm – 10 pm  Background noise level plus 8 dB(A) 10 pm – 7 am</p>	
	<b>Noise levels – monitoring and recording</b>	
3.13	<p>When requested by Council, monitoring and recording of noise levels must be undertaken to investigate any non-vexatious or frivolous complaint caused by noise emissions from operations at the premises. Such monitoring must be undertaken within a reasonable and practicable timeframe nominated by the Council and be carried out by a suitably qualified and experienced person. Once completed, the results of such monitoring must be submitted to the Council for review and any recommendations made in the report implemented.</p>	At all times.
	<b>Deceased Birds</b>	
3.14	<p>All deceased birds from the poultry farm shall be:</p> <ul style="list-style-type: none"> <li>Where required to be stored on site, held under refrigeration at a temperature of no greater than 5 Degrees Celsius.</li> <li>Not be stored on site for greater than 7 days;</li> <li>Transported from site by an approved waste transporter;</li> <li>Disposed of at an approved disposal or treatment facility.</li> </ul>	At all times.
	<b>Dust</b>	
3.15	<p>Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place, namely –</p> <p>Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard 3580.10.1 – 2003 or more recent edition;</p> <p>OR</p>	At all times.

	<p>A concentration of particulate matter with an aerodynamic diameter of less than 2.5 micrometres (PM<sub>2.5</sub>) suspended in the atmosphere of 25 micrograms per cubic metre over a 24 hour averaging time each year, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with Australian Standard 3580.9.10 – 2006 (or more recent edition) “Ambient air – Particulate matter – Determination of suspended particulate PM<sub>2.5</sub> low-volume sampler with size selective inlet – Gravimetric method” or Australian Standard 3580.9.7 – 2009 (or more recent edition)</p> <p>OR</p> <p>“Ambient air – Particulate matter - Determination of suspended particulate matter – Dichotomous sampler (PM<sub>10</sub> and PM<sub>2.5</sub>) – Gravimetric method.</p> <p>OR</p> <p>Any alternative method of monitoring PM<sub>10</sub> which may be permitted by the “Air Quality Sampling Manual” as published from time to time by the Department of Environment and Heritage Protection.</p>	
	<b>Waste</b>	
3.16	<p>Waste must not be:</p> <ul style="list-style-type: none"> <li>• burnt or buried at or on the development site; nor</li> <li>• allowed to be burnt or buried at or on the development site; nor</li> <li>• removed from the development site and burnt elsewhere</li> <li>• stockpiled on the development site; nor processed on the development site unless permitted under an approved management plan under a condition of this approval.</li> </ul>	At all times.
	<b>Contaminants</b>	
3.17	Contaminants must not be directly or indirectly released from the development site to surface waters or the bed and banks of any surface waters except as permitted under an approved management plan under a condition of this approval.	At all times.
<b><u>SCHEDULE 4 – REFERRAL AGENCY</u></b> <b><u>DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING</u></b> <i>Concurrence Agency Status</i> <i>Agency Response: No requirements</i>		
4.1	The State Development, Infrastructure and Planning as a concurrence agency has assessed the impact of the proposed development and has no requirements as indicated on the attached response. Reference: SDA-0614-011637 dated 23 October 2014.	
4.2	The Department of Transport and Main Roads Referral Agency response (Conditions and Statement of Reasons) will be attached to Council’s Decision Notice for DA14350.	

<b>Advice</b>	
This approval has effect in accordance with the provisions of <i>Division 5 Section 339</i> of the <b><i>Sustainable Planning Act 2009</i></b> . <i>[A copy of Section 339 will be enclosed with the Decision Notice]</i>	
<b>Relevant Period</b> - Pursuant to <i>Section 341</i> of the 'Act' the approval will lapse if the first change of the use under the approval does not start within the 'relevant period' – four (4) years starting the day the approval takes effect.	
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Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.	
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from Council's Manager of Operations if in his opinion a dust nuisance exists.	
Pursuant to Division 8 Section 461 of the <b><i>Sustainable Planning Act 2009</i></b> , the Applicant has the Right of Appeal to the <b><i>Planning and Environment Court</i></b> regarding any condition of this approval; another matter stated in the development approval and the identification or inclusion of a code under <i>section 242</i> of the 'Act'. <i>[A copy of the Right of Appeal will be enclosed with the Decision Notice]</i>	
<p>Parts of the Somerset Region are within Fire Ant Biosecurity Zones.</p> <p>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>).</p> <p>If you are unable to do so, you must apply for a biosecurity instrument permit.</p> <p>Penalties can also apply to individuals and businesses that do not use fire ant-safe practices before moving materials.</p> <p>It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.</p> <p>The Fire Ant Biosecurity Zones as well as general information can be viewed on the DAF website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a></p>	



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Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.

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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.

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#### Attachments for the Decision Notice include:

1. Site plan – Drawing No. D 01 – prepared by Santrev Pty Ltd – dated 6 June 2022
2. Farm layout – Drawing No. D 02 – prepared by Santrev Pty Ltd – dated 6 June 2022
3. 2 Shed layout – Drawing No. D 03 – prepared by Santrev Pty Ltd – dated 6 June 2022
4. Elevations – 1 to 4 – Drawing No. D 04 – prepared by Santrev Pty Ltd – dated 6 June 2022
5. Odour Assessment Study of a Proposed Expansion to the West Road Poultry Farm – Reference D21131-2 Odour assessment study poultry farm expansion – prepared by Katestone – dated July 2022

#### Resolution

Moved – Cr Choat

Seconded – Cr Gaedtke

“THAT Council:

1. approve Development Application No. 14350 for a Development Permit for Material Change of Use for an expansion to an Intensive animal husbandry (poultry farm – two additional sheds (eight sheds in total) and maximum of 90,000 additional birds and a total of 360,000 birds) on land situated at 390 West Road, Coominya, formally described as Lot 12 SP167573, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.

#### SCHEDULE 1 – GENERAL CONDITIONS

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.

	6. Site plan – Drawing No. D 01 – prepared by Santrev Pty Ltd – dated 6 June 2022 7. Farm layout – Drawing No. D 02 – prepared by Santrev Pty Ltd – dated 6 June 2022 8. 2 Shed layout – Drawing No. D 03 – prepared by Santrev Pty Ltd – dated 6 June 2022 9. Elevations – 1 to 4 – Drawing No. D 04 – prepared by Santrev Pty Ltd – dated 6 June 2022 10. Odour Assessment Study of a Proposed Expansion to the West Road Poultry Farm – Reference D21131-2 Odour assessment study poultry farm expansion – prepared by Katestone – dated July 2022	
1.2	Comply with relevant provisions of the former Esk Shire Planning Scheme 2005 (as amended); Planning Scheme Policies and Local Laws.	At all times.
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times during the construction phase.
1.4	Pay to Council any outstanding rates, charges or expenses levied by Council over the subject land	Before the change happens.
	<b>Bird numbers</b>	
1.5	The maximum number of birds to be housed at any one time is 360,000 birds, with a maximum of 45,000 birds permitted in each shed.	At all times.
	<b>Farm operation</b>	
1.6	The poultry farm is to operate as a conventional broiler farm.	At all times.
	<b>Landscaping</b>	
1.7	The existing landscaped earth mound surrounding the shed pad is to be maintained and appropriately landscaped to provide sufficient screening of the development.	At all times.
	<b>Shed design</b>	
1.8	Sheds are to be constructed in similar colours as the existing sheds and be of a non-reflective colorbond.	As part of building works.
	<b>Water supply</b>	
1.9	The development is to be provided with a suitable water supply which services the needs of the poultry and also the operation of the farm.  If necessary, seek the appropriate approvals to obtain the required water supply.	At all times.
<b>SCHEDULE 2 – Engineering</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>

2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Esk Shire Planning Scheme</i> .	At all times.
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times.
	<b>BUILDING ABOVE FLOOD LEVEL</b>	
2.3	Buildings are located to avoid significant flood flows or velocities.	At all times.
2.4	The development does not increase the flood hazard for other properties.	At all times.
	<b>VEHICLE ACCESS</b>	
2.5	All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Esk Shire Planning Scheme</i> .	At all times.
2.6	All vehicles shall enter and leave the site in a forward gear	At all times.
2.7	The existing access to Coominya Connection Road is to be utilised as part of the development. No new access points are permitted.	At all times.
	<b>STORMWATER</b>	
2.8	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.9	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.
2.10	Stormwater drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.11	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.
2.12	<p>Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer Queensland (RPEQ), which generally conforms to the approved development plan/s and <i>Somerset Regional Council Development Standards</i>.</p> <p>The SBSMP should include the following:</p> <ul style="list-style-type: none"> <li>Quantity and quality of stormwater to be released from the development;</li> </ul>	Prior to commencement of use.

	<ul style="list-style-type: none"> <li>• All sources of potential contamination (including but not limited to the actual and potential release of all contaminants;</li> <li>• The potential impact of these sources;</li> <li>• Impact of the release of stormwater from the development on the quality and integrity of the receiving environment;</li> <li>• Measures to be implemented to prevent the likelihood of stormwater contamination; and</li> <li>• Maintenance schedule.</li> </ul>	
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.13	<p>Erosion and sedimentation controls shall be implemented in accordance with current 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:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
2.14	Measures shall be applied to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project, and to prevent dust nuisance.	At all times.
2.15	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility and general solid waste to be disposed of at approved landfill sites with the contractor covering all costs incurred for the receipt and management of the waste.	At all times.
2.16	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> <li>v) Milling;</li> <li>vi) Chipping and/or mulching</li> <li>vii) Disposal at an approved waste disposal facility.</li> <li>viii) Burning provided fire permits are in place.</li> </ul> <p>Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times
2.17	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times.

<b>SCHEDULE 3 – Environmental Assessment Manager</b>		
<b>No.</b>	<b>Condition</b>	<b>Timing</b>
	<b>General</b>	
3.1	Notwithstanding any other condition of this development approval, this development approval does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance or harm beyond the boundaries of the development site.	At all times
3.2	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.
3.3	The approved use shall not cause any adverse impact on the amenity of the neighbourhood by the emission of noise, vibration, odour, glare, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	At all times.
3.4	The approval holder must not implement any management plan prepared as a condition of this development permit, or amend any management plan, where such implementation or amendment would result in a contravention of any condition of this development approval.	At all times.
	<b>Site Based Environmental Management Plan</b>	
3.5	<p>A Site Based Environmental Management Plan (SBEMP) must be prepared and submitted to Council for their approval.</p> <p>The SBEMP must address the following matters:</p> <ul style="list-style-type: none"> <li>Environmental commitments – a commitment by senior management to achieve environmental goals.</li> <li>Identification of environmental issues and potential impacts covering at least air quality, water quality, land degradation and contamination as well as waste management.</li> <li>Control measures for design, construction and routine operations to minimise the likelihood of causing environmental harm.</li> </ul> <p><b>Note - These should include:</b></p> <ul style="list-style-type: none"> <li>References to the location and extent of the area affected by site activities as shown on the plan of development;</li> <li>Procedures to be implemented to effect environmental management such as shed washing/ disinfecting and collection of waste water and so on;</li> <li>Facilities for the storage of fuels, chemicals, and other potential contaminants</li> <li>Contingency plans and emergency procedures for non-routine situations.</li> <li>Organisational structure and responsibility.</li> <li>Effective communication.</li> </ul>	Prior to the commencement of the use.

	<ul style="list-style-type: none"> <li>▪ The monitoring of releases of contaminants into the environment.</li> <li>▪ Conducting environmental impact assessment of any releases.</li> <li>▪ Staff training, in particular, the promotion of awareness of environmental issues and the prevention of adverse environmental impacts from the operations of the approved development.</li> <li>▪ Record keeping.</li> <li>▪ The periodic review of environmental performance and continual improvement</li> </ul> <p>A copy of the Site Based Environmental Management Plan approved pursuant to this condition must be kept at the approved place and be made available to all employees and an authorised officer of Council, upon request by an employee or that officer.</p>	
3.6	The development is to comply with Site Based Environmental Management Plan.	At all times.
	<b>Review of Site Based Environmental Management Plan</b>	
3.7	<p>The approved Site-Based Management Plan must provide provisions for a review of this Plan to be carried out at least:</p> <ul style="list-style-type: none"> <li>a) immediately a potential or actual source of environmental contamination, that is not already identified in the Plan, is realised; or otherwise</li> <li>b) Every two years after the commencement of the use.</li> </ul> <p>Changes, to procedures and operations for carrying out the approved development realised by any review process, must be implemented immediately.</p>	At all times.
	<b>Lighting</b>	
3.8	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any other premises outside the boundaries of the property to which this development permit relates.	At all times.
	<b>Noise</b>	
3.9	<p>The approval holder must ensure:</p> <ul style="list-style-type: none"> <li>d) Vehicle and forklift manoeuvring areas and access roads are to be well maintained with minimal obstacles which may cause loads to react (i.e. speed bumps, pot holes and grates);</li> <li>e) Care is taken during loading and unloading of trucks during catch out to reduce the impacts on surrounding properties;</li> </ul>	At all times.

	f) Regular and effective maintenance of stationary and mobile equipment is to be undertaken to ensure acoustic outputs are maintained.	
3.10	All onsite roads must be well maintained to minimise truck bounce as they move around the site. Vehicles using internal roads must be limited to 20km/hr.	At all times.
3.11	Mechanical plant must be designed and installed to comply with the noise criterion presented in condition 2.13.	At all times.
3.12	<p>Noise Levels at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level <math>L_{Amax\ adj, T}</math></p> <p style="text-align: center;"><u>Period</u></p> <p>Background noise level plus 8 dB(A) 7 am – 6 pm  Background noise level plus 5 dB(A) 6 pm – 10 pm  Background noise level plus 3 dB(A) 10 pm – 7 am</p> <p>Noise Levels at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level <math>L_{Amax\ adj, T}</math></p> <p style="text-align: center;"><u>Period</u></p> <p>Background noise level plus 10 dB(A) 7 am – 6 pm  Background noise level plus 10 dB(A) 6 pm – 10 pm  Background noise level plus 8 dB(A) 10 pm – 7 am</p>	At all times.
	<b>Noise levels – monitoring and recording</b>	
3.13	When requested by Council, monitoring and recording of noise levels must be undertaken to investigate any non-vexatious or frivolous complaint caused by noise emissions from operations at the premises. Such monitoring must be undertaken within a reasonable and practicable timeframe nominated by the Council and be carried out by a suitably qualified and experienced person. Once completed, the results of such monitoring must be submitted to the Council for review and any recommendations made in the report implemented.	At all times.
	<b>Deceased Birds</b>	
3.14	<p>All deceased birds from the poultry farm shall be:</p> <ul style="list-style-type: none"> <li>Where required to be stored on site, held under refrigeration at a temperature of no greater than 5 Degrees Celsius.</li> <li>Not be stored on site for greater than 7 days;</li> <li>Transported from site by an approved waste transporter;</li> </ul>	At all times.

	<ul style="list-style-type: none"> <li>Disposed of at an approved disposal or treatment facility.</li> </ul>	
	<b>Dust</b>	
3.15	<p>Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place, namely –</p> <p>Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard 3580.10.1 – 2003 or more recent edition;</p> <p>OR</p> <p>A concentration of particulate matter with an aerodynamic diameter of less than 2.5 micrometres (PM<sub>2.5</sub>) suspended in the atmosphere of 25 micrograms per cubic metre over a 24 hour averaging time each year, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with Australian Standard 3580.9.10 – 2006 (or more recent edition) “Ambient air – Particulate matter – Determination of suspended particulate PM<sub>2.5</sub> low-volume sampler with size selective inlet – Gravimetric method” or Australian Standard 3580.9.7 – 2009 (or more recent edition)</p> <p>OR</p> <p>“Ambient air – Particulate matter - Determination of suspended particulate matter – Dichotomous sampler (PM<sub>10</sub> and PM<sub>2.5</sub>) – Gravimetric method.</p> <p>OR</p> <p>Any alternative method of monitoring PM<sub>10</sub> which may be permitted by the “Air Quality Sampling Manual” as published from time to time by the Department of Environment and Heritage Protection.</p>	At all times.
	<b>Waste</b>	
3.16	<p>Waste must not be:</p> <ul style="list-style-type: none"> <li>burnt or buried at or on the development site; nor</li> <li>allowed to be burnt or buried at or on the development site; nor</li> <li>removed from the development site and burnt elsewhere</li> <li>stockpiled on the development site; nor processed on the development site unless permitted under an approved management plan under a condition of this approval.</li> </ul>	At all times.
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3.17	Contaminants must not be directly or indirectly released from the development site to surface waters or the bed and banks of any surface waters except as permitted under an approved management plan under a condition of this approval.	At all times.
<b><u>SCHEDULE 4 – REFERRAL AGENCY</u></b>		
<b><u>DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING</u></b>		
Concurrence Agency Status		
Agency Response: No requirements		
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<b>Advice</b>		
This approval has effect in accordance with the provisions of <i>Division 5 Section 339</i> of the <b><i>Sustainable Planning Act 2009</i></b> . <i>[A copy of Section 339 will be enclosed with the Decision Notice]</i>		
<b>Relevant Period</b> - Pursuant to <i>Section 341</i> of the ‘Act’ the approval will lapse if the first change of the use under the approval does not start within the ‘relevant period’ – four (4) years starting the day the approval takes effect.		
The <i>Sustainable Planning Act 2009 (SPA)</i> states that any change to the use or the scale or intensity of the approved use requires the submission of a new development application and subsequent development approval.		
Separate development approval is required for any building work and plumbing/drainage work necessitated by the conditions contained in this approval.		
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant’s responsibility. The applicant must comply with any lawful instruction from Council’s Manager of Operations if in his opinion a dust nuisance exists.		
Pursuant to Division 8 Section 461 of the <b><i>Sustainable Planning Act 2009</i></b> , the Applicant has the Right of Appeal to the <b><i>Planning and Environment Court</i></b> regarding any condition of this approval; another matter stated in the development approval and the identification or inclusion of a code under <i>section 242</i> of the ‘Act’. <i>[A copy of the Right of Appeal will be enclosed with the Decision Notice]</i>		

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 (*Biosecurity Regulation 2016*).

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Carried

Vote - Unanimous

<b>Subject:</b>	<b>Development Application No. 23652</b>
	<b>Development Application for a Development Permit for Material Change of Use for Warehouse (Self-Storage Sheds)</b>
<b>File No:</b>	<b>DA23652</b>
<b>Assessment No:</b>	<b>02081-10000-000</b>
<b>Action Officer:</b>	<b>MO—SP</b>

## 1.0 APPLICATION SUMMARY

### Property details

Location: 11 Dingyarra Street, Toogoolawah  
Real property description: Lot 38 RP231599

Site area: 1.119 hectares  
 Current land use: Various mixed business and industry uses  
 Easements/encumbrances: Lot A SP222603 (stormwater)

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

Land use category: Urban footprint

### **Planning scheme details**

Planning scheme: Somerset Region Planning Scheme (Version 4.2)  
 Zone: Industry zone  
 Precinct: Not applicable  
 Overlays: OM8 High impact activities management area overlay  
 OM13 Stock route management overlay

### **Application details**

Proposal: Warehouse (self-storage)  
 Category of assessment: Code assessment  
 Applicant details: NPS (QLD) PTY LTD  
 c/- Clark Town Planning  
 Owner details: NPS (QLD) PTY LTD  
 Date application received: 30 March 2023  
 Date application properly made: 30 March 2023

**Referrals** None required

**Public notification** Not required

### **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 Warehouse (Self-Storage Sheds), on land at 11 Dingyarra Street, Toogoolawah, formally described as Lot 38 RP231599.

The proposal seeks to create a new, small scale self-storage offering in the industrial area of Toogoolawah, on currently underutilised industrial land. The development involves 10 self-storage units, plus one maintenance unit, in a single 35-metre-long building. Each of the units will have an approximately six metre long by three-metre-wide unit.

Given the number of units involved, there will be no onsite management facilities. Access to the site will be controlled by the operator, between 6am to 6pm daily, and generally limited to daylight hours only.

As the proposal involves only ten units, the proposal seeks to have an unsealed manoeuvring area. This is considered appropriate for the scale of the use and its associated traffic demand but would require upgrading should the use intensify in the future (subject to further applications).

A landscaping buffer of three-metre-tall shrubs planted at 2 metre intervals is to be provided between the building and the Brisbane Valley Rail Trail to maintain visual amenity along this important public space.

The proposal has demonstrated compliance with planning outcomes sought in the relevant assessment benchmarks and seeks to further build upon the mixed business and industrial offerings in Toogoolawah. The application is recommended to be approved, subject to conditions.

### **3.0 SITE DETAILS**

#### **3.1 Description of the land**

The site is an irregular shaped allotment with frontage to Dingyarra Street at the southern boundary, Sawmill Lane to the northern boundary, and the Brisbane Valley Rail Trail on the western boundary. The site is currently improved with industrial buildings catering for a mixed business and industry offering. Surrounding land is a mixture of industrial land to the north/east (include vacant industrial lots), while to the west of the Rail Trail and to the south is residential land. Immediately to the east is the Toogoolawah Bowls Club.

#### **3.2 Access**

Access to the site will be via the existing arrangement at Dingyarra Street. As Sawmill Lane is not at an industrial standard, the application proposes that no access to the proposed storage sheds be provided from Sawmill Lane. The recommended development conditions enforce this requirement, by prohibiting access from this development to Sawmill Lane.

