



**Minutes of Ordinary Meeting  
Held Thursday, 21 December 2023**

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

<b>Present</b>
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Cr Graeme Lehmann	(Mayor)
Cr Helen Brieschke	(Deputy Mayor)
Cr Sean Choat	(Councillor)
Cr Cheryl Gaedtke	(Councillor)
Cr Kylee Isidro	(Councillor)
Cr Jason Wendt	(Councillor)
Cr Bob Whalley	(Councillor)
Mr A Johnson	(Chief Executive Officer)
Mr C Young	(Director Operations)
Mr L Hannan	(Director Planning and Development)
Mr G Smith	(Director Finance)
Mrs K Jones	(Director HR and Customer Service)
Mr M McGoldrick	(Director Corporate and Community Services)
Mrs H Golinski	(Minute Secretary / Executive Assistant)
Observer Mrs M Jelf	(Senior Planner)
Mr Steve Brennan	(Environmental Services Manager)

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**Opening of Meeting**

The Mayor, Cr Graeme Lehmann, opened the meeting at 9.00 am.

**Leave of Absence**

Nil

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

Moved – Cr Brieschke

Seconded – Cr Gaedtke

“THAT the Minutes of the Ordinary Meeting held 29 November 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**

A reminder to the Somerset Community that Council's holiday program has begun with activities being held at Council libraries across the region.

You can also visit The Condensery to see the latest exhibition Healing Gardens by Hiromi Tango and dabble in a bit of creative art, at workstations throughout the gallery.

Healing Gardens is a vibrant, colourful textile presentation that has literally produced 100's of flower creations. Hiromi Tango's work has been joined by locally created pieces in workshops held throughout the region at our schools and art groups.

This is definitely a must see during the holidays.

**Matters of public interest – Cr Isidro**

I would like to extend Christmas wishes to the Mayor and Councillors and all the residents of this wonderful region. May you have a happy and safe Christmas and New Year.

**Matters of public interest – Cr Choat**

Christmas is a time of year for giving thanks and thinking about others. There are many traditions we apply to Christmas but the most important is gathering with loved ones and sharing good will to others in general.

There are many in our community for whom Christmas can be a challenging time and we must spare a thought for them.

I would like to wish our Somerset Council team of staff and representatives and our great Somerset community all the blessings of Christmas and best wishes for a safe and prosperous New Year.

**Matters of public interest – Cr Gaedtke**

Happy birthday to Mrs Ivy Heck who turned 102

Kilcoy Yowie secured victory in one out of three games in the world of rugby league nines. The Kilcoy Yowie's open men's team participated in the Fijian Cup nines tournament on December 1 and 2. Kilcoy Yowie's President said it was an international debut for many players after securing an invitation at a previous nines comp.

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

Best wishes to Councillors, staff and residents for the festive season and the coming New Year, thank you for your continued efforts throughout the year.

#### **Matters of public interest – Mayor Lehmann**

Best wishes for happy and joyous Christmas. A big thank you to all the volunteers who continue to support our community and best wishes and thanks to those volunteers who have headed up north to help with the disaster up there. Our thoughts go out to the communities dealing with that disaster and hope that they will be back on their feet very soon.

#### **Conflict of Interest**

Cr Brieschke declared an interest in item 25 – Contract matter – vacuum truck hire from Dully's Designer Homes.

<b>Subject:</b>	<b>Development Application No. 23169 Development Application for a: Material Change of Use for an Intensive Animal Industry (poultry farm – maximum 400,000 birds) Environmentally Relevant Activity – ERA 4(2) Poultry Farm &gt;200,000 birds Reconfiguration of a Lot by Boundary realignment (five into five lots)</b>
<b>File No:</b>	<b>DA23169</b>
<b>Assessment No:</b>	<b>03309-00000-000</b>
<b>Action Officer:</b>	<b>SP - MJ</b>

### **1.0 APPLICATION SUMMARY**

#### **Subject Land**

Location:	49 Court Avenue, Brightview Un-named #5158 Road, Brightview
Real property description:	Stone Gully Road, Brightview Lot 1 RP31160 Lot 2 RP31160 Lot 4 RP32344 Lot 40 SP199026 Lot 41 SP199026
Site area:	Lot 1 = 19.741ha Lot 2 = 19.524ha Lot 4 = 38.268 Lot 40 = 16.1332ha Lot 41 = 27.33 ha
Current land use:	Total – 120.995ha Dwelling house and grazing land
Easements/encumbrances:	K RP165792, L RP165793, M RP165794

**South East Queensland Regional Plan 2017**

Land use category: Regional landscape and rural production area

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

Zone: Rural zone

Precinct: Not applicable

Overlays: Agricultural land overlay  
Biodiversity overlay  
Bushfire hazard overlay  
Flood hazard overlay  
High impact activities management area overlay  
Infrastructure overlay

**Application**

Proposal: Intensive animal industry (Poultry farm), Environmentally  
Relevant Authority and boundary realignment

Category of assessment: Impact assessment

Applicant details: LL and Sons Pty Ltd  
C/- ACS Engineers (Aust) Pty Ltd  
PO Box 554  
BEAUDESERT QLD 4285

Owner details: LL and Sons Pty Ltd

Date application received: 8 November 2022

Date application properly made: 14 November 2022

**Referral agencies**

State Assessment and Referral Agency  
Lockyer Valley Regional Council (Third party Advice  
only)

**Public notification**

Required

Notification period 9 March 2023 – 30 March 2023

Submissions received 116 total (97 properly made)

**RECOMMENDED DECISION**

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



**Locality Plan of Lot 1 RP31160, Lot 2 RP31160, 4 RP32344, 40 SP199026 and Lot 41 SP199026**

**Situated at 49 Court Avenue, Brightview, Un-named #5158 Road, Brightview and Stone Gully Road, Brightview**

## **2.0 PROPOSAL**

This development application seeks approval for a:

- Material change of use for an Intensive Animal Industry (poultry farm – maximum 400,000 birds)
- Environmentally Relevant Activity – ERA 4(2) Poultry Farm >200,000 birds
- Reconfiguration of a Lot by Boundary realignment (five into five lots).

On land at 49 Court Avenue, Brightview, Un-named #5158 Road, Brightview and Stone Gully Road, Brightview formally described as Lot 1 RP31160, Lot 2 RP31160, 4 RP32344, 40 SP199026 and Lot 41 SP199026.

### **Poultry farm**

The development will consist of the establishment of eight tunnel ventilated broiler chicken sheds housing a maximum of 400,000 birds across the eight sheds. The sheds will be constructed to meet the applicable RSPCA Approved Farming Scheme Standards and incorporate the current industry best practice shed design and fit outs.

The eight sheds will be constructed to 176m x 17.8m dimensions providing a total gross floor area for the development of 25,062.4 m<sup>2</sup>.

Ancillary works include the construction of a visitor/staff car parking area, site office, amenities building, generator shed, pump shed, gas tanks, water tanks and managers' residences.

At peak production and with all eight sheds in service the proposed poultry farm will generate approximately 1,932 heavy vehicle movements per annum. Vehicles travelling to the site will travel from Brightview Road to Court Avenue North. These roads have been assessed with respect to the impact that the proposed development traffic will have on road infrastructure and safety. The proposed development is not expected to have any adverse impact on the capacity of the roads along the route. Surrounding local roads including Brightview Road and Court Avenue North are considered suitable for the use with no upgrades triggered.

Operation of the poultry farm will require electrical power supply from a connection to the Energex network to run fans, cool pads, lights and other on farm uses. Onsite gas storage will be required to supply to heaters early in the growing stage and during cooler periods.

Water for chicken drinking and cooling will be stored in 3 x 250 kL storage tanks. Water is to be sourced from a new water supply connection from the UU network.

The farm will be responsible for growing, then supplying chickens to the processing plant owned by the nominated company. The processor provides the day old chickens and the feed. Day old chickens are delivered in batches to the farm from a hatchery and are subsequently collected at various stages of the growing cycle and transported to a processing plant. The birds are grown for approximately 48 to 52 days with progressive thin out which removes birds for processing.

A growing cycle is made up of the placement of new litter, the placement of day old birds, the growing of the birds and the progressive removal of birds and cleanout. Each cycle takes approximately 59 days resulting in 6 cycles per year. At the end of each production cycle, approximately 50% of shed litter is removed from the site in covered vehicles and transported off site for use as fertilizer. The remaining 50% undergoes a pasteurisation process allowing it to achieve a suitable quality for reuse within the shed (refer to section 4.2 and SBMP for further information). The sheds will be cleaned and disinfected. New litter will be layered on the shed floor prior to the delivery of every new batch of day old chicks.

### **Boundary realignment**

The application also involves the realignment of the five subject lots to ensure the poultry farm buildings are not located over the boundaries but also to ensure that the five lots have frontage to a road reserve and also a developable area outside the flood hazard area.

The proposed boundary realignment results in an 81.554 hectare lot which will contain the poultry farm development, associated structures and internal driveway and four smaller lots that range in size as follows:

- Proposed Lot 1 – 9.9586 hectares
- Proposed Lot 2 – 9.9586 hectares
- Proposed Lot 3 – 9.7075 hectares
- Proposed Lot 4 – 9.7095 hectares.

Proposed Lot 1 will contain the existing dwelling house and will maintain access to Court Avenue North. Proposed Lot 2 contains an existing shed and Proposed Lot 3 and 4 will be



vacant. Proposed Lots 2 – 4 will be accessed via Unformed Road 5158, which will require upgrading.

### **3.0 SITE DETAILS**

The subject land comprises five rural allotments which contain a combined area of about 120 hectares with road frontage to Court Avenue North, Unnamed Road 5158 and an unformed section of Stone Gully Road adjoins the site to the east. The subject land is currently used for grazing purposes and contains a portion of a mapped wetland and its associated buffer area. Portions of the land is heavily impacted by the Flood hazard overlay, with the land generally sloping in a southerly direction towards the floodplain.

The immediately adjoining allotments are utilised for rural purposes and generally improved by dwelling houses and associated outbuildings. To the east of the site is an established rural lifestyle area which is dominated by lots with an average size of 4 hectares. To the south is an established rural residential estate which is contained within Lockyer Valley Regional Council.

### **4.0 PLANNING LEGISLATION**

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

### **5.0 ASSESSMENT BENCHMARKS**

#### **5.1 State Planning Policy**

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

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

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

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

#### **5.3 Schedule 10 of the *Planning Regulation 2017***

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

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

#### **5.3.1 Schedule 11 – Koala habitat areas**

The subject land contains mapped core koala habitat but outside the koala priority area. The habitat is located in the north eastern and south eastern corners of the subject land and will not be impacted by the development. In this circumstance, an additional assessment was not required.

#### **5.4 Temporary local planning instruments**

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

## 5.5 Variation approvals

The property is not benefitted by any variation approvals.

## 5.6 Somerset Region Planning Scheme (Version Four)

### 5.6.1 Strategic framework assessment

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

#### Settlement pattern

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.

Element – High impact activities	
3.3.10.1 Specific outcomes	Council officer comment
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</li> </ul>	<p>The subject land is located within a rural area which offers diverse land sizes.</p> <p>The application material provided has identified that the proposal can operate without causing adverse environmental impacts. The assessment of these considerations is contained within this report.</p>

<p>iv.</p> <p>v.</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>	<p>Vale Urban Investigation Area; 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>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>
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### 3.3.12 Element— Bushfire

Specific outcomes	Council officer comment
<p>a) The risk of loss of life and property due to bushfires is minimised through:</p> <ul style="list-style-type: none"> <li>i. the appropriate use of land having regard to its level of bushfire hazard; and</li> <li>ii. the incorporation of appropriate siting and design measures that mitigate bushfire risks;</li> </ul> <p>b) Sensitive land uses which require a high level of immunity from natural hazards avoid locating in areas of high bushfire hazard;</p> <p>c) Community infrastructure is located and designed to maintain the necessary level of functionality to support affected persons during and immediately after a bushfire event.</p>	<p>The subject land is mapped as containing Medium Potential Bushfire Intensity and High Potential Bushfire Intensity. The majority of the mapped hazard will be contained within the poultry farm lot.</p> <p>The proposed poultry sheds are located within predominantly cleared areas of the site. It is expected that the operator would appropriately manage the bushfire risk as part of the farm's operation.</p> <p>Any future dwelling houses constructed on Proposed Lots 2 – 4 will not be impacted by the current bushfire hazard mapping.</p> <p>It is considered that the proposal can appropriately address the bushfire hazard on the site.</p>

<p>d) The location and design of development and land use:</p> <ul style="list-style-type: none"> <li>i. supports, and does not unduly burden, disaster management response or recovery capacity and capabilities;</li> <li>ii. directly, indirectly and cumulatively avoids an increase in the severity of bushfire hazard and the potential for damage on the site or to other properties;</li> <li>iii. maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with bushfire hazard;</li> </ul>	
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### 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 Wetlands.

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> <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> </ul>	<p>The subject land contains mapped regulated vegetation (Category B), regulated vegetation (wetland) and High ecological significant wetland.</p> <p>The application material has been accompanied by a Site Based Environmental Management Plan (SBEMP) which has identified that the poultry farm can operate without adversely impacting on the wetland.</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 – Biodiversity network</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> <li>iii. Avoids, mitigates or offsets the impacts of the development on the waterway and/or wetland;</li> </ul> </li> </ul>	<p>The mapped wetland is located to the south of the proposed poultry shed location. As discussed previously the application was supported by a SMEMP which has demonstrated that the development can occur without adversely impacting the wetlands.</p> <p>Proposed Lots 2 – 4 have demonstrated that a developable area clear of the wetland buffer can be achieved, which will ensure future development will not impact on the 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. The original odour impact assessment identified that the adjoining property to the north was largely impacted by the 2.5 odour unit (ou) contour. While the sensitive receptor on the adjoining lot was not impacted by the odour plume, the facilities that the landowner occupies for large periods of the day would be impacted.</p> <p>As a result, an amended odour impact assessment was provided which altered the odour contour to contain more of the odour plume to land owned by the applicant and other land that is used for grazing purposes and is heavily impacted by flooding and environmental overlays.</p> <p>The revised odour plume identified that poultry farm can occur without the 2.5ou contour impacting on any existing sensitive receptors.</p> <p>In terms of the proposed boundary realignment, it has been demonstrated that proposed Lots 2 – 4 are capable of providing a development area which is outside the odour plume and also outside of the applicable overlay areas.</p> <p>It is considered that the applicant has provided sufficient evidence that the proposal can occur without causing significant adverse impacts to the existing</p>

	and proposed sensitive receptor (dwelling houses).
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### Natural resources

The natural environment theme contains five elements, namely agricultural land, extractive resources, mining tenements, forestry and potable water resources. The subject land both 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>The western portion of the subject land contains mapped agricultural land. The location of the proposed poultry sheds is outside the mapped agricultural land.</p> <p>In terms of the boundary realignment, Proposed Lot 1 will be subject to a large portion of agricultural land and also mapped important agricultural areas. Proposed Lot 1 will contain the existing dwelling house and will contain an area of about 9.9 hectares.</p> <p>Given the proposal involves only a boundary realignment, and the size of the current allotments already results in the fragmentation of the agricultural land.</p>

### 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.

### Economic development

The proposal does not impact on the continued development of Council's town centres network nor the industrial development areas within each town. The proposal supports an existing business providing rural economic opportunities.

### 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.

### Transport

The proposed development utilises Unnamed Road 5158 and Court Avenue North to obtain access to Brightview Road and onto Gehrke Road and the Warrego Highway. With the imposition of applicable conditions, it is considered that the development can occur without an inappropriate risk to the local road network.

### 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
Rural zone code	Yes	PO13
Intensive animal industry code	Yes	Not required
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	PO1
Biodiversity overlay code	Yes	PO7
Bushfire hazard overlay	Yes	Not required
Flood hazard overlay	Yes	Not required
High impact activity management area overlay	Yes	PO1

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

### 5.6.3 Performance outcome assessment

#### Rural zone code

Performance outcome	Acceptable outcome
<b>Amenity</b>	
<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: <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> </ul> overlooking and privacy	<b>AO13</b> No acceptable outcome provided.
<b>Proposal</b>	



Supporting information (SBEMP and odour assessment) provided as part of the application material have demonstrated compliance.

#### Performance Outcome Assessment

The odour assessment provided has demonstrated that no sensitive receptors will be impacted by the poultry farm. The odour plume does extend outside of the subject land, however the impacted land is already environmentally constrained. The proposed lots created as a result of the boundary realignment provide a developable area outside of the odour contour.

Landscaping is proposed surrounding the poultry farm pad to screen the sheds from the surrounding landscape.

The SBEMP has identified that the facility can be operated as to ensure amenity issues can be managed. It is recommended that that alternative outcome be accepted in this instance.

#### Agricultural land overlay code

Performance outcome	Acceptable outcome
<b>PO1</b> Loss, fragmentation, alienation or diminished capacity of agricultural land is avoided unless: (a) an overriding need exists for the development in terms of public benefit; (b) no suitable alternative site exists; loss or fragmentation is minimised to the extent possible.	<b>Where for a material change of use in the Rural zone</b> <b>AO1.1</b> Development (inclusive of the <i>development footprint</i> ) is not located on land identified as Agricultural land Class A or Class B or Important Agricultural Areas on the <b>Agricultural land overlay maps OM01a-b</b> unless identified in <b>Table 7.2.1.3.B</b> .  <b>AO1.2</b> The <i>development footprint</i> for development other than <i>rural activities</i> identified in <b>Table 7.2.1.3.B</b> is equal to or less than 750m <sup>2</sup> on land identified as Agricultural land Class A or Class B or Important Agricultural Areas on the <b>Agricultural land overlay maps OM01a-b</b> .  <b>Where for Reconfiguring a Lot in the Rural zone</b> <b>AO1.3</b> Reconfiguring a lot does not result in the creation of a lot with an area less than 100 hectares on land identified as Agricultural Land Class A or Class B or Important Agricultural Areas on the <b>Agricultural land overlay maps OM01a-b</b> .

#### Performance Outcome Assessment

The poultry farm component of the development application is located outside the mapped agricultural land.

The subject lots impacted by the mapped agricultural land already have an area less than 100 hectares. The rear of each of Lots 1 - 4 will contain class B Agricultural land classification, this land is contained within the flood plain. Lots 1 – 4 will also contain Important agricultural areas.

Given the size of the current lots, it is considered that the agricultural land has already been fragmented and the outcome is acceptable in this circumstance.

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

### Biodiversity overlay code

Performance outcome	Acceptable outcome
<b>Wetlands</b>	
<p><b>P07</b>  <i>Wetlands</i> are protected by:</p> <ul style="list-style-type: none"> <li>(a) maintaining adequate separation distances between <i>wetlands</i> and development;</li> <li>(b) maintaining and enhancing aquatic and terrestrial habitat including vegetated corridors to allow for native fauna (terrestrial and aquatic) movement;</li> <li>(c) maintaining water quality by providing buffers to allow filtering of sediments, nutrients and other pollutants; and</li> <li>(d) retaining and improving existing <i>wetland</i> associated vegetation.</li> </ul> <p>Note - A supporting Ecological Site Assessment is prepared in accordance with <b>SC6.1 - Planning Scheme Policy 1 – Ecological Site Assessment Guidelines</b>.</p>	<p><b>A07.1</b>            No clearing of <i>native vegetation</i> is undertaken within wetland buffer areas identified on the <b>Biodiversity overlay maps OM003e-f</b>.</p> <p><b>Where for Material Change of Use</b>  <b>A07.2</b>            A minimum setback is provided between <i>buildings</i> and <i>structures</i> and the edge of a <i>wetland</i> as identified on the <b>Biodiversity overlay maps OM003e-f</b> by a distance not less than 100 metres.</p> <p><b>Where for Reconfiguring a Lot</b>  <b>A07.3</b>            A minimum setback is provided between a new boundary created by <i>reconfiguring a lot</i> and the edge of a <i>wetland</i> as identified on the <b>Biodiversity overlay maps OM003e-f</b> by a distance not less than 100 metres.</p> <p><b>Where for Operational Works (comprising works for infrastructure or excavating or filling or landscape works)</b></p> <p><b>A07.4</b>            A minimum setback is provided between <i>operational works</i> and the edge of a <i>wetland</i> as identified on the <b>Biodiversity overlay maps OM003e-f</b> by a distance not less than 100 metres.</p>
<p><b>Performance Outcome Assessment</b>            The proposed boundary realignment lot layout results in lot boundaries within 100 metres of the wetland. Notwithstanding this, a developable area for each lot has been provided which is in excess of 200 metres from the wetland.</p>	

The separation of future development from the wetland will assist in providing adequate protection to the wetland.

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

### High Impact Activity Management Area overlay code

Performance outcome	Acceptable outcome
<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> <li>(d) contribute to the management of water quality in the regional water storages of Lake Somerset and Lake Wivenhoe.</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>

### Performance Outcome Assessment

The subject land falls within the High Impact Activity Management Area and is in close proximity to a number of rural lifestyle allotments and rural residential lots.

The application has been accompanied by an odour impact assessment which identifies that the 2.5ou contour does not impact on any surrounding sensitive receptors contained within surrounding properties.

As discussed previously, originally the odour contour significantly impacted an adjoining property to the north of the subject land. While the contour did not impact on the dwelling house, it impacted on areas of the property that the landowner used daily for recreation purposes. The applicant as part of considering the submissions received during public consultation altered the shed design and provided an amended odour impact assessment which predominantly removed the odour contour from the adjoining northern property. The amended layout increased the amount of the contour that was contained within the subject land but did increase the impact on other adjoining properties. The impacted properties are already heavily constrained by environmental factors (flooding and wetland) and the imposition of the area of contour is not considered to have reduced the development potential for residential purposes.

The proposal is unique for the region in that it is capable of connecting to the reticulated water network. The reticulated water is expected to be stored within tanks on the site, as such ensuring a reliable source of water for the farm.

While the subject land is situated within two areas of higher density rural areas, the application has identified that the proposal can operate without adversely impacting on these areas.

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 not located within the priority infrastructure area as shown in the Local government infrastructure plan mapping.

#### **5.7.2 Infrastructure charges**

The proposed development is for Intensive animal industry (poultry farm) which is identified as being a high impact rural use under Somerset Regional Council Charges Resolution (No. 1) 2023.

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

### **5.7.3 Trunk infrastructure requirements**

#### **5.7.3.1 Water and sewerage networks**

The application material has identified that the poultry farm will be connected via new connection to the existing reticulated water network. At a minimum, should the application be approved, Lot 5 (containing the poultry farm) will be required to be connected to the reticulated water network. Proposed Lots 1 – 4 will likely not require connection to the water network by Urban Utilities and any future dwellings on these lots will require on site provisions for potable water storage.

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

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

Infrastructure charges for the public parks and community land network are not applicable to the proposal as the proposal is outside of the relevant service catchments.

#### **5.7.3.3 Stormwater network**

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

#### **5.7.3.4 Transport network**

The proposed development is to be accessed from Unnamed Road 5158 and Court Avenue North. A number of upgrades have been identified for these roads and also the intersection of Court Avenue and Brightview Road. If approved, the upgrade requirements are anticipated to be conditioned.

It is not anticipated that the development will adversely impact on the local road network.

An adopted charge for the transport network applies.

## **6.0 REFERRAL AGENCIES**

### **6.1 Statutory referrals**

In accordance with the *Planning Regulation 2017*, the application required referral to the State Assessment and Referral Agency (SARA) for matters relating to state-controlled roads. SARA advised that 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 sought third-party advice from Lockyer Valley Regional Council given the proximity of the development to their region and also the potential impact on their road network.

Lockyer Valley Regional Council responded advising they had no objection as long as the development was conditioned to comply with the supporting information and associated plans. The Lockyer Valley Regional Council response is provided in the attachments to this report.

## **7.0 PUBLIC NOTIFICATION**

### **7.1 Notification requirements**

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

- (a) Public notification was served to all adjoining landowners on 6 March 2023.
- (b) A notice was published in The Lockyer Valley and Somerset Independent newspaper on 8 March 2023.
- (c) A notice in the prescribed form was placed on the premises on 8 March 2023 and maintained for the minimum period of 15 business days until 30 March 2023.

Council received the Notice of Compliance on 31 March 2023, confirming that public notification had been undertaken in accordance with the statutory requirements.

### **7.2 Matters raised in submissions**

During the public notification period, Council received 116 submissions, of which 97 were considered to be properly made.

The matters raised in the submissions are outlined below:

<p><b>Submission concern – Odour impacts</b></p> <p>A number of submissions raised concerns about the odour impacts of the proposed development.</p> <p><b>Officer comment</b></p> <p>As discussed previously within the report, the application has provided an odour impact assessment which identifies that the 2.5ou contour does not impact on any existing sensitive receptors and the vacant land that is impacted is already impacted by environmental factors.</p> <p>It is recommended that the standard development conditions be imposed.</p>
<p><b>Submission concern – Dust and air pollution</b></p> <p>A number of submissions raised concerns about toxic dust and air pollution being caused by the farm and the potential impacts on community health.</p>

**Officer comment**

As discussed previously, the application has been accompanied by supporting information which identifies that the farm can operate without dust causing unacceptable concerns.

The Site Based Environmental Management Plan (SBEMP) identifies that the dust records will be kept and the plan will be updated to mitigate any concerns raised as part of actual data collection. If approved, the SBEMP will be conditioned.

It is recommended that the standard development conditions be imposed.

**Submission concern – Increased vehicle movement**

A number of submissions raised concerns regarding the increase in vehicle movements on the local road network.

**Officer comment**

The application material was accompanied by a Traffic Impact Assessment which identified the upgrades it considered to be required to ensure the local network was sufficiently designed to cater for the increased traffic. Council has reviewed this assessment and if approved, would require additional road upgrades to ensure the local network is appropriate.

The Department of Transport and Main Roads have also considered the development on a more macro scale and its likely impact on their road network and have provided conditions requiring upgrades where applicable.

It is recommended that the standard development conditions be imposed.

**Submission concern – Potential environmental impacts**

A number of submissions raised concerns regarding the proximity of the development to the wetlands and in particular the endangered Swamp Tea Tree and koala habitat.

**Officer comment**

The application has identified that the poultry farm will not impact on the wetland area and is located outside of the wetland buffer area. The SBEMP and Stormwater Management Plan highlight how the farm will operate to ensure that contaminants are not released from the development into the wetland and greater environment.

If approved, conditions will be imposed ensuring compliance with the associated documents and also appropriate stormwater outcomes are achieved.

The core koala habitat within the subject land is not proposed to be interfered with as part of the development.

It is recommended that the standard development conditions be imposed.

**Submission concern – Animal welfare concerns**

Concerns have been raised about the accelerated intensification of animal agriculture, and its acceptance of crowding, confinement, cruel breeding practices and poor welfare outcomes for farmed animals. The applicant wants to confine 50,000 chickens into each shed for the majority of their short 5-7 week lives.

The rapid growth that broiler chickens experience, as a result of selective breeding, also comes with extreme animal welfare issues. Normally, it would take a chicken around 96

days to reach 2kg in weight. However, selective breeding, along with artificial lighting means that chickens grow at 3x the natural rate.

**Officer comment**

Poultry farms are generally managed by the RSPCA which ensures the welfare of birds is paramount. The application material identifies that this farm is intended to be accredited by the RSPCA, which will ensure a number of factors including density, animal enrichment activities, growing conditions etc.

It is recommended that the standard development conditions be imposed.

## **8.0 OTHER RELEVANT MATTERS**

### **8.1 Amendment to application material**

As already discussed within this report, the application was altered as a response to dealing with submissions received during the public consultation process. The amendment did not involve an increase in the intensity of the development or its specific location on the site, but did involve a relocation of the fan positions, which altered the odour plume.

Given the impact of this change and the existing public awareness of the development it was not considered that the application needed to undertake any additional public consultation.

### **8.2 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 located in area that has contrasting land uses, which includes broadscale cropping and grazing but also areas of more dense rural development as part of historic subdivisions. A poultry farm development is appropriate within the rural area where the application can demonstrate that the proposal will not adversely affect the local community or the environment. In this instance, the development has been able to demonstrate that this is the case.

While the community expectations would be that the land be maintained as vacant grazing land, the application is considered to have demonstrated compliance with the planning scheme.

### **8.3 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 and demonstrated general compliance with the planning scheme.

While the contribution of the industry in relation to the greater community is noted, and in this instance the application has identified that generally the existing rural community will not adversely impacted.

### **8.4 Balanced decision advancing the *Planning Act 2016***

The *Planning Act 2016* requires that decision making process are ethical, and:

- a) take into account short-term and long-term environmental effects;

- b) applies precautionary principles to ensure that lack of scientific certainty doesn't result in serious or irreversible damage; and
- c) provides for equity between present and future generations.

As discussed previously within this report, the proposal has demonstrated that the environmental impacts of the development can be appropriately managed with the imposition of reasonable and relevant conditions.

## **9.0 CONCLUSION**

The proposed development involves a new poultry farm development for 400,000 birds across 8 sheds within the rural area of Brightview. The application also involves a boundary realignment to alter the boundary locations to ensure the poultry farm structures are not built over the boundaries and to ensure that all five lots have access to a gazetted road and developable area free of flood hazard.

The application has demonstrated general compliance with the planning scheme and is considered to be able to be conditioned to ensure ongoing operational matters are managed appropriately.

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. Locality Plan – Drawing No. ACS-210100-SITE-03 – Revision 3 – prepared by ACS Engineers – dated 8 August 2023
2. Site layout - Drawing No. ACS-210100-SITE-04 – Revision 3 – prepared by ACS Engineers – dated 8 August 2023
3. Shed Typical Sections - Drawing No. ACS-210100-SITE-06 – Revision 3 – prepared by ACS Engineers – dated 8 August 2023
4. Vegetation Environmental Buffer - Drawing No. ACS-210100-SITE-11 – Revision 3 – prepared by ACS Engineers – dated 8 August 2023
5. Stormwater Management Plan - Drawing No. ACS-210100-SITE-12 – Revision 3 – prepared by ACS Engineers – dated 8 August 2023
6. Stormwater Management Plan Report - 210100 Revision 1 – prepared by ACS Engineers – dated 2 November 2022
7. Erosion and Sediment Control notes and details - Drawing No. ACS-210100-SITE-13 and 14 – Revision 3 – prepared by ACS Engineers – dated 8 August 2023
8. Erosion and Sediment Control Plan - Drawing No. ACS-210100-SITE-15 – Revision 3 – prepared by ACS Engineers – dated 8 August 2023
9. Odour and overlay layouts - Drawing No. ACS-210100-SITE-16 – Revision 3 – prepared by ACS Engineers – dated 8 August 2023
10. Lot Reconfiguration Layout - Drawing No. ACS-210100-SITE-17 – Revision 3 – prepared by ACS Engineers – dated 8 August 2023
11. Site Based Environmental Management Plan – Reference No. 210100 – Revision 2 – prepared by ACS Engineers – dated 3 August 2023
12. Poultry farm odour assessment – Reference No. 21-209 – prepared by Astute Environmental – dated 1 November 2022
13. Poultry farm odour assessment – addendum – Prepared by Astute Environmental – dated 7 August 2023
14. SARA Concurrence Agency Assessment – Reference 2211-32171-SRA – dated 20 March 2023
15. Draft Infrastructure Charges Notice

## **RECOMMENDED DECISION**



1. THAT Council approve Development Application No. 23169 for a Development Permit for:
  - a. Material Change of Use for an Intensive Animal Industry (poultry farm – maximum 400,000 birds)
  - b. Environmentally Relevant Activity – ERA 4(2) Poultry Farm >200,000 birds.
  - c. Reconfiguration of a Lot by Boundary realignment (five into five lots)

on land situated at 49 Court Avenue, Brightview, Un-named #5158 Road, Brightview and Stone Gully Road, Brightview, formally described as Lot 1 RP31160, Lot 2 RP31160, 4 RP32344, 40 SP199026 and Lot 41 SP199026, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.
2. THAT the officer report for this application be published to the website as Council's Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

<b>DEVELOPMENT PERMIT MATERIAL CHANGE OF USE – Intensive Animal Industry</b>		
<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
Assessment manager		
<b>No.</b>	<b>Condition</b>	<b>Timing</b>
<b>GENERAL</b>		
	<b>Approved plans/documents</b>	
1.1	<p>Carry out the development generally in accordance with the material contained in the application, supporting documentation, and the approved plans and documents listed in the Table of Approved Plans and Documents (including where amended by Council), except where amended by these development conditions.</p> <ol style="list-style-type: none"> <li>1. Locality plan – Drawing number ACS-210100-SITE-03 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>2. Site Layout - Drawing number ACS-210100-SITE-04 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>3. Bulk earthworks layout plan - Drawing number ACS-210100-SITE-05 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>4. Shed Typical Sections - Drawing number ACS-210100-SITE-06 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>5. Access Details - Drawing number ACS-210100-SITE-10 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>6. Vegetative Environmental Buffer - Drawing number ACS-210100-SITE-11 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>7. Stormwater Management Plan - Drawing number ACS-210100-SITE-12 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>8. Stormwater Management Plan Report - 210100 Revision 1 – prepared by ACS Engineers – dated 2 November 2022</li> </ol>	At all times.

	<p>9. Erosion and Sediment Control Notes - Drawing number ACS-210100-SITE-13 Revision 3 – prepared by ACS Engineers – dated 07/08/23</p> <p>10. Erosion and Sediment Control Notes and Details - Drawing number ACS-210100-SITE-14 Revision 3 – prepared by ACS Engineers – dated 07/08/23</p> <p>11. Erosion and Sediment Control – Plan - Drawing number ACS-210100-SITE-15 Revision 3 – prepared by ACS Engineers – dated 07/08/23</p> <p>12. Odour &amp; Overlays Layout - Drawing number ACS-210100-SITE-16 Revision 3 – prepared by ACS Engineers – dated 07/08/23</p> <p>13. Site Based Environmental Management Plan – Reference No. 210100 – Revision 2 – prepared by ACS Engineers – dated 03/08/2023</p> <p>14. Poultry farm odour assessment – Reference No. 21-209 – prepared by Astute Environmental – dated 1 November 2022</p> <p>15. Poultry farm odour assessment – addendum – Prepared by Astute Environmental – dated 7 August 2023</p> <p>16. Traffic Impact Assessment, titled “Brightview Poultry Farm” reference number 1504 version 2 prepared by PSA consultants dated 28 February 2023.</p>	
	<b>Availability of Development Approval</b>	
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>Comply with planning scheme and local laws</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.
	<b>Pay outstanding rates and charges</b>	
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.
	<b>No cost to Council</b>	
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.
	<b>Repair damage caused by development</b>	
1.6	Repair any damage to existing infrastructure (e.g. kerb and channel, footpath, or roadway) that may have occurred as part of	At all times.

	the development. Any damage that is deemed to create a hazard to the community must be repaired immediately.	
	<b>Bird numbers</b>	
1.7	The maximum number of birds to be housed at any one time is 400,000 birds, with a maximum of 50,000 birds permitted in each shed.	At all times.
	<b>Farm operation</b>	
1.8	The poultry farm is to operate as a conventional broiler farm.	At all times.
	<b>Landscaping</b>	
1.9	Provide landscaping onsite in accordance with Vegetative Environmental Buffer – Drawing No. ACS-210100-SITE-11 Revision 3 – dated 07/08/23.	Prior to the commencement of use and to be maintained.
1.10	The Vegetative Environmental Buffer is to act as a vegetation screen to surrounding the subject land.	Prior to the commencement of use and to be maintained.
1.11	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with condition 1.9 of this condition.	Prior to the commencement of use.
	<b>Reticulated drinking water</b>	
1.12	The development is to ensure a suitable supply of potable water is provided to meet the overall needs to the development.	Prior to the commencement of the use and to be maintained.
1.13	Connect the development to the reticulated drinking water network 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.
1.14	Provide written evidence (e.g. connection certificate) from Urban Utilities that the development has been connected to the reticulated network and that all requirements of Urban Utilities have been satisfied.	Prior to the commencement of the use.
	<b>Shed design</b>	
1.15	Construct the poultry sheds using colours, materials and finishes that are non-reflective, do not produce glare and incorporate	Prior to commencement

	natural tones of greens, greys and browns to be compatible with the surrounding character.	of use and to be maintained.
1.16	The sheds are to be orientated so that the fan ends of the sheds are located towards the south-west.	Prior to commencement of use and to be maintained.
	<b>Emergency Management Plan</b>	
1.17	Submit to and obtain approval from Council an Emergency Management Plan prepared by a suitably qualified person that addresses the flooding risk present in the locality and how the development will function during flood events.	Prior to commencement of use.
1.18	Implement the requirements and recommendations of the approved Emergency Management Plan.	Prior to commencement of use and to be maintained.
	<b>Period to complete development</b>	
1.19	Council must approve the related Boundary realignment Application to approve Plan of Subdivision and the survey plan must be endorsed by Titles Queensland prior to the commencement of the Intensive Animal Industry (poultry farm).  OR  All lots the subject of the application must be amalgamated prior to commencement of the Intensive Animal Industry (poultry farm).	As indicated.

**SCHEDULE 2 – ENGINEERING**

Assessment manager

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

2.4	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to Compliance Assessment.
2.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	As part of Operational Works.
	<b>EARTHWORKS</b>	
2.6	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times.
2.7	Rehabilitation of dam sites, including methods of construction, management and supervision is to ensure that the site will be suitable for the proposed use. Test results as required and a certificate of quality and uniformity is to be provided by a Registered Professional Engineer Queensland (RPEQ).	Prior to commencement of use.
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>ROADWORKS</b>	
2.10	All works on or adjacent to roadways must be adequately signed in accordance with the " <i>Austroads Guide to Temporary Traffic Management</i> ". Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works.
2.11	Intersection of Brightview Road and Court Avenue North is to be constructed to provide a sealed rural road, with sufficient sealed area to allow for the turning manoeuvres of B-Double vehicles.	Prior to Operational Works.
2.12	Provide written approval from the Department of Transport and Main Roads to carry out works on a state controlled road.	Prior to Operational Works.
2.13	Court Avenue North is to be constructed to provide a sealed rural road, with 4m seal and 9m formation in accordance with Somerset Regional Council design standards and drawing SRC-ROAD-009	As part of Operational Works.

	between Brightview Road intersection and Un-named Road 5158.	
2.14	<p>Un-named Road 5158 is to be constructed to provide a sealed rural road, with 4m seal and 9m formation in accordance with Somerset Regional Council design standards and drawing SRC-ROAD-009 between Court Avenue North intersection and property access.</p> <p><b>OR</b></p> <p>If the lots are amalgamated rather than the boundary realignment be completed; access to the Intensive Animal Industry (poultry farm) is to be provided via an internal driveway directly to Court Avenue North, with no access provided to Un-named Road 5158.</p>	Prior to commencement of the Intensive animal industry (poultry farm) use.
2.15	Intersection of Court Avenue North and Un-named Road 5158 is to be constructed to provide a sealed rural road, with sufficient sealed area to allow for the turning manoeuvres as shown on PSA consultants Traffic Impact Assessment, titled "Brightview Poultry Farm" reference number 1504 version 2 and dated 28 February 2023.	As part of Operational Works.
	<b>VEHICLE ACCESS</b>	
2.16	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with <i>Somerset Regional Council Planning Scheme</i> . Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
2.17	All vehicles shall enter and leave the site in a forward gear.	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 section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.

2.23	Stormwater Drainage shall be constructed in general accordance with ASC Engineers, Stormwater Management Plan, titled "Proposed Poultry Farm, Prepared for: LL & Son Pty Ltd, Court Avenue North, Brightview, QLD" and dated 23 February 2023, Ref 210100.	As part of Operational Works.
2.24	Attenuate the difference between pre and post developed flows.	As part of Operational Works.
2.25	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works.
2.26	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	Prior to Council's endorsement of the Plan of subdivision.
2.27	Containments or contaminated water must not be directly or indirectly released from the Premises to surface water or groundwater at or outside the premises except for:  (a) uncontaminated overland stormwater flow; or (b) uncontaminated stormwater to the stormwater system.	At all times.
<b>STORMWATER RE-USE</b>		
2.28	The development must incorporate a stormwater re-use system utilizing stormwater detention structures and/or tanks to ensure water is re-used throughout the site to supply dust suppression and the like in general accordance with ASC Engineers, Stormwater Management Plan, titled "Proposed Poultry Farm, Prepared for: LL & Son Pty Ltd, Court Avenue North, Brightview, QLD" and dated 23 February 2023, Ref 210100.	Prior to commencement of use.
<b>EROSION AND SEDIMENT CONTROL</b>		
2.29	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:  <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <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.
2.30	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.

2.31	Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ) and Certified Professional in Erosion & Sediment Control (CPESC). 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.
2.32	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.
2.33	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> Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.	At all times.
2.34	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times.
2.35	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work.	As part of Operational Works.

### **SCHEDULE 3 - ENVIRONMENTAL**

<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	At all times.



	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.	
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 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 commencement of the use.

3.6	The development is to comply with the 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 after 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	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> <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	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> <table><tr><td></td><td><u>Period</u></td></tr><tr><td>Background noise level plus 5 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><tr><td>Background noise level plus 3 dB(A)</td><td>10 pm – 7 am</td></tr></table> <p>Noise Levels at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level <math>L_{Amax\ adj, T}</math></p>		<u>Period</u>	Background noise level plus 5 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	At all times.
	<u>Period</u>									
Background noise level plus 5 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>Background noise level plus 10 dB(A)      <u>Period</u>  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	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> <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> <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>	At all times.

	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.	
	<b>Waste</b>	
3.16	Waste must not be: <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.

#### SCHEDULE 4 – REFERRAL AGENCY RESPONSES

Pursuant to section 62 of the *Planning Act 2016*, the following referral agency responses have been received and are attached to the Decision Notice.

No.	Condition	Timing
	<b>State Assessment and Referral Agency response</b>	
4.1	Comply with the requirements of the referral agency response 2211-32171 SRA dated 20 March 2023, or as amended.	As indicated on the referral agency response.
4.2	Provide certification to Council from a suitably qualified person or the relevant agency demonstrating that the requirements of the referral agency response have been met.	Prior to the commencement of the use.

#### SCHEDULE 5 – ADVICE

Assessment manager

No.	Advice
	<b>Notes and advice notes</b>
5.1	Notes contained within a development condition are part of the condition.  Advice notes contained within a development condition are not part of the condition and are provided for additional guidance specific to the condition.  Advice statements contained within this schedule are provided for guidance about the development. Advice statements are not exhaustive and are provided to assist applicants in meeting their obligations under other instruments.

	<b>Aboriginal Cultural Heritage</b>
5.2	<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> <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.</p> <p>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.</p> <p>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>
	<b>Fire ants</b>
5.3	<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>
	<b>Infrastructure charges</b>
5.4	<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 Charges were 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>

	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> .
	<b>Water supply and wastewater</b>
5.5	<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>
	<b>Building works</b>
5.6	<p>This Development Approval for material change of use does not include an approval for the change of classification or for the commencement of building works under the <i>Building Act 1975</i>.</p> <p>A separate building development approval may be required for change of classification or commencement of building works under the <i>Building Act 1975</i>.</p> <p>Advice should be sought from a Building Certifier (either through a private certification company or through Council's building section) about further development approvals for building works.</p>
	<b>Advertising devices</b>
5.7	<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>
	<b>Property access application</b>
5.8	<p>The application form for a property access approval may be downloaded from Council's website at <a href="http://somerset.qld.gov.au/our-services/roads">somerset.qld.gov.au/our-services/roads</a>.</p> <p>The landowner must have the property access approval in place prior to commencing works on the crossover.</p>
	<b>Vegetation clearing</b>
5.9	<p>Clearing native vegetation, including native vegetation that is a koala habitat, may require additional permits or notifications that are outside of this Development Approval. The landowner is responsible for ensuring that any clearing undertaken complies with requirements of any State or Federal agencies.</p>
<b>DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (BOUNDARY REALIGNMENT)</b>	

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
Assessment manager		
<b>No.</b>	<b>Condition</b>	<b>Timing</b>
<b>GENERAL</b>		
	<b>Approved plans/documents</b>	
1.1	<p>Carry out the development generally in accordance with the material contained in the application, supporting documentation, and the approved plans and documents listed in the Table of Approved Plans and Documents (including where amended by Council), except where amended by these development conditions.</p> <ol style="list-style-type: none"> <li>1. Access Details - Drawing number ACS-210100-SITE-10 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>2. Stormwater Management Plan - Drawing number ACS-210100-SITE-12 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>3. Erosion and Sediment Control Notes - Drawing number ACS-210100-SITE-13 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>4. Erosion and Sediment Control Notes and Details - Drawing number ACS-210100-SITE-14 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>5. Erosion and Sediment Control – Plan - Drawing number ACS-210100-SITE-15 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>6. Odour &amp; Overlays Layout - Drawing number ACS-210100-SITE-16 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>7. Lot Reconfiguration Layout - Drawing number ACS-210100-SITE-17 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> </ol>	At all times.
	<b>Availability of Development Approval</b>	
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>Comply with planning scheme and local laws</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.
	<b>Pay outstanding rates and charges</b>	

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 request for approval of the Plan of Subdivision.
	<b>No cost to Council</b>	
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.
	<b>Repair damage caused by development</b>	
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>Survey marks</b>	
1.7	A Registered Cadastral Surveyor must install new Survey Marks in their correct positions in accordance with the Plan of Subdivision and the endorsement of the work must be certified in writing.	Prior to the request for approval of the Plan of Subdivision.
	<b>Valuation</b>	
1.8	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources.  Currently, the amount is set at \$44.00 per allotment.	Prior to the request for approval of the Plan of Subdivision.
<b>SCHEDULE 2 - PERIODS FOR THE APPROVAL</b>		
	<b>Period to complete development</b>	
2.1	Council must approve the Application to approve Plan of Subdivision for the boundary realignment and the survey plan must be endorsed by Titles Queensland prior to the commencement of the Intensive Animal Industry (poultry farm) also approved by this development permit.	As indicated.
<b>SCHEDULE 3 - PROPERTY ACCESS (PROPOSED LOTS 1 TO 4)</b>		
	<b>Landowners responsible for access</b>	
3.1	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> .	At all times.



	<b>Property access application required</b>	
3.2	Make a property access application to Council, and pay the required fees, for the new property access (crossover).	Prior to commencement of access works.
3.3	Construct new the property access (crossover) as detailed in this Development Approval and the Property Access Approval.	Prior to the request for approval of the Plan of Subdivision.
<b>SCHEDULE 4 - SERVICES AND CONNECTIONS</b>		
	<b>Reticulated drinking water</b>	
4.1	As a minimum, connect Lot 5 to the reticulated drinking water network in accordance with the standards and requirements of the South East Queensland Distributor-Retailer Authority, trading as Urban Utilities.	Prior to the request for approval of the Plan of Subdivision.
4.2	Provide written evidence (e.g. connection certificate) from Urban Utilities that a minimum of proposed Lot 5 has been connected to the reticulated network and that all requirements of Urban Utilities have been satisfied.	As part of the request for approval of the Plan of Subdivision.
	<b>Services to remain within lots</b>	
4.3	<p>Provide certification from a Registered Cadastral Surveyor that all services (for example, water, wastewater, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.</p> <p>OR</p> <p>Provide written evidence from a relevant service provider that any connection that is not wholly contained within a lot is acceptable to the relevant service provider (for example, by use of wayleave or easement).</p> <p>A copy of any relevant wayleave or easement document (or similar) must be attached to the request for approval of the Plan of Subdivision.</p>	As part of the request for approval of the Plan of Subdivision.
	<b>Remove redundant services</b>	
4.4	Remove any services made redundant as a result of the development and reinstate the land.	Prior to the request for approval of the Plan of Subdivision.
	<b>Reticulated electricity and telecommunications</b>	
4.5	As a minimum connect proposed Lot 5 to the reticulated electricity and telecommunications networks to the standards of the relevant service provider.	Prior to the request for approval of the Plan of Subdivision.

	Where proposed allotments front existing overhead electricity or telecommunication service, the development may connect direct to such service to the approval and requirements of the service provider.	
4.6	Provide written evidence (e.g. certificate of supply or agreement) from the relevant service provider that a minimum of Lot 5 has been connected to the reticulated networks, connection is available at a standard connection, or has a current supply agreement.	As part of the request for approval of the Plan of Subdivision.
<b>SCHEDULE 5 - ROADWORKS</b>		
5.1	All works on or adjacent to roadways must be adequately signed in accordance with the “ <i>Austroads Guide to Temporary Traffic Management</i> ”. Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works.
5.2	Court Avenue North is to be constructed to provide a sealed rural road, with 4m seal and 9m formation in accordance with Somerset Regional Council design standards and drawing SRC-ROAD-009 between Brightview Road intersection and Un-named Road 5158.	As part of Operational Works.
5.3	Un-named Road 5158 is to be constructed to provide a gravel rural road, in accordance with Somerset Regional Council design standards and drawing SRC-ROAD-009 between Court Avenue North intersection and property access.	As part of Operational Works and completed prior to lodgement of the Application to Approve Plan of Subdivision.
5.4	Intersection of Court Avenue North and Un-named Road 5158 is to be constructed to provide a sealed rural road, with sufficient sealed area to allow for the turning manoeuvres as shown on PSA consultants Traffic Impact Assessment, titled “Brightview Poultry Farm” and dated 28 February 2023.	As part of Operational Works.
<b>SCHEDULE 6 - EARTHWORKS</b>		
6.1	Any dams located outside the wetland buffer that are across proposed lot boundaries shall be removed.	Prior to Council's endorsement of the Plan of subdivision.
6.2	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without	At all times.

	providing Council with written permission from the respective property owner(s).	
6.3	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.

## **SCHEDULE 7 – ADVICE**

### *Assessment Manager*

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

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

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

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

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

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

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

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

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)*.

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

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

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

The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.
The Applicant has the Right of Appeal to the Planning and Environment Court regarding the conditions of this approval.
Should the Applicant notify Council in writing that the conditions of approval are accepted without dispute and that the right of appeal to the Court will not be exercised, the Decision Notice may be taken to be the development permit.

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

Carry out the development generally in accordance with the material contained in the application, supporting documentation, and the approved plans and documents listed in the Table of Approved Plans and Documents (including where amended by Council), except where amended by these development conditions.

1. Locality plan – Drawing number ACS-210100-SITE-03 Revision 3 – prepared by ACS Engineers – dated 07/08/23
2. Site Layout - Drawing number ACS-210100-SITE-04 Revision 3 – prepared by ACS Engineers – dated 07/08/23
3. Bulk earthworks layout plan - Drawing number ACS-210100-SITE-05 Revision 3 – prepared by ACS Engineers – dated 07/08/23
4. Shed Typical Sections - Drawing number ACS-210100-SITE-06 Revision 3 – prepared by ACS Engineers – dated 07/08/23
5. Access Details - Drawing number ACS-210100-SITE-10 Revision 3 – prepared by ACS Engineers – dated 07/08/23
6. Vegetative Environmental Buffer - Drawing number ACS-210100-SITE-11 Revision 3 – prepared by ACS Engineers – dated 07/08/23
7. Stormwater Management Plan - Drawing number ACS-210100-SITE-12 Revision 3 – prepared by ACS Engineers – dated 07/08/23
8. Stormwater Management Plan Report - 210100 Revision 1 – prepared by ACS Engineers – dated 2 November 2022
9. Erosion and Sediment Control Notes - Drawing number ACS-210100-SITE-13 Revision 3 – prepared by ACS Engineers – dated 07/08/23
10. Erosion and Sediment Control Notes and Details - Drawing number ACS-210100-SITE-14 Revision 3 – prepared by ACS Engineers – dated 07/08/23
11. Erosion and Sediment Control – Plan - Drawing number ACS-210100-SITE-15 Revision 3 – prepared by ACS Engineers – dated 07/08/23
12. Odour & Overlays Layout - Drawing number ACS-210100-SITE-16 Revision 3 – prepared by ACS Engineers – dated 07/08/23
13. Site Based Environmental Management Plan – Reference No. 210100 – Revision 2 – prepared by ACS Engineers – dated 03/08/2023
14. Poultry farm odour assessment – Reference No. 21-209 – prepared by Astute Environmental – dated 1 November 2022
15. Poultry farm odour assessment – addendum – Prepared by Astute Environmental – dated 7 August 2023
16. Traffic Impact Assessment, titled “Brightview Poultry Farm” reference number 1504 version 2 prepared by PSA consultants dated 28 February 2023.
17. SARA Concurrence Agency Assessment – Reference 2211-32171-SRA – dated 20 March 2023.

**This completes the report for Development Application DA23169.**

<b>Resolution</b>		
Moved – Cr Wendt                      Seconded – Cr Isidro		
<ol style="list-style-type: none"> <li>1. “THAT Council approve Development Application No. 23169 for a Development Permit for: <ol style="list-style-type: none"> <li>a. Material Change of Use for an Intensive Animal Industry (poultry farm – maximum 400,000 birds)</li> <li>b. Environmentally Relevant Activity – ERA 4(2) Poultry Farm &gt;200,000 birds.</li> <li>c. Reconfiguration of a Lot by Boundary realignment (five into five lots)</li> </ol> <p>on land situated at 49 Court Avenue, Brightview, Un-named #5158 Road, Brightview and Stone Gully Road, Brightview, formally described as Lot 1 RP31160, Lot 2 RP31160, 4 RP32344, 40 SP199026 and Lot 41 SP199026, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.</p> </li> <li>2. THAT the officer report for this application be published to the website as Council’s Statement of Reasons in accordance with s63(5) of the <i>Planning Act 2016</i>”</li> </ol>		
<b>DEVELOPMENT PERMIT MATERIAL CHANGE OF USE – Intensive Animal Industry</b>		
<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
Assessment manager		
No.	Condition	Timing
<b>GENERAL</b>		
	<b>Approved plans/documents</b>	
1.1	<p>Carry out the development generally in accordance with the material contained in the application, supporting documentation, and the approved plans and documents listed in the Table of Approved Plans and Documents (including where amended by Council), except where amended by these development conditions.</p> <ol style="list-style-type: none"> <li>1. Locality plan – Drawing number ACS-210100-SITE-03 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>2. Site Layout - Drawing number ACS-210100-SITE-04 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>3. Bulk earthworks layout plan - Drawing number ACS-210100-SITE-05 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>4. Shed Typical Sections - Drawing number ACS-210100-SITE-06 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>5. Access Details - Drawing number ACS-210100-SITE-10 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> </ol>	At all times.

	6. Vegetative Environmental Buffer - Drawing number ACS-210100-SITE-11 Revision 3 – prepared by ACS Engineers – dated 07/08/23 7. Stormwater Management Plan - Drawing number ACS-210100-SITE-12 Revision 3 – prepared by ACS Engineers – dated 07/08/23 8. Stormwater Management Plan Report - 210100 Revision 1 – prepared by ACS Engineers – dated 2 November 2022 9. Erosion and Sediment Control Notes - Drawing number ACS-210100-SITE-13 Revision 3 – prepared by ACS Engineers – dated 07/08/23 10. Erosion and Sediment Control Notes and Details - Drawing number ACS-210100-SITE-14 Revision 3 – prepared by ACS Engineers – dated 07/08/23 11. Erosion and Sediment Control – Plan - Drawing number ACS-210100-SITE-15 Revision 3 – prepared by ACS Engineers – dated 07/08/23 12. Odour & Overlays Layout - Drawing number ACS-210100-SITE-16 Revision 3 – prepared by ACS Engineers – dated 07/08/23 13. Site Based Environmental Management Plan – Reference No. 210100 – Revision 2 – prepared by ACS Engineers – dated 03/08/2023 14. Poultry farm odour assessment – Reference No. 21-209 – prepared by Astute Environmental – dated 1 November 2022 15. Poultry farm odour assessment – addendum – Prepared by Astute Environmental – dated 7 August 2023 16. Traffic Impact Assessment, titled “Brightview Poultry Farm” reference number 1504 version 2 prepared by PSA consultants dated 28 February 2023.	
	<b>Availability of Development Approval</b>	
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>Comply with planning scheme and local laws</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.
	<b>Pay outstanding rates and charges</b>	
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.
	<b>No cost to Council</b>	

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.
	<b>Repair damage caused by development</b>	
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>Bird numbers</b>	
1.7	The maximum number of birds to be housed at any one time is 400,000 birds, with a maximum of 50,000 birds permitted in each shed.	At all times.
	<b>Farm operation</b>	
1.8	The poultry farm is to operate as a conventional broiler farm.	At all times.
	<b>Landscaping</b>	
1.9	Provide landscaping onsite in accordance with Vegetative Environmental Buffer – Drawing No. ACS-210100-SITE-11 Revision 3 – dated 07/08/23.	Prior to the commencement of use and to be maintained.
1.10	The Vegetative Environmental Buffer is to act as a vegetation screen to surrounding the subject land.	Prior to the commencement of use and to be maintained.
1.11	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with condition 1.9 of this condition.	Prior to the commencement of use.
	<b>Reticulated drinking water</b>	
1.12	The development is to ensure a suitable supply of potable water is provided to meet the overall needs to the development.	Prior to the commencement of the use and to be maintained.
1.13	Connect the development to the reticulated drinking water network 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.

1.14	Provide written evidence (e.g. connection certificate) from Urban Utilities that the development has been connected to the reticulated network and that all requirements of Urban Utilities have been satisfied.	Prior to the commencement of the use.
	<b>Shed design</b>	
1.15	Construct the poultry sheds using colours, materials and finishes that are non-reflective, do not produce glare and incorporate natural tones of greens, greys and browns to be compatible with the surrounding character.	Prior to commencement of use and to be maintained.
1.16	The sheds are be orientated so that the fan ends of the sheds are located towards the south-west.	Prior to commencement of use and to be maintained.
	<b>Emergency Management Plan</b>	
1.17	Submit to and obtain approval from Council an Emergency Management Plan prepared by a suitably qualified person that addresses the flooding risk present in the locality and how the development will function during flood events.	Prior to commencement of use.
1.18	Implement the requirements and recommendations of the approved Emergency Management Plan.	Prior to commencement of use and to be maintained.
	<b>Period to complete development</b>	
1.19	Council must approve the related Boundary realignment Application to approve Plan of Subdivision and the survey plan must be endorsed by Titles Queensland prior to the commencement of the Intensive Animal Industry (poultry farm).  OR  All lots the subject of the application must be amalgamated prior to commencement of the Intensive Animal Industry (poultry farm).	As indicated.

**SCHEDULE 2 – ENGINEERING**

Assessment manager

No.	Condition	Timing
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.2	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Planning</i>	At all times.