### **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

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

##### 5.6.2 Code compliance summary

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

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

Applicable code	Compliance with overall outcomes	Performance outcomes
Industry zone code	Yes	No alternative outcomes proposed
Industrial activities code	Yes	PO1, PO6
Services works and infrastructure code	Yes	PO1, PO2, PO4, PO5
Transport access and parking code	Yes	PO3, PO10, PO11
Applicable overlay code	Compliance with overall outcomes	Performance outcomes
Nil relevant	-	-

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

##### 5.6.3 Performance outcome assessment

###### Industrial activities code

Performance outcome	Acceptable outcome
<b>Site layout, scale and intensity</b>	
<b>PO1</b> The <i>development</i> incorporates a <i>site</i> layout, scale, and intensity that: <ul style="list-style-type: none"> <li>(a) provides an efficient use of the <i>site</i>;</li> <li>(b) enhances the streetscape and softens the visual appearance;</li> <li>(c) ensures that <i>sensitive land uses</i> and public open spaces are not adversely affected; and</li> <li>(d) does not result in overdevelopment.</li> </ul>	<b>AO1.1</b> The building is setback not less than 5 metres to any boundary that adjoins land used or intended for <i>sensitive land uses</i> or public open space.
<b>Alternative outcome assessment</b>	

Performance outcome	Acceptable outcome
<p>The proposed storage sheds are located three metres from the land adjoining the rail trail, which is a public open space.</p> <p>The proposed setback will be planted with three-metre-high screening shrubs, planted at two metre intervals, which provides for a quality interface ensuring visual amenity of the rail trail is maintained and enhanced.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	
Operational impacts	
<p><b>PO6</b></p> <p>Noise is managed in accordance accepted standards and the use is of a scale, intensity, and duration that has minimal impacts on the surrounding area, <i>sensitive land uses</i>, and the enjoyment of public open spaces.</p>	<p><b>AO6</b></p> <p>Activities occur between 7am to 6pm Monday to Friday and 7am to 2pm on Saturdays. No operations occur on Sundays or public holidays.</p>
Alternative outcome assessment	
<p>The proposed hours of operation for the proposed use are 6am to 6pm daily. Given that there are only 10 storage units proposed, the anticipated level of activity on the site would not result in undue adverse noise impacts on surrounding sensitive land uses.</p> <p>The recommended development conditions require that the development be carried out such that it does not result in any environmental nuisances or harm, including as a result of dust from unsealed manoeuvring areas. This enables Council to enforce noise mitigation strategies should site activities for the proposed use result in greater than anticipated noise levels.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	

### Services works and infrastructure code

Performance outcome	Acceptable outcome
<p><b>PO1</b></p> <p>Premises have an adequate volume and supply of water that:</p> <ul style="list-style-type: none"> <li>(a) meets the needs of users;</li> <li>(b) is adequate for fire fighting purposes.</li> <li>(c) ensures the health, safety and convenience of the community; and</li> <li>(d) minimises adverse impacts on the receiving environment.</li> </ul>	<p><b>AO1.1</b></p> <p>Where the <i>site</i> is located in a reticulated water supply <i>service catchment</i> area, the <i>development</i> is connected to the reticulated water supply.</p>
<p><b>PO2</b></p> <p>Provision is made for the treatment and disposal of sewage and effluent to protect public health and prevent contamination of soils, ground water or surface water or <i>adversely impact on water quality</i>.</p>	<p><b>AO2.1</b></p> <p>Where the <i>site</i> is located in a reticulated sewerage <i>service catchment</i> area, the <i>development</i> is connected to the reticulated sewerage supply.</p>
<p><b>PO4</b></p> <p>Safe and reliable electricity supply is provided to the <i>development</i>.</p>	<p><b>AO4</b></p> <p>Other than in the Rural zone, <i>development</i> is connected to a reticulated electricity supply.</p>

Performance outcome	Acceptable outcome
<b>PO5</b> Reliable telecommunications is provided to the <i>development</i> .	<b>AO5</b> Other than in the Rural zone, <i>development</i> is connected to a telecommunications network.
<b>Alternative outcome assessment</b> <p>The applicant has requested that the planning approval not require the connection of the development to the reticulated networks as the facility does not include any office administration areas or sanitary conveniences. Non potable water will be collected via rainwater tanks for maintenance use where required.</p> <p>It is noted that the site already has connections to each of these reticulated networks, and officers anticipate that they could be provided to the development if required.</p> <p>To ensure that this the case, it is considered appropriate to condition that the site be required to connect to the networks, but not necessarily the development given the limited scale of development.</p>	

### Transport access and parking code

Performance outcome	Acceptable outcome
<b>Vehicle parking and servicing</b>	
<b>PO3</b> <p>The amount of on-site car parking and service vehicle loading/ unloading is consistent with:</p> <ul style="list-style-type: none"> <li>(a) the nature of the use;</li> <li>(b) the traffic generation of the use;</li> <li>(c) the loading/ unloading needs of the use;</li> <li>(d) the availability of street parking in the Centre zone; and</li> <li>(e) the impact of the <i>road</i> network.</li> </ul> <p>Car parks, service vehicle access, loading and manoeuvring areas are of suitable standard for the intended use.</p>	<b>AO3.2</b> <p>The service vehicle complies with <b>Table 8.3.6.3.B– Minimum loading vehicle requirements</b>.</p>
<b>Alternative outcome assessment</b> <p>The Table provides that the minimum service vehicle requirement for a warehouse is a heavy rigid vehicle. The proposal provides for the manoeuvring and turning of a medium rigid vehicle only.</p> <p>The proposed servicing arrangement is considered appropriate to meet the anticipated servicing needs of the development, noting that if the proposed storage business expands with additional units in the future, the design does not compromise larger design vehicles if required.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	
<b>Vehicle standing and manoeuvring areas</b>	
<b>PO10</b>	<b>AO10</b> <p>Internal manoeuvring and standing areas of the <i>site</i> are sealed.</p>

Vehicle standing and manoeuvring areas are of suitable standard for the intended use and the areas are constructed to a standard that avoids <i>environmental nuisance</i> .	
<p><b>Alternative outcome assessment</b></p> <p>The proposal does not involve sealed driveway, manoeuvring or other standing/loading areas. Additionally, modifications to the existing AV turn around area are not proposed to be sealed. It is anticipated that the existing uses utilising the turnaround area will also continue to do so.</p> <p>Council officers have reviewed the development proposal and consider that the scale of the proposed use (at only 10 storage units) does not require the sealing of the internal manoeuvring areas. Officers consider that the intended scale of use would not result in sufficient traffic demand to warrant the full sealing of manoeuvring areas in this instance, and that the proposed standard is suitable for the intended use.</p> <p>The recommended development conditions require that the development be carried out such that it does not result in any environmental nuisances or harm, including as a result of dust from unsealed manoeuvring areas. This enables Council to enforce dust mitigation strategies should traffic levels for the proposed use exceeds anticipated levels.</p> <p>An advice statement accompanies the recommended conditions package to advise that the allowance of non-sealed surfaces is based on the small scale of development, and that further activities may necessitate the upgrading of unsealed surfaces to a sealed standard.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	
<p><b>PO11</b></p> <p>Long driveways are designed and treated to soften their visual appearance when viewed from the street frontage.</p>	<p><b>AO11</b></p> <p>Internal driveways (except in the Rural zone) do not exceed 50 metres in length.</p>
<p><b>Alternative outcome assessment</b></p> <p>The proposed building is toward the rear of the site, behind an existing informal storage yard. Accordingly, the driveway length will exceed 50 metres.</p> <p>The established mixed industry business units at the front of the site sufficiently screen the development from the priority streetscape to avoid any visual impact from the long driveway. Additionally, any impacts from the rail trail are largely mitigated by the building and its associated landscaping.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	

#### 5.6.4 Overall outcome assessment

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

### 5.7 Local government infrastructure plan

#### 5.7.1 Priority infrastructure area

The development land is 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 warehouse, which is identified as being an 'other industry' under *Somerset Regional Council Charges Resolution (No. 1) 2022*. In determining the appropriate charging area, the land is not located within the urban footprint of Fernvale, Kilcoy or 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.

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 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*.

#### **5.7.3.3 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.

#### **5.7.3.4 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**

### **6.1 Referral agencies**

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

### **6.2 Third party advice**

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

## 7.0 PUBLIC NOTIFICATION

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

No comments or submissions were received.

## 8.0 OTHER RELEVANT MATTERS

There are no other relevant matters applicable for code assessment.

## 9.0 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 self-storage facility within the Industry zone. 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.

## 10.0 ATTACHMENT

- 1. Proposal plans
- 2. Stormwater management report
- 3. Traffic engineering advice
- 4. Draft infrastructure charges notice.

## RECOMMENDATION

THAT Council:

- 1. approve Development Application No. 23652 for a Development Permit for Material Change of Use for Warehouse (Self-Storage Sheds) on land situated at 11 Dingyarra Street, Toogoolawah, formally described as Lot 38 RP231599, 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*.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation, and the plans and documents listed below (including as amended in RED by Council), except where amended by these development conditions.	At all times.

	Site Plan, prepared by Site Plans Online, reference 221205 rev 1, dated 02/12/2022.	
	Left Elevation and Right Elevation, prepared by Emerald Design and Construction, reference 2020149666 sheet 2 of 8, dated 30/11/2022.	
	Rear Elevation and Front Elevation, prepared by Emerald Design and Construction, reference 2020149666 sheet 3 of 8, dated 30/11/2022.	
	Stormwater Management Report, prepared by AM Civil, reference 418 Rev A, and dated 15/08/2023.	
	Traffic Engineering Advice, prepared by TTM Consulting, reference 23BRT022 LT0A_1, dated 22/02/2023.	
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.
	<b>General</b>	
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.
	<b>Use of premises</b>	
1.8	This Development Approval is for the purpose of a Warehouse (10 x Self-Storage Units) and may include any ancillary activities where these activities remain incidental to and necessarily associated with the approved uses.	At all times.
1.9	Provide the development generally in accordance with the following: (a) Warehouse—210m <sup>2</sup> ; (b) Area impervious to stormwater—210m <sup>2</sup> .	At the commencement of the use.
1.10	Undertake the development in accordance with the following operational hours (including all loading and unloading activities, and onsite refuse collection): (a) 6am to 6pm Daily.	At all times.

1.11	Install signage at the entrance gate to the storage facility advising of a contact (name and phone number) for complaints outside of operational hours, including for noise or waste management issues.	Prior to the commencement of use and to be maintained at all times.
1.12	All complaints received by the applicant relating to operations at the self-storage facility must be recorded in a register with the following details: (a) nature, time and date of complaint; (b) type of communication (telephone, letter, personal etc); (c) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded); (d) response and investigation undertaken as a result of the complaint; (e) name of person responsible for investigating complaint; and (f) action taken as a result of the complaint investigation.	Upon commencement of the use and to be maintained at all times.
1.13	The storage of dangerous goods is not permitted on site.	At all times.
	<b>Building design</b>	
1.14	Construct the development generally in accordance with the colours, materials and finishes shown on the approved plans.	At the commencement of the use.
1.15	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.
1.16	The building and structures must be constructed of robust materials that are graffiti resistant.	At all times.
	<b>Landscaping, screening and amenity</b>	
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 generally as shown on 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 or the rail trail.	Prior to the commencement of use and to be maintained at all times.
1.20	Landscaping is to be provided as shown on the approved plans.	Prior to the commencement of use and to be maintained at all times.
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
<b>Service connections</b>		
1.22	Connect the site 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 site 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.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>General</b>	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, 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"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	As part of operational works approval and construction.
	<b>Landscaping</b>	
2.5	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
	<b>Earthworks</b>	
2.6	All earthworks to be constructed in accordance with AS3798 <i>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.
	<b>Vehicle access</b>	
2.7	All vehicular access for development shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Region Planning Scheme</i> .	At all times.
2.8	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with <i>Somerset Region Planning Scheme</i> . Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
2.9	All vehicles shall enter and leave the site in a forward gear.	At all times.
2.10	The Applicant is to provide a minimum 4 metre wide gravel access. Road base material provided to a minimum 100mm depth at CBR 45. Pavement materials are to be in accordance with the requirements of DTMR Specification "MRTS05 Unbound Pavements".	Prior to the commencement of use and to be maintained at all times.
2.11	Vehicle access to the approved development from Sawmill Lane is prohibited.	At all times.
	<b>Stormwater</b>	
2.12	Ensure stormwater drainage is delivered to a lawful point of discharge.	At all times.
2.13	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.

2.14	Stormwater drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.15	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.
2.16	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.
2.17	Stormwater Drainage shall be constructed generally in accordance with the Stormwater Management Report, prepared by AM Civil, reference 418 Rev A, and dated 15/08/2023.	Prior to the commencement of use and to be maintained at all times.
	<b>Erosion and sediment control</b>	
2.18	<p>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:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
2.19	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.
2.20	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> <li>ix) Milling;</li> <li>x) Chipping and/or mulching;</li> <li>xi) Disposal at an approved waste disposal facility.</li> </ul> <p>No incineration of vegetation or waste will be permitted at the site.</p>	At all times.
2.21	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.

<b>SCHEDULE 3 – ENVIRONMENTAL HEALTH</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>General</b>	
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	All buildings, structures, fittings, fixtures, and grounds forming part of this development approval must be maintained: <ul style="list-style-type: none"> <li>(a) in a serviceable condition; and</li> <li>(a) in a state of good repair and efficient action; and</li> <li>(b) in a clean, sanitary condition; and</li> <li>(c) free of accumulated disused materials; and</li> <li>(d) free of vermin and pest infestations.</li> </ul>	At all times.
	<b>Air</b>	
3.4	No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause Environmental Harm is to emanate beyond the boundaries of the premises.	At all times.
	<b>Light</b>	
3.5	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any other premises outside the boundaries of the property to which this development permit relates.	At all times.
	<b>Water</b>	
3.6	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: <ul style="list-style-type: none"> <li>(a) uncontaminated overland stormwater flow;</li> <li>(b) uncontaminated stormwater to the stormwater system;</li> <li>(c) contaminants lawfully released to sewer; or</li> <li>(d) a release in accordance with a condition of this Development Approval.</li> </ul>	At all times.
	<b>Waste</b>	
3.7	All construction, demolition or other waste is to be removed from site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	At all times



3.8	All solid, semi-solid and liquid waste generated from the occupation of this approved development must be collected and disposed of by Council's contractor, or another approved waste collector, unless otherwise approved by Council.	At all times
<b>SCHEDULE 4 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <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.		
<p>Parts of the Somerset Region are within Fire Ant Biosecurity Zones.</p> <p>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>).</p> <p>If you are unable to do so, you must apply for a biosecurity instrument permit.</p> <p>Penalties can also apply to individuals and businesses that do not use fire ant-safe practices before moving materials.</p> <p>It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.</p> <p>The Fire Ant Biosecurity Zones as well as general information can be viewed on the DAF website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a></p>		
<p>The <i>Aboriginal Cultural Heritage Act 2003</i> 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.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>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.</p>		

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](http://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](mailto: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 and Safety Act (as amended)* and the *workplace Health and Safety Regulation (as amended)*.

The acceptance of non-sealed surfaces for manoeuvring and parking areas associated with this development is on the basis that the development has a limited anticipated traffic demand.

Further intensification of the use (e.g. the construction of additional storage sheds through a further development approval) may necessitate the upgrading of the manoeuvring and parking areas to a sealed standard.

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:**

- Site Plan, prepared by Site Plans Online, reference 221205 rev 1, dated 02/12/2022.
- Left Elevation and Right Elevation, prepared by Emerald Design and Construction, reference 2020149666 sheet 2 of 8, dated 30/11/2022.
- Rear Elevation and Front Elevation, prepared by Emerald Design and Construction, reference 2020149666 sheet 3 of 8, dated 30/11/2022.
- Stormwater Management Report, prepared by AM Civil, reference 418 Rev A, and dated 15/08/2023.

**Resolution**

Moved – Cr Choat

Seconded – Cr Gaedtke

“THAT Council:

1. approve Development Application No. 23652 for a Development Permit for Material Change of Use for Warehouse (Self-Storage Sheds) on land situated at 11 Dingyarra Street, Toogoolawah, formally described as Lot 38 RP231599, 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 listed below (including as amended in RED by Council), except where amended by these development conditions. Site Plan, prepared by Site Plans Online, reference 221205 rev 1, dated 02/12/2022. Left Elevation and Right Elevation, prepared by Emerald Design and Construction, reference 2020149666 sheet 2 of 8, dated 30/11/2022. Rear Elevation and Front Elevation, prepared by Emerald Design and Construction, reference 2020149666 sheet 3 of 8, dated 30/11/2022. Stormwater Management Report, prepared by AM Civil, reference 418 Rev A, and dated 15/08/2023. Traffic Engineering Advice, prepared by TTM Consulting, reference 23BRT022 LT0A_1, dated 22/02/2023.	At all times.
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.

	<b>General</b>	
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.
	<b>Use of premises</b>	
1.8	This Development Approval is for the purpose of a Warehouse (10 x Self-Storage Units) and may include any ancillary activities where these activities remain incidental to and necessarily associated with the approved uses.	At all times.
1.9	Provide the development generally in accordance with the following: (c) Warehouse—210m <sup>2</sup> ; (d) Area impervious to stormwater—210m <sup>2</sup> .	At the commencement of the use.
1.10	Undertake the development in accordance with the following operational hours (including all loading and unloading activities, and onsite refuse collection): (b) 6am to 6pm Daily.	At all times.
1.11	Install signage at the entrance gate to the storage facility advising of a contact (name and phone number) for complaints outside of operational hours, including for noise or waste management issues.	Prior to the commencement of use and to be maintained at all times.
1.12	All complaints received by the applicant relating to operations at the self-storage facility must be recorded in a register with the following details: (a) nature, time and date of complaint; (b) type of communication (telephone, letter, personal etc);	Upon commencement of the use and to be maintained at all times.

	(c) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded); (d) response and investigation undertaken as a result of the complaint; (e) name of person responsible for investigating complaint; and (f) action taken as a result of the complaint investigation.	
1.13	The storage of dangerous goods is not permitted on site.	At all times.
	<b>Building design</b>	
1.14	Construct the development generally in accordance with the colours, materials and finishes shown on the approved plans.	At the commencement of the use.
1.15	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.
1.16	The building and structures must be constructed of robust materials that are graffiti resistant.	At all times.
	<b>Landscaping, screening and amenity</b>	
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 generally as shown on 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 or the rail trail.	Prior to the commencement of use and to be maintained at all times.
1.20	Landscaping is to be provided as shown on the approved plans.	Prior to the commencement of use and to be maintained at all times.

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
	<b>Service connections</b>	
1.22	Connect the site 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 site 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.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>General</b>	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, 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"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	As part of operational works approval and construction.
	<b>Landscaping</b>	
2.5	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.

	<b>Earthworks</b>	
2.6	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.
	<b>Vehicle access</b>	
2.7	All vehicular access for development shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Region Planning Scheme</i> .	At all times.
2.8	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with <i>Somerset Region Planning Scheme</i> . Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
2.9	All vehicles shall enter and leave the site in a forward gear.	At all times.
2.10	The Applicant is to provide a minimum 4 metre wide gravel access. Road base material provided to a minimum 100mm depth at CBR 45. Pavement materials are to be in accordance with the requirements of DTMR Specification "MRTS05 Unbound Pavements".	Prior to the commencement of use and to be maintained at all times.
2.11	Vehicle access to the approved development from Sawmill Lane is prohibited.	At all times.
	<b>Stormwater</b>	
2.12	Ensure stormwater drainage is delivered to a lawful point of discharge.	At all times.
2.13	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.
2.14	Stormwater drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.15	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.
2.16	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.

2.17	Stormwater Drainage shall be constructed generally in accordance with the Stormwater Management Report, prepared by AM Civil, reference 418 Rev A, and dated 15/08/2023.	Prior to the commencement of use and to be maintained at all times.
	<b>Erosion and sediment control</b>	
2.18	<p>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:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
2.19	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.
2.20	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> <li>i) Milling;</li> <li>ii) Chipping and/or mulching;</li> <li>iii) Disposal at an approved waste disposal facility.</li> </ul> <p>No incineration of vegetation or waste will be permitted at the site.</p>	At all times.
2.21	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.
<b>SCHEDULE 3 – ENVIRONMENTAL HEALTH</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>General</b>	
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	All buildings, structures, fittings, fixtures, and grounds forming part of this development approval must be maintained: (a) in a serviceable condition; and (b) in a state of good repair and efficient action; and (c) in a clean, sanitary condition; and (d) free of accumulated disused materials; and (e) free of vermin and pest infestations.	At all times.
	<b>Air</b>	
3.4	No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause Environmental Harm is to emanate beyond the boundaries of the premises.	At all times.
	<b>Light</b>	
3.5	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any other premises outside the boundaries of the property to which this development permit relates.	At all times.
	<b>Water</b>	
3.6	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.
	<b>Waste</b>	
3.7	All construction, demolition or other waste is to be removed from site and deposited at an approved waste disposal facility in a manner acceptable to Somerset Regional Council unless otherwise authorised by Council.	At all times
3.8	All solid, semi-solid and liquid waste generated from the occupation of this approved development must be collected and disposed of by Council's contractor, or another approved waste collector, unless otherwise approved by Council.	At all times
<b>SCHEDULE 4 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> .		

Pursuant to section 85 of the *Planning Act 2016* 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 *Planning Act 2016*.

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

The 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 (*Biosecurity Regulation 2016*).

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](http://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](http://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.

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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 and Safety Act (as amended)* and the *workplace Health and Safety Regulation (as amended)*.

The acceptance of non-sealed surfaces for manoeuvring and parking areas associated with this development is on the basis that the development has a limited anticipated traffic demand.

Further intensification of the use (e.g. the construction of additional storage sheds through a further development approval) may necessitate the upgrading of the manoeuvring and parking areas to a sealed standard.

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*.

Vote - Unanimous

Carried

<b>Subject:</b>	<b>Development Application No. 23137</b> <b>Development Application for a Development Permit for Material Change of Use for Food and Drink Outlet, Indoor Sport and Recreation, and Shop (Cafe, Gymnasium, and Shop)</b>
<b>File No:</b>	<b>DA23137</b>
<b>Assessment No:</b>	<b>01390-00000-000</b>
<b>Action Officer:</b>	<b>SP—MO</b>

## 1.0 APPLICATION SUMMARY

### Property details

Location:	10 Michel Street, Lowood
Real property description:	Lot 33 RP32284
Site area:	1,010m <sup>2</sup>
Current land use:	Dwelling house and vacant shop
Easements/encumbrances:	Nil identified

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

### Application details

Proposal:	Food and drink outlet, indoor sport and recreation, and shop (cafe, gymnasium, and shop)
Category of assessment:	Code assessment
Applicant details:	CHM Lowood Pty Ltd c/- Wiltshire Stevens Architects 32 Thomas Street WEST END QLD 4101
Owner details:	CHM Lowood Pty Ltd
Date application received:	31 October 2023
Date application properly made:	31 October 2023

<b>Referrals</b>	State Assessment and Referral Agency
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<b>Public notification</b>	Not required
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## 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 food and drink outlet, indoor sport and recreation, and shop (cafe, gymnasium, and shop), on land at 10 Michel Street, Lowood, formally described as Lot 33 RP32284.

The application is made under the Somerset Region Planning Scheme (Version 4.2) (the planning scheme). The proposal requires code assessment only, as each of the uses proposed are assessable development requiring code assessment. Accordingly, under the State Government's *Planning Act 2016* there is no public notification requirement for the application.

The proposal seeks to remove the existing dwelling and abandoned shop and develop a new commercial building on the corner of Michel and Church Street. The proposed building will incorporate three tenancies, specifically:

- 337m<sup>2</sup> tenancy for indoor sport and recreation (a gym);
- 50m<sup>2</sup> tenancy for shop;
- 22m<sup>2</sup> tenancy for a food and drink outlet, with potential for footpath dining.

To accommodate the slope of the site, the building contains split floor levels, with the café floor level at ground level on the corner of Michel and Church Street, and the shop and gym floor level set at the shop's entrance to Church Street, approximately 1.5 metres above the café. Additionally, the car parking is a further metre (approximately) higher than the gym tenancy.

The building has been designed to reflect traditional centre character using a modern material palette. The proposal primarily utilises a feature brick finish, with weatherboard elements above the cantilevered awning. The corner of the building is marked with a brick feature statement projecting above the wall line.

The gym is proposed to be operational for member access 24 hours per day, with the staffed hours limited to a maximum of 6am to 10pm. The shop and café are proposed for standard operating hours. In consideration of the 24-hour operation, Council requested a noise impact assessment to ensure that night time operations do not result in unreasonable impact on the acoustic amenity enjoyed by surrounding residents.

An acoustic report has been provided by the applicant, which has been peer reviewed by a suitably qualified person engaged by Council. As a result of the peer review, it has been identified that changes are required to the applicant's assessment to address background creep criteria. This process ensures that the existing acoustic environment enjoyed by adjoining residents is not diminished. The recommended conditions package includes conditions to address this requirement.

The development incorporates 16 parking spaces, including an accessible parking space. Three of these spaces are marked for staff use only, as they are tandem parking spaces. Whilst this is a shortfall of five spaces against the standard parking rates, a parking demand assessment was provided with the application that includes a survey of on-street parking availability in the area. It is considered that sufficient street parking exists should the onsite parking be insufficient for the demand proposed by the gym.

Provision for bicycle parking is made adjoining the parking area and along the frontage, noting that only four spaces are required under the planning scheme.

It is considered that the proposed development is consistent with the planning intention of the site and is recommended for approval subject to reasonable and relevant conditions.

### **3.0 SITE DETAILS**

#### **3.1 Description of the land**

The site is a regular shaped allotment with frontage to Michel Street at the northern boundary and Church Street on the eastern boundary. The site is currently improved with a dwelling house and an abandoned shop. The property sits on the edge of the Lowood centre, with land to the north-west, north-east, and east of the site improved with commercial uses.

Surrounding lots to the south and west are typically improved with dwelling houses and associated buildings and structures, generally being within the General residential zone.

### **3.2 Access**

Access to the site will be via a new crossover to Church Street, which is an Access Street – Minor in Council's road hierarchy. The crossover will be constructed in accordance with an operational works approval. No access is to be provided to Michel Street, which is a state-controlled road.

### **3.3 Connection to electricity and telecommunications**

The land is within the Centre 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:

- (f) does not impact on any regulated vegetation;
- (g) does not impact on any koala habitat areas;
- (h) is not located within a koala priority area;
- (i) is not located in proximity to a Queensland heritage place or local heritage place;
- (j) 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

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

#### 5.6.2 Code compliance summary

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

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

Applicable code	Compliance with overall outcomes	Performance outcomes
Centre zone code	Yes	PO6, PO7
Business activities code	Yes	PO7, PO11
Recreation activities code	Yes	No alternative outcomes proposed
Services works and infrastructure code	Yes	No alternative outcomes proposed
Transport access and parking code	Yes	PO1
Applicable overlay code	Compliance with overall outcomes	Performance outcomes
Not applicable	-	-

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

#### 5.6.2.1 Overlays

The site is within the high impact activities management area on OM8 High impact activities management area overlay map and the buffer to a main road on OM9 Infrastructure overlay map. Neither of these overlays are relevant to the assessment of the application.

#### 5.6.3 Performance outcome assessment

##### Centre zone code

Performance outcome	Acceptable outcome
<b>Building character</b>	
<b>PO6</b> The visual appearance of development contributes to the existing or emerging built form character of the town centre, with respect to the use of: (a) materials and colours;	<b>Where located in Lowood in the Centre zone:</b> <b>AO6.1</b> Buildings are predominantly: (a) constructed of timber; and (b) exhibit pitched roofs made of iron.