	<i>Scheme.</i>	
2.3	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times.
2.4	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to Compliance Assessment.
2.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	As part of Operational Works.
	<b>EARTHWORKS</b>	
2.6	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times.
2.7	Rehabilitation of dam sites, including methods of construction, management and supervision is to ensure that the site will be suitable for the proposed use. Test results as required and a certificate of quality and uniformity is to be provided by a Registered Professional Engineer Queensland (RPEQ).	Prior to commencement of use.
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>ROADWORKS</b>	
2.10	All works on or adjacent to roadways must be adequately signed in accordance with the " <i>Austroads Guide to Temporary Traffic Management</i> ". Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works.
2.11	Intersection of Brightview Road and Court Avenue North is to be constructed to provide a sealed rural road, with sufficient sealed area to allow for the turning manoeuvres of B-Double vehicles.	Prior to Operational Works.
2.12	Provide written approval from the Department of Transport and	Prior to

	Main Roads to carry out works on a state controlled road.	Operational Works.
2.13	Court Avenue North is to be constructed to provide a sealed rural road, with 4m seal and 9m formation in accordance with Somerset Regional Council design standards and drawing SRC-ROAD-009 between Brightview Road intersection and Un-named Road 5158.	As part of Operational Works.
2.14	Un-named Road 5158 is to be constructed to provide a sealed rural road, with 4m seal and 9m formation in accordance with Somerset Regional Council design standards and drawing SRC-ROAD-009 between Court Avenue North intersection and property access.  <b>OR</b>  If the lots are amalgamated rather than the boundary realignment be completed; access to the Intensive Animal Industry (poultry farm) is to be provided via an internal driveway directly to Court Avenue North, with no access provided to Un-named Road 5158.	Prior to commencement of the Intensive animal industry (poultry farm) use.
2.15	Intersection of Court Avenue North and Un-named Road 5158 is to be constructed to provide a sealed rural road, with sufficient sealed area to allow for the turning manoeuvres as shown on PSA consultants Traffic Impact Assessment, titled "Brightview Poultry Farm" reference number 1504 version 2 and dated 28 February 2023.	As part of Operational Works.
	<b>VEHICLE ACCESS</b>	
2.16	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with <i>Somerset Regional Council Planning Scheme</i> . Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
2.17	All vehicles shall enter and leave the site in a forward gear.	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 section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.23	Stormwater Drainage shall be constructed in general accordance with ASC Engineers, Stormwater Management Plan, titled "Proposed Poultry Farm, Prepared for: LL & Son Pty Ltd, Court Avenue North, Brightview, QLD" and dated 23 February 2023, Ref 210100.	As part of Operational Works.
2.24	Attenuate the difference between pre and post developed flows.	As part of Operational Works.
2.25	Convey stormwater flows through the development from the upstream catchment.	As part of Operational Works.
2.26	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	Prior to Council's endorsement of the Plan of subdivision.
2.27	<p>Containments or contaminated water must not be directly or indirectly released from the Premises to surface water or groundwater at or outside the premises except for:</p> <p>(a) uncontaminated overland stormwater flow; or</p> <p>(b) uncontaminated stormwater to the stormwater system.</p>	At all times.
<b>STORMWATER RE-USE</b>		
2.28	The development must incorporate a stormwater re-use system utilizing stormwater detention structures and/or tanks to ensure water is re-used throughout the site to supply dust suppression and the like in general accordance with ASC Engineers, Stormwater Management Plan, titled "Proposed Poultry Farm, Prepared for: LL & Son Pty Ltd, Court Avenue North, Brightview, QLD" and dated 23 February 2023, Ref 210100.	Prior to commencement of use.
<b>EROSION AND SEDIMENT CONTROL</b>		
2.29	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the</p>	At all times.

	work and recover all costs from the developer associated with the work.	
2.30	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.
2.31	Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ) and Certified Professional in Erosion & Sediment Control (CPESC). 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.
2.32	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.
2.33	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> Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.	At all times.
2.34	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times.
2.35	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work.	As part of Operational Works.
<b>SCHEDULE 3 - ENVIRONMENTAL</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	At all times.

	release of contaminants that causes, or is likely to cause, an environmental nuisance or harm beyond the boundaries of the development site.	
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 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</li> </ul>	Prior to commencement of the use.

	<p>approved development.</p> <ul style="list-style-type: none"> <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 the 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 after 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>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);</li> <li>b) Care is taken during loading and unloading of trucks during catch out to reduce the impacts on surrounding properties;</li> <li>c) Regular and effective maintenance of stationary and mobile equipment is to be undertaken to ensure acoustic outputs are maintained.</li> </ul>	At all times.
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	Noise Levels at a Noise Sensitive Place Measured as the	At all times.

	<p>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 5 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><tr><td>Background noise level plus 3 dB(A)</td><td>10 pm – 7 am</td></tr></table> <p>Noise Levels at a Commercial 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 10 dB(A)</td><td>7 am – 6 pm</td></tr><tr><td>Background noise level plus 10 dB(A)</td><td>6 pm – 10 pm</td></tr><tr><td>Background noise level plus 8 dB(A)</td><td>10 pm – 7 am</td></tr></table>		<u>Period</u>	Background noise level plus 5 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		<u>Period</u>	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	
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Background noise level plus 8 dB(A)	10 pm – 7 am																	
	<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	All deceased birds from the poultry farm shall be: <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	Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place, namely –  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;  OR  A concentration of particulate matter with an aerodynamic diameter of less than 2.5 micrometres ( $PM_{2.5}$ ) 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 $PM_{2.5}$ low-volume sampler with size selective inlet –	At all times.																

	Gravimetric method” or Australian Standard 3580.9.7 – 2009 (or more recent edition)  OR  “Ambient air – Particulate matter - Determination of suspended particulate matter – Dichotomous sampler (PM <sub>10</sub> and PM <sub>2.5</sub> ) – Gravimetric method.  OR  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.	
	<b>Waste</b>	
3.16	Waste must not be: <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>SCHEDULE 4 – REFERRAL AGENCY RESPONSES</b>		
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>State Assessment and Referral Agency response</b>	
4.1	Comply with the requirements of the referral agency response 2211-32171 SRA dated 20 March 2023, or as amended.	As indicated on the referral agency response.
4.2	Provide certification to Council from a suitably qualified person or the relevant agency demonstrating that the requirements of the referral agency response have been met.	Prior to the commencement of the use.
<b>SCHEDULE 5 – ADVICE</b>		
Assessment manager		
<b>No.</b>	<b>Advice</b>	



	<b>Notes and advice notes</b>
5.1	<p>Notes contained within a development condition are part of the condition.</p> <p>Advice notes contained within a development condition are not part of the condition and are provided for additional guidance specific to the condition.</p> <p>Advice statements contained within this schedule are provided for guidance about the development. Advice statements are not exhaustive and are provided to assist applicants in meeting their obligations under other instruments.</p>
	<b>Aboriginal Cultural Heritage</b>
5.2	<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> <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.</p> <p>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.</p> <p>Information about the cultural heritage duty of care is available at <a href="http://gld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care">gld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care</a></p>
	<b>Fire ants</b>
5.3	<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>
	<b>Infrastructure charges</b>

5.4	<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 Charges were 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>
	<b>Water supply and wastewater</b>
5.5	<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>
	<b>Building works</b>
5.6	<p>This Development Approval for material change of use does not include an approval for the change of classification or for the commencement of building works under the <i>Building Act 1975</i>.</p> <p>A separate building development approval may be required for change of classification or commencement of building works under the <i>Building Act 1975</i>.</p> <p>Advice should be sought from a Building Certifier (either through a private certification company or through Council's building section) about further development approvals for building works.</p>
	<b>Advertising devices</b>
5.7	<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>
	<b>Property access application</b>
5.8	<p>The application form for a property access approval may be downloaded from Council's website at <a href="https://somerset.qld.gov.au/our-services/roads">somerset.qld.gov.au/our-services/roads</a>.</p> <p>The landowner must have the property access approval in place prior to commencing works on the crossover.</p>

	<b>Vegetation clearing</b>	
5.9	Clearing native vegetation, including native vegetation that is a koala habitat, may require additional permits or notifications that are outside of this Development Approval. The landowner is responsible for ensuring that any clearing undertaken complies with requirements of any State or Federal agencies.	
	<b>DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (BOUNDARY REALIGNMENT)</b>	
	<b>SCHEDULE 1 – GENERAL CONDITIONS</b>	
	Assessment manager	
<b>No.</b>	<b>Condition</b>	<b>Timing</b>
	<b>GENERAL</b>	
	<b>Approved plans/documents</b>	
1.1	<p>Carry out the development generally in accordance with the material contained in the application, supporting documentation, and the approved plans and documents listed in the Table of Approved Plans and Documents (including where amended by Council), except where amended by these development conditions.</p> <ol style="list-style-type: none"> <li>1. Access Details - Drawing number ACS-210100-SITE-10 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>2. Stormwater Management Plan - Drawing number ACS-210100-SITE-12 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>3. Erosion and Sediment Control Notes - Drawing number ACS-210100-SITE-13 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>4. Erosion and Sediment Control Notes and Details - Drawing number ACS-210100-SITE-14 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>5. Erosion and Sediment Control – Plan - Drawing number ACS-210100-SITE-15 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>6. Odour &amp; Overlays Layout - Drawing number ACS-210100-SITE-16 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> <li>7. Lot Reconfiguration Layout - Drawing number ACS-210100-SITE-17 Revision 3 – prepared by ACS Engineers – dated 07/08/23</li> </ol>	At all times.
	<b>Availability of Development Approval</b>	
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>Comply with planning scheme and local laws</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.
	<b>Pay outstanding rates and charges</b>	
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 request for approval of the Plan of Subdivision.
	<b>No cost to Council</b>	
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.
	<b>Repair damage caused by development</b>	
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>Survey marks</b>	
1.7	A Registered Cadastral Surveyor must install new Survey Marks in their correct positions in accordance with the Plan of Subdivision and the endorsement of the work must be certified in writing.	Prior to the request for approval of the Plan of Subdivision.
	<b>Valuation</b>	
1.8	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources.  Currently, the amount is set at \$44.00 per allotment.	Prior to the request for approval of the Plan of Subdivision.
<b>SCHEDULE 2 - PERIODS FOR THE APPROVAL</b>		
	<b>Period to complete development</b>	
2.1	Council must approve the Application to approve Plan of Subdivision for the boundary realignment and the survey plan must be endorsed by Titles Queensland prior to the commencement of the Intensive Animal Industry (poultry farm) also approved by this development permit.	As indicated.
<b>SCHEDULE 3 - PROPERTY ACCESS (PROPOSED LOTS 1 TO 4)</b>		

	<b>Landowners responsible for access</b>	
3.1	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> .	At all times.
	<b>Property access application required</b>	
3.2	Make a property access application to Council, and pay the required fees, for the new property access (crossover).	Prior to commencement of access works.
3.3	Construct new the property access (crossover) as detailed in this Development Approval and the Property Access Approval.	Prior to the request for approval of the Plan of Subdivision.
<b>SCHEDULE 4 - SERVICES AND CONNECTIONS</b>		
	<b>Reticulated drinking water</b>	
4.1	As a minimum, connect Lot 5 to the reticulated drinking water network in accordance with the standards and requirements of the South East Queensland Distributor-Retailer Authority, trading as Urban Utilities.	Prior to the request for approval of the Plan of Subdivision.
4.2	Provide written evidence (e.g. connection certificate) from Urban Utilities that a minimum of proposed Lot 5 has been connected to the reticulated network and that all requirements of Urban Utilities have been satisfied.	As part of the request for approval of the Plan of Subdivision.
	<b>Services to remain within lots</b>	
4.3	Provide certification from a Registered Cadastral Surveyor that all services (for example, water, wastewater, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.  OR  Provide written evidence from a relevant service provider that any connection that is not wholly contained within a lot is acceptable to the relevant service provider (for example, by use of wayleave or easement).  A copy of any relevant wayleave or easement document (or similar) must be attached to the request for approval of the Plan of Subdivision.	As part of the request for approval of the Plan of Subdivision.
	<b>Remove redundant services</b>	

4.4	Remove any services made redundant as a result of the development and reinstate the land.	Prior to the request for approval of the Plan of Subdivision.
	<b>Reticulated electricity and telecommunications</b>	
4.5	As a minimum connect proposed Lot 5 to the reticulated electricity and telecommunications networks to the standards of the relevant service provider.  Where proposed allotments front existing overhead electricity or telecommunication service, the development may connect direct to such service to the approval and requirements of the service provider.	Prior to the request for approval of the Plan of Subdivision.
4.6	Provide written evidence (e.g. certificate of supply or agreement) from the relevant service provider that a minimum of Lot 5 has been connected to the reticulated networks, connection is available at a standard connection, or has a current supply agreement.	As part of the request for approval of the Plan of Subdivision.
<b>SCHEDULE 5 - ROADWORKS</b>		
5.1	All works on or adjacent to roadways must be adequately signed in accordance with the “ <i>Austrroads Guide to Temporary Traffic Management</i> ”. Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	Prior to commencement of and during construction of works.
5.2	Court Avenue North is to be constructed to provide a sealed rural road, with 4m seal and 9m formation in accordance with Somerset Regional Council design standards and drawing SRC-ROAD-009 between Brightview Road intersection and Un-named Road 5158.	As part of Operational Works.
5.3	Un-named Road 5158 is to be constructed to provide a gravel rural road, in accordance with Somerset Regional Council design standards and drawing SRC-ROAD-009 between Court Avenue North intersection and property access.	As part of Operational Works and completed prior to lodgement of the Application to Approve Plan of Subdivision.
5.4	Intersection of Court Avenue North and Un-named Road 5158 is to be constructed to provide a sealed rural road, with sufficient sealed area to allow for the turning manoeuvres as shown on PSA consultants Traffic Impact Assessment, titled “Brightview Poultry Farm” and dated 28 February 2023.	As part of Operational Works.

<b>SCHEDULE 6 - EARTHWORKS</b>		
6.1	Any dams located outside the wetland buffer that are across proposed lot boundaries shall be removed.	Prior to Council's endorsement of the Plan of subdivision.
6.2	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.
6.3	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
<b>SCHEDULE 7 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.		
The Fire Ant Restricted Area as well as general information can be viewed on the DAF website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a>		
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> .		

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

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

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

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

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

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

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Development Application No. 23398 Change Application (Minor Change) to Reconfiguring a Lot by Subdivision (two lots into 69 lots and two balance lots in two stages)</b>
<b>File No:</b>	<b>DA23398</b>
<b>Assessment No:</b>	<b>81416-20000-000</b>
<b>Action Officer:</b>	<b>SP-MW</b>

## 1.0 APPLICATION SUMMARY

### Subject land

Location:	Hedley Drive and Settlers Rise, Woolmar
Real property description:	Lot 912 SP331660 and Lot 914 SP331660
Site area:	51.22 hectares
Current land use:	Vacant farmland
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:	General residential zone
Precinct:	Not within a precinct
Overlays:	OM1 Agricultural land overlay OM3 Biodiversity overlay OM4 Bushfire hazard overlay OM5 Catchment management overlay



OM7 Flood hazard overlay  
 OM8 High impact activities management area overlay  
 OM9 Infrastructure overlay  
 OM13 Stock route management overlay

### Application details

Development approval: RAL for Subdivision (two lots into 69 lots and two balance lots)  
 Development proposal: RAL for Subdivision (two lots into 69 lots and two balance lots)  
 Original approval date: 7 June 2023, Ordinary Meeting  
 Original category of assessment: Code assessment  
 Applicant details: QM Prop Co No.3 Pty Ltd  
 C/- Saunders Havill Group  
 9 Thompson Street  
 BOWEN HILLS QLD 4006  
 Owner details: QM Prop Co No.3 Pty Ltd  
 Date application received: 1 November 2023

### Referral agencies

State Assessment and Referral Agency

### Public notification

Not required for original application.

### RECOMMENDED DECISION

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



**Locality Plan of Lot 912 SP331660 and Lot 914 SP331660  
 Situated at Hedley Drive and Settlers Rise, Woolmar**

## 2.0 BACKGROUND AND PROPOSAL

Council, at its Ordinary Meeting of 7 June 2023, approved Development Application No. 23398 for a Reconfiguring a Lot by Subdivision (two lots into 69 lots and two balance lots in

two stages), on land at Hedley Drive and Settlers Rise, Woolmar, formally described as Lot 912 SP331660 and Lot 914 SP331660.

The applicant now seeks to change the development approval to:

- (a) include a drainage reserve to capture the stormwater detention infrastructure as proposed. The proposed open space has an area of 2.67 hectares. Under the current approval, this infrastructure is contained within the proposed Balance Lot 917; and
- (b) reduce the length of corner truncations at intersections from three x 6m to three x 3m.

### **3.0 PLANNING LEGISLATION**

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

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

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

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

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

### **4.0 ASSESSMENT OF REQUESTED CHANGES**

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

#### **4.1 Background**

The development comprises Stages 9 and 10 of what will ultimately comprise a large residential estate that extends through to Highwood Lane. With respect to the most recent stages, Stage 7 has been finalised and is currently being developed with houses while Stage 8 is currently under construction.

#### **4.2 Approved Plans**

The approved plans for Stages 9 and 10 comprise general residential lots.

Stage 9 comprises 36 new general residential lots ranging in size between 553m<sup>2</sup> and 1,151m<sup>2</sup>. The average lot size is 779m<sup>2</sup>. One of the lots is smaller than 600m<sup>2</sup> and six of the lots have a frontage length of less than 18 metres.

Stage 10 comprises 33 new general residential lots ranging in size between 553m<sup>2</sup> and 1,167m<sup>2</sup>. The average lot size is 785m<sup>2</sup>. One of the lots is smaller than 600m<sup>2</sup> and ten of the lots have a frontage length of less than 18 metres.

## 5.0 REQUESTED CHANGES TO EXISTING APPROVAL

### 5.1 Condition 1.1

1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	Proposal Plan – Stages 9 and 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev F – CP01, dated 8 December 2022	
	Staging Plan – Stage 9, prepared by Saunders Havill Group, Reference 10703 P 05 Rev F – STG09, dated 8 December 2022	
	Staging Plan – Stage 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev F – STG10, dated 8 December 2022	
	Engineering Services Report, Hedley Park Stage 9 and 10, prepared by Inertia – Job Reference 9896-09, dated 20 January 2023	
	Stormwater Management Plan, Hedley Park Estate, prepared by Inertia – Job Reference 9896, dated 23 January 2023	
	Concurrence Agency Response dated 24 March 2023 and referenced as 2302-33255 SRA.	

### Applicant comments

The Proposal Plan, Staging Plans and Engineering Reports listed under the condition are to be amended per the attached supporting information.

### Council officer comments

1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	Proposal Plan – Stages 9 and 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev G – CP01, dated 11 August 2023	
	Staging Plan – Stage 9, prepared by Saunders Havill Group, Reference 10703 P 05 Rev G – STG09, dated 11 August 2023	
	Staging Plan – Stage 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev G – STG10, dated 11 August 2023	

	Engineering Services Report, Hedley Park Stage 9 and 10, prepared by Inertia – Job Reference 9896-09 Rev 1, dated 26 October 2023	
	Stormwater Management Plan, Hedley Park Estate, prepared by Inertia – Job Reference 9896 Rev 1, dated 24 October 2023	
	Concurrence Agency Response dated 24 March 2023 and referenced as 2302-33255 SRA.	

The changes to the approved plans is to facilitate the creation of the separate stormwater drainage reserve lot. No additional residential allotments have been included as part of the change.

It is considered that the inclusion of the drainage reserve lot is an appropriate outcome and will ensure the existing and future stormwater flows will be affectively managed.

The proposed change is considered acceptable to Council officers.

The approved plans and/or documents listed in point 4 of the Decision notice will also require alteration.

## 5.2 Condition 2.6

2.6	Dedicate all land shown as park, open space and drainage on Proposal Plan – Stages 9 and 10, prepared by Saunders Havill Group, Reference 10703 P 05 Ref F – CP01, dated 8 December 2022 as reserve.	Prior to Council's endorsement of the Plan of subdivision.
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### Applicant comments

The Proposal Plan reference is to be updated per the attached amended Proposal Plan.

### Council officer comments

The proposal is consistent with Council's requirements. The amended plans have been referenced. An additional note has been included to confirm that this open space is not trunk infrastructure as the site is not listed on Council's LGIP as parkland.

Council's LGIP references a stormwater infrastructure flowpath that runs through the proposed drainage lot but does not include reference to additional works along this flowpath. It is noted the flowpath only serves the area served by future stages of Hedley Park and approximately 15 hectares of Rural zoned land to the north of the subject land. As such the stormwater works are only considered to service the development rather than form trunk infrastructure.

The proposed works include stormwater quantity and quality works.

2.6	Dedicate all land shown as park, open space and drainage on Proposal Plan – Stages 9 and 10, prepared by Saunders Havill Group, Reference 10703 P 05 Ref <b>G</b> – CP01, dated <b>11 August 2023</b> as reserve.  <b><i>Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016</i></b>	Prior to Council's endorsement of the Plan of subdivision.
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The proposed change is considered to be appropriate and is supported by Council officers.

### 5.3 Condition 2.23

2.23	Provide 6m x 3 chord truncations on property boundaries at all road intersections.  Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to Council's endorsement of the Plan of subdivision for each stage.
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#### Applicant comments

It is proposed to amend condition 2.23 as follows:

Provide ~~6m~~ 3m x 3 chord truncations on property boundaries at all road intersections.

Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.

#### Council officer comments

Council's design standards are included within SC6.5 Planning Scheme Policy 4 – Design Standards. The specific condition is derived from SC6.5.8 Roadworks Design Standards and SC6.5.8.1.4 Frontage Requirements which states:

- (xi) *6m x 3 chord truncations are to be created on property boundaries at all road intersections. All improvements and obstructions are to be removed from the area of the corner truncation(s) and area of dedicated road.*

The lots affected by this condition are proposed Lots 183, 212, 220 and 247. These lots have areas of 884m<sup>2</sup>, 858m<sup>2</sup>, 864m<sup>2</sup> and 1066m<sup>2</sup> respectively.

A 6m x 3 chord truncation will have an area of approximately 46.5m<sup>2</sup>. A 3m x 3 chord truncation will have an area of approximately 11m<sup>2</sup>. The difference in area between the two types of truncation is approximately 36m<sup>2</sup>, which would result in the smallest of the four affected lots being reduced in size to approximately 822m<sup>2</sup>.

The smaller truncation will impact the look and feel of the subdivision and possibly create sight distance issues should Colourbond fencing etc be placed on the boundary.

This requested change is not supported.

### 6.0 TRUNK INFRASTRUCTURE AND CHARGES

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

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

The proposed detention basin is to serve Stage 10, has not been designated as trunk infrastructure and is not subject to any remission of infrastructure charges.

### 7.0 REFERRAL AGENCIES

In accordance with section 80 of the *Planning Act 2016*, the State Assessment and Referral Agency is not considered an affected entity of the minor change, and as such no comments or conditions have been sought from the state.

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

## 8.0 PUBLIC NOTIFICATION

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

There were no properly made submissions about the original development application to consider in the assessment of the change application.

## 9.0 CONCLUSION

The proposed minor change seeks to include a drainage lot as part of Stage 10. This component of the change is supported.

The proposed minor change also seeks to reduce the size of the intersection truncations. This component of the change is not supported.

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

The proposed change does not change the infrastructure charges notice for the original approval.

## 10.0 ATTACHMENT

1. Proposal Plan – Stages 9 and 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev G – CP01, dated 11 August 2023
2. Staging Plan – Stage 9, prepared by Saunders Havill Group, Reference 10703 P 05 Rev G – STG09, dated 11 August 2023
3. Staging Plan – Stage 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev G – STG10, dated 11 August 2023
4. Engineering Services Report, Hedley Park Stage 9 and 10, prepared by Inertia – Job Reference 9896-09 Rev 1, dated 26 October 2023
5. Stormwater Management Plan, Hedley Park Estate, prepared by Inertia – Job Reference 9896 Rev 1, dated 24 October 2023
6. Concurrence Agency Response dated 24 March 2023 and referenced as 2302-33255 SRA.

## RECOMMENDED DECISION

THAT Council approve in part the Change Application (Minor Change) to Development Application No. 23398 for a Reconfiguring a Lot by Subdivision (two lots into 69 lots, a drainage lot, and two balance lots in two stages) on land situated at Hedley Drive and Settlers Rise, Woolmar, formally described as Lot 912 SP331660 and Lot 914 SP331660, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.4	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.

	<p>Proposal Plan – Stages 9 and 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev F – CP01, dated 8 December 2022</p> <p>Staging Plan – Stage 9, prepared by Saunders Havill Group, Reference 10703 P 05 Rev F – STG09, dated 8 December 2022</p> <p>Staging Plan – Stage 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev F – STG10, dated 8 December 2022</p> <p>Engineering Services Report, Hedley Park Stage 9 and 10, prepared by Inertia – Job Reference 9896-09, dated 20 January 2023</p> <p>Stormwater Management Plan, Hedley Park Estate, prepared by Inertia – Job Reference 9896, dated 23 January 2023</p> <p>Concurrence Agency Response dated 24 March 2023 and referenced as 2302-33255 SRA.</p>	
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> <p>Proposal Plan – Stages 9 and 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev <b>G</b> – CP01, dated <b>11 August 2023</b></p> <p>Staging Plan – Stage 9, prepared by Saunders Havill Group, Reference 10703 P 05 Rev <b>G</b> – STG09, dated <b>11 August 2023</b></p> <p>Staging Plan – Stage 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev <b>G</b> – STG10, dated <b>11 August 2023</b></p> <p>Engineering Services Report, Hedley Park Stage 9 and 10, prepared by Inertia – Job Reference 9896-09 <b>Rev 1</b>, dated <b>26 October 2023</b></p> <p>Stormwater Management Plan, Hedley Park Estate, prepared by Inertia – Job Reference 9896 <b>Rev 1</b>, dated <b>24 October 2023</b></p> <p>Concurrence Agency Response dated 24 March 2023 and referenced as 2302-33255 SRA.</p>	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.3	A Licensed Surveyor must install new Survey Marks in their correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of the Plan of Subdivision for each stage.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for endorsement of the Plan of Subdivision for each stage.

1.5	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources.  Currently, the amount is set at \$41 per allotment.	Prior to request for endorsement of the Plan of Subdivision for each stage.
1.6	Provide certification from a Licenced Surveyor that all services (e.g. water, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to request for endorsement of the Plan of Subdivision for each stage.
1.7	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision for each stage.
<b>SCHEDULE 2 – ENGINEERING</b> <i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.2	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.3	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times.
2.4	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to Compliance Assessment.
<b>LANDSCAPING</b>		
2.5	The developer must submit a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below:	As part of Operational works for Landscaping Works.



	<ul style="list-style-type: none"> <li>• Comply with the Somerset Development Manual and Schedule 12A of the <i>Planning Regulation 2017</i> (including street trees).</li> <li>• To enhance the appearance of the development internally and externally.</li> <li>• To make a positive contribution to the streetscape;</li> <li>• To screen unsightly objects from public view;</li> <li>• To contribute to an environment by providing shade to reduce glare, heat absorption and radiation;</li> <li>• To ensure common areas are useable;</li> <li>• To provide long term erosion protection;</li> <li>• To integrate with existing vegetation and other natural features of the site and adjoining lands; and</li> <li>• To provide adequate vehicle sightlines and road safety.</li> </ul> <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> <li>• The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site;</li> <li>• The number and size of plants;</li> <li>• The typical planting detail including preparation, backfill, staking and mulching.</li> <li>• The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved by Council.</li> <li>• All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period.</li> <li>• Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.</li> </ul>	
	<b>OPEN SPACE/PARK</b>	
2.6	<del>Dedicate all land shown as park, open space and drainage on Proposal Plan – Stages 9 and 10, prepared by Saunders Havill Group, Reference 10703 P 05 Ref F – CP01, dated 8 December 2022 as reserve.</del>	<del>Prior to Council's endorsement of the Plan of subdivision.</del>
2.6	Dedicate all land shown as park, open space and drainage on Proposal Plan – Stages 9 and 10, prepared by Saunders Havill Group, Reference 10703 P 05 Ref <b>G</b> – CP01, dated <b>11 August 2023</b> as reserve.	Prior to Council's endorsement of the Plan of subdivision.

	<b><i>Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.</i></b>	
2.7	Any entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
2.8	Plant street trees at 15 metre intervals along both sides of each street in each stage.  <i>Note: It is recommended the trees are located in a staggered arrangement along the street so they are not directly opposite one another.</i>	Prior to Council's endorsement of the Plan of subdivision for each stage.
	<b>EASEMENTS</b>	
2.9	Dedicate land subject to flooding during a 1% Average Exceedance Probability (AEP) or Q100 flood event as an easement or reserve for drainage purposes. The easement or reserve is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council's Solicitor shall prepare all documentation.	Prior to Council's endorsement of the Plan of subdivision.
2.10	Provide an easement over stormwater and inter-allotment drainage located within private property.  The easement widths may vary but must extend to include the flood paths for the Q100 flood flows including provisions for freeboard and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with Queensland Urban Drainage Manual (QUDM). The easement is to be dedicated at no cost to Council.  All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.  <i>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property.</i>	Prior to Council's endorsement of the Plan of subdivision.
	<b>GENERAL SERVICES</b>	
2.11	Submit development applications to the relevant Energy and Telecommunications regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required at the cost of a normal house connection.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.12	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable	Prior to Council's endorsement of the Plan of subdivision for each stage.

	standards of the relevant regulatory authority so that it is available to each allotment.	
2.13	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that each lot has been connected to the applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.14	Install hydrant and valve location indicators where serviced by kerb and channel, place brass markers in the kerb line at each service crossing. (For Water, Sewer, Electricity and Telecommunications)	Prior to Council's endorsement of the Plan of subdivision for each stage.
	<b>EARTHWORKS</b>	
2.15	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times.
2.16	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.17	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times.
	<b>ROADWORKS</b>	
2.18	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with <i>Planning Scheme Policy 4 – Design Standards Somerset Regional Council Design Standards</i> .	As part of Operational Works application.
2.19	Hedley Drive is identified in Council's Local Government Infrastructure Plan (LGIP) as a trunk collector road.  Hedley Drive shall be constructed to a trunk collector road standard.  <i>Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016</i>	As part of Operational Works application.
2.20	Provide road reserve and carriageway widths are to be in accordance with the <i>Planning Scheme Policy 4 – Design Standards</i> .	As part of Operational Works application.
2.21	Provide a concrete driveway with a pavement width of 5.5 metres for the full length of the vehicular driveway between proposed Lots 195 to 197.	As part of Operational Works for Stage 9.

2.22	Provide bin pads for proposed Lots 195 to 198 in front of Lots 195 and 198.	As part of Operational Works for Stage 9.
2.23	Provide 6m x 3 chord truncations on property boundaries at all road intersections.  Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.24	Provide a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.25	Provide verge and access in accordance with <i>Planning Scheme Policy 4 – Design Standards</i> .	As part of Operational Works application.
	<b>STREET NAMES</b>	
2.26	Submit a list of road names for all new roads, along with the reasons for selecting such names, for the road names to be considered and approved by Council.  The proponent is responsible for the cost of road signs and installation. Street nameplates are to comply with Council's standards.	As part of Operational Works application.
	<b>VEHICLE ACCESS</b>	
2.27	All construction vehicles shall enter and leave the site in a forward gear	At all times.
	<b>FOOTPATHS AND DRIVEWAYS</b>	
2.28	Provide a concrete footpath with a width of 1.5 metres on one side of each street within Stage 9 for the full length of each street within the stage.	As part of Operational Works.
2.29	Provide a concrete footpath with a width of 1.5 metres on one side of each street within Stage 10 for the full length of each street within the stage.	As part of Operational Works.
2.30	Provide a concrete footpath with a width of 1.5 metres for the full length of the pathway between proposed Lots 199 and 200.	As part of Operational Works for Stage 9.
2.31	Provide a concrete footpath with a width of 1.5 metres for the full length of the pathway between proposed Lots 215 and 216.	As part of Operational Works for Stage 9.
2.32	Provide a concrete footpath with a width of 1.5 metres for the full length of the pathway between the end of the driveway between proposed Lots 195 and 196, connecting	As part of Operational Works for Stage 9.

	to the end of the existing pathway between Lots 162 and 163.	
2.33	Provide a concrete footpath with a width of 1.5 metres for the full length of the pathway between proposed Lots 239 and 240.	As part of Operational Works for Stage 10.
2.34	Provide a concrete footpath with a width of 1.5 metres for the full length of the pathway between proposed Lots 219 and 250.	As part of Operational Works for Stage 10.
<b>STREET LIGHTING</b>		
2.35	<p>Install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows:</p> <ul style="list-style-type: none"> <li>i) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5</li> <li>ii) Collector Roads – Lighting Category P4.</li> </ul> <p>Install all street lighting on the same side as footpaths, where applicable.</p> <p>Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).</p>	Prior to Council's endorsement of the Plan of subdivision for each stage.
<b>VEHICLE ACCESS</b>		
2.36	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Planning Scheme Policy 4 – Design Standards</i> .	At all times.
2.37	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
<b>STORMWATER</b>		
2.38	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.39	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.
2.40	Stormwater drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.

2.41	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.
2.42	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Design Standards</i> .	As part of Operational Works.
2.43	Stormwater Drainage shall be constructed in general accordance with Inertia, Site Based Stormwater Management Plan, Ref 9896 and dated 23 <sup>rd</sup> January 2023.	As part of Operational Works
2.44	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.45	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.  <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works application.
2.46	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	Prior to Council's endorsement of the Plan of subdivision.
2.47	Containments or contaminated water must not be directly or indirectly released from the Premises to surface water or groundwater at or outside the premises except for:  (a) uncontaminated overland stormwater flow; or (b) uncontaminated stormwater to the stormwater system.	At all times.
<b>EROSION AND SEDIMENT CONTROL</b>		
2.48	Erosion and sedimentation controls shall be implemented in accordance with current IECA best practice and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:  <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> Should the developer fail to complete the works determined by Council within the specified time, the	At all times.

	Council will complete the work and recover all costs from the developer associated with the work.	
2.49	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.
2.50	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 Operational Works.
2.51	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.
2.52	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> <li>i) Milling;</li> <li>ii) Chipping and/or mulching</li> <li>iii) Disposal at an approved waste disposal facility.</li> </ul> No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.	At all times.
2.53	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times.
2.54	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.	As part of Operational Works.
<b>SCHEDULE 3 - REFERRAL AGENCY</b> <b>Department of State Development, Infrastructure, Local Government and Planning</b> <i>Concurrence Agency Response</i> <i>Agency Response: Recommend Conditions Apply</i>		
Pursuant to section 62 of the <i>Planning Act 2016</i> , the Assessment Manager must, other than to the extent a referral agency's response provide advice, comply with all the referral agency responses and include conditions exactly as stated in the response.		

The Department of State Development, Infrastructure, Local Government and Planning as a Concurrence Agency has assessed the impact of the proposed development to a state controlled road environment.

The Concurrence Agency Response is dated 24 March 2023 and referenced as 2302-33255 SRA.

The Concurrence Agency response will be attached to Council's Decision Notice for DA23398.

#### **SCHEDULE 4 – ADVICE**

*Assessment Manager*

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

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

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

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

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

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

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

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

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)*.



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

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

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

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

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

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

**Attachments for the Decision Notice include:**

- Proposal Plan – Stages 9 and 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev G – CP01, dated 11 August 2023
- Staging Plan – Stage 9, prepared by Saunders Havill Group, Reference 10703 P 05 Rev G – STG09, dated 11 August 2023
- Staging Plan – Stage 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev G – STG10, dated 11 August 2023
- Engineering Services Report, Hedley Park Stage 9 and 10, prepared by Inertia – Job Reference 9896-09 Rev 1, dated 26 October 2023
- Stormwater Management Plan, Hedley Park Estate, prepared by Inertia – Job Reference 9896 Rev 1, dated 24 October 2023
- Concurrence Agency Response dated 24 March 2023 and referenced as 2302-33255 SRA.

**This completes the report for Change Application DA23398.**

<b>Resolution</b>	Moved – Cr Whalley	Seconded – Cr Gaedtke
<p>"THAT Council approve in part the Change Application (Minor Change) to Development Application No. 23398 for a Reconfiguring a Lot by Subdivision (two lots into 69 lots, a drainage lot, and two balance lots in two stages) on land situated at Hedley Drive and Settlers Rise, Woolmar, formally described as Lot 912 SP331660 and Lot 914 SP331660, subject to the recommended conditions and requirements contained in the schedules and attachments to this report."</p>		
<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>

1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	Proposal Plan – Stages 9 and 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev <b>G</b> – CP01, dated <b>11 August 2023</b>	
	Staging Plan – Stage 9, prepared by Saunders Havill Group, Reference 10703 P 05 Rev <b>G</b> – STG09, dated <b>11 August 2023</b>	
	Staging Plan – Stage 10, prepared by Saunders Havill Group, Reference 10703 P 05 Rev <b>G</b> – STG10, dated <b>11 August 2023</b>	
	Engineering Services Report, Hedley Park Stage 9 and 10, prepared by Inertia – Job Reference 9896-09 <b>Rev 1</b> , dated <b>26 October 2023</b>	
	Stormwater Management Plan, Hedley Park Estate, prepared by Inertia – Job Reference 9896 <b>Rev 1</b> , dated <b>24 October 2023</b>	
	Concurrence Agency Response dated 24 March 2023 and referenced as 2302-33255 SRA.	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.3	A Licensed Surveyor must install new Survey Marks in their correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of the Plan of Subdivision for each stage.
1.4	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for endorsement of the Plan of Subdivision for each stage.
1.5	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources.  Currently, the amount is set at \$41 per allotment.	Prior to request for endorsement of the Plan of Subdivision for each stage.
1.6	Provide certification from a Licenced Surveyor that all services (e.g. water, drainage, electricity, telecommunications) are wholly contained within the lot that they serve.	Prior to request for endorsement of the Plan of Subdivision for each stage.
1.7	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision for each stage.

<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, roadworks, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.2	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.3	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times.
2.4	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to Compliance Assessment.
<b>LANDSCAPING</b>		
2.5	The developer must submit a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below: <ul style="list-style-type: none"> <li>Comply with the Somerset Development Manual and Schedule 12A of the <i>Planning Regulation 2017</i> (including street trees).</li> <li>To enhance the appearance of the development internally and externally.</li> <li>To make a positive contribution to the streetscape;</li> <li>To screen unsightly objects from public view;</li> <li>To contribute to an environment by providing shade to reduce glare, heat absorption and radiation;</li> <li>To ensure common areas are useable;</li> <li>To provide long term erosion protection;</li> <li>To integrate with existing vegetation and other natural features of the site and adjoining lands; and</li> </ul>	As part of Operational works for Landscaping Works.

	<ul style="list-style-type: none"> <li>To provide adequate vehicle sightlines and road safety.</li> </ul> <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> <li>The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site;</li> <li>The number and size of plants;</li> <li>The typical planting detail including preparation, backfill, staking and mulching.</li> <li>The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved by Council.</li> <li>All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period.</li> <li>Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.</li> </ul>	
	<b>OPEN SPACE/PARK</b>	
2.6	<p>Dedicate all land shown as park, open space and drainage on Proposal Plan – Stages 9 and 10, prepared by Saunders Havill Group, Reference 10703 P 05 Ref <b>G</b> – CP01, dated <b>11 August 2023</b> as reserve.</p> <p><b><i>Note: This condition is imposed pursuant to Section 145 of the Planning Act 2016.</i></b></p>	Prior to Council's endorsement of the Plan of subdivision.
2.7	Any entry statements, fences, batters, retaining walls and buffer/screen plantings must be located entirely within private land and not within the public road reserve.	At all times.
2.8	<p>Plant street trees at 15 metre intervals along both sides of each street in each stage.</p> <p><i>Note: It is recommended the trees are located in a staggered arrangement along the street so they are not directly opposite one another.</i></p>	Prior to Council's endorsement of the Plan of subdivision for each stage.
	<b>EASEMENTS</b>	
2.9	Dedicate land subject to flooding during a 1% Average Exceedance Probability (AEP) or Q100 flood event as an easement or reserve for drainage purposes. The easement or reserve is to be dedicated at no cost to Council. The proponent in a form satisfactory to Council's Solicitor shall prepare all documentation.	Prior to Council's endorsement of the Plan of subdivision.

2.10	<p>Provide an easement over stormwater and inter-allotment drainage located within private property.</p> <p>The easement widths may vary but must extend to include the flood paths for the Q100 flood flows including provisions for freeboard and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property and are to be in accordance with Queensland Urban Drainage Manual (QUDM). The easement is to be dedicated at no cost to Council.</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p> <p><i>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property.</i></p>	Prior to Council's endorsement of the Plan of subdivision.
	<b>GENERAL SERVICES</b>	
2.11	Submit development applications to the relevant Energy and Telecommunications regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required at the cost of a normal house connection.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.12	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.13	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that each lot has been connected to the applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.14	Install hydrant and valve location indicators where serviced by kerb and channel, place brass markers in the kerb line at each service crossing. (For Water, Sewer, Electricity and Telecommunications)	Prior to Council's endorsement of the Plan of subdivision for each stage.
	<b>EARTHWORKS</b>	
2.15	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times.
2.16	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.

2.17	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times.
	<b>ROADWORKS</b>	
2.18	Dedicate, design and construct all new roads as illustrated on the approved plans, with concrete kerb and channel (including drainage and associated works) in accordance with <i>Planning Scheme Policy 4 – Design Standards Somerset Regional Council Design Standards</i> .	As part of Operational Works application.
2.19	Hedley Drive is identified in Council's Local Government Infrastructure Plan (LGIP) as a trunk collector road.  Hedley Drive shall be constructed to a trunk collector road standard.  <i>Note: This condition is imposed pursuant to Section 128 of the Planning Act 2016</i>	As part of Operational Works application.
2.20	Provide road reserve and carriageway widths are to be in accordance with the <i>Planning Scheme Policy 4 – Design Standards</i> .	As part of Operational Works application.
2.21	Provide a concrete driveway with a pavement width of 5.5 metres for the full length of the vehicular driveway between proposed Lots 195 to 197.	As part of Operational Works for Stage 9.
2.22	Provide bin pads for proposed Lots 195 to 198 in front of Lots 195 and 198.	As part of Operational Works for Stage 9.
2.23	Provide 6m x 3 chord truncations on property boundaries at all road intersections.  Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.24	Provide a sealed vehicle turn around area with a minimum 9m radius at the end of any terminating roads that are to be constructed as part of a future stage of development.	Prior to Council's endorsement of the Plan of subdivision for each stage.
2.25	Provide verge and access in accordance with <i>Planning Scheme Policy 4 – Design Standards</i> .	As part of Operational Works application.
	<b>STREET NAMES</b>	
2.26	Submit a list of road names for all new roads, along with the reasons for selecting such names, for the road names to be considered and approved by Council.	As part of Operational Works application.

	The proponent is responsible for the cost of road signs and installation. Street nameplates are to comply with Council's standards.	
	<b>VEHICLE ACCESS</b>	
2.27	All construction vehicles shall enter and leave the site in a forward gear	At all times.
	<b>FOOTPATHS AND DRIVEWAYS</b>	
2.28	Provide a concrete footpath with a width of 1.5 metres on one side of each street within Stage 9 for the full length of each street within the stage.	As part of Operational Works.
2.29	Provide a concrete footpath with a width of 1.5 metres on one side of each street within Stage 10 for the full length of each street within the stage.	As part of Operational Works.
2.30	Provide a concrete footpath with a width of 1.5 metres for the full length of the pathway between proposed Lots 199 and 200.	As part of Operational Works for Stage 9.
2.31	Provide a concrete footpath with a width of 1.5 metres for the full length of the pathway between proposed Lots 215 and 216.	As part of Operational Works for Stage 9.
2.32	Provide a concrete footpath with a width of 1.5 metres for the full length of the pathway between the end of the driveway between proposed Lots 195 and 196, connecting to the end of the existing pathway between Lots 162 and 163.	As part of Operational Works for Stage 9.
2.33	Provide a concrete footpath with a width of 1.5 metres for the full length of the pathway between proposed Lots 239 and 240.	As part of Operational Works for Stage 10.
2.34	Provide a concrete footpath with a width of 1.5 metres for the full length of the pathway between proposed Lots 219 and 250.	As part of Operational Works for Stage 10.
	<b>STREET LIGHTING</b>	
2.35	<p>Install street lighting in accordance with AS1158 – <i>Code of Practices for Public Lighting</i> as follows:</p> <ul style="list-style-type: none"> <li>iii) Local streets and minor collectors (1 to 50 lots) – Lighting Category P5</li> <li>iv) Collector Roads – Lighting Category P4.</li> </ul> <p>Install all street lighting on the same side as footpaths, where applicable.</p> <p>Obtain certification of street lighting installation by a Registered Professional Engineer Queensland (RPEQ).</p>	Prior to Council's endorsement of the Plan of subdivision for each stage.

	<b>VEHICLE ACCESS</b>	
2.36	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Planning Scheme Policy 4 – Design Standards</i> .	At all times.
2.37	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
	<b>STORMWATER</b>	
2.38	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.39	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.
2.40	Stormwater drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.41	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.
2.42	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Design Standards</i> .	As part of Operational Works.
2.43	Stormwater Drainage shall be constructed in general accordance with Inertia, Site Based Stormwater Management Plan, Ref 9896 and dated 23 <sup>rd</sup> January 2023.	As part of Operational Works
2.44	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.45	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.  <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works application.



2.46	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	Prior to Council's endorsement of the Plan of subdivision.
2.47	Containments or contaminated water must not be directly or indirectly released from the Premises to surface water or groundwater at or outside the premises except for:  (a) uncontaminated overland stormwater flow; or (b) uncontaminated stormwater to the stormwater system.	At all times.
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.48	Erosion and sedimentation controls shall be implemented in accordance with current IECA best practice and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:  <ul style="list-style-type: none"> <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.
2.49	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.
2.50	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 Operational Works.
2.51	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.
2.52	Where vegetation is removed, the vegetation waste shall be disposed of by:	At all times.

	iv) Milling; v) Chipping and/or mulching vi) Disposal at an approved waste disposal facility.  No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.	
2.53	All declared weeds and pests are to be removed from the subject land and kept clear of such nuisance varieties during the course of operations.	At all times.
2.54	Apart from declared weeds and pests, areas with trees, shrubs and landscaping currently existing on the subject land must be retained where possible and action taken to minimise disturbance during construction work.	As part of Operational Works.
<b>SCHEDULE 3 - REFERRAL AGENCY</b> <b>Department of State Development, Infrastructure, Local Government and Planning</b> Concurrence Agency Response Agency Response: <i>Recommend Conditions Apply</i>		
Pursuant to section 62 of the <i>Planning Act 2016</i> , the Assessment Manager must, other than to the extent a referral agency's response provide advice, comply with all the referral agency responses and include conditions exactly as stated in the response.		
The Department of State Development, Infrastructure, Local Government and Planning as a Concurrence Agency has assessed the impact of the proposed development to a state controlled road environment.		
The Concurrence Agency Response is dated 24 March 2023 and referenced as 2302-33255 SRA.		
The Concurrence Agency response will be attached to Council's Decision Notice for DA23398.		
<b>SCHEDULE 4 – ADVICE</b> Assessment Manager		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i>		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		

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

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

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

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

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)*.

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

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

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

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

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

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

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Development Application No. 23663</b>
	<b>Development Application for a Development Permit for a</b>
	<b>Material change of use for a Garden centre and nursery in two</b>
	<b>stages</b>
<b>File No:</b>	<b>DA23663</b>
<b>Assessment No:</b>	<b>00002-50000-000</b>
<b>Action Officer:</b>	<b>SP-MW</b>

## 1.0 APPLICATION SUMMARY

### Property details

Location:	110-112 Main Street, Lowood
Real property description:	Lot 66 CC1330, Lot 14 RP215724 and Lot 70 RP225705
Site area:	3,439m <sup>2</sup>
Current land use:	Vacant – former Telstra depot
Easements/encumbrances:	Emt B SP300545 Emt D SP300545 Emt E SP300545 Emt F SP300545

### 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 Four)
Zone:	Centre zone – Lot 66 and Lot 14 General residential zone – Lot 70

Precinct:	Not within a precinct
Overlays:	OM8 High impact activities management area overlay OM9 Infrastructure overlay

### Application details

Proposal:	Garden centre
Category of assessment:	Impact assessment
Applicant details:	Somerset Regional Council C/- ONF Surveyors PO Box 896 KINGAROY QLD 4610
Owner details:	Somerset Regional Council
Date application received:	5 April 2023
Date application properly made:	5 April 2023

<b>Referrals</b>	State Assessment and Referral Agency
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<b>Public notification</b>	Required
Notification period	1 June 2023 to 22 June 2023
Submissions received	One received (One opposed)

### RECOMMENDED DECISION

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



**Locality Plan of Lot 66 CC1330, Lot 14 RP215724 and Lot 70 RP225705  
Situated at 110-112 Main Street, Lowood**

## **2.0 PROPOSAL**

This development application seeks approval for a Garden centre and nursery in two stages on land at 110-112 Main Street, Lowood, formally described as Lot 66 CC1330, Lot 14 RP215724 and Lot 70 RP225705.

Stage 1 of the development comprises:

- (a) an 18m<sup>2</sup> extension to the existing 12m x 6m shed to provide toilet and ablution facilities;
- (b) extension to the roof of the 12m x 6m shed;
- (c) formalisation of a 12-space carpark.

Stage 2 of the development comprises:

- (a) use of the existing 12m x 6m shed as a Garden centre that includes a display area, customer service area, office, and meeting room;
- (b) construction of three shade structures;
- (c) construction of a 9m x 6m shed toward the rear of the site;
- (d) construction of a 6m x 3m storage shed to the south of the existing shed.

In terms of public access to the site:

- Stage 1 enables the facility to be used for plant propagation with no sales. This limits public access to access for distribution of free trees to the community.
- Stage 2 enables the facility to be opened to the public. The refit of the existing 12m x 6m shed as a customer accessible building will occur as part of Stage 2.

## **3.0 SITE DETAILS**

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

The site is a generally wedge shaped parcel of land comprising three titles, with frontage to Main Street along the western boundary. The site contains an existing shed on Lot 70, an existing shed on Lot 14 and a Telstra exchange on Lot 66. The lots to the south and southeast are improved with dwelling houses. The lot to the east contains the Lowood Ambulance Station. The lot slopes to the north and east.

The site contains a number of easements, primarily relating to height of buildings and access to Main Street.

Approximately 2,100m<sup>2</sup> of the site is impervious, having previously been used as a depot. Approximately 80m<sup>2</sup> of the area to the north of the existing shed will comprise additional impervious surface. Approximately 20m<sup>2</sup> of existing pervious surface will be made impervious to form part of the loading bay.

### **3.2 Access**

Access to the site will be via the existing crossover to Main Street, which is a Collector Street in Council's road hierarchy. The access is approximately 15 metres from the intersection of Main Street and Michel Street.

### **3.4 Connection to electricity and telecommunications**

The land is within the Centre zone and General residential zone, and as such the site is connected to 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**

The proposal did not require Council to assess the application against the assessment benchmarks within the Regulation. Where a referral agency undertakes an assessment against a matter in the Regulation, this is discussed in section 6.0 of this report.

The proposal:

- (a) does not impact on any regulated vegetation or koala habitat areas;
- (b) is not located within a koala priority area;
- (c) is not located in proximity to a Queensland heritage place or local heritage place;
- (d) is not known to be on a contaminated land or environmental management register;
- (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 Four)**

### **5.6.1 Strategic framework assessment**

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

#### **5.6.1.1 Settlement pattern**

The proposal advances the settlement pattern of the region as it provides for a low intensity commercial use at the periphery of the Centre zone that does not compromise the role and function of Centre zoned land.

The recommended conditions package provides appropriate measures for construction, operation, and compliance of the use to address odour and dust concerns from the proposed garden centre.

It is considered that the proposed development is unlikely to compromise further long-term residential growth, as the land to the south has already been developed for residential purposes.

It is considered that the proposal will not compromise the development potential of Lowood in either the short or long-term.

#### **5.6.1.2 Natural environment**

The site is included within the Biodiversity corridor under the Natural Environment Strategic Framework map, however this site is located relatively close to the centre of Lowood, with commercial and residential development located on all sides of the property. The site is not subject to koala mapping, nor is the site within an area of ecological significance or protected estate as shown on the framework maps.

The development is considered to have been appropriately designed to generally mitigate noise and odour environmental impacts and is not considered to compromise the long-term planning for the Lowood township.

#### **5.6.1.3 Natural resources**

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

#### **5.6.1.4 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 region's centres, townships or rural living areas, and, subject to the recommended conditions package, is appropriately controlled to maintain the relatively low intensity urban character of Lowood.

#### **5.6.1.5 Economic development**

The proposal does not impact on the continued development of Council's town centres network. The proposal supports an existing not-for-profit entity.

#### **5.6.1.6 Infrastructure and services**

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

### 5.6.1.7 Transport

Queensland Globe shows that there was one crash in this location in 2017 which required medical treatment. This was a single vehicle crash which came off road at the bend and hit an object.

### 5.6.2 Code compliance summary

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

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

Applicable code	Compliance with overall outcomes	Performance outcomes
Centre zone code	Yes	PO2, PO5
General residential zone code	Yes	PO4, PO5, PO6
Business activities code	Yes	PO3, PO7
Landscaping code	Yes	PO6, PO8
Services works and infrastructure code	Yes	No alternative outcomes proposed
Transport access and parking code	Yes	No alternative outcomes proposed
Applicable overlay code	Compliance with overall outcomes	Performance outcomes
Infrastructure overlay code	Yes	No alternative outcomes proposed

While the site is subject to the High impact activities management area overlay, the overlay is not applicable for this use.

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

### 5.6.3 Performance outcome assessment

#### Centre zone code

Performance outcome	Acceptable outcome						
<b>Building setbacks</b>							
<b>PO2</b> Building setbacks: (a) contribute to the establishment of a continuous 'main street' character; (b) assist in the provision of active frontages and the engagement of development with the public realm;	<b>AO2.1</b> New buildings and structures are built to the <i>primary street frontage</i> boundary of the site, including the following main streets: <table border="1"> <tr> <th>Centre</th><th>Main street/s</th></tr> <tr> <td>Esk</td><td>Ipswich Street</td></tr> <tr> <td>Fernvale</td><td>Brisbane Valley Hwy</td></tr> </table>	Centre	Main street/s	Esk	Ipswich Street	Fernvale	Brisbane Valley Hwy
Centre	Main street/s						
Esk	Ipswich Street						
Fernvale	Brisbane Valley Hwy						



(c) facilitate the establishment of awnings on main streets; (d) do not detract from the amenity of <i>adjoining premises</i> , in terms of privacy, access to natural light, and ventilation; and (e) provide for the efficient use of the site.		Main Street
	Kilcoy	Hope Street Mary Street William Street
	Lowood	Main Street Railway Street
	Toogoolawah	Cressbrook Street
<b>AO2.2</b> Where an <i>adjoining premises</i> is located in the <b>General residential zone</b> , buildings and structures are setback a minimum 3 metres from the common side boundary.		
<b>AO2.3</b> New buildings and structures are setback a minimum 3 metres from the rear boundary.		

### Proposal

The proposed use maintains existing infrastructure and buildings on site.

The main building is setback 4m from the frontage of the site and 11.7m from the closest side boundary. The proposed storage shed on the southern side of the building will be setback 2m from the site's side boundary.

The proposed storage shed on the southern side of the Garden Centre building will be setback 2m from the southern side boundary of the subject site. Landscaping will be provided along this boundary as shown on drawing SK7A to screen the proposal from the adjoining residential use.

The proposed new building identified as the tractor shed will be setback 2.5m from the side boundary. This shed will not directly adjoin the existing dwelling on the adjoining site to the south described as Lot 1 RP134364.

### Performance Outcome Assessment

An existing 12m x 6m building is setback 4m from Main Street. It is proposed to reuse this building. It is not proposed to construct any new buildings closer to Main Street, however a 2.4m wide awning is proposed on the western side of the building to reduce the visual appearance of the shed from Main Street. The property is the southernmost commercial property on the east side of Main Street and as such the setback of the building is more consistent with the residential development to the south.

The appearance of the existing building is proposed to be further ameliorated by the provision of hedging along the Main Street frontage.

A storage shed is proposed to be setback 2.0m from the adjoining property to the south, adjacent to the house on the adjoining property. It is proposed to screen this from the neighbouring property by provision of a 2.0m wide landscape strip along the southern boundary of the site. It is proposed to condition advanced plantings in proximity to the existing house to the south of the site to minimise impacts.

Corners of the shade structures are also proposed to be within 3m of the adjoining residential properties.

The commercial component of development is proposed within 3m of the southern boundary of the site however these structures are not directly adjacent to houses on the adjoining residential lots.

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

### Awnings

#### PO5

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

#### A05

Awnings are provided to the following main streets:

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

### Proposal

The proposal is for a Garden Centre and ancillary nursery that will be located on the edge of the Lowood town centre where the adjoining buildings are setback from the street frontage without awnings. The proposal is for a use that will essentially retain the existing open nature of the site.

### Performance Outcome Assessment

The building is setback from the street. An awning is proposed on front of the building, but it does not extend over the street itself.

Given the sites location and disconnection from the main commercial area of Lowood, it is recommended that that alternative outcome be accepted in this instance.

### General residential zone code

Performance outcome	Acceptable outcome
<b>Building setbacks</b>	
<b>PO4</b> Building setbacks: (a) maintain a coherent streetscape character in the zone; and do not detract from the amenity enjoyed by <i>adjoining premises</i> .	<b>For development other than a <i>dwelling house</i> or <i>dual occupancy</i>:</b>  <b>A04.1</b> Buildings and structures are setback a minimum 6 metres from the <i>primary street frontage</i> of the site.  <b>A04.2</b> Buildings and structures are setback a minimum 3 metres from each side boundary of the site.
<b>Proposal</b> No comment provided.	
<b>Performance Outcome Assessment</b>	

The existing shed is located within 6m of Main Street. No new buildings are proposed within 6m of Main Street however a 2.4m wide awning is proposed on the front of the building. This outcome is more consistent with the Centre zoning on the balance of the site and the proposed use of the site.

A small storage shed is proposed to be setback 2.0m from the southern side boundary. The corners of the shade structures are proposed to encroach within 3m of the side boundary however these are not parallel to the side boundary and the closest sections of these structures to the side boundary are approximately 26m and 36m from Main Street.

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

### Amenity

#### PO5

The design, location and operation of development does not result in any undue adverse impact on the amenity of the locality, having regard to:

- (a) hours of operation;
- (b) lighting;
- (c) noise;
- (d) dust, odour and other airborne emissions;
- (e) public health and safety;
- (f) traffic generation;
- (g) the use of *advertising devices*;
- (h) visual amenity; and
- (i) overlooking and privacy.

#### AO5

No acceptable outcome provided.

### Proposal

No comment provided.

### Performance Outcome Assessment

The development proposes reuse of a former Telstra depot.

The hours of operation are generally consistent with that of a commercial use, however potential impacts are proposed to be mitigated through the inclusion of relevant conditions.

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

#### PO6

Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:

- (a) noise;
- (b) hours of operation;
- (c) traffic;
- (d) lighting;
- (e) *advertising devices*;
- (f) visual amenity;
- (g) privacy;
- (h) odour; or emissions.

#### AO6

No acceptable outcome provided.

### Proposal

No comment provided.

### Performance Outcome Assessment

The development proposes reuse of a former Telstra depot.

The hours of operation are generally consistent with that of a commercial use, however impacts are proposed to be mitigated through the inclusion of relevant conditions.

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

### Business activities code

Performance outcome	Acceptable outcome
<b>Main street awnings</b>	
<b>PO3</b> Awnings contribute to the establishment of a 'main street' character and awnings are designed and located to: <ul style="list-style-type: none"> <li>(a) provide climatic protection;</li> <li>(b) contribute to the establishment of continuous shelter;</li> <li>(c) integrate with adjoining shelters;</li> <li>(d) ensure pedestrian safety while not causing <i>environmental nuisance</i> to surrounding residents; and</li> <li>(e) permit the establishment of street trees; and</li> <li>(f) prevent accidental damage from vehicles.</li> </ul>	<b>A03</b> Development on main streets is provided with awnings that: <ul style="list-style-type: none"> <li>(a) abut pedestrian footpaths;</li> <li>(b) include under awning lighting;</li> <li>(c) protect the normal flow of pedestrians;</li> <li>(d) is continuous across the frontage/s of the <i>site</i> (except for vehicle access points);</li> <li>(e) align to provide continuity with shelter on <i>adjoining premises</i>;</li> <li>(f) extends from the face of the building or the property line;</li> <li>(g) do not extend past a vertical plane of 1.5 metres inside the kerb to enable street trees to be planted and grow or 0.6 metres inside the kerb where trees are established;</li> <li>(h) have a 0.5 metre clearance to any tree trunk and main branches; and</li> <li>(i) are cantilevered from the main building with any posts within the footpath being non-load-bearing.</li> </ul> <p>Note - Main streets are identified in the Centre zone code.</p>
<b>Proposal</b> The proposal is unable to provide an awning that abuts the pedestrian footpath due to the position of the existing building that will be reused. A 2.4m wide awing and shade structure is proposed between the existing building and the site boundary that will extend the façade of the building.	
<b>Performance Outcome Assessment</b> The building is setback from the street. An awning is proposed on front of the building, but it does not extend over the street itself.	
Given the site's location on the periphery of the commercial area of Lowood, it is recommended that that alternative outcome be accepted in this instance.	
<b>Interface with sensitive land uses or public open space</b>	
<b>P07</b>	<b>A07</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> .	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.
<p><b>Proposal</b> The proposal will include hedgerow screen planting along the front and side boundary as shown on drawing SK7A.</p> <p><b>Performance Outcome Assessment</b> The south boundary includes a 1.8m high screen fence however a 2m landscape strip is proposed instead of a 3m landscape strip.</p> <p>It is proposed to condition advanced planting adjacent to the house on the lot to the south.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	

### Landscape code

Performance outcome	Acceptable outcome
<b>Streetscape</b>	
<p><b>P06</b> Landscaping contributes to the established or emerging character of the street.</p>	<p><b>AO6.1</b> The scale and design of fences, walls and landscaped frontages complement existing boundary treatments in the street.</p>
<p><b>Proposal</b> No comment provided.</p> <p><b>Performance Outcome Assessment</b> The development improves the appearance of the site and existing boundary treatments.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	
<b>Road frontage wall and fence treatments</b>	
<p><b>P08</b> Retaining walls, solid walls or fences, including acoustic fences located on <i>road</i> frontages are visually softened and screened.</p>	<p><b>P08</b> Retaining walls, solid walls or fences, including acoustic fences located on <i>road</i> frontages are visually softened and screened.</p>
<p><b>Proposal</b> No comment provided.</p> <p><b>Performance Outcome Assessment</b> The majority of the existing chainmesh along the Main Street frontage is proposed to be retained. A hedgerow is proposed on the inside of the fence. A 6m long indentation that comprised the main pedestrian entrance is located 28m from the southern boundary.</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 a Garden centre, which is identified as being a Commercial (Bulk goods) under *Somerset Regional Council Charges Resolution (No. 1) 2023*.

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 site is connected to both networks.

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

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

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

##### **5.7.3.3 Stormwater network**

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

The majority of the site already contains impervious surfaces.

An adopted charge for the stormwater network applies.

##### **5.7.3.4 Transport network**

The existing access is proposed to be reused for the proposed development. No external works are proposed for the proposed 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, and included no development conditions. SARA's referral agency response will be attached to Council's decision notice and a copy has been attached to this report for Council's reference.

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

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

## 7.0 PUBLIC NOTIFICATION

### 7.1 Notification requirements

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

- (a) public notification was served to all adjoining landowners on Wednesday 31 May 2023;
- (b) a notice was published in the Kilcoy Sentinel newspaper on Thursday 1 June 2023;
- (c) a notice in the prescribed form was placed on the premises on Thursday 1 June 2023 and maintained for the minimum period of 15 business days until 22 June 2023.

Council received the notice of compliance on 23 June 2023, confirming that public notification had been undertaken in accordance with the statutory requirements.

### 7.2 Matters raised in submissions

During the public notification period, Council received one submission.

The matters raised in the submission are outlined below:

#### **Submission concern – Potential allergens**

Being a garden centre the use of fertilizers and chemicals will potentially impact my family and asthmatic children.

#### **Officer comment**

The development involves a small-scale nursery. The growing and storage facilities are to be sufficiently located from the boundaries and in addition landscape screening will be conditioned along the entire southern boundary.

A condition regarding a landscape buffer using low allergenic plants along the boundary has been proposed. Conditions regarding the use of advanced vegetation between the proposed storage shed and the house on the adjoining property have been included. Conditions have been included about mitigating any issues of dust and odour.

It is recommended that the standard development conditions be imposed.

#### **Submission concern – Potential for nuisance (visual and odour)**

The proposal provides no attempt to screen the development from adjoining residential properties. Odour generated by the development has the ability to impact adversely on the adjoining residential property. The potential for nuisance will greatly affect the value of my property and any resale ability.

#### **Officer comment**

There is an existing 1.8m high solid screen fence and a 2.1m high chain mesh fence along the southern boundary of the site.

The site plan of the entire site shows screen planting along part of the southern boundary, however the Part Site Plan shows landscaping along the full length of the southern boundary. This is not a reason for refusal of the application. Landscape screening will be conditioned along the entire southern boundary.

A condition regarding a landscape buffer along the southern boundary has been proposed.

Impact on property value is not a planning matter.

It is recommended that the standard development conditions be imposed.

**Submission concern – Operating hours**

The operating hours of the proposed garden centre e.g. the use of bowers, fork lifts etc. As the majority of other garden centres I have seen all start work before 06.00am in the morning.

**Officer comment**

The development can be conditioned to comply with hours, as proposed. There is potential for non-noise generating activities to be carried out at the start and end of the day.

Conditions have been included with respect to noise criteria, noting the noise limits for daytime use commence at 7am. Activities occurring earlier than 7am are required to comply with night time noise criteria.

This is not a reason for refusal of the application.

**Submission concern – Dust and dirt**

The increased amount of dust and dirt generated from vehicle movement on the site will directly impact my property.

**Officer comment**

The majority of the site is sealed and dust and dirt associated with vehicle movements should therefore be minimised, however the potential for dust is recognised.

It is considered that any piles of soil, mulch or other material may be a dust source. Any soil that falls to ground within the shade structures could potentially also become a dust source.

This is however not a reason for refusal of the application. Development conditions, including covering of bulk materials and bunding of storage areas etc. are proposed to address these issues.

**Submission concern – Traffic**

The increase in traffic to an already dangerous intersection is a safety concern for the community.

**Officer comment**

Main Street, north of Michel Street, is a State controlled road. The application was referred to the State Assessment and Referral Agency (SARA), and SARA responded with no objections to the proposed development and no conditions.

The development is proposed to be conditioned that all vehicles enter and exit the site in a forward direction.

This is not a reason for refusal of the application. It is recommended that the standard development conditions be imposed.

**Submission concern – Location of refuse bins**

The refuse bins are proposed to be located in close proximity to the adjoining residential zoned land. Concerns have been raised about this location.

**Officer comment**

The plans of development propose four refuse bins at the southern end of the building, approximately 2.5m from the side boundary. The house on the adjoining property is



approximately 5m from Main Street and is close to the common boundary for a distance of approximately 15 metres, extending back to approximately 20m from Main Street. There are alternate locations available for the storage of bins on the site and it is recommended the bins be located toward the end of the reversing bay.

This is not a reason for refusal of the application. It is recommended that the proposal plans be altered to identify a more appropriate location for the refuse bin location and applicable development conditions be imposed.

#### **Submission concern – information**

This proposed development was clearly being discussed by Council long before the application date considering that the preliminary design is dated 19-12-2022. No information was found with the council searches when we purchased [our property].

#### **Officer comment**

While the submitter's concern is recognised, this is not relevant to the application.

Property searches do not include details of applications or approvals on surrounding land.

Despite the date of the proposal plans being December 2022, the application was not lodged until April 2023 which was after the submitter purchased a nearby property. All proposed developments involve a lead time to prepare documentation prior to lodgement of an application.

The application has been publicly available on Council's eServices website since lodgement, in accordance with the requirements of the *Planning Act 2016*, as is the zoning map under the planning scheme.

The two northern lots are within the Centre zone and the southern lot is within the General residential zone. The zoning has been in place since 2005 under the existing and previous planning scheme. The three lots had previously been used as a Telstra depot.

This is not a reason for refusal of the application.

## **8.0 OTHER RELEVANT MATTERS**

No additional relevant matters.

## **9.0 CONCLUSION**

The proposed development is for a Material change of use for a Garden centre nursery in two stages. 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. Site Development Revised Layout, prepared by Graham Richardson Architects, Plan No 2202.SK5B, Revision B, dated 1 May 2023
2. Staging Plan, Plan No 2202.SK5, dated 17 March 2023 (as annotated)
3. Staging Plan, Plan No 2202.SK6, dated 17 March 2023 (as annotated)
4. Staging Plan, Plan No 2202.SK7, dated 17 March 2023 (as annotated)
5. Shed Extension Floor Plan, prepared by Graham Richardson Architects, Plan No 2202.SK4A, Revision A, dated 17 March 2023

6. Proposed Floor Plan, prepared by Graham Richardson Architects, Plan No 2202.SK6, dated 17 March 2023
7. Part Site Plan, prepared by Graham Richardson Architects, Plan No 2202.SK7A, Revision A, dated 31 March 2023
8. Proposed Elevations, prepared by Graham Richardson Architects, Plan No 2202.SK8, dated 17 March 2023
9. Storage Shed, prepared by Graham Richardson Architects, Plan No 2202.SK9, dated 31 March 2023
10. Tractor Shed, prepared by Graham Richardson Architects, Plan No 2202.SK10, dated 31 March 2023
11. Shade Structure Schematic, prepared by Graham Richardson Architects, Plan No 2202.SK11, dated 3 April 2023
12. SARA Concurrence Agency Response dated 19 June 2023 and referenced as 2304-34240 SRA.
13. Draft Infrastructure Charges Notice

## RECOMMENDATION

1. THAT Council approve Development Application No. 23663 for a Development Permit for Material change of use for a Garden centre and nursery in two stages on land situated at 110-112 Main Street, Lowood, formally described as Lot 66 CC1330, Lot 14 RP215724 and Lot 70 RP225705, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.
2. THAT the officer report for this application be published to the website as Council's Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<b>Assessment Manager</b>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	Site Development Revised Layout, prepared by Graham Richardson Architects, Plan No 2202.SK5B, Revision B, dated 1 May 2023 (as annotated).	
	Staging Plan, Plan No 2202.SK5, dated 17 March 2023 (as annotated)	
	Staging Plan, Plan No 2202.SK6, dated 17 March 2023 (as annotated)	
	Staging Plan, Plan No 2202.SK7, dated 17 March 2023 (as annotated)	
	Shed Extension Floor Plan, prepared by Graham Richardson Architects, Plan No 2202.SK4A, Revision A, dated 17 March 2023	
	Proposed Floor Plan, prepared by Graham Richardson Architects, Plan No 2202.SK6, dated 17 March 2023	
	Part Site Plan, prepared by Graham Richardson Architects, Plan No 2202.SK7A, Revision A, dated 31 March 2023, as annotated	
	Proposed Elevations, prepared by Graham Richardson Architects, Plan No 2202.SK8, dated 17 March 2023	

	Storage Shed, prepared by Graham Richardson Architects, Plan No 2202.SK9, dated 31 March 2023	
	Tractor Shed, prepared by Graham Richardson Architects, Plan No 2202.SK10, dated 31 March 2023	
	Shade Structure Schematic, prepared by Graham Richardson Architects, Plan No 2202.SK11, dated 3 April 2023	
	SARA Concurrence Agency Response dated 19 June 2023 and referenced as 2304-34240 SRA.	
1.2	<p>(a) Stage 1 of the development shall comprise:</p> <ul style="list-style-type: none"> <li>(i) an 18m<sup>2</sup> extension to the existing 12m x 6m shed to provide toilet and ablution facilities;</li> <li>(ii) extension to the roof of the 12m x 6m shed;</li> <li>(iii) formalisation of a 12 space carpark.</li> </ul> <p>(b) Stage 2 of the development shall comprise:</p> <ul style="list-style-type: none"> <li>(i) Use of the existing 12m x 6m shed as a Garden centre that includes a display area, customer service area, office, and meeting room;</li> <li>(ii) construction of three shade structures.</li> <li>(iii) construction of a 9m x 6m shed toward the rear of the site.</li> <li>(iv) construction of a 6m x 3m storage shed to the south of the existing shed.</li> </ul>	As part of Stage 1.
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.4	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase.
1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to the commencement of use.
1.6	<p>All buildings, structures, fittings, fixtures and grounds forming part of this development must be maintained:</p> <ul style="list-style-type: none"> <li>• In a serviceable condition;</li> <li>• In a state of good repair and efficient action;</li> <li>• In a clean, sanitary condition;</li> <li>• Free of accumulated disused materials; and</li> <li>• Free of vermin and pest infestations.</li> </ul>	At all times.
	<b>LANDSCAPING</b>	
1.7	<p>Submit to Council for approval, by way of Operational works application, a detailed landscaping plan comprising planting requirements relating to the landscaped buffer.</p> <p>Landscaping is to be provided to buffer the development from Main Street and properties to the south.</p> <p>(a) The landscaping is to include a 2metre wide landscape buffer along the Main Street frontage, between the</p>	Prior to commencement of Stage 1 and once commenced, the landscaping buffer is to be maintained at all times.

	<p>vehicular site access and the southern boundary.</p> <p>(b) The landscaping is to include a 2metre wide landscape buffer along the southern boundary.</p> <p>(c) The landscape planting along the southern boundary adjacent to the house on the adjoining property is to comprise advanced plantings to more rapidly screen the storage shed.</p> <p>The landscaping along the southern boundary is to comprise species with low allergenic properties and a maximum mature height of 4metres.</p>	
<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, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.2	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.3	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times.
2.4	<p>It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including:</p> <ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	As part of Operational Works.
2.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	As part of Operational Works.
	<b>GENERAL SERVICES</b>	
2.6	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority.	Prior to commencement of use.
2.7	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that the development has been connected to applicable	Prior to commencement of use.

	service, is available at a standard connection, or has a current supply agreement.	
	<b>EARTHWORKS</b>	
2.8	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times.
2.9	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.10	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times.
	<b>VEHICLE ACCESS</b>	
2.11	All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.12	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with <i>Somerset Regional Council Planning Scheme</i> . Approval is to be sought from Council.	Prior to commencement of use and maintained at all times.
2.13	All vehicles shall enter and leave the site in a forward gear.	At all times.
2.14	All manoeuvring areas shall enable access to a 12.5 metre heavy rigid design vehicle in accordance with <i>Austroads</i> design manual and Australian Standard AS:2890.	As part of Operational Works.
	<b>CAR PARKING</b>	
2.15	Provide on-site car parking for 12 vehicles, including 1 space for disabled persons in accordance with <i>Somerset Regional Council 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 Regional Council Planning Scheme</i> .	As part of Operational Works.
2.16	All manoeuvring areas shall enable access to a 12.5 metre heavy rigid design vehicle in accordance with <i>Austroads</i> design manual and Australian Standard AS:2890	As part of Operational Works.
2.17	Provide secure bicycle parking and associated support facilities for a minimum of 2 bicycles in accordance with AS2890.	As part of Operational Works.
2.18	Provide a safe set down and pick up area for 1 emergency vehicle.	As part of Operational Works.

2.19	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	As part of Operational Works.
2.20	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, bitumen or pavers in accordance with Australian Standards.	At all times.
<b>REFUSE STORAGE AREA</b>		
2.21	(a) Provide Waste Collection Areas in such locations so as to allow a servicing vehicle to enter and manoeuvre, so as to minimise the risk of injury to persons or damage to property, and leave the property in forward gear. (b) Relocate proposed refuse bin area from the rear of proposed storage shed adjacent to the southern end of the vehicle turning bay.	Prior to commencement of use.
<b>VISUAL AND GENERAL AMENITY</b>		
2.22	Any graffiti within the proposed development must be removed immediately.	At all times.
2.23	All plant and air conditioning is to be visually screened from the street.	At all times.
<b>STORMWATER</b>		
2.24	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.25	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.
2.26	Stormwater drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.27	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.
2.28	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.29	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.30	Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer Queensland	As part of the lodgement of the

	<p>(RPEQ), which generally conforms to the approved development plan/s and <i>Somerset Regional Council Planning Scheme</i>.</p> <p>The SBSMP should include the following:</p> <ul style="list-style-type: none"> <li>• Quantity and quality of stormwater to be released from the development;</li> <li>• All sources of potential contamination (including but not limited to the actual and potential release of all contaminants;</li> <li>• The potential impact of these sources;</li> <li>• Impact of the release of stormwater from the development on the quality and integrity of the receiving environment;</li> <li>• Measures to be implemented to prevent the likelihood of stormwater contamination; and</li> <li>• Maintenance schedule.</li> </ul>	Operational Works application.
2.31	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	At all times.
2.32	<p>Containments or contaminated water must not be directly or indirectly released from the Premises to surface water or groundwater at or outside the premises except for:</p> <p>(a) uncontaminated overland stormwater flow; or</p> <p>(b) uncontaminated stormwater to the stormwater system.</p>	At all times.
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.33	<p>Erosion and sedimentation controls shall be implemented in accordance with current IECA best practise, 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.
2.34	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.
2.35	<p>Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ).</p> <p>Implement all relevant sediment and erosion control measures</p>	As part of the lodgement of the

	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.	Operational Works application.
2.36	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.
2.37	Where vegetation is removed, the vegetation waste shall be disposed of by: <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> </ul> <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times.
2.38	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>INDOOR AND OUTDOOR LIGHTING</b>	
2.39	Lighting must be provided to the following areas of the site: <ul style="list-style-type: none"> <li>• The entries and exits of the approved building.</li> <li>• The pathways between the parking areas and the entrances/exits of the building/s.</li> <li>• Throughout designated parking areas.</li> </ul>	At all times.
2.40	Any outdoor lighting of the development must mitigate adverse lighting and illumination impacts by: <ul style="list-style-type: none"> <li>• Providing Lighting that is designed, installed and regulated in accordance with the parameters outlined in Australian Standard AS 1158.</li> <li>• Not causing nuisance by way of light spill or glare at adjacent properties and roadways.</li> <li>• Providing graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land.</li> <li>• Directing lighting onto the subject land and away from neighbouring properties.</li> <li>• Using shrouding devices to preclude light overspill onto surrounding properties where necessary.</li> <li>• Not operating lighting that uses sodium lights or flare plumes.</li> </ul>	At all times.
<b>SCHEDULE 3 – Environmental</b>		



<b>Assessment Manager</b>		
	<b>NOISE</b>	
3.1	The approved development must be carried out by such practicable means necessary to prevent the emission, or likelihood of emission, of noise that constitutes environmental nuisance.	At all times.
3.2	<p>In the event of a complaint about noise being made to the administering authority, and that the administering authority considers is not frivolous or vexatious, then the emission of noise from the development site must not result in levels greater than those specified in the Noise Schedule.</p> <p><u>Noise schedule</u></p> <p>Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level <math>L_{(Amax\ adj, T)}</math></p> <ul style="list-style-type: none"> <li>a) Background noise level plus 5 dB(A) 7am to 6pm;</li> <li>b) Background noise level plus 5 dB(A) 6 pm to 10 pm;</li> <li>c) Background noise level plus 3 dB(A) 10 pm to 7 am.</li> </ul> <p>Noise Limits at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level <math>L_{(Amax\ adj, T)}</math></p> <ul style="list-style-type: none"> <li>a) Background noise level plus 10 dB(A) 7 am to 6 pm;</li> <li>b) Background noise level plus 10 dB(A) 6 pm to 10 pm;</li> <li>c) Background noise level plus 8 dB(A) 10 pm to 7 am.</li> </ul> <p>Component noise must be limited such that the adjusted A-weighted equivalent continuous noise level, <math>L_{Aeq, adj, 15\ min}</math> when measured at any affected noise sensitive place must not exceed:</p> <ul style="list-style-type: none"> <li>a) the background noise level plus 3 dB(A) from 7 am to 6 pm;</li> <li>b) the background noise level plus 3 dB(A) from 6 pm to 10 pm;</li> <li>c) the background noise level plus 0 dB(A) from 10 pm to 7 am.</li> </ul>	At all times.
3.3	This development permit does not authorise any emission of noise that results in environmental nuisance or environmental harm to any "noise sensitive place" located beyond the boundaries of the development site.	At all times.
3.4	<p>For the purposes of checking compliance with conditions of the noise schedule, monitoring and recording the noise levels from the approved development must be undertaken for at least the following descriptors, characteristics and conditions:</p> <ul style="list-style-type: none"> <li>i. <math>L_{Amax, Adj\ T}</math></li> <li>ii. <math>L_{Abg, T}</math> (or <math>L_{A90, T}</math>);</li> <li>iii. <math>L_{AN, T}</math> (where N equals statistical levels of 1, 10, 50, 90 and 99);</li> </ul>	At all times.

	<ul style="list-style-type: none"> <li>iv. Max <math>L_{pA T}</math>;</li> <li>v. <math>L_{Aeq, T}</math>;</li> <li>vi. The level and frequency of occurrence of impulsive or tonal noise;</li> <li>vii. Atmospheric conditions including temperature, relative humidity and wind speed and direction; and</li> <li>viii. Effects due to extraneous factors such as traffic noise.</li> </ul>	
3.5	Procedures for assessing, measuring and reporting on noise levels must have regard to, and comply with, in so far as they are relevant, the <i>Environmental Protection (Noise) Policy 2019</i> and the method of measurement and reporting of noise levels as detailed in the Department of Environment and Science's Noise Measurement Manual, Version 4.01, March 2020, or more recent additions or supplements to that document as they become available. Where these documents may be contradicting, then the <i>Environmental Protection (Noise) Policy 2019</i> shall have precedent.	At all times.
3.6	The method of measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.	At all times.
	<b>AIR</b>	
3.7	The release of noxious or offensive odours or other airborne contaminants, including particles, smoke, fumes and aerosols resulting from the activity must not cause environmental harm at any sensitive receptor.	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: <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.
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>WASTE</b>	
3.12	All waste is to be removed from the site and deposited at an approved waste disposal facility.	As part of Stage 1 and to be maintained at all times.
3.13	Relocate the refuse storage area on site within an outdoor area as shown on the annotated site plan, to the north and east of the existing shed.  The refuse storage area is to be enclosed on three sides with a screen wall extending 0.2 metres above the height of the refuse receptacles.	As part of Stage 1 and to be maintained at all times.
3.14	The approval holder must not stockpile any waste onsite.	As part of Stage 1 and to be maintained at all times.
	<b>NUISANCE</b>	
3.15	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance to any premises beyond the boundaries of the development site.	At all times.
	<b>HOURS OF OPERATION</b>	
3.16	Permitted hours of operation are: (a) 6.00am and 6.00pm Monday to Friday; and (b) 8.00am to 5.00pm Saturday and Sunday  No on-site activities are to be undertaken outside of the permitted hours of operation.	At all times.
	<b>DEFINITIONS</b>	
	“ <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.	
	“ <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.	
	“ <b>Commercial place</b> ” means a place used as an office or for business or commercial purposes.	
	“ <b>Contaminant</b> ” can be: a) a gas, liquid or solid; or b) an odour; or c) an organism (whether alive or dead), including a virus; or	

	d) energy, including noise, heat, radioactivity and electromagnetic radiation; or e) a combination of contaminants.	
	<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.	
	<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 AGENCY</b> <b>Department of State Development, Infrastructure, Local Government and Planning</b> <i>Concurrence Agency Response</i> <i>Agency Response: Recommend Conditions Apply</i>		
Pursuant to section 62 of the <i>Planning Act 2016</i> , the Assessment Manager must, other than to the extent a referral agency's response provide advice, comply with all the referral agency responses and include conditions exactly as stated in the response.		
The Department of State Development, Infrastructure, Local Government and Planning as a Concurrence Agency has assessed the impact of the proposed development to a state-controlled road environment.		
Concurrence Agency Response dated 19 June 2023 and referenced as 2304-34240 SRA.		
Concurrence Agency response will be attached to Council's Decision Notice for DA23663.		
<b>SCHEDULE 6 – 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> . <i>[A copy of section 71 will be enclosed with the Decision Notice]</i>		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government 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.		
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval		

and will be assessed on its own merits.
All works shall be carried out in accordance with the <i>Workplace, Health &amp; 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> .
Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.
All building work is to comply with the provisions contained in the <i>Building Act</i> ; the <i>Building Regulation</i> , the <i>Building Code of Australia</i> , the <i>Queensland Development Code</i> and relevant <i>Australian Standards</i> .
<p>Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.</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 Restricted Area as well as general information can be viewed on the DAF website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a></p>
All works shall be carried out in accordance with the <i>Workplace, Health &amp; Safety Act (as amended)</i> and the <i>workplace Health and Safety Regulation (as amended)</i> .
<p>The Applicant has the Right of Appeal to the Planning and Environment Court regarding the conditions of this approval.</p> <p>Should the Applicant notify Council in writing that the conditions of approval are accepted without dispute and that the right of appeal to the Court will not be exercised, the Decision Notice may be taken to be the development permit.</p>
<p>The current <i>Aboriginal Cultural Heritage Act 2003</i> should be adhered to.</p> <p>The Act is administered by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships. (DSDSATSIP).</p> <p>The Aboriginal Cultural Heritage Act establishes a Duty of Care for Indigenous Cultural Heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting an activity.</p> <p>Penalty proposing an activity that involves additional surface disturbance beyond that which has already occurred at the proposed site need to be mindful of the Cultural Heritage Duty of Care requirement.</p> <p>Details on how to fulfil the Cultural Heritage Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p>

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

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

**Attachments for the Decision Notice include:**

1. Site Development Revised Layout, prepared by Graham Richardson Architects, Plan No 2202.SK5B, Revision B, dated 1 May 2023
2. Staging Plan, Plan No 2202.SK5, dated 17 March 2023 (as annotated)
3. Staging Plan, Plan No 2202.SK6, dated 17 March 2023 (as annotated)
4. Shed Extension Floor Plan, prepared by Graham Richardson Architects, Plan No 2202.SK4A, Revision A, dated 17 March 2023
5. Proposed Floor Plan, prepared by Graham Richardson Architects, Plan No 2202.SK6, dated 17 March 2023
6. Part Site Plan, prepared by Graham Richardson Architects, Plan No 2202.SK7A, Revision A, dated 31 March 2023
7. Proposed Elevations, prepared by Graham Richardson Architects, Plan No 2202.SK8, dated 17 March 2023
8. Storage Shed, prepared by Graham Richardson Architects, Plan No 2202.SK9, dated 31 March 2023
9. Tractor Shed, prepared by Graham Richardson Architects, Plan No 2202.SK10, dated 31 March 2023
10. Shade Structure Schematic, prepared by Graham Richardson Architects, Plan No 2202.SK11, dated 3 April 2023
11. SARA Concurrence Agency Response dated 19 June 2023 and referenced as 2304-34240 SRA.

**This completes the report for Development Application DA23663.**

**Resolution**

Moved – Cr Whalley

Seconded – Cr Choat

1. "THAT Council approve Development Application No. 23663 for a Development Permit for Material change of use for a Garden centre and nursery in two stages on land situated at 110-112 Main Street, Lowood, formally described as Lot 66 CC1330, Lot 14 RP215724 and Lot 70 RP225705, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.
2. THAT the officer report for this application be published to the website as Council's Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

**SCHEDULE 1 – GENERAL CONDITIONS**

**Assessment Manager**

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

	<p>Site Development Revised Layout, prepared by Graham Richardson Architects, Plan No 2202.SK5B, Revision B, dated 1 May 2023 (as annotated).</p> <p>Staging Plan, Plan No 2202.SK5, dated 17 March 2023 (as annotated)</p> <p>Staging Plan, Plan No 2202.SK6, dated 17 March 2023 (as annotated)</p> <p>Staging Plan, Plan No 2202.SK7, dated 17 March 2023 (as annotated)</p> <p>Shed Extension Floor Plan, prepared by Graham Richardson Architects, Plan No 2202.SK4A, Revision A, dated 17 March 2023</p> <p>Proposed Floor Plan, prepared by Graham Richardson Architects, Plan No 2202.SK6, dated 17 March 2023</p> <p>Part Site Plan, prepared by Graham Richardson Architects, Plan No 2202.SK7A, Revision A, dated 31 March 2023, as annotated</p> <p>Proposed Elevations, prepared by Graham Richardson Architects, Plan No 2202.SK8, dated 17 March 2023</p> <p>Storage Shed, prepared by Graham Richardson Architects, Plan No 2202.SK9, dated 31 March 2023</p> <p>Tractor Shed, prepared by Graham Richardson Architects, Plan No 2202.SK10, dated 31 March 2023</p> <p>Shade Structure Schematic, prepared by Graham Richardson Architects, Plan No 2202.SK11, dated 3 April 2023</p> <p>SARA Concurrence Agency Response dated 19 June 2023 and referenced as 2304-34240 SRA.</p>	
1.2	<p>(a) Stage 1 of the development shall comprise:</p> <ul style="list-style-type: none"> <li>(i) an 18m<sup>2</sup> extension to the existing 12m x 6m shed to provide toilet and ablution facilities;</li> <li>(ii) extension to the roof of the 12m x 6m shed;</li> <li>(iii) formalisation of a 12 space carpark.</li> </ul> <p>(b) Stage 2 of the development shall comprise:</p> <ul style="list-style-type: none"> <li>(v) Use of the existing 12m x 6m shed as a Garden centre that includes a display area, customer service area, office, and meeting room;</li> <li>(vi) construction of three shade structures.</li> <li>(vii) construction of a 9m x 6m shed toward the rear of the site.</li> <li>(viii) construction of a 6m x 3m storage shed to the south of the existing shed.</li> </ul>	As part of Stage 1.
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times.
1.4	A legible copy of this development approval package is to be available on the premises.	At all times during the construction phase.
1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to the commencement of use.

1.6	All buildings, structures, fittings, fixtures and grounds forming part of this development must be maintained: <ul style="list-style-type: none"> <li>• In a serviceable condition;</li> <li>• In a state of good repair and efficient action;</li> <li>• In a clean, sanitary condition;</li> <li>• Free of accumulated disused materials; and</li> <li>• Free of vermin and pest infestations.</li> </ul>	At all times.
	<b>LANDSCAPING</b>	
1.7	<p>Submit to Council for approval, by way of Operational works application, a detailed landscaping plan comprising planting requirements relating to the landscaped buffer.</p> <p>Landscaping is to be provided to buffer the development from Main Street and properties to the south.</p> <p>(d) The landscaping is to include a 2metre wide landscape buffer along the Main Street frontage, between the vehicular site access and the southern boundary.</p> <p>(e) The landscaping is to include a 2metre wide landscape buffer along the southern boundary.</p> <p>(f) The landscape planting along the southern boundary adjacent to the house on the adjoining property is to comprise advanced plantings to more rapidly screen the storage shed.</p> <p>The landscaping along the southern boundary is to comprise species with low allergenic properties and a maximum mature height of 4metres.</p>	Prior to commencement of Stage 1 and once commenced, the landscaping buffer is to be maintained at all times.
<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, car parks, landscaping, clearing and stormwater drainage required as stated in the following conditions.	Prior to the commencement of Operational Work.
2.2	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.3	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	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:	As part of Operational Works.



	<ul style="list-style-type: none"> <li>Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	
2.5	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	As part of Operational Works.
	<b>GENERAL SERVICES</b>	
2.6	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority.	Prior to commencement of use.
2.7	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that the development has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to commencement of use.
	<b>EARTHWORKS</b>	
2.8	All earthworks to be constructed in accordance with AS3798. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation.	At all times.
2.9	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
2.10	Any fill, cut and other stored material must be contained within properties comprising the development application. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).	At all times.
	<b>VEHICLE ACCESS</b>	
2.11	All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.12	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with <i>Somerset Regional Council Planning Scheme</i> . Approval is to be sought from Council.	Prior to commencement of use and maintained at all times.
2.13	All vehicles shall enter and leave the site in a forward gear.	At all times.
2.14	All manoeuvring areas shall enable access to a 12.5 metre heavy rigid design vehicle in accordance with <i>Austroads</i> design manual and Australian Standard AS:2890.	As part of Operational Works.
	<b>CAR PARKING</b>	

2.15	Provide on-site car parking for 12 vehicles, including 1 space for disabled persons in accordance with <i>Somerset Regional Council 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 Regional Council Planning Scheme</i> .	As part of Operational Works.
2.16	All manoeuvring areas shall enable access to a 12.5 metre heavy rigid design vehicle in accordance with <i>Austroads</i> design manual and Australian Standard AS:2890	As part of Operational Works.
2.17	Provide secure bicycle parking and associated support facilities for a minimum of 2 bicycles in accordance with AS2890.	As part of Operational Works.
2.18	Provide a safe set down and pick up area for 1 emergency vehicle.	As part of Operational Works.
2.19	All pedestrian pathways shall be appropriately marked and signposted where they cross internal driveways.	As part of Operational Works.
2.20	Construct and maintain the driveway, vehicle manoeuvring and parking areas of hard standing material such as concrete, bitumen or pavers in accordance with Australian Standards.	At all times.
	<b>REFUSE STORAGE AREA</b>	
2.21	(a) Provide Waste Collection Areas in such locations so as to allow a servicing vehicle to enter and manoeuvre, so as to minimise the risk of injury to persons or damage to property, and leave the property in forward gear. (b) Relocate proposed refuse bin area from the rear of proposed storage shed adjacent to the southern end of the vehicle turning bay.	Prior to commencement of use.
	<b>VISUAL AND GENERAL AMENITY</b>	
2.22	Any graffiti within the proposed development must be removed immediately.	At all times.
2.23	All plant and air conditioning is to be visually screened from the street.	At all times.
	<b>STORMWATER</b>	
2.24	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.25	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.
2.26	Stormwater drainage and flows are to have no actionable	At all times.

	nuisance effect on adjoining, upstream, or downstream landholders.	
2.27	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.
2.28	Design and construction of all stormwater drainage works must comply with the relevant section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.29	Where stormwater cannot be discharged to the kerb and channel, provide inter-allotment drainage in accordance with Queensland Urban Drainage Manual (QUDM) and <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.30	<p>Submit a Site Based Stormwater Management Plan (SBSMP) prepared by a Registered Professional Engineer Queensland (RPEQ), which generally conforms to the approved development plan/s and <i>Somerset Regional Council Planning Scheme</i>.</p> <p>The SBSMP should include the following:</p> <ul style="list-style-type: none"> <li>• Quantity and quality of stormwater to be released from the development;</li> <li>• All sources of potential contamination (including but not limited to the actual and potential release of all contaminants;</li> <li>• The potential impact of these sources;</li> <li>• Impact of the release of stormwater from the development on the quality and integrity of the receiving environment;</li> <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.
2.31	Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.	At all times.
2.32	<p>Containments or contaminated water must not be directly or indirectly released from the Premises to surface water or groundwater at or outside the premises except for:</p> <p>(a) uncontaminated overland stormwater flow; or</p> <p>(b) uncontaminated stormwater to the stormwater system.</p>	At all times.
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.33	Erosion and sedimentation controls shall be implemented in accordance with current IECA best practise, and shall be maintained to Council's satisfaction at all times during the	At all times.

	<p>course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures.</li> <li>• Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	
2.34	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.
2.35	<p>Prepare an Erosion and Sediment Control Plan designed by a Registered Professional Engineer Queensland (RPEQ). Implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings as part of the operational works. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.</p>	As part of the lodgement of the Operational Works application.
2.36	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.
2.37	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> <li>i) Milling;</li> <li>ii) Chipping and/or mulching</li> <li>iii) Disposal at an approved waste disposal facility.</li> </ul> <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.</p>	At all times.
2.38	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>INDOOR AND OUTDOOR LIGHTING</b>	
2.39	<p>Lighting must be provided to the following areas of the site:</p> <ul style="list-style-type: none"> <li>• The entries and exits of the approved building.</li> <li>• The pathways between the parking areas and the entrances/exits of the building/s.</li> <li>• Throughout designated parking areas.</li> </ul>	At all times.

2.40	Any outdoor lighting of the development must mitigate adverse lighting and illumination impacts by: <ul style="list-style-type: none"> <li>• Providing Lighting that is designed, installed and regulated in accordance with the parameters outlined in Australian Standard AS 1158.</li> <li>• Not causing nuisance by way of light spill or glare at adjacent properties and roadways.</li> <li>• Providing graduated intensity lighting with lower level brightness at the perimeter of the subject land and higher intensities at the centre of the subject land.</li> <li>• Directing lighting onto the subject land and away from neighbouring properties.</li> <li>• Using shrouding devices to preclude light overspill onto surrounding properties where necessary.</li> <li>• Not operating lighting that uses sodium lights or flare plumes.</li> </ul>	At all times.
<b>SCHEDULE 3 – Environmental Assessment Manager</b>		
	<b>NOISE</b>	
3.1	The approved development must be carried out by such practicable means necessary to prevent the emission, or likelihood of emission, of noise that constitutes environmental nuisance.	At all times.
3.2	<p>In the event of a complaint about noise being made to the administering authority, and that the administering authority considers is not frivolous or vexatious, then the emission of noise from the development site must not result in levels greater than those specified in the Noise Schedule.</p> <p><u>Noise schedule</u></p> <p>Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level <math>L_{(Amax\ adj, T)}</math></p> <ol style="list-style-type: none"> <li>Background noise level plus 5 dB(A) 7am to 6pm;</li> <li>Background noise level plus 5 dB(A) 6 pm to 10 pm;</li> <li>Background noise level plus 3 dB(A) 10 pm to 7 am.</li> </ol> <p>Noise Limits at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level <math>L_{(Amax\ adj, T)}</math></p> <ol style="list-style-type: none"> <li>Background noise level plus 10 dB(A) 7 am to 6 pm;</li> <li>Background noise level plus 10 dB(A) 6 pm to 10 pm;</li> <li>Background noise level plus 8 dB(A) 10 pm to 7 am.</li> </ol> <p>Component noise must be limited such that the adjusted A-weighted equivalent continuous noise level, <math>LA_{eq, adj}</math>, 15 min when measured at any affected noise sensitive place must not exceed:</p> <ol style="list-style-type: none"> <li>the background noise level plus 3 dB(A) from 7 am to 6 pm;</li> </ol>	At all times.

	b) the background noise level plus 3 dB(A) from 6 pm to 10 pm; c) the background noise level plus 0 dB(A) from 10 pm to 7 am.	
3.3	This development permit does not authorise any emission of noise that results in environmental nuisance or environmental harm to any “noise sensitive place” located beyond the boundaries of the development site.	At all times.
3.4	For the purposes of checking compliance with conditions of the noise schedule, monitoring and recording the noise levels from the approved development must be undertaken for at least the following descriptors, characteristics and conditions: <ul style="list-style-type: none"> <li>i. <math>L_{Amax, Adj T}</math></li> <li>ii. <math>L_{Abg, T}</math> (or <math>L_{A90, T}</math>);</li> <li>iii. <math>L_{AN, T}</math> (where N equals statistical levels of 1, 10, 50, 90 and 99);</li> <li>iv. <math>Max L_{pA T}</math>;</li> <li>v. <math>L_{Aeq, T}</math>;</li> <li>vi. The level and frequency of occurrence of impulsive or tonal noise;</li> <li>vii. Atmospheric conditions including temperature, relative humidity and wind speed and direction; and</li> <li>viii. Effects due to extraneous factors such as traffic noise.</li> </ul>	At all times.
3.5	Procedures for assessing, measuring and reporting on noise levels must have regard to, and comply with, in so far as they are relevant, the <i>Environmental Protection (Noise) Policy 2019</i> and the method of measurement and reporting of noise levels as detailed in the Department of Environment and Science's Noise Measurement Manual, Version 4.01, March 2020, or more recent additions or supplements to that document as they become available. Where these documents may be contradicting, then the <i>Environmental Protection (Noise) Policy 2019</i> shall have precedent.	At all times.
3.6	The method of measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.	At all times.
	<b>AIR</b>	
3.7	The release of noxious or offensive odours or other airborne contaminants, including particles, smoke, fumes and aerosols resulting from the activity must not cause environmental harm at any sensitive receptor.	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>WASTE</b>	
3.12	All waste is to be removed from the site and deposited at an approved waste disposal facility.	As part of Stage 1 and to be maintained at all times.
3.13	Relocate the refuse storage area on site within an outdoor area as shown on the annotated site plan, to the north and east of the existing shed.  The refuse storage area is to be enclosed on three sides with a screen wall extending 0.2 metres above the height of the refuse receptacles.	As part of Stage 1 and to be maintained at all times.
3.14	The approval holder must not stockpile any waste onsite.	As part of Stage 1 and to be maintained at all times.
	<b>NUISANCE</b>	
3.15	Notwithstanding any other condition of this development permit, this development permit does not authorise any release of contaminants that causes, or is likely to cause, an environmental nuisance to any premises beyond the boundaries of the development site.	At all times.
	<b>HOURS OF OPERATION</b>	
3.16	Permitted hours of operation are: (a) 6.00am and 6.00pm Monday to Friday; and	At all times.

	(b) 8.00am to 5.00pm Saturday and Sunday  No on-site activities are to be undertaken outside of the permitted hours of operation.	
	<b>DEFINITIONS</b>	
	<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.	
	<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.	
	<b>“Commercial place”</b> means a place used as an office or for business or commercial purposes.	
	<b>“Contaminant”</b> can be: f) a gas, liquid or solid; or g) an odour; or h) an organism (whether alive or dead), including a virus; or i) energy, including noise, heat, radioactivity and electromagnetic radiation; or j) a combination of contaminants.	
	<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.	
	<b>“Noise sensitive place”</b> means any of the following places: f) a dwelling; g) a library, childcare centre, kindergarten, school, college, university or other educational institution; h) a hospital, surgery or other medical institution; i) 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> ; j) 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 AGENCY</b> <b>Department of State Development, Infrastructure, Local Government and Planning</b> <i>Concurrence Agency Response</i> <i>Agency Response: Recommend Conditions Apply</i>		
Pursuant to section 62 of the <i>Planning Act 2016</i> , the Assessment Manager must, other than to the extent a referral agency's response provide advice, comply with all the referral agency responses and include conditions exactly as stated in the response.		
The Department of State Development, Infrastructure, Local Government and Planning as a Concurrence Agency has assessed the impact of the proposed development to a state-controlled road environment.		
Concurrence Agency Response dated 19 June 2023 and referenced as 2304-34240 SRA.		



Concurrence Agency response will be attached to Council's Decision Notice for DA23663.
<b>SCHEDULE 6 – ADVICE</b> <i>Assessment Manager</i>
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being 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.
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.
All works shall be carried out in accordance with the <i>Workplace, Health &amp; 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> .
Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.
All building work is to comply with the provisions contained in the <i>Building Act</i> ; the <i>Building Regulation</i> , the <i>Building Code of Australia</i> , the <i>Queensland Development Code</i> and relevant <i>Australian Standards</i> .
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.  It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.  The Fire Ant Restricted Area as well as general information can be viewed on the DAF website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a>
All works shall be carried out in accordance with the <i>Workplace, Health &amp; Safety Act (as amended)</i> and the <i>workplace Health and Safety Regulation (as amended)</i> .
The Applicant has the Right of Appeal to the Planning and Environment Court regarding the conditions of this approval.

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

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

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

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

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

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

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

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

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Development Application No. 23939 Development Application for a Combined Application for a Development Permit for a Reconfiguring a Lot by subdivision (one lot into four lots, drainage reserve and access easement) and Operational Works - Roadwork, Drainage Work, Stormwater and Earthworks</b>
<b>File No:</b>	<b>DA23939</b>
<b>Assessment No:</b>	<b>80509-90000-000</b>
<b>Action Officer:</b>	<b>SP-MW</b>

## 1.0 APPLICATION SUMMARY

### Property details

Location:	Kerr Street, Kilcoy
Real property description:	Lot 6 RP47474
Site area:	2.054ha
Current land use:	Vacant
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)
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Zone:	General residential zone
Precinct:	Park residential
Overlays:	OM4 Bushfire
	OM5 Catchment management
	OM7 Flood hazard
	OM8 High impact activities management area overlay

### Application details

Proposal:	Combined Application – Reconfiguring a Lot by subdivision (one lot into four lots, drainage reserve and access easement) and Operational Works - Roadwork, Drainage Work, Stormwater and Earthworks
Category of assessment:	Code assessment
Applicant details:	Pace Planning 9 Panorama Ridge Road BUDERIM QLD 4556
Owner details:	JDT Building & Construction Pty Ltd
Date application received:	30 June 2023
Date application properly made:	30 June 2023

Referrals	Not required
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Public notification	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.



**Locality Plan of Lot 6 RP47474**  
**Situated at Kerr Street, Kilcoy**

## 2.0 PROPOSAL

This development application seeks a development permit for a Combined Application – Reconfiguring a Lot (one lot into four lots, drainage reserve and access easement) and Operational Works - Roadwork, Drainage Work, Stormwater and Earthworks, on land at Kerr Street, Kilcoy, formally described as Lot 6 RP47474.

The individual lots have been designed as follows:

- Lot 1 – 4011m<sup>2</sup> – Access provided directly from Pine Tree Drive – no access rights have been given to Lot 1 via the rear lot handle.
- Lot 2 – 4551m<sup>2</sup> – Access is directly from Pine Tree Drive – Lot 2 includes a handle area of 1115m<sup>2</sup> from the frontage to shared boundary with Lot 3.
- Lot 3 – 4004m<sup>2</sup> – Access is from Pine Tree Drive via easement over handle area owned by Lot 2 (EMT A)
- Lot 4 – 6179m<sup>2</sup> – Access is from Pine Tree Drive via easement over handle area owned by Lots 2 and 3 (EMT B)
- Lot 100 – 1792m<sup>2</sup> – Reserve for stormwater purposes (to be transferred to Council)

The Operational works components of the development have been submitted to primarily address the functionality of the proposed access and servicing arrangements, in order to demonstrate the lots can be served satisfactorily.

### **3.0 SITE DETAILS**

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

The site is a generally rectangular shaped allotment with frontage to Kerr Street at the western boundary. Kerr Street is not at right angles to the lot. The rear of the lot backs onto Kilcoy Creek.

The lot is relatively narrow, in that it has a width of 56.4m and a depth ranging between 358m and 374m.

The lot has a high point toward the centre of the site. The eastern half of the site slopes generally toward Kilcoy Creek to the east. The western half of the site slopes generally toward the west and south. The low point of the western half of the site is adjacent to the lot to the south, resulting in minor overland flow onto the southern lot rather than to Kerr Street.

The site is currently vacant, with surrounding lots being progressively improved with dwelling houses. A dwelling house is currently being constructed on the lot immediately to the south. The lots to the north are part of the first two stages of Pine Tree Hill Estate.

#### **3.2 Access**

Access to the site will be via two new crossovers to Kerr Street. Kerr Street is a sealed road with swale drains on either side.

The northern crossover will serve Lot 1. The southern crossover will function as a driveway that serves Lots 2 to 4. The driveway will be a 5.5m wide sealed driveway. The driveway will be a part of Lot 2, however the driveway will be located within an eight metre wide easement in favour of Lots 3 and 4.

#### **3.4 Connection to electricity and telecommunications**

The land is within the General residential zone and Park residential precinct, 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

The proposal did not require Council to assess the application against the assessment benchmarks within the Regulation. Where a referral agency undertakes an assessment against a matter in the Regulation, this is discussed in section 6.0 of this report.

The proposal:

- (f) does not impact on any regulated vegetation or koala habitat areas;
- (g) is not located within a koala priority area;
- (h) is not located in proximity to a Queensland heritage place or local heritage place;
- (i) is not known to be on a contaminated land or environmental management register;
- (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
Reconfiguring a lot code	Yes	PO1, PO6, PO10, PO11, PO13, PO14
Services works and infrastructure code	Yes	No alternative outcomes proposed

Transport access and parking code	Yes	PO11
<b>Applicable overlay code</b>	<b>Compliance with overall outcomes</b>	<b>Performance outcomes</b>
Bushfire hazard overlay code	Yes	PO4
Catchment management overlay code	Yes	No alternative outcomes proposed
Flood hazard overlay code	Yes	No alternative outcomes proposed

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

### 5.6.3 Performance outcome assessment

#### Reconfiguring a lot code

Performance outcome	Acceptable outcome
<b>Lot size and subdivision design</b>	
<b>PO1</b> <i>Lot size and dimensions:</i> (a) provide sufficient area for the siting and construction of buildings and structures; (b) provide for safe vehicular and pedestrian access; (c) respond appropriately to site characteristics including slope of the land and topography; and (d) are consistent with the intended character of the zone.	<b>AO1.1</b> The minimum <i>lot</i> size and dimensions complies with <b>Table 8.3.4.3.B</b> – Minimum Lot Size and Dimensions.
<b>Proposal</b> The RAL proposal meets the min lot size of 4,000m <sup>2</sup> . The intensity of the development is compatible with the character of the precinct and provides new residential living opportunities close to town.	
<b>Performance Outcome Assessment</b> Each lot has an area of over 4000m <sup>2</sup> . The lots do not comply with frontage requirements in that the layout comprises multiple rear lots.	
Based on previous development to the north not including connection to this property it is recognised that development of this property is severely constrained.	
It is recommended that the alternative outcome be accepted in this instance.	
<b>Lot layout</b>	
<b>PO6</b> Reconfiguring a lot integrates with existing and planned <i>development</i> on adjoining land and the broader locality, having regard to: (a) <i>road</i> connections; (b) infrastructure;	<b>AO6</b> No acceptable outcome provided.

(c) pedestrian paths and bikeways; and (d) open space networks.	
<p><b>Proposal</b> The proposal integrates with the existing surrounding park residential developments. The proposed reserve on Kilcoy Creek enhances connectivity and meets Council's Local Government Infrastructure Plan.</p> <p><b>Performance Outcome Assessment</b> The development involves poor linkages to adjoining properties, however this is primarily due to the layout of the Pine Tree Hill Estate to the north and the long narrow form of the subject lot and the lot to the south.</p> <p>A reserve is proposed at the rear of the property, which will incorporate land below the 1%AEP flood level. This land directly adjoins land to the north owned by Council.</p> <p>The proposed development is consistent with the immediate locality and is not anticipated to impact on the future development opportunities for surrounding allotments.</p> <p>It is recommended that that alternative outcome be accepted in this instance.</p>	
<b>Movement network and access</b>	
<p><b>PO10</b> <i>Development</i> provides for a <i>road</i> network that:</p> <ul style="list-style-type: none"> <li>(a) integrates with the external <i>road</i> network and provides safe and convenient access to transport routes;</li> <li>(b) provides high levels of internal accessibility for vehicles, pedestrians and cyclists;</li> <li>(c) creates a permeable and legible street pattern;</li> <li>(d) minimises through traffic on residential streets;</li> <li>(e) can accommodate public transport services; and</li> <li>(f) has sufficient capacity to safely and efficiently accommodate the likely traffic generation of the <i>development</i>.</li> </ul>	<p><b>AO10</b> No acceptable outcome provided.</p>
<p><b>Proposal</b> The proposal integrates with existing infrastructure and provides safe and efficient access to proposed lots.</p> <p><b>Performance Outcome Assessment</b> The applicant sought to negotiate a combined cul-de-sac design with the adjoining owner to the south to provide an integrated road network across the subject site and the adjoining site. This was not successful. This has been independently ratified based upon the recent building approval and subsequent construction of a house on Lot 7 RP47474 in a location limits future reconfiguration on that lot.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	

<p><b>PO11</b> Access to existing or future public transport services is provided where practicable and reasonably necessary having regard to the location of the <i>site</i> and access to public transport.</p>	<p><b>AO11</b> All lots are located within 500 metres (radial distance) of an existing or potential public transport route.</p>
<p><b>Proposal</b> Complies to PO11.</p> <p><b>Performance Outcome Assessment</b> With respect to higher order roads, the site is approximately 450m from Kennedy Street and approximately 1200m from William Street. Kilcoy does not have a local public transport network. The site is approximately 1500m from the inter-town bus stop in Kilcoy.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	
<p><b>PO13</b> Rear <i>lot</i> access is appropriately managed to reduce vehicular conflict and provide legal access.</p>	<p><b>AO13.1</b> The minimum width of an access handle for rear lots is: (a) 6 metres for residential activities; and (b) 8 metres for other activities.</p> <p><b>AO13.2</b> The maximum length of an access handle for a rear allotment is 50 metres.</p>
<p><b>Proposal</b> The PO is referring to achieving access that is legal and does not cause vehicular conflict, which has been satisfied. To be clear the amended plans only allow 3 lots to access their properties via the handle via lawful access easements. Turning areas have been included to allow vehicle turning lawfully.</p> <p>The proposed development lodged doesn't restrict the neighbouring property's development potential in the future.</p> <p><b>Performance Outcome Assessment</b> An 8 metre wide access handle has been proposed to accommodate three lots. The access handle that serves Lot 2 is approximately 64 metres long. The access handle that serves Lot 3 is approximately 135 metres long. The access handle that serves Lot 4 is approximately 216m long. A three point turn is accommodated at the end of the access handle and bin pads are provided at the Kerr Street frontage.</p> <p>The width of the lot significantly limits the development opportunities of the subject land. With this in mind, there are considered to be limited opportunities to develop the lot to a density equivalent to park residential lots without creating rear lots.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	
<p><b>Open space</b></p>	
<p><b>PO14</b> <i>Development</i> provides for public open space that:</p>	<p><b>AO14.1</b> Public open space is provided in accordance with Part 4 – Local Government Infrastructure Plan.</p>



<ul style="list-style-type: none"> <li>(a) is in accordance with the <i>Local Government Infrastructure Plan</i>;</li> <li>(b) is of a physical standard that enables the park to be used for its intended purpose;</li> <li>(c) is appropriately located, sized, and shaped to satisfy the local, district and/or regional recreational needs of the community;</li> <li>(d) contributes to the establishment and maintenance of local and regional open space network;</li> <li>(e) facilitates appropriate measures for stormwater and flood management; and</li> <li>(f) contributes to the retention of significant vegetation, watercourses and wetlands, and other habitat areas and associated <i>buffers</i> and linkages/corridors.</li> </ul>	<p><b>AO14.2</b></p> <p>Parks have a direct <i>road</i> frontage for 75 percent of the park perimeter.</p>
<p><b>Proposal</b></p> <p>Complies with PO14 Development proposes a reserve (Lot 100) that is dedicated to council.</p> <p><b>Performance Outcome Assessment</b></p> <p>The proposed reserve Lot 100 only comprised land that was below the 1% AEP. The reserve is effectively land locked except from the north via existing open space set aside as part of the Pine Tree Estate.</p> <p>The land to the north comprises an area of open space that is approximately 100m wide, however the proposed reserve varies in width between approximately 27m and 30m. The proposed corner of proposed Lot 4, the reserve (Lot 100) and the open space to the north is almost at right angles. A 10m x 10m triangular truncation was negotiated in the eastern corner of proposed Lot 4 to open up the reserve, which resulted in the additional dedication of approximately 50m<sup>2</sup> of open space.</p> <p>Based on the area comprising park residential development, it is considered that an embellished local park would be better located within an area of General residential zoned land that is not within the Park residential precinct.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	

### Transport, access and parking code

Performance outcome	Acceptable outcome
<b>Vehicle standing and manoeuvring areas</b>	
<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>Proposal</b></p> <p>Proposed access handle is 8m wide under access easement. Rear lot access is appropriately managed to reduce vehicular conflict and provide legal access</p>	

**Performance Outcome Assessment**

There is no way to develop this lot to a density equivalent to park residential lots without creating rear lots.

The access handle that serves Lot 2 is approximately 64 metres long. The access handle that serves Lot 3 is approximately 135 metres long. The access handle that serves Lot 4 is approximately 216m long.

It is anticipated that the proposed driveway arrangement will not present an unreasonable visual appearance from the road.

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

**Bushfire hazard overlay code**

Performance outcome	Acceptable outcome
<b>Water supply for fire fighting purposes</b>	
<b>PO4</b> In Medium (potential intensity) Bushfire Hazard Areas as identified on <b>Bushfire hazard overlay map OM-004a-b</b> , development maintains the safety of people and property by providing an adequate (with sufficient flow), accessible and reliable water supply for fire-fighting purposes.	<b>AO4</b> For uses involving new or existing development (including buildings and structures) in areas of Medium (potential intensity) Bushfire Hazard as identified on <b>Bushfire hazard overlay map OM-004a-b</b> , each lot has: <ul style="list-style-type: none"> <li>(a) a reliable reticulated water supply that has sufficient flow and pressure characteristics for fire fighting purposes at all times (minimum pressure and flow in 10 litres a second at 200kPa); or</li> <li>(b) an accessible on-site dam or tank with fire fighting fittings, or a swimming pool of not less than 40,000 litres; or</li> <li>(c) pumps that produce water pressure output from a dam, tank or swimming pool, which are able to be operated without reticulated power.</li> </ul>

**Proposal**

The proposed development will be on reticulated water, and is consequently considered appropriate to service the site in the unlikely event of a bushfire emergency.

**Performance Outcome Assessment**

The rear of the subject land is impacted by the Medium Potential Bushfire Intensity, and its associated buffer area. A large portion of the bushfire hard area will be contained within the reserve area. The application was accompanied by a Bushfire Assessment prepared by Wollemi Eco-Logical.

It is anticipated by the bushfire report that any future dwellings impacted by the Bushfire hazard overlay will be subject to an assessment of a Bushfire Attack Level (BAL). A future dwelling house will need to demonstrate compliance with Bushfire hazard overlay code and satisfy the requirements of the specified BAL.

The Bushfire Hazard report has concluded that with the mitigation measures identified by the report being implemented, the bushfire hazard risk can be substantially mitigated.

Notwithstanding the above, while the lot is proposed to be connected to reticulated water, however, it is not clear whether the service will have sufficient flow and capacity characteristics to provide fire fighting purposes. It is anticipated that this issue can be appropriately dealt with through conditions of this development and any assessment of future dwelling houses.

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.

A layout comprising multiple rear lots is a poor design outcome, however the long narrow nature of the lots conspires against provision of good urban design. While it would be beneficial for this lot to be developed in conjunction with the lot to the south, unfortunately this option was not a possibility. The proposal has demonstrated general compliance with the current planning scheme.