<ul style="list-style-type: none"> <li>(b) patterns and textures;</li> <li>(c) roof form and pitch;</li> <li>(d) eaves and awnings;</li> <li>(e) horizontal and vertical detailing; and</li> <li>(f) fenestration.</li> </ul>	
<p><b>Alternative outcome assessment</b></p> <p>The proposed building does not provide a predominately timber finish. The roof form is pitched at 12° and made of Colourbond roof sheeting. Weatherboard finishes are proposed on the street elevations above the awning.</p> <p>The street frontages are primarily constructed of feature brick, with a corner feature continuing above the awning to create a sense of place on the streetscape. Additionally, the awning is accompanied by non-structural columns to align with traditional centre character in the locality.</p> <p>The design contributes to the established and planned character of the streetscape, noting that the area is not part of the Main Street where the tin and timber character designs are sought to be protected.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	
<p><b>Amenity</b></p>	
<p><b>PO7</b></p> <p>The design, location and operation of development does not result in any undue adverse impact on the amenity of the locality, having regard to:</p> <ul style="list-style-type: none"> <li>(a) hours of operation;</li> <li>(b) lighting;</li> <li>(c) noise;</li> <li>(d) dust, odour and other airborne emissions;</li> <li>(e) public health and safety;</li> <li>(f) traffic generation;</li> <li>(g) the use of <i>advertising devices</i>;</li> <li>(h) visual amenity; and</li> <li>(i) overlooking and privacy.</li> </ul>	<p>No acceptable outcome provided.</p>
<p><b>Alternative outcome assessment</b></p> <p>The proposal involves 24 hour operation for the gym, with member only access between 10pm and 6am. As part of the assessment of the application, Council requested a noise impact assessment to demonstrate that noise impacts for overnight hours meet the reasonably community expectation for noise in the area. An assessment was subsequently provided by the applicant, which was then peer reviewed by a suitably qualified person engaged by Council.</p> <p>As a result of the peer review, it has been identified that changes are required to the applicant's assessment to address background creep criteria. This process ensures that the existing acoustic environment enjoyed by adjoining residents is not diminished. The recommended conditions package includes conditions to address this requirement, as compliance with the condition will enable the development to achieve the performance outcome.</p>	



Officers consider the proposal complies with the performance outcome, subject to the recommended conditions package being imposed on the development approval.

### Business activities code

Performance outcome	Acceptable outcome
<b>Interface with sensitive land uses or public open space</b>	
<b>PO7</b> The <i>business activity</i> provides an attractive interface that enhances the visual appearance of commercial buildings that adjoin public open space and land or used or intended for <i>sensitive land uses</i> .	<b>AO7</b> Where the <i>business activity</i> adjoins a public open space and land or used or intended for use by <i>sensitive land uses</i> , the following is provided along the common boundary: (a) a minimum 3 metre wide landscape strip; and (b) screen fencing to a minimum height of 1.8 metres.
<b>Alternative outcome assessment</b> The adjoining land to the south is within the General residential zone, whilst the land to the west contains a dwelling house in the Centre zone. Landscaping of approximately 2.5 metres is provided along the southern site boundary and wraps around the southern parking lane on the western boundary. The balance of the western boundary does not have landscaping.  The provision of 2.5 metres of landscaping is considered to accord with the requirement to provide a visual screening to adjoining sensitive uses to the south. For the western boundary, it is noted that the land is within the Centre zone where the planning intention is for further commercial development to support the town.  Officers consider that the proposed design provides an appropriate interface, noting that the planning scheme requires back of house facilities to be screened from the streetscape. On balance, the alternative outcome here for landscaping here is consistent with the broader planning scheme requirements.  The recommended conditions package requires the implementation of a 1.8 screen fence to both southern and western boundaries unless an alternative fencing outcome is agreed to with the relevant adjoining owner, or where an acoustic barrier is required as result of the amended acoustic report.  It is recommended that the alternative outcome be accepted in this instance.	
<b>CPTED [crime prevention through environmental design]</b>	
<b>PO11</b> The <i>development</i> is landscaped to: (a) break up hardscape elements of the <i>development</i> ; (b) present an attractive appearance to the street; and (c) minimise visual and nuisance impacts on nearby <i>premises</i> , particularly <i>sensitive land uses</i> .	<b>AO11</b> A minimum 1 metre wide landscape strip is provided along the frontage of the <i>site</i> , except where: (a) vehicle crossings are provided; or (b) on a Main street.  Note—Main streets are identified in the Centre zone code.
<b>Alternative outcome assessment</b> The building is built to boundary and as such does not provide the frontage landscaping, however the carparking area (other than the crossover) is provided with landscaping.	

It is noted that neither Michel Street nor Church Street is identified as a main street for the Centre zone code. Despite this, the development provides an attractive and activated streetscape in line with standard CPTED design principals.

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

### Transport access and parking code

Performance outcome	Acceptable outcome
<b>Vehicle parking and servicing</b>	
<b>PO3</b> The amount of on-site car parking and service vehicle loading/ unloading is consistent with: (f) the nature of the use; (g) the traffic generation of the use; (h) the loading/ unloading needs of the use; (i) the availability of street parking in the Centre zone; and (j) the impact of the <i>road</i> network.  Car parks, service vehicle access, loading and manoeuvring areas are of suitable standard for the intended use.	<b>AO3.1</b> The minimum number of car parking spaces complies with Table 8.3.6.3.B–Minimum car parking requirements.  <b>AO3.2</b> The service vehicle complies with Table 8.3.6.3.B–Minimum loading vehicle requirements.  <b>AO3.3</b> The service vehicle is able to enter and leave the <i>site</i> in forward gear.

#### Extract of Table 8.3.6.3.B

Use	Minimum car parking requirements	Minimum bicycle parking requirements	Minimum service vehicle requirements
Food and drink outlet	One (1) space per 25 square metres <i>gross floor area</i> at <i>ground level</i> and one (1) space per 50 square metres <i>gross floor area</i> above <i>ground level</i> .	One (1) space per 100 square metres of GFA where $\geq 400$ square metres.	SRV.
Indoor sport and recreation	One (1) space for every 20 square metres or part thereof of <i>gross floor area</i> .	One (1) space per 100 square metres of GFA.	No specific rate.
Shop	One (1) space per 25 square metres <i>gross floor area</i> at <i>ground level</i> and one (1) space per 50 square metres <i>gross floor area</i> above <i>ground level</i> .	One (1) space per 100 square metres of GFA where $\geq 400$ square metres.	(1) Less than 500 square metres GFA – HRV. (2) 500 square metres – 1,999 square metres GFA – AV. (3) 2,000 square metres GFA plus – No specific rate.

#### Alternative outcome assessment

The proposal requires 21 parking spaces in accordance with Table 8.3.6.3.B, with only 16 spaces proposed. Additionally, the shop use requires a Heavy Rigid Vehicle (HRV) as the design service vehicle, with proposal only making provision for a Small Rigid Vehicle (SRV) on site, which cannot enter and exit in forward gear.

The application was accompanied by a parking and transport assessment prepared by a suitably qualified engineer with experience in transport engineering. The transport assessment concludes that the peak weekday demand for the site would be 19 spaces, with 16 spaces required for peak weekend demand. This results in a parking shortfall of 3 spaces.

An assessment of on street parking availability in the area has concluded that there is sufficient space for on street parking in Michel and Church Street adjacent to centre zoned land, which is consistent with the performance outcome.

Officers consider that the development advances the performance outcome and provides a sufficient amount of carparking, having regard to the nature and traffic generation of the use, the availability of on street parking, and the overall impact on the local road network. The servicing provisions are appropriate for the intended use, and are not anticipated to result in safety or efficiency impacts on local roads.

It is recommended that the 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 involves multiple uses, which have the following charges categories under *Somerset Regional Council Charges Resolution (No. 1) 2022*.

<b>Land use</b>	<b>Charging category</b>
Food and drink outlet Shop	Commercial (retail)
Indoor sport and recreation	Indoor sport and recreation

In determining the appropriate charging area for the existing demand (the discount), 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 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.

#### **5.7.3.3 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.

#### **5.7.3.4 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.

### **6.0 REFERRAL**

#### **6.1 Referral agencies**

In accordance with the *Planning Regulation 2017*, the application required referral to the State Assessment and Referral Agency (SARA) for matters relating to state-controlled roads. SARA advised that they had no objections to the approval of the development application, subject to the imposition of development conditions. SARA's referral agency response will be attached to Council's decision notice and a copy has been attached to this report for Council's reference.

#### **6.2 Third party advice**

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

### **7.0 PUBLIC NOTIFICATION**

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

At the ordinary meeting of 13 September 2023, Council received a petition containing nine signatures (plus the principal petitioner) objecting to part of the application, specifically the 24-hour operation of the Gym.

Council also separately received comments from an adjoining property owner raising concerns with the proposed development, particularly with respect of the 24-hour operation, the associated noise impacts, as well as unsocial behaviour that may be attracted by the development.

An assessment of noise impacts formed part of the assessment of the application, with the applicant required to provide a noise impact assessment report from a suitably qualified person. Council subsequently engaged a suitably qualified person to peer review the submitted report, and identified some matters that require amendment to address noise impacts on surrounding areas. The recommended conditions package requires the applicant to address these matters prior to obtaining building works approval.

In line with the decision making framework for applications requiring code assessment under the State Government's *Planning Act 2016*, an application that can be conditioned to comply with relevant assessment benchmarks must be approved. As it is possible to achieve compliance with development conditions, Council officers are unable to recommend refusal of the application on the matters raised in the submission.

## **8.0 OTHER RELEVANT MATTERS**

There are no other relevant matters applicable for code assessment.

## **9.0 CONCLUSION**

The proposed development is for a new commercial building, containing a gym, shop and café.

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 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.

Where alternative outcomes have been proposed, these are identified within this report and have been found to be consistent with the overall outcomes and support the purpose of the relevant assessment benchmarks.

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

## **10.0 ATTACHMENT**

- 1. Proposal plans
- 2. State Assessment and Referral Agency response
- 3. Draft infrastructure charges notice

## **RECOMMENDATION**

THAT Council:

- 1. approve Development Application No. 23137 for a Development Permit for Material Change of Use for Food and Drink Outlet, Indoor Sport and Recreation, and Shop (Cafe, Gymnasium, and Shop) on land situated at 10 Michel Street, Lowood, formally described as Lot 33 RP32284, 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*.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation, and the plans and documents listed below (including as amended in RED by Council), except where amended by these development conditions. Site Plan, drawn by Wiltshire Stevens Architecture, reference SK-01 Rev C, dated 06 March 2023 Floor Plan, drawn by Wiltshire Stevens Architecture, reference SK-02 Rev D, dated 23 May 2023 Ground Floor Plan, drawn by Wiltshire Stevens Architecture, reference SK-03 Rev D, dated 23 May 2023 Roof Plan, drawn by Wiltshire Stevens Architecture, reference SK-04 Rev C, dated 23 May 2023 Elevations, drawn by Wiltshire Stevens Architecture, reference SK-05 Rev C, dated 23 May 2023 Elevations, drawn by Wiltshire Stevens Architecture, reference SK-06 Rev C, dated 23 May 2023	At all times.
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.
	<b>General</b>	
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.
	<b>Demolish or relocate existing buildings or structures</b>	
1.7	Demolish or relocate building(s) and structure(s) on the site necessary to undertake the development. The removal of building(s) and structure(s) includes the removal of all existing concrete slabs, foundations and footings and the reinstatement of the land.	Prior to commencement of building works.

	Note: A separate building approval will be required for the demolition or removal of buildings and structures.	
	<b>Use of premises</b>	
1.8	<p>This Development Approval is for the purpose of a Food and drink outlet, Shop, and Indoor sport and recreation and may include any ancillary activities where these activities remain incidental to and necessarily associated with the approved uses.</p> <p>Note: Refer to the planning scheme for other activities that may occur within the building without further planning approval.</p>	At all times.
1.9	<p>Provide the development in accordance with the following:</p> <ul style="list-style-type: none"> <li>(e) Centre activities—72m<sup>2</sup> gross floor area;</li> <li>(f) Indoor sport and recreation (court area)—284m<sup>2</sup> gross floor area;</li> <li>(g) Indoor sport and recreation (non-court area)— 52m<sup>2</sup> gross floor area;</li> <li>(h) Area impervious to stormwater—905m<sup>2</sup>.</li> </ul>	At the commencement of the use.
1.10	Gym activities are not to occur outside of the building.	At all times.
1.11	<p>Undertake the development in accordance with the following hours of operation:</p> <ul style="list-style-type: none"> <li>(c) Indoor sport and recreation—24 hours for member access;</li> <li>(d) Otherwise—6am to 10pm.</li> </ul>	At all times.
1.12	<p>Refuse collection and other loading and unloading activities occurs during the following period:</p> <ul style="list-style-type: none"> <li>(a) 7am and 6pm Monday to Friday; and</li> <li>(b) 8am and 5pm Saturday and Sunday.</li> </ul>	At all times.
	<b>Building design</b>	
1.13	Building height must not exceed 8.5 metres above ground level.	At all times.
1.14	<p>Awnings are to be provided as shown on the approved plans and must:</p> <ul style="list-style-type: none"> <li>(a) include under awning lighting;</li> <li>(b) protect the normal flow of pedestrians;</li> <li>(c) have a 0.5 metre clearance to any tree trunk and main branches; and</li> <li>(d) be cantilevered from the main building with any posts within the footpath being non-load-bearing.</li> </ul>	Prior the commencement of use and to be maintained at all times.
1.15	Construct the development in accordance with the materials listed on the approved plans.	At the commencement of the use.

1.16	Provide colours, materials, and finishes that are consistent with the traditional character of the Lowood centre.	At all times.
1.17	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.
1.18	The building and structures must be constructed of robust materials that are graffiti resistant.	At all times.
<b>Landscaping, screening and amenity</b>		
1.19	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.
1.20	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.
1.21	Locate garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners in the rear or side setbacks (including generally as shown on the approved plans) 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.
1.22	Construct a screen fence along the western and southern boundaries of the site where none already exists. Unless an alternative design is agreed to with the owner of the adjoining land, the screen fence is to be 1.8 metres in height and constructed of treated timber.  Note: This condition does not apply to boundary where an acoustic barrier is required in accordance with an approved Noise Impact Assessment report.	Prior to the commencement of use and to be maintained at all times.
1.23	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.
<b>Service connections</b>		
1.24	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.



1.25	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.
1.26	Remove any services made redundant as a result of the development and reinstate the land.	Prior to the commencement of the use.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>General</b>	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, 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"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	As part of operational works approval and construction.
	<b>Landscaping</b>	
2.5	The development site must be landscaped. The works must be undertaken in accordance with an operational works approval.	As part of operational works for landscaping works.
2.6	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
	<b>Earthworks</b>	

2.7	All earthworks to be constructed in accordance with AS3798 <i>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.
	<b>Vehicle access</b>	
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 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.	At all times.
2.12	All construction vehicles shall enter and leave the site in a forward gear.	At all times.
2.13	All manoeuvring areas shall enable access to a single rigid vehicle.	As part of operational works for car parking.
2.14	Provide on-site car parking for 16 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	Provide secure bicycle parking and associated support facilities for a minimum of 4 bicycles in accordance with <i>Somerset Region Planning Scheme</i> .	Prior to the commencement of use and to be maintained at all times.
2.16	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.

2.17	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.
	<b>Stormwater</b>	
2.18	Ensure stormwater drainage is delivered to a lawful point of discharge.	At all times.
2.19	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.
2.20	Stormwater drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.21	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.
2.22	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.
2.23	<p>Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer Queensland (RPEQ), which generally conforms to the approved development plan/s and <i>Somerset Region Planning Scheme</i>.</p> <p>The SBSMP should include the following:</p> <ul style="list-style-type: none"> <li>• Quantity and quality of stormwater to be released from the development;</li> <li>• All sources of potential contamination (including but not limited to the actual and potential release of all contaminants;</li> <li>• The potential impact of these sources;</li> <li>• Impact of the release of stormwater from the development on the quality and integrity of the receiving environment;</li> <li>• Measures to be implemented to prevent the likelihood of stormwater contamination; and</li> <li>• Maintenance schedule.</li> </ul>	As part of the lodgement of the operational works application for stormwater works.
	<b>Erosion and sediment control</b>	

2.24	<p>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:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
2.25	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.
2.26	Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ). Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	As part of the lodgement of the operational works application.
2.27	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> <li>iv) Milling;</li> <li>v) Chipping and/or mulching;</li> <li>vi) Disposal at an approved waste disposal facility.</li> </ul> <p>No incineration of vegetation or waste will be permitted at the site.</p>	At all times.
2.28	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.
<b>SCHEDULE 3 – ENVIRONMENTAL HEALTH</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>General</b>	
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	All buildings, structures, fittings, fixtures, and grounds forming part of this development approval must be maintained: (f) in a serviceable condition; and (g) in a state of good repair and efficient action; and (h) in a clean, sanitary condition; and (i) free of accumulated disused materials; and (j) free of vermin and pest infestations.	At all times.
	<b>Noise</b>	
3.4.1	Submit to, and obtain approval from, Council an amended Noise Impact Assessment report (including a Noise Management Plan) prepared by a suitability qualified acoustic consultant that incorporates the following: a) Operational noise limits incorporating the background creep methodology from the Environmental Protection (Noise) Policy 2008 and sleep disturbance criteria per the World Health Organisation Guideline for Community Noise 1999; b) Removal of any extraneous noise sources from the environmental noise measurements; c) Details of controls to ensure noise does not exceed operational limits when gym facades are open; d) Confirmation that an adjustment penalty for impulsiveness has been applied to parking activity in accordance with the EPP acoustic criteria; e) Where any of the above leads to non-compliant noise levels at nearest sensitive receptors, provide amended or additional attenuation measures to ensure compliance.	Prior to gaining a Building Development Approval.
3.4.2	Implement the recommendations of approved Noise Impact Assessment report.	Prior to the commencement of use and to be maintained at all times.
3.4.3	Provide certification that the acoustic attenuation measures have been installed/implemented in accordance with the specifications of the approved Noise Impact Assessment Report.	Prior to the commencement of use.
3.5	Carry out the development generally in accordance with the approved Noise Management Plan.	At all times.
	<b>Air</b>	
3.6	No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the Premises.	At all times.

	<b>Light</b>	
3.7	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any other premises outside the boundaries of the property to which this development permit relates.	At all times.
	<b>Water</b>	
3.8	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.
3.9	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.
3.10	Any spillage of contaminants must be cleaned up immediately by a method other than hosing or otherwise releasing the contaminants into stormwater drainage, a roadside gutter, waters or onto unsealed ground.	At all times.
3.11	Contaminants must be stored in such a manner to prevent contact with incident rainfall and overland flow of stormwater.	At all times.
	<b>Definitions for Schedule 3</b>	
	<p><b>“Adjusted Maximum Sound Pressure Level,”</b> means the average maximum A-weighted sound pressure level, adjusted for noise character, and measured over a time period of not less than 15 minutes, using fast response.</p> <p><b>“Background Noise Level,”</b> means the LA90, T being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than fifteen (15) minutes using fast response.</p> <p><b>“Commercial place”</b> means a place used as an office or for business or commercial purposes.</p> <p><b>“Contaminant”</b> can be:</p> <ul style="list-style-type: none"> <li>(a) a gas, liquid or solid; or</li> <li>(b) an odour; or</li> <li>(c) an organism (whether alive or dead), including a virus; or</li> <li>(d) energy, including noise, heat, radioactivity and electromagnetic radiation; or</li> <li>(e) a combination of contaminants.</li> </ul> <p><b>“Environmental harm”</b> is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.</p>	

	<b>“Noise sensitive place”</b> means any of the following places: (a) a dwelling; (b) a library, childcare centre, kindergarten, school, college, university or other educational institution; (c) a hospital, surgery or other medical institution; (d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the <i>Nature Conservation Act 1992</i> ; (e) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.	
<b>SCHEDULE 4 – REFERRAL AGENCIES</b>		
<i>State Assessment and Referral Agency</i>		
Pursuant to section 62 of the <i>Planning Act 2016</i> , the following referral agency responses have been received and are attached to the Decision Notice.		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>GENERAL</b>	
4.1	Comply with the requirements of the State Assessment and Referral Agency changed referral agency response 2211-32143 SRA dated 28 June 2023, or as amended.	As indicated in the response.
<b>SCHEDULE 5 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> .		
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.		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.		

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

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](http://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](mailto: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 and 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:**

- Site Plan, drawn by Wiltshire Stevens Architecture, reference SK-01 Rev C, dated 06 March 2023
- Floor Plan, drawn by Wiltshire Stevens Architecture, reference SK-02 Rev D, dated 23 May 2023
- Ground Floor Plan, drawn by Wiltshire Stevens Architecture, reference SK-03 Rev D, dated 23 May 2023
- Roof Plan, drawn by Wiltshire Stevens Architecture, reference SK-04 Rev C, dated 23 May 2023
- Elevations, drawn by Wiltshire Stevens Architecture, reference SK-05 Rev C, dated 23 May 2023
- Elevations, drawn by Wiltshire Stevens Architecture, reference SK-06 Rev C, dated 23 May 2023

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Isidro

“THAT Council:

1. approve Development Application No. 23137 for a Development Permit for Material Change of Use for Food and Drink Outlet, Indoor Sport and Recreation, and Shop (Cafe, Gymnasium, and Shop) on land situated at 10 Michel Street, Lowood, formally described as Lot 33 RP32284, 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 listed below (including as amended in RED by Council), except where amended by these development conditions.	At all times.
	Site Plan, drawn by Wiltshire Stevens Architecture, reference SK-01 Rev C, dated 06 March 2023	
	Floor Plan, drawn by Wiltshire Stevens Architecture, reference SK-02 Rev D, dated 23 May 2023	
	Ground Floor Plan, drawn by Wiltshire Stevens Architecture, reference SK-03 Rev D, dated 23 May 2023	

	Roof Plan, drawn by Wiltshire Stevens Architecture, reference SK-04 Rev C, dated 23 May 2023	
	Elevations, drawn by Wiltshire Stevens Architecture, reference SK-05 Rev C, dated 23 May 2023	
	Elevations, drawn by Wiltshire Stevens Architecture, reference SK-06 Rev C, dated 23 May 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.
	<b>General</b>	
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.
	<b>Demolish or relocate existing buildings or structures</b>	
1.7	Demolish or relocate building(s) and structure(s) on the site necessary to undertake the development. The removal of building(s) and structure(s) includes the removal of all existing concrete slabs, foundations and footings and the reinstatement of the land.  Note: A separate building approval will be required for the demolition or removal of buildings and structures.	Prior to commencement of building works.
	<b>Use of premises</b>	
1.8	This Development Approval is for the purpose of a Food and drink outlet, Shop, and Indoor sport and recreation and may include any ancillary activities where these activities remain incidental to and necessarily associated with the approved uses.  Note: Refer to the planning scheme for other activities that may occur within the building without further planning approval.	At all times.

1.9	Provide the development in accordance with the following: (a) Centre activities—72m <sup>2</sup> gross floor area; (b) Indoor sport and recreation (court area)—284m <sup>2</sup> gross floor area; (c) Indoor sport and recreation (non-court area)— 52m <sup>2</sup> gross floor area; (d) Area impervious to stormwater—905m <sup>2</sup> .	At the commencement of the use.
1.10	Gym activities are not to occur outside of the building.	At all times.
1.11	Undertake the development in accordance with the following hours of operation: (a) Indoor sport and recreation—24 hours for member access; (b) Otherwise—6am to 10pm.	At all times.
1.12	Refuse collection and other loading and unloading activities occurs during the following period: (a) 7am and 6pm Monday to Friday; and (b) 8am and 5pm Saturday and Sunday.	At all times.
	<b>Building design</b>	
1.13	Building height must not exceed 8.5 metres above ground level.	At all times.
1.14	Awnings are to be provided as shown on the approved plans and must: (a) include under awning lighting; (b) protect the normal flow of pedestrians; (c) have a 0.5 metre clearance to any tree trunk and main branches; and (d) be cantilevered from the main building with any posts within the footpath being non-load-bearing.	Prior the commencement of use and to be maintained at all times.
1.15	Construct the development in accordance with the materials listed on the approved plans.	At the commencement of the use.
1.16	Provide colours, materials, and finishes that are consistent with the traditional character of the Lowood centre.	At all times.
1.17	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.
1.18	The building and structures must be constructed of robust materials that are graffiti resistant.	At all times.
	<b>Landscaping, screening and amenity</b>	

1.19	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.
1.20	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.
1.21	Locate garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners in the rear or side setbacks (including generally as shown on the approved plans) 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.
1.22	Construct a screen fence along the western and southern boundaries of the site where none already exists. Unless an alternative design is agreed to with the owner of the adjoining land, the screen fence is to be 1.8 metres in height and constructed of treated timber.  Note: This condition does not apply to boundary where an acoustic barrier is required in accordance with an approved Noise Impact Assessment report.	Prior to the commencement of use and to be maintained at all times.
1.23	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.
<b>Service connections</b>		
1.24	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.
1.25	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.
1.26	Remove any services made redundant as a result of the development and reinstate the land.	Prior to the commencement of the use.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>

	<b>General</b>	
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, 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"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	As part of operational works approval and construction.
	<b>Landscaping</b>	
2.5	The development site must be landscaped. The works must be undertaken in accordance with an operational works approval.	As part of operational works for landscaping works.
2.6	All entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
	<b>Earthworks</b>	
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.
	<b>Vehicle access</b>	

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 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.	At all times.
2.12	All construction vehicles shall enter and leave the site in a forward gear.	At all times.
2.13	All manoeuvring areas shall enable access to a single rigid vehicle.	As part of operational works for car parking.
2.14	Provide on-site car parking for 16 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	Provide secure bicycle parking and associated support facilities for a minimum of 4 bicycles in accordance with <i>Somerset Region Planning Scheme</i> .	Prior to the commencement of use and to be maintained at all times.
2.16	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.
2.17	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.
	<b>Stormwater</b>	
2.18	Ensure stormwater drainage is delivered to a lawful point of discharge.	At all times.
2.19	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.