It is suggested that previous design solutions for Pine Tree Estate did not take into account suitable structure planning to accommodate development on the subject site and Lot 7 to the south.

### **5.7 Local government infrastructure plan**

#### **5.7.1 Priority infrastructure area**

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

#### **5.7.2 Infrastructure charges**

The proposed development is for a subdivision, which adopts a charge consistent with a three or more-bedroom dwelling under the *Somerset Regional Council Charges Resolution (No. 1) 2023*. In determining the appropriate charging area, the land is located within the urban footprint of Kilcoy.

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 future connections area for the drinking water network, but outside of the connections area and future connections area for the wastewater network. As such, future development on the created lots will require an onsite wastewater treatment system. The recommended conditions require the development to connect to the reticulated drinking water network to the satisfaction of Urban Utilities and gain Council approval for a suitable onsite wastewater treatment system.

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

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

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

The Future Public Parks and Community Land Trunk Infrastructure plan shows the site as being partly subject to OSF080 which is a future local park.

The land to the north of the site includes parkland adjacent to the site, which is considered to have delivered this strategic desire for parkland within this area.

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

#### **5.7.3.3 Stormwater network**

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

An adopted charge for the stormwater network applies.

#### **5.7.3.4 Transport network**

The development creates additional lots.

An adopted charge for the transport network applies.

### **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 sought third-party advice from Seqwater for matters relating to water quality within the drinking water catchment. Specifically, Council requested their assessment of the proposal against the Seqwater Development Guidelines, as a method of complying with the State Planning Policy and the Catchment management overlay code.

Seqwater responded advising of need to locate effluent disposal outside the 100m buffer and incorporate subsurface drainage. The revised plans have located the development outside the 100m buffer. Conditions have been included to require detailed site and soil evaluations for future development of the site.

### **7.0 PUBLIC NOTIFICATION**

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

### **8.0 OTHER RELEVANT MATTERS**

There are no other relevant matters applicable for code assessment.

### **9.0 CONCLUSION**

The proposed development is for combined development application comprising Reconfiguring a Lot (one lot into four lots) and Operational Works - Roadwork, Drainage Work, Stormwater and Earthworks. 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. Plan of Development Lots 1-4 & 100 Cancelling Lot 6 on RP47474, prepared by K.J.Pile and Associates Consulting Surveyors, Amendment B, dated 1 December 2023.
2. Bushfire Management Plan, reference 22476, prepared by Wollemi Eco-Logical Pty Ltd, dated 14 August 2023.
3. Proposed Sub-Division Waste Water Site Plan, prepared by Enviro Water Design, Job No.EWD4419V3, dated 15 August 2023.
4. Operational Works Application, prepared by Bax Engineering, Project No 075-003, dated 28 August 2023
5. Draft Infrastructure charges notice.

## RECOMMENDATION

1. THAT Council approve Development Application No. 23939 for a Development Permit for a Combined Application – Reconfiguring a Lot by subdivision (one lot into four lots, drainage reserve and access easement) and Operational Works - Roadwork, Drainage Work, Stormwater and Earthworks on land situated at Kerr Street, Kilcoy, formally described as Lot 6 RP47474, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.
2. THAT the officer report for this application be published to the website as Council's Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

RECONFIGURATION OF A LOT		
SCHEDULE 1 – GENERAL CONDITIONS		
Assessment Manager		
No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Plan of Development Lots 1-4 & 100 Cancelling Lot 6 on RP47474, prepared by K.J.Pile and Associates Consulting Surveyors, Amendment B, dated 1 December 2023. <i>Note: Easement C is not to benefit Lot 1.</i> Bushfire Management Plan, reference 22476, prepared by Wollemi Eco-Logical Pty Ltd, dated 14 August 2023. Proposed Sub-Division Waste Water Site Plan, prepared by Enviro Water Design, Job No.EWD4419V3, dated 15 August 2023	At all times.
1.2	Provide an amended plan that: (a) references Easement C as only benefitting Lots 2 and 3; and (b) provides a dimensioned three point turn at the eastern end of the access and services easement.	
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.4	A Licensed Surveyor must install new Survey Marks in their correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of the Plan of Subdivision.

1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for endorsement of the Plan of Subdivision.
1.6	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources.  Currently, the amount is set at \$44 per allotment.	Prior to request for endorsement of the Plan of Subdivision.
1.7	Provide certification from a Licenced Surveyor that all services (e.g. water, drainage, electricity, telecommunications) are wholly contained within the lot and/or access or services easement that they serve.	Prior to request for endorsement of the Plan of Subdivision.
1.8	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision.
1.9	Lodge for registration at the office of the Land Registry the following easements: <ul style="list-style-type: none"> <li>(a) Access and services easement (Easement A) having a minimum width of 8 meters over Proposed Lot 2 in favour of Proposed Lots 3 and 4, as shown on the approved plans.</li> <li>(b) Access and services easement (Easement B) having a minimum width of 8 meters over Proposed Lot 3 in favour of Proposed Lots 2 and 4, as shown on the approved plans.  <i>Note: Easement B is to be widened at the eastern end of Lot 3 to accommodate a three point turn.</i></li> <li>(c) Access and services easement (Easement C) having a minimum width of 8 meters over Proposed Lot 4 in favour of Proposed Lots 2 and 3, as shown on the approved plans.</li> </ul>	As part of the registration of the Plan of Subdivision.
1.10	Provide copies of the signed easement documentation for the easements required by condition 1.8.	As part of the request for approval of the Plan of Subdivision.
<b>ONSITE EFFLUENT DISPOSAL SYSTEM</b>		
1.11	A detailed site and soil evaluation for on-site wastewater management, based on the final design of the dwelling, shall accompany the building application for each allotment. Design should be in accordance with AS/NZ 1547, AS/NZ 3500, and the Queensland Plumbing & Wastewater Code. Approval must be sought and granted from Somerset Regional Council.  <i>Note: Effluent disposal for any development generating wastewater must be located at least 100m from the high bank of Kilcoy Creek.</i>	Prior to Construction of any facility generating wastewater.

1.12	The applicant shall demonstrate to the satisfaction of Council that all on-site wastewater can be adequately disposed of on-site.	Prior to commencement of use.
	<b>WATER SUPPLY</b>	
1.13	Implement all recommendations of the Bushfire Management Plan prepared by Wollemi Eco-Logical.	As part of future land uses being established on the subject land.
1.14	Provide advice from Urban Utilities that a supply of a reliable reticulated water supply that has sufficient flow and pressure characteristics for fire fighting purposes at all times (minimum pressure and flow in 10 litres a second at 200kPa can be provided to all lots.  <i>Note: If the reticulated water supply cannot achieve this outcome, all lots impacted by the Bushfire hazard overlay, any future Dwelling houses on the lots where this outcome cannot be achieved will require a 40,000 litre fire-fighting supply with fire fighting fittings.</i>	Prior to request for endorsement of the Plan of Subdivision.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>GENERAL</b>	
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times.
	<b>OPEN SPACE/PARK/LANDSCAPING</b>	
2.3	Dedicate Lot 100 shown as reserve on the proposal plan of subdivision as drainage reserve only.	Prior to Council's endorsement of the Plan of subdivision.
	<b>GENERAL SERVICES</b>	
2.4	Submit development applications to the relevant Energy and Telecommunications regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required at the cost of a normal house connection.	Prior to Council's endorsement of the Plan of subdivision.
2.5	Connect the development to a reticulated water supply, electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to Council's endorsement of the Plan of Subdivision.
2.6	The applicant must provide written evidence (e.g. connection	Prior to Council's

	certificate) from each particular service provider stating either that each lot has been connected to the applicable service.	endorsement of the Plan of Subdivision.
	<b>VEHICLE ACCESS</b>	
2.7	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.8	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 Regional Council Planning Scheme</i> . Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
2.9	Make an Access Application to Council and pay the required fees where an application involves works required as stated in the conditions.	Prior to Commencement of Access works.
2.10	All vehicles shall enter and leave the site in a forward gear	At all times
2.11	Applicant is required to construct 5.5m minimum sealed access for the full access handle.  Sufficient space for services for Lots 2 to 4 and the sealed access is to be provided within the 8 metre handle.	Prior to Council's endorsement of the Plan of Subdivision.
	<b>REFUSE COLLECTION</b>	
2.11	Provide a bin pad within the road reserve in front of Lot 1 to enable on street collection of bins for Lots 2, 3 and 4.	Prior to Council's endorsement of the Plan of Subdivision.
	<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 section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.



2.17	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.  <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works.
<b>SCHEDULE 3 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.  It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.  The Fire Ant Restricted Area as well as general information can be viewed on the DAF website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a>		
All works shall be carried out in accordance with the <i>Workplace, Health &amp; Safety Act (as amended)</i> and the <i>workplace Health and Safety Regulation (as amended)</i> .		

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

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

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

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

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

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

#### **OPERATIONAL WORKS CONDITIONS**

##### **SCHEDULE 1 – GENERAL CONDITIONS**

*Assessment Manager*

<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the following approved plan(s), supporting documentation, Somerset Regional Council's Planning Scheme, and the, except where amended by these conditions of approval Proposed Development Kerr Street, Kilcoy Qld 4515, Operational Works Application, prepared by Bax Engineering, Project No 075-003, dated 28 August 2023.	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.3	This approval extends to engineering works including earthworks, sediment and erosion control, roadworks, retaining walls, stormwater drainage and other works as detailed on approved drawings.	At all times.
1.4	The Applicant is responsible for obtaining written consent of the property owner/s affected by any works of this approval or where infrastructure is to be constructed on private property not under the ownership of the applicant. Proof of owner/s consent is to be provided prior to commencement of works.	Prior to commencement of works.
1.5	The Applicant is responsible for obtaining all necessary approvals and permits required from any external agencies in	As part of Operational works.

	satisfying the conditions of this approval. The cost of obtaining any approvals and permits is at the Applicant's expense.	
1.6	Certification must be given to Council by a Registered Professional Engineer in Queensland (RPEQ) that the works have been undertaken in accordance with the approved plans and specifications and to Council's requirements.	Prior to request for endorsement of the Plan of Subdivision.
1.7	Make available, a legible copy of the Approved Drawings and Conditions of approval on site.	At all times during construction.
1.8	<p>Prior to works commencing, it is required that a pre-start meeting be attended by Council officers, the supervising engineer and the Contractor. Prior to this meeting taking place a "Prestart Meeting" fee is be paid to Council as per Somerset Regional Council schedule of fees and charges, applicable at time of meeting request. At that meeting, it will be necessary for the supervising engineer to provide Council with the following:</p> <ul style="list-style-type: none"> <li>• Supervising Engineers (RPEQ) Contact Details;</li> <li>• A works program;</li> <li>• Inspection and test plan;</li> <li>• Public liability certificate of currency (project specific);</li> <li>• Workplace Health and Safety plan;</li> <li>• Job Specification;</li> <li>• Environmental Management Plan; and</li> <li>• Traffic Management Plan.</li> </ul>	Prior to works commencing.
1.9	<p>Compulsory inspections and meetings shall be undertaken by Council, with a minimum of two clear working days notice required to be given to Council for an inspection of sections of the work at the following stages:</p> <ul style="list-style-type: none"> <li>• Pre-start meeting with Council, Contractor, and supervising engineer;</li> <li>• Prior to placement of pavement surfacing;</li> <li>• Of the finished pavement surface prior to any bitumen primer-seal or prime or asphalt or concrete surfacing;</li> <li>• At the point of completion of all works before placing "on maintenance";</li> <li>• At the point of requesting the works to accepted "off maintenance"; and</li> <li>• Other inspections as deemed necessary by Council.</li> </ul>	As required.
1.10	<p>The Developer is to provide written notice to nearby and neighbouring properties by means of a letter box drop on the surrounding area to identify:</p> <ul style="list-style-type: none"> <li>• An indicative start date for the works;</li> <li>• A timeframe by which the works will be completed; and</li> <li>• A contact person during the works.</li> </ul>	Prior to commencement of works

1.11	<p>Notification to Council, with a minimum of two clear working days notice, is required to be given for work at the following stages:</p> <ul style="list-style-type: none"> <li>• Structural steel inspection prior to the pouring of any structural concrete including cast insitu stormwater and sewer manholes and gully pits; and</li> <li>• Following placement and compaction of each road pavement layer and prior to the laying of the next pavement layer or surfacing layer.</li> </ul> <p>Council reserves the right to conduct inspections of these works.</p>	As required.
1.12	Works covered prior to inspection, where inspections are required, shall be uncovered at the contractor's expense to allow inspection by Council at Council's sole discretion.	As required.
1.13	Reinspection/Retest fees based on the fees and charges current at the time must be paid to Council, if applicable.	As required.
1.14	Where the progression of work leads to substantiated complaints, the Applicant shall immediately rectify works and undertake any directions from Council Officers to rectify any works.	As required.
1.15	Where complete or incomplete works under this approval adversely affect adjoining properties, Council land, roads or other infrastructure, the Council may require by notice, works to be completed. Where Council deems it necessary to undertake works for the safety or health of the community or protection of infrastructure, costs associated with such works shall be recoverable from the applicant.	As required.
1.16	Any damage which is incurred to services, signs, footpaths, roadways, kerb and channel, or other work abutting the subject land as a result of the proposed development shall be repaired immediately should hazards exist for pedestrian or vehicular safety. Otherwise, all damage shall be repaired immediately upon completion of works associated with the development at the Applicants expense.	At all times.
1.17	<p>Unless otherwise approved in writing by the Director of Operations, hours of construction shall be:</p> <p>Monday to Saturday - 6.30 a.m. to 6.30 p.m. - Noise permitted  Sunday and Public Holidays - No audible noise permitted</p> <p>Work or business which causes audible noise shall not be conducted from or on the site outside the above hours.</p>	As specified.
1.18	Council officers or its representative will not deal directly with Contractors and / or the Applicants representatives in respect to operational matters arising from this approval. All operational	At all times.

	matters must be dealt with by the nominated supervising engineer.	
1.19	It is the applicant's responsibility to appoint the principal contractors, complete forms, notify Workplace, Health and Safety, pay fees and carry out any other Workplace, Health and Safety legislative requirements, and submit evidence of compliance to Council.	At all times.
1.20	The applicant shall have on site, a traffic management plan and work method statements in accordance with Workplace, Health and Safety.	At all times.
1.21	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility by a licensed regulated waste disposal contractor and general solid waste to be disposed of at Council approved landfill sites with the contractor covering all costs reasonably incurred for the receipt and management of the waste.	At all times.
	<b>EARTHWORKS</b>	
1.22	Earthworks and fill on the subject land shall not lead to ponding of water or actionable nuisance and shall ensure all lots, both internal and adjoining, drain freely to a lawful point of discharge.	At all times.
1.23	All earthworks are to be constructed in accordance with AS3798 Level 1 inspection testing. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation and results forwarded to Council.	Prior to finalisation of Operational works.
1.24	<p>In the event that it is proposed to import material to or export material from the site the following details are to be submitted to Council for endorsement or otherwise prior to the commencement of the work:</p> <ul style="list-style-type: none"> <li>• Details of the location of any material to be sourced for fill including the volume of fill to be moved from any particular source site;</li> <li>• Details of the final location for any material to be exported from the site from excavations including the volume to be moved to any particular site; and</li> <li>• The proposed haulage route(s), truck sizes and final destination for carting of the material.</li> </ul> <p>(Please note that further development applications may be required to be submitted to and endorsed by Council for sites proposed to export/import material or conditions may be applied to any sites endorsed in accordance with this condition e.g. submit a Traffic Management Plan for acceptance, rehabilitation of the site. Any required approvals are to be in place prior to the commencement of the work.)</p>	Prior to commencement of work.

1.25	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.
1.26	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
1.27	<p>Waste material as a result of demolition works and excavation works must not be used as fill where the material includes the following as defined within the <i>Environmental Protection Regulation</i>:</p> <ul style="list-style-type: none"> <li>• Commercial waste;</li> <li>• Construction or demolition waste;</li> <li>• Domestic clean-up waste;</li> <li>• Domestic waste;</li> <li>• Garden waste;</li> <li>• Industrial waste;</li> <li>• Interceptor waste;</li> <li>• Recyclable biodegradable waste;</li> <li>• Recyclable waste; and</li> <li>• Regulated waste.</li> </ul> <p>All waste material above as defined within the <i>Environmental Protection Regulation</i> must only be disposed at a waste facility approved for the receipt of waste.</p>	At all times.
1.28	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> <li>• Milling;</li> <li>• Chipping and/or mulching; or</li> <li>• Disposal at an approved waste disposal facility;</li> </ul> <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operational works shall be disposed of to an approved disposal facility via an approved waste receptacle and/or collection service.</p>	At all times.
	<b>ACCESS</b>	
1.29	Applicant is required to construct 5.5m minimum concrete access for the full access handle.	As part of operational works.
1.30	Concrete driveway to be 150mm thick with SL82 mesh placed centrally.	As part of Operational works.
1.31	Landowners are to be notified that they will be responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.	At all times and to be maintained.

1.32	Construct a 3 point turn arrangement at the south eastern end of the access driveway.	Prior to request for endorsement of the Plan of Subdivision.
	<b>STORMWATER</b>	
1.33	Ensure Stormwater drainage is delivered to a lawful point of discharge.	At all times.
1.34	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.
1.35	Stormwater drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
1.36	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.
	<b>TRAFFIC CONTROL</b>	
1.37	All works on or adjacent to roadways must be adequately signed in accordance with the " <i>Austroads Guide to Temporary Traffic Management</i> ".	At all times.
1.38	Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	As required.
	<b>EROSION CONTROL</b>	
1.39	Erosion and sedimentation controls shall be implemented, in line with IECA Best Practise documentation, and shall be maintained to Council's satisfaction at all times during the course of the project and the ensuing defects liability period. Should proposed controls prove to be ineffective, Council will require the developer to install additional measures.	At all times.
1.40	No construction works may commence on subject sites until appropriate Sediment and Erosion Controls have been implemented.	Prior to commencement of works.
1.41	Grass turf shall be provided within all stormwater swales on completion of earthworks.	Prior to commencement of on maintenance period.
1.42	All disturbed areas of the Land are to be left in a geotechnically stable state and revegetated.	Prior to commencement of on maintenance period.

1.43	Measures shall be applied to Council's satisfaction to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project, and to prevent dust nuisance during construction and the ensuing defects liability period.	At all times.
1.44	Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of running water shall be stored clear of drainage paths and prevented from entering the road and/or drainage system.	At all times.
1.45	Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion, debris and/or sediment from the site, then such works shall be at the developer's expense. Such works shall be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.	As required.
1.46	The site shall be maintained in a clean orderly state.	At all times.
	<b>COMPLETION OF WORKS</b>	
1.47	At the time of completed works and prior to any "on maintenance" inspections the applicant shall submit a condition compliance checklist confirming all conditions of the Operational Work approval have been complied with.	Prior to on maintenance inspections.
1.48	<p>Following satisfactory inspection of the completed works, and acceptance of the works "on maintenance" for a minimum 12 months for civil works, a "defects liability period" will apply from the commencement of the "on maintenance" period. The Applicant is to carry out any necessary maintenance or repairs to non-conforming work, defects and/or damage to any works undertaken in relation to this approval, even where damage has resulted from a third party activity.</p> <p>During this time, a bond or other security equal to 5% of the operational works will be retained to ensure correction of any defects in the constructed works.</p> <ul style="list-style-type: none"> <li>• Payment of this bond or other security is required prior to Council accepting the works "on maintenance".</li> <li>• "On Maintenance" approval required prior to sealing of the Plan of Survey for each stage.</li> <li>• The bond or other security will be entirely forfeited to Council should there be any failure by the applicant to undertake all works considered by Council as necessary to rectify any non-complying works and to protect public safety.</li> <li>• In the event that the bond or other security is insufficient, Council reserves the right to seek restitution.</li> </ul> <p>At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "off maintenance".</p>	For the duration of the on-maintenance period.



	Bonds or other securities will be released after works have been placed "off maintenance".	
1.49	<p>The "on maintenance" period commences only when Council provides written confirmation that all of the following are completed:</p> <ul style="list-style-type: none"> <li>• The satisfactory completion of all works and conditions of operational works approval;</li> <li>• The provision of all necessary test and quality audit requirements;</li> <li>• The lodgement with Council, of certification from an RPEQ that the works have been undertaken in accordance with the approved plans and specifications and to Council's requirements;</li> <li>• The lodgement of "on maintenance" bond or security;</li> <li>• The submission of "As Constructed" data in the required format; and</li> <li>• Compliance with the conditions of approval for any Operational Works, Reconfiguring a Lot and any other approvals on the subject site.</li> </ul>	Prior to request for endorsement of the Plan of Subdivision.
1.50	The request for the development to be placed "On Maintenance" and "Off Maintenance" shall be in writing.	As required.
1.51	<p>At completion of the operational works, suitable "As-Constructed Drawings" shall be submitted to the Council electronically in AutoCAD and PDF format using the Asset Design As Constructed (ADAC) specifications. The "As-Constructed Drawings" or data capture methods, including an asset register as required by the Council shall be checked and certified by a Registered Professional Engineer of Queensland (RPEQ) in accordance with Council's development manual. "As Constructed" data shall be provided for the following elements where applicable:</p> <ul style="list-style-type: none"> <li>• Access details;</li> <li>• Drainage;</li> <li>• Topographical Detail; and</li> <li>• Cadastre (as a reference feature).</li> </ul>	As required by the condition.
1.52	Certification must be given to Council by a Registered Professional Engineer in Queensland (RPEQ) that the works have been completed in accordance with the approved plans and specifications and to Council's requirements.	Prior to works going on maintenance.

## **SCHEDULE 2 – ADVICE**

### *Assessment Manager*

This approval does not extend to the following;

- Provision of electrical networks, or street lighting;
- Telecommunications facilities;
- Water Supply and Sewerage infrastructure; and
- Landscaping.

In approving plans for this project, Council has carried out an audit check of information submitted. Accordingly, Council has placed reliance on the certificate of design that the approved plans are correct and in accordance with required engineering standards.
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.
<p>Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.</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 Restricted Area as well as general information can be viewed on the DAF website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a></p>
All works shall be carried out in accordance with the <i>Workplace, Health &amp; Safety Act (as amended)</i> and the <i>workplace Health and Safety Regulation (as amended)</i> .
<p>Upon receiving the certification by a RPEQ, and submission and approval of as constructed drawings and documentation, Council will accept the works as "On Maintenance".</p> <p>Council will bond the developer for an amount equal to 5% of the operational works and the Developer is required to maintain all works for a period of 12 months for civil works and 18 months for landscaping (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.</p> <p>At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".</p>
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.

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

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

**Attachments for the Decision Notice include:**

1. Plan of Development Lots 1-4 & 100 Cancelling Lot 6 on RP47474, prepared by K.J.Pile and Associates Consulting Surveyors, Amendment B, dated 1 December 2023.
2. Proposed Development Kerr Street, Kilcoy Qld 4515, Operational Works Application, prepared by Bax Engineering, Project No 075-003, dated 28 August 2023.
3. Bushfire Management Plan, reference 22476, prepared by Wollemi Eco-Logical Pty Ltd, dated 14 August 2023.
4. Proposed Sub-Division Waste Water Site Plan, prepared by Enviro Water Design, Job No.EWD4419V3, dated 15 August 2023

**This completes the report for Development Application DA23939.**

**Resolution**

Moved – Cr Brieschke

Seconded – Cr Gaedtke

1. "THAT Council approve Development Application No. 23939 for a Development Permit for a Combined Application – Reconfiguring a Lot by subdivision (one lot into four lots, drainage reserve and access easement) and Operational Works - Roadwork, Drainage Work, Stormwater and Earthworks on land situated at Kerr Street, Kilcoy, formally described as Lot 6 RP47474, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.
2. THAT the officer report for this application be published to the website as Council's Statement of Reasons in accordance with s63(5) of the *Planning Act 2016*.

**RECONFIGURATION OF A LOT**

**SCHEDULE 1 – GENERAL CONDITIONS**

*Assessment Manager*

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times.
	Plan of Development Lots 1-4 & 100 Cancelling Lot 6 on RP47474, prepared by K.J.Pile and Associates Consulting Surveyors, Amendment B, dated 1 December 2023. <i>Note: Easement C is not to benefit Lot 1.</i>	
	Bushfire Management Plan, reference 22476, prepared by Wollemi Eco-Logical Pty Ltd, dated 14 August 2023.	
	Proposed Sub-Division Waste Water Site Plan, prepared by Enviro Water Design, Job No.EWD4419V3, dated 15 August 2023	

1.2	Provide an amended plan that: (c) references Easement C as only benefitting Lots 2 and 3; and (d) provides a dimensioned three point turn at the eastern end of the access and services easement.	
1.3	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.4	A Licensed Surveyor must install new Survey Marks in their correct positions in accordance with the Survey Plan and the endorsement of the work must be certified in writing.	Prior to request for endorsement of the Plan of Subdivision.
1.5	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to request for endorsement of the Plan of Subdivision.
1.6	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources.  Currently, the amount is set at \$44 per allotment.	Prior to request for endorsement of the Plan of Subdivision.
1.7	Provide certification from a Licenced Surveyor that all services (e.g. water, drainage, electricity, telecommunications) are wholly contained within the lot and/or access or services easement that they serve.	Prior to request for endorsement of the Plan of Subdivision.
1.8	Remove any services made redundant as a result of the development and reinstate the land.	Prior to request for endorsement of the Plan of Subdivision.
1.9	Lodge for registration at the office of the Land Registry the following easements: (a) Access and services easement (Easement A) having a minimum width of 8 meters over Proposed Lot 2 in favour of Proposed Lots 3 and 4, as shown on the approved plans. (b) Access and services easement (Easement B) having a minimum width of 8 meters over Proposed Lot 3 in favour of Proposed Lots 2 and 4, as shown on the approved plans. <i>Note: Easement B is to be widened at the eastern end of Lot 3 to accommodate a three point turn.</i> (c) Access and services easement (Easement C) having a minimum width of 8 meters over Proposed Lot 4 in favour of Proposed Lots 2 and 3, as shown on the approved plans.	As part of the registration of the Plan of Subdivision.
1.10	Provide copies of the signed easement documentation for the easements required by condition 1.8.	As part of the request for approval of the Plan of Subdivision.

	<b>ONSITE EFFLUENT DISPOSAL SYSTEM</b>	
1.11	<p>A detailed site and soil evaluation for on-site wastewater management, based on the final design of the dwelling, shall accompany the building application for each allotment. Design should be in accordance with AS/NZ 1547, AS/NZ 3500, and the Queensland Plumbing &amp; Wastewater Code. Approval must be sought and granted from Somerset Regional Council.</p> <p><i>Note: Effluent disposal for any development generating wastewater must be located at least 100m from the high bank of Kilcoy Creek.</i></p>	Prior to Construction of any facility generating wastewater.
1.12	The applicant shall demonstrate to the satisfaction of Council that all on-site wastewater can be adequately disposed of on-site.	Prior to commencement of use.
	<b>WATER SUPPLY</b>	
1.13	Implement all recommendations of the Bushfire Management Plan prepared by Wollemi Eco-Logical.	As part of future land uses being established on the subject land.
1.14	<p>Provide advice from Urban Utilities that a supply of a reliable reticulated water supply that has sufficient flow and pressure characteristics for fire fighting purposes at all times (minimum pressure and flow in 10 litres a second at 200kPa can be provided to all lots.</p> <p><i>Note: If the reticulated water supply cannot achieve this outcome, all lots impacted by the Bushfire hazard overlay, any future Dwelling houses on the lots where this outcome cannot be achieved will require a 40,000 litre fire-fighting supply with fire fighting fittings.</i></p>	Prior to request for endorsement of the Plan of Subdivision.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>GENERAL</b>	
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.2	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	At all times.
	<b>OPEN SPACE/PARK/LANDSCAPING</b>	
2.3	Dedicate Lot 100 shown as reserve on the proposal plan of subdivision as drainage reserve only.	Prior to Council's endorsement of the Plan of subdivision.
	<b>GENERAL SERVICES</b>	

2.4	Submit development applications to the relevant Energy and Telecommunications regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required at the cost of a normal house connection.	Prior to Council's endorsement of the Plan of subdivision.
2.5	Connect the development to a reticulated water supply, electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to Council's endorsement of the Plan of Subdivision.
2.6	The applicant must provide written evidence (e.g. connection certificate) from each particular service provider stating either that each lot has been connected to the applicable service.	Prior to Council's endorsement of the Plan of Subdivision.
	<b>VEHICLE ACCESS</b>	
2.7	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Planning Scheme</i> .	At all times.
2.8	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 Regional Council Planning Scheme</i> . Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	At all times.
2.9	Make an Access Application to Council and pay the required fees where an application involves works required as stated in the conditions.	Prior to Commencement of Access works.
2.10	All vehicles shall enter and leave the site in a forward gear	At all times
2.11	Applicant is required to construct 5.5m minimum sealed access for the full access handle.  Sufficient space for services for Lots 2 to 4 and the sealed access is to be provided within the 8 metre handle.	Prior to Council's endorsement of the Plan of Subdivision.
	<b>REFUSE COLLECTION</b>	
2.11	Provide a bin pad within the road reserve in front of Lot 1 to enable on street collection of bins for Lots 2, 3 and 4.	Prior to Council's endorsement of the Plan of Subdivision.
	<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 section/s of the Queensland Urban Drainage Manual (QUDM) and the <i>Somerset Regional Council Planning Scheme</i> .	As part of Operational Works.
2.17	Submit permission for the discharge of stormwater drainage to a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.  <i>Note: Such consent may require supporting engineering plans and calculations.</i>	As part of Operational Works.
<b>SCHEDULE 3 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the ‘currency period’ – being four (4) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant’s appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant’s appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.		
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.		
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.		
The Fire Ant Restricted Area as well as general information can be viewed on the DAF website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a>		

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

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

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

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

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

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

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

<b>OPERATIONAL WORKS CONDITIONS</b>		
<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 following approved plan(s), supporting documentation, Somerset Regional Council's Planning Scheme, and the, except where amended by these conditions of approval Proposed Development Kerr Street, Kilcoy Qld 4515, Operational Works Application, prepared by Bax Engineering, Project No 075-003, dated 28 August 2023.	At all times.
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme (Version Four), Planning Scheme Policies and Local Laws.	At all times.
1.3	This approval extends to engineering works including earthworks, sediment and erosion control, roadworks, retaining walls, stormwater drainage and other works as detailed on approved drawings.	At all times.
1.4	The Applicant is responsible for obtaining written consent of the property owner/s affected by any works of this approval or where infrastructure is to be constructed on private property not under the ownership of the applicant. Proof of owner/s consent is to be provided prior to commencement of works.	Prior to commencement of works.



1.5	The Applicant is responsible for obtaining all necessary approvals and permits required from any external agencies in satisfying the conditions of this approval. The cost of obtaining any approvals and permits is at the Applicant's expense.	As part of Operational works.
1.6	Certification must be given to Council by a Registered Professional Engineer in Queensland (RPEQ) that the works have been undertaken in accordance with the approved plans and specifications and to Council's requirements.	Prior to request for endorsement of the Plan of Subdivision.
1.7	Make available, a legible copy of the Approved Drawings and Conditions of approval on site.	At all times during construction.
1.8	<p>Prior to works commencing, it is required that a pre-start meeting be attended by Council officers, the supervising engineer and the Contractor. Prior to this meeting taking place a "Prestart Meeting" fee is be paid to Council as per Somerset Regional Council schedule of fees and charges, applicable at time of meeting request. At that meeting, it will be necessary for the supervising engineer to provide Council with the following:</p> <ul style="list-style-type: none"> <li>• Supervising Engineers (RPEQ) Contact Details;</li> <li>• A works program;</li> <li>• Inspection and test plan;</li> <li>• Public liability certificate of currency (project specific);</li> <li>• Workplace Health and Safety plan;</li> <li>• Job Specification;</li> <li>• Environmental Management Plan; and</li> <li>• Traffic Management Plan.</li> </ul>	Prior to works commencing.
1.9	<p>Compulsory inspections and meetings shall be undertaken by Council, with a minimum of two clear working days notice required to be given to Council for an inspection of sections of the work at the following stages:</p> <ul style="list-style-type: none"> <li>• Pre-start meeting with Council, Contractor, and supervising engineer;</li> <li>• Prior to placement of pavement surfacing;</li> <li>• Of the finished pavement surface prior to any bitumen primer-seal or prime or asphalt or concrete surfacing;</li> <li>• At the point of completion of all works before placing "on maintenance";</li> <li>• At the point of requesting the works to accepted "off maintenance"; and</li> <li>• Other inspections as deemed necessary by Council.</li> </ul>	As required.
1.10	<p>The Developer is to provide written notice to nearby and neighbouring properties by means of a letter box drop on the surrounding area to identify:</p> <ul style="list-style-type: none"> <li>• An indicative start date for the works;</li> <li>• A timeframe by which the works will be completed; and</li> </ul>	Prior to commencement of works

	<ul style="list-style-type: none"> <li>• A contact person during the works.</li> </ul>	
1.11	<p>Notification to Council, with a minimum of two clear working days notice, is required to be given for work at the following stages:</p> <ul style="list-style-type: none"> <li>• Structural steel inspection prior to the pouring of any structural concrete including cast insitu stormwater and sewer manholes and gully pits; and</li> <li>• Following placement and compaction of each road pavement layer and prior to the laying of the next pavement layer or surfacing layer.</li> </ul> <p>Council reserves the right to conduct inspections of these works.</p>	As required.
1.12	Works covered prior to inspection, where inspections are required, shall be uncovered at the contractor's expense to allow inspection by Council at Council's sole discretion.	As required.
1.13	Reinspection/Retest fees based on the fees and charges current at the time must be paid to Council, if applicable.	As required.
1.14	Where the progression of work leads to substantiated complaints, the Applicant shall immediately rectify works and undertake any directions from Council Officers to rectify any works.	As required.
1.15	Where complete or incomplete works under this approval adversely affect adjoining properties, Council land, roads or other infrastructure, the Council may require by notice, works to be completed. Where Council deems it necessary to undertake works for the safety or health of the community or protection of infrastructure, costs associated with such works shall be recoverable from the applicant.	As required.
1.16	Any damage which is incurred to services, signs, footpaths, roadways, kerb and channel, or other work abutting the subject land as a result of the proposed development shall be repaired immediately should hazards exist for pedestrian or vehicular safety. Otherwise, all damage shall be repaired immediately upon completion of works associated with the development at the Applicants expense.	At all times.
1.17	<p>Unless otherwise approved in writing by the Director of Operations, hours of construction shall be:</p> <p>Monday to Saturday - 6.30 a.m. to 6.30 p.m. - Noise permitted  Sunday and Public Holidays - No audible noise permitted</p> <p>Work or business which causes audible noise shall not be conducted from or on the site outside the above hours.</p>	As specified.
1.18	Council officers or its representative will not deal directly with Contractors and / or the Applicants representatives in respect to	At all times.

	operational matters arising from this approval. All operational matters must be dealt with by the nominated supervising engineer.	
1.19	It is the applicant's responsibility to appoint the principal contractors, complete forms, notify Workplace, Health and Safety, pay fees and carry out any other Workplace, Health and Safety legislative requirements, and submit evidence of compliance to Council.	At all times.
1.20	The applicant shall have on site, a traffic management plan and work method statements in accordance with Workplace, Health and Safety.	At all times.
1.21	All wastes to be managed in accordance with the relevant legislation and regulations with regulated waste to be disposed of at a licensed facility by a licensed regulated waste disposal contractor and general solid waste to be disposed of at Council approved landfill sites with the contractor covering all costs reasonably incurred for the receipt and management of the waste.	At all times.
	<b>EARTHWORKS</b>	
1.22	Earthworks and fill on the subject land shall not lead to ponding of water or actionable nuisance and shall ensure all lots, both internal and adjoining, drain freely to a lawful point of discharge.	At all times.
1.23	All earthworks are to be constructed in accordance with AS3798 Level 1 inspection testing. Fill material is to be placed, compacted, and tested by a suitably qualified inspection and testing organisation and results forwarded to Council.	Prior to finalisation of Operational works.
1.24	<p>In the event that it is proposed to import material to or export material from the site the following details are to be submitted to Council for endorsement or otherwise prior to the commencement of the work:</p> <ul style="list-style-type: none"> <li>• Details of the location of any material to be sourced for fill including the volume of fill to be moved from any particular source site;</li> <li>• Details of the final location for any material to be exported from the site from excavations including the volume to be moved to any particular site; and</li> <li>• The proposed haulage route(s), truck sizes and final destination for carting of the material.</li> </ul> <p>(Please note that further development applications may be required to be submitted to and endorsed by Council for sites proposed to export/import material or conditions may be applied to any sites endorsed in accordance with this condition e.g. submit a Traffic Management Plan for acceptance, rehabilitation of the site. Any required approvals are to be in place prior to the commencement of the work.)</p>	Prior to commencement of work.

1.25	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.
1.26	Contaminated material must not be used as fill on the site. Any filling must be undertaken using inert materials only.	At all times.
1.27	<p>Waste material as a result of demolition works and excavation works must not be used as fill where the material includes the following as defined within the <i>Environmental Protection Regulation</i>:</p> <ul style="list-style-type: none"> <li>• Commercial waste;</li> <li>• Construction or demolition waste;</li> <li>• Domestic clean-up waste;</li> <li>• Domestic waste;</li> <li>• Garden waste;</li> <li>• Industrial waste;</li> <li>• Interceptor waste;</li> <li>• Recyclable biodegradable waste;</li> <li>• Recyclable waste; and</li> <li>• Regulated waste.</li> </ul> <p>All waste material above as defined within the <i>Environmental Protection Regulation</i> must only be disposed at a waste facility approved for the receipt of waste.</p>	At all times.
1.28	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> <li>• Milling;</li> <li>• Chipping and/or mulching; or</li> <li>• Disposal at an approved waste disposal facility;</li> </ul> <p>No incineration of vegetation or waste will be permitted at the site. Waste other than vegetation waste, generated as a result of the operational works shall be disposed of to an approved disposal facility via an approved waste receptacle and/or collection service.</p>	At all times.
	<b>ACCESS</b>	
1.29	Applicant is required to construct 5.5m minimum concrete access for the full access handle.	As part of operational works.
1.30	Concrete driveway to be 150mm thick with SL82 mesh placed centrally.	As part of Operational works.
1.31	Landowners are to be notified that they will be responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards.	At all times and to be maintained.

1.32	Construct a 3 point turn arrangement at the south eastern end of the access driveway.	Prior to request for endorsement of the Plan of Subdivision.
	<b>STORMWATER</b>	
1.33	Ensure Stormwater drainage is delivered to a lawful point of discharge.	At all times.
1.34	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.
1.35	Stormwater drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
1.36	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.
	<b>TRAFFIC CONTROL</b>	
1.37	All works on or adjacent to roadways must be adequately signed in accordance with the " <i>Austroads Guide to Temporary Traffic Management</i> ".	At all times.
1.38	Any Road or lane closure must be applied for in writing to Council, and all conditions of that approval complied with during construction of the works.	As required.
	<b>EROSION CONTROL</b>	
1.39	Erosion and sedimentation controls shall be implemented, in line with IECA Best Practise documentation, and shall be maintained to Council's satisfaction at all times during the course of the project and the ensuing defects liability period. Should proposed controls prove to be ineffective, Council will require the developer to install additional measures.	At all times.
1.40	No construction works may commence on subject sites until appropriate Sediment and Erosion Controls have been implemented.	Prior to commencement of works.
1.41	Grass turf shall be provided within all stormwater swales on completion of earthworks.	Prior to commencement of on maintenance period.
1.42	All disturbed areas of the Land are to be left in a geotechnically stable state and revegetated.	Prior to commencement of on maintenance period.

1.43	Measures shall be applied to Council's satisfaction to prevent site vehicles tracking sediment and other pollutants onto adjoining streets during the course of the project, and to prevent dust nuisance during construction and the ensuing defects liability period.	At all times.
1.44	Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by the action of running water shall be stored clear of drainage paths and prevented from entering the road and/or drainage system.	At all times.
1.45	Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion, debris and/or sediment from the site, then such works shall be at the developer's expense. Such works shall be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.	As required.
1.46	The site shall be maintained in a clean orderly state.	At all times.
	<b>COMPLETION OF WORKS</b>	
1.47	At the time of completed works and prior to any "on maintenance" inspections the applicant shall submit a condition compliance checklist confirming all conditions of the Operational Work approval have been complied with.	Prior to on maintenance inspections.
1.48	<p>Following satisfactory inspection of the completed works, and acceptance of the works "on maintenance" for a minimum 12 months for civil works, a "defects liability period" will apply from the commencement of the "on maintenance" period. The Applicant is to carry out any necessary maintenance or repairs to non-conforming work, defects and/or damage to any works undertaken in relation to this approval, even where damage has resulted from a third party activity.</p> <p>During this time, a bond or other security equal to 5% of the operational works will be retained to ensure correction of any defects in the constructed works.</p> <ul style="list-style-type: none"> <li>• Payment of this bond or other security is required prior to Council accepting the works "on maintenance".</li> <li>• "On Maintenance" approval required prior to sealing of the Plan of Survey for each stage.</li> <li>• The bond or other security will be entirely forfeited to Council should there be any failure by the applicant to undertake all works considered by Council as necessary to rectify any non-complying works and to protect public safety.</li> <li>• In the event that the bond or other security is insufficient, Council reserves the right to seek restitution.</li> </ul> <p>At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "off maintenance".</p>	For the duration of the on-maintenance period.

	Bonds or other securities will be released after works have been placed "off maintenance".	
1.49	<p>The "on maintenance" period commences only when Council provides written confirmation that all of the following are completed:</p> <ul style="list-style-type: none"> <li>• The satisfactory completion of all works and conditions of operational works approval;</li> <li>• The provision of all necessary test and quality audit requirements;</li> <li>• The lodgement with Council, of certification from an RPEQ that the works have been undertaken in accordance with the approved plans and specifications and to Council's requirements;</li> <li>• The lodgement of "on maintenance" bond or security;</li> <li>• The submission of "As Constructed" data in the required format; and</li> <li>• Compliance with the conditions of approval for any Operational Works, Reconfiguring a Lot and any other approvals on the subject site.</li> </ul>	Prior to request for endorsement of the Plan of Subdivision.
1.50	The request for the development to be placed "On Maintenance" and "Off Maintenance" shall be in writing.	As required.
1.51	<p>At completion of the operational works, suitable "As-Constructed Drawings" shall be submitted to the Council electronically in AutoCAD and PDF format using the Asset Design As Constructed (ADAC) specifications. The "As-Constructed Drawings" or data capture methods, including an asset register as required by the Council shall be checked and certified by a Registered Professional Engineer of Queensland (RPEQ) in accordance with Council's development manual. "As Constructed" data shall be provided for the following elements where applicable:</p> <ul style="list-style-type: none"> <li>• Access details;</li> <li>• Drainage;</li> <li>• Topographical Detail; and</li> <li>• Cadastre (as a reference feature).</li> </ul>	As required by the condition.
1.52	Certification must be given to Council by a Registered Professional Engineer in Queensland (RPEQ) that the works have been completed in accordance with the approved plans and specifications and to Council's requirements.	Prior to works going on maintenance.

## **SCHEDULE 2 – ADVICE**

### *Assessment Manager*

This approval does not extend to the following;

- Provision of electrical networks, or street lighting;
- Telecommunications facilities;
- Water Supply and Sewerage infrastructure; and
- Landscaping.

In approving plans for this project, Council has carried out an audit check of information submitted. Accordingly, Council has placed reliance on the certificate of design that the approved plans are correct and in accordance with required engineering standards.
This approval has effect in accordance with the provisions of section 71 of the <i>Planning Act 2016</i> . [A copy of section 71 will be enclosed with the Decision Notice]
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.
This development approval is for the proposed development only. Any additional uses/structures, if triggers assessable development, may require their own planning approval and will be assessed on its own merits.
<p>Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.</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 Restricted Area as well as general information can be viewed on the DAF website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a></p>
All works shall be carried out in accordance with the <i>Workplace, Health &amp; Safety Act (as amended)</i> and the <i>workplace Health and Safety Regulation (as amended)</i> .
<p>Upon receiving the certification by a RPEQ, and submission and approval of as constructed drawings and documentation, Council will accept the works as "On Maintenance".</p> <p>Council will bond the developer for an amount equal to 5% of the operational works and the Developer is required to maintain all works for a period of 12 months for civil works and 18 months for landscaping (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.</p> <p>At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".</p>
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.



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

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

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Development Application No. 24325</b>
	<b>Development Application for a Reconfiguring a Lot - one into three lots</b>
<b>File No:</b>	<b>DA24325</b>
<b>Assessment No:</b>	<b>00666-00000-000</b>
<b>Action Officer:</b>	<b>SP-MW</b>

## 1.0 APPLICATION SUMMARY

### Property details

Location:	67 Lakeview Drive, Esk
Real property description:	Lot 3 RP153765
Site area:	2.694ha
Current land use:	Dwelling house
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 Four)
Zone:	General residential zone
Precinct:	Park residential precinct
Overlays:	OM3 Biodiversity overlay
	OM4 Bushfire hazard overlay
	OM8 High impact activities management area overlay
	OM10 Landslide hazard overlay
	OM12 Scenic amenity overlay

### Application details

Proposal:	Reconfiguring a Lot – one into three lots
Category of assessment:	Code assessment
Applicant details:	Jackie Hughes
	C/- T J Kelly Surveys Pty Ltd
	PO Box 221
	BEAUDESERT QLD 4285
Owner details:	Jacqueline Hughes
Date application received:	26 October 2023
Date application properly made:	26 October 2023

<b>Referrals</b>	None required
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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.



**Locality Plan of Lot 3 RP153765  
Situated at 67 Lakeview Drive, Esk**

## **2.0 PROPOSAL**

This development application seeks approval for a Reconfiguring a Lot - one into three lots, on land at 67 Lakeview Drive, Esk, formally described as Lot 3 RP153765.

The application seeks to create two additional lots at the front of the site, with lot sizes of 5,559m<sup>2</sup> for Lot 10 and 4,325m<sup>2</sup> for Lot 11 respectively.

Proposed Lot 3, which contains the existing house, will have an area of 1.71 hectares. Lot 3 will be created as a rear lot with an access handle width of 7m. The access handle follows an existing driveway, bounded on both sides with timber post and wire fencing.

## **3.0 SITE DETAILS**

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

The site is a regular shaped allotment with frontage to Lakeview Drive at the southern boundary.

The site contains an existing house. Surrounding lots also contain dwelling houses and associated buildings and structures.

The site contains a broad ridge top that runs south to north. The front section of the site is relatively flat. The southern corner of the site slopes gently to the east. The southwestern corner of the site starts to slope to the northwest. The west facing slope of the site becomes progressively steeper, increasing to a gradient exceeding 30%.

### **3.2 Access**

Access to the new lots will be via new crossovers to Lakeview Drive, which is an Access Street in Council's road hierarchy. As the development is for reconfiguring a lot, the new crossovers will require a Road Access Application from Council's Operations Department.

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

The land is within the General residential zone – Park residential precinct, 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:

- (k) does not impact on any regulated vegetation;
- (l) does not impact on any koala habitat areas to the extent of exceeding exemption thresholds;
- (m) is not located within a koala priority area;
- (n) is not located in proximity to a Queensland heritage place or local heritage place;
- (o) 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 Four)**

###### **5.6.1 Strategic framework assessment**

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

###### **5.6.2 Code compliance summary**

The assessment below identifies how the development proposal achieves the assessment

benchmarks and where the development proposal:

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

Applicable code	Compliance with overall outcomes	Performance outcomes
Reconfiguring a lot code	Yes	PO1, PO11, PO12, PO13
Services works and infrastructure code	Yes	No alternative outcomes proposed
Transport access and parking code	Yes	PO11
Applicable overlay code	Compliance with overall outcomes	Performance outcomes
Biodiversity overlay code	Yes	PO3
Bushfire hazard overlay code	Yes	PO1
Landslide hazard overlay	Yes	No alternative outcomes proposed
Scenic amenity overlay	Yes	No alternative outcomes proposed

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

### 5.6.3 Performance outcome assessment

#### Reconfiguring a lot code

Performance outcome	Acceptable outcome
<b>Lot size and subdivision design</b>	
<b>PO1</b> <i>Lot size and dimensions:</i> (e) provide sufficient area for the siting and construction of buildings and structures; (f) provide for safe vehicular and pedestrian access; (g) respond appropriately to site characteristics including slope of the land and topography; and (h) are consistent with the intended character of the zone.	<b>AO1.1</b> The minimum <i>lot</i> size and dimensions complies with <b>Table 8.3.4.3.B</b> – Minimum Lot Size and Dimensions.
<b>Proposal</b> The lots achieve the minimum size required for the Park Residential Precinct. An Alternative Solution is however submitted for Council's consideration in regards to the 40 metre minimum frontage.  Proposed Lot 10 will have a frontage of 27 metres. This is considered acceptable given the circumstances of the allotment. The proposed lot boundary will follow the established fence line and driveway servicing the house. Using the fence as the boundary ensures	

minimal disturbance to the site. This in turn protects the established character of the property.

The indicative building areas shown on the Proposal plan demonstrate compliance with the Performance Outcome. All lots exceed the minimum area and are appropriately sized to ensure ample building opportunities for subsequent owners.

The new lots will have safe access from Lakeview Drive. The frontage will comply with PO2 below which makes allowance for irregular shaped lots. The average width achieved is approximately 49 metres.

The boundaries respond to the natural features and will minimise clearing. The lots are construction ready.

#### **Performance Outcome Assessment**

All three lots exceed 4,000m<sup>2</sup>.

Minimum frontage is 40m.

Lot 10 has a frontage of 27.19m, but the lot widens out to approximately 62m wide.

Lot 11 has a frontage of 69.78m.

Lot 3, the proposed rear lot has a frontage of 7.39m

Based on the proponent's comments, it is recommended that the alternative outcome be accepted in this instance.

#### **Movement network and access**

##### **PO11**

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

##### **AO11**

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

#### **Proposal**

This performance outcome is considered more relevant to new development sites as opposed to infill development.

#### **Performance Outcome Assessment**

The site is over 3km from the nearest main road. It is not reasonable to require public transport to this part of Esk.

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

##### **PO12**

A network of pedestrian and cycle ways is provided having regard to:

- (a) opportunities to conveniently and safely link open space networks, and community facilities, including public transport stops, local activity centres and schools;
- (b) topography;
- (c) cyclist and pedestrian safety;

##### **AO12**

No acceptable outcome.

(d) the principles of crime prevention through environmental design; (e) likely user volumes and types; (f) convenience; and (g) accessibility.	
<p><b>Proposal</b>          This performance outcome is considered more relevant to new development sites as opposed to infill development.</p> <p><b>Performance Outcome Assessment</b>          The development involves the creation of two additional park residential lots in an area that is not relevant for pedestrian paths or cycle ways.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	
<p><b>PO13</b>          Rear <i>lot</i> access is appropriately managed to reduce vehicular conflict and provide legal access.</p>	<p><b>AO13.2</b>          The maximum length of an access handle for a rear allotment is 50 metres.</p>
<p><b>Proposal</b>          An Alternative Solution is submitted. The access handle has a length of approximately 71 metres. This is considered acceptable given that it is an existing access. Reducing the length of the access handle would in turn reduce the width of the lot which is not considered a good outcome. The proposed access handle is appropriate for the site given the circumstances. Compliance with the Performance Outcome is achieved.</p> <p><b>Performance Outcome Assessment</b>          The development comprises two park residential lots at the front of the site. The shape of the two front lots reduce the proposed length of the access handle. The access handle follows an existing driveway which is fenced on both sides.</p> <p>It is recommended that the alternative outcome be accepted in this instance.</p>	

### Transport, access and parking code

Performance outcome	Acceptable outcome
<b>Vehicle standing and manoeuvring areas</b>	
<p><b>PO11</b>          Long driveways are designed and treated to soften their visual appearance when viewed from the street frontage.</p>	<p><b>AO11</b>          Internal driveways (except in the Rural zone) do not exceed 50 metres in length.</p>
<p><b>Proposal</b>          An Alternative Solution is submitted. The access handle has a length of approximately 71 metres. This is considered acceptable given that it is an existing access. Reducing the length of the access handle would in turn reduce the width of the lot which is not considered a good outcome. The proposed access handle is appropriate for the site given the circumstances. Compliance with the Performance Outcome is achieved.</p> <p><b>Performance Outcome Assessment</b></p>	

The development comprises two park residential lots at the front of the site. The shape of the two front lots reduce the proposed length of the access handle. The access handle follows an existing driveway which is fenced on both sides.

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

### Biodiversity overlay code

Performance outcome	Acceptable outcome
<b>Matters of State Environmental Significance</b>	
<b>Where in an Urban Area</b> <b>PO3</b> Management arrangements facilitate the ongoing conservation and protection of nature conservation and biodiversity areas within <i>Urban Areas</i> .  Note - A supporting Ecological Site Assessment is prepared in accordance with <b>SC6.1 - Planning Scheme Policy 1 – Ecological Site Assessment Guidelines</b> .	<b>Where in an Urban Area</b> <b>AO3.1</b> Areas that are mapped as containing MSES on <b>Biodiversity overlay maps OM003a-b</b> are dedicated as public open space for purposes consistent with the ecological values and functions of the area.
<b>Proposal</b> Not applicable.	
<b>Performance Outcome Assessment</b> The site is in an Urban area, however the site is not indicated as a proposed park area.  Based on the proponent's comments, it is recommended that the alternative outcome be accepted in this instance.	

### Bushfire hazard overlay code

Performance outcome	Acceptable outcome
<b>Bushfire hazard</b>	
<b>PO1</b> Development avoids being sited and does not increase the number of persons living or working on land subject to Very High (potential intensity) Bushfire Hazard or High (potential intensity) Bushfire Hazard identified on <b>Bushfire hazard overlay map OM-004a-b</b> ; unless it is demonstrated that: <ul style="list-style-type: none"> <li>(a) the subject land or the proposed siting of the development is in an area of the subject land that is a Medium (potential intensity) Bushfire Hazard (or lesser); or</li> <li>(b) bushfire mitigation measures are adequate for the potential bushfire intensity level of the site, being supported by a bushfire hazard risk assessment and bushfire management</li> </ul>	<b>AO1.1</b> Uses within the following <i>Activity groups</i> are located outside of a Very High (potential intensity) Bushfire Hazard or High (potential intensity) Bushfire Hazard identified on <b>Bushfire hazard overlay map OM-004a-b</b> : <ul style="list-style-type: none"> <li>(a) <i>Accommodation activities group</i>;</li> <li>(b) <i>Business activities group</i>;</li> <li>(c) <i>Community activities group</i>; and</li> <li>(d) <i>Entertainment activities group</i>;</li> </ul> <b>OR</b> <b>AO1.2</b> A site specific bushfire hazard and risk assessment is prepared to confirm that the subject land or proposed development site is not in a Bushfire Hazard Area or is in a

<p>plan which has been prepared by a suitably qualified person(s).  Note- A bushfire management plan is prepared in accordance with SC6.6 Planning Scheme Policy 6 –</p>	<p>Medium (potential intensity) Bushfire Hazard Area or lesser.</p> <p>Note- A bushfire hazard and risk assessment is prepared in accordance with SC6.6 Planning Scheme Policy 6 –</p> <p><b>OR</b></p> <p><b>AO1.3</b>  The development is sited, designed and operated in accordance with a bushfire management plan prepared by a suitably qualified person(s) which demonstrates that appropriate measures will be put in place to mitigate risks to life and property and/or lessen the bushfire (potential intensity) hazard level to the site.</p> <p>Note- A bushfire management plan is prepared in accordance with SC6.6 Planning Scheme Policy 6 –</p> <p><b>OR</b></p> <p><b>AO1.4</b>  New lots are designed with a size and shape:</p> <ul style="list-style-type: none"> <li>(b) capable of accommodating efficient emergency access to building for fire fighting vehicles through avoiding rear lot configurations and long narrow lots with long accessways to buildings on site; and</li> <li>(c) to ensure the buildings and structures are sited in the area of lowest potential intensity bushfire hazard on the lot and in accordance with a bushfire management plan to be conditioned on the Reconfiguring a Lot approval.</li> </ul> <p>Note- A bushfire management plan is prepared in accordance with SC6.6 Planning Scheme Policy 6 –</p>
<p><b>Proposal</b>  The rear of the site contains Very High and High (potential intensity) Bushfire Hazard. Proposed Lot 10 contains High (potential intensity) Bushfire Hazard. All of the balance of proposed Lot 10 and most of proposed Lot 11 is affected by Potential impact buffer to the High (potential intensity) Bushfire Hazard.</p> <p>The building envelopes for both lots will be within the Potential impact buffer.</p>	



A bushfire mitigation report has been prepared by Eldon Bottcher Bushfire Consulting addressing bushfire hazard on the site.

#### **Performance Outcome Assessment**

The Bushfire Mitigation Report identifies a number of requirements that need to be put in place to assist with the protection of future dwellings on proposed Lot 10 and 11. If approved, a condition will be included requiring all relevant components of the report to be implemented. In addition, a further condition will be included which requires the updating of this report as required, to ensure it remains contemporary and relevant.

Based on the proponent's comments, it is recommended that the alternative outcome be accepted in this instance, and in accordance with the bushfire consultant's recommendations.

#### **5.6.4 Overall outcome assessment**

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

### **5.7 Local government infrastructure plan**

#### **5.7.1 Priority infrastructure area**

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

#### **5.7.2 Infrastructure charges**

The proposed development is for a subdivision, which adopts a charge consistent with a three or more-bedroom dwelling under the *Somerset Regional Council Charges Resolution (No. 1) 2023*. In determining the appropriate charging area, the land is not located within the urban footprint of Charge Area A (being the urban footprint of Fernvale, Lowood and Kilcoy).

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

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

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

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

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

##### **5.7.3.3 Stormwater network**

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

An adopted charge for the stormwater network applies.

#### **5.7.3.4 Transport network**

The development creates two additional lots.

An adopted charge for the transport network applies.

### **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.

### **8.0 OTHER RELEVANT MATTERS**

There are no other relevant matters applicable for code assessment.

### **9.0 CONCLUSION**

The proposed development is for reconfiguring a lot for one into three lots. 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**

6. Proposal Plan, Lakeview Drive, Esk, drawn by TJ Kelly Surveys Pty Ltd, drawing no 4680-01, dated 4 October 2023.
7. Bushfire Mitigation Report FM6358, prepared by Eldon Bottcher Architect Pty Ltd, dated 6 October 2023
8. Draft Infrastructure Charges Notice

### **RECOMMENDATION**

THAT Council:

1. approve Development Application No. 24325 for a Reconfiguring a Lot - one into three lots on land situated at 67 Lakeview Drive, Esk, formally described as Lot 3 RP153765, 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, except where amended by these development conditions. Proposal Plan, Lakeview Drive, Esk, drawn by TJ Kelly Surveys Pty Ltd, drawing no 4680-01, dated 4 October 2023, including building envelopes. Bushfire Mitigation Report FM6358, prepared by Eldon Bottcher Architect Pty Ltd, dated 6 October 2023	At all times.
1.2	Amend the survey plan to widen the entrance to Lot 3 with a truncation that reflects the truncation of the existing post and rail fence	Prior to the request for approval of the Plan of Subdivision.
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 Somerset Regional Council any outstanding rates or charges or expenses that are a charge over the subject land levied by the council, including any charges that are levied but not fully paid over the subject land.	Prior to the request for approval of the Plan of Subdivision.
1.5	All development conditions of this Development Approval must be complied with at no cost to Somerset Regional 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.
1.7	A Registered Cadastral Surveyor must install new Survey Marks in their correct positions in accordance with the Plan of Subdivision and the endorsement of the work must be certified in writing.	Prior to the request for approval of the Plan of Subdivision.
1.8	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources. Currently, the amount is set at \$44.00 per allotment.	As part of the request for approval of the Plan of Subdivision.
1.9	Provide certification from a Registered Cadastral Surveyor that retained buildings and structures are set back a minimum of 1.5 metres from any boundary.	As part of the request for approval of the Plan of Subdivision.

	<b>Bushfire hazard</b>	
1.10	Undertake the development in accordance with the approved bushfire management plan, except as varied by these development conditions.	At all times.
1.11	Provide a 6m wide defensible space around the building envelope, cleared of midstorey vegetation.	Prior to the request for approval of the Plan of Subdivision and to be maintained.
1.12	Other than vegetation cleared for the purposes required by the conditions of this Development Approval for establishing the reconfiguration, vegetation must not be cleared unless otherwise approved by Council, a relevant State department or is accepted development under the Planning Scheme or other overriding Act.	Prior to construction phase and occurring at all times thereafter.
1.13	<p>It is the responsibility of the property owner to review and revise, where required, the recommendations and requirements of the Approved Bushfire Mitigation Report FM6358, prepared by Eldon Bottcher Architect Pty Ltd, dated 6 October 2023 listed within this Development Approval and must occur as follows:</p> <ul style="list-style-type: none"> <li>• On or before the maximum time period of validity for the report being 24 months from the date the report has been prepared; and</li> <li>• Where there are any changes to the relevant legislation that may impact the report outcomes; and</li> <li>• Where there are changes to vegetation (on or off the property) which may impact on the report outcomes; and</li> <li>• Any other changes that may impact on the recommendations of the report.</li> </ul>	Revised after 24 months from the date of report preparation and maintained at all times.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>GENERAL</b>	
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Region Planning Scheme</i> .	At all times.
2.2	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>VEHICLE ACCESS</b>	
2.3	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Region Planning Scheme</i> .	At all times.
2.4	The landowner is responsible for construction and maintenance of vehicular access for the property, from the	At all times.

	road carriageway to property boundary in accordance with <i>Somerset Region Planning Scheme</i> . Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	
2.5	Make an Access Application to Council and pay the required fees where an application involves works required as stated in the conditions.	Prior to Commencement of Access works.
	<b>STORMWATER</b>	
2.6	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.7	Stormwater drainage and flows are to have no 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.
2.8	Stormwater drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.9	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.
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.10	<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 applicant 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.
2.11	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.
2.12	Where vegetation is removed, the vegetation waste shall be disposed of by: <ul style="list-style-type: none"> <li>iv) Milling;</li> <li>v) Chipping and/or mulching</li> </ul>	At all times.

	vi) Disposal at an approved waste disposal facility. vii) Burning provided fire permits are in place.	
	Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.	
2.13	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 – 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> .		
Currency Period - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the plan of subdivision is not provided to the local government within the 'currency period' – being four (4) years starting the day the approval takes effect.		
The applicant may make representations (change representations) about a matter in this development application within the applicant's appeal period under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		
The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.		
The Applicant has the Right of Appeal to the Planning and Environment Court regarding the conditions of this approval.		
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.		
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 <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>		

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)

There are no Levied Charges related to this Development Approval.

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.

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

#### Attachments for the Decision Notice include:

1. Proposal Plan, Lakeview Drive, Esk, drawn by TJ Kelly Surveys Pty Ltd, drawing no 4680-01, dated 4 October 2023.
2. Bushfire Mitigation Report FM6358, prepared by Eldon Bottcher Architect Pty Ltd, dated 6 October 2023

#### This completes the report for Development Application DA24325.

<b>Resolution</b>	Moved – Cr Wendt	Seconded – Cr Brieschke
<p>“THAT Council:</p> <ol style="list-style-type: none"> <li>1. approve Development Application No. 24325 for a Reconfiguring a Lot - one into three lots on land situated at 67 Lakeview Drive, Esk, formally described as Lot 3 RP153765, subject to the recommended conditions and requirements contained in the schedules and attachments to this report.</li> <li>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 <i>Planning Act 2016</i>.</li> </ol>		
<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
No	Condition	Timing

1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation, and the plans and documents listed below, except where amended by these development conditions. Proposal Plan, Lakeview Drive, Esk, drawn by TJ Kelly Surveys Pty Ltd, drawing no 4680-01, dated 4 October 2023, including building envelopes. Bushfire Mitigation Report FM6358, prepared by Eldon Bottcher Architect Pty Ltd, dated 6 October 2023	At all times.
1.2	Amend the survey plan to widen the entrance to Lot 3 with a truncation that reflects the truncation of the existing post and rail fence	Prior to the request for approval of the Plan of Subdivision.
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 Somerset Regional Council any outstanding rates or charges or expenses that are a charge over the subject land levied by the council, including any charges that are levied but not fully paid over the subject land.	Prior to the request for approval of the Plan of Subdivision.
1.5	All development conditions of this Development Approval must be complied with at no cost to Somerset Regional 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.
1.7	A Registered Cadastral Surveyor must install new Survey Marks in their correct positions in accordance with the Plan of Subdivision and the endorsement of the work must be certified in writing.	Prior to the request for approval of the Plan of Subdivision.
1.8	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Resources.  Currently, the amount is set at \$44.00 per allotment.	As part of the request for approval of the Plan of Subdivision.
1.9	Provide certification from a Registered Cadastral Surveyor that retained buildings and structures are set back a minimum of 1.5 metres from any boundary.	As part of the request for approval of the Plan of Subdivision.
<b>Bushfire hazard</b>		



1.10	Undertake the development in accordance with the approved bushfire management plan, except as varied by these development conditions.	At all times.
1.11	Provide a 6m wide defendable space around the building envelope, cleared of midstorey vegetation.	Prior to the request for approval of the Plan of Subdivision and to be maintained.
1.12	Other than vegetation cleared for the purposes required by the conditions of this Development Approval for establishing the reconfiguration, vegetation must not be cleared unless otherwise approved by Council, a relevant State department or is accepted development under the Planning Scheme or other overriding Act.	Prior to construction phase and occurring at all times thereafter.
1.13	It is the responsibility of the property owner to review and revise, where required, the recommendations and requirements of the Approved Bushfire Mitigation Report FM6358, prepared by Eldon Bottcher Architect Pty Ltd, dated 6 October 2023 listed within this Development Approval and must occur as follows: <ul style="list-style-type: none"> <li>On or before the maximum time period of validity for the report being 24 months from the date the report has been prepared; and</li> <li>Where there are any changes to the relevant legislation that may impact the report outcomes; and</li> <li>Where there are changes to vegetation (on or off the property) which may impact on the report outcomes; and</li> <li>Any other changes that may impact on the recommendations of the report.</li> </ul>	Revised after 24 months from the date of report preparation and maintained at all times.

## **SCHEDULE 2 – ENGINEERING**

*Assessment Manager*

<b>No</b>	<b>Condition</b>	<b>Timing</b>
	<b>GENERAL</b>	
2.1	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Region Planning Scheme</i> .	At all times.
2.2	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>VEHICLE ACCESS</b>	
2.3	All vehicular access for new allotments shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Region Planning Scheme</i> .	At all times.
2.4	The landowner is responsible for construction and maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with	At all times.

	<i>Somerset Region Planning Scheme.</i> Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.	
2.5	Make an Access Application to Council and pay the required fees where an application involves works required as stated in the conditions.	Prior to Commencement of Access works.
	<b>STORMWATER</b>	
2.6	Ensure Stormwater drainage is delivered to a lawful point of discharge	At all times.
2.7	Stormwater drainage and flows are to have no 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.
2.8	Stormwater drainage and flows are to have no actionable nuisance effect on adjoining, upstream, or downstream landholders.	At all times.
2.9	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.
	<b>EROSION AND SEDIMENT CONTROL</b>	
2.10	<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 applicant 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.
2.11	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.
2.12	<p>Where vegetation is removed, the vegetation waste shall be disposed of by:</p> <ul style="list-style-type: none"> <li>viii) Milling;</li> <li>ix) Chipping and/or mulching</li> <li>x) Disposal at an approved waste disposal facility.</li> </ul>	At all times.

	xi) Burning provided fire permits are in place.  Waste other than vegetation waste, generated as a result of the operations shall be disposed of to an approved disposal facility.	
2.13	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 – 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> .		
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*Carried*

*Vote - Unanimous*

<b>Subject:</b>	<b>Request for Exemption Certificate for use of former storage building as Clubhouse and Extension at Lowood Football Grounds</b>
<b>File Ref:</b>	<b>Exemption Certificate EC0057</b>
<b>Action Officer:</b>	<b>SP-MW</b>

### **Background/Summary**

Brisbane Valley Soccer Club seek to utilise an existing equipment shed at the Lowood Football Grounds located at Lindemans Road, Lowood, also described as Lot 59 RP854663 as a new clubhouse, and extensions to the building for toilets and change rooms.

*We are writing to formally request an exemption of the Development Application to convert the current Brisbane Valley Soccer Club ("The Club") building from an equipment shed to a clubhouse.*

*The Club is aware of the need to make changes to the existing building in order for the shed to comply with the requirements of a Clubhouse. The Club is prepared, willing and able to make the necessary changes and to work with Council and other organisations to achieve this outcome.*

*Brisbane Valley Soccer Club was established in 1991 and has continued to grow over the last 30 years.*

*Brisbane Valley Soccer Club caters for a diverse range of members of the community. Currently our membership is around 300 players, which includes, participation from both females and males, Aboriginal and Torres Strait Islanders, people with disabilities and ages from 5 to over 50.*

*Currently Brisbane Valley Soccer Club hosts matches every Saturday and training on Monday and Wednesday afternoon and evenings. On these days the Club can have in excess of 300 people, coming into the grounds from the local community as well as spectators and players from outside the Somerset Region.*

The subject land is identified in the *Recreation and open space* zone, with the proposed use being defined as an *Outdoor sport and recreation*. Under the Planning Scheme, the proposed new use would be categorised as 'accepted development subject to requirements', however, in this instance the land is affected by the Flood hazard overlay map. Council's Flood hazard map identifies the site as a Significant Flood Hazard area.

Consequently, for the existing equipment shed to be utilised as a Clubhouse and extensions to the building, a material change of use application would be required, subject to code assessment. Council has received a request by Brisbane Valley Soccer Club for an Exemption Certificate for the proposed use of the shed.

At the Ordinary Meeting of Council on 9 February 2022, Council approved a previous request for an exemption certificate, however the certificate is unlikely to be actioned prior to the lapsing of the certificate on 14 February 2024. Between the time of the previous exemption certificate and the current exemption certificate request the membership has increased from 200 players to 300 players.

The existing building does not involve any new building works, it is compliant with the requirements of the Recreation and open space zone code.

The extension to the building would not achieve compliance with the minor building works criteria under the Planning Scheme. The extension to the building would require assessment against the:

- Recreation and open space zone code
- Recreation activities code
- Services, infrastructure and works code
- Transport, access and parking code
- Catchment management overlay code
- Flood hazard overlay code.

Section 46(3) of the *Planning Act 2016* allows the local government to give an exemption certificate if any of the following apply:

- i. the effects of the development would be minor or inconsequential, considering the circumstances under which the development was categorised as assessable development;
- ii. the development was categorised as assessable development only because of particular circumstances that no longer apply;
- iii. the development was categorised as assessable development because of an error.

- (i) The effects of the development would be minor or inconsequential. The development is a relatively minor modification to the existing soccer equipment shed. While it is arguable the development may generate additional numbers of persons, the proposed clubhouse is ancillary to the operation of the sports grounds. As a consequence, if there was a flood event affecting the site, it is likely the sports grounds would not be operating and therefore the clubhouse would not be open in those circumstances.

It is considered that the change of use within the established building will not result in any additional adverse impacts on the hydrological functions of the land beyond those already expected/experienced. Further, it is considered that the proposed use will not place a greater number of persons at risk from a flood event than is tolerable at this location.

The effects of the development are considered to *be minor and inconsequential* in the circumstances in which the development was categorised as assessable development, in that the proposed use will occur within an existing building with a tolerable risk to flooding in any area anticipated for community uses to occur.

**In summary, the effect of the development is inconsequential considering the minor extension and ancillary nature of the clubhouse and the operation of the existing sports grounds.**

- (ii) the development was categorised as assessable development only because of particular circumstances that no longer apply; Council has not implemented a change to the scheme, nor a policy that had been accepted by the State, nor a version of the planning scheme that had been approved but not yet adopted, that would alter the particular circumstances for this type of development.

The Somerset Region Planning Scheme states:

*Outdoor sport and recreation* is accepted development subject to requirements if:

- (a) *involving no building work or only minor building work; and*
- (b) *complying with all the identified requirements in the Recreation and open space zone code.*

*Minor building work* is defined as follows:

*minor building work means building work that increases the gross floor area of a building by no more than the lesser of the following—*

- (a) *50m<sup>2</sup>;*
- (b) *an area equal to 5% of the gross floor area of the building*

Gross floor area is defined as follows:

*gross floor area, for a building, means the total floor area of all of the building, measured from the outside of the external walls or corner posts and the centre of any common walls of the building, for all open structure, measured between the supporting points other than areas used for—*

- (a) *building services, plant or equipment; or*
- (b) *access between levels; or*
- (c) *a ground floor public lobby; or*

- (d) a mall; or
- (e) parking, loading or manoeuvring vehicles; or
- (f) unenclosed private balconies, whether roofed or not.

The development proposes an extension of 30.46m<sup>2</sup> for change rooms, and male and female toilets with an area of 44.47m<sup>2</sup> (total 75m<sup>2</sup> extension).

As such the use does not constitute minor building work, however the increase in GFA only relates to ancillary facilities directly associated with the operation of the sports fields. The use however complies with the identified requirements in the Recreation and open space zone code.

It could be contended that the extension to the proposed toilets and change rooms are not an intensification of the use, in that they would be for use by persons already attending the site, as well as for changing for home and visiting teams, however the building extension does exceed 50m<sup>2</sup> or 5% of the gross floor area of the building, and as such would typically trigger the Code assessable criteria for the use.

**It is considered the proposal therefore does not comply with the criteria applicable under Section 46 (3).**

- (iii) the development was categorised as assessable development because of an error.

The use of the building as a clubhouse, is ancillary to the use of the site as sporting fields.

However the criteria referencing “no building work or only minor building work” is a consistent criteria for Accepted development subject to requirements” across all of the Categories of development and assessment for a variety of uses, and within all of the zones in the Planning Scheme. As such, the development has not been categorised in error.

**It is considered the proposal does not comply with the criteria applicable under Section 46 (3).**

The Exemption Certificate will be limited to the extent specified. Any future development or change of use may trigger the need for a material change of use application.

## Attachments

Attachment 1 – Proposal plans

## Recommendation

THAT Council approve the request for an Exemption Certificate for Outdoor sport and recreation (applying to utilise an existing equipment shed as a new clubhouse and building extension of 75m<sup>2</sup> for toilets and change rooms), on land described as Lot 59 RP854663, and situated at Lindemans Road, Lowood.

### Resolution

Moved – Cr Whalley

Seconded – Cr Gaedtke

THAT Council approve the request for an Exemption Certificate for Outdoor sport and recreation (applying to utilise an existing equipment shed as a new clubhouse and building extension of 75m<sup>2</sup> for toilets

and change rooms), on land described as Lot 59 RP854663, and situated at Lindemans Road, Lowood.

*Carried*

*Vote - Unanimous*

<b>Subject:</b>	<b>Kilcoy Streetscape Revitalisation Project – Master Plan Report</b>
<b>File Ref:</b>	<b>Planning and Development</b>
<b>Action Officer:</b>	<b>DPAD</b>

### Background/Summary

Somerset Regional Council engaged consultants, AECOM, to assist in delivering the Kilcoy Streetscape Revitalisation project. A major deliverable of the project was the delivery of the Master Plan (Attachment 1) report that defines the critical issues for Kilcoy and provides a clear and compelling rationale for the proposed changes to the town centre.

The master plan illustrates a long-term vision and specific initiatives that promote the gateways and sense of arrival, provide a new town green to act as a central heart and shady, green and safe connections designed with people in mind.

This shared vision and master plan provides a foundation for Council, business owners and residents to work together to implement the priority outcomes in a staged and sequenced way for the benefit of Kilcoy.

### Engagement Process

Community engagement underpinned the project, which provided opportunities for local residents, workers and business owners to co-define the challenges and opportunities as well as co-design the vision and master plan.

Council carried out engagement activities between May and September 2023, allowing necessary time to raise the profile of the project and ensure the community had opportunities to 'Have Their Say'.

The engagement program was divided into two phases and there were several community and stakeholder touch points. They included:

#### Phase 1: Place Positioning + Engagement

- Online engagement #1: Was hosted via council's website in the form of a survey. It featured 10 questions and the survey was open from the 10th of May to the 10th of June. The online survey was promoted to local school students. Over 100 responses were received from Year 12 and 8 students in the area. This information is of significant value to the project team in terms of understanding the perspective of the region's youth, a demographic group traditionally under-represented in traditional engagement processes.
- Trader door knock: The trader door knock was held on the 10th May during which the team visited over 20 local traders. The trader door knock was primarily an opportunity to build rapport with local business owners and to invite them to attend the breakfast. It was also an opportunity to promote the online engagement.
- Stakeholder breakfast: The stakeholder breakfast was held on the 23rd of May at the Kilcoy Visitor Information Centre. Approximately 35 people attended this session



including local businesses, stakeholder groups, Councillors, Council staff and members of the community. The breakfast ran for 90 minutes and served to clearly introduce the project and explore aspirations for the future.

- Market pop-up #1: Market pop-up engagement occurred at the monthly Yowie Markets on the 27th of May. Members of the project team were available for the duration of the markets from 7am-12:30pm. The pop-up featured a number of activities encouraging community to share their thoughts and ideas. Over the course of the day the team had more than 50 conversations with interested stakeholders who were visiting the markets along with stall operators.
- Co-design workshop: The co-design workshop was an important touch point, held on then 7th of June. There were over 40 attendees representing a variety of local backgrounds. This session was an opportunity to unpack the ideas and aspirations gathered to date and to start looking at way this information could be translated through on the group improvements.

## Phase 2: Master Plan Development

- Online engagement #2: Was hosted via council's website in the form of a survey. It featured a number of questions with supportive imagery to depict key messages of the draft master plan.
- Market pop-up #2: Market pop-up engagement occurred at the monthly Yowie Markets on the 29th of July. Members of the project team were available for the duration of the markets from 7am-12:30pm.
- Final community feedback session: Held on the 14th September 2023 in Kilcoy. This was the final engagement touch point.



Co-design workshop

## Implementation and Next Steps

The preparation of the Kilcoy Streetscape Revitalisation Project is the first step in the process. Delivery relies on the Somerset Regional Council and key stakeholders working together to deliver the outcomes that benefit Kilcoy.

The next steps in the Kilcoy Streetscape Revitalisation Project include:

- On-going engagement between Somerset Regional Council and key stakeholders
- Developing a program for delivery of the master plan and initiatives
- Investment attraction and marketing the business and development opportunities

- Activation overlay and events planning
- Assigning a Place Manager to coordinate activities
- Measuring progress and effectiveness of the strategy.

### Attachments

Attachment 1 – Kilcoy Streetscape Revitalisation Project Master Plan Report

### Recommendation

THAT Council adopt the Kilcoy Streetscape Revitalisation Master Plan Report and approve commencement of implementation in 2024.

#### Resolution

Moved – Cr Gaedtke

Seconded – Cr Wendt

“THAT Council adopt the Kilcoy Streetscape Revitalisation Master Plan Report and approve commencement of implementation in 2024”.

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Consultation Paper – Food Act 2006 – Proposal to Require State Food Businesses to be Licensed</b>
<b>File Ref:</b>	<b>Environmental Management/Reports/Environmental Health Reports</b>
<b>Action Officer:</b>	<b>ESM</b>

### Background/Summary

Council has received the attached correspondence from Queensland Health inviting feedback on a proposed legislative amendment to bind the State of Queensland to provisions of the *Food Act 2006* (binding the Crown). Under the proposed changes, State run food businesses would be subject to licensing and regular monitoring under the *Food Act 2006* (the Food Act). Examples of State-run food businesses are public hospitals, State school tuckshops, public residential care facilities, correctional centres and Queensland Rail food services.

It should be noted that the decision to bind the Crown will be a matter for the Minister and the Queensland Government to decide, however the attached consultation paper seeks feedback on the most preferred regulatory approach. The below three options are proposed in the consultation paper:

- Option 1: Regulation by local governments as for all other licensed food businesses.
- Option 2: Regulation by Queensland Health.
- Option 3: Regulation by a joint system of both Queensland Health and local government.

A recent article published by the Local Government Association of Queensland (LGAQ) states:

“The LGAQ has previously highlighted, in submissions and in consultation with our members, local governments strong opposition to any further cost shift by delegating further businesses to local government enforcement. Therefore, only option 2 (Regulation by Queensland Health) is considered suitable.”

Council officers agree that the devolution of responsibilities proposed under options 1 and 3 will have resource implications on Council. Council officers propose to provide feedback to Queensland Health on the consultation paper to confirm that should the Queensland Government decide to implement a legislative amendment of the *Food Act 2006* to bind the Crown; Council only supports option 2 (Regulation by Queensland Health).

### Attachments

1. Letter to Council from Queensland Health inviting feedback on a proposal to bind the Crown under the *Food Act 2006*.
2. Consultation Paper: *Proposal to require State food businesses to be licensed (binding the Crown)*.

### Recommendation

THAT Council:

1. Make a submission to Queensland Health regarding the consultation paper titled, *Proposal to require State food businesses to be licensed (binding the Crown)* confirming that should the Queensland Government decide to implement a legislative amendment of the *Food Act 2006* to bind the Crown; Council only supports option 2 (Regulation by Queensland Health).
2. Provide a copy of Council's submission to the Local Government Association of Queensland.

### Resolution

Moved – Cr Choat

Seconded – Cr Brieschke

“THAT Council:

1. Make a submission to Queensland Health regarding the consultation paper titled, *Proposal to require State food businesses to be licensed (binding the Crown)* confirming that should the Queensland Government decide to implement a legislative amendment of the *Food Act 2006* to bind the Crown; Council only supports option 2 (Regulation by Queensland Health).
2. Provide a copy of Council's submission to the Local Government Association of Queensland.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Application for Temporary Entertainment Event – Elements Festival 25 January 2024 to 29 January 2024</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 Elements AU Pty Ltd (Ref: 1559072,1562363) to conduct a music festival located at Lot 2 SP228062, Sunday Creek Road, Jimna. The proposed event is called “Elements Festival 2024” and will involve live music, dance, arts and market stalls. Camping will be provided onsite.

The event is proposed to be operated for five days from 10am Thursday 25 January 2024 until 12pm Monday 29 January 2024. The applicant has advised that the expected attendance rate at the event is 4,000 patrons and 1,000 staff.

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

### Assessment of Application

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

Criteria – LL, Section 9(1)(a)	If the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government’s planning scheme—the separate approval has been granted; and
<b>Officer comment</b>	<p>The applicant has advised that BYO alcohol will be allowed at the event. No permit will be required from the Office of Liquor and Gaming Regulation.</p> <p>Council’s planning section has advised the following in relation to the application:</p> <ul style="list-style-type: none"> <li>• The threshold for a temporary use of this nature is up to 7 days per year. A previous approval to operate a two-day temporary entertainment event called “Jungle Love Camp out” was approved by Council and operated from 8 September to 9 September 2023.</li> <li>• The current application (Elements Festival 2024) relates to a 5-day event which, if approved, would not exceed the 7-day threshold by three days.</li> <li>• The landholder has made a material change of use application (DA22670) over this site for a Major Sports Recreation and Entertainment Facility - Temporary Entertainment Events, which proposes to enable events for up to 25 days in a year. The application is currently being assessed.</li> </ul>
Criteria – LL, Section 9(1)(b)	The proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
<b>Officer comment</b>	<i>Medical</i>

	<p>Council requested comment from the Queensland Ambulance Service (QAS) about the proposed event. QAS recommended that a comprehensive medical plan be provided from the event organiser via the private medical provider, to ensure adequate medical coverage.</p> <p>The applicant provided a medical plan which has been reviewed by QAS and deemed to be adequate.</p> <p>The applicant has advised that onsite medical services will be provided by SecMedic Medical services who will provide first responders, registered nurses, critical care nurses, paramedics and doctors, who will be staffing a Medical Assessment Tent (MAT).</p> <p>QAS have advise that they are satisfied with the decision of Elements AU Pty Ltd, not to engage QAS to attend the festival and further invest in onsite medical care. QAS have advised that subject to approval, they will review the event and the QAS case load and discuss future festivals with the organisers.</p> <p><i>Security</i> Council requested comment from the Queensland Police Service (QPS) who did state the event is held on private property and police will not be providing a physical presence or commitment to the venue. Any incidents that occur that require a police response will be a business as usual response.</p> <p>Further QPS advised that the dates of the festival are significant for QPS, being over Australia Day long weekend where there will be a policing commitment to other public events across the district. QPS have previously undertaken a high visibility and traffic enforcement presence in the Kilcoy area during previous Elements festivals at this site and this will again be considered.</p> <p>The applicant has advised that onsite security services will be provided by East Coast Security, which will include a team of 20 security guards for the event.</p> <p><i>Post Event Report</i> A condition of approval will require the approval holder to 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 paying attendees, artists and staff;</li> <li>• Any incidents during the event relating to public health and safety and the outcomes of those incidents;</li> <li>• 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.</li> </ul>
Criteria – LL, Section 9(1)(c)	<p>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</p>

	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</b>	Not applicable.
Criteria – LL, Section 9(1)(d)	The proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
<b>Officer comment</b>	Subordinate Local Law No.1.12 (Operation of Temporary Entertainment Events) 2011 prescribes criteria for the proposed activity. An assessment against that criterion is provided below.
Criteria – LL, Section 9(1)(e)	The grant of the approval would be consistent with the purpose of any relevant local law; and
<b>Officer comment</b>	The proposed activity is generally consistent with Council's local laws.
Criteria – LL, Section 9(1)(f)	If the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
<b>Officer comment</b>	The subject land is not trust land.
Criteria – LL, Section 9(1)(g)	If the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.
<b>Officer comment</b>	Not applicable.
Criteria – SLL, Section 4(1)	The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place.
<b>Officer comment</b>	<p>The expected attendance rate for the event is 4000 patrons and 1,000 staff. Other similar events have been hosted on the subject site and adequate space exists onsite for the activity to be held.</p> <p>Conditions of approval will require the operator to ensure appropriate electrical safety standards are complied with, and that any scaffolding or temporary shade structures are installed by appropriately qualified persons.</p>
Criteria – SLL, Section 4(2)	Entertainment provided at the place must not unreasonably detract from the amenity of the area in which the entertainment is, or is proposed to be, situated.
<b>Officer comment</b>	<p>It should be noted that the Elements Festival held in October 2022, generated complaints from the Jimna Village as well as properties located to the south and southeast of the event.</p> <p>Some of these complaints were from properties in the Sheep Station Creek, Mount Kilcoy and Sandy Creek areas which are located over 20km</p>

	<p>from the event site. Complainants stated that noise (particularly bass noise) could be heard late into the night and early mornings up to 3am.</p> <p>The applicant has submitted a noise management plan that has highlighted changes to the operation of the event to meet relevant noise criteria.</p>
Criteria – SLL, Section 4(3)	Entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.
<b>Officer comment</b>	<p>Please refer to the below noise criteria contained in the <i>Environmental Protection Act 1994</i> (the Act) for of open-air events:</p> <p><i>Noise Nuisance</i></p> <p><i>Section 440X sets the following noise standards for open-air events: The occupier of the premises must not use, or permit the use of, the premises for an open-air event on any day –</i></p> <ol style="list-style-type: none"> <li><i>a. Before 7am if the use causes audible noise; or</i></li> <li><i>b. From 7am to 10pm if the use causes noise of more than 70Db(a); or</i></li> <li><i>c. From 10pm to midnight, if the use causes noise of more than the lesser of the following –</i> <ol style="list-style-type: none"> <li><i>i. 50dB(A);</i></li> <li><i>ii. 10dB(A) above the background level.</i></li> </ol> </li> </ol> <p>The applicant submitted a Noise Management Plan and Noise Impact Assessment V2 to demonstrate how the event will comply with the Act. Council engaged an acoustic consultant to conduct a peer review of the report.</p> <p>The peer review highlighted a number of issues with Management Plan and Noise Impact Assessment and further raised a concern over whether operation of the festival could comply with noise criteria post 2200 hours.</p> <p>The applicant provided a second Noise Manage Plan and Noise Impact Assessment Rev 3 (attached), that has addressed the matters raised by Council's peer review and proposed a number of changes to ensure compliance with noise criteria which are summarised below:</p> <ol style="list-style-type: none"> <li>Changes to stage location and speaker directivity change (Love Camp Stage to face Southeast direction)</li> <li>Reduce sound levels with clear instructions (speakers on the ground position and placed at backstage for Sonic Sorcery stage, Tribal at the front edge of stage)</li> <li>Cardioid systems used in Tribal Council and Sonic Sorcery sound systems.</li> <li>Restrict hours of use; all sound systems are to be turned off at midnight.</li> <li>A proposed barrier along the southern boundary (Hay bale to isolate background noise)</li> <li>Live monitoring from two locations with remote access and audio.</li> <li>Additional spot measuring onsite/ responsive and prevent measures.</li> </ol>

	<p>8. Acoustic consultant to remain onsite for the entire duration of the event.</p> <p>9. A 24-hour complaint handling process will operate for the duration of the event.</p> <p><b>Dust and Light Nuisance</b></p> <p>Dust and light nuisance are not expected to be an issue, given the setback to sensitive receptors and topography of the surrounding area.</p>
Criteria – SLL, Section 4(4)	There must be enough toilets and sanitary conveniences provided for the event.
<b>Officer comment</b>	The applicant has advised that subject site does not have permanent amenities block. The applicant has 130 toilets, 120 hand basins, 24 showers. The number of toilets and showers required to be provided will be a condition should Council decide to grant an approval.
Criteria – SLL, Section 4(5)	Adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event.
<b>Officer comment</b>	The applicant has advised that over 100 wheelie bins are available at the venue which will be placed at strategic points throughout the entertainment area, markets area and campgrounds. Additionally, 2 x 30m <sup>3</sup> skips will be hired for the event. All waste will be disposed of at an appropriately licenced waste disposal facility.
Criteria – SLL, Section 4(6)	Adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event.
<b>Officer comment</b>	<p>Council's Operations Department has provided the following advice in relation to this event, which will be incorporated into any conditions of approval:</p> <ul style="list-style-type: none"> <li>• If event directional signage is to be displayed by the operator, then signage should not be erected any sooner than the morning of the event and must be taken down the night after the event is finished.</li> <li>• Any signage displayed on Department of Transport and Main Roads (DTMR) controlled roads will need approval from DTMR.</li> </ul>

### Attachments

1. Site Plans.
2. Event Management Plan.
3. Certificate of Insurance.
4. Elements Festival, Jimna 2024, Noise Management Plan Rev 3.

### Recommendation

THAT Council approve the temporary entertainment event called "Elements Festival 2024", to conduct a music festival proposed to be operated for five days from 10am Thursday 25 January 2024 until 12pm Monday 29 January 2024, on Lot 2 SP228062, Sunday Creek Road, Jimna, subject to the conditions listed below:



No.	CONDITION
<b>1.0</b>	<b>ENVIRONMENTAL/ LOCAL LAW</b>
1.1	The approval holder must: <ul style="list-style-type: none"> <li>• Display the approval in the manner, and at the locations, specified by the local government; and</li> <li>• Produce the approval for inspection by an authorised person on demand.</li> </ul>
1.2	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.
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 a music festival with a maximum attendance of 5000 people (4,000 patrons and 1,000 staff) at Lot 2 SP228062, Sunday Creek Road, Jimna, from 10am –Thursday 25 January 2024 until 12pm Monday 29 January 2024
1.5	The approval holder must provide the following number of toilets, sanitary conveniences, and showers for the event: Males: 100 toilets; 50 urinals; 67 hand basins; 50 showers Females: 200 toilets; 67 hand basins; 1 sanitary convenience bin per female toilet; 50 showers Unisex: at least 1 unisex toilet for patrons with a disability at each group of toilet facilities The approval holder must also provide separate toilet and hand washing facilities for food handlers.
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. All waste must be disposed of at an appropriately licenced waste disposal facility.
1.7	The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20 million dollars. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the event.
1.8	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.  “Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.
1.9	The temporary entertainment event must not cause an environmental nuisance as defined by the <i>Environmental Protection Act 1994</i> .
1.10	Noise associated with the event must not exceed the following levels at a sensitive receptor: (a) before 7am, if the use causes audible noise; or (b) from 7am to 10pm, if the use causes noise of more than 70dB(A); or

	(c) from 10pm to midnight, if the use causes noise of more than the lesser of the following— (i) 50dB(A); (ii) 10dB(A) above the background level.
1.11	The event must be operated in accordance with the Elements Festival Jiman 2024 Noise Management Plan, Noise Impact Assessment, REV 3, Project Number 5612.
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	All buildings, structures, vehicles, facilities, or equipment used in the operation of the temporary entertainment event must be maintained at all times: <ul style="list-style-type: none"> <li>• In good working order.</li> <li>• In good state of repair.</li> <li>• In a clean and sanitary condition.</li> </ul>
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 generally in accordance with the application material submitted to Council.
1.17	The approval holder must submit a final version of the Event Management Plan for approval by the Chief Executive Officer by Friday 5 January 2024.
1.18	The approval holder must ensure that the temporary entertainment event is run in accordance with the approved Event Management Plan.
1.19	The approval must maintain a complaints hotline and complaints handling process for the duration of the event.
1.20	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.
1.21	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.
1.22	The approval holder must have a minimum of 20 licensed security staff to be available on site at all times for the duration of the event.
1.23	The approval holder must comply with the Queensland Ambulance Services approved medical plan provided by SecMedic Medical services who will provide first responders, registered nurses, critical care nurses, paramedics, and doctors, who will be staffing a Medical Assessment Tent (MAT).
1.24	The approval holder must submit to Council, within 14 days of the event, a Post Event Report detailing: <ul style="list-style-type: none"> <li>• Total number of paying attendees, artists and staff;</li> <li>• Any incidents during the event relating to public health and safety and the outcomes of those incidents;</li> <li>• 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.</li> </ul>
<b>2.0</b>	<b>OPERATIONS</b>
2.1	Any event directional signage that is displayed should not be erected any sooner than the morning of the event and must be taken down the night after the event is finished.
2.2	Any signage displayed on Department of Transport and Main Roads (DTMR) controlled roads will need approval from DTMR.
2.3	The applicant must submit the Traffic Management Plan and Traffic Guidance Scheme for the event for approval by the Chief Executive Officer by Friday 5 January 2024.

Resolution		Moved – Cr Wendt	Seconded – Cr Brieschke
“THAT Council approve the temporary entertainment event called “Elements Festival 2024”, to conduct a music festival proposed to be operated for five days from 10am Thursday 25 January 2024 until 12pm Monday 29 January 2024, on Lot 2 SP228062, Sunday Creek Road, Jimna, subject to the conditions listed below:			
No.	CONDITION		
1.0	ENVIRONMENTAL/ LOCAL LAW		
1.1	The approval holder must: <ul style="list-style-type: none"><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.		
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 a music festival with a maximum attendance of 5000 people (4,000 patrons and 1,000 staff) at Lot 2 SP228062, Sunday Creek Road, Jimna, from 10am –Thursday 25 January 2024 until 12pm Monday 29 January 2024		
1.5	The approval holder must provide the following number of toilets, sanitary conveniences, and showers for the event: Males: 100 toilets; 50 urinals; 67 hand basins; 50 showers Females: 200 toilets; 67 hand basins; 1 sanitary convenience bin per female toilet; 50 showers Unisex: at least 1 unisex toilet for patrons with a disability at each group of toilet facilities The approval holder must also provide separate toilet and hand washing facilities for food handlers.		
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. All waste must be disposed of at an appropriately licenced waste disposal facility.		
1.7	The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20 million dollars. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the event.		
1.8	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.  “Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving		

	loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.
1.9	The temporary entertainment event must not cause an environmental nuisance as defined by the <i>Environmental Protection Act 1994</i> .
1.10	Noise associated with the event must not exceed the following levels at a sensitive receptor: (a) before 7am, if the use causes audible noise; or (b) from 7am to 10pm, if the use causes noise of more than 70dB(A); or (c) from 10pm to midnight, if the use causes noise of more than the lesser of the following— (i) 50dB(A); (ii) 10dB(A) above the background level.
1.11	The event must be operated in accordance with the Elements Festival Jiman 2024 Noise Management Plan, Noise Impact Assessment, REV 3, Project Number 5612.
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	All buildings, structures, vehicles, facilities, or equipment used in the operation of the temporary entertainment event must be maintained at all times: <ul style="list-style-type: none"> <li>• In good working order.</li> <li>• In good state of repair.</li> <li>• In a clean and sanitary condition.</li> </ul>
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 generally in accordance with the application material submitted to Council.
1.17	The approval holder must submit a final version of the Event Management Plan for approval by the Chief Executive Officer by Friday 5 January 2024.
1.18	The approval holder must ensure that the temporary entertainment event is run in accordance with the approved Event Management Plan.
1.19	The approval must maintain a complaints hotline and complaints handling process for the duration of the event.
1.20	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.
1.21	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.
1.22	The approval holder must have a minimum of 20 licensed security staff to be available on site at all times for the duration of the event.
1.23	The approval holder must comply with the Queensland Ambulance Services approved medical plan provided by SecMedic Medical services who will provide first responders, registered nurses, critical care nurses, paramedics, and doctors, who will be staffing a Medical Assessment Tent (MAT).
1.24	The approval holder must submit to Council, within 14 days of the event, a Post Event Report detailing: <ul style="list-style-type: none"> <li>• Total number of paying attendees, artists and staff;</li> <li>• Any incidents during the event relating to public health and safety and the outcomes of those incidents;</li> <li>• 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.</li> </ul>

<b>2.0</b>	<b>OPERATIONS</b>
2.1	Any event directional signage that is displayed should not be erected any sooner than the morning of the event and must be taken down the night after the event is finished.
2.2	Any signage displayed on Department of Transport and Main Roads (DTMR) controlled roads will need approval from DTMR.
2.3	The applicant must submit the Traffic Management Plan and Traffic Guidance Scheme for the event for approval by the Chief Executive Officer by Friday 5 January 2024. <i>Carried</i> <i>Vote - Unanimous</i>

<b>Subject:</b>	<b>Major Amendment to the Somerset Region Planning Scheme – Major Amendment 2</b>
<b>File Ref:</b>	<b>Somerset Region Planning Scheme - Major Amendment 2</b>
<b>Action Officer:</b>	<b>SP—MO</b>

### Background/Summary

The Somerset Region Planning Scheme commenced on 1 March 2016 and has been amended several times to ensure it remains a contemporary statutory instrument.

Amendments to date include:

- alignment amendment for the introduction of the *Planning Act 2016* (Version 2);
- major amendment to incorporate a new Local Government Infrastructure Plan and related Planning Scheme Policy 4 – Design Standards (Version 3);
- major amendment to calibrate the operation of planning scheme, improving opportunities for accommodation and rail trail development (amongst other matters) and associated minor amendment for technical corrections (Version 4 and 4.1); and
- administrative amendment to improve operation of the document and mapping and correct minor errors (Version 4.2).

Council officers have continued to identify opportunities for improvement within the planning scheme, including the reduction of regulation, streamlining of assessment criteria for low risk and desired uses, incorporate learnings from recent court decisions, and improve the rigour of the planning scheme. These matters have been refined in the Confidential Attachment – “Somerset Region Planning Scheme Proposed Major Amendment 2 Issues Report” and will require a major amendment to the planning scheme, notionally called Major Amendment 2.

As per the Minister’s Guidelines and Rules (MGR), to make a major amendment, the local government must first decide to amend the planning scheme.

Once Council decides to amend the planning scheme, Council officers will, in collaboration with our appointed consultant, commence drafting the amendment instrument, and seek early engagement with the State Government regarding matters of State interest that are relevant to the amendment.

The amendment process is lengthy and includes State interest review and public notification. The State interest review is anticipated to take a minimum of 60 business days and the public notification about 30 business days.

There are several touch points with Council during the major amendment process; it is anticipated that the amended planning scheme will be brought back to Council in mid-2024.

### Attachments

1. Confidential Attachment – Somerset Region Planning Scheme Proposed Major Amendment 2 Issues Report

### Recommendation

THAT Council:

1. receive the Somerset Region Planning Scheme Proposed Major Amendment 2 Issues Report;
2. make a major amendment to the planning scheme in accordance with Chapter 2, Part 4 of the Minister's Guidelines and Rules.

### Resolution

Moved – Cr Wendt

Seconded – Cr Brieschke

“THAT Council:

1. receive the Somerset Region Planning Scheme Proposed Major Amendment 2 Issues Report;
2. make a major amendment to the planning scheme in accordance with Chapter 2, Part 4 of the Minister's Guidelines and Rules.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Economic Development and Tourism Advisory Committee Report</b>
<b>File Ref:</b>	<b>2020-2024 Economic Development and Tourism Advisory Committee</b>
<b>Action Officer:</b>	<b>CTM</b>

### Background/Summary

A meeting of the Somerset Regional Council Economic Development and Tourism Advisory Committee was held on 21 November 2023.

### Attachments

Attachment 1 - Economic Development and Tourism Advisory Committee Meeting Report – 21 November 2023.

Attachment 2 – Somerset Tourism Strategy Review Report.

### Recommendation

THAT the Economic Development and Tourism Advisory Committee report from 21 November 2023 be received.

### Resolution

Moved – Cr Wendt

Seconded – Cr Isidro

“THAT the Economic Development and Tourism Advisory Committee report from 21 November 2023 be received.”

Carried

*Vote - Unanimous*

**Subject:** Planning and Development Department Monthly Report – November 2023  
**File Ref:** Governance/Reporting/Officer Reports  
**Action Officer:** DPAD, ESM, SP, NRMO, BRO

## Report

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

### Planning Development Applications

A total of eighteen (18) development applications were received in November 2023.

Assessment Type	October 2022	November 2022	October 2023	November 2023
Building Works assessable against the Planning Scheme	11	13	10	6
Material Change of Use	8	9	7	6
Reconfiguring a Lot	3	2	4	4
Operational Works	5	2	2	2
Combined Applications	1	1	-	-
<b>Total</b>	<b>28</b>	<b>27</b>	<b>23</b>	<b>18</b>

The list of applications received is provided in Appendix 1.

A total of twelve (12) development applications were decided in November 2023.

Approved/Refused	October 2022	November 2022	October 2023	November 2023
Refused - Council	-	-	-	-
Refused - Delegated Authority	2	-	-	-
Approved - Council	4	10	4	1
Approved - Delegated Authority	27	23	10	11
<b>Total</b>	<b>33</b>	<b>33</b>	<b>14</b>	<b>12</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 forty-eight (48) building approvals were issued in the region for November 2023.

**Assessment Type: Building Works**

Status	October 2022	November 2022	October 2023	November 2023
Accepted Applications	65	75	63	60
Approved - Council	17	16	3	3
Approved - Private Certifier	52	59	57	48

The list of applications approved is provided in Appendix 2.

**Building Compliance Matters**

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

**November 2023:**

Unapproved or non-compliant building works in Fernvale and Somerset Dam.





Permit completion reminders have been sent about existing permits in Braemore, Bryden, Coominya, Esk, Fernvale, Kilcoy, Lowood, Redbank Creek, Rifle Range, Minden, Mount Beppo, Mount Hallen, Murrumba, Toogoolawah, Wivenhoe Pocket.

### Plumbing Compliance Permits and Inspections

A total of thirty-five (35) plumbing and drainage approvals were issued in the region for November 2023.

#### Assessment Type: Plumbing Approval

Status	October 2022	November 2022	October 2023	November 2023
Approved	26	42	33	35
Info Request	13	11	2	4
Total	39	53	35	39
Plumbing Inspections	100	107	87	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.

### 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 76 users completed the training during the month of November.

#### 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: October and November:

#### Wild dogs

1080 baits injected:

	October 2023	November 2023
Bryden	-	42
Monsildale	-	30
Kingham	-	189
Yielo	-	51
Sunday Creek	-	113
Coominya	5	-
Buaraba	150	-
Kilcoy	14	-
<b>Total</b>	<b>169</b>	<b>425</b>



#### Dingo scalps presented:

	October 2023	November 2023
Buaraba	-	2
Kilcoy	8	-
Eskdale	1	-
<b>Total</b>	<b>9</b>	<b>2</b>

#### Feral pigs 1080 grain:

	October 2023	November 2023
	-	-
<b>Total</b>	<b>-</b>	<b>-</b>



#### Feral pig scalps presented:

	October 2023	November 2023
Buaraba	-	100
<b>Total</b>	<b>-</b>	<b>100</b>

**Rabbits:**

- Officers have been working with landholders to control rabbit infestations in the following areas:
  - Esk, Lowood, Coominya and Hazeldean.
- Officers are continuing to work closely with Seqwater in controlling rabbits around Somerset Dam.

**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:

**October 2023:**

- Yellow bells – Brisbane Valley Highway.
- Giant rats tail grass –Mount Kilcoy, Esk, Coominya, Lowood, Fernvale, Prenzlau.
- Leucaena – Fernvale, Coominya.
- Annual ragweed - Colinton, Crossdale.
- Prickly Pear – Fernvale, Murrumba.
- Lantana- Lowood, Coal Creek, Somerset Dam, Hazeldean.
- Council managed infrastructure – northern bridges.
- Element 5- Esk Kilcoy Road, D'Aguilar Highway East and West, Brisbane Valley Highway.
- Lantana mechanical control- 42,000M<sup>2</sup> / 42Ha.
- Lantana chemically treated – 27,980m<sup>2</sup> / 27.98Ha.
- Herbicide applied – 19,431L.

**November 2023:**

- Mother of Millions – Glamorgan Vale, Lowood, Fernvale, Coominya.
- Annual Ragweed - Toogoolawah, Eskdale, Neurum, Fernvale, Moore, Linville, Gregors Creek, Coominya.
- Fireweed - Coominya, Lowood, Minden.
- Giant rats tail grass –Sandy Creek, Mt Kilcoy, Esk, Fernvale, Neurum, Gregors Ck, Coominya.
- Groundsel- Hazeldean.
- Prickly Pear- Toogoolawah, Neurum, Winya.
- Leucaena- Esk, Somerset Dam.
- Lantana – Fernvale, Mount Beppo, Marburg, Fulham, Mount Kilcoy, Bryden
- Council managed infrastructure- Lowood-Minden Bikeway.

- Element 5- D'Aguilar Highway West, Esk Kilcoy Road, Brisbane Valley Highway, Somerset Wivenhoe Road.
- Lantana chemically treated – 9050M<sup>2</sup> / 9.5Ha.
- Herbicide applied – 17,305L.

### Lantana Chemical Subsidy Program

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*:

	October 2023	November 2023
Information notices	2	-
Biosecurity Orders	-	-
Enter and Clear action	2	-

### Regulatory Services

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

### Natural Resource Management

#### Land for Wildlife

- Somerset welcomed a new property to the Land for wildlife program at Mount Kilcoy – 28 November 2023.
- Officer representation at the Land for Wildlife Strategic Sub-Committee meeting – 15 November 2023.
- A Land for Wildlife Free Tree Day was held for participants 4 November 2023.
- Officer attendance at Land for Wildlife officer training – Erosion and Fluvial Geomorphology – 1<sup>st</sup> and 7<sup>th</sup> of November 2023

#### Somerset Flora and Fauna



- Ongoing engagement with Griffith University Social Marketing team to promote Koala awareness in the Somerset region. Preliminary arrangements for a Dogfest event to be held in Fernvale (promoting dog training to protect wildlife interactions) in early 2024.
- 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.
- Officer participation in the Koala threat Management workshop by Healthy Land and Water on behalf of the Department of Environment and Science – 16 November 2023.
- Officer representation at SEQ Flying Fox Management Meeting and regional working group – 27 November 2023.
- Firebreak identification and reinstatement project was undertaken on Mount Glenrock to facilitate future fuel reduction and ecological burning activities.

## Catchment Management

- 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.

Officer attendance at the Healthy Land and Water Catchment Health Briefing – 15 November 2023.



## Offsets – Planting



- Delivery of Councils Capital Works Offsets:
  - Ongoing maintenance and review of existing plantings.

## Collaborations

- Queensland Reconstruction Authority projects to reinstate and improve resilience of Recreational assets commenced at Twin Bridges reserve 13 November 2023. Work has also commenced at Savages Crossing and Burtons Bridge reserves within this reporting period. Civil works are anticipated to be largely completed in 2023, with associated revegetation running out until mid-2024.



Savages Crossing – South Bank – resurfaced Carpark



Savages Crossing – South Bank – Rockwork retainer



Savages Crossing – North Bank – resurfaced Carpark




Burtons Bridge – resurfaced Carpark and bollard exclusion/s




Twin Bridges – Exclusion Bollards squared and re-aligned





Twin Bridges – Main Carpark area resurfaced



Twin Bridges – Access gate moved out of low-flow path, and within Camera surveillance area

- Council has appointed Meridian Urban to facilitate a fire risk assessment of Council Land/s interfaces. Project delivery is anticipated by June 2024.

### Business Recovery Officer



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

#### General

- Continued involvement in the Kilcoy Streetscape Revitalisation Project.
- Attendance at the Economic Development and Tourism Advisory Committee meeting
- Attended Drought Management and Farm Business Resilient Planning – presented by Healthy Land and Water (23 Nov)

#### Events

- Workshops:
  - Developing a Resilient Business (Presented by The Training Collective – Yvette Adams)
- Planning continues for educational workshops and forums for 2024 calendar of events.

#### 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

Plus, other peak industry organisations:

- Queensland Farmers' Federation
- AgForce
- Healthy Land and Water
- University of the Sunshine Coast
- Rural Aid
- 25 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 – November 2023

#### Total registrations

4 New registrations

217 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

2,308 Emails sent

136 People with active alerts

Email alerts sent to people requesting specific profile of grants

#### Number of grants on your portal

1,328 grants worth \$54.4B 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 November 2023 be received and the contents noted.

#### Resolution

Moved – Cr Whalley

Seconded – Cr Choat

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

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Planning fee – change application clarification</b>
<b>File Ref:</b>	<b>Setting of cost recovery fees</b>
<b>Action Officer:</b>	<b>DFIN</b>

### Background/Summary

The FY2024 Register of Cost-Recovery Fees includes the following:

Item	Charges for 2023/2024	
Making Application for Other Changes to a	100% of the initial	Processing fee



development approval, other than for a minor change (Section 82 of Planning Act).	application fee paid	
---	----------------------	--

It is considered that the above text potentially allows for a change application for a major development that was initially approved, say in 2008, to be assessed (or re-assessed) at the fees that applied in 2008 without any consideration of current costs.

Minor changes would not be affected by this proposed change.

#### Attachments

Nil

#### Recommendation

THAT the following text in the FY2024 Register of Cost-Recovery Fees:

<i>"Item</i>	<i>Charges for 2023/2024</i>	
<i>Making Application for Other Changes to a development approval, other than for a minor change (Section 82 of Planning Act).</i>	<i>100% of the initial application fee paid</i>	<i>Processing fee"</i>

Be deleted and the below text be added in the relevant locations:

<i>"Item</i>	<i>Charges for 2023/2024</i>	
<i>Making Application for Other Changes to a development approval, other than for a minor change (Section 82 of Planning Act).</i>	<i>100% of the applicable current application fee</i>	<i>Processing fee</i>

(Definition section)

*A.6 Application fees within this schedule apply where Council is the assessment manager, referral agency, responsible entity, or another similar role responsible for administering, assessing, or deciding an application or matter."*

#### Resolution

Moved – Cr Wendt

Seconded – Cr Gaedtke

"THAT the following text in the FY2024 Register of Cost-Recovery Fees:

<i>"Item</i>	<i>Charges for 2023/2024</i>	
<i>Making Application for Other Changes to a development approval, other than for a minor change (Section 82 of Planning Act).</i>	<i>100% of the initial application fee paid</i>	<i>Processing fee"</i>

Be deleted and the below text be added in the relevant locations:

<i>"Item"</i>	<i>Charges for 2023/2024</i>	
<i>Making Application for Other Changes to a development approval, other than for a minor change (Section 82 of Planning Act).</i>	<i>100% of the applicable current application fee</i>	<i>Processing fee</i>

(Definition section)

*A.6 Application fees within this schedule apply where Council is the assessment manager, referral agency, responsible entity, or another similar role responsible for administering, assessing, or deciding an application or matter."*

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Community Energy Upgrade Fund – LED streetlighting proposal</b>
<b>File Ref:</b>	<b>Energy supply and telecommunications - service providers - electricity</b>
<b>Action Officer:</b>	<b>DFIN</b>

### Background/Summary

On 13 September 2023, Council commissioned Peak Services ("Peak") to analyse the process and benefits and costs of replacing non-LED streetlights with LED streetlights that would form the basis of a potential grant application under the Australian Government's competitive Community Energy Upgrades Fund (CEUF).

Peak's "Streetlight Upgrade and Ownership Study" of 8 December 2023 is attached which outlines:

- The formal Energex process (for the time being) for Council to fund the changeover of non-LED streetlights to LED streetlights in exchange for a reduction in tariff (known as "Rate 4")
- Other councils who may be interested in joining with Somerset Regional Council in forming a consortium to submit a joint funding application under the CEUF
- The nett benefit to Council including nine-year payback period (that is, even without consideration of any government funding towards this project). Peak have calculated 15-year net energy cost savings from the Rate 4 proposal at \$3,008,688.

The guidelines of the CEUF have still not been released however the Australian Government has confirmed some details of the funding program as attached.

### Attachments

- Peak Services' Streetlight Upgrade and Ownership Study of 8 December 2023
- Information released as at 11 December 2023 about CEUF from the Australian Government

### Recommendation

THAT Council authorise the Chief Executive Officer to submit a grant application either jointly with other local governments or alone consistent with the findings of the Peak

Services “Streetlight Upgrade and Ownership Study” of 8 December 2023 and to commit Council co-funding as indicated in the report for the purpose of that application.

**Resolution**

Moved – Cr Whalley

Seconded – Cr Brieschke

“THAT Council authorise the Chief Executive Officer to submit a grant application either jointly with other local governments or alone consistent with the findings of the Peak Services “Streetlight Upgrade and Ownership Study” of 8 December 2023 and to commit Council co-funding as indicated in the report for the purpose of that application.”

Carried

Vote - Unanimous

**Subject:** Disaster Ready Fund round 2 proposal  
**File Ref:** Grants – programs – disaster ready fund  
**Action Officer:** DFIN

**Background/Summary**

Council was successful with the following funding application under the Australian Government’s competitive Disaster Ready Fund round 1:

Project Title	Description	Cth Awarded Funding	Co-contribution (from jurisdiction or project delivery partner)	Total Project Cost
Toogoolawah (Dingyarra St) flood mitigation project	This project will deliver drainage improvements that will mitigate flooding to the impacted properties.	\$1,020,816	\$1,024,327	\$2,045,143

Council has been advised to expect that guidelines for Disaster Ready Fund round 2 (DRF2) will be made available during late December 2023.

Council officers have noted the following successful application by Sunshine Coast Regional Council under Disaster Ready Fund round 1 (DRF1):

Project Title	Description	Cth Awarded Funding	Co-contribution (from jurisdiction or project delivery partner)	Total Project Cost
Cool Urban Forests – Street Tree Planting Project	This project will effectively double the existing street tree planting program to futureproof our communities against heat-related impacts.	\$3,210,000	\$3,210,000	\$6,420,000

A copy of the successful application has been kindly provided to Council by Sunshine Coast Council (SCC). The SCC proposal includes “increasing frequency and severity of extreme heat poses a serious risk to health (mortality rate greater than all other hazards), the

*economy, urban sustainability and liveability... Street trees mitigate the impacts, providing cooling safe refuge."*

It is noted that Council has some significant tree planting components included in projects such as Lowood Futures Strategy and Kilcoy Streetscape Revitalisation.

The "Green Botanic Core" component of the Lowood Futures Strategy alone is costed in the order of magnitude cost estimate from AECOM at \$1,840,565 (stage 1) and \$2,364,350 (stage 5) before contingencies.

Somerset Regional Council's Local Disaster Management Plan (LDMP) outlines that heatwave has the highest annual exceedance probability of any natural or other hazard in the region at 96%. The LDMP outlines potential temperature increases and health impacts on certain populations. The LDMP says "The region's summer average temperature is 24°C. This could rise to over 25°C by 2030 and to over 27°C by 2070."

The Queensland State Heatwave Risk Assessment 2019 states that planting trees for shade in public open spaces is a "core mitigation response" to reducing heat. Various research is available including that "for each 10% increase in tree cover, there is a reduction in land surface temperature of between 0.5 and 1 degree Celsius." (CRC for Water Sensitive Cities).

It is suggested that Council apply for funding for street tree planting including initial maintenance from DRF2 on a similar basis to Sunshine Coast Council's successful application under DRF1.

#### Attachments

Nil

#### Recommendation

THAT Council authorise the Chief Executive Officer to submit a grant application under the Australian Government's Disaster Ready Fund round 2 consistent with the intent and dollar amounts of Sunshine Coast Council's successful Disaster Ready Fund round 1 Street Tree Planting Project and to commit Council co-funding as required for the purpose of that application.

#### Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

"THAT Council authorise the Chief Executive Officer to submit a grant application under the Australian Government's Disaster Ready Fund round 2 consistent with the intent and dollar amounts of Sunshine Coast Council's successful Disaster Ready Fund round 1 Street Tree Planting Project and to commit Council co-funding as required for the purpose of that application."