2.20	Stormwater drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.21	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.
2.22	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.
2.23	<p>Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer Queensland (RPEQ), which generally conforms to the approved development plan/s and <i>Somerset Region Planning Scheme</i>.</p> <p>The SBSMP should include the following:</p> <ul style="list-style-type: none"> <li>• Quantity and quality of stormwater to be released from the development;</li> <li>• All sources of potential contamination (including but not limited to the actual and potential release of all contaminants;</li> <li>• The potential impact of these sources;</li> <li>• Impact of the release of stormwater from the development on the quality and integrity of the receiving environment;</li> <li>• Measures to be implemented to prevent the likelihood of stormwater contamination; and</li> <li>• Maintenance schedule.</li> </ul>	As part of the lodgement of the operational works application for stormwater works.
	<b>Erosion and sediment control</b>	
2.24	<p>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:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times.
2.25	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.

2.26	Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ). Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	As part of the lodgement of the operational works application.
2.27	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> <li>i) Milling;</li> <li>ii) Chipping and/or mulching;</li> <li>iii) Disposal at an approved waste disposal facility.</li> </ul> No incineration of vegetation or waste will be permitted at the site.	At all times.
2.28	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.
<b>SCHEDULE 3 – ENVIRONMENTAL HEALTH</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>General</b>	
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	All buildings, structures, fittings, fixtures, and grounds forming part of this development approval must be maintained: <ul style="list-style-type: none"> <li>(a) in a serviceable condition; and</li> <li>(b) in a state of good repair and efficient action; and</li> <li>(c) in a clean, sanitary condition; and</li> <li>(d) free of accumulated disused materials; and</li> <li>(e) free of vermin and pest infestations.</li> </ul>	At all times.
	<b>Noise</b>	



3.4.1	<p>Submit to, and obtain approval from, Council an amended Noise Impact Assessment report (including a Noise Management Plan) prepared by a suitability qualified acoustic consultant that incorporates the following:</p> <ul style="list-style-type: none"> <li>a) Operational noise limits incorporating the background creep methodology from the Environmental Protection (Noise) Policy 2008 and sleep disturbance criteria per the World Health Organisation Guideline for Community Noise 1999;</li> <li>b) Removal of any extraneous noise sources from the environmental noise measurements;</li> <li>c) Details of controls to ensure noise does not exceed operational limits when gym facades are open;</li> <li>d) Confirmation that an adjustment penalty for impulsiveness has been applied to parking activity in accordance with the EPP acoustic criteria;</li> <li>e) Where any of the above leads to non-compliant noise levels at nearest sensitive receptors, provide amended or additional attenuation measures to ensure compliance.</li> </ul>	Prior to gaining a Building Development Approval.
3.4.2	Implement the recommendations of approved Noise Impact Assessment report.	Prior to the commencement of use and to be maintained at all times.
3.4.3	Provide certification that the acoustic attenuation measures have been installed/implemented in accordance with the specifications of the approved Noise Impact Assessment Report.	Prior to the commencement of use.
3.5	Carry out the development generally in accordance with the approved Noise Management Plan.	At all times.
	<b>Air</b>	
3.6	No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the Premises.	At all times.
	<b>Light</b>	
3.7	Light sources must be positioned and shielded, when necessary, to prevent light spillage causing a nuisance to any other premises outside the boundaries of the property to which this development permit relates.	At all times.
	<b>Water</b>	
3.8	<p>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:</p> <ul style="list-style-type: none"> <li>(a) uncontaminated overland stormwater flow;</li> <li>(b) uncontaminated stormwater to the stormwater system;</li> <li>(c) contaminants lawfully released to sewer; or</li> </ul>	At all times.

	(d) a release in accordance with a condition of this Development Approval.	
3.9	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.
3.10	Any spillage of contaminants must be cleaned up immediately by a method other than hosing or otherwise releasing the contaminants into stormwater drainage, a roadside gutter, waters or onto unsealed ground.	At all times.
3.11	Contaminants must be stored in such a manner to prevent contact with incident rainfall and overland flow of stormwater.	At all times.
Definitions for Schedule 3		
	<p><b>“Adjusted Maximum Sound Pressure Level,”</b> means the average maximum A-weighted sound pressure level, adjusted for noise character, and measured over a time period of not less than 15 minutes, using fast response.</p> <p><b>“Background Noise Level,”</b> means the LA90, T being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than fifteen (15) minutes using fast response.</p> <p><b>“Commercial place”</b> means a place used as an office or for business or commercial purposes.</p> <p><b>“Contaminant”</b> can be:</p> <ul style="list-style-type: none"><li>(a) a gas, liquid or solid; or</li><li>(b) an odour; or</li><li>(c) an organism (whether alive or dead), including a virus; or</li><li>(d) energy, including noise, heat, radioactivity and electromagnetic radiation; or</li><li>(e) a combination of contaminants.</li></ul> <p><b>“Environmental harm”</b> is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.</p> <p><b>“Noise sensitive place”</b> means any of the following places:</p> <ul style="list-style-type: none"><li>(a) a dwelling;</li><li>(b) a library, childcare centre, kindergarten, school, college, university or other educational institution;</li><li>(c) a hospital, surgery or other medical institution;</li><li>(d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the <i>Nature Conservation Act 1992</i>;</li><li>(e) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.</li></ul>	
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Pursuant to section 62 of the <i>Planning Act 2016</i> , the following referral agency responses have been received and are attached to the Decision Notice.		

No	Condition	Timing
	<b>GENERAL</b>	
4.1	Comply with the requirements of the State Assessment and Referral Agency changed referral agency response 2211-32143 SRA dated 28 June 2023, or as amended.	As indicated in the response.
<b>SCHEDULE 5 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> .		
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.		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.		
The Fire Ant Restricted Area as well as general information can be viewed on the DAF website <a href="http://daf.qld.gov.au/fire%20ants">daf.qld.gov.au/fire ants</a>		
The <i>Aboriginal Cultural Heritage Act 2003</i> 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.		
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 <a href="http://qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care">qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care</a>	
<p>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.</p> <p>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.</p> <p>Additional advice about the Infrastructure Charges Notice may be sought from Council's planning section, on (07) 5424 4000 or <a href="mailto:mail@somerset.qld.gov.au">mail@somerset.qld.gov.au</a>.</p>	
<p>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.</p> <p>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.</p>	
<p>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 <i>Local Law No. 1 (Administration) 2011</i> and <i>Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011</i>.</p> <p>Advertising devices, other than 'permitted advertisements' (as that term is defined in the subordinate local law), require Local Law Approval prior to installation.</p>	
All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act (as amended)</i> and the <i>workplace Health and Safety Regulation (as amended)</i> .	
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 <i>Environmental Protection Act 1994</i> .	
<p><i>Vote - Unanimous</i></p> <p style="text-align: right;"><u>Carried</u></p>	

<b>Subject:</b>	<b>Application for Temporary Entertainment Event – Wheels and Meals Car Show 2023</b>
<b>File:</b>	<b>Environmental Management/Reports/Environmental Health Reports</b>
<b>Action Officer:</b>	<b>EHO-DB</b>

### Background/Summary

Council received a temporary entertainment event application from Liquid Operations Pty Ltd (Ref: 1550349) to conduct a car show located at Kilcoy Exchange Hotel 13 William Street footpath and service road on Lot 8 RP864209. The event is called “Wheels and Meals Car Show 2023”.

The event is proposed to be operated on Saturday 18 November 2023 from 10am until 2pm. Set up will occur from 1am prior to the events commencing. Total attendance for the one-day event is predicted to be 200 - 300 persons.

Council regulates this activity through *Local Law No.1 (Administration) 2011*, and *Subordinate Local Law 1.12 (Operation of Temporary Entertainment Events) 2011*. The applicant has prepared an Event Management Plan (EMP) which outlines how the event will comply with Council’s local law requirements for temporary entertainment events.

It is noted that Council approved Kilcoy Woodchop 2022, 2023 and Vintage bike show 2023, which was held in this location.

### Assessment of Application

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

<b>Criteria – LL, section 9(1)(a)</b>	<b>If the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government’s planning scheme - the separate approval has been granted; and</b>
Officer Comment	The applicant is required to make an application to Council and the Police Department for consideration for any temporary road closures.
<b>Criteria – LL, section 9(1)(b)</b>	<b>The proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and</b>
Officer Comment	<p>The applicant has provided public liability insurance which covers the event activities and meets Council’s requirements.</p> <p><b>Post Event Report</b>  A condition of approval will require the approval holder to submit to Council, within 14 days of the event, a Post Event Report detailing:  Total number of paying attendees and staff;  Any incidents during the event relating to public health and safety and the outcomes of those incidents;  Any incidents during or associated with the event where the Queensland Police Service, Queensland Ambulance Service or Queensland Fire and Emergency Services assistance was required, and the outcomes of those incidents.</p>
<b>Criteria – LL, section 9(1)(c)</b>	<b>If the prescribed activity is the commercial use of a local government controlled area or road - the grant of the approval is consistent with the objective of the local government of restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy an unfair commercial advantage over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid, and to which planning and other regulatory legislation applies;</b>
Officer Comment	The applicant has advised that all affected businesses and residences have been approached, with no objections to the activity being received.

<b>Criteria – LL, section 9(1)(d)</b>	<b>The proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and</b>
Officer Comment	<i>Subordinate Local Law 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011</i> prescribes criteria for the proposed activity. An assessment against that criterion is provided below.
<b>Criteria – LL, section 9(1)(e)</b>	<b>The grant of the approval would be consistent with the purpose of any relevant local law; and</b>
Officer Comment	The approval would be generally consistent with Council's Local Laws.
<b>Criteria – LL, section 9(1)(f)</b>	<b>If the application relates to trust land - the grant of the approval would be consistent with the terms and conditions of the trust; and</b>
Officer Comment	The event will be held on a Council controlled road and the proposed use is generally consistent with the terms and conditions of the trust.
<b>Criteria – LL, section 9(1)(g)</b>	<b>If the application relates to a prescribed activity mentioned in section 5(b) - the grant of the approval would be consistent with any requirements or criteria specified in the relevant <i>Local Government Act</i> in relation to the approval.</b>
Officer Comment	Not applicable.
<b>Criteria – SLL, section 4(1)</b>	<b>The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government-controlled area or road.</b>
Officer Comment	No significant disruption is expected to the normal use of William Street (D'Aguilar Highway).
<b>Criteria – SLL, section 4(2)</b>	<b>There must be a public demand for the prescribed activity in respect of which the approval is sought.</b>
Officer Comment	Liquid Operations Pty Ltd have been advised that all affected businesses and residences have been approached, with no objections to the activity being received.
<b>Criteria – SLL, section 4(3)</b>	<b>The physical characteristics of the local government-controlled area or road must be suitable for the prescribed activity.</b>
Officer Comment	The area intended for use is suitable for the purposes of a Wheels and Meals Car Show 2023.
<b>Criteria – SLL, section 4(4)</b>	<b>The prescribed activity must not cause nuisance, inconvenience, or annoyance to – (a) The occupier of any land which adjoins the location of the prescribed activity; or (b) Vehicular traffic; or (c) Pedestrian traffic.</b>
Officer Comment	A condition of approval will require that no nuisance, as defined by the <i>Environmental Protection Act 1994</i> , is caused by the event.  Vehicular and pedestrian traffic are not expected to be inconvenienced by the event. No significant disruption is expected to the normal use of William Street (D'Aguilar Highway).
<b>Criteria – SLL, section 4(5)</b>	<b>The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.</b>
Officer Comment	It is unlikely that the proposed event will unreasonably detract from the amenity of the surrounding area.

	Conditions of the approval would require the applicant to not cause a nuisance as defined in the <i>Environmental Protection Act 1994</i> , and to ensure the area is left in a tidy condition after the event has concluded.
<b>Criteria – SLL, section 4(8)</b>	<p><b>If the prescribed activity is the holding of a public place activity on a local government-controlled area or road –</b></p> <p>(a) The undertaking of the prescribed activity must not generate significant noise, dust, or light pollution or other significantly adverse effects on the surrounding area; and</p> <p>(b) There must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and</p> <p>(c) Adequate provision must exist for the disposal of waste generated by the undertaking of the prescribed activity; and</p> <p>(d) Adequate provision must exist for people and (if relevant) vehicles to enter and leave the site of the prescribed activity.</p>
Officer Comment	<p>(a) Noise –Noise nuisance is considered environmental nuisance and will be appropriately conditioned if the event is approved.</p> <p>Dust – No dust nuisance is expected for this event.</p> <p>(b) Required numbers for toilets and sanitary conveniences will be conditioned if the event is approved.</p> <p>(c) The applicant will provide adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event A requirement for adequate waste facilities will be conditioned if the event is approved.</p>

### Attachments

#### 1. Site Plans

### Recommendation

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

No.	CONDITION
<b>1.0</b>	<b>ENVIRONMENTAL/ LOCAL LAW</b>
1.1	<p>The approval holder must:</p> <ul style="list-style-type: none"> <li>Display the approval in the manner, and at the locations, specified by the local government; and</li> <li>Produce the approval for inspection by an authorised person on demand.</li> </ul>
1.2	The approval holder has provided Somerset Regional Council with a copy of a public liability insurance certificate of currency for a minimum of \$20 million dollars and must note Somerset Regional Council as an interested party. The insurance certificate must cover all relevant aspects of the event.
1.3	The operation of the temporary entertainment event must not unreasonably detract from the amenity of the area in which the place is located.
1.4	The temporary entertainment event is limited to the operation of the Wheels and Meals car show 2023 on Lot 8 RP864209, located at 13 William Street service road, Kilcoy, and adjoining footpath located immediately to the front of the Exchange Hotel from 10am to 2pm on Saturday 18 November 2023. Set up will occur at 00:01am for the premises to erect barriers, etc prior to the events commencing.

1.5	<p>The approval holder must provide the following number of toilets, sanitary conveniences and showers for the event:</p> <p>Males: 1 toilets; 2 urinals; 2 hand basins.</p> <p>Females: 6 toilets; 2 hand basins; 1 sanitary convenience bin per female toilet.</p> <p>Unisex: at least 1 unisex toilet for patrons with a disability at each group of toilet facilities.</p> <p>The approval holder must also provide separate toilet and hand washing facilities for food handlers.</p>
1.6	The approval holder must provide an appropriate number of waste bins that are to be serviced by an appropriately licensed waste contractor. The number of waste bins provided must be sufficient to accept all waste generated by the event, including waste from attendees, event staff, and food vendors.
1.7	All waste generated from the event must be disposed of at an appropriately licenced waste disposal facility.
1.8	The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20 million dollars. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the event.
1.9	<p>The approval holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.</p> <p>“Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.</p>
1.10	The temporary entertainment event must not cause an environmental nuisance as defined by the <i>Environmental Protection Act 1994</i> .
1.11	<p>Noise associated with the event must not exceed the following levels at a sensitive receptor:</p> <p>(a) before 7am, if the use causes audible noise; or</p> <p>(b) from 7am to 10pm, if the use causes noise of more than 70dB(A); or</p> <p>(c) from 10pm to midnight, if the use causes noise of more than the lesser of the following—</p> <p>(i) 50dB(A).</p> <p>(ii) 10dB(A) above the background level.</p>
1.12	The operation of the temporary entertainment event must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken.
1.13	The approval holder must provide appropriate lighting to all areas of the temporary entertainment event to ensure the safety of the public.
1.14	<p>All buildings, structures, vehicles, facilities or equipment used in the operation of the temporary entertainment event must be maintained at all times:</p> <ul style="list-style-type: none"> <li>• In good working order.</li> <li>• In good state of repair.</li> </ul> <p>In a clean and sanitary condition.</p>
1.15	The approval holder must ensure that a food licence issued under the <i>Food Act 2006</i> is obtained (to the extent that it is required) by any entities selling food at the event.



1.16	The approval holder must ensure that the temporary entertainment event is run in accordance with the approved Event Management Plan.
1.17	The approval holder is to provide a contact number for any complaints received during the event.
1.18	The approval holder must ensure that all electrical installations or distribution to be utilised for the event is installed and signed off by a licenced electrician.
1.19	The approval holder must ensure that the construction of any structures onsite, including temporary stages and shade sails, are installed by appropriately qualified persons holding riggers licences with Workplace Health and Safety Queensland where required.
1.20	<p>The approval holder must submit to Council, within 14 days of the event, a Post Event Report detailing:</p> <ul style="list-style-type: none"> <li>• Total number of attendees, performers and staff.</li> <li>• Any incidents during the event relating to public health and safety and the outcomes of those incidents.</li> </ul> <p>Any incidents during or associated with the event where the Queensland Police Service, Queensland Ambulance Service or Queensland Fire Emergency Services assistance was required and the outcomes of those incidents.</p>
<b>2.0</b>	<b>OPERATIONS</b>
2.1	A Road Closure Permit is to be obtained from the Queensland Police Service in consultation with Council prior to the event and covering the operating hours of 18 November 2023 William Street Service Road.
2.2	The approval holder must maintain free access for the general public to use the footpath within the event footprint.
2.3	The approval holder must conduct an 'emu parade' and clean and sanitise of the footpath and parking area around the event site to remove any accumulated litter, the day of the event.
2.4	The approval holder must not use tent pegs or stakes within the car park or footpath area for the purpose of setting up of any temporary structures (e.g. temporary fences, stages, etc.).
2.5	The approval holder is liable for any damages to Council infrastructure caused by the operation of the entertainment event.
2.6	The applicant must, by no later than 3 November 2023, provide a Traffic Management Plan (TMP) with Traffic Guidance Schemes (TGS), signed off by an accredited competent person, in accordance with Austroads Guide to Traffic Management that has been approved by Council's Operations Department.
2.7	The event must be operated in accordance with the approved traffic management plan.

**Resolution**

Moved – Cr Isidro

Seconded – Cr Gaedtke

“THAT Council approve the application subject to the conditions listed below:

<b>No.</b>	<b>CONDITION</b>
<b>1.0</b>	<b>ENVIRONMENTAL/ LOCAL LAW</b>
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1.9	<p>The approval holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.</p> <p>“Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.</p>
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2.7	The event must be operated in accordance with the approved traffic management plan."
<div> <div>Vote - Unanimous</div> <div>Carried</div> </div>	

<b>Subject:</b>	<b>Planning and Development Department Monthly Report – September 2023</b>
<b>File Ref:</b>	<b>Governance/Reporting/Officer Reports</b>
<b>Action Officer:</b>	<b>DPAD, ESM, SP, NRM, BRO</b>

## Report

A summary of the Department's activities during the month of September 2023 is provided for Council's information.

### Planning Development Applications

A total of twenty (20) development applications were received in September 2023.

Assessment Type	August 2022	September 2022	August 2023	September 2023
Building Works assessable against the Planning Scheme	14	14	13	11
Material Change of Use	7	8	3	4
Reconfiguring a Lot	2	1	1	1
Operational Works	1	4	1	1
Combined Applications	1	1	2	3
<b>Total</b>	<b>25</b>	<b>28</b>	<b>20</b>	<b>20</b>

The list of applications received is provided in Appendix 1.

A total of twenty-three (23) development applications were decided in September 2023.

Approved/Refused	August 2022	September 2022	August 2023	September 2023
Refused - Council	-	-	-	-
Refused - Delegated Authority	-	-	-	-
Approved - Council	9	6	4	2
Approved - Delegated Authority	23	24	13	21
<b>Total</b>	<b>32</b>	<b>30</b>	<b>17</b>	<b>23</b>

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

### Planning and Environment Court Appeals

#### ***Rayland Development Pty Ltd v Somerset Regional Council*** **Planning and Environment Court Appeal No. BD1370 of 2023**

DA22581 – Reconfiguring a Lot by Subdivision (two lots into 83 lots in five stages) at 60 Millar Road and 169 Fairneyview Fernvale Road, Fernvale  
Refused by Council 12 April 2023



#### ***Main Constructions Pty Ltd v Somerset Regional Council*** **Planning and Environment Court Appeal No. BD1852 of 2023**

DA21509 – Material Change of Use for Intensive Animal Industry (reuse and conversion of a Breeder Poultry Farm (5 sheds) to Free Range Broiler Poultry Farm, including 2 additional poultry sheds) – maximum capacity of 176,130 birds at 57 Zischkes Road, Coominya  
Refused by Council 24 May 2023

***FVLH Developments Pty Ltd v Somerset Regional Council*****Planning and Environment Court Appeals No. BD1951-54 of 2023**

DA9400 and DA14663 at Muckerts Lane, Fernvale  
Deemed Refusals

***Energex Limited v Somerset Regional Council*****Planning and Environment Court Appeal No. BD2126 of 2023**

DA21832 – Material Change of Use for a Low Impact Industry, Warehouse and Office and Operational Works for Vegetation Clearing at Highland Street, Esk  
Refused by Council 21 June 2023

**Planning Compliance Matters**

Non-compliant planning / land use activities under investigation in this period include but are not limited to:

- o Function Facilities
- o Animal Keeping
- o Workshops / Vehicle Sales
- o Transport Depot
- o Vegetation Clearing.

Activities located in Esk, Mount Tarampa, Toogoolawah, Wanora, Coal Creek, Winya, Glamorgan Vale, Clarendon, Fernvale, Royston, Sandy Creek, Villeneuve.

**Building Development Approvals**

A total of fifty (50) building approvals were issued in the region for September 2023.

**Assessment Type:****Building Works**

Status	August 2022	September 2022	August 2023	September 2023
Accepted Applications	60	84	46	58
Approved - Council	14	12	3	6
Approved - Private Certifier	47	63	40	44

The list of applications approved is provided in Appendix 2.

**Building Compliance Matters**

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

**September 2023:**

Unapproved or non-compliant building works in Linville and Lowood.

Permit completion reminders have been sent about existing permits in Biarra, Buaraba, Redbank Creek and Minden.

**Plumbing Compliance Permits and Inspections**

A total of twenty-six (26) plumbing and drainage approvals were issued in the region for September 2023.

**Assessment Type:****Plumbing Approval**

Status	August 2022	September 2022	August 2023	September 2023
Approved	30	20	26	33
Info Request	17	10	2	2
Total	47	30	28	35
Plumbing Inspections	137	92	107	110

The list of applications approved is provided in Appendix 3.

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

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

Two properties have had a plumbing application approved and finalised with the installation of HSTP.

**Economic Development – Kilcoy Streetscape Revitalisation Project**

In September 2023, Council continued engagement on the Draft Master Plan for the *Kilcoy Streetscape Revitalisation* project.

Community engagement undertaken in September included a further evening workshop on 17 September to provide an opportunity for Council to present the Draft Master Plan and unpack with the community the feedback provided in the recent 'Have Your Say - Round Two' online engagement'.

*Kilcoy Streetscape Revitalisation - Draft Master Plan Snapshot July 2023*

**Environmental Health Services****Food Safety Training**

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

A total of 44 users completed the training during the month of September.

### Swimming Pool Water Quality Monitoring

Water sampling was conducted at Council's swimming pools located at the Toogoolawah, Kilcoy and Lowood. Samples were submitted to Queensland Health for analysis to check compliance with the *Queensland Health Water Quality Guidelines for Public Aquatic Facilities, 2019*.



### Mosquito Monitoring



Officers have commenced planing for the 2023-2024 mosquito surveillance program in conjunction with Queensland Health. The main aim of the annual surveillance program is to establish the level of confidence in:

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

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

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

## Pest Management

### Invasive Animal Control

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

#### Wild dogs

1080 baits injected:

	August 2023	September 2023
Moore	-	21
Kimballa	-	54
Yabba	-	27
Sunday Creek	-	75
Harlin	-	82
Wivenhoe Somerset Rd	-	110
Fernvale	-	38
Esk	-	8
Coominya	8	-
Moore	205	-
<b>Total</b>	<b>213</b>	<b>415</b>



#### Dingo scalps presented:

	August 2023	September 2023
Eskdale	-	1
Sheep Station Creek	-	4
Hazeldean	-	8
Kilcoy	3	-

<b>Total</b>	<b>3</b>	<b>13</b>
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**Feral pigs 1080 grain:**

	<b>August 2023</b>	<b>September 2023</b>
	-	-
<b>Total</b>	<b>-</b>	<b>-</b>

**Feral pig scalps presented:**

	<b>August 2023</b>	<b>September 2023</b>
Hazeldean	-	198
Buaraba	110	-
<b>Total</b>	<b>110</b>	<b>198</b>

**Rabbits:**

Officers have been working with landholders to control rabbit infestations in the following areas:

Crossdale and Hazeldean

Officers are continuing to work closely with Seqwater in controlling rabbits around Somerset Dam and on ground baiting at Kirkleah camp grounds.

**Fox**

Pest Management Officers are continuing to monitor den sites that have been found and fumigated. Fox breeding season there has been an increase in reports of poultry being attacked and taken.