Carried

Vote - Unanimous

<b>Subject:</b>	<b>SEQ Community Stimulus Program 2024-2027</b>
<b>File Ref:</b>	<b>Works for Queensland/ SEQ Community Stimulus Program</b>
<b>Action Officer:</b>	<b>DFIN</b>

#### Background/Summary

Council resolved as follows on 15 November 2023:

*“THAT Council write to the Premier, the Hon Anastacia Palaszczuk:*

- noting the allocation of \$300 million to Queensland's 65 regional councils under the government's successful Works for Queensland program*
- acknowledging the advice from Departmental officers that Somerset Regional Council will not be considered an eligible regional council under the upcoming 2024-27 Works for Queensland program*
- seeking an extension of the government's South East Queensland Community Stimulus Program under similar guidelines to the previous round of that program to support regional areas such as Somerset which had an unemployment rate at June quarter 2023 of 6.1% compared to Queensland of 3.7% and which has essential community infrastructure and regional economic development needs like other parts of regional Queensland”*

The following week, Council officers noted the below slide presented at a Local Government Finance Professionals Conference by officers from the Department of State Development, Infrastructure, Local Government and Planning:

## Upcoming Grant Programs

- » Three new funding program rounds commencing in 2023-24
  - W4Q 2024-27 – increased \$300M funding allocation
  - SEQ Community Stimulus Program 2024-27 – \$100M total allocation round.
  - A new Local Government Grants and Subsidies Program funding round
- » Focused on supporting councils deliver critical infrastructure, economic development and sustainable councils' outcomes



Council sought clarification from the Department about this slide and was advised as follows on 6 December 2023 by the Region Advisor:

*“I am not aware of any public announcements in recent weeks about future SEQCSP funding. Thank you for sharing the slide, I had not seen the slide myself, but I was away most of November. However, regarding the 2024-27 SEQCSP I can advise:*

- The upcoming funding round is being developed with the same characteristics as the previous funding round.*
- It is proposed the allocation methodology will remain unchanged from the previous funding round.*
- As soon as we have any content I can share I will be in touch.*

*Therefore, in my view it isn't necessary for council to write to the Premier about this matter.”*

Council was successful with three funding applications under the competitive portion of the previous SEQCSP being Lowood pool upgrade (\$2M funding), Esk Crows Nest Road upgrade (\$2.1M funding) and Lowood Minden Road upgrade (Zabels Road section) for \$0.7M funding as well as an allocated funding portion of \$4M. This represented a total of just over \$8M in competitive and allocated funding.

#### Attachments

Nil

#### Recommendation

THAT Council note the advice from the Department of State Development, Infrastructure, Local Government and Planning of 6 December 2023 about the South East Queensland Community Stimulus Program 2024-27 and take no further action at this time in respect of the resolution of 15 November 2023 concerning SEQCSP and Works for Queensland funding and further that Council endorse applications for funding under the SEQCSP for Toogoolawah Gateway Centre, Toogoolawah Pool Upgrade, Kilcoy Indoor Sports Centre upgrade stage 1 and development of Mount Glen Rock hiking trails and associated infrastructure.

#### Resolution

Moved – Cr Brieschke

Seconded – Cr Choat

“THAT Council note the advice from the Department of State Development, Infrastructure, Local Government and Planning of 6 December 2023 about the South East Queensland Community Stimulus Program 2024-27 and take no further action at this time in respect of the resolution of 15 November 2023 concerning SEQCSP and Works for Queensland funding and further that Council endorse applications for funding under the SEQCSP for Toogoolawah Gateway Centre, Toogoolawah Pool Upgrade, Kilcoy Indoor Sports Centre upgrade stage 1 and development of Mount Glen Rock hiking trails and associated infrastructure.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Contract matter – bridge design and contract administration – Lester Kropp Bridge</b>
<b>File Ref:</b>	<b>Grants – programs – Bridges Renewal Program</b>
<b>Action Officer:</b>	<b>DFIN</b>

#### Background/Summary

Council is working towards its largest-ever bridge construction project at Lester Kropp Bridge on Neurum Road, Villeneuve which is funded under the Australian Government's Bridges Renewal Program with an estimated cost exceeding \$7 million. The funding agreement requires completion of the project by November 2025.

The planning for the project is complex and it is considered that there is a limited market for designing the bridge as required. Council officers have been actively liaising with firms who may have the capacity and availability to design the bridge and the recommendation below is based on those discussions.

#### Attachments

Nil

### Recommendation

THAT Council resolves that it is satisfied that because of the specialised nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders for the design and contract administration support required for the reconstruction of Lester Kropp Bridge given the constraints of the funding agreement and endorses a decision to appoint Hatch Group.

### Resolution

Moved – Cr Gaedtke

Seconded – Cr Whalley

“THAT Council resolves that it is satisfied that because of the specialised nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders for the design and contract administration support required for the reconstruction of Lester Kropp Bridge given the constraints of the funding agreement and endorses a decision to appoint Hatch Group.”

Carried

Vote - Unanimous

### Declarable Conflict of Interest - Cr Brieschke - Item 25 – Contract matter – vacuum truck hire from Dully's Designer Homes.

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

The nature of my interest is as follows –

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

Particulars:

- Name of related party: David Brieschke.
- The nature of my relationship with this related party is David Brieschke is my husband.
- The nature of the related party's interest in this matter is David Brieschke is employed by Dully's Designer Homes Pty Ltd.

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

Cr Brieschke left the meeting at 10.15am.

<b>Subject:</b>	<b>Contract matter – vacuum truck hire from Dully's Designer Homes</b>
<b>File Ref:</b>	<b>Financial Management – Creditors</b>
<b>Action Officer:</b>	<b>DFIN</b>

### Background/Summary

Flood restoration works are being undertaken in the Toogoolawah area.

Council engaged Dully's Designer Homes Pty Ltd to perform vacuum excavation of drainage infrastructure to restore relevant assets as this firm were already on site for bulk excavation works. While the works involved with this matter represent a medium value contract, no

competitive quotations were sought for these works which were required for public safety reasons. The work was subcontracted by Dully's Designer Homes Pty Ltd.

#### Attachments

Nil

#### Recommendation

THAT to remove any doubt, Council resolves that it is satisfied that there was only one supplier reasonably available to carry out vacuum truck excavation works for Toogoolawah flood recovery and associated works being Dully's Designer Homes Pty Ltd as this firm had control of the relevant sites for construction purposes and the work was required for public safety reasons.

#### Resolution

Moved – Cr Whalley

Seconded – Cr Gaedtke

“THAT to remove any doubt, Council resolves that it is satisfied that there was only one supplier reasonably available to carry out vacuum truck excavation works for Toogoolawah flood recovery and associated works being Dully's Designer Homes Pty Ltd as this firm had control of the relevant sites for construction purposes and the work was required for public safety reasons.”

Carried

*Vote - Unanimous*

Cr Brieschke returned to the meeting at 10.17am.

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

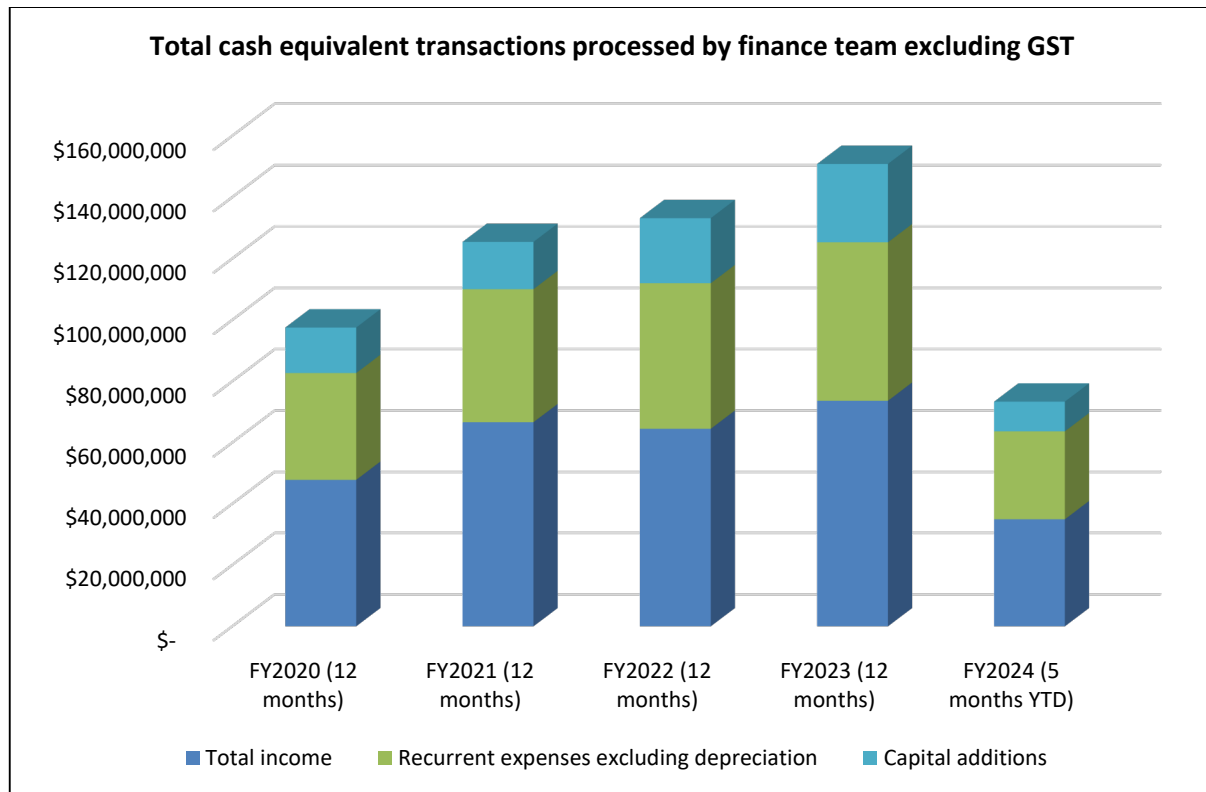
#### Background/Summary

##### Financial reports

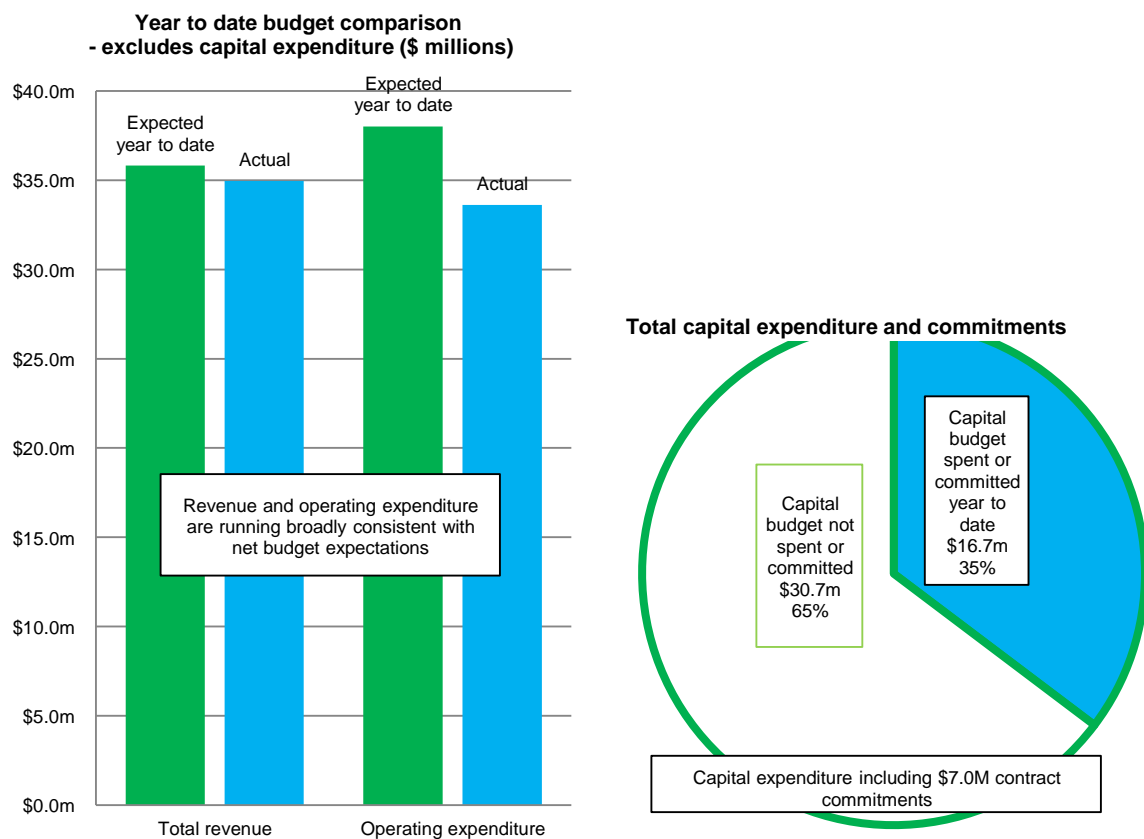
Reports for the period 1 July 2023 to 7 December 2023 are attached detailing the progress that has been made in relation to Council's FY2024 budget consistent with Local Government Regulation 2012 s204.

The finance team has processed cash equivalent transactions (excluding GST and depreciation) to date versus previous years as below. Total FY2023 transactions were 55% greater than FY2020 transactions. This represents a 16%+ year-on-year increase in overall activity. Total transactions after five months of FY2024 are tracking above those of FY2023.





Provisional results for the financial year to date with 44% of the financial year completed are summarised as follows:



## Grants

- On 7 November 2023 the Australian Government advised that Council was successful with its \$5M funding application made under the Australian Government's Heavy Vehicle Safety and Productivity Program (HVSP) on 8 June 2023 as below. Significant effort was invested in preparing this grant application.

To highlight how successful Council has been with this application, Council was advised by the relevant department on 8 December 2023 that "across both BRP and HVSP Tranche 5, there were 75 applications ... only 18 of those were successful in receiving funding."

Somerset Regional Council's approved funding under the current funding round was greater than that announced for the entire state of Victoria.

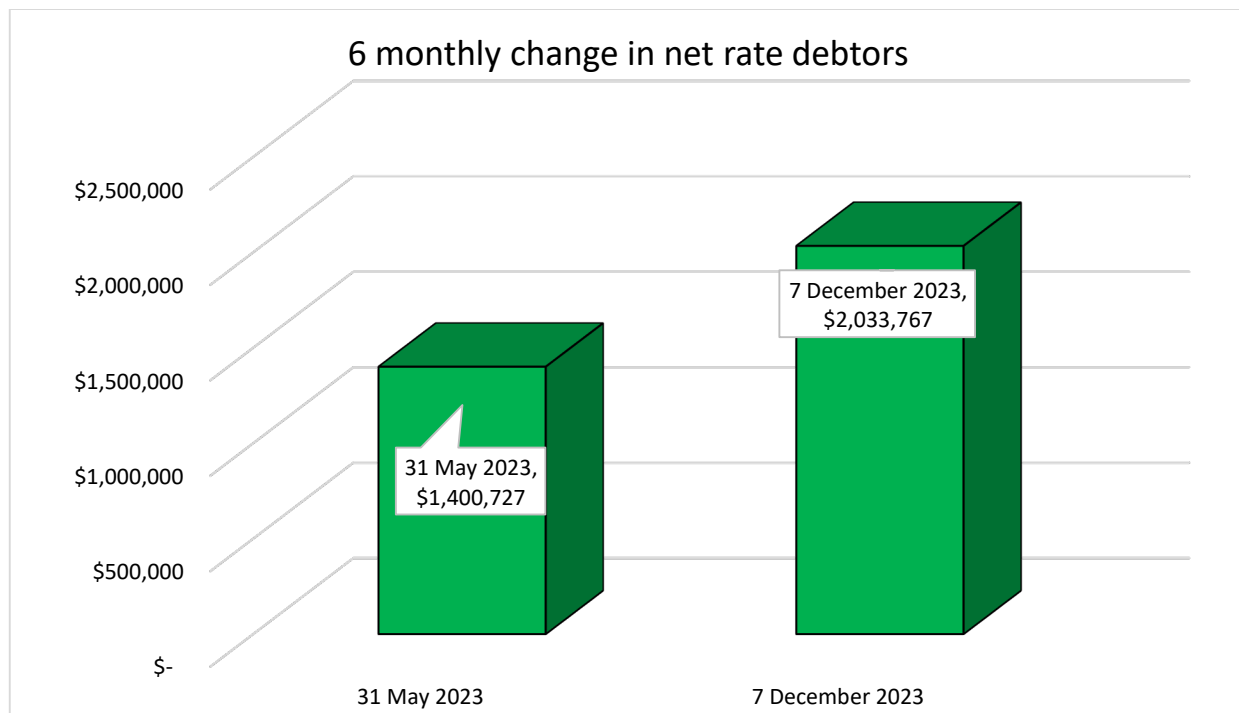
	Project value	HVSP funding sought
Fernvale South Productivity Link. Construct a new road segment and seal, widen and strengthen existing roads which together will form an inter-highway connecting road along the Fernvale development area southern boundary offering most traffic a 1.92km distance saving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

- Council is awaiting the outcome of funding applications lodged under the Queensland Resilience and Risk Reduction Fund (QRRRF) in October/November 2023:

	Project value	QRRRF funding sought
Moore 1A flood/overland flow risk mitigation project	\$303,280	\$151,640
Fernvale 2A flood/overland flow risk mitigation project	\$461,726	\$230,863

## Rate recovery

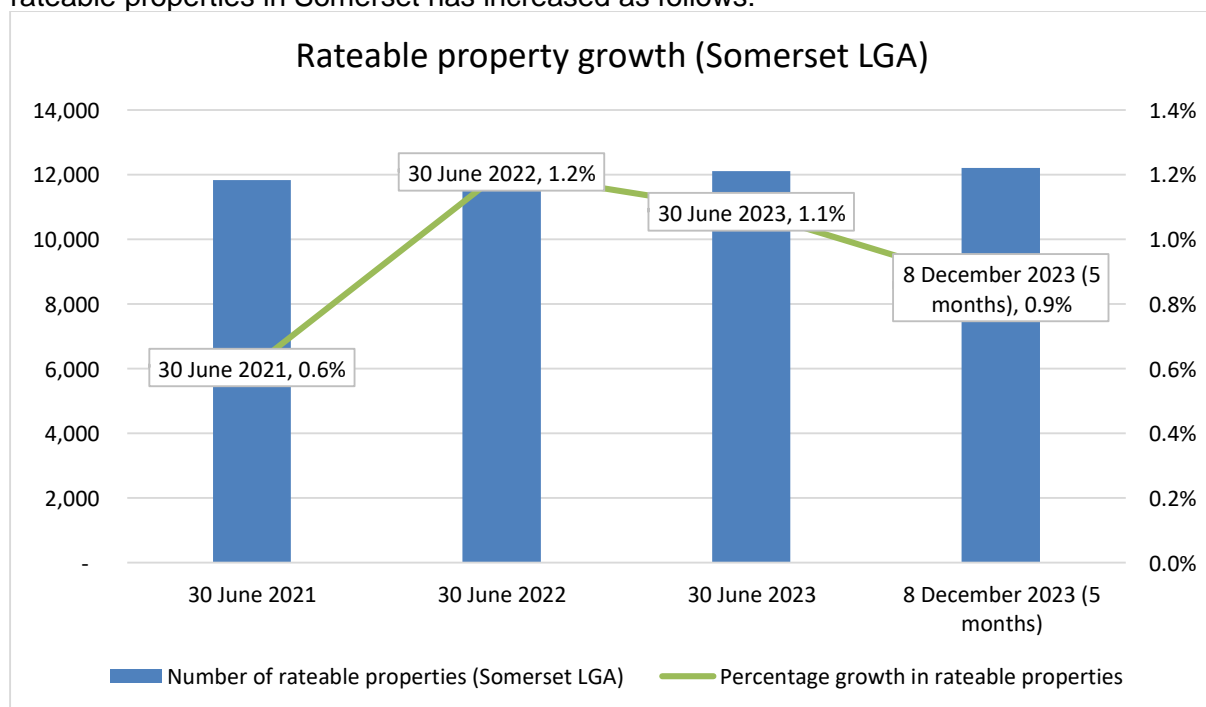
Council issues rate notices each six months. Total rate debtors prior to the issue of current half year rates were contained as follows:



All sale of land for overdue rates actions approved by Council in 2023 have now been completed with overdue rates and legal costs for these properties as per the notices of intention to sell recovered in full. An auction that was scheduled to be held on 5 December 2023 was cancelled as a result.

### Growth

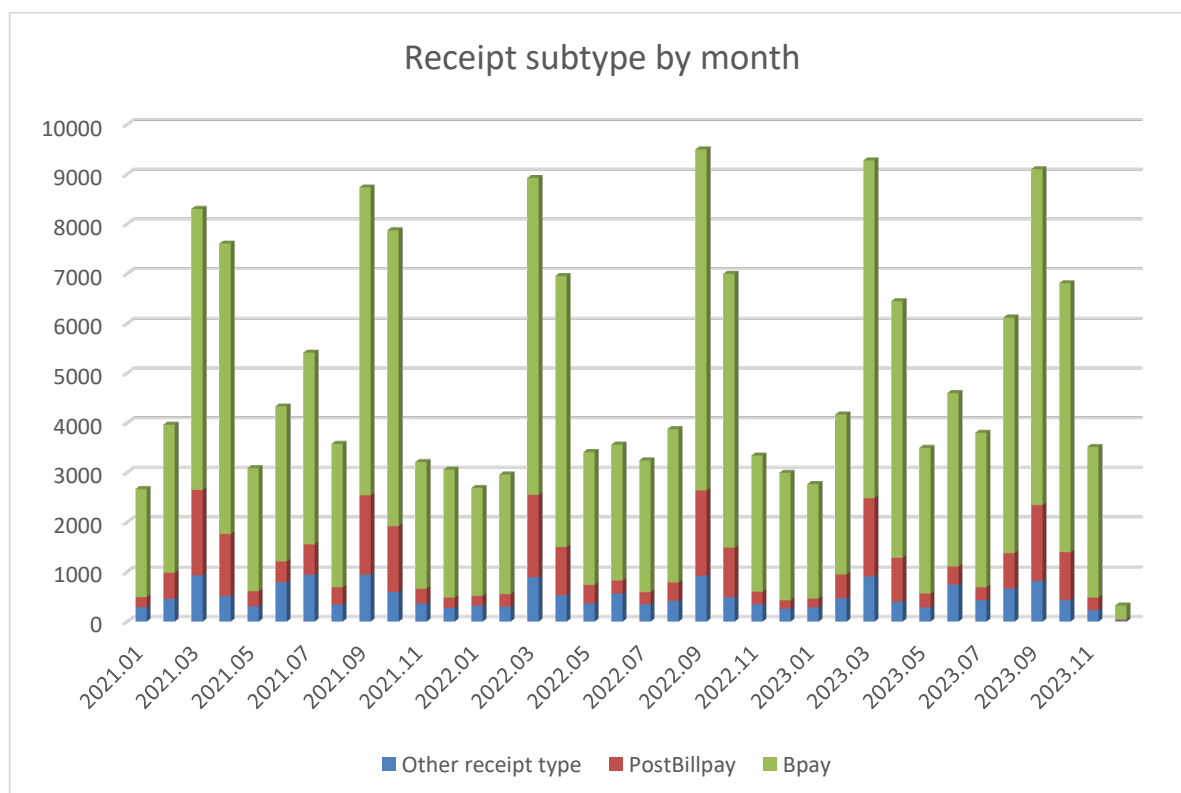
Rateable property data provides an indication of regional growth. The total number of rateable properties in Somerset has increased as follows:



### BPAY and PostBillpay

Council's main two electronic receipting methods (BPAY and PostBillpay) are outlined below and account for 90% of total receipts issued by Council. Council incurs agency and merchant fees of around \$80,000 per year to achieve this result.

Council also introduced a new direct debit payment option for rates with the August 2023 rate levy and officers are working to further promote this payment method with the January 2024 rate levy.



### Investments

Council relies on interest revenue to keep rates at the lowest possible level. The Reserve Bank of Australia rapidly increased its target interest rate from 0.10% on 3 May 2022 to 4.35% on 6 December 2023.

An investment summary is attached detailing interest earnings from Queensland Treasury Corporation (QTC) cash fund and other sources. Council's key long-term investment strategy has been to maintain interest-bearing credit facilities totalling \$53.8 million to Urban Utilities (UU) which helps fund vital infrastructure like Lowood wastewater treatment plant as well as providing mutual benefit to both UU and Council. These currently carry a combined weighted average interest rate of 3.27%. Interest rates on the UU facilities are reviewed annually by QTC based on the rate resetting formula.

Interest revenue for FY2024 is budgeted at \$253 on average for every rateable property in Somerset. After five months, actual interest revenue is \$178 per property compared to pro rata budget of \$112 per property.

### Road maintenance and flood repairs

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

Road segment	Cost (\$000's)	Cost per linear metre (\$)
Glamorgan Vale Rd (flood repairs) 06311Ch7438-Ch7470	128	
Esk Crows Nest Rd (flood repairs) 08911Ch4420-Ch4440	127	
Kangaroo Ck Rd (flood repairs) 03180Ch3220-Ch6820	112	31
Monsildale Rd (flood repairs) 08545Ch1530-Ch3750	91	
Loughrans Rd (flood repairs) 05629Ch0-Ch2200	78	
Eastern Branch Rd (flood repairs) 08554Ch870-Ch2720	75	
Banks Creek Rd (flood repairs) 05482Ch5040-Ch8210	74	23
Banffs La (flood repairs) 05618Ch20-Ch2070	71	
Larsens Rd (flood repairs) 05607Ch3890-Ch5940	71	35
Glenhowden Rd (flood repairs) 08290Ch2430-Ch4480	68	33
Boyces Rd (flood repairs) 03548Ch20-Ch2460	66	27
Kiernan La (flood repairs) 05615Ch20-Ch1560	65	42
Linville Rd (flood repairs) 04092Ch4822-Ch4823	64	
Grieves Rd (flood repairs) 08286Ch5060-Ch7720	63	24
Banks Ck England Ck Rd (flood repairs) 05476Ch240-Ch2910	63	
Beutel Rd (flood repairs) 05514Ch0-Ch1680	63	37
Harris Rd (flood repairs) 05053Ch1040-Ch3310	62	27
Dunore Rd (flood repairs) 07776Ch30-Ch1870	60	33
Ivory Creek Rd (flood repairs) 08338Ch10140-Ch12580	58	24
Minden Post Office Rd (flood repairs) 06682Ch5-Ch40	55	
Clarendon Rd (flood repairs) 09129Ch4920-Ch4930	54	
Mount Byron Rd (flood repairs) 07880Ch2080-Ch3830	54	31
Gregors Creek Rd (bitumen) Ch9580-Ch12550	53	18
Eastern Branch Rd (flood repairs) 08571Ch10110-Ch11410	53	41
Monsildale Creek Rd (flood repairs) 07636Ch790-Ch880	53	
Eastern Branch Rd (flood repairs) 08567Ch7250-Ch8530	52	41
Coogan Rd North (flood repairs) 07789Ch0-Ch1460	49	34
Eastern Branch Rd (flood repairs) 08572Ch11680-Ch12870	48	41
Glen Esk Rd South (flood repairs) 08444Ch410-Ch1640	46	
Kipper Creek Rd (flood repairs) 01785Ch1710-Ch1710	44	
<b>Subtotal (\$000's)</b>	<b>\$2,020</b>	

### Special road maintenance/ renewal

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

### Attachments

Financial reports and payment listings

### Recommendation

THAT Council receive the financial reports for 1 July 2023 to 7 December 2023 and the report on payments processed from 31 October 2023 to 8 December 2023 totalling \$13,108,909.51 and that the contents be noted.

### Resolution

Moved – Cr Whalley

Seconded – Cr Brieschke

“THAT Council receive the financial reports for 1 July 2023 to 7 December 2023 and the report on payments processed from 31 October 2023 to 8 December 2023 totalling \$13,108,909.51 and that the contents be noted.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>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) meets each quarter to review the operations of The Condensery. The quarterly meeting of the Committee was held on Monday, 16 November 2023.

#### Attachments

Meeting Report for The Condensery - Somerset Regional Art Gallery Advisory Committee Meeting – 16 November 2023

#### Recommendation

THAT Council receive the meeting report for The Condensery Somerset Regional Art Gallery committee meeting held on Monday, 16 November 2023 and the contents be noted.

#### Resolution

Moved – Cr Brieschke

Seconded – Cr Gaedtke

“THAT Council receive the meeting report for The Condensery Somerset Regional Art Gallery committee meeting held on Monday, 16 November 2023 and the contents be noted.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Regional Arts Development Fund Advisory Committee Meeting</b>
<b>File Ref:</b>	<b>Regional Arts Development Fund Advisory Committee</b>
<b>Action Officer:</b>	<b>ACM</b>

#### Background/Summary

The Regional Arts Development Fund Advisory Committee met on Monday, 13 November 2023 to discuss miscellaneous items of business.

#### Attachments

Meeting Report for RADF Committee Meeting – 13 November 2023

#### Recommendation

THAT Council receive the meeting report for Regional Arts Development Fund committee meeting held on Monday, 13 November 2023 and the contents be noted.

**Resolution**

Moved – Cr Whalley

Seconded – Cr Isidro

“THAT Council receive the meeting report for Regional Arts Development Fund committee meeting held on Monday, 13 November 2023 and the contents be noted.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Esk Recreation Grounds Advisory Committee Meeting</b>
<b>File Ref:</b>	<b>Community Services - Meetings – 2020 – 2024 – Esk Recreation Grounds Advisory Committee</b>
<b>Action Officer:</b>	<b>DCORP</b>

**Background/Summary**

The Esk Recreation Grounds Advisory Committee meets each quarter to review the operations of the grounds. The quarterly meeting of the Committee was held on Tuesday, 21 November 2023.

**Attachments**

Meeting Report Esk Recreation Ground Advisory Committee 21 November 2023.

**Recommendation**

THAT Council

1. receive the meeting report for the quarterly meeting of the Esk Recreation Grounds Advisory Committee held on Tuesday, 21 November 2023 and the contents be noted.
2. are prepared to provide funding support for the upgrades to the Esk Recreation Grounds up to an amount of fifty percent of the project costs on the condition that a positive cost benefit analysis is achieved.

**Resolution**

Moved – Cr Isidro

Seconded – Cr Whalley

“THAT Council

1. receive the meeting report for the quarterly meeting of the Esk Recreation Grounds Advisory Committee held on Tuesday, 21 November 2023 and the contents be noted.
2. are prepared to provide funding support for the upgrades to the Esk Recreation Grounds up to an amount of fifty percent of the project costs on the condition that a positive cost benefit analysis is achieved.”

Carried

Vote - Unanimous

**Subject:** Kilcoy Recreation Ground Advisory Committee  
**File Ref:** Kilcoy Recreation Ground Advisory Committee  
**Action Officer:** DCORP

### Background/Summary

The Kilcoy Recreation Ground Advisory Committee meets each quarter to review the operations of the Kilcoy Recreation Grounds. The quarterly meeting of the Committee was held on Thursday, 7 December 2023. With representatives from each of the user groups present.

### Attachments

Attachment 1: Meeting Report Kilcoy Recreation Grounds Advisory Committee Meeting – 7 December 2023

### Recommendation

THAT Council receive the meeting report for the quarterly meeting of the Kilcoy Recreation Ground Advisory Committee held on Thursday, 7 December 2023 and the contents be noted.

#### **Resolution**

Moved – Cr Gaedtke

Seconded – Cr Choat

“THAT Council receive the meeting report for the quarterly meeting of the Kilcoy Recreation Ground Advisory Committee held on Thursday, 7 December 2023 and the contents be noted.”

Carried

*Vote - Unanimous*

The meeting adjourned for morning tea at 10.34am and resumed at 11.00am.

**Subject:** Somerset Civic Centre Advisory Committee Meeting  
**File Ref:** Community Services - Meetings – 2021 – 2024 Somerset Civic Centre Advisory Committee  
**Action Officer:** ACM

### Background/Summary

The Somerset Civic Centre Advisory Committee met on 28 November 2023 to discuss various items of business.

### Attachments

Attachment 1: Meeting Report Somerset Civic Centre Advisory Committee – 28 November 2023.

### Recommendation



THAT the Somerset Civic Centre Advisory Committee report from Tuesday 28 November 2023 be received.

**Resolution**

Moved – Cr Isidro

Seconded – Cr Brieschke

“THAT the Somerset Civic Centre Advisory Committee report from Tuesday 28 November 2023 be received.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Tender 1339 – Esk Football Grounds Field Refurbishment</b>
<b>File Ref:</b>	<b>2023 – 2024 – Tender - Tender 1339</b>
<b>Action Officer:</b>	<b>CTM</b>

**Background/Summary**

In May 2023, Council was notified of the successful application through Queensland Government Minor Infrastructure Program – Round 1 to undertake field refurbishments to the Esk Football Grounds. The scope of works for the project includes the supply and installation of an irrigation tank, reticulated irrigation system, digital operating system and new goal posts, as well as aeration and top-dressing of the rectangular field.

The Minor Infrastructure Program is administered by the Queensland Department of Tourism, Innovation and Sport, with Round 1 projects to be completed by 31 December 2024.

The total value of the project, including Council contributions, is \$243,374 including GST.

On 15 November 2023, a call for tender was published for Tender 1339, a design and construction project, for the Esk Football Grounds Field Refurbishment per the aforementioned scope of works. Tenders closed on 6 December 2023, and were promoted and collected through vendor panel.

A mandatory tender site visit was held on 22 November 2023. Two contractors were represented at the tender site visit.

One conforming tender response was received.

The tender response was reviewed by an independent third party to confirm the tender conforms to the tender specifications and conditions. A confidential assessment is attached for reference.

The conforming tender is from Hydro Vision Pty Ltd and represents the best value for money selection for Council.

**Attachments**

1. Confidential assessment of the response for Tender 1339

**Recommendation**

THAT Council accept the tender response from Hydro Vision Pty Ltd for Tender 1339 – Esk Football Grounds Field Refurbishment, totalling \$211,046 including GST.

**Resolution**

Moved – Cr Whalley

Seconded – Cr Brieschke

“THAT Council accept the tender response from Hydro Vision Pty Ltd for Tender 1339 – Esk Football Grounds Field Refurbishment, totalling \$211,046 including GST”

Carried*Vote - Unanimous*

<b>Subject:</b>	<b>Pipeliner Park Shed lease/Licence – Tender</b>
<b>File Ref:</b>	<b>SRC/Council Properties/Usage</b>
<b>Action Officer:</b>	<b>DCORP</b>

**Background/Summary**

Council purchased the old Fire Station site in late 2021 from a private owner who had purchased the property approximately 2 years earlier from the Queensland Fire and Emergency Service. The property included the old Fire Station and adjoining shed within a fenced area and the Apex Shed outside the fenced area. The site is at 12 Heap Street Esk, Lot 138 SP132929 and is an area of 1574 m<sup>2</sup>. The Apex Shed is approximately an 7 metre by 5 metre shed. When the property was purchased from the private property owner no tenure arrangement was provided to Council.

After the purchase in late 2021 Apex were contacted and asked about the tenure arrangement for the shed. In early 2022 Apex advised that the club was having difficulty attracting and retaining members and that the future of the club was uncertain. This was reinforced by contact with the club in late 2022 and early 2023. The club provided a letter to Council on the 7<sup>th</sup> July formally advising that operations had ceased and the club had folded. The assets of the club other than the shed were being donated locally.

A Licence for the Shed and a small space around the shed was Tendered. The Licence of the former Apex Shed will be for a year from 1 December 2023 to 30 November 2024.

Three submissions were received for the Licence. They were from: the Esk Men's Shed, the BVRT Users Association and the Valley of the Lakes Garden club.

The Valley of the Lakes Garden club have a significant amount of event equipment that they currently store in Committee members houses. The usage of the shed by the Valley of the Lakes Garden Club would represent the best usage of the shed as an outcome for Council when considering the organising of the Lifestyle and Garden Festival, the largest community event in Somerset that is hosted in Pipeliner Park annually.

**Attachments**

Attachment 1 – Area of Licence

**Recommendation**

THAT Council award the Tender for the Licence over the Former Apex Shed in Pipeliner Park for a period of a year commencing 1 December 2023 incorporating the restrictions as set out in the attached proposed Licence and the area to be Tendered as indicated on the attached aerial photo to the Valley of the Lakes Garden Club.

**Resolution**

Moved – Cr Brieschke

Seconded – Cr Wendt

“THAT Council award the Tender for the Licence over the Former Apex Shed in Pipeliner Park for a period of a year commencing 1 December 2023 incorporating the restrictions as set out in the attached proposed Licence and the area to be Tendered as indicated on the attached aerial photo to the Valley of the Lakes Garden Club.”

Carried*Vote - Unanimous*

<b>Subject:</b>	<b>Tenders for Grazing Rights</b>
<b>File Ref:</b>	<b>Tendering–Quotation -2022-2023–Tenders-Tender 1296-Closes 11am 25 May 2023</b>
	<b>Tendering–Quotation -2022-2023–Tenders-Tender 1297-Closes 11am 25 May 2023</b>
	<b>Tendering–Quotation -2022-2023–Tenders-Tender 1298-Closes 11am 25 May 2023</b>
	<b>Tendering–Quotation -2022-2023–Tenders-Tender 1299-Closes 11am 25 May 2023</b>
<b>Action Officer:</b>	<b>DCORP</b>

**Background/Summary**

Council has invited tenders for a grazing lease on the following Council land for the below periods:

**For the period 1 August 2024 - 31 July 2027:**

Tender No. 1295: Lot 6 RP176587 – Lowood-Minden Road, Lowood (1.501ha)

Tender No. 1296: Lot 94 CC3388 – Reinbotts Road, Lowood (5.14ha)

Tender No. 1297: Lot 2 SP117270 – Mount Beppo Road, Mount Beppo (30.52ha)

Tender No. 1298: Lot 22 RP144072 – Nerreman Road, Wivenhoe Pocket (4.113ha)

Tender No. 1299: Lot 2 SP225650 – Winya Road Kilcoy (2.98ha)

Tenders closed on 25 May 2023 with the following tenders being received:

<b>Location</b>	<b>Number of Tenders Received</b>	<b>Successful Tenderer</b>	<b>Amount (GST incl.) per annum</b>
Lowood Minden Road, Lowood	Nil received		
Reinbotts Rd, Lowood	Nil received		
Mount Beppo Rd, Mount Beppo	2	Kelvin Allery	\$5200.00
Nerreman Rd	Nil received		
Winya Rd, Winya	2	Travis Hungerford	\$1150.00

Council does not bind itself to accept the highest or any tender. In this instance it would be appropriate to accept the Tenders for Mt Beppo and Winya Rd and to re-Tender the other three properties.

The previous lessee for the Nerreman Rd property and the Mt Beppo Rd property has surrendered the agreements.

Additionally, interest has been expressed in grazing on the Nerreman Rd Property.

#### Attachments

Nil

#### Recommendation

THAT Council:

1. Accept the tender received from Kelvin Allery for a grazing lease over Lot 2 SP117270 for the period of 1 January 2023 to 31 July 2027.
2. Accept the tender received from Travis Hungerford for a grazing lease over Lot 2 SP225650 for the period of 1 August 2024 to 31 July 2027 and
3. Re-Tender the Grazing Rights for Lowood Minden Rd, Reinbotts Rd and Nerreman Rd, commencing the agreements from 1 August 2024 or earlier should the Agreement Holder surrender the agreement

#### Resolution

Moved – Cr Brieschke

Seconded – Cr Gaedtke

“THAT Council:

1. Accept the tender received from Kelvin Allery for a grazing lease over Lot 2 SP117270 for the period of 1 January 2023 to 31 July 2027.
2. Accept the tender received from Travis Hungerford for a grazing lease over Lot 2 SP225650 for the period of 1 August 2024 to 31 July 2027 and
3. Re-Tender the Grazing Rights for Lowood Minden Rd, Reinbotts Rd and Nerreman Rd, commencing the agreements from 1 August 2024 or earlier should the Agreement Holder surrender the agreement”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Somerset Civic Centre Box Office renovation – budget review</b>
<b>File Ref:</b>	<b>Council Land and Buildings</b>
<b>Action Officer:</b>	<b>ACM</b>

#### Background/Summary

To accommodate significant growth at the Civic Centre, plans to extend the box office area have been drafted and a budget of \$50 000 allocated to the renovation works in the 2023/24 budget. (Attachment 1)

An invitation to submit quotes for the building works was extended by Council in August 2023 with one quote received. (Attachment 2) Not other quotes were submitted. This quote exceeds the budgeted amount by approximately \$100 000.

It is proposed that Council proceed with the one quote received from Daniel Banditt – contractor who is registered with Local Buy and that the works be backed-to-backed. Works would commence in June 2023 with the additional required funds to be allocated to the 2024/25 budget and completed in July/August 2024.

### Attachments

Attachment 1 Somerset Civic Centre Box Office renovation plans

Attachment 2 Quote submission (CONFIDENTIAL)

### Recommendation

THAT Council award works to Daniel Banditt and that the works be carried out at the end of financial year with the works being completed in next financial year utilising the Budget from 2023 and additional funds to be allocated to the 2024/25 budget and works to be completed in July/August 2024.

#### Resolution

Moved – Cr Brieschke

Seconded – Cr Whalley

“THAT Council award works to Daniel Banditt and that the works be carried out at the end of financial year with the works being completed in next financial year utilising the Budget from 2023 and additional funds to be allocated to the 2024/25 budget and works to be completed in July/August 2024.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Youth Engagement Strategy – High School Student Survey Results</b>
<b>File Ref:</b>	<b>Community Services/Service Provision/Youth Engagement</b>
<b>Action Officer:</b>	<b>YCDO</b>

### Background/Summary

Somerset Regional Council first adopted a Youth Engagement Strategy (YES) in 2013. The YES is a framework that outlines Council's strategic approach to youth engagement.

Over the past decade, the YES has seen the implementation / refinement of many initiatives including the Somerset Youth Leaders Program, a framework for digital communication with young people, a range of activities which foster young people's leadership and connection to their community and culture, and extensive use of partnerships to address issues that impact on young people's wellbeing.

Over the past decade the needs and challenges experienced by young people in the region have changed. It is timely that a full review of the Strategy be undertaken. The YES was last reviewed in 2018. To facilitate a comprehensive review of the Strategy, consultation with Somerset's young people has been conducted by Council Officers through a survey disseminated amongst local State High Schools; Lowood, Toogoolawah and Kilcoy.

Overall a common concern amongst youths in the area is a lack of activities for the youth to engage in, concerns of crime, and drug and alcohol misuse.

Council has engaged Social Strategies Co to review the YES and survey data, to draft a new Strategy moving forward for Somerset's young people. Further consultation will be undertaken through late 2023 and early 2024, in drafting the new YES.

#### Attachments

Nil

#### Recommendation

THAT Council receive the Youth Engagement Strategy – High School Student Survey Results report and that the contents be noted.

#### Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

“THAT Council receive the Youth Engagement Strategy – High School Student Survey Results report and that the contents be noted.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>The 21<sup>st</sup> annual Somerset Rail Trail Classic – 2024 Event Date</b>
<b>File Ref:</b>	<b>2023 – 2024 – Somerset Rail Trail Fun Run or Ride</b>
<b>Action Officer:</b>	<b>CSO</b>

#### Background/Summary

2024 marks the 21<sup>st</sup> running of the annual Somerset Rail Trail Classic (SRTC) event hosted by Somerset Regional Council. The event remains a significant opportunity to:

- encourage an active and healthy Somerset, and,
- promote the region as a tourist destination.

The change of date for the 2023 event from the last weekend of the school holidays to the second week of Term 3 saw an increase in school student participation.

Additionally, keeping the SRTC on a weekend later in July allowed for increased opportunity for participation of individuals residing outside the Somerset region (i.e., visitor target market of Brisbane, Moreton Bay, and Ipswich).

As such, a similar approach is recommended for the 2024 event. Therefore, an event date of Sunday, 21 July 2024 is proposed for endorsement by Council, to:

- Promote greater opportunity for school student participation;
- Promote greater opportunity for participation from residents in key target areas outside the Somerset region.

#### Attachments

Nil.

#### Recommendation

THAT Council endorse the proposed event date of Sunday, 21 July 2024 for the 21<sup>st</sup> annual Somerset Rail Trail Classic.

**Resolution**

Moved – Cr Whalley

Seconded – Cr Isidro

THAT Council endorse the proposed event date of Sunday, 21 July 2024 for the 21<sup>st</sup> annual Somerset Rail Trail Classic.

Carried

Vote - Unanimous

<b>Subject:</b>	<b>The Fernvale Artists applying for No Cost Hire</b>
<b>File Ref:</b>	<b>Council properties - Usage – 2023 – 2024 - Council Hire</b>
	<b>Agreements and Bookings - 2023 - 2024 - Bookings - Recreation</b>
	<b>Grounds - Buildings - Land (e.g. Esk or Kilcoy Showgrounds -</b>
	<b>Fernvale Futures - Kay Avery etc</b>
<b>Action Officer:</b>	<b>TO</b>

**Background/Summary**

The Fernvale Artists are a local community-based group that were established in 2013 after their local art teacher left the region. Initially their meetings / art therapy activities were held in the Fernvale Visitor Information Centre (FVIC) meeting rooms, however they moved to the Fernvale Community Hall as they expanded.

Since forming, the Fernvale Artists have grown to over 65 members and currently have over 20 active members who also must hold Somerset Art Society Inc. (SASI) membership. Artwork produced by Fernvale Artists is consistently on display in Somerset galleries, and on FVIC and Lowood Brisbane Valley Rail Trail murals.

Fernvale Artists currently pay \$30 (three x \$10.00/hour) each Thursday to hire the Fernvale Community Hall. The Fernvale Artists have requested that Council free of charge use of the hall under the 'No Cost Hire for Community Groups Policy' - C038 No Cost Hire of Selected Council Facilities by Somerset Community Groups and Not for Profit Organisations Policy.

Fernvale Artist are not incorporated, however their activities are conducted under the auspices of SASI. SASI maintain \$20 million public liability insurance and meet the policy's definition of a Somerset Community group.

**Attachments**

Nil.

**Recommendation**

THAT Council approve Fernvale Artists, under the auspices of Somerset Art Society Incorporated, 'No Cost Hire' of the Fernvale Community Hall, per the 'No Cost Hire for Community Groups Policy' - C038 No Cost Hire of Selected Council Facilities by Somerset Community Groups and Not for Profit Organisations Policy, to hold their weekly meetings.

**Resolution**

Moved – Cr Brieschke

Seconded – Cr Whalley

“THAT Council approve Fernvale Artists, under the auspices of Somerset Art Society Incorporated, ‘No Cost Hire’ of the Fernvale Community Hall, per the ‘No Cost Hire for Community Groups Policy’ - C038 No Cost Hire of Selected Council Facilities by Somerset Community Groups and Not for Profit Organisations Policy, to hold their weekly meetings.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Fernvale Indoor Sports Centre – Management Agreement – 2024 to 2029 – PCYC Proposal</b>
<b>File Ref:</b>	<b>Corporate Management / Tendering – Quotations / 2023 – 2024 – Quotations – Unnumbered</b>
<b>Action Officer:</b>	<b>CTM</b>

### **Background/Summary**

The Fernvale Indoor Sports Centre (FISC) Management Agreement commenced on 1 September 2019 and concludes 31 August 2024.

Police Citizens Youth Clubs Queensland (PCYC Qld) are the current Facility Manager of the FISC.

In awarding the Management of the FISC to PCYC Qld in July 2019, Council agreed to undertake works to convert one basketball court to a gymnastics area including the installation of a large recess for a foam pit, as well as other facility refurbishments to allow for the facility to operate as a 24-hour gym facility. Council further improved the facility in 2020, with the installation of ventilation fans over the gymnastics area and courts.

PCYC Qld also provided significant upfront capital costs in undertaking management of the facility by supplying and installing gymnastics equipment, as well as new and modern strength and fitness equipment.

Initial operation of the FISC by PCYC Qld was significantly hindered due to the departing Facility Manager transition, facility refurbishments and the COVID-19 pandemic. As a result of these factors, the FISC was closed to the public from September 2019, re-opening February 2020. The facility then closed again, due to public health restrictions, from late March 2020, re-opening July 2020.

The 2020-2021 Financial Year (FY) was the first full year of operation of the FISC by PCYC Qld. Total attendances for the facility were 18,089. Total attendances for the facility grew to 19,484 for the 2021-2022 FY. In the 2022-2023 FY, PCYC Qld recorded an annual attendance record for the FISC of 34,524 – a 66 per cent increase on the previous annual attendance record of 22,935 set in the 2015-2016 FY. In 2023-2024, PCYC Qld are on track to set another annual attendance record and exceed 40,000 attendances – currently averaging 3,659 attendances per month.

Throughout 2022 and 2023 PCYC Qld have undertaken a significant management restructure, which has culminated in a new club operating model. The model sees the appointment of a civilian Club Manager to oversee commercial management responsibility, and the transition of QPS Sergeants to the role of Youth Club Program Manager to oversee community interface programs based out the PCYC Facility.



PCYC Qld have now implemented this model at the FISC with the appointment of a new civilian Club Manager in November 2023.

PCYC Qld currently employ a full-time Club Manager and part-time Youth Development Officer at the facility, with the Queensland Police Service providing a Sergeant to act as Youth Club Programs Manager.

PCYC Qld currently run a range of commercial and community-based activities from the FISC, including:

- Group Fitness Classes.
- 24-hour Gym Access.
- Braking the Cycle: A learner driver mentoring program that empowers young people currently facing barriers, to undertake the mandatory 100 hours of supervised driving required to obtain a licence.
- RUBY (Rise Up and Be Yourself): A weekly free physical fitness program for women who are, have been, or are likely to be experiencing domestic and family violence.
- Basketball After Dark: Weekly all ages informal basketball game and activities that provides a safe, fun, healthy and positive environment for young people to engage in a sporting activity with support from a QPS Officer or Youth Worker.
- Gymnastic Activities and Pathway: Pathways curriculum that offers Kinder Gym as well as recreational and competitive gymnastics programs.
- Little n Active Program: Activities designed to promote children's curiosity, encourage problem solving, increase comprehension and develop social skills, with active parental participation.

PCYC Qld will also be commencing youth boxing programs at the FISC in 2024, following the installation of boxing equipment in October 2023.

At the 18 January 2023 Ordinary meeting Council resolved to approve a market test (tender process) to be undertaken in 2024 to help Council determine the most appropriate management fee for a new five-year Management Agreement.

Council has received a proposal from PCYC Qld to continue operations at the FISC per the current Management Agreement (i.e. maintaining the current Management Fee from 1 September 2024 to 31 August 2029). Noting that the proposal is accepted by PCYC Queensland subject to:

- committing to maintain one (1) full-time Club Manager, or equivalent, and one (1) part-time Youth Development Officer, or equivalent, at the Fernvale Indoor Sports Centre for the term of the Management Agreement.
- committing to maintaining one (1) full-time Youth Club Programs Manager, or equivalent, at the Fernvale Indoor Sports Centre for the term of the Management Agreement, subject to Queensland Police Service resourcing.
- The Management Agreement including an agreed fixed Management Fee per annum
- and in line with standard PCYC Queensland operations, committing to reinvesting any facility operating surplus or profits into programs and services at the Fernvale Indoor Sports Centre for the Somerset community.

Given the recent PCYC Qld restructure, operating model implementation at the FISC, and performance improvements, Council may wish to enter into a new five-year Management Agreement with PCYC Qld for the FISC. Council may wish to enter into a new agreement provided that PCYC Qld commit to maintaining existing staffing requirements to ensure a

continued service to the community, e.g. commit to maintaining one x full-time Club Manager and one x part-time Youth Development Officer for the term of a new five-year Management Agreement.

### Attachments

1. PCYC Proposal for a New Five-Year Management Agreement of the Fernvale Indoor Sports Centre – Commercial in Confidence

### Recommendation

THAT Council:

1. Receives the report and notes the current performance of PCYC Queensland in managing the Fernvale Indoor Sports Centre, delivering record attendance rates and enhanced community service delivery during the 2023 calendar year.
2. Not undertake a market test through a tender process for the management of the Fernvale Indoor Sports Centre for a new five-year Management Agreement, recognising that the current Management Agreement and Fee represents a value for money proposition for Council.
3. In accordance with Local Government Regulation 2012 Section 236, accept the proposal from the Queensland Police-Citizens Youth Welfare Association Inc (PCYC Queensland) for management of the Fernvale Indoor Sports Centre from 1 September 2024 to 31 August 2029.
4. Chief Executive Officer is authorised to finalise the agreement with PCYC Queensland and execute the same.

### Resolution

Moved – Cr Brieschke

Seconded – Cr Gaedtke

“THAT Council:

1. Receives the report and notes the current performance of PCYC Queensland in managing the Fernvale Indoor Sports Centre, delivering record attendance rates and enhanced community service delivery during the 2023 calendar year.
2. Not undertake a market test through a tender process for the management of the Fernvale Indoor Sports Centre for a new five-year Management Agreement, recognising that the current Management Agreement and Fee represents a value for money proposition for Council.
3. In accordance with Local Government Regulation 2012 Section 236, accept the proposal from the Queensland Police-Citizens Youth Welfare Association Inc (PCYC Queensland) for management of the Fernvale Indoor Sports Centre from 1 September 2024 to 31 August 2029.
4. Chief Executive Officer is authorised to finalise the agreement with PCYC Queensland and execute the same.”

*Carried*





Vote - Unanimous

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













**Background/Summary**

The following is the November 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>	80	25	33	12	12	4	166
 <b>Fernvale VIC</b>	87	87	56	15	25	10	280
 <b>Kilcoy VIC</b>	235	105	181	41	49	14	625
 <b>The Condensery</b>	71	32	36	10	3	8	160

**Motivators**

	First	Second	Third
<b>Esk</b>	 Glen Rock Gallery	 Maps and Directions	 Brisbane Valley Rail Trail
<b>Fernvale</b>	 Maps and Directions	 Brisbane Valley Rail Trail	 Tourist Drives
<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>	8
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<b>Fernvale</b>	20
<b>Kilcoy</b>	9
<b>TOTAL</b>	37

## Digital Media

### Facebook



Likes 3,555  
(+9)  
Followers 4,088  
(+14)  
Reach 27,500  
(-65%)

### Website



Page Views: 3,557  
Visitors: 1,477 new, 59 returning  
Peak Time: Saturday, 11 November  
Most Popular Pages: Experience Somerset, Events and  
Markets, Markets and Experiences on the water  
Device Type: 56% Mobile, 40% Desktop, 4% Tablet

### Instagram



1692 (+13)  
Reach: 681  
(-70%)

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

The November exhibition at Glen Rock Gallery showcases the work of a number of artists that are members of the Somerset Art Society Inc. (SASI). Entitled 'Christmas Market' SASI presents a variety of works in different media which are ideal to purchase as gifts for Christmas, including some beautiful handmade Christmas decorations.

Featuring metal work, water colours, glassware, ceramics, oil paintings and more, there is something in the Glen Rock Gallery for everyone.

SASI is a group of diverse visual artists that support creativity within the Somerset region. The group meets weekly at the Mount Beppo Hall, Fernvale Community Hall or Lowood Community Gallery.

## Visitor Information Centre Volunteer Famil

The end of year famil will be held on 6 December 2023 to celebrate the year and International Volunteers Day have now been confirmed. The Famil will take in Moore and Linville in the northern region of Somerset.

## Somerset Christmas Lights Competition 2023

Planning for the Somerset Christmas Lights competition continued through November. 26 entries were received across 10 categories, including 6 first time entrants. Judging has commenced, with an awards ceremony scheduled for 8 December at the Somerset Civic Centre.

The Somerset Christmas Lights Competition welcomed Brown Contractors as a sponsor, joining our returning partners; Somerset Health and Fitness, Kilcoy Global Foods, A&M Civil, Lockyer Hire Pty Ltd, and Lowood and Fernvale Community Bank.

### **Trade Shows**

A stand has been secured for the Moreton Bay Expo in February 2024. Operators have been invited to attend via the tourism operator newsletter sent out at the end of November. Council will be running a competition to win a prize within the region for those attending the show.

### **Regional Tourism Organisation**

Southern Queensland Country Tourism (SQCT) hosted an event organisers workshop on Saturday, 18 November in Toowoomba. Somerset event organisers and tourism operators were invited to attend the free workshop.

The tourism development officer attended the Destination IQ and Destination Q conferences in Cairns on 22-23 November, along with Officers from Lockyer and Toowoomba Regional Councils.

### **Tourism Operator Development**

The Best of Brisbane Region Experiences Support Program and Transformational Experiences Mentoring Program concluded with a final session with all mentees on Thursday, 16 November. Mentees have been and will continue to work towards reaching the Best of Queensland Experience Status for 2024, with the results expected to be released in May 2024.

A Somerset Tourism Operator Networking Event was held on 16 November at the Brisbane Valley Roasters. The event included presentations from Tourism and Events Queensland, SQCT and Council's tourism team, and celebrated the mentees who have completed the Best of Brisbane Region Experiences Program and Transformational Experiences Program. 36 people attended from 17 Somerset tourism business.

The advertising prospectus has been sent to tourism operators for the next edition of the Experience Somerset Visitor Guide 2024-2025, to be released in Autumn 2024.

### **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, sporting, adventure race events and more.

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

- Free Australia Day BVRT Bike Ride, hosted by Brisbane Valley Rail Trail Users Association, (BVRT, Fernvale to Esk, 26 January 2024)
- The Kilcoy Australia Day Gift, hosted by the Kilcoy Race Club, (Kilcoy Recreation Grounds / Kilcoy Racecourse, 26 January 2024)
- Legends of Beef 2024, hosted by Brisbane Valley Farm Direct (Toogoolawah Showgrounds, 24 February 2024)
- Queensland Athletics All Schools Cross Country Championships, hosted by the Toogoolawah Golf Club (Toogoolawah Golf Course, 11 May 2024)
- Wivenhoe Triathlon, hosted by Atlas Events (Lake Wivenhoe / Logan's Inlet, 12 and 13 October 2024)

- Rogue Escape, hosted by Rogue Adventures (Lake Wivenhoe / Logan's Inlet, 19 and 20 October 2023)

### 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.

### Marketing Campaigns

<i>Campaign</i>	<i>Results</i>
Spring – Country is Calling - SQCT Collaborative Marketing Campaign V1 “Country Racing is Calling in Somerset” Dates active: 31 October – 13 November 2023 -Mix of paid and organic digital content -EDM sent to SQCT database on 2 November 2023  -Featured blog on SQCT campaign landing page	Reach: 23,061 Impressions: 45,576 Unique Link Clicks: 457
Spring – Country is Calling - SQCT Collaborative Marketing Campaign V2 “EV Adventures Made Easy in Somerset” Dates active: 14 November – 27 November 2023 -Mix of paid and organic digital content -EDM sent to SQCT database on 16 November 2023 -Featured blog on SQCT campaign landing page	Reach: 16,975 Impressions: 34,179 Unique Link Clicks: 263
Spring – Country is Calling – PR / Media Story on Country Racing in Somerset sent to targeted media outlets.	Story was picked up by: --Racing Queensland

### Tourism and Marketing Activities

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.

16 boxes of the Experience Somerset Visitor Guide were distributed to 4 Visitor Information Centres and 2 tourism operators throughout November.

### Attachments

Nil.