**Invasive Plant Control**

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

**August 2023:**

- Mother of Millions- Moore, Linville, Toogoolawah, Eskdale, Esk, Harlin, Buaraba, Atkinson Dam, Bryden, Dundas, Colinton, Hazeldean, Coominya, Fernvale, Lowood, Neurum.
- Giant rats tail grass –Mount Kilcoy, Esk, Coominya, Lowood, Fernvale, Prenzlau.
- Fireweed- Lowood, Wivenhoe Pocket, Fernvale, Kilcoy, Sandy Creek, Mount Kilcoy, Harlin, Glamorgan Vale, Esk, Coominya, Eskdale, Mount Tarampa, Clarendon, Hazeldean.
- Lantana- Lowood, Coal Creek, Somerset Dam, Hazeldean.
- Council managed infrastructure- Esk landfill.
- Element 5- Esk Kilcoy Road, D'Aguilar Highway East and West.
- Lantana chemically treated – 186,600 / 186.6Ha.
- Herbicide applied – 36,980L.

**September 2023:**

- Mother of Millions-Glamorgan Vale, Lowood, Fernvale, Coominya.



- Annual Ragweed- Toogoolawah, Sandy Creek, Neurum, Fernvale, Moore, Linville, Gregors Creek, Coominya.
- Giant rats tail grass –Sandy Creek, Mount Kilcoy, Esk, Fernvale, Neurum, Gregors Creek, Coominya.
- Fireweed- Fernvale, Neurum, Kilcoy, Coal Creek.
- Groundsel- Moore, Glamorgan Vale, Lowood.
- Prickly Pear- Sandy Creek, Jimna.
- Yellow Bells- Mount Archer, Toogoolawah, Mary Smokes Creek Road, Moore.
- Leucaena- Somerset Dam Village, Hazeldean, Toogoolawah.
- Lantana – Esk Kilcoy Road, Kipper Creek, Stanley Pocket, Sim Jue Road.
- Council managed infrastructure- Kilcoy fat cattle yards, all bridges.
- Element 15- All TMR roadside furniture was treated.
- Element 5- Kilcoy Murgon Rd, Esk Kilcoy Road.
- Lantana chemically treated – 39,900 / 3.99Ha.
- Herbicide applied – 37,950L.

### Lantana Chemical Subsidy Program

As part of the 2023/24 budget, Council has funded an ongoing Lantana Chemical Subsidy Program, where a 50% subsidy is provided to eligible landholders who purchase approved chemicals to control lantana for the business located within the Somerset Region.

The 2023/24 program commenced on the first of August 2023, with Council receiving 68 expressions of interest to participate in the program in the first month.

As a result of the strong response from regional landholders, the first round of has closed. A further round of the program may be opened in early 2024 subject to remaining budget allocation.

### Compliance under the *Biosecurity Act 2014*:

	August 2023	September 2023
Information notices	-	1
Biosecurity Orders	-	-
Enter and Clear action	-	-

### Regulatory Services

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

### Natural Resource Management

#### Land for Wildlife

- Officer representation at the Land for Wildlife Strategic Sub-Committee meeting – 13 September 2023.

#### Somerset Flora and Fauna



- Ongoing engagement with Griffith University Social Marketing team to promote Koala awareness in the Somerset region, with representation in this reporting period at the Esk Free Tree Day Event – 23 September 2023.

- Ongoing participation in the Esk Koala survey and rehabilitation project with partners Care4Esk, AELA and University of the Sunshine Coast, and associated coordination with the State Koala Survey Team deployment.
- Delivery of Council Free Tree Day – Esk – 23 September 2023.

### Catchment Management

- Ongoing participation in the SEQ Waterway and Catchment Investment Strategy development.
- Resilient Rivers Project Updates:
  - All Black Snake Creek Projects are now in a maintenance phase to secure establishment.
  - Submissions have been prepared for projects across the Council managed reserves of the Mid Brisbane River Catchment and submitted to the Resilient Rivers Taskforce for consideration.
- The On-site Sewage System replacement program has recommenced, with invitational letters sent to applicable customers in the Black Snake Creek Catchment area.



### Offsets – Planting



- Delivery of Councils Capital Works Offsets:
- Preparation for planting north of Moore station.
  - Expression of interest for Eskdale Street, Toogoolawah.
  - Ongoing maintenance and review of existing plantings.

### Collaborations

- Negotiating delivery arrangements with other Council staff and contractors in respect of the Queensland Reconstruction Authority granted funding for Recreational assets. Due to Contractor availability, delivery is anticipated to run out until June 2024.
- Officer representation at the Greater Brisbane Area Fire Management Group – 5 September 2023.
- Officer participation in Chemical Application certification – 11 September 2023.
- Council receipt of Expressions of Interest to undertake a Fire Risk Assessment of Council Land/s – assessment/s ongoing.
- Officer representation on Mount Glenrock Working Group, and project to reinstate fire management lines – 21 September 2023
- Officer attendance at Society for Ecological Restoration World Conference, Darwin – 26-30 September 2023.

### Business Recovery Officer



Below is a summary of the Business Recovery Officer's (BRO) activities during the month of September 2023.

### General

- Continued involvement in the Kilcoy Streetscape Revitalisation Project. Attended the final Draft Master Community Consultation workshop.

## Events

- 2 x Farm Succession and Estate Planning Workshops presented by Kylie Wilson, Partner Sparke Helmore Lawyers. 50 primary producers in attendance.
- Planning continues for educational workshops and forums for the remainder of 2023.

## Business Communications

- Proactive engagement with State Government agencies, including:
  - Small Business Friendly Commissioners Office
  - Queensland Rural Industry Development Authority
  - Department of Youth Justice, Employment, Small Business and Training
  - Department of Agriculture and Fisheries
  - Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts.
- Plus, other peak industry organisations:
  - Queensland Farmers' Federation
  - AgForce
  - Healthy Land and Water.
- 80 interactions with small business owners, primary producers and/or tourism operators via town walks or workshops.
- Continued efforts to meet and build relationships with local businesses and primary producers.

## Somerset Regional Council Grant Finder – September 2023

### Total registrations

6 New registrations  
209 Total

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

### Total alerts

1,940 Emails sent  
136 People with active alerts

Email alerts sent to people requesting specific profile of grants

### Number of grants on your portal

1,263 grants worth \$65.5B Somerset Regional Council Staff

1,240 grants worth \$59.7B External/Public Users (Essentials)

Total number of grants available within your portal. The total that one person can see will vary depending on their organisation type and location.

## Recommendation

THAT the Department of Planning and Development Monthly Report for September 2023 be received and the contents noted.

### Resolution

Moved – Cr Gaedtke

Seconded – Cr Isidro

“THAT the Department of Planning and Development Monthly Report for September 2023 be received, and the contents noted.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Grant opportunity project – Thriving Suburbs Program</b>
<b>File Ref:</b>	<b>Thriving Suburbs Program Round 1</b>
<b>Action Officer:</b>	<b>DFIN</b>

### Background/Summary

On 12 October 2023, the Queensland Government advised that Council's expression of interest for funding under the Growing Future Tourism Program to develop hiking trails and associated infrastructure on Mount Glen Rock in Esk was not successful.

Feedback was sought from the Queensland Department of Tourism Innovation and Sport about Council's Growing Future Tourism Program expression of interest. A Department officer advised that the program would be offered again in the first quarter of next year and encouraged Council to re-apply.

The officer suggested that finalising the material change of use development application required for the proposal (for additional car parking on lot 801 E1721 adjacent to Lions Park in Esk) might strengthen Council's grant submission.

The Australian Government has advised that funding guidelines for Thriving Suburbs Program round 1 will be released over coming months.

Consistent with a Council resolution of 24 May 2023, it is intended that Council will apply for funding under the Australian Government's Thriving Suburbs Program (assuming this is possible under the guidelines) for Toogoolawah Gateway Centre, Toogoolawah Pool Upgrade and Kilcoy Indoor Sports Centre upgrade stage 1.

It is recommended that Council now also prepare for and endorse an application for funding for hiking trails and associated infrastructure on Mount Glen Rock under the Australian Government's Thriving Suburbs Program.

### Attachments

Nil

### Recommendation

THAT Council endorse engaging consultants to prepare and lodge a material change of use development application for car parking on lot 801 E1721 with funding for this identified as greater than expected Commonwealth financial assistance grants.

THAT Council endorse actions of the Chief Executive Officer to apply for funding for the development of Mount Glen Rock hiking trails and associated infrastructure, confirm required co-contributions by Council for this project and endorse actions required to improve Council's chances of success with funding applications such as advancing designs, development applications or other supporting material.

### Resolution

Moved – Cr Isidro

Seconded – Cr Choat

“THAT Council

1. endorse engaging consultants to prepare and lodge a material change of use development application for car parking on lot 801 E1721 with funding for this identified as greater than expected Commonwealth financial assistance grants.

2. endorse actions of the Chief Executive Officer to apply for funding for the development of Mount Glen Rock hiking trails and associated infrastructure, confirm required co-contributions by Council for this project and endorse actions required to improve Council's chances of success with funding applications such as advancing designs, development applications or other supporting material."

Carried*Vote - Unanimous*

**Subject: Mayoral Gala Charity Ball 2023 surplus**  
**File Ref: Finance - banking**  
**Action Officer: DFIN**

**Background/Summary**

The balance of the Mayoral Gala Charity Ball fund is \$27,603 which includes surpluses from all events up to and including 2019 and all distributions approved to date.

The balance does not include the surplus from the 2023 Mayoral Gala Charity Ball which is calculated as attached and as follows:

Revenue	\$88,200.30
Expenditure (adjusted)	\$56,061.82
Surplus	\$32,138.48

Consistent with previous Mayoral Gala Charity Balls, the above figures exclude Council labour costs which by resolution previously have been treated as an in-kind contribution to the Mayoral Gala Charity Ball fund.

Council endorsement is sought for determining the 2023 surplus figure.

**Attachments**

Nil

**Recommendation**

THAT labour costs be treated as an in-kind contribution to the Mayoral Gala Charity Ball fund for the 2023 event and that the nett funds raised from the 2023 Mayoral Gala Charity Ball be confirmed as \$32,138.48.

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Wendt

"THAT labour costs be treated as an in-kind contribution to the Mayoral Gala Charity Ball fund for the 2023 event and that the nett funds raised from the 2023 Mayoral Gala Charity Ball be confirmed as \$32,138.48."

Carried*Vote - Unanimous*

<b>Subject:</b>	<b>Code of Conduct proposed change - internal audit recommendation</b>
<b>File Ref:</b>	<b>Internal audit</b>
<b>Action Officer:</b>	<b>DFIN</b>

### Background/Summary

Internal audit recommended in March 2023 that Council *“Review and update Code of Conduct Release of Official Information to align (with the Right to Information) Act in a timely manner”*.

In March 2023, Council undertook to remove the following text from the Code of Conduct “by 30 November 2023 in order to achieve the level of consistency recommended by internal audit”:

*“Certain information is able to be released under the provisions of the Right to Information Act and Information Privacy Act. All applications for information under this Act must be in writing and are to be directed to the Director Corporate and Community Services.”*

Removing this text from the Code of Conduct means that it is not possible for there to be a conflict between the Code of Conduct and the *Right to Information Act* and *Information Privacy Act*.

### Attachments

Code of Conduct HR/001

### Recommendation

THAT Council remove the following from the Code of Conduct:

*“Certain information is able to be released under the provisions of the Right to Information Act and Information Privacy Act. All applications for information under this Act must be in writing and are to be directed to the Director Corporate and Community Services.”*

### Resolution

Moved – Cr Choat

Seconded – Cr Isidro

“THAT Council remove the following from the Code of Conduct:

*“Certain information is able to be released under the provisions of the Right to Information Act and Information Privacy Act. All applications for information under this Act must be in writing and are to be directed to the Director Corporate and Community Services.”*

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Wivenhoe Triathlon Event Sponsorship</b>
<b>File Ref:</b>	<b>Recreation and Cultural Services – Event Management – Community Events – Festivals – Sporting</b>
<b>Action Officer:</b>	<b>CTM</b>

### Background/Summary

Somerset Regional Council has received a request from Atlas Events Pty Ltd (Atlas Events)

to sponsor an inaugural triathlon event on Lake Wivenhoe incorporating Logan's Inlet and the Wivenhoe Hills Trails. The event would be held on 12-13 October 2024.

Atlas Events are seeking Council support to deliver a major participation event for the Somerset region attracting intrastate, interstate and local participants. The event would be a significant milestone for Council and would see the reinvigoration of an underutilised community and tourism asset in Lake Wivenhoe. It is envisaged that the event would deliver economic outcomes through visitation and promotion of the Experience Somerset brand.

Encouraging and fostering events of this nature assists Council to:

- "Explore a More Strategic and Coordinated Approach to Events Planning and Promotion" and foster "opportunities for... emerging events throughout Somerset to become part of a wider, coordinated calendar of events".  
(*Somerset Tourism Strategy 2021-2025: Theme 4: Design and Delivery of Festivals and Events*)
- "Proactively encourage... the development of new events within the Somerset Region".  
(*Somerset Regional Council Operational Plan 2022-2023: Prosperous Somerset*)
- "Facilitate community access to the wide range of sport and recreational pursuits available in the Somerset region".  
(*Somerset Regional Council Corporate Plan: Vibrant Somerset, 2.6*)
- "Connect people and community... through engagement and participatory experiences".  
(*Somerset Operational Plan 2022-2023: Vibrant Somerset*)

The total request for sponsorship from Atlas Event is \$35,000 excluding GST.

In exchange for sponsorship, Atlas Events would commit to:

- Include the Experience Somerset / Somerset Regional Council logos on any promotional material (editorials, advertisements, social media, posters, flyers and invitations, etc.).
- Opportunities for Experience Somerset / Somerset Regional Council to have a visual presence at all events by displaying promotional flags/signage.
- Multiple opportunities to provide links to [experiencesomerset.com.au](https://experiencesomerset.com.au) in event collateral.
- Inviting Council to propose further promotional avenues for the Experience Somerset brand to leverage from these events.
- Promote Council's Experience Somerset brand and tourism operators in the lead up to the event, in particular accommodation operators.
- Encourage the use of local suppliers, where possible.

The multi-day event would be of positive economic benefit to Somerset. Based on previous research, it is estimated that adventure cyclists spend approximately 51 per cent more when visiting Somerset overnight (Brisbane Valley Rail Trail Visitor Research Program Report, July 2021). This target market for this event are also considered to be high value travellers, that be accompanied by family seeking alternative experiences.

The combination of the Wivenhoe Triathlon and Escape Raid events would seek to reinvigorate Lake Wivenhoe as a significant outdoor tourism asset for the Region. The events would serve as a centrepiece of the Experience Somerset Spring promotional campaigns.

Should Council proceed with sponsorship, a Memorandum of Understanding would be agreed upon by all parties. A draft Memorandum of Understanding is attached for Council's consideration.

The provision of triathlon event management is a specialised service. Council Officers have spent significant time attempting to source alternate service providers and have not received a viable alternate proposal. Atlas Events has been found to be the only reasonably available supplier to provide such a service.

#### Attachments

Nil

#### Recommendation

THAT Council:

1. Resolve under s235 of the Local Government Regulation to not call for alternate proposals for the provision of triathlon event on Lake Wivenhoe.
2. Commit to sponsoring the 2024 Wivenhoe Triathlon to be delivered by Atlas Event Pty Ltd through providing \$35,000 excluding GST and value-in-kind support, under the condition that a Memorandum of Understanding be agreed upon by all parties.

#### Resolution

Moved – Cr Gaedtke

Seconded – Cr Wendt

“THAT Council:

1. Resolve under s235 of the Local Government Regulation to not call for alternate proposals for the provision of triathlon event on Lake Wivenhoe.
2. Commit to sponsoring the 2024 Wivenhoe Triathlon to be delivered by Atlas Event Pty Ltd through providing \$35,000 excluding GST and value-in-kind support, under the condition that a Memorandum of Understanding be agreed upon by all parties.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Minor Infrastructure and Inclusive Facilities Fund – Esk Tennis Courts Application</b>
<b>File Ref:</b>	<b>Recreation and Cultural Services – Service Provision – Recreation Facilities</b>
<b>Action Officer:</b>	<b>CTM</b>

#### Background/Summary



At the 27 September 2023 Ordinary Meeting, Council resolved to endorse two submissions for the Queensland Department of Tourism, Innovation and Sport (the Department) Minor Infrastructure and Inclusive Facilities Fund; the Fernvale Sports Park Sustainable Irrigation System Installation and Oval Refurbishment and Toogoolawah Swimming Pool and Community Gym – Gym Extension. The Fund includes \$15 million for projects under round two of the Minor Infrastructure Program (the Program).

The Program funding is available for shovel-ready sporting and active recreation projects that open new options for Queenslanders to stay active and healthy. As per round one of the Program, projects should enhance community participation opportunities through the provision of spaces that are safe, quality, efficient and inclusive and accessible.

Projects should provide new, upgraded or end-of-life field of play and ancillary facilities to meet activity requirements at a community level. Projects must not exceed an estimated total project cost of \$1 million excluding GST. The maximum Department contribution to any project will be \$250,000 excluding GST, with the minimum applicant financial contribution being 20 per cent of eligible project costs. Applications to the Program must be supported by a Quantity Surveyor (QS) Estimate or three comparable written quotations.

In June 2022, Council resolved to endorse the submission of a grant funding application to construct a new Esk Tennis and Girl Guides Clubhouse facility with a 20 per cent co-investment from Council (based on a total project cost of \$850,000 excluding GST). The current design also does not have development application approval.

Council Officers have identified an infrastructure project for the Esk Tennis Courts that would complement the current grant funding opportunity (i.e. the Program) without inhibiting the potential future clubhouse facility.

The project would include the installation of a new perimeter fence, levelling of the floor inside the existing clubhouse and extending the building internally (extending into the existing storage area). The total estimated project cost is \$200,000. Should Council wish to progress the funding application, it is proposed that the requested Department funding contribution be \$120,000 (60 per cent), with the Council funding contribution to be \$80,000 (40 per cent).

#### Attachments

Nil.

#### Recommendation

THAT Council endorse the submission of a grant funding application for the Esk Tennis Courts to replace the perimeter fence, level the existing clubhouse floor and internally extend the building, with co-investment from Council not to exceed \$80,000 excluding GST.

#### Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

“THAT Council endorse the submission of a grant funding application for the Esk Tennis Courts to replace the perimeter fence, level the existing clubhouse floor and internally extend the building, with co-investment from Council not to exceed \$80,000 excluding GST.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Escape Raid Event Sponsorship Request</b>
<b>File Ref:</b>	<b>Recreation and Cultural Services – Event Management –</b>
	<b>Community Events – Festivals – Sporting</b>
<b>Action Officer:</b>	<b>CTM</b>

### Background/Summary

Somerset Regional Council has received a request from Rogue Adventure Pty Ltd to host and sponsor the Escape Raid event for three years from October 2024.

The request is for \$5,000 excluding GST per annum and value in-kind support.

The Escape Raid event is a multi-discipline adventure race format, comprising three individual events, each ranging in length from two to four hours. The event will be spread over two days in a weekend, with catering and social activities to be provided between events.

The event is proposed to be held at Logan's Inlet, utilising the campgrounds, Wivenhoe Hills trails and Lake Wivenhoe. The event is proposed to be scheduled on 19 and 20 October 2024. The boutique event will cater to up to 200 competitors. The event will target attendance from entry level adventure race competitors in South East Queensland and encourage family attendance, to amplify the visitation to the Somerset Region.

In May 2023, with sponsorship from Council, Rogue Adventure held the Rogue Raid event in the Somerset Region. The Rogue Raid is a national adventure series recognised event, that caters to an experienced competitor. The Rogue Escape event would cater to less experienced competitors and align with Experience Somerset target markets.

In exchange for sponsorship, Rogue Adventure commits to:

- Involve Somerset Regional Council's Mayor, or Mayor's Representative, in the race opening.
- Promote Council's Experience Somerset brand and tourism operators in the lead up to the event, in particular accommodation operators.
- Encourage the use of local suppliers, where possible.
- Promote health and wellbeing in the community through event promotion with a strong focus on an active and outdoor lifestyle.
- Share professional imagery and videography (including aerial footage obtained by drone) of the event with Council for future use in the positive promotion the Experience Somerset brand.

Encouraging an event of this nature to Somerset aligns with the following Council objectives:

- Explore a More Strategic and Coordinated Approach to Events Planning and Promotion... Identify opportunities for existing and emerging events throughout Somerset to become part of a wider, coordinated calendar of events. *(Somerset Tourism Strategy 2021-2025: Theme 4: Design and Delivery of Festivals and Events)*
- Proactively encourage... the development of new events within the Somerset Region. *(Somerset Regional Council Operational Plan 2022-2023: Prosperous Somerset)*
- Facilitate community access to the wide range of sport and recreational pursuits available in the Somerset region. *(Somerset Regional Council Corporate Plan: Vibrant Somerset, 2.6).*

The multi-day event would be of positive economic benefit to Somerset. Based on previous research, it is estimated that adventure cyclists spend approximately 51 per cent more when visiting Somerset overnight (Brisbane Valley Rail Trail Visitor Research Program Report, July 2021). This target market for this event are also considered to be high value travellers, that be accompanied by family seeking alternative experiences.

The combination of the Wivenhoe Triathlon and Escape Raid events would seek to reinvigorate Lake Wivenhoe as a significant outdoor tourism asset for the Region. The events would serve as a centrepiece of the Experience Somerset Spring promotional campaigns.

#### Attachments

Nil

#### Recommendation

THAT Council commit to sponsoring the Rogue Escape event to be delivered by Rogue Adventure, for three years commencing in October 2024, providing \$5,000 per annum excluding GST and value-in-kind support, under the condition that a Memorandum of Understanding be agreed upon by all parties.

#### Resolution

Moved – Cr Isidro

Seconded – Cr Choat

“THAT Council commit to sponsoring the Rogue Escape event to be delivered by Rogue Adventure, for three years commencing in October 2024, providing \$5,000 per annum excluding GST and value-in-kind support, under the condition that a Memorandum of Understanding be agreed upon by all parties.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Fernvale Sports Park Advisory Committee Meeting – 27 September 2023</b>
<b>File Ref:</b>	<b>COMMUNITY SERVICES - MEETINGS – 2022-2023 – Fernvale Sports Park Advisory Committee</b>
<b>Action Officer:</b>	<b>SRO</b>

#### Background/Summary

The meeting of the Fernvale Sports Park Advisory Committee (the Committee) was held on Wednesday 27 September 2023 at the Fernvale Sports Park. A report of the meeting is attached for review.

The meeting involved significant discussions with the Committee regarding feedback on the Master Plan draft survey and its acceptance by Council, tenders received for irrigation and field refurbishment works to be undertaken, and the responses received to the Expression of Interest for a private school to lease adjacent Council freehold land and utilise the Fernvale Sports Park facilities.

**Attachments**

1. Meeting Report – Fernvale Sport Park Advisory Committee – 27 September 2023
2. Operating and Project Budget Year to Date Financial Review (as at 31 August 2023)

**Recommendation**

THAT Council receive the report for the Fernvale Sports Park Advisory Committee meeting held on Wednesday, 27 September 2023 and the contents be noted.

**Resolution**

Moved – Cr Isidro

Seconded – Cr Gaedtke

“THAT Council receive the report for the Fernvale Sports Park Advisory Committee meeting held on Wednesday, 27 September 2023 and the contents be noted.”

Carried*Vote - Unanimous*

<b>Subject:</b>	<b>Special meeting of The Condensery - Somerset Regional Art Gallery Advisory Committee Meeting</b>
<b>File Ref:</b>	<b>The Condensery – Somerset Regional Art Gallery Advisory Committee</b>
<b>Action Officer:</b>	<b>ACM</b>

**Background/Summary**

The Condensery - Somerset Regional Art Gallery Advisory Committee (CSRAG) held a special meeting on Monday, 9 October 2023 to discuss the exhibition schedule for 2024.

**Attachments**

Meeting Report for The Condensery - Somerset Regional Art Gallery Advisory Committee Special Meeting – 9 October 2023

**Recommendation**

THAT Council receive the meeting report for the special meeting of The Condensery Somerset Regional Art Gallery committee held on Monday, 9 October 2023 and the contents be noted.

**Resolution**

Moved – Cr Brieschke

Seconded – Cr Choat

“THAT Council receive the meeting report for the special meeting of The Condensery Somerset Regional Art Gallery committee held on Monday, 9 October 2023 and the contents be noted.”

Carried*Vote - Unanimous*

<b>Subject:</b>	<b>RADF- Regional Arts Development Fund - Out of Rounds Application – 2023 Linville Heritage and Arts Festival – Under The Stars with Voices Chamber Music Performance</b>
<b>File Ref:</b>	<b>2023 – 2024 Regional Arts Development Fund Advisory Committee</b>
<b>Action Officer:</b>	<b>ACM</b>

### Background/Summary

Council received an out-of-rounds RADF (Regional Arts Development Fund) application – 2023 Linville Heritage and Arts Festival – “Under The Stars with Voices” Chamber Music Performance by from the Linville Progress Association.

The project offers a major musical event to celebrate the fourth annual Linville Heritage and Arts Festival on 18 November 2023. It will feature the acoustic performance of a five piece chamber orchestra and the baritone voice of opera singer, Oliver Samson.