### Recommendation

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

**Resolution**

Moved – Cr Whalley

Seconded – Cr Isidro

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

*Carried**Vote - Unanimous*

<b>Subject:</b>	<b>Corporate and Community Services Monthly Report – November 2023</b>
<b>File Ref:</b>	<b>Corporate Management - Reporting</b>
<b>Action Officer:</b>	<b>DCORP</b>

**Background/Summary**

The Corporate and Community Services monthly activity report for Council's information is as follows:

Inward/Actioned Documents – 4022	Outward Correspondence - 1788
Customer Service Requests - 397	Councillor Requests – 13 (Thirteen)
Emails Processed by the Records Team	
Corporate Mailbox - mail@ - 15,532	Internal Only Records Email – 9,810
Decision Notices/Workshop Outcomes – 37	Tender/Quotation –
Decision Notices – 0	Tenders – Tenders (0)
Workshop Actions – One (1)	Numbered Quotations – 0

Total Documents Registered for the month of November 2023 – 9722

**Email Traffic**

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

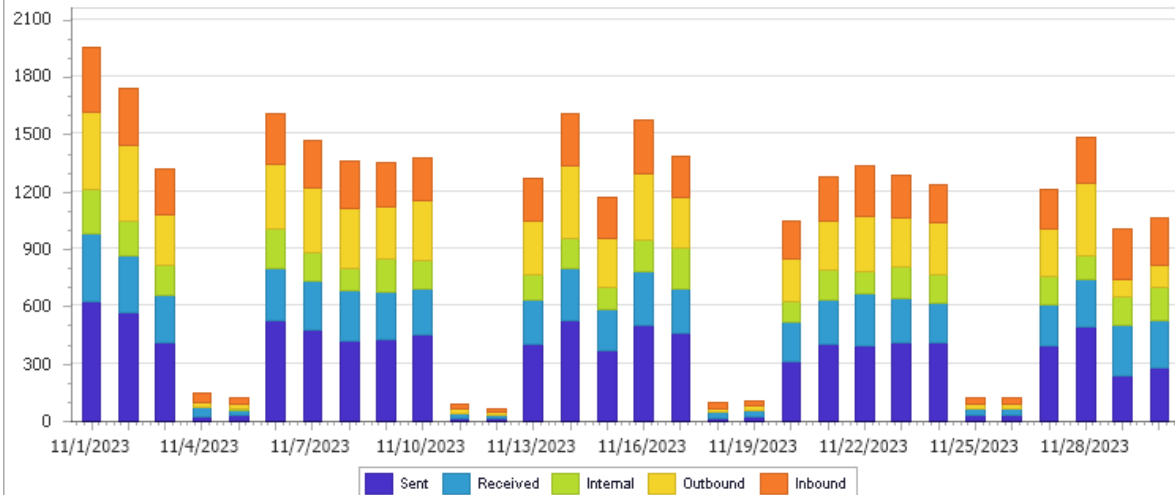
## User Traffic Report For:

**Somerset Regional Council**

Emails between 11/1/2023 and 11/30/2023

**Summary**

<b>Inbound</b>	<b>Outbound</b>	<b>Internal</b>	<b>Sent</b>	<b>Received</b>
Total Emails: 5606	Total Emails: 6499	Total Emails: 3427	Total Emails: 5809	Total Emails: 9723



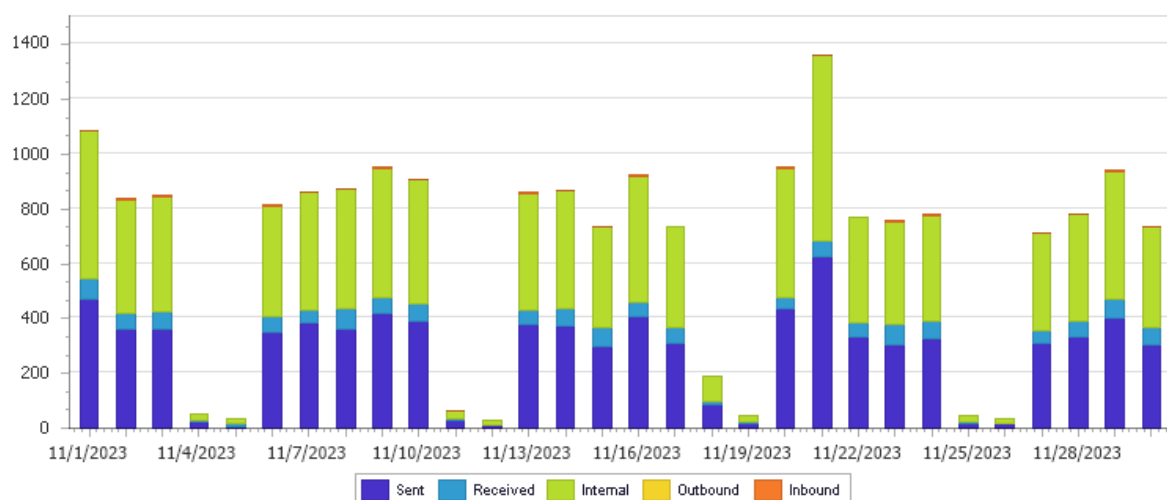
## User Traffic Report For:

**Records**

Emails between 11/1/2023 and 11/30/2023

**Summary**

<b>Inbound</b>	<b>Outbound</b>	<b>Internal</b>	<b>Sent</b>	<b>Received</b>
Total Emails: 62	Total Emails: 0	Total Emails: 9748	Total Emails: 1343	Total Emails: 8467

**Information and Communication Technology (ICT)**

ICT's dedication to enhancing its meeting capabilities and equipment is demonstrated through its continuous focus on technology and facility improvements. These upgrades include increasing user remote accessibility with expansion of internal networks and adding



functionality such as video meetings to our depots, as well as increased mobility with new laptops where needed.

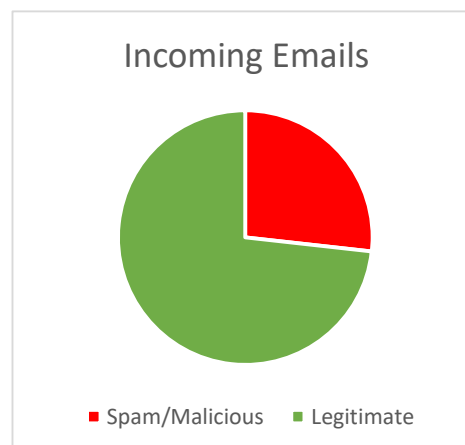
In the ongoing effort to strengthen Council employees' cybersecurity awareness, workshops have been made available for all personnel that use Council networks, aiming to deepen their understanding of cybersecurity measures and empower them in the collective fight against cybercrime.

### *Cyber Security*

There has been a slight decrease in overall email volume, with the number of incoming malicious emails also decreasing. Notably, Queensland local governments face rising cybersecurity threats, with phishing attacks targeting communication platforms and ransomware incidents disrupting essential services.

Ransomware attacks have continued to disrupt public utilities and emergency response systems, demanding significant ransom payments in cryptocurrencies.

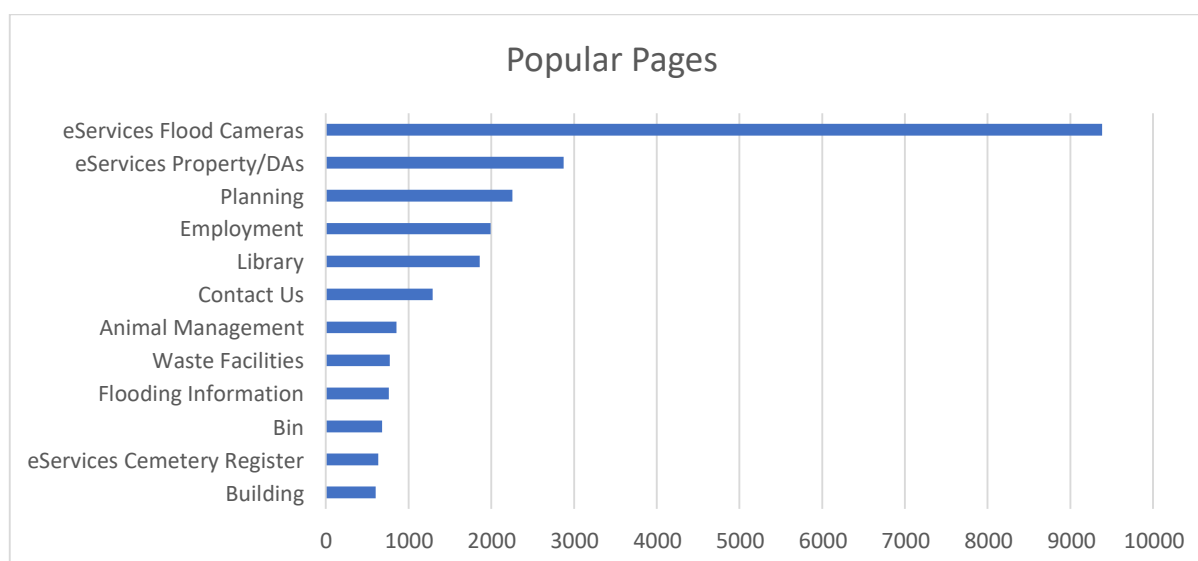
The Council Information and Communication Technology (ICT) team are proactively countering threats by enhancing email security and continuing the utilisation of advanced threat detection systems.



Council is focused on prioritizing continuous employee training, updating incident response and disaster management plans and policies, fostering collaboration with auditors, and ensuring compliance with regulatory standards for a resilient cybersecurity posture.

### *Websites*

The primary corporate website ([someset.qld.gov.au](http://someset.qld.gov.au)) received 39849 page views for the month, and eServices ([eservices.someset.qld.gov.au](http://eservices.someset.qld.gov.au)) received 23908.



## **Governance and Business Improvement**

### *Annual Report*

The annual report was adopted at Council's Ordinary meeting of 15 November 2023. It is available on Council's website and a copy has been uploaded to the State Library of Queensland.

#### *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.

Written submissions by any person in support of, or objecting to, each of the animal management amending subordinate local law and the keeping of animals amending subordinate local law, were invited for a 21 day period commencing on Wednesday, 11 October 2023, and ending on Friday, 3 November 2023 (the "consultation period"). Advertisements appeared in local newspapers and information was available on Council's website. No submissions were received.

A report has been submitted for Council's consideration to establish whether it wishes to proceed with making the proposed subordinate local laws as advertised, with amendments, or not at all.

#### *Policy Review*

The Information Services Team are currently refining the draft Information Management and Security Policy and accompanying procedures. These will be refined and developed further pending feedback provided following the recent cyber security internal audit.

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.

#### *State Penalties Enforcement Regulation (SPER) Codes*

During the course of undertaking Council's regulatory functions, it may become necessary to issue infringement notices or fines for nominated offences. SPER Codes are required when infringement notices and fines issued by Council remain unpaid, as these unpaid infringements and fines can be registered with the State Penalties Enforcement Registry (SPER) for collection.

The annual review of Council's SPER Codes is continuing. Proposed changes will be discussed with relevant officers in the near future, before a report is presented to Council for consideration.

#### **Arts and Culture**

 Attendance at Cultural Venues	 Events	 Partnerships
9151	101	8

## Events

### *Somerset Celebrates – Australia Day 2024 – Friday, 26 January 2024*

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

An application for The *National Australia Day Council's Community Grant Funding* of \$10,000 was approved, with an application for an Australia Day Ambassador submitted still to be announced.

The Australia Day Community Award nominations are now closed and resulted in 30 nominations across five of the six categories.

The celebration that follows the official Australia Day ceremonies will consist of live music, a jumping castle and face painting for the kids and an Australia native fauna display and photo opportunity.





### *Kilcoy Multicultural Carnival - May 2024*

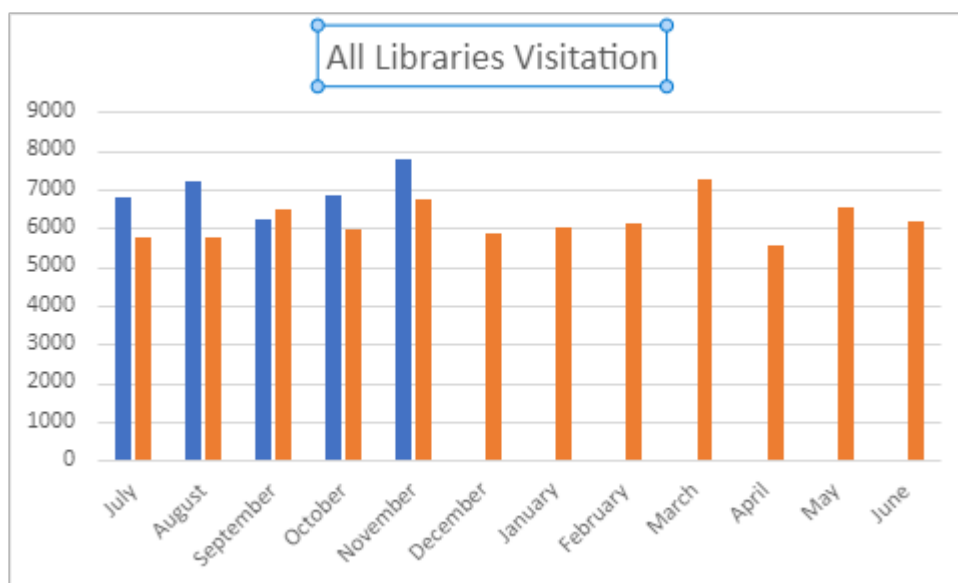
The inaugural Kilcoy Multicultural Carnival hosted in May 2023 proved to be very popular with feedback and attendance exceeding expectations. Post event funding was sought to host the event again in May 2024.

The Department of Environment and Science advised Council on Monday, November 27, 2023, that Council had been successful in their funding application and were to receive a \$7,000 contribution towards the event.

The previous sponsor, Kilcoy Global Foods, have expressed interest in once again being connected to the event in a sponsorship capacity and are keen for their culturally diverse employees to form a steering committee to assist with the event.

## Somerset Libraries

 Physical Items Circulated	 Visitation	 Events	 New members
13,106	7873	50	62



Use of our libraires is trending upwards with Kilcoy Library visitation up by 16% over the last month. Visits to Lowood and Toogoolawah Libraries remain steady while use of Esk Library has increased by 26% which is most likely due to Customer Service operating from the library.

To celebrate International Day of People with Disability, local Paralympian Matt Levy shared his life and stories with the community at Kilcoy Library on 8<sup>th</sup> December. The six week Summer Holiday Program commences on Monday 11 December with gnomes, snowflakes, Lego challenges, stop/go animation and virtual reality adventures.





First 5 Forever outreach was delivered at NCC Early Learners in Kilcoy, Prenzlau State School, Esk CWA and the Condensery.

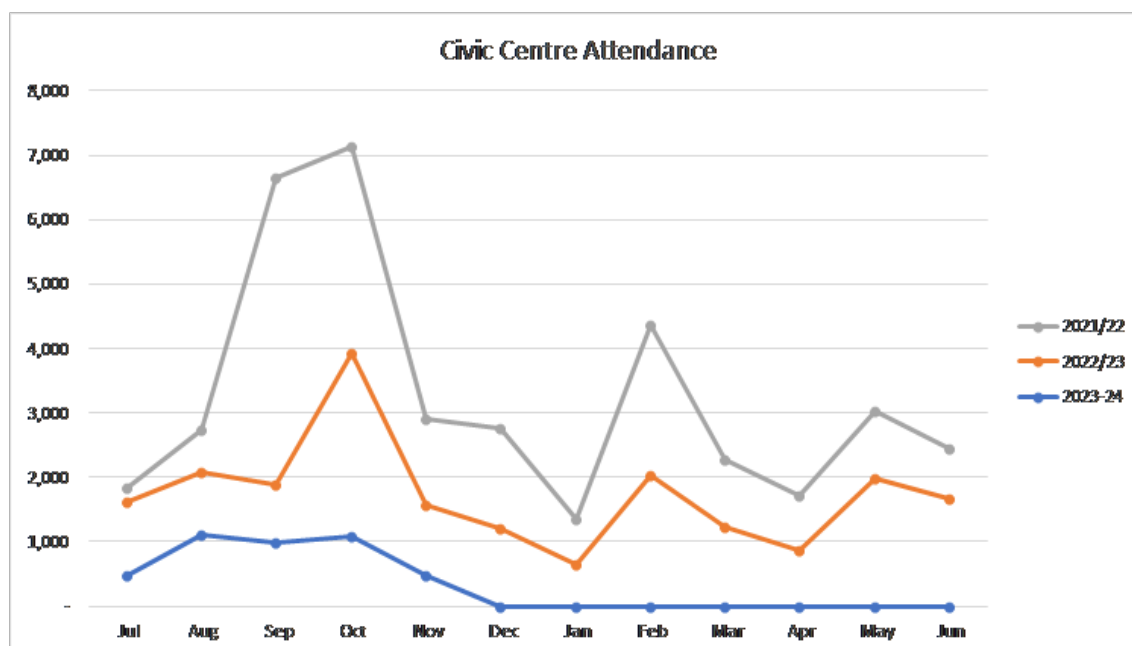
The Library's new sewing machines had their debut at Esk and Lowood Libraries with quilted potholders, placemats and coasters. While Kilcoy and Toogoolawah Library customers spun cards and jewellery in paper quilling sessions.

During November 385 adults, teens and children participated in library programs including storytime, STEAM Squad and craft.

The Library's wifi and computers remain popular in all four library locations with 550 hours clocked up on computers over the month. Assistance for help with all things technical – form filling, device and PC help, help with printing, scanning and documents such as resumes – remains a key service offered by the library with over 590 technical customer enquiries this month.

### Somerset Civic Centre

			
Visitation	Private/ Council Events	Programmed Events	Revenue
1,114	42	3	\$4,189.39



November saw a number of private events and council programming.




The venue hosted three programmed events over the month which consisted of a creative grant writing workshop, facilitated by Dr Louise Mayhew; Montville Lane's pop-up recording studio; and Drag Bingo.

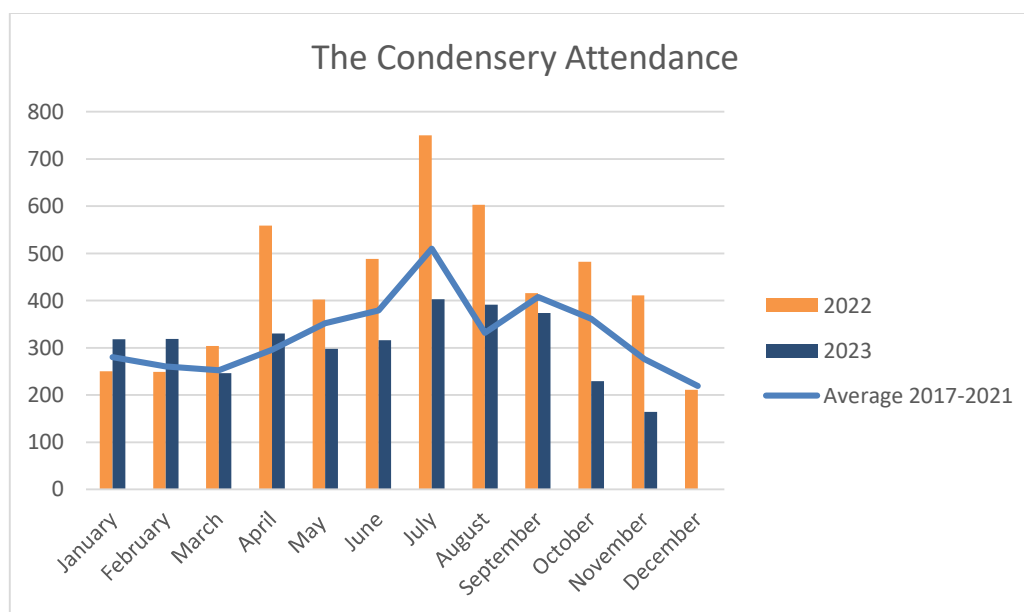
Moving into December we anticipate the arrival of the Festival of Small Halls tour and workshop on the 15<sup>th</sup> and 16<sup>th</sup> of December to finish programming for the calendar year.

Program events in development and upcoming advertised events include;

- Kids free ballet classes: Term 1 2024
- Somerset KidsQuest: 24<sup>th</sup> February 2024
- Morning Melodies: April and August 2024
- Shake & Stir (book week/Shakespeare curriculum): July 12 2024
- The Faulty Towers Dinner Show: 2024/25 Date TBC
- Oktoberfest: October 2024

### The Condensery

		
Visitation	Public programs	Exhibitions in development
164	2	8



In November *Intimate Immensity* by Ian Friend and *Littoralis* by Anita Holsclaw continued. These exhibitions closed on 3 December and have received good feedback.

Programs and events this month included Healing Garden workshops across the region, employing two Somerset artists.

Storytime sessions in collaboration with Somerset libraries also continue in the month of November. This was the final iteration for 2023.

The Regional Arts Services Network representative for the Somerset region held an online Arts Business workshop for local artists. Another workshop will be held in-person in February 2024.

The Condensery successfully received RADF funding for *Everyday Sketchbooks* and RAF funding for *Environment Biennial*, two future exhibition projects that engage local artists.

Preparations are underway for *Healing Garden* and *Remnants | Impressions*, opening 9 December and launching the 2024 exhibition program at The Condensery.

## Community Development

### *RollaBae Disco*

Planning for the RollaBae disco event to be held on Friday 8 December 2023 at the Somerset Civic Centre well underway. The event will be held in the Civic Centre carpark. RollaBae has been a popular event amongst the community and will commence the December-January school holidays by bringing the community together.

### *Youth Engagement Strategy*

Youth Engagement Strategy development is well underway. Internal discussions are proceeding. Feedback and further questions will be taken to the Youth Leadership Camp to gain clarity from the Youth Leaders regarding tactics and strategies to improve the health and well-being of Somerset Youth.

### *Youth Leaders Camp*

Youth and Community Development Officer (YCDO) met with Youth Leaders nominated to attend the Youth Leaders Camp from Toogoolawah, Kilcoy and Lowood. Activities which will be taking place during the camp were discussed. A record total of 36 students have been confirmed to attend the event.

#### *Ready Set Go – Lutheran Services*

YCDO met with Lutheran Services to discuss a new ready for work program being introduced to Kilcoy. The program will assist local youth with tools to gain work or an apprenticeship. The YCDO assisted in discussing facility options and availability. The program is scheduled to commence from 8 January 2024.

The following meetings were attended by Community team members in November:

- Community and Neighbourhood Centre Meeting
- Brisbane Valley Interagency
- Neighbourhood Centres Information Session
- Youth Interagency Meeting
- Talking It Up Steering Committee Meeting
- Kilcoy Interagency Meeting

#### *Community Recovery and Resilience Program*

The Community Recovery and Resilience Officer (CRRO) has been reaching out to all known community hall committees in the remote locations within the Somerset Region in response to an identified need for more emergency training in these communities. The next rural town to become involved in the disaster response training will be Glamorgan Vale and this will be organised to take place in the new year.

Arising from the final community forum, a community led initiative to scope and research transport alternatives for use in times of disaster has begun, and a small working group of local residents has been gathering information in preparation to meet and discuss some possibilities.

The Local Action Group, with assistance from the CRRO, has successfully finished the Disability Awareness Video and it is currently under review for addition to the Disaster Dashboard.

In the Kilcoy area 150 disaster preparedness Welcome Bags for new residents have been distributed with the help of the real estate agents.

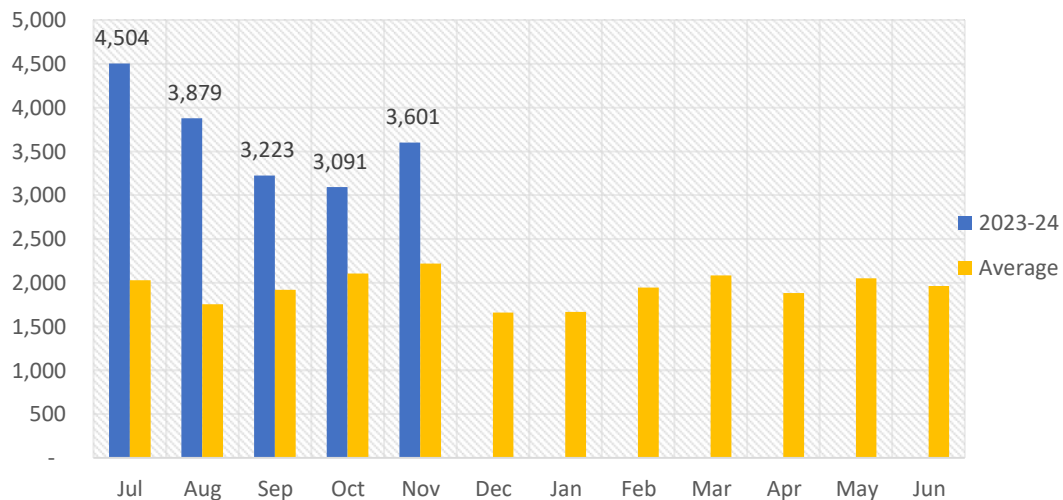
### **Sport and Recreation**

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

#### *Fernvale Indoor Sports Centre*

- Monthly attendance record for the facility for the month of November (3,601).
- Comparative to monthly historical average – positive +1,495 (Average – 2,106).
- Gym Membership Change – decreased -48 (Current Membership – 1,006).
- Acting Facility Club Manager confirmed as permanently recruited into the role.
- Installation of specialised boxing area continued.
- 48 young people attended driving lessons as part of the Braking the Cycle Program.
- 110 young people participated in basketball programs.
- Recreational Gymnastics students presented their End of Year showcase.
- Announcement of Little n Active Playtime program for 0-2 year olds.
- Two minor incidents reported – No Council action required.

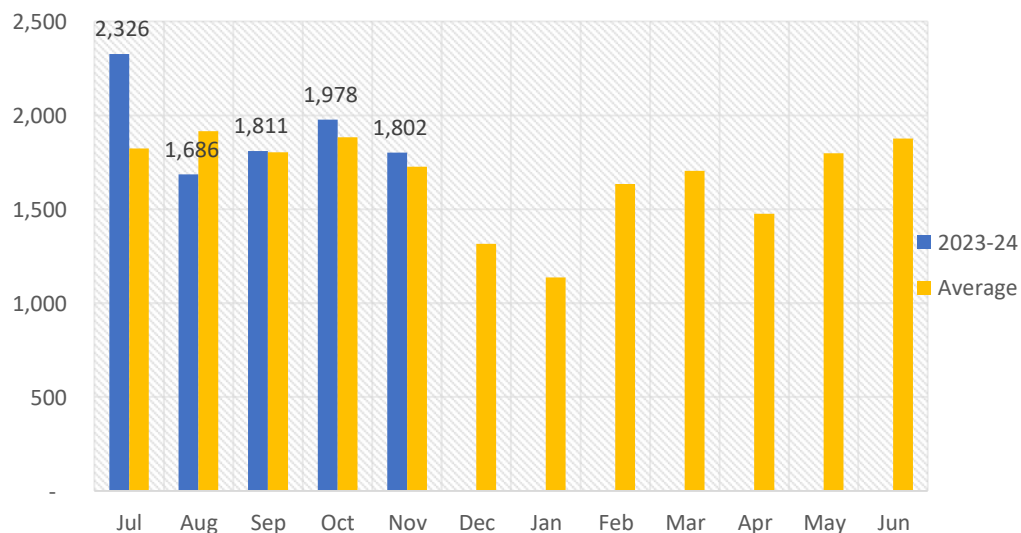
- Facility will close for Christmas 22 December to 2 January with 24hr gym access maintained.



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

#### *Kilcoy Indoor Sports Centre*

- Comparative to Monthly Historical Average - positive +75 (Average – 1,727).
- Gym Membership Change – positive +2 (Current Membership –120).
- 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 now co-funded by the Somerset Health and Fitness.
- Gymnastics Awards Event held for end of year celebration.
- No incidents to report.



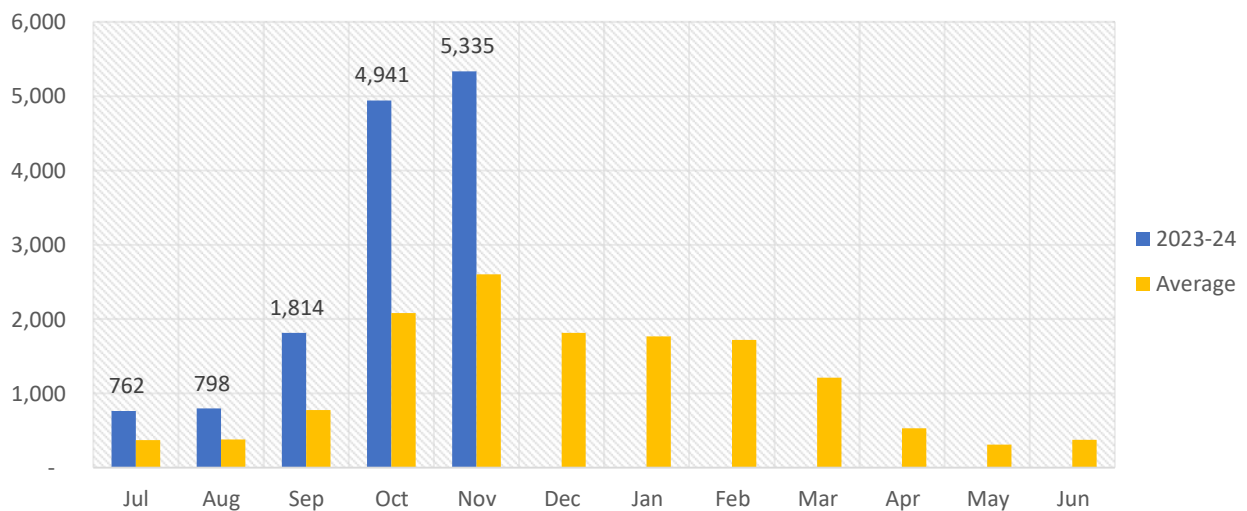
Graph: Monthly Attendance of the Kilcoy Indoor Sports Centre - 2023-24 versus Average

#### *Toogoolawah Swimming Pool and Community Gym*

- Monthly attendance record for the facility (5,335).
- Comparative to Monthly Historical Average – positive +2,730 (Average – 2,605).
- Gym Membership Change – positive +4 (Current Membership - 52).



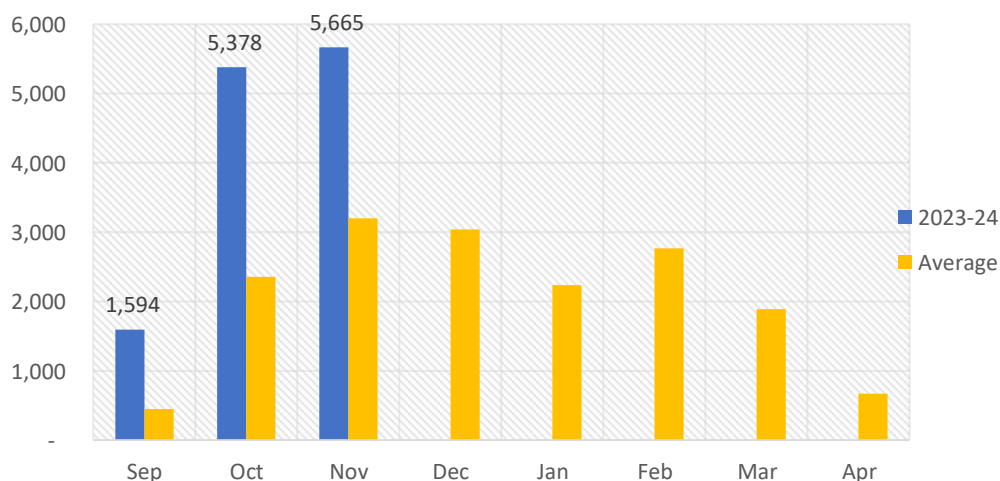
- Training underway to introduce babies, toddlers and disability learn-to-swim classes.
- Facility awarded Swim School of Excellence by Ausswim.
- No incidents to report.



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

#### *Lowood Swimming Pool*

- Monthly attendance record for the facility (5,665).
- Comparative to monthly historical average – positive +2,647 (Average – 3,198).
- Increased growth for aqua exercise.
- Record participation for learn-to-swim (698).
- School swimming program growing, including hosting two new school swimming carnivals.
- Completion of construction works for the Lowood Swimming Pool carpark refurbishment. Positive public feedback regarding the works.
- One minor incident. No Council follow up required.

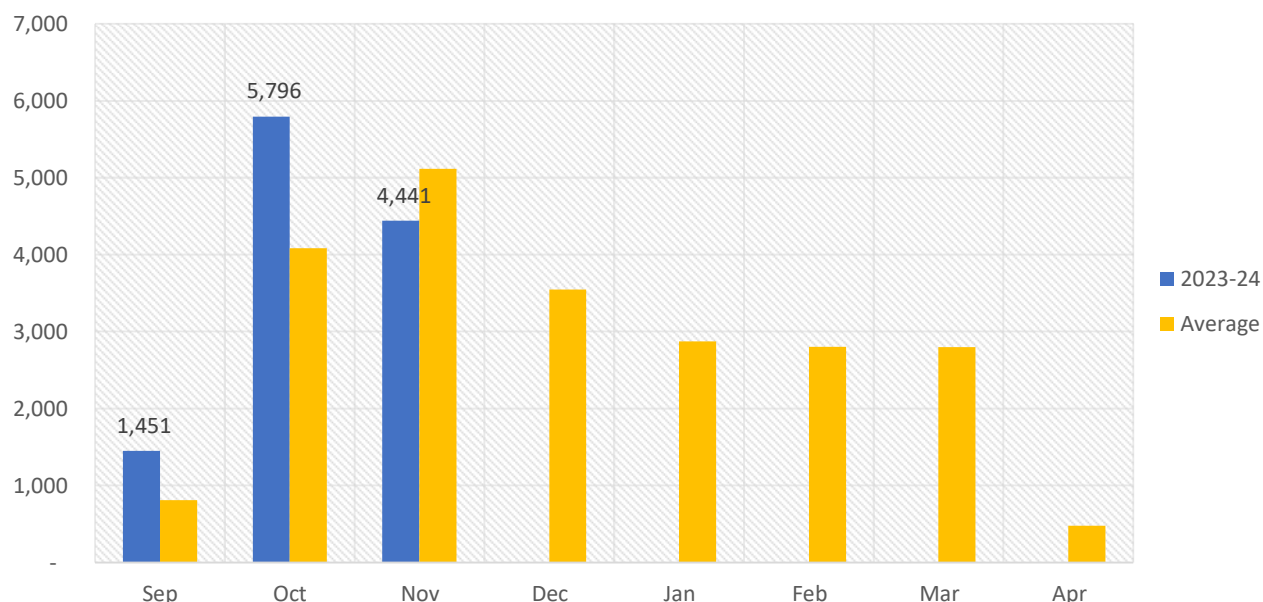


Graph: Monthly Attendance of the Lowood Swimming Pool - 2023-24 versus Average

#### *Kilcoy Aquatic Centre*

- Comparative to monthly historical average – decreased (Average – 5,112).

- Learn -to-swim program taking place five days per week.
- Aquatic exercise classes scheduled for six days per week.
- Aloka Aged Care started swimming program introduced on Mondays.
- School swimming sessions continued for seven local state schools.
- Facility hosted local primary school carnivals.
- Kilcoy Swim Club excelled at external competitions.
- No incidents to report.



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

### *Sport and Recreation Highlights*

- Official Cricket Fixtures continued at the Fernvale Sports Park. The Marburg Mount Crosby Thunder Cricket Club hosted junior and senior matches on both turf and synthetic wickets featuring day/night matches on the main field. A planned opening match celebration was cancelled due to poor weather and was rescheduled to take place in December.
- Council Officers facilitated a successful grant funding application through the Queensland Reconstruction Authority Emergency Response to repair and upgrade the irrigation system at the Hopetoun Sports Fields. The works will be delivered in collaboration with the Kilcoy District Football Club, also known as the 'Kilcoy Yowies'. Planning continues to facilitate this project. An irrigation site review is scheduled for December.
- Council Officers submitted applications through the Queensland Government Minor Infrastructure and Inclusive Facilities program for the installation of an irrigation system and field refurbishment on the main oval of the Fernvale Sports Park, an extension to the Toogoolawah Community Gym, and new perimeter fencing and building refurbishments for the Esk Tennis Courts. Applicants will be notified of the success of their applications in March 2024.
- 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.

- Planning continued for Holiday Pool Movie Nights and Australia Day Pool Parties.

### Attachments

Nil

### Recommendation

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

#### Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

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

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Local Disaster Management Group Meeting Report (22 November 2023)</b>
<b>File Ref:</b>	<b>Local Disaster Management Group Meeting</b>
<b>Action Officer:</b>	<b>DMO</b>

### Background/Summary

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

- CleanCo;
- Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA);
- Department of Agriculture and Fisheries;
- Department of Transport and Main Roads;
- Education Queensland;
- Energex;
- Queensland Health (Esk and Kilcoy Hospitals);
- Queensland Ambulance Service;
- Queensland Fire and Emergency Services;
- Queensland Police;
- Queensland Reconstruction Authority;
- Red Cross;
- SEQWater;
- Somerset Regional Council;
- State Emergency Service;
- Telstra;
- NBNCo;
- Urban Utilities.

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

Minutes and Agency Reports from the November 2023 meeting are attached.

### Attachments

Minutes – Local Disaster Management Group (22 November 2023) and Agency Reports

### Recommendation

THAT

1. the report Local Disaster Management Group Meeting Minutes (22 November 2023) be received and its contents noted.
2. The Recovery groups be wrapped up with ongoing actions incorporated into business as usual.

### Resolution

Moved – Cr Brieschke

Seconded – Cr Whalley

“THAT

1. the report Local Disaster Management Group Meeting Minutes (22 November 2023) be received and its contents noted.
2. The Recovery groups be wrapped up with ongoing actions incorporated into business as usual.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Regional Road and Technical Committee Minutes Report September 2023</b>
<b>File Ref:</b>	<b>Community services / service provision / regional roads and transport group committee</b>
<b>Action Officer:</b>	<b>ESM</b>

### Background/Summary

The Northern South East Queensland Regional Roads and Transport Group (NSEQ RRTG) Technical Committee and Executive meetings were held at Noosa Council on Thursday 7 September 2023. Copies of the minutes are attached for Councillor's information.

Council's attention is drawn to the following points:

1. The Northern South East Queensland Regional Roads and Transport Group (NSEQ RRTG) achieved 100% expenditure for the 2022/2023 program which consisted of 22 projects;
2. That Somerset Regional Council were to receive an increased TIDs allocation of \$15,955 for the current 2023/24 program.

### Attachments

- Attachment 1 - NSEQ RRTG TC 07\_09\_2023 Minutes FINAL
- Attachment 2 - NSEQ RRTG EC 07\_09\_2023 Exec Minutes FINAL

### Recommendation

THAT Council receive the Reports titled "Attachment 1 - NSEQ RRTG TC 07\_09\_2023 Minutes FINAL" and "Attachment 2 - NSEQ RRTG EC 07\_09\_2023 Exec Minutes FINAL" and that the contents be noted.

**Resolution**

Moved – Cr Isidro

Seconded – Cr Brieschke

"THAT Council receive the Reports titled "Attachment 1 - NSEQ RRTG TC 07\_09\_2023 Minutes FINAL" and "Attachment 2 - NSEQ RRTG EC 07\_09\_2023 Exec Minutes FINAL" and that the contents be noted."

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Application for Licensed Grid – Louisavale Road, Monsildale – Chainage 5150 – GR2755-5.15</b>
<b>File Ref:</b>	<b>Roads - gate and grid applications from 1 July 2015 (1541484)</b>
<b>Action Officer:</b>	<b>CSSA</b>

**Background/Summary**

A new grid has been installed on Louisavale Road, Monsildale at chainage 5150, near 506 Louisavale Road, Monsildale between Lot 4 CG4561, Lot 4 RP166881 and Lot 5 RP27689 before making an application to licence it.

The unlicensed grid that has been installed on Louisavale Road meets Council's standard.

The owner of this grid was contacted and advised that an application had to be made to license the grid or it may be removed from the roadway. An application was received.

The grid application was advertised in the prescribed manner in the Kilcoy Sentinel on Thursday, 21 September 2023 seeking any objections. The objection period closed Friday, 20 October 2023.

No submissions/objections were received.

It should be noted that any approvals issued by Council, for gates or grids, are issued subject to the condition that, Council can withdraw the permission at a later time.

**Attachments**

Attachment 1 - Locality map  
Attachment 2 - Photo

**Recommendation**

THAT Council approve the application for the grid (GR2755-5.15) that has been installed at chainage 5150 on Louisavale Road, Monsildale subject to all Council's standard conditions for installation of a licensed grid are met.

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Brieschke

"THAT Council approve the application for the grid (GR2755-5.15) that has been installed at chainage 5150 on Louisavale Road, Monsildale

subject to all Council's standard conditions for installation of a licensed grid are met."

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Roadside Rest Stops within Somerset Region</b>
<b>File Ref:</b>	<b>Planning - Future planning of premise</b>
<b>Action Officer:</b>	<b>ESM</b>

### Background/Summary

At a recent Council Workshop Council Officers discussed all roadside rest areas within the Somerset Region. In total Council have twelve areas which are currently being utilised as roadside rest areas, namely:

- Aston Park – Kilcoy;
- Silky Oak Park – Kilcoy
- Seib Street – Kilcoy (adjacent to dog off leash area);
- Clive Street – Fernvale (sewer dump point);
- Geoff Fisher Bridge – Fernvale (east side of bridge);
- Twin Bridges Rest Area – Fernvale (west side of bridge on Brisbane Valley Highway);
- Northbrook Creek Rest Area – Wivenhoe Somerset Road;
- Ditchman Park – Linville;
- Stanley Gates Park – Moore;
- Simeon Lord Park – Harlin;
- Poll Crandell Park – Toogoolawah;
- Gardener Street North – Toogoolawah.

At the Ordinary meeting of Council on 14 September 2016 there was a decision by Council to nominate eight of those listed above under Subordinate Local Law No 4 as authorised as roadside rest areas namely:

- Fernvale – Southside of Geoff Fisher bridge;
- Dundas – Wivenhoe Somerset Road near Reserve 2208;
- Toogoolawah – Pol Crandle Park;
- Toogoolawah – Gardner Street;
- Harlin – Simeon Lord Park;
- Moore – Stanley Gates Park;
- Linville – Railway Station Park;
- Kilcoy – Seib Street, adjacent to the dog off leash area.

At a subsequent Ordinary meeting of Council on 14 March 2018 there was a decision by Council to:

- (i) Council designate Anzac Park as a roadside rest area;
- (ii) Signage be erected at Linville to define the roadside rest area;
- (iii) The conditions of camping at Council approved roadside rest areas be:
  - (a) Maximum 20hrs stay in any seven (7) day period;
  - (b) Self-contained recreational vehicles are permitted;
  - (c) Tents are not permitted;
  - (d) Leashed dogs are permitted.
- (iv) Appropriate signage be erected at each of the Council approved roadside rest areas.

A decision was also passed at the following meeting:

“THAT there be no change to the conditions for camping at Linville until the management structure for the Brisbane Valley Rail Trail is declared.”

This brought the number of authorised 20-hour roadside rest areas to nine.

Council Officers note that four unauthorised areas now being utilised as roadside rest areas:

- Aston Park – Kilcoy;
- Silky Oak Park – Kilcoy;
- Clive Street – Fernvale;
- Twin Bridges Rest Area – Fernvale.

Discussions at the workshop involved which of the listed camping areas are to be designated 20-hour roadside rest areas and which are not. The list below summaries those discussions:

- Aston Park – Kilcoy – *No stopping signage to be installed;*
- Silky Oak Park – Kilcoy – *No stopping signage to be installed;*
- Seib Street – Kilcoy (adjacent to dog off leash area) – *20-hour roadside rest area signage to be installed / upgraded;*
- Clive Street – Fernvale (sewer dump point) – *20-hour roadside rest area signage to be installed / upgraded;*
- Geoff Fisher Bridge – Fernvale (east side of bridge) – *20-hour roadside rest area signage to be installed / upgraded;*
- Twin Bridges Rest Area – Fernvale (west side of bridge on Brisbane Valley Highway) – *No stopping signage to be installed;*
- Northbrook Creek Rest Area – Wivenhoe Somerset Road – *20-hour roadside rest area signage to be installed / upgraded;*
- Ditchman Park – Linville – *No signage to be installed at Linville at this time. Signage to existing signage to remain;*
- Stanley Gates Park – Moore – *20-hour roadside rest area signage to be installed / upgraded;*
- Simeon Lord Park - Harlin – *20-hour roadside rest area signage to be installed / upgraded;*
- Poll Crandell Park – Toogoolawah – *20-hour roadside rest area signage to be installed / upgraded;*
- Gardener Street North – Toogoolawah – *20-hour roadside rest area signage to be installed / upgraded.*

This would bring the total number of 20-hour roadside rest areas to eight. The conditions of stay at Councils roadside rest areas would remain as currently conditioned:

- (a) Maximum 20hrs stay in any seven (7) day period;
- (b) Self-contained recreational vehicles are permitted;
- (c) Tents are not permitted;
- (d) Leashed dogs are permitted.

Attachment 2 camping Signage show the style and type of sign to be used to promote or deter vehicles from stopping at these roadside areas.

#### Attachments

Attachment 1 – Roadside Rest Locations.pdf  
Attachment 2 - Camping Signage.pdf

#### Recommendation

THAT for the purposes of Local Law No 4 (Local Government Controlled Areas, Facilities and Roads) 2011, section 5 and Subordinate Local Law No 4 (Local Government Controlled Areas, Facilities and Roads) 2011, Schedule 2, Clause 4(b), Council authorise the following roadside rest areas:

1. Seib Street – Kilcoy (adjacent to dog off leash area);
2. Clive Street – Fernvale (sewer dump point);
3. Geoff Fisher Bridge – Fernvale (east side of bridge);
4. Northbrook Creek Rest Area – Wivenhoe Somerset Road;
5. Stanley Gates Park – Moore;
6. Simeon Lord Park – Harlin;
7. Poll Crandell Park – Toogoolawah;
8. Gardener Street North – Toogoolawah.

The conditions of camping at Council approved roadside rest areas be:

- (a) Maximum 20hrs stay in any seven (7) day period;
- (b) Self contained recreational vehicles are permitted;
- (c) Tents are not permitted;
- (d) Leashed dogs are permitted.

With Ditchman Park, Linville / Brisbane Valley Rail Trail to remain currently unsigned until progression of the Linville Trailhead Masterplan.

#### **Resolution**

Moved – Cr Gaedtke

Seconded – Cr Isidro

THAT

“1. for the purposes of Local Law No 4 (Local Government Controlled Areas, Facilities and Roads) 2011, section 5 and Subordinate Local Law No 4 (Local Government Controlled Areas, Facilities and Roads) 2011, Schedule 2, Clause 4(b), Council authorise the following roadside rest areas:

1. Seib Street – Kilcoy (adjacent to dog off leash area);
2. Clive Street – Fernvale (sewer dump point);
3. Geoff Fisher Bridge – Fernvale (east side of bridge);
4. Northbrook Creek Rest Area – Wivenhoe Somerset Road;
5. Stanley Gates Park – Moore;
6. Simeon Lord Park – Harlin;
7. Poll Crandell Park – Toogoolawah;
8. Gardener Street North – Toogoolawah.

2. The conditions of camping at Council approved roadside rest areas be:

- (a) Maximum 20hrs stay in any seven (7) day period;
- (b) Self contained recreational vehicles are permitted;
- (c) Tents are not permitted;
- (d) Leashed dogs are permitted.

3. With Ditchman Park, Linville - Brisbane Valley Rail Trail to remain currently unsigned until progression of the Linville Trailhead Masterplan.”

**Carried**

*Vote - Unanimous*



**Subject:** Traffic Safety Advisory Committee – 23 November 2023  
**File Ref:** 2020 – 2024 Traffic Safety Advisory Committee  
**Action Officer:** EA

### Background/Summary

The quarterly meeting of the Traffic Safety Advisory Committee was held on Thursday, 23 November 2023

### Attachments

Meeting Report for the Traffic Safety Advisory Committee

### Recommendation

THAT Council receive the meeting report of the Traffic Safety Advisory Committee held on Thursday, 23 November 2023 and the contents be noted.

#### Resolution

Moved – Cr Brieschke

Seconded – Cr Isidro

“THAT Council receive the meeting report of the Traffic Safety Advisory Committee held on Thursday, 23 November 2023 and the contents be noted.”

*Vote - Unanimous*

*Carried*

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

### Background/Summary

#### Engineering Services Team

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

- Brown Street, Kilcoy;
- Wells Street, Linville;
- England Creek Road, England Creek;
- Railway Street, Lowood;
- Glamorgan Vale Road crossover and drain modification;
- Highland Street, Esk; and
- Kilcoy Transfer Station, Kilcoy.

The team commenced the design of works for future funding opportunities including:

- Minden State School drop-off, STIP 2023-2024 program application.
- Esk Carpark, Esk.

The team also continued work with external consultants to progress designs for the projects below:

- Beeston Road Intersection, Fernvale – Harrison Infrastructure Group; design 80% completed and under review;

- Richard Street, Esk – Harrison Infrastructure Group; design 80% completed and under review;
- Toogoolawah Biarra Road – Engeny – project issued For Tender;
- Fulham St, Toogoolawah – Contour Consulting Engineers; design 80% completed and under review;
- Muckerts and McCulkins – Engeny;
- West Road / Patrick Estate Road, Patrick Estate – GHD;
- Clive St, Fernvale – NK Transportation; and
- Lowood to Tarampa Footpath, Tarampa – Projex Partners.

These external design projects will be managed and delivered Q2 2024.

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

- Murrumba Road Culverts;
- Esk Crow Nest Road Stage 2;
- Gunyah Street, Toogoolawah;
- Ellen Street, Lowood;
- Wells Street, Linville; and;
- Railway Street, Lowood.

The Engineering Services Team provided engineering development advice to the Planning Department and assessment and applicant response to Operational Work applications with two (2) new operational works applications being properly received in November.

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

- Parklands at Clarendon Stages 2D and 2E;
- Pine Tree Hill, Kilcoy Stages 3 to 6;
- Hedley Park Stage 7 – Off Maintenance completed 11<sup>th</sup> December 2023;
- Hedley Park Stage 8 – On Maintenance completed 11<sup>th</sup> December 2023.
- Windsor Drive, Mount Hallen Stage 5C;
- Overlander Avenue, Kilcoy – earthwork fill to the 0.2% AEP inundation line, request for “On Maintenance” received 11<sup>th</sup> December 2023.

The Engineering Services Parks and Facilities Team continues to oversee operations in the parks and facilities areas with the recent rainfall providing the mowing crew opportunities to get back into the field and undertaking mowing in the towns parks and cemeteries, which will remain the primary focus of the team over the next couple of months, with other areas being outsourced as required. The crew have also reviewed mowing maps for the region for presentation at a future Council meeting.

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

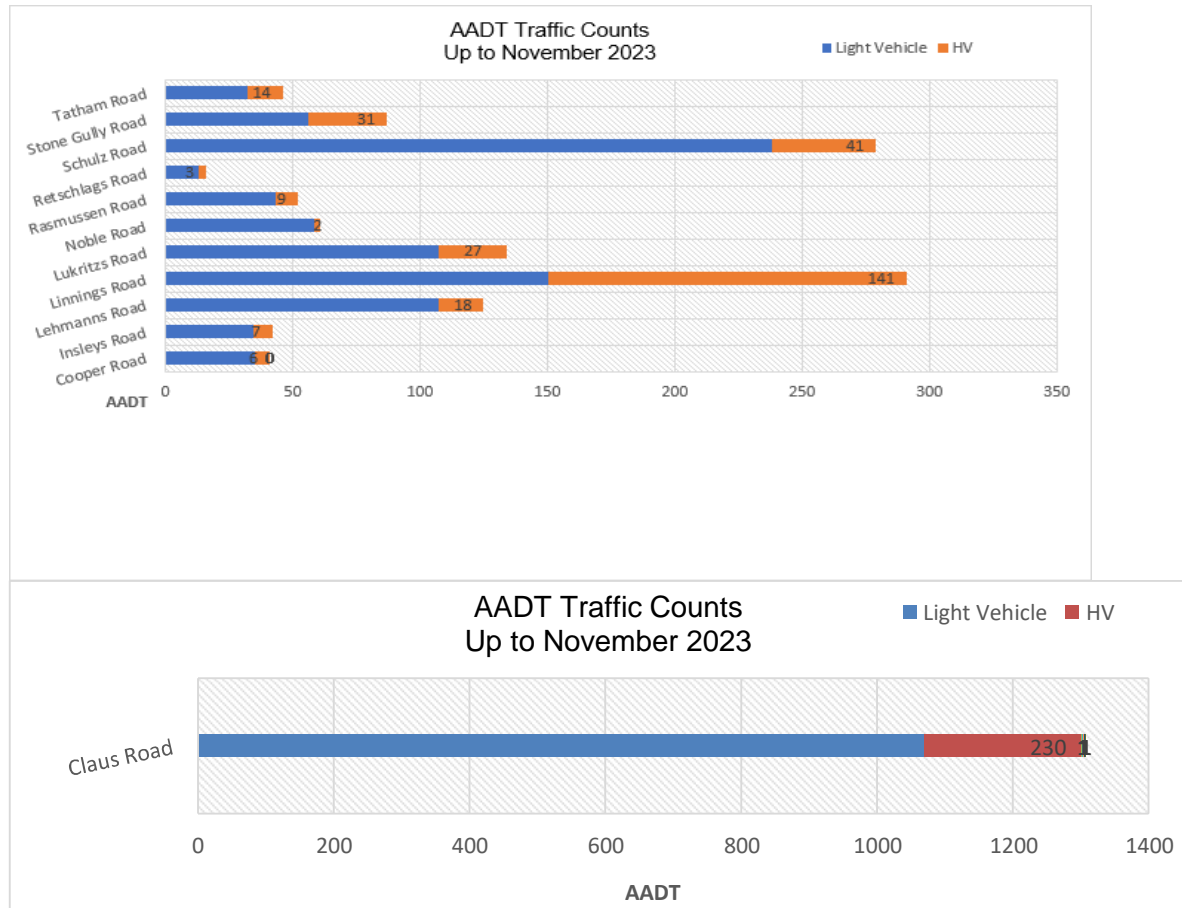
	<b>Nov-23</b>	<b>Nov-22</b>
Land Access Permit	33	57
Property Access Applications	29	29

## National Heavy Vehicle Regulator Permits Processed

6

12

November traffic counts are shown below. All traffic counters have continued to be placed within the region and are being collected routinely following the standard three-week rotation. Claus Road count has been shown on separate graph due to the increased difference from other count sites counts.

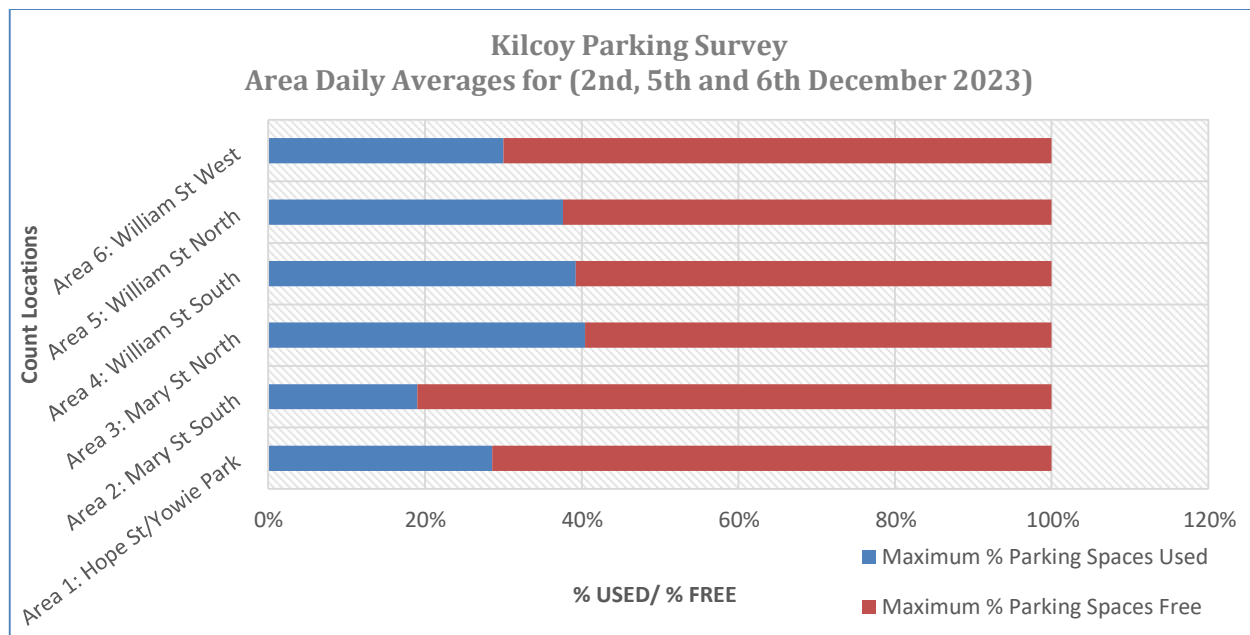


The Engineering Services Team have continued inspections of Council Road assets with an inspection of all speed signage 75% complete and asset system updated to ensure council record are current.