Linville Progress Association Inc has purposefully incorporated a range of artist events into its ‘village life’ over the past four years. This reflects objectives in their strategic plan, those being to engage the local community in the arts to create better wellbeing and socialisation, to become a recognised artistic hub, and to create tourism opportunities. This responds to Somerset Regional Council’s RADF categories; *Somerset Stories*, *Wellbeing* and *Placemaking*.

### Attachments

Nil

### Recommendation

THAT Council approve the amount of \$7,469 for the 2023 Linville Heritage and Arts Festival – Under The Stars with Voices Chamber Music Performance received out-of-rounds.

#### Resolution

Moved – Cr Gaedtke

Seconded – Cr Isidro

“THAT Council approve the amount of \$7,469 for the 2023 Linville Heritage and Arts Festival – Under The Stars with Voices Chamber Music Performance received out-of-rounds.”

*Carried*

*Vote - Unanimous*

<b>Subject:</b>	<b>The Condensery – Creative Australia Arts Projects for Organisations</b>
<b>File Ref:</b>	<b>The Condensery - Somerset Regional Art Gallery</b>
<b>Action Officer:</b>	<b>GC</b>

### Background/Summary

Somerset Regional Council has the opportunity to apply for grant funding through the Arts Queensland's *Queensland Arts Showcase Program (QASP)*, a program focused on celebrating Queensland's artists and stories, ensuring Queenslanders' access to high quality experiences and growing Queensland's cultural reputation.

Grants are available up to \$70,000 for projects and programs for up to 12 months.

The Condensery is looking to apply for \$24,410 (ex GST) for Lionel Fogarty's exhibition, to be delivered in late 2024.

Project: Lionel Fogarty exhibition and performances

Lionel Fogarty (Yugambah) is one of Australia's most important living poets, artists and activists. This exhibition at The Condensery will display new paintings by Lionel Fogarty and support both poetry and music performances in a location geographically close to Fogarty's Country.

Lionel G. Fogarty is a Yugambah man born on Wakka Wakka land in South Western Queensland near Murgon. He is one of Australia's greatest poets. His reputation as a poet was built upon his ingenuity with the English language and the use of Aboriginal language within his poetry.

Lionel Fogarty since the early 2000s has been creating 'poem paintings', where the viewer can be immersed in the language written by his own hand, rather than by the mechanical typeset of publishing. Throughout his career, Lionel has created paintings and drawings on paper when writing his poems, but it is only in the last year that he has begun to exhibit these and to understand them as part of his artistic practice. To this end, he has begun working on canvas rather than paper. He is excited to share these works with audiences at The Condensery.

This Arts Queensland funding will support:

- 1) the presentation of Lionel Fogarty's recent poem paintings at The Condensery, Somerset Regional Art Gallery from 23 November 2024 – 2 February 2025
- 2) Two poetry performances while the exhibition is on display, and
- 3) the commission of 1 x music composition and performance in response to the exhibition.

This project has received endorsement from The Condensery's advisory committee.

The Condensery requests from Arts Queensland \$24,410.00 in funding. The Arts Queensland QASP funding outcome will be announced mid-January 2024.

#### Attachments

Nil

#### Recommendation

THAT Council apply for Arts Queensland QASP funding to deliver a Lionel Fogarty exhibition and performances at The Condensery in 2024.

**Resolution**

Moved – Cr Brieschke

Seconded – Cr Choat

"THAT Council apply for Arts Queensland Arts Queensland's *Queensland Arts Showcase Program (QASP)* funding to deliver a Lionel Fogarty exhibition and performances at The Condensery in 2024."

Carried





Vote - Unanimous

**Subject:** Tourism and Promotions Report – September 2023  
**File Ref:** Tourism – Promotions  
**Action Officer:** CTM













### Background/Summary


The following is the September 2023 summary of activities for Somerset Visitor Information Centres (VIC) and the Tourism team members.

### Visitor Statistics

	Somerset	Brisbane	Other SEQ	Rest of state	Interstate	International	Total
 <b>Esk VIC</b>	46	54	92	12	46	9	259
 <b>Fernvale VIC</b>	125	149	111	31	46	9	467
 <b>Kilcoy VIC</b>	134	226	243	67	197	15	882
 <b>The Condensery</b>	157	61	74	19	61	2	374

### Motivators

	First	Second	Third
<b>Esk</b>	 Maps and Directions	 Glen Rock Gallery	 Outdoor Activities
<b>Fernvale</b>	 Maps and Directions	 Brisbane Valley Rail Trail	 Caravanning and Camping
<b>Kilcoy</b>	 Maps and Directions	 Caravanning and Camping	 Outdoor Activities
<b>The Condensery</b>	 The Condensery Exhibitions	 The Condensery Building	 Culture and Heritage

Active Volunteers 	
<b>Esk</b>	9
<b>Fernvale</b>	21
<b>Kilcoy</b>	6
<b>TOTAL</b>	36

## Digital Media

### Facebook



4016  
(+39)  
Reach 54668  
(+171 %)

### Instagram



1674 (+4)  
Reach: 2442  
(+7%)

### Website



**Page Views: 8678**  
**Visitors:** 3398 new, 64 returning  
**Peak Time:** Thursday, 21 September  
**Most Popular Pages:** Experience Somerset, Spring Campaign Landing Page, Events and Markets  
**Device Type:** 70% Mobile, 22% Desktop, 8% Tablet

## Glen Rock Art Gallery (Esk Visitor Information Centre)

The September exhibition at Glen Rock Gallery showcases Toowoomba artist Kim Simmons in her inaugural solo exhibition.

Kim is passionate about painting on location and immersing herself in her surroundings. Self-taught with over 20 years as an artist, she continually explores different techniques and refines her skills.

Using a variety of mediums, Kim eloquently captures the Australian landscape in her work.

## Visitor Information Centre Volunteer Famil

Planning is underway for the end of year famil to be held in December to celebrate the year and International Volunteers Day.

## Trade Shows

A stand has been secured for the Moreton Bay Expo in February 2024. Operators will be invited to attend once more details have been finalised.

## Regional Tourism Organisation



Tourism and Events Queensland and Southern Queensland Country Tourism (SQCT) hosted the Conversations with Industry event on Monday, 11 September in Toowoomba with Council's Promotions officer and several Somerset operators attending.

SQCT will be hosting an event organisers workshop on Saturday, 18 November in Toowoomba. Details have been sent to Somerset event organisers.

### **Tourism Operator Development**

The Best of Brisbane Region Experiences Support Program and Transformational Experiences Mentoring Program is continuing with operators learning ways to improve their businesses to become a Best of Queensland Experience.

Planning is underway to host a tourism operator networking event in November with details to be announced once finalised in October.

### **Regional Event Support and Development 2023-2024**

Officers are actively working with event organisers to encourage and support the development of new and existing regional events in 2023-2024, including:

- Agritourism events
- Sporting events
- Adventure race events

Council and Experience Somerset have agreed to sponsor and provide event support to the following regional events:

- Legends of Beef 2024, hosted by Brisbane Valley Farm Direct
- Brisbane Valley Rail Trail Festival of Cycling 2023, hosted by Brisbane Valley Rail Trail Users Association

### **Marketing Implementation Plan**

Officers are actioning the Experience Somerset Marketing Plan and associated documents and aim to complete 50 per cent of these items by 30 June 2024. Notable projects completed this month:

- Experience Somerset Operator Toolkit
- Experience Somerset Branding Guidelines

### **Marketing Campaigns**

<i>Campaign</i>	<i>Results</i>
<b>BVRT Festival of Cycling 2023</b> Dates active: 23 August – 8 September 2023 Targeted to: SEQ audiences aged 30-65+ with people who match interests with mountain biking (cycling), cycling (sport) Objective: To drive traffic to the BVRT Festival of Cycling booking engine (via link clicks)	Link clicks: 741 Reach: 17,228 Impressions: 40,294
<b>Spring – Country is Calling</b> Dates active: 19 September – 25 November 2023 Targeted to: SEQ audiences aged 30-65+	Results will be available at time of campaign completion.

Objective: Visits to campaign landing page Marketing - Mix of paid and organic digital content - Campaign flyer in Somerset VICs (see attached) - EDM sent to ES database of 3000+ contacts on 27 September 2023 - PR pitches to targeted media outlets	Actions:
--	----------

### Tourism and Marketing Activities

Promotions Officer has prepared and submitted Experience Somerset's entry into the Local Government Association of Queensland (LGAQ) It's Time to Shine Competition 2023; and prepared the Mayor's and CEO's presentation for the upcoming LGAQ Conference.

Experience Somerset imagery and video footage has been shared with South East Queensland Council of Mayors for an upcoming project to promote the organisation and its tourism offering.

Promotions Officer continues to:

- Prepare content for Summer 2023/2024 campaign.
- Develop concept for video component of 2024 Queensland Tourism Industry Council Top Tourism Town Awards Submissions.
- Prepare for Experience Somerset content capture – Imagery and Video for 2024 regional visitor guide, website update, destination video update and more.

Fifteen boxes of the Experience Somerset Visitor Guide were distributed to seven Visitor Information Centres and two tourism operators throughout September.

### Attachments

Nil

### Recommendations

THAT Council receive the Tourism and Promotions Report for the month of September 2023 and that the contents be noted.

#### Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

“THAT Council receive the Tourism and Promotions Report for the month of September 2023 and that the contents be noted.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Corporate and Community Services Monthly Report - September 2023</b>
<b>File Ref:</b>	<b>SRC/Governance/Reporting</b>
<b>Action Officer:</b>	<b>DCORP</b>

### Background/Summary

Details of the Corporate and Community Services report for the month of September 2023 are as follows:

## Records

### Documentation – At a Glance – September 2023

Inward/Actioned Documents – 3182	Outward Correspondence - 1779
Customer Service Requests - 406	Councillor Requests – 6 (Six)
Emails Processed by the Records Team	
Corporate Mailbox - mail@ - 15,802	Internal Only Records Email – 9,313
Decision Notices/Workshop Outcomes – Decision Notices – Sixty-Three (63) Workshop Actions – Ten (10)	Tender/Quotation – Tenders – Tenders (0) Numbered Quotations – 0

Total Documents Registered for the month of September 2023 – 7989

### Email Traffic

Somerset Regional Council [mail@somerset.qld.gov.au](mailto:mail@somerset.qld.gov.au) (Corporate Mailbox)

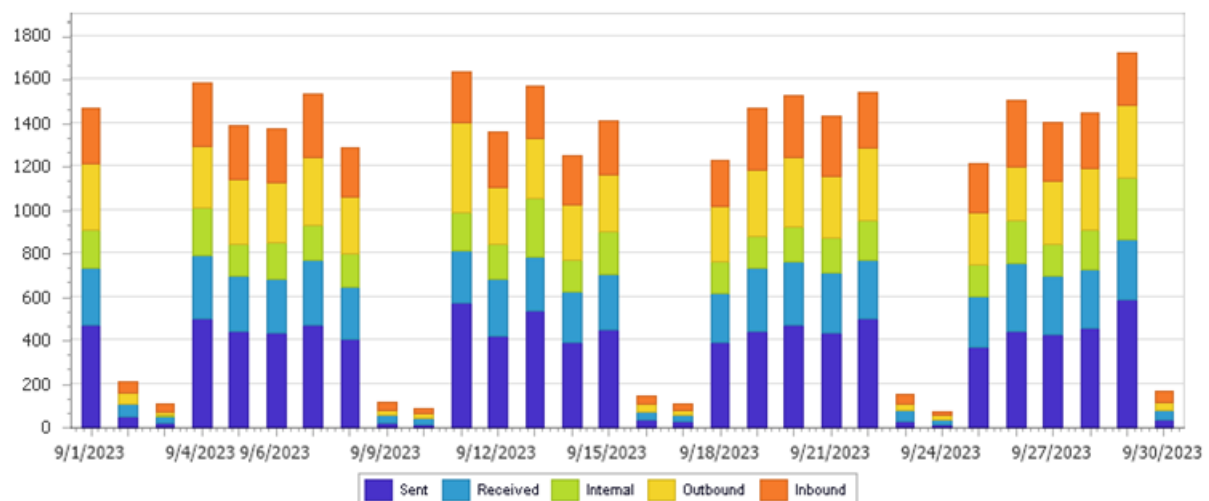
User Traffic Report For:

## Somerset Regional Council

Emails between 9/1/2023 and 9/30/2023

### Summary

Inbound	Outbound	Internal	Sent	Received
Total Emails: 5708	Total Emails: 6368	Total Emails: 3726	Total Emails: 5884	Total Emails: 9918



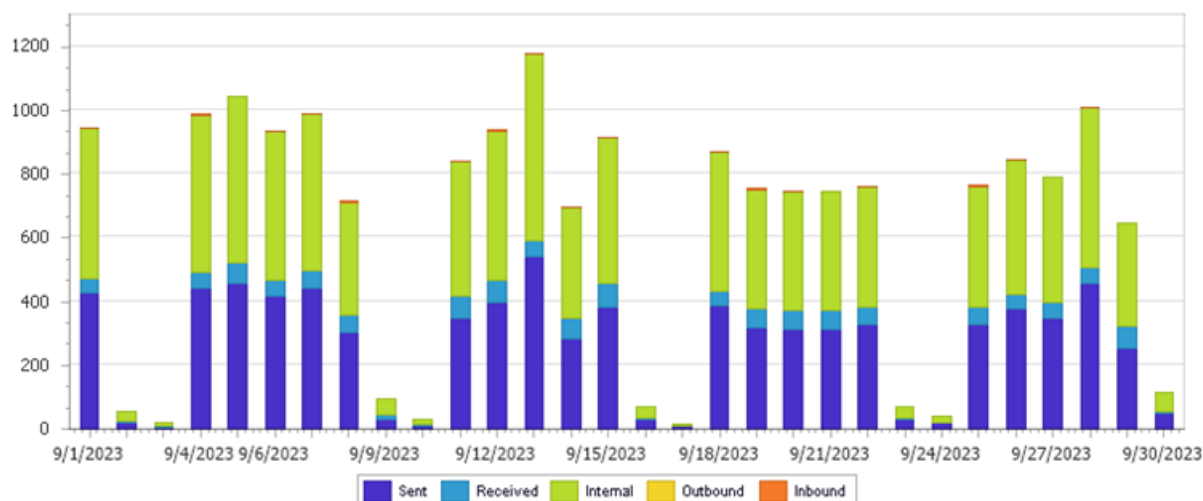
## User Traffic Report For:

**Records**

Emails between 9/1/2023 and 9/30/2023

**Summary**

Inbound	Outbound	Internal	Sent	Received
Total Emails: 43	Total Emails: 0	Total Emails: 3270	Total Emails: 1239	Total Emails: 8074

**Information and Communication Technology (ICT)**

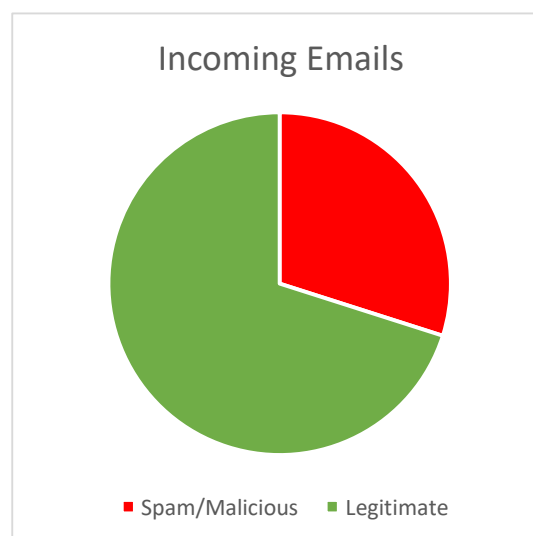
ICT remains committed to improving its meeting capabilities and equipment, with ongoing efforts to upgrade technology and facilities. These enhancements aim to ensure smoother and more inclusive council proceedings, accommodating the evolving needs of both council members and the community.

ICT is actively pursuing a series of upgrades to bolster the capabilities and equipment in their offices, including NBN technologies on multiple Council sites. These improvements are aimed at enhancing overall operational efficiency, fostering a more conducive work environment, and ultimately enabling better service delivery to the community.

**Cyber Security**

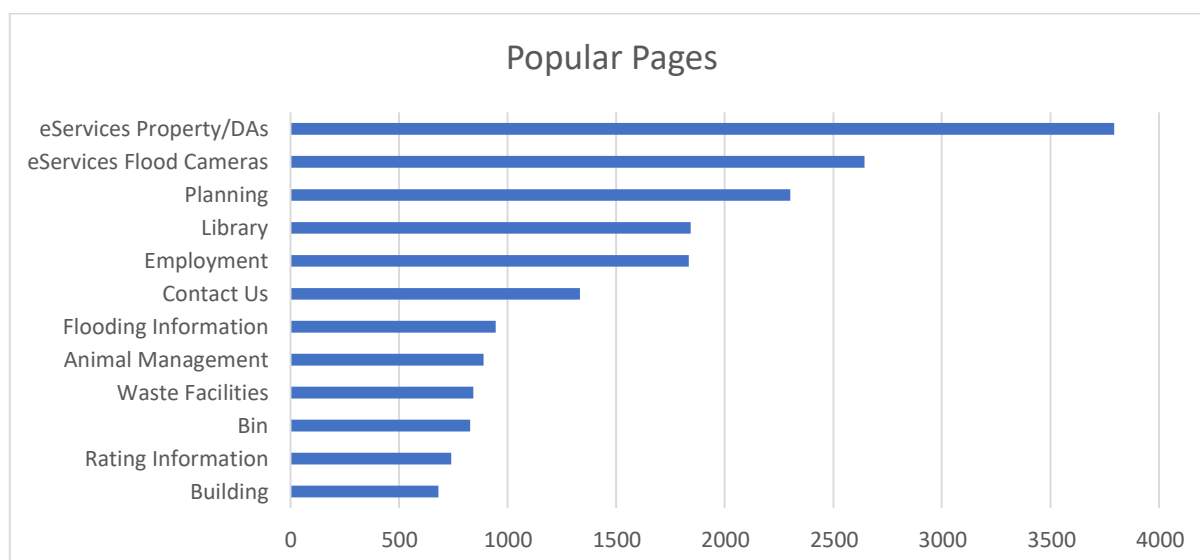
The number of incoming malicious emails increased with a slight increase in total emails overall. Phishing emails continue to target Office365, file sharing services and videoconferencing utilities, with several incoming malicious emails received from compromised email accounts at vendors and other government entities including Councils.

Local government continue to experience concerning exponential growth in ransomware attacks. Cybercriminals continue to target various LGAs, demanding significant ransom payments in cryptocurrencies. These attacks disrupt essential services such as public utilities, tax collection, and emergency response systems. Local governments continue to be on heightened alert and at a state of readiness to respond to an attack.



### Websites

The primary corporate website ([someset.qld.gov.au](http://someset.qld.gov.au)) received 40,989 page views for the month, and eServices ([eservices.someset.qld.gov.au](http://eservices.someset.qld.gov.au)) received 14,847.



### Governance and Business Improvement

#### Annual Report

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

Section 182 of the Local Government Regulation 2012 specifies that the annual report must be adopted within 1 month after the day the auditor-general gives it's audit report about the local government's financial statements. It is anticipated that the audit report will be received by 20 October 2023.

#### Local Laws

A review of Subordinate Local Law No. 2 (Animal Management) 2011 (SLL No.2) and Subordinate Local Law No. 1.5 (Keeping of Animals) 2011 (SLL No. 1.5) was conducted under the Animal Subordinate Local Law Review Project.

In order to give effect to the intent of the review findings and recommendations therein, amendments were made to the above legislation and Council resolved to propose to make each of them at the Ordinary Council meeting of 27 September 2023. Arrangements to undertake the public consultation process are being made.

#### Policy Review

The Queensland Ombudsman (QO) investigates complaints about the actions and decisions of Queensland local governments. The QO recently produced a report identifying the top 5 problems identified in the complaints they have investigated over the last 20 years. Findings included:

- 69% of reports identified an issue about policies and procedures as a factor for the problem under investigation.

- 50% of QO reports identified a deficiency in information and records management as a factor for the problem under investigation.




As a Team striving for Excellence, we can all do our part to reduce the likelihood of Team Somerset contributing to the Queensland Ombudsman's complaint statistics.

The Information Services Team have made significant progress reviewing and revising all Council's policies that relate to Information Management and are in the process of drafting a policy position should Council be subjected to a Data Breach. Council has a legal obligation to comply with information management provisions within the *Public Records Act 2002*, *Right to Information Privacy Act 2009*, *Information Privacy Act 2009* and the *Local Government Act 2009*.

Councillor and Staff compliance with the provisions of this legislation is important, as failure to adequately keep records in Council's *Electronic Document Records Management System (EDRMS)* could leave individuals at risk of prosecution for disposal of public records. It also presents a risk to Council if records are not contained within Council's EDRMS, as information relevant to decision making has not been captured and is therefore not available for Councillors and Staff to rely upon in future. This is particularly concerning when staff turnover is high.

It is intended that best efforts be made to simplify and reduce the amount and complexity of Council's policies to encourage greater compliance with legislative requirements.

## Arts and Culture

		
Attendance at Cultural Venues	Events	Partnerships
7870	78	2

## Events

### *Somerset Celebrates – Australia Day 2024*





Date - Friday January 26, 2024

The event will consist of a Citizenship Ceremony, Australia Day Awards, and catered morning tea/brunch with a live performance of the National Anthem and background music to accompany the event.

Current applications being prepared to support the event are:

- The Australia Day Ambassador Program
- The National Australia Day Council's Community Grant Funding Program

## Somerset Libraries

			
Circulation	Visitation	Events	New members


12, 440	6475	49	73
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During September 490 children, teens and adults participated in programs in the library including:

- Talks at Esk, Lowood and Kilcoy by writer of Australian outback stories, Patsy Kemp
- School holiday craft, games and capers including owl mosaics, pirate treasure maps and healing gardens.

The library also participated in the Teddy Bear's picnic with teddy bear stories, games and craft and visited Mt Kilcoy's playgroup, NCC Early Learners kindergarten and delivered a creative storytime and play session at the Condensary.

### Somerset Civic Centre

		
Visitation	Events	Shows scheduled
984	22	5




September demonstrated strong usage from both Council and private hires. Events included the Teddy Bears Picnic, Somerset Regional Council Trivia night, Somerset Garden Competition and a Citizenship Ceremony.

Tai Chi, Seniors Dance and Esk Community Choir continue to make up the majority of regular users of the centre.

Programs in development and upcoming advertised events include;

- Aladdin and his Magic Smartwatch: 14<sup>th</sup> October 2023
- Drag Bingo: 25<sup>th</sup> November 2023
- Festival of Small Halls: 15<sup>th</sup> of December 2023
- Kids free 'back to school' fun learning day: 24<sup>th</sup> February 2024
- Shake and Stir (book week/Shakespeare curriculum): July/August 2024

### The Condensary

		
Visitation	Public programs	Exhibitions in development
411	7	11

During September The Condensary displayed two exhibitions:

*The Good* by Anna Louise Richardson and *Ex Tenebris Lux* by Naomi McKenzie. Both have received overwhelmingly positive feedback. Exhibition development continued for *Intimate Immensity* by Ian Friend and *Littoralis* by Anita Holsclaw opening 7 October.

Programs and events this month included five Healing Garden workshops across the region in Toogoolawah, Kilcoy and Lowood, employing two Somerset artists. In addition, The Condensery hosted an artist talk and morning tea with local Toogoolawah artist Naomi McKenzie; and one Storytime in collaboration with SRC libraries.

The UQ Art Museum Cultural Mediation project concluded 15 September. Gallery Volunteers will take this learning to each exhibition moving forward.

The Condensery's 2024 exhibition and event program is in development.

### **Community Development**

#### *Seniors Health Hub Able*

The Seniors Health Hub located at Able in Lowood was held on the 6 September. Various providers held stalls on information for the elderly community. Council attended and assisted members to gain a better understanding of support services.

#### *Fernvale Mercy Child Protection Week Event*

Mercy held an event located at the Fernvale State School which provided information on early childhood and support services offered by Mercy. Council attended the event and provided an information stand and activities for children.

#### *Teddy Bears Picnic*

The Teddy Bears Picnic was held at the Somerset Civic Centre. Many free activities were offered at the event, including face painting, stamp making, children's disco, Ottaba Llamas' llama walk and petting zoo, and a teddy bear parade. The event attracted 200 attendees with 18 stall holders. Stall holders provided information on early childhood and family support services within the region. The event was coordinated by the Community Development Coordinator and supported by the Youth and Community Development Coordinator. Community Recovery and Resilience Officer and Sport and Recreation Officers.

#### *RUOK Day*

A stall with RUOK Day cupcakes was present at IGA Kilcoy on the 14 September. This event promoted mental health and wellbeing awareness within the community. Around 35 community members interacted with council staff.

#### *Hub @ The Hub*

Services gathered at the Hub in Kilcoy to provide local community with health services, 6 service providers attended. This services will continue up to Christmas with a review to take place of the uptake.

#### *Community Networking Meetings*

Council Officers attended the following networking / organisational meetings for the month:

- Ipswich West Moreton Child Protection Week
- Youth Festival Working Group
- Mercy Christmas Party Event
- Neighbourhood Centre Information Session
- Meeting with Lowood Youth Leaders
- Talkin it Up 2024 Committee
- Youth Interagency Ipswich

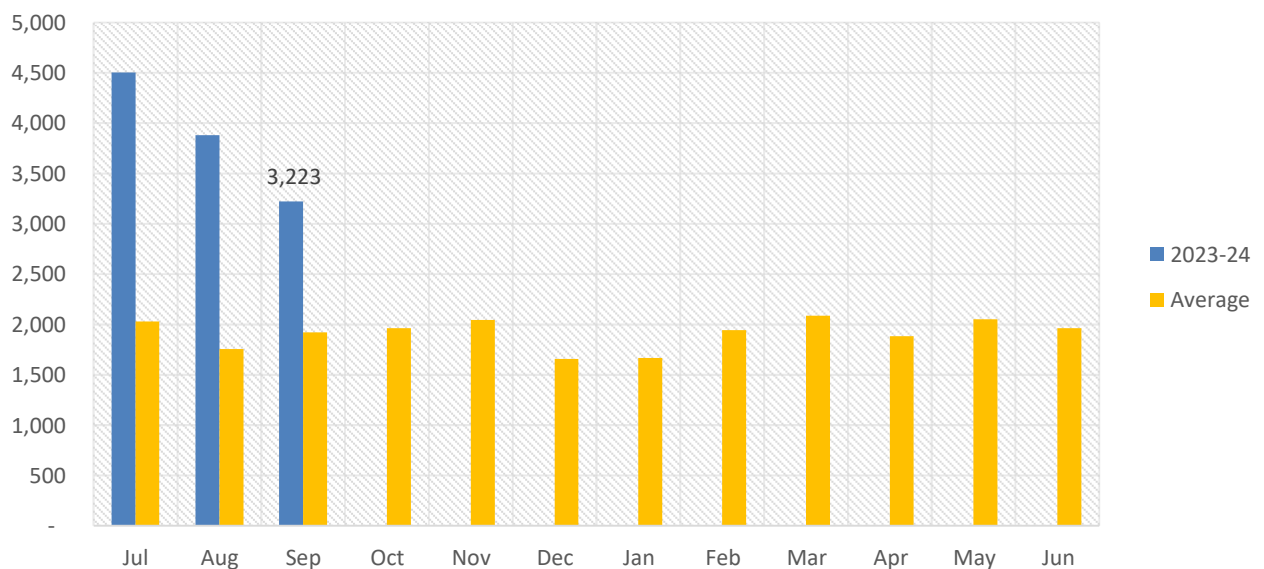


## Sport and Recreation

The following contains an overview of Sport and Recreation facilities, programs and projects for the month of September 2023.

### *Fernvale Indoor Sports Centre (Pcyc Fernvale)*

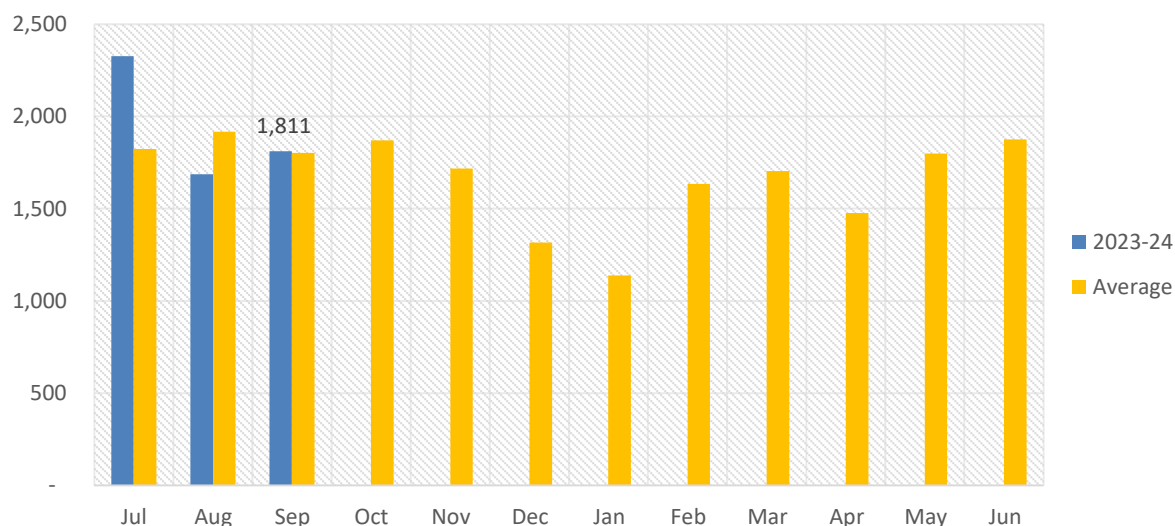
- Attendance Record for September (3,223).
- Comparative to Monthly Historical Average – positive (Average – 1,915).
- Membership Change – decreased - 65 (Current Membership – 1,289).
- The Breaking the Cycle program had 29 young people participate in driving lessons, accumulating a total of 50 hours. One young person passed their driving exam and obtained driver's licence.
- 84 young people participated in the basketball after dark program.
- The gymnastics program currently has 246 enrolments.
- No incidents reported.



- Graph: Monthly Attendance of the Fernvale Indoor Sports Centre - 2023-24 versus Average

### *Kilcoy Indoor Sports Centre*

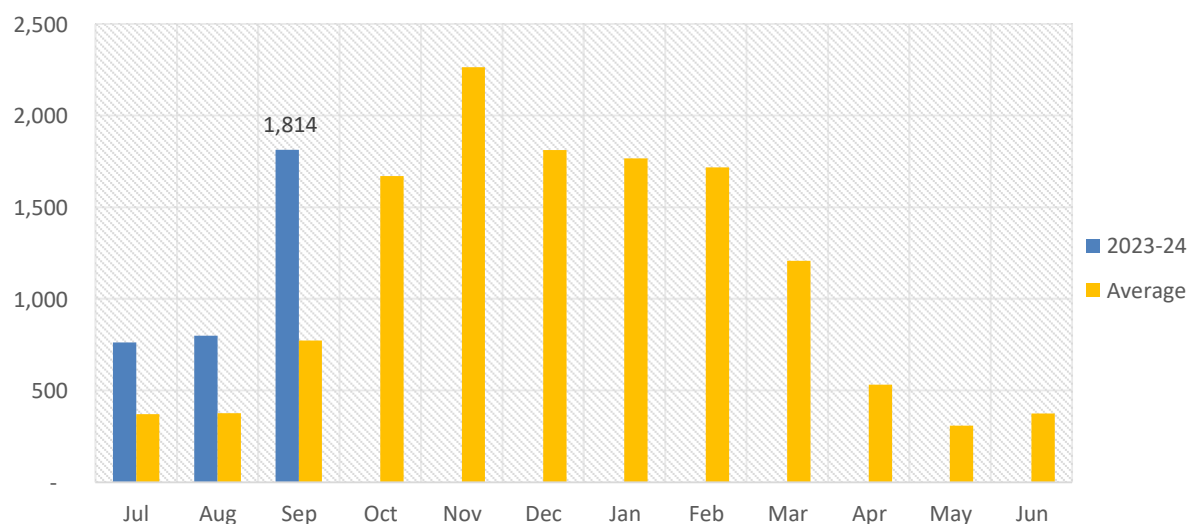
- Comparative to Monthly Historical Average - positive (Average – 1,803).
- Membership Change – increased +11 (Current Membership –122).
- Progress continued with Return-to-Work Programs - Kilcoy Global Food and Work Cover Queensland for light duties placements.
- Increased response to government program for knee and hip rehabilitation with physio and physiologist.
- No incidents to report.



- Graph: Monthly Attendance of the Kilcoy Indoor Sports Centre - 2023-24 versus Average

### *Toogoolawah Swimming Pool and Community Gym*

- Attendance Record for September (1,814).
- Comparative to Monthly Historical Average – positive (Average – 1,915).
- Membership Change – increased +4 (Current Membership - 56).
- Swimming Pool reopened 16 September 2023.
- Exercise physiologist fully booked two days per week.
- Increased numbers for Aqua Aerobics program.
- No incidents to report.

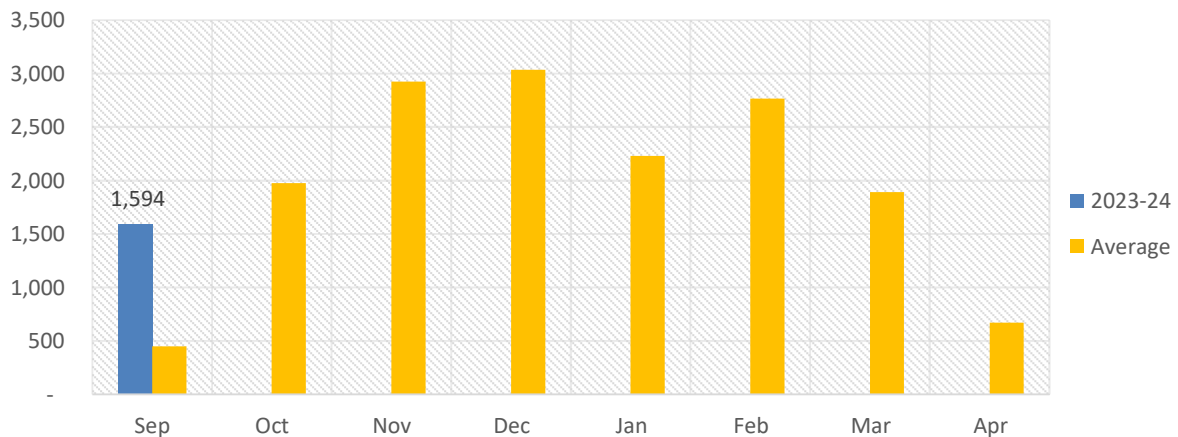


- Graph: Monthly Attendance of the Toogoolawah Swimming Pool and Community Gym - 2023-24 versus Average

### *Lowood Swimming Pool*

- Attendance Record for September (1,594)

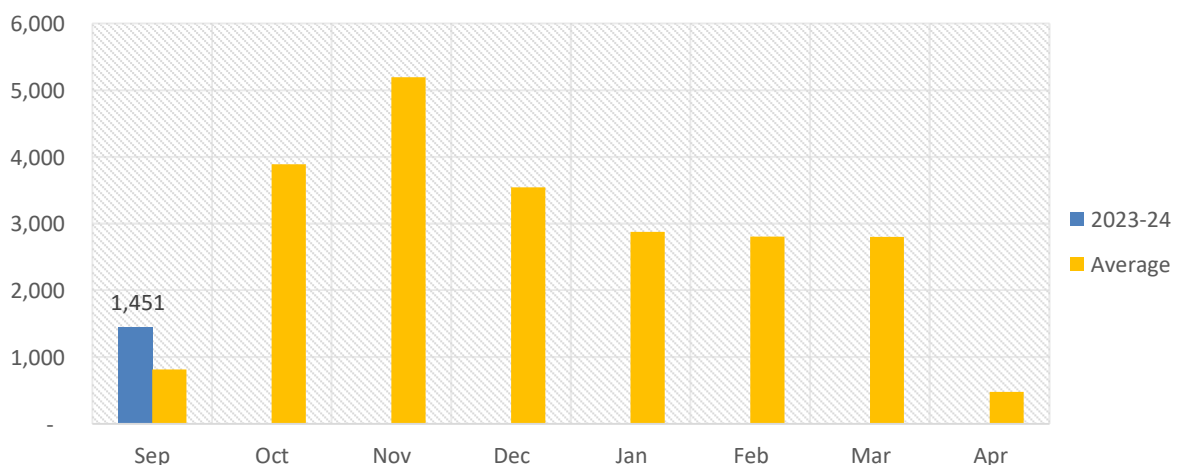
- Comparative to Monthly Historical Average – positive (Average – 449)
- Swimming Pool reopened 16 September 2023.
- Construction works for the refurbishment of the Lowood Swimming Pool carpark continued. Minimal interruption to services with temporary carpark and footpaths established. Works are expected to be completed by early November 2023.
- Enrolment Record of 161 students for Learn to Swim classes.
- No incidents to report.



- Graph: Monthly Attendance of the Lowood Swimming Pool - 2023-24 versus Average

#### *Kilcoy Aquatic Centre*

- Comparative to Monthly Historical Average – positive (Average – 811).
- Pool reopened 16 September 2023.
- Learn to Swim Program taking place five days per week.
- Aqua aerobics classes scheduled for six mornings per week.
- One reportable incident



- Graph: Monthly Attendance of the Kilcoy Aquatic Centre - 2023-24 versus Average

#### **Sport and Recreation highlights and projects**

- The annual Somerset Sports Primary Cup was held at the Toogoolawah State High School on 15 September. A Sport and Recreation Officer (SRO) attended the event. Approximately 100 year five and six students from the Toogoolawah, Esk, Linville and Harlin State Schools participated in a round robin competition. Students participated in a range of sports. Esk and Toogoolawah State Schools shared the overall trophy that was presented by Cr Graham Lehmann. Council funded the trophy and bus travel for the event.
- The Spring School Holiday Sport and Movie Magic Nights were held at Kilcoy Indoor Sports Centre and Fernvale Indoor Sports Centre on 19 and 26 September respectively. The free events, coordinated by SROs and supported by the Youth and Community Development Officer, comprised of an activity session allowing children to try sports like basketball, gymnastics, futsal, volleyball and dodgeball followed by a free sausage sizzle and free indoor movie, Mario Bros, on the blow up big screen. Kilcoy hosted around 140 participants for their event and Fernvale saw 90 take part.
- A Club Workshop Dinner – “Building Better Clubs” – was held at the Lowood Bowls Club on 5 September with a record 21 club members in attendance. Mr Ian O’Brien, board member of Cahill Park Sports Complex in Gatton, discussed strategies and fielded questions regarding topics including committee governance, volunteers and planning. An SRO hosted the dinner that included club trivia, and provided clubs with an opportunity to network, and discuss common club issues and possible solutions.
- Planning continued for Minor Infrastructure Projects, including the installation of an irrigation system and field refurbishments (including the installation of new goal posts) at the Esk Football Grounds and the extension of the Brisbane Valley Soccer Clubhouse to include amenities facilities at the Lowood Recreational Complex.
- Officers continue to progress the development application for the Kilcoy Indoor Sports Centre Redevelopment.

#### Attachments

Nil

#### Recommendation

THAT Council receive the Corporate and Community Services monthly report for September 2023 and the contents be noted.

#### Resolution

Moved – Cr Gaedtke

Seconded – Cr Isidro

“THAT Council receive the Corporate and Community Services monthly report for September 2023 and the contents be noted.”

Carried

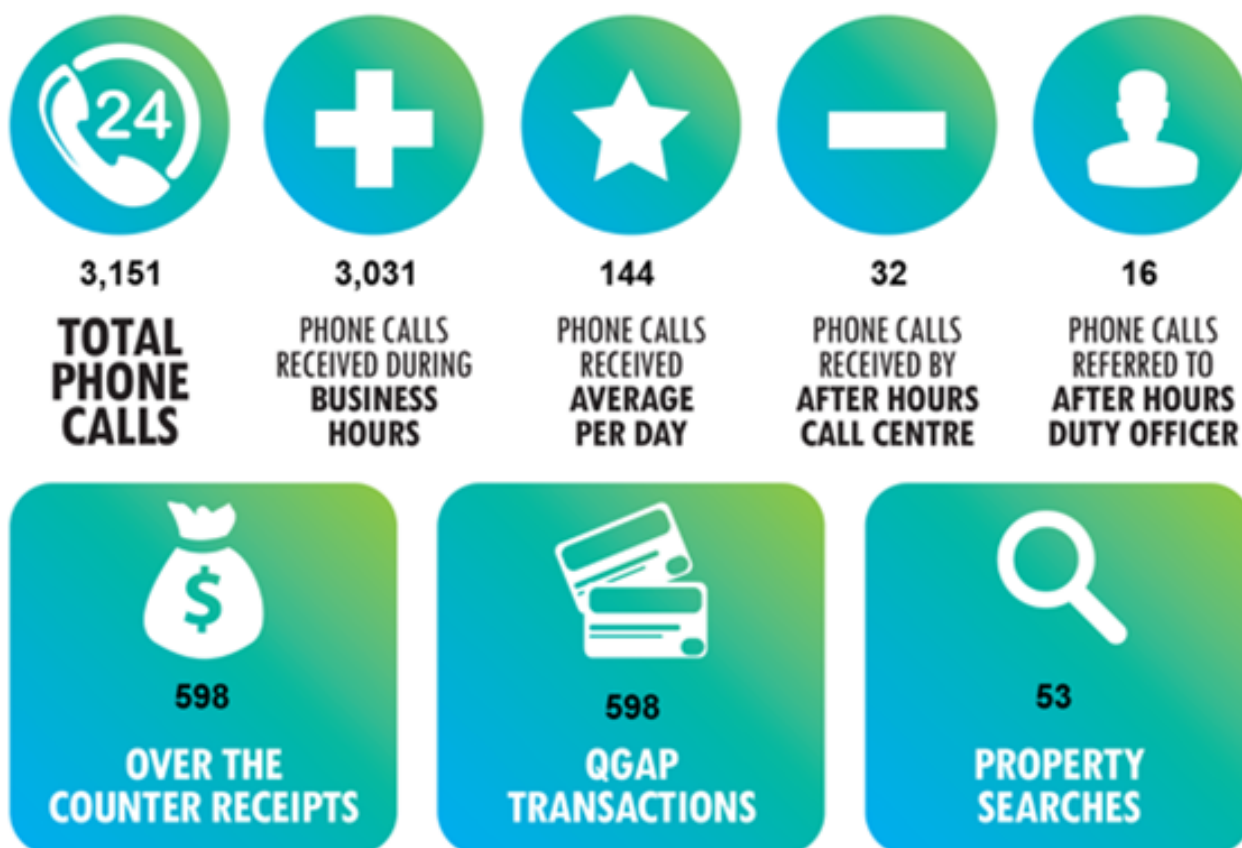
*Vote - Unanimous*

<b>Subject:</b>	<b>Customer Service Report – September 2023</b>
<b>File Ref:</b>	<b>Officers Report</b>
<b>Action Officer:</b>	<b>CSC</b>

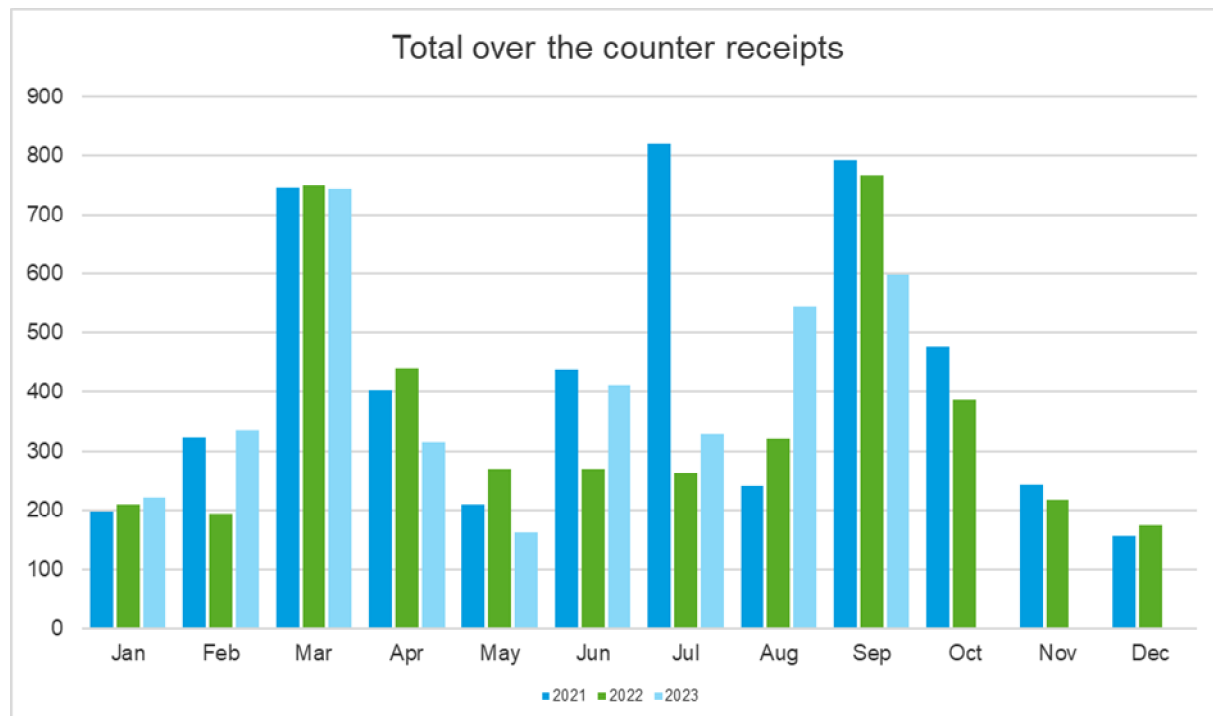
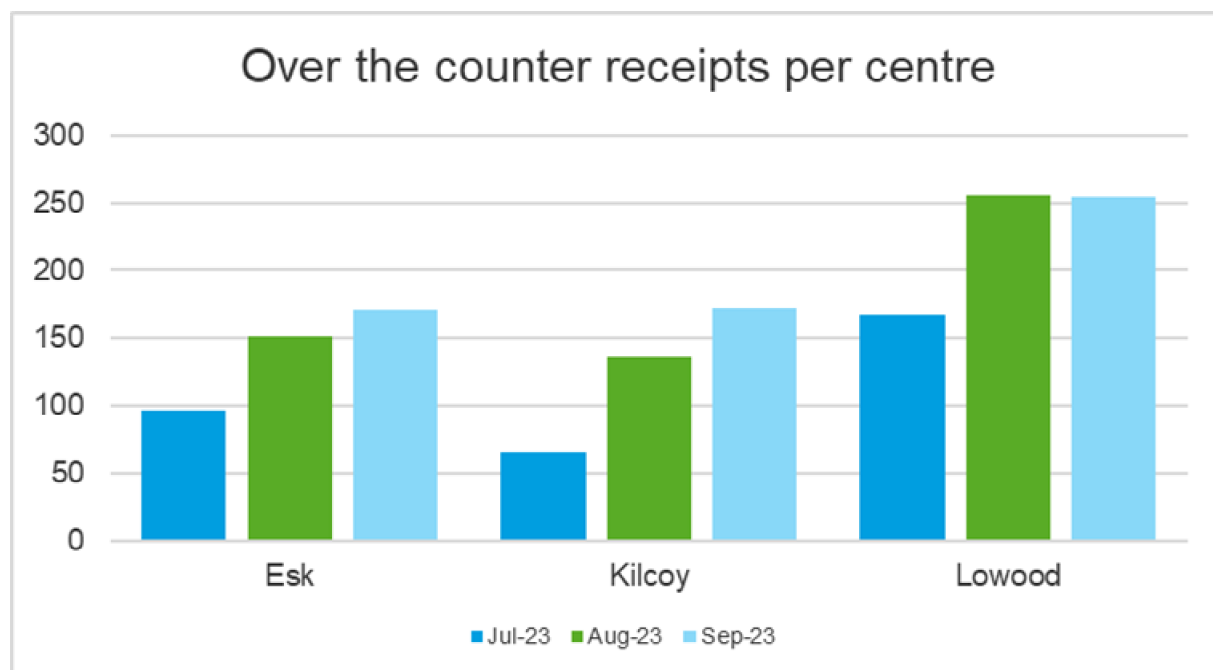
#### Background/Summary

In delivering on Council's Operational Plan and commitment to excellent customer service, a summary of the customer service section activities for the month of September 2023 is provided below for Council's information.

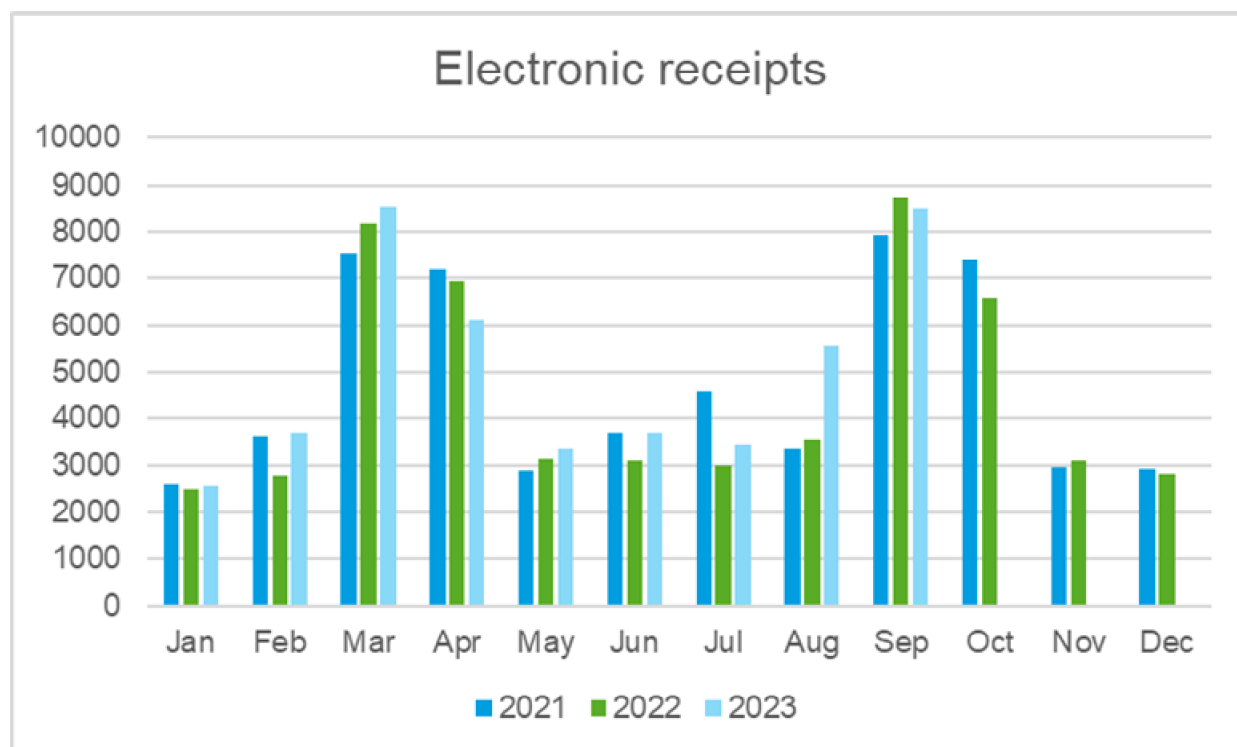
### Summary for September 2023



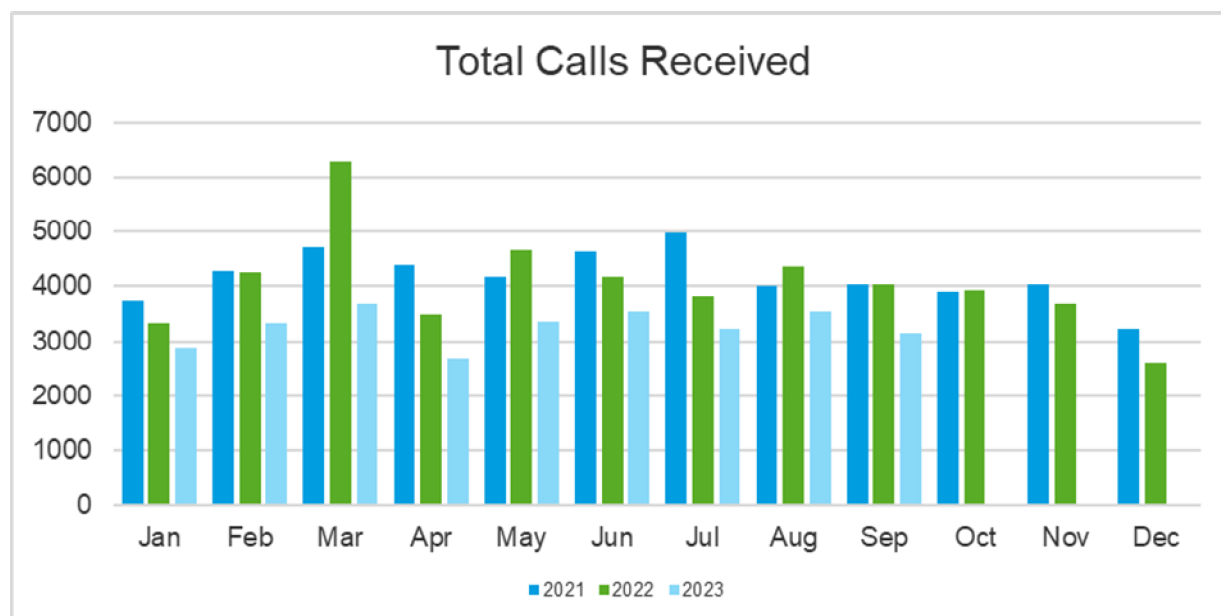
The below table shows the number of Council financial transactions that were taken over the counter at each of the customer service centres in the region for September 2023. These numbers include cheques that were posted into the Council. In total there was 598 financial transactions across the three customer service centres with 171 at Esk Administration Centre, 172 at Kilcoy Customer Service Centre and 255 at Lowood Customer Service Centre for September 2023.



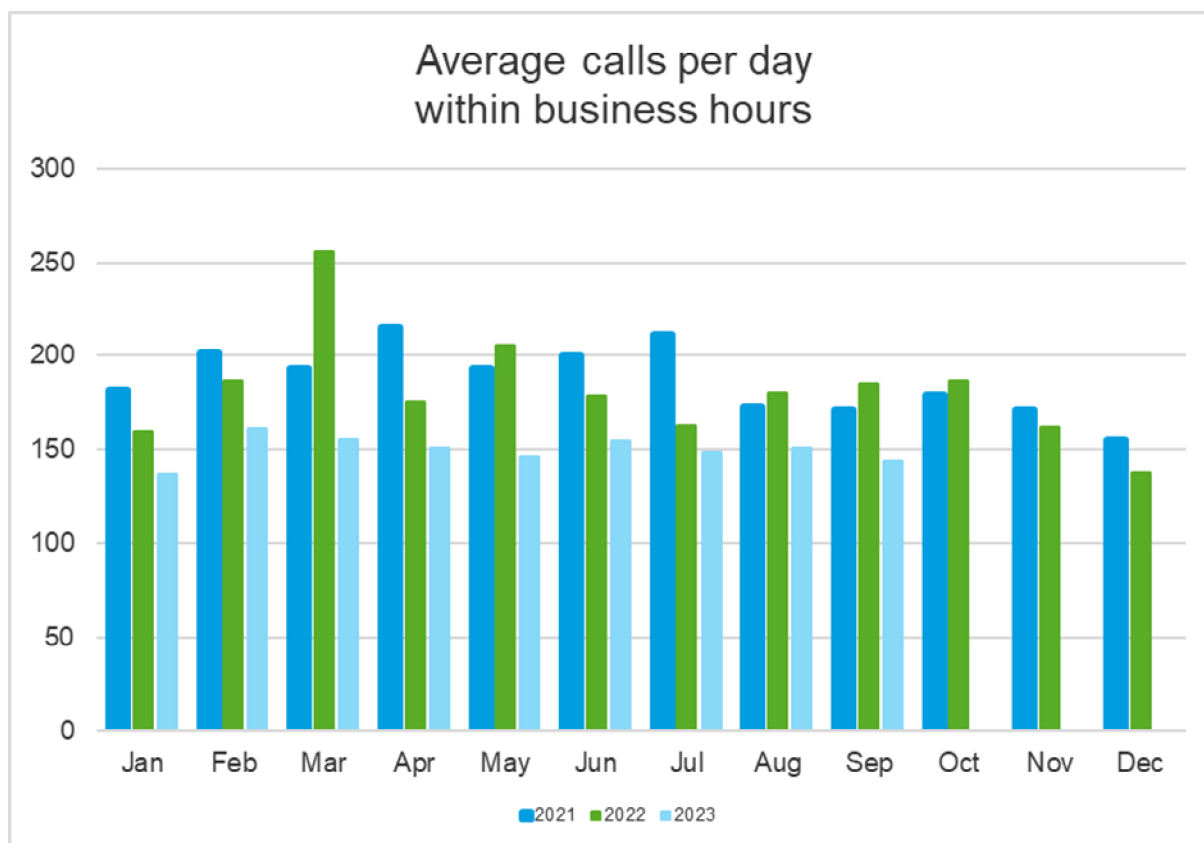
The below table illustrates all other financial transactions (excluding over the counter receipts) received at Council and processed by the finance department. These are BPay and EFT (electronic funds transfer) transactions for payments such as rates, animal registration etc.



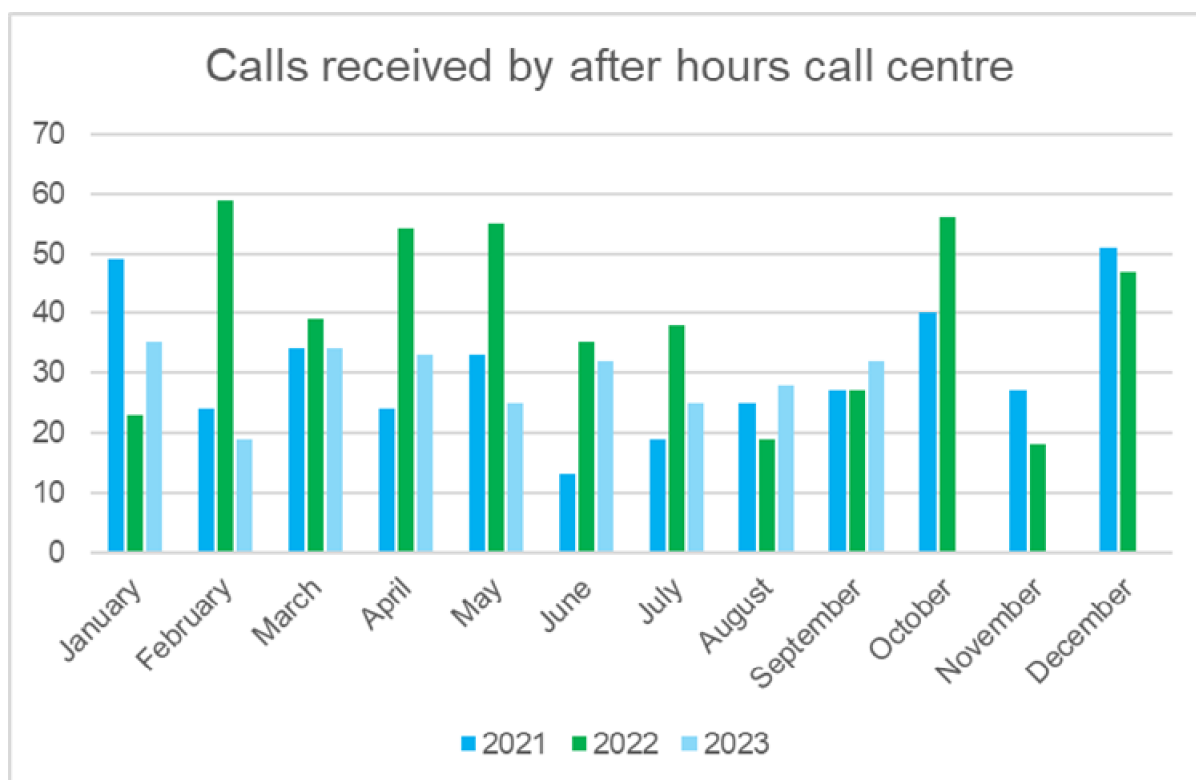
Below are the total number of calls received into the Council main phone line (07 5424 4000), including out of hours, compared to previous calendar years. Calls received does not include internal calls made within Council, or outbound calls. There were 3,152 calls received for the month September 2023. This is a decrease of 375 calls compared to August 2023. Compared to September 2022 there was a decrease of 880 calls for the month. The decrease in September this year compared to the previous September is due to the follow up calls from the flooding which occurred in May 2022.



Listed below is a comparison of the average calls received per day within business hours. On average there were 144 calls received each business day for September 2023, which was a decrease of seven calls on average per day from August 2023. Compared to September 2022 there was a decrease of 41 calls on average per day.

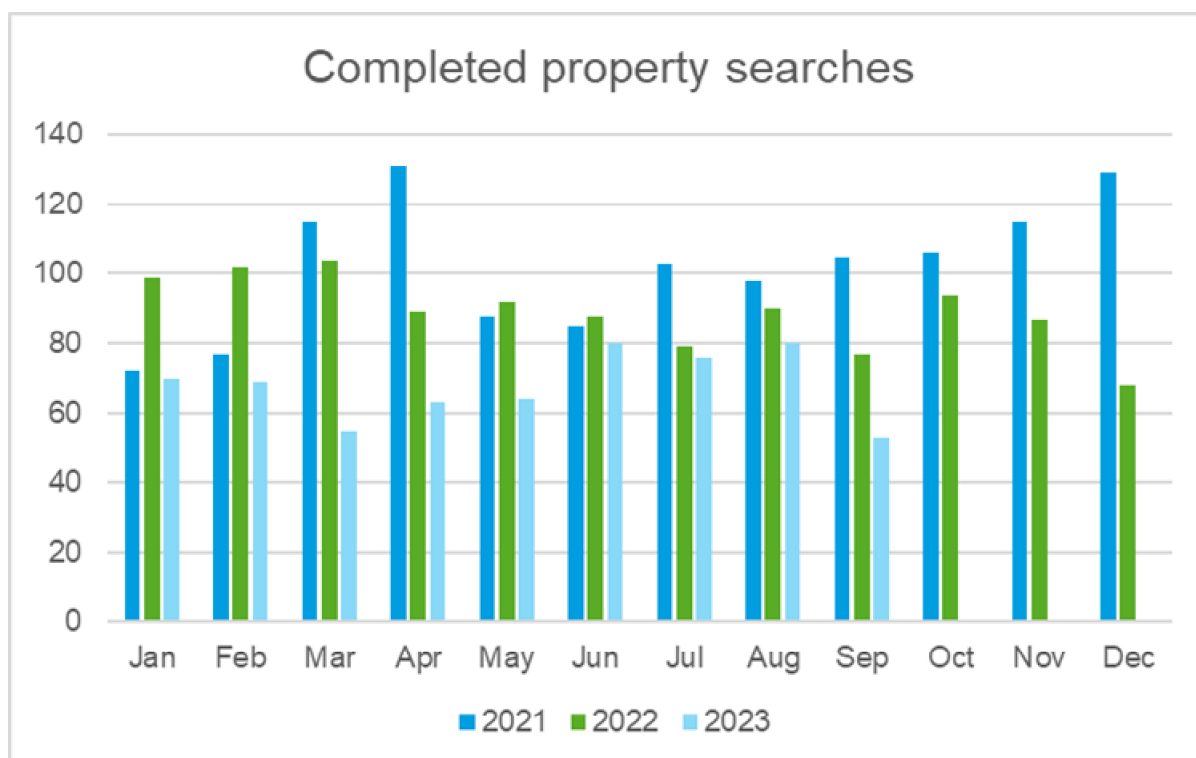


There were 3,031 calls received during business hours and 121 out of hours. Of the 121 calls received out of hours, 32 calls transferred to the afterhours call centre. There was an increase of four calls to Council's afterhours provider compared to August 2023.

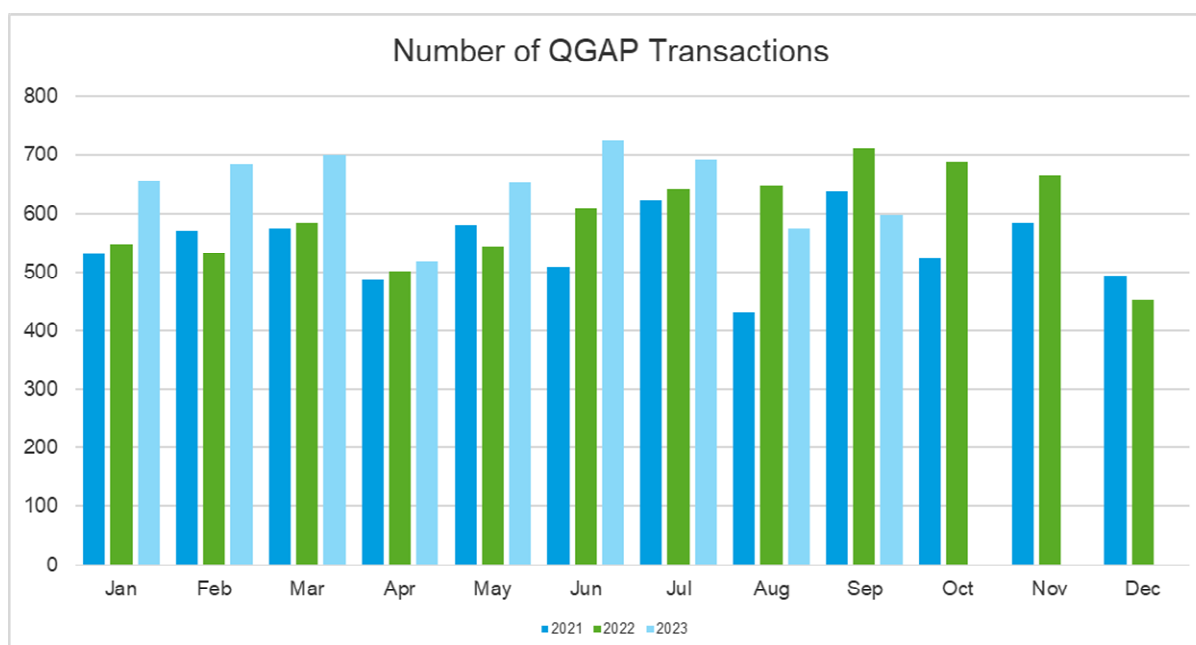




For the month of September 2023 there were 53 property searches completed for prospective purchasers. This decreased by 27 completed searches for the month compared to August 2023.



There were 598 Queensland Government Agent Program (QGAP) transactions for the Lowood QGAP agency in September 2023. On average there were 28 transactions per business day in September which is an increase of three from August 2023.



**Attachments**

Nil

**Recommendation**

THAT Council receive the *Customer Service Report for September 2023* and the contents be noted.

**Resolution**

Moved – Cr Choat

Seconded – Cr Isidro

“THAT Council receive the *Customer Service Report for September 2023* and the contents be noted.”

Carried*Vote - Unanimous***Subject:****Council Meeting Dates – 2024****File Ref:****Governance – council meetings – Notices of Motion****Action Officer:****EA****Background/Summary**

Council is requested to adopt the Schedule of Meeting dates for the period January to April 2024 set out below:

- Wednesday, 24 January 2024 (normally only one meeting in January)
- Wednesday, 21 February 2024 (Caretaker period meeting)
- Wednesday, 13 March 2024 (Caretaker period meeting)
- Wednesday, 10 April 2024 (Proposed post-election Meeting date subject to declaration of polls)

As the Local Government election is due to be held on 16 March 2024, meetings beyond this date will be scheduled by the newly elected Council.

**Attachments**

Nil

**Recommendation**

THAT Council adopt the schedule of Ordinary meeting dates as proposed below for the period January to April 2024.

- Wednesday, 24 January 2024
- Wednesday, 21 February 2024
- Wednesday, 13 March 2024
- Wednesday, 10 April 2024 (Proposed post-election Meeting date subject to declaration of polls)

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Isidro

“THAT Council adopt the schedule of Ordinary meeting dates as proposed below for the period January to April 2024.

- Wednesday, 24 January 2024
- Wednesday, 21 February 2024
- Wednesday, 13 March 2024

- Wednesday, 10 April 2024 (Proposed post-election Meeting date subject to declaration of polls)."

Carried*Vote - Unanimous*

<b>Subject:</b>	<b>Endorsement of Marine Zone Submission</b>
<b>File Ref:</b>	<b>Government Relations - Utilities Departments Liaison - 2023-2024</b>
	<b>-SEQWater</b>
<b>Action Officer:</b>	<b>Director of Planning and Development</b>

### Background/Summary

Council has received correspondence from SEQ Water regarding the intention to apply for a Marine Zone Permit pursuant to the provisions of the *Transport Operations (Marine Safety) Regulation 2016* over the entirety of Lake Wivenhoe.

The purpose of the designation is to enable regulation of watercraft and related activities on the lake in line with the dam's purpose.

Council previously considered this matter at its meeting of 19 January 2022 and resolved "That Council support SEQ Water in applying for a Marine Zone to enable regulation of activities on Lake Wivenhoe, and that a letter of support be sent accordingly."

Maritime Safety Queensland sought submissions for the Marine Zone proposal for Lake Wivenhoe as part of the public consultation paper and submissions closed on 16 October 2023.

### Attachments

Attachment 1 – Correspondence to Maritime Safety

Attachment 2 – Decision of the Ordinary Meeting of Council – 19 January 2022

### Recommendation

THAT Council endorse the Chief Executive Officer's actions in providing a submission to Maritime Safety regarding the proposed Marine Zone on Lake Wivenhoe.

#### Resolution

Moved – Cr Brieschke

Seconded – Cr Isidro

"THAT Council endorse the Chief Executive Officer's actions in providing a submission to Maritime Safety regarding the proposed Marine Zone on Lake Wivenhoe."

Carried*Vote - Unanimous*

### Meetings authorised by Council

Nil

### Mayor and Councillor Reports

#### Cr Gaedtke– Councillor Report

## October

- 11 Ordinary Council Meeting & Workshop – Esk
- 11 Kilcoy State Primary School P&C Meeting
- 14 The Condensery Exhibition Opening
- 15-18 Local Government Association of Queensland Annual Conference – Gladstone
- 19 Toogoolawah State High School Awards Night
- 20 Kilcoy State High School Awards Ceremony

The 127<sup>th</sup> LGAQ Annual Conference was held in Gladstone from Monday 16<sup>th</sup> to Wednesday 18<sup>th</sup> October, and commenced with a warm and moving Welcome to Country from Gooreng Elder, Aunty Juliri Ingra and a cheerful welcome to Gladstone from Mayor Matt Burnett. Councils across Queensland combined to discuss issues and to work forward with necessary answers. Our council proudly presented to the conference delegates the story of the Brisbane Valley Rail Trail and the ongoing economic benefits to our region. It was a bitter-sweet moment for me as this was my last conference, however I will always treasure the 37 years I have spent in Local Government. The level of government closest to its people and that consist of ordinary people who share passion and a strong desire to enrich their rural region.

**Cr Choat – Councillor Report**

## September

- 27 Council Ordinary Meeting and Workshop – Council Chambers Esk

## October

- 03 Somerset Dam Village Community Association General Meeting – Coronation Hall
- 07 Council Free-Tree Day – Kilcoy Memorial Hall
- 09 Lowood Lions Annual General Meeting – Lowood Open Door Gallery
- 10 Lowood Community Action Group General Meeting
- 11 Council Ordinary Meeting and Workshop – Council Chambers Esk
- 16 Local Government Association Queensland Conference - Gladstone
- 17 Local Government Association Queensland Conference - Gladstone
- 18 Local Government Association Queensland Conference - Gladstone
- 19 Toogoolawah State High School Awards Presentation Night – TSHS Hall
- 20 Kilcoy State High School awards
- 21 Esk Branch QCWA Centenary Gala Dinner – Civic Centre Esk
- 23 Lowood Lions Dinner Meeting – Tarampa Assist Lowood
- Somerset Regional Council Pest Management Committee Meeting, Esk

**Cr Brieschke – Councillor Report**

## September

- 27 Inspection of proposed Garden Centre, Lowood.
- Ordinary Council Meeting.
- Council Workshop Meeting.
- 29 Attendance at National Police Remembrance Day, Ipswich.

## October

- 03 Visit to Mrs F Craddock, post Garden Competition.
- 05 Esk Show Society AGM.
- 08 Phil Whatmore Book Launch and Art Exhibition opening, Ramblers Parachute Centre.
- 09 Special Advisory Committee meeting – The Condensery.
- 11 Ordinary Council Meeting via Teams.
- Council Workshop Meeting via Teams.
- 12 Brisbane Valley Interagency meeting via Teams.
- 13 The Condensery, Bomb Shelter exhibition assessment meeting via Teams.
- 16 LGAQ Conference, Gladstone

- 17 LGAQ Conference, Gladstone
- 18 LGAQ Conference, Gladstone
- 19 Toogoolawah High School Awards Night,

### Cr Wendt – Councillor Report

September

- 27 Main St Lowood Inspection of Premises – Lowood
- Ordinary Council Meeting –
- Esk Workshop Meeting – Esk
- Fernvale Sports Park Advisory Committee – Fernvale

October

- 03 Somerset Dam Progress Assoc Meeting – Somerset Dam
- 07 Kilcoy Free Tree Day – Kilcoy
- 08 Phil Whatmore Memorial – Ramblers Skydiving Toogoolawah
- 10 Kilcoy Wellbeing Festival – Kilcoy
- 11 Ordinary Council Meeting – Esk
- Workshop Meeting – Esk
- 14 Brisbane Valley Junior Soccer Club Presentations – Lowood
- Brisbane Valley Senior Soccer Club Presentations - Lowood
- 15 – 18 LGAQ Annual Conference – Gladstone
- 19 Toogoolawah High School Awards Night – Toogoolawah
- 20 Kilcoy High School Awards – Kilcoy
- 21 Free Tree Day – Fernvale
- QCWA Esk 100<sup>th</sup> Birthday Celebration - Esk

#### Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

“THAT the verbal and written reports of Mayor Lehman and Councillors Brieschke, Isidro, Choat, Gaedtke 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 9.48 am.