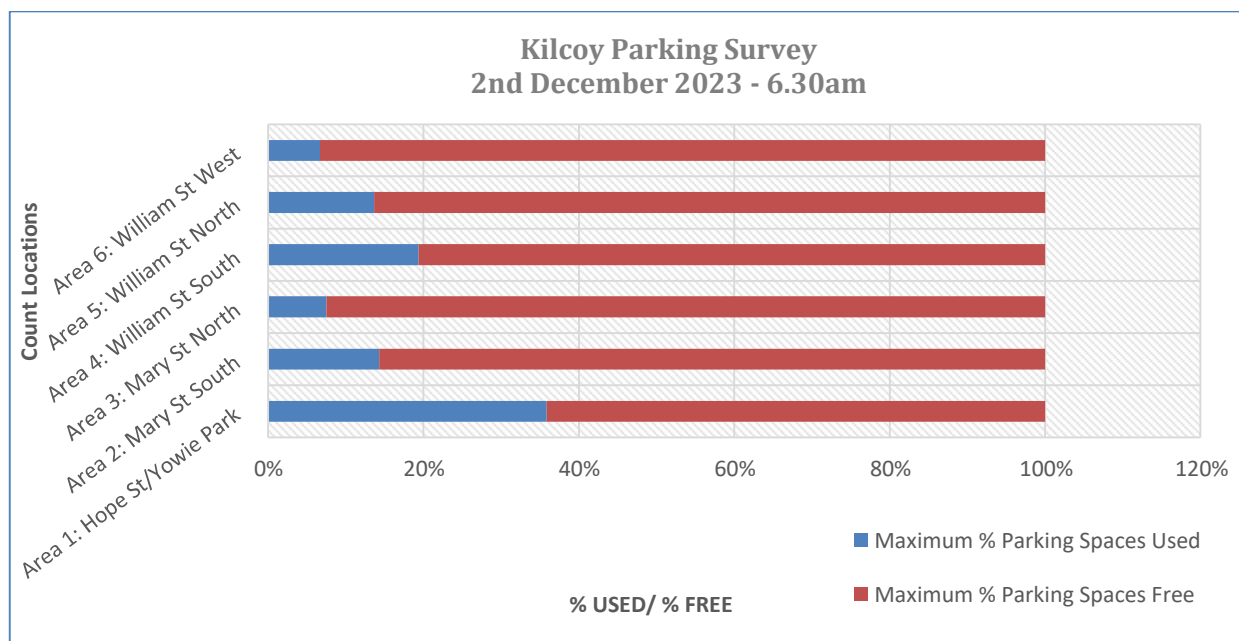
The team recently undertook a carpark survey in Kilcoy CBD:

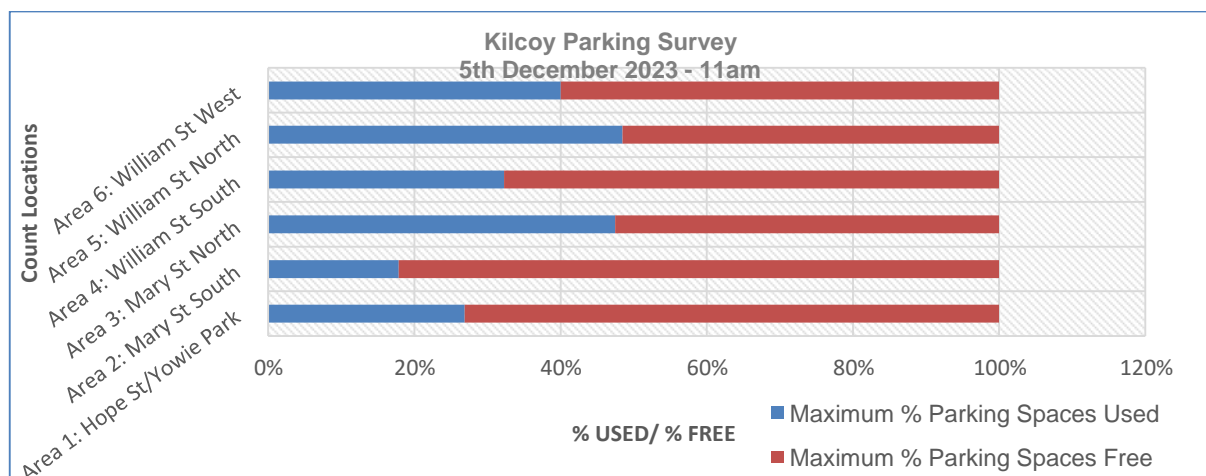
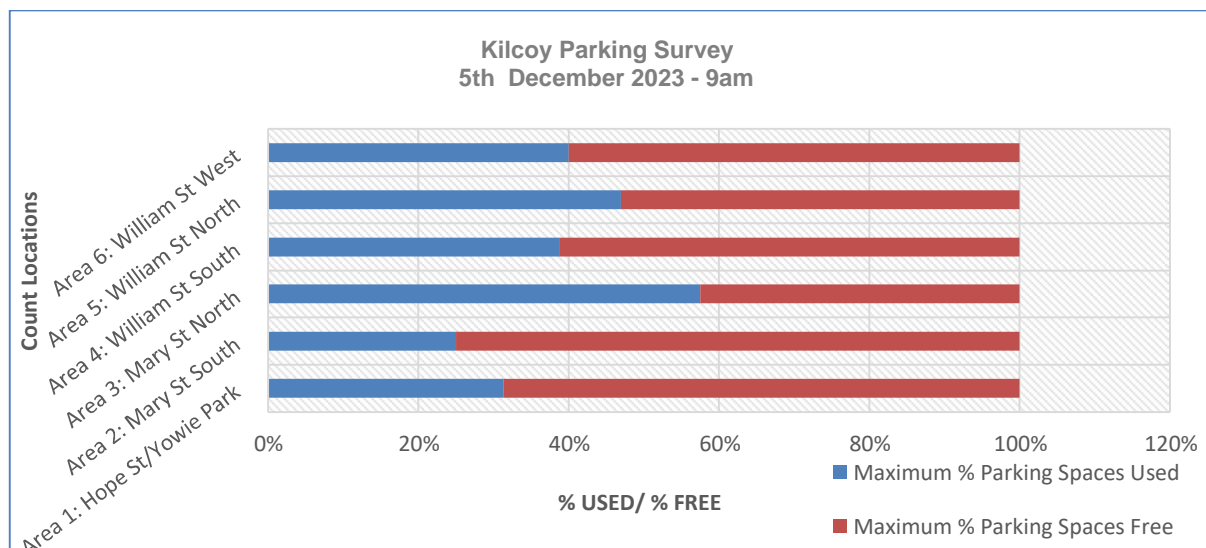
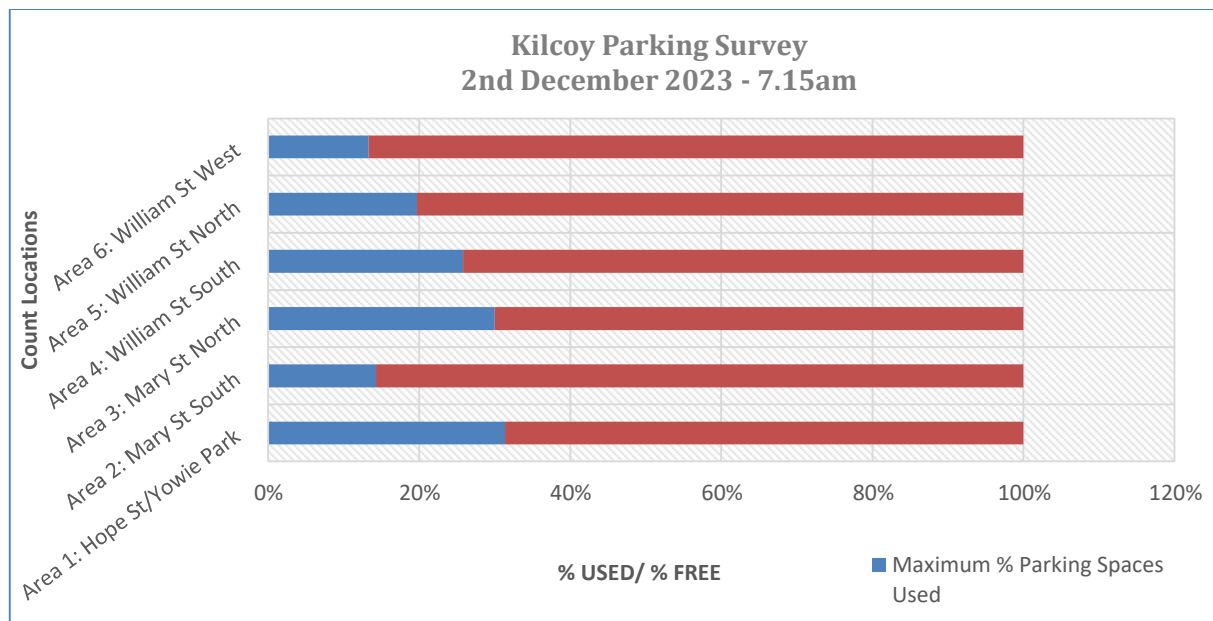
- Hope St/Yowie Park;
- Mary St South;
- Mary St North;
- William St South;
- William St North and;
- William St West.

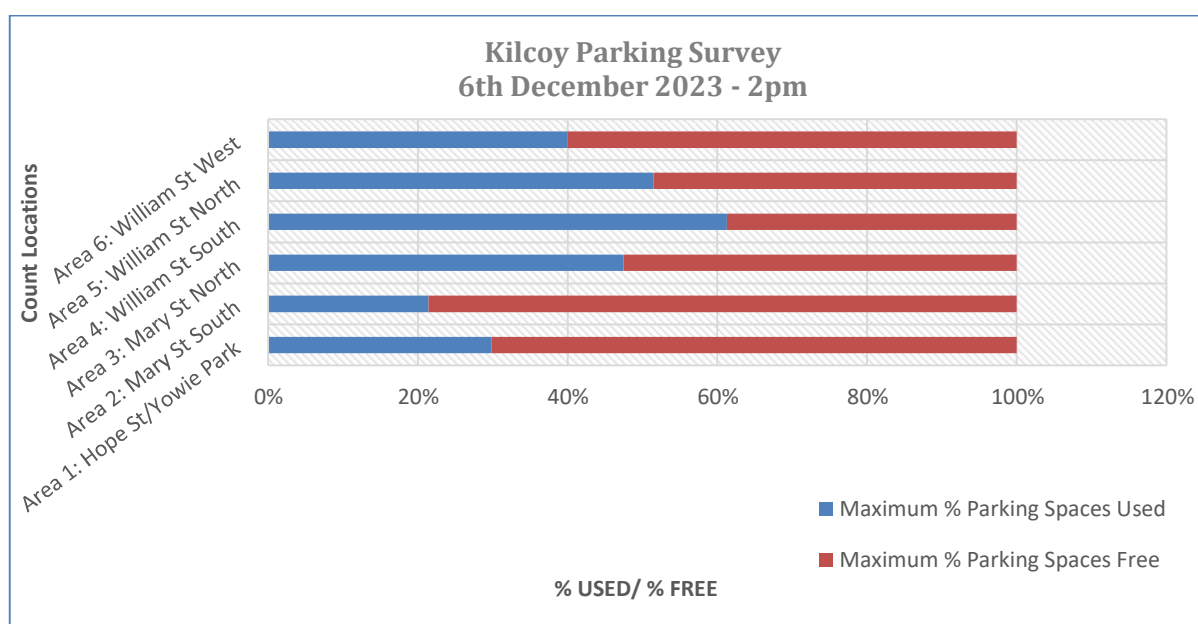
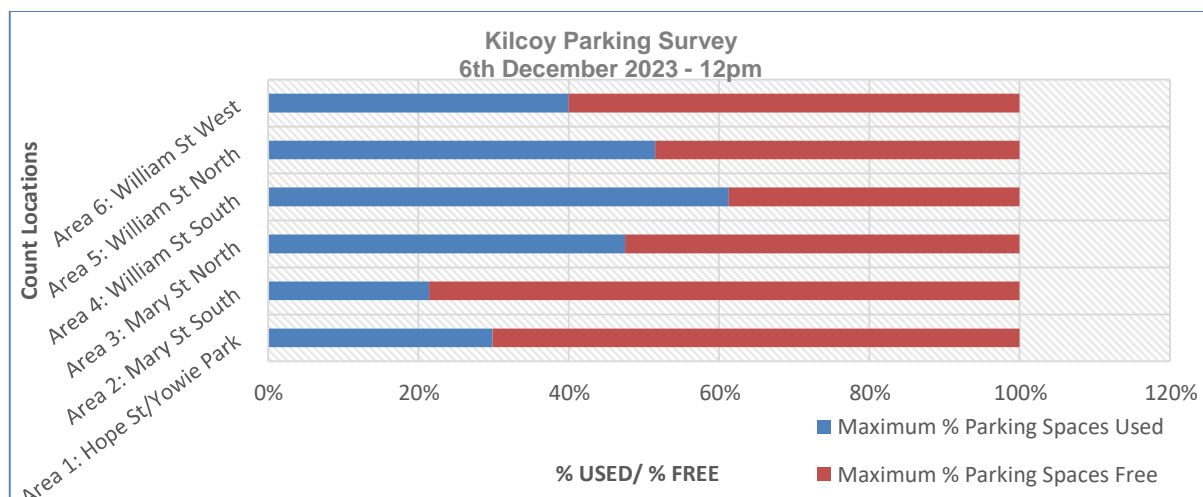
Total average percentage of parking usage.



Individual dates and times percentage of parking usage







## Works Team

### *Completed Projects through 2023 - 24:*

- Old Fernvale Road – headwall, grass swale;
- Waverley and Sheppards Road, Lake Manchester – Stage 1: Two-coat bitumen seal;
- Esk Crows Nest Road, Eskdale - Stage 1 – major road realignment. Seal from end of current sealed section to Maria Creek Road (4km);
- Glamorganvale Road, Wanora – Rehabilitate and widen road from Brisbane Valley Highway to Browns Bridge (1.65km);
- Prospect and William Street, Lowood - stormwater installation;
- Schroeder Lane, Fernvale - Seal Intersection with Fairney View Fernvale Road;
- Lowood Minden Road between Litzows Road and Lukritz Road – widening, pavement stabilisation, sealed shoulders, culverts and pipes;
- Pipeliner Park, Esk - Field inlet pits; bollard removal and re-installation;
- Main Street / Michel Street, Lowood – Streetscape, restore faux-brick footpath with new stencil.

### *Projects underway:*

- Royston Street, Kilcoy, between Mary and Rose Streets – replace footpaths, kerb & channel sections;
- Stanton Street, Kilcoy – intersection works with Royston Street, kerb & channel;
- Murrumba Road culverts – replace existing corrugated structures with RCB and RCB's;
- Gunyah Street, Toogoolawah - Cairnscroft Street to Drem Street, South Side, laying of pipes; K&C;
- Prenzlau Road, Prenzlau - pavement widening (awaiting 14mm seal, line-marking and signage);
- Esk Crows Nest Road, Eskdale - Stage 2 – Esk Crows Nest Strategic Regional Connector - Toowoomba Boundary section;
- King Street, Somerset Dam Bitumen Infill (substantive completion achieved 17<sup>th</sup> Oct 2023 - awaiting 2-coat seal);
- East Street, Esk State School - New footpaths, K&C and infill (substantive completion achieved 12<sup>th</sup> Oct 2023; awaiting 2-coat seal);
- Ellen Street, Lowood - Stages 1&2 - K&C North side from Park Street to Church Street (130m); K&C South side from Park Street to Church Street (130m); awaiting asphalt overlay 01 December (weather permitting).

*Ongoing projects:*

- Mowing and slashing works on Council roads;
- Crews continue to complete CSR's;
- General maintenance of Council's civil infrastructure.

### **REPA Works**

A total of 69 submissions have been lodged with QRA for Reconstruction of Essential Public Assets. All submissions have been assessed and approved. The categories for the submissions are Unsealed Roads, Sealed Roads, Drainage, and Individual Sites (e.g., landslips). The assistance by the Queensland Reconstruction Authority (QRA) is acknowledged.

Drainage packages are progressively being documented to enable calling of quotations. This will be followed by Sealed Roads packages and Individual Sites.

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

Flood Repair Works underway - carried out by Contractors.

- A & M Civil – Fernvale Region; Esk region. Drainage Packages One and Two;
- CPM Contractors – East Wivenhoe Region; Jimna / Monsildale Region; Kilcoy Region.

Flood Repair Works underway - carried out by Somerset Regional Council.

- Northern Grader Crew – Toogoolawah region.

Flood Repair Works Completed - carried out by Contractors.

- Browns Contracting – Mount Stanley Region; Harlin & Moore region. Drainage Package Three;
- A & M Civil – Coominya region.

Other Works being carried out by Contractors

- Waverley and Sheppards Road, Lake Manchester – Stage 2: road-widening and fire exclusion zone – Sam's Tree Services, A&M Civil;
- Repair of Hine Road bridge - Timber Restoration Services (TRS);

- Clarendon Road, Lowood - Stage 2 - Rehabilitate and widen to 9m road from O'Reilly's Weir Road to Wyatts Road (3.3km) – A&M Civil;
- Kilcoy Depot, Esk Depot, Lowood Depot – safety, security, and legislative improvements (various contractors);
- Savages Crossing, Fernvale - Reinstate carpark surfaces, replace bollards and signage. Install flood boom gates on approach roads – A&M Civil;
- Twin Bridges, Fernvale - Reinstate carpark surfaces, replace bollards and signage, re-align site access gate/arrangements. Install flood boom gates on approach roads – A&M Civil;
- Burtons Bridge, Borallon – reinstate carpark surfaces, replace bollards including re-alignment of exclusion measures to better manage launch access point/s to the river. Install flood boom gates on approach roads – A&M Civil.

### **Department of Transport and Main Roads (TMR) Works**

Council is presently working on the following projects on behalf of TMR:

- Repairing potholes and sealing of patches and pavement repairs over the TMR network;
- Weed spraying throughout the TMR network;
- Ongoing signage and guidepost repairs continue throughout the TMR network;
- Slashing and mowing throughout the TMR network (weather permitting).

### **Workshop – Mechanical**

- Completed repairs, services, and scheduled maintenance of Council fleet;
- Inspections, service and repairs to all tractors, slashers and mowers in preparations for the upcoming mowing season;
- Three new John Deere 1585 TerrainCut Front Mowers have arrived and are currently being outfitted by the workshop;
- One new Belco galvanised trailer has arrived for Environmental Services which will carry their Kubota UTV and Rapid Spray unit;
- Pre-Christmas preparations are being arranged for plant requiring maintenance during the Christmas shut down period.

### **Workshop – Fabrication**

- Welding bay has been carrying out various repairs to Council fleet as well as repairs to other various council assets around the region, such as handrail, park furniture, etc.;
- The new barriers and bollards for the tipping area of Coominya transfer station are completed;
- 24 large yellow bollards for BVRT, have now returned from powder coaters and are awaiting installation;
- Welding bay fitted pipe work to a portable water tank which was located at the Esk – Crows Nest Road project, this allows the water trucks to fill up from this tank onsite reducing the travel time. The tank is being filled by a bulk carrier tank;
- Welding bay has fabricated and installed a rack system at Kilcoy depot to store spare tyre for graders, loaders and tractor. This new rack allows the tyre to be stored safely;
- Welding Bay has installed the gate and lock to the gate posts at Burtons Bridge, posts were installed by a contractor that was working on site installing bollards.

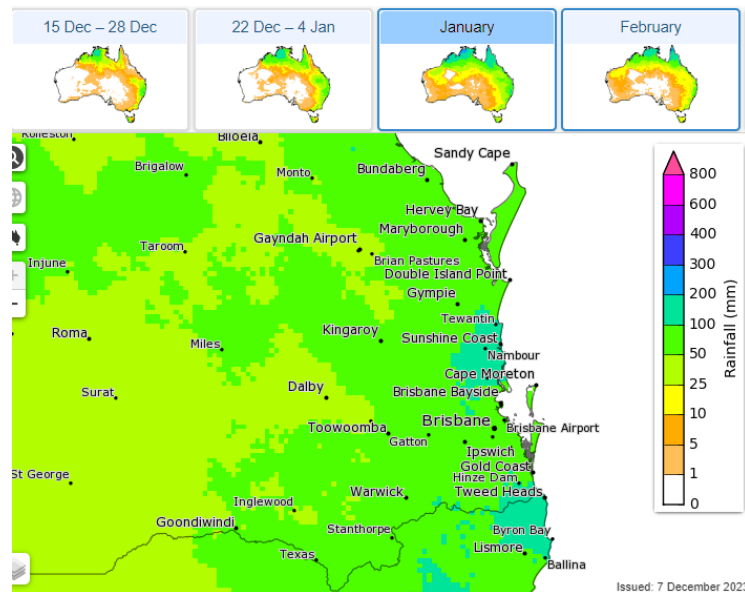
### **Weather Outlook**

For January, above average rainfall is likely for south-east areas of Queensland and north-east NSW.

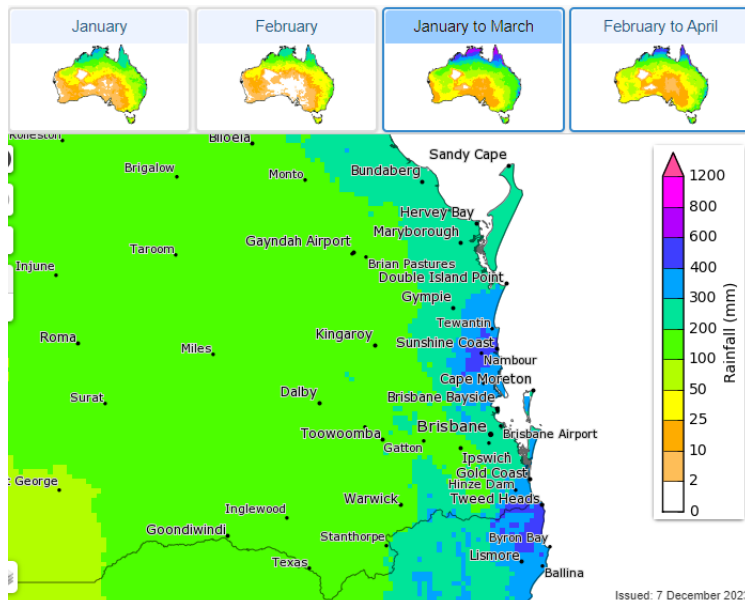
Past accuracy of January to March long-range forecasts for the chance of above median rainfall is moderate to high for most of Australia.



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



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



## Disaster Management

The following activities were conducted in November 2023:

- Somerset Community Action Forum held 3 November 2023 (BDIRC/QDN);
- Consultants engaged for whole of LGA Overland Flow project;
- Draft LiDAR for the entire Somerset region was made available to Council. Quality assurance on the data is still to be completed and will likely be received by Council in early 2024;
- Council participated in the QRA's Flood Information Portal workshops and sent QRA a letter confirming Council's willingness to participate in the project;
- Council staff attended the Brisbane River Flood Preparedness Interagency meeting;
- Draft MOU agreement received from Red Cross for Evacuation Centre Management;
- Draft MOU agreement received from Disaster Relief Australia for management of spontaneous volunteers;
- Somerset Local Disaster Management Group was held in Esk on November 22 (Face-to-face and TEAMS);

- DMO attended Brisbane River Catchment Evacuation Capability Assessment workshop;
- Attended SEQ Disaster Management Engagement Group meeting over TEAMS;
- DMO and MES attended SEQWater Flood Operations exercise as observers;
- DMO worked with the District Executive Officer, Ipswich City Council and QFES in developing the District Bushfire Exercise;
- Participated in the District Disaster Exercise – Exercise Incendium.

#### *Activations/Operations:*

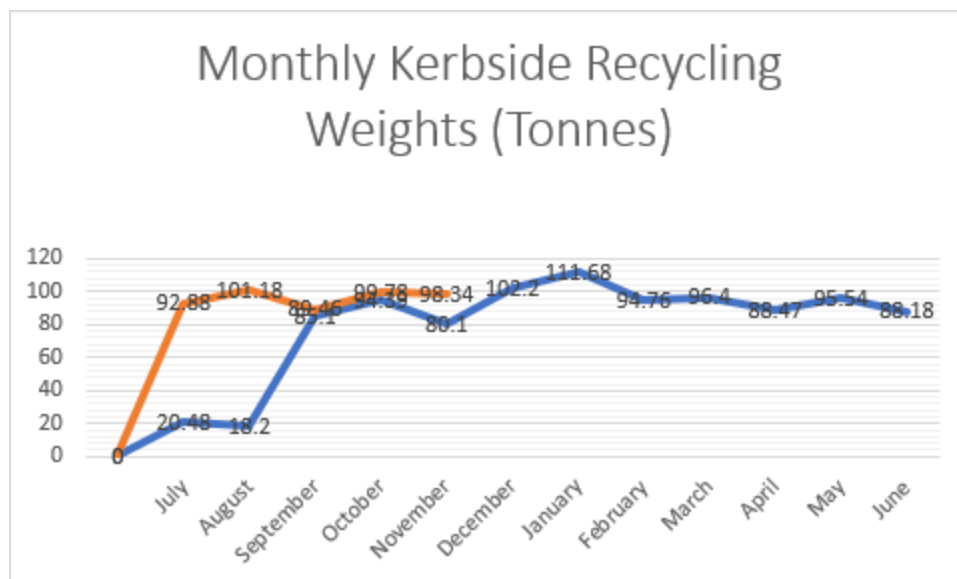
- Fires continued across the Somerset region, in particular;
  - Redbank Creek Fire(s) The Somerset LDMG was placed on ALERT due to the interagency assistance being provided. Esk Hampton Road remained closed for a number of days as a result;
- Local Disaster Coordination Centre staff were placed on Alert for the bushfires, should the need to establish a place of refuge was needed.

#### **Waste Management**

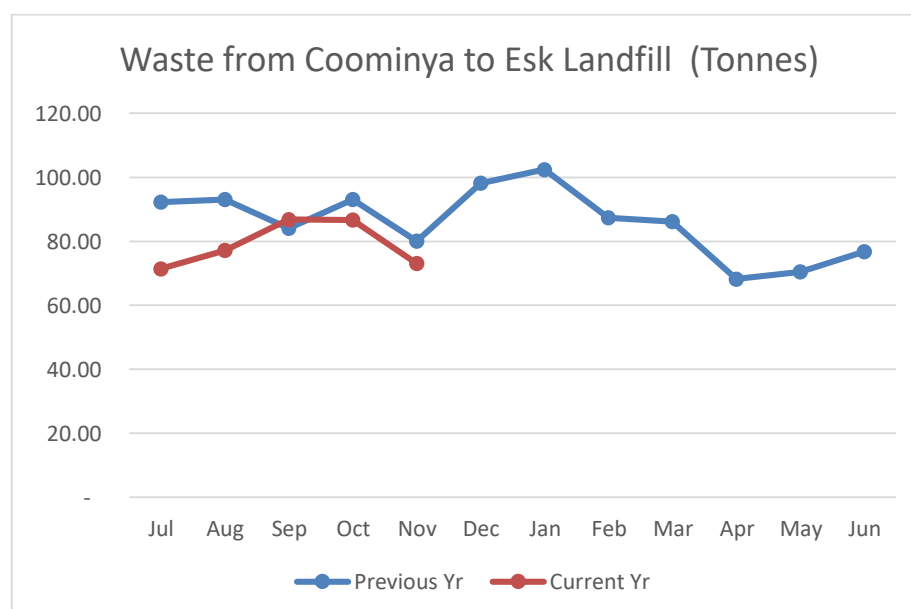
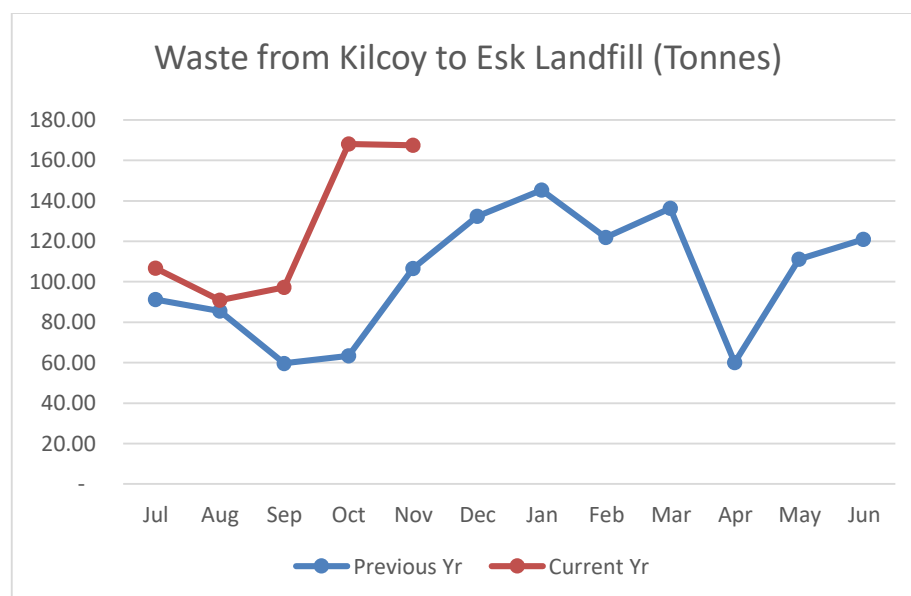
##### *Kerbside Collection Contract – Ipswich Waste*

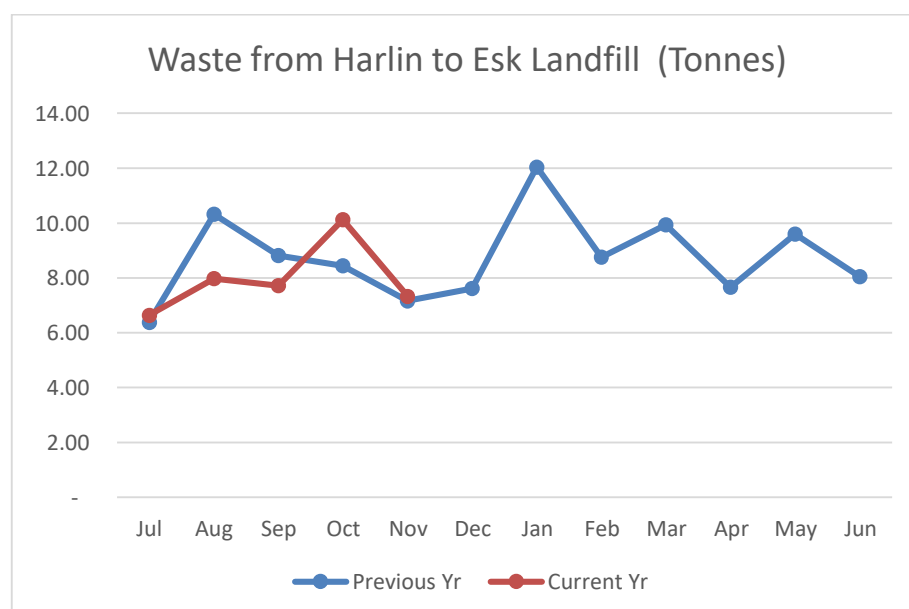
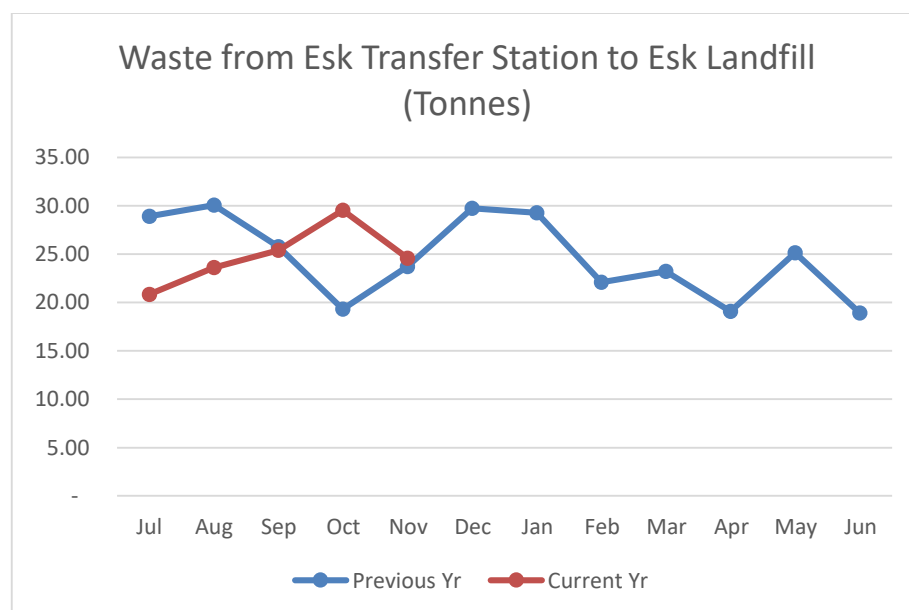
During the month of November 2023, there were 59,834 kerbside services performed:

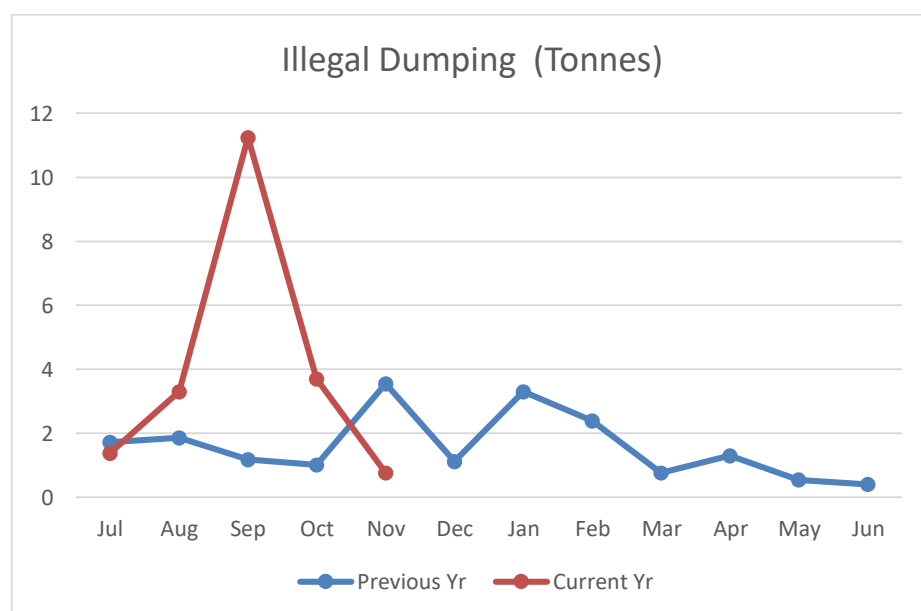
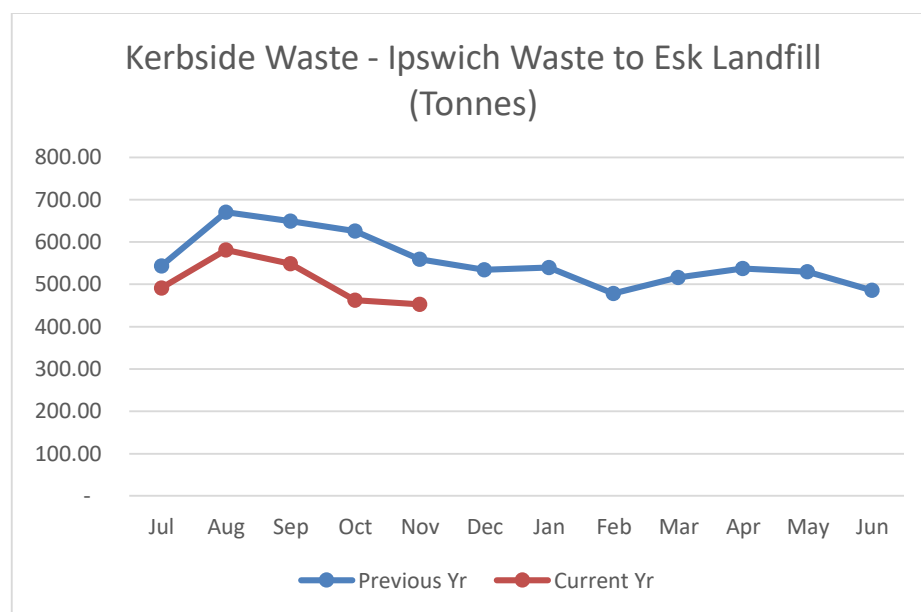
- General waste services – 45,384 with 88% presentation rate;
- Recycling services – 14,450 with 56% presentation rate.

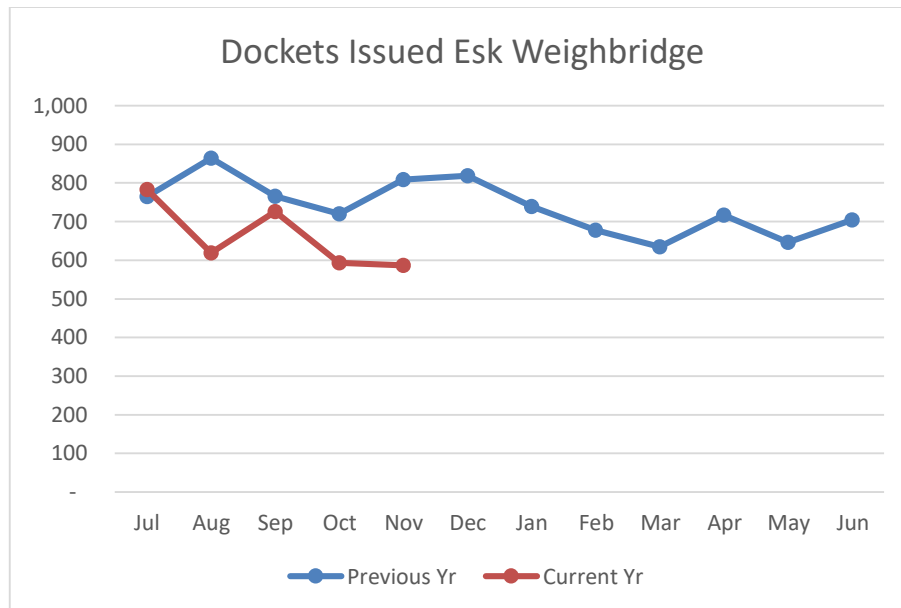


#### *Waste – Esk Landfill*









### *Approved Park/Community Events*

#### December

01 Kilcoy Christmas Tree and BBQ - Kilcoy

02 Kilcoy Christmas Carnival - Kilcoy

09 Toogoolawah Christmas Tree – Toogoolawah

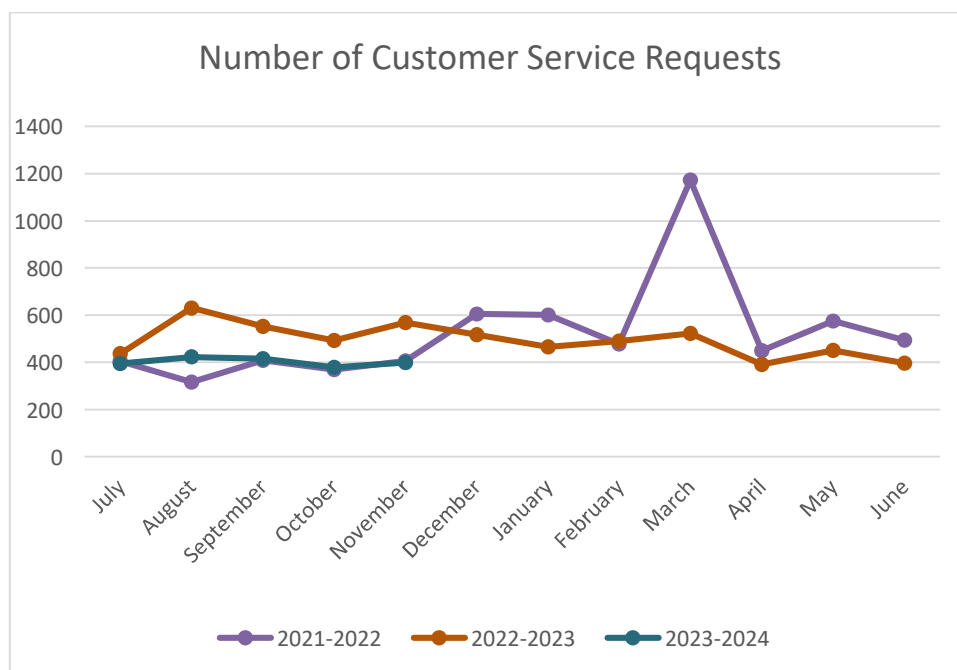
15 Community Christmas Carols – Lowood

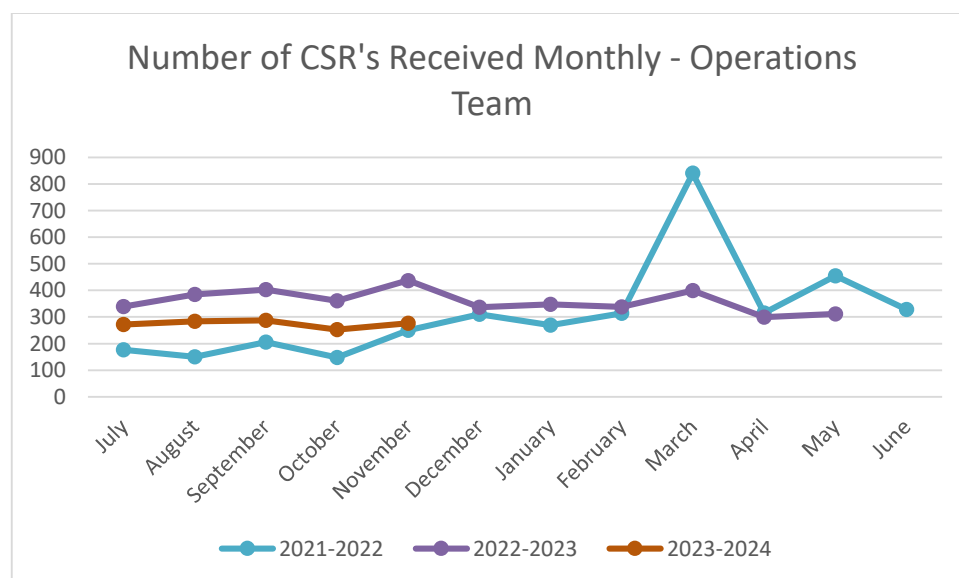
16 Fernvale Community Church Christmas Carols – Fernvale

17 Brisbane Valley Churches Working Together Christmas Carols - Esk

### **Customer Service Requests**

Council received 399 customer service requests for the month of November 2023 on Council's corporate customer service system. A copy of the report is attached for your information.





	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23
Cemeteries	1	1	1	3	0
Disaster Management	0	0	1	1	0
Departmental reviews	0	0	2	0	0
Fences on roadways	0	1	0	0	0
Illegal dumping clean ups	20	14	11	8	11
Overgrown Council land	2	1	2	3	1
Parks including mowing, cleaning/maintenance park equipment including public toilets, tables and chairs, shade shelters etc.	3	9	7	11	7
Roads - bitumen	25	20	13	21	16
Roads - gravel	18	13	8	14	17
Roads - drainage	8	5	7	10	15
Roads - culverts	3	1	2	0	1
Roads - vegetation	19	14	25	15	38
Roads - footpaths	3	5	8	12	4
Roads - linemarking	1	1	2	0	0
Roads - bridgework	0	0	1	0	1
Roads - traffic furniture	16	17	15	25	20
Rural Property Number	1	4	2	5	5

Stormwater issues within private properties	1	0	0	1	0
Waste management		0	1	1	0
Wheelie bins	0	0	0	0	0
Cancellation of extra services	0	19	9	2	2
Damaged lids and wheels	11	15	9	15	11
Replacement Split Bins	29	24	32	18	32
New Services	21	28	24	24	21
Extra services	4	6	10	3	12
Stolen/Non Delivery of New Bins	5	16	9	13	8
Missed services	8	3	6	1	1
Contractor requests/complaints	3	2	4	2	1
Facilities	0	0	0	0	0
Air conditioning	2	1	0	3	1
Carpentry, painting, tiling & flooring	11	12	10	5	2
Electrical	5	7	6	4	7
Equipment, furniture & fixtures	10	10	8	6	7
Grounds maintenance	1	5	4	4	2
Pest Control	2	1	1	0	2
Plumbing	23	19	29	13	24
Roofing and guttering	2	0	0	3	2
Security, locks & CCTV	2	2	6	0	3
Signage	0	4	6	5	1
Vandalism	7	2	2	0	1
Cleaning	5	2	4	1	0
	272	284	287	252	276

### Attachments

Attachment 1 - Customer service report for November 2023

### Recommendation

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

### Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

“THAT Council receive the Operations Report for November 2023 and the contents be noted”



Vote - Unanimous

Carried

<b>Subject:</b>	<b>Community Assistance Grants – Somerset Excellence Bursaries for approval by CEO – November 2023</b>
<b>File Ref:</b>	<b>Community Relations – Sponsorships – Somerset Excellence Bursaries</b>
<b>Action Officer:</b>	<b>DHRCS</b>

**Background/Summary**

Somerset excellence bursaries are not community grants as defined by the Local Government Regulation notwithstanding that they are to be funded from the same budget allocation as community assistance grants. As per policy, Excellence Bursaries are considered and approved at Officer level as delegated and reported to Council's Ordinary meeting monthly.

Somerset Excellence Bursary applications are considered as part of the Community Assistance Grant Policy which Council provides:

- Regional Level selection \$250
- State Level selection \$500
- National Level selection \$750
- Selection for an event hosted internationally \$1,000
- Team application (Regional, State or National) Up to \$2,000 per team/group of 4 or more individuals.

Council received four (3) excellence bursary applications for November 2023. Somerset Excellence Bursary applications awarded for the month of November 2023 as detailed below:

<b>Applicant</b>	<b>Bursary Recipient</b>	<b>Doc Id</b>	<b>Field</b>	<b>Level</b>	<b>Event</b>
Mikaela Melville	<b>Carter Melville</b>	1555600	Cricket	Regional	Carter has been selected to play for the Under 12 Darling Downs and South West Queensland Cricket team in the Ian Healy Cup being held in North Pine Sports Club Brisbane 8- 12 January 2024.
Nicole Bennett	<b>Lucy Bennett</b>	1556117	Umpire for School Sport Softball	State	Lucy has been selected as one of only two, to be selected to represent Queensland as a student official umpire for the 10-12 years School Sports Softball

					National Championships held in Adelaide 20-24 November 2023.
Paul Macknamara	Paul Macknamara	1564036	AFL	International	Paul has been selected to partake in the 2024 AFL Masters Tour of Ireland in the men's 50+ years masters team being held in Galway and Cavan, Ireland from 9-16 March 2024.

### Attachments

Nil.

### Recommendation

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

### Resolution

Moved – Cr Brieschke

Seconded – Cr Isidro

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

Carried

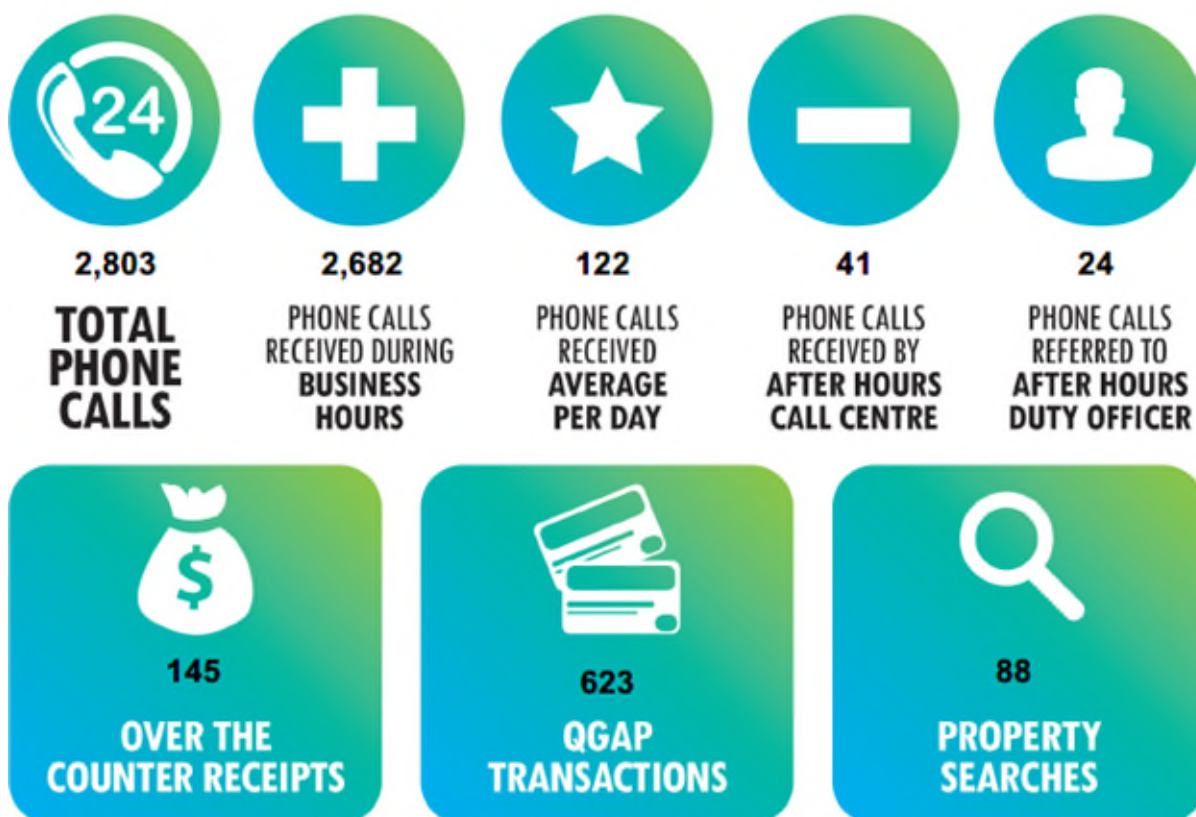
*Vote - Unanimous*

**Subject:** Customer Service Report – November 2023  
**File Ref:** Officers Report  
**Action Officer:** CSC

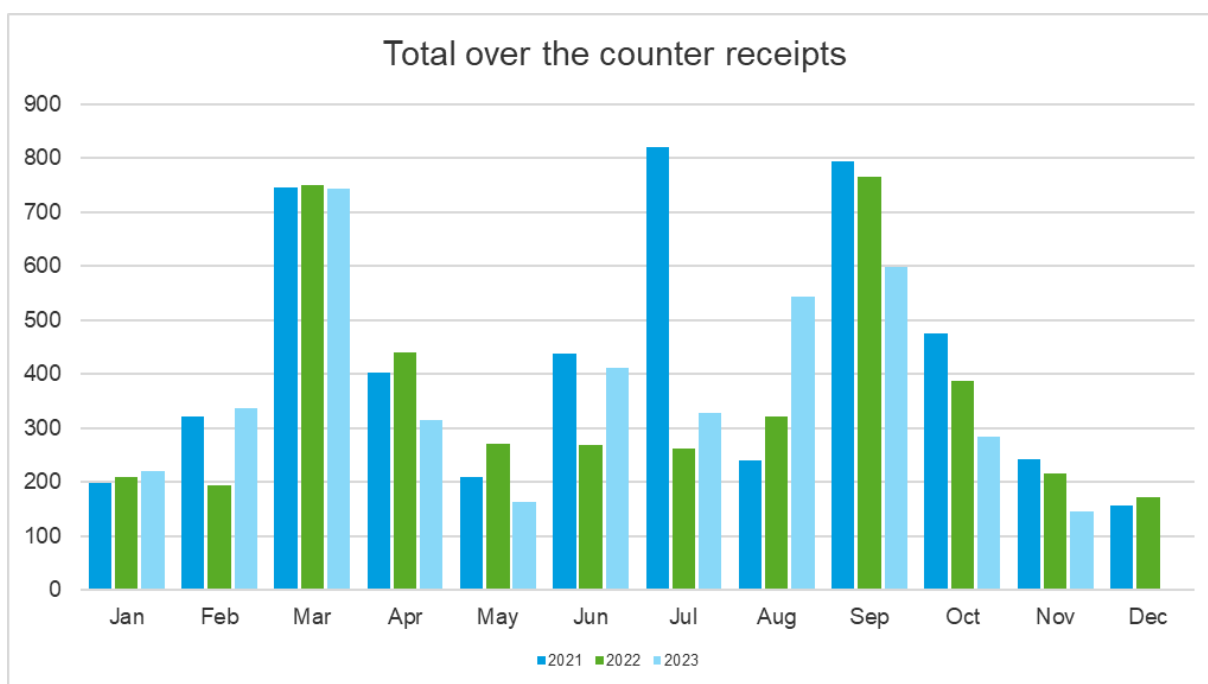
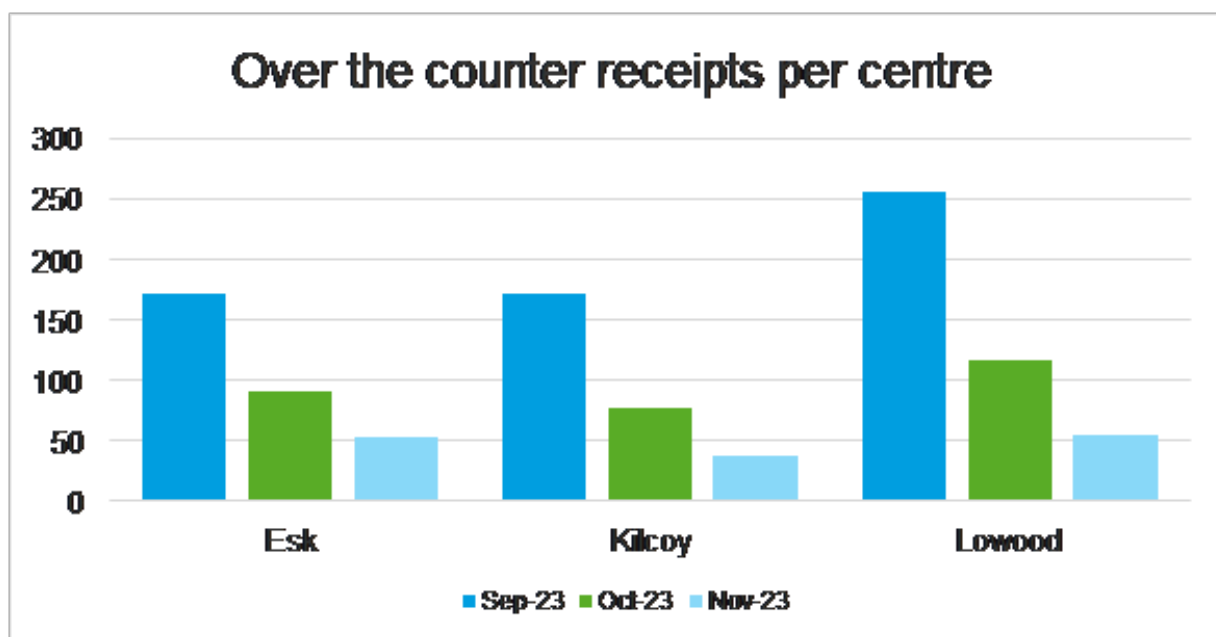
### Background/Summary

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

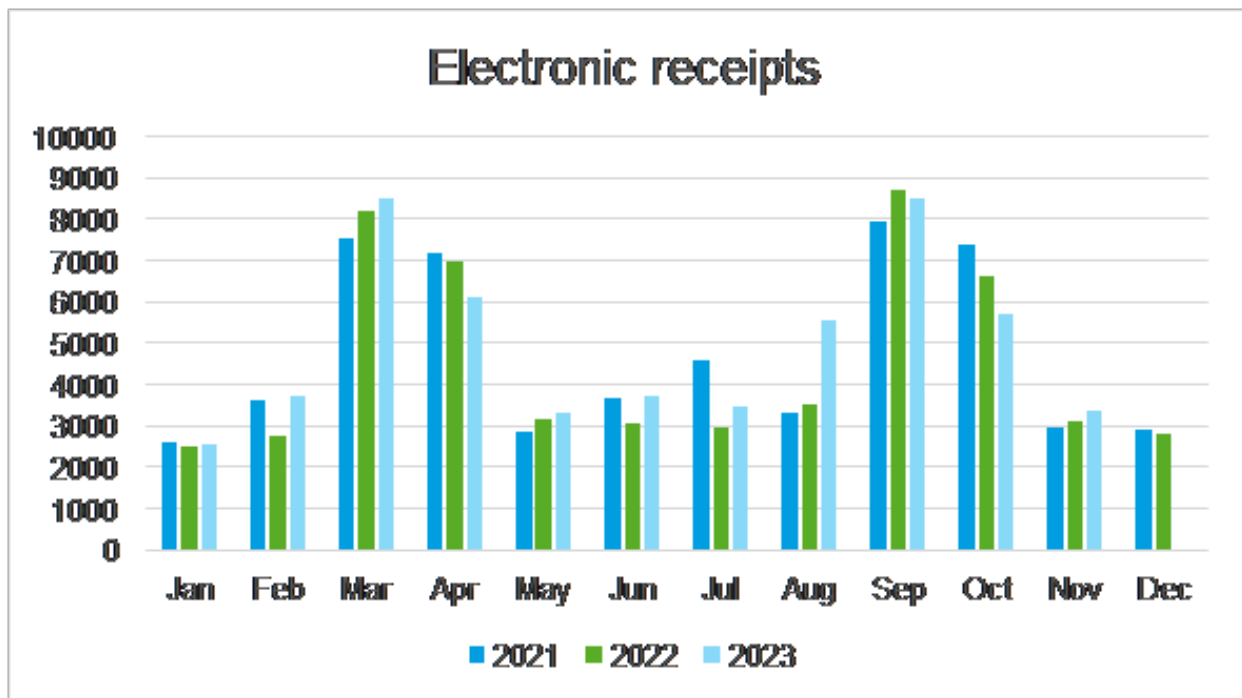
### Summary for November 2023



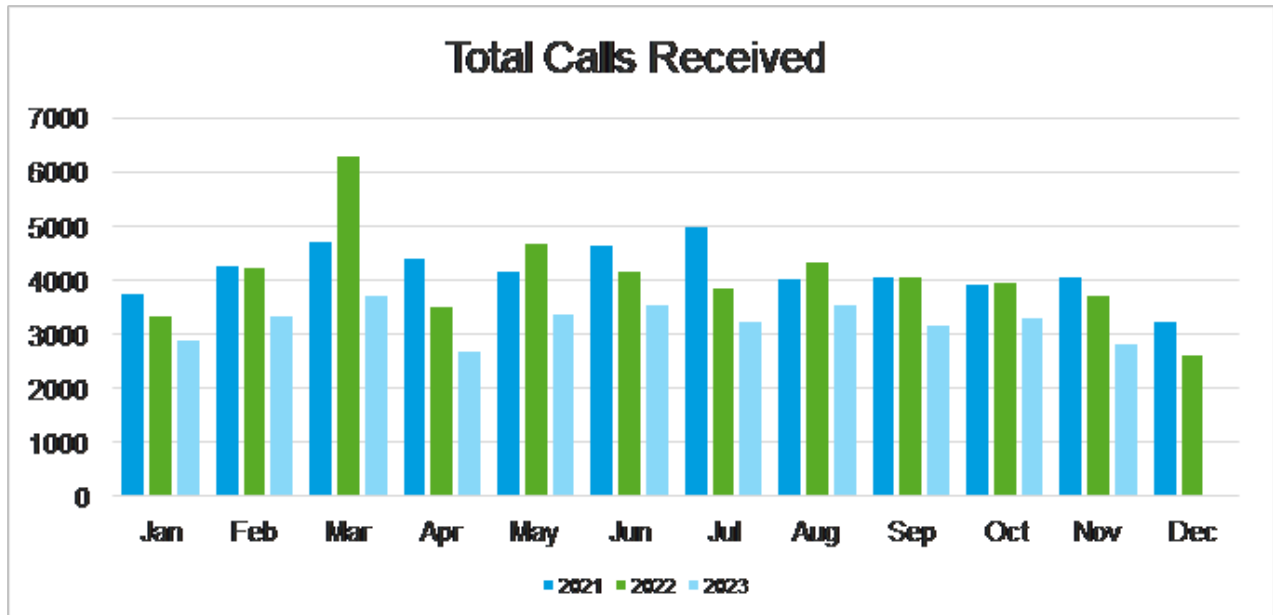
The below table shows the number of Council financial transactions that were taken over the counter at each of the customer service centres in the region for November 2023. These numbers include cheques that were posted into the Council. In total there was 145 financial transactions across the three customer service centres with 52 at Esk Administration Centre, 38 at Kilcoy Customer Service Centre and 55 at Lowood Customer Service Centre for November 2023.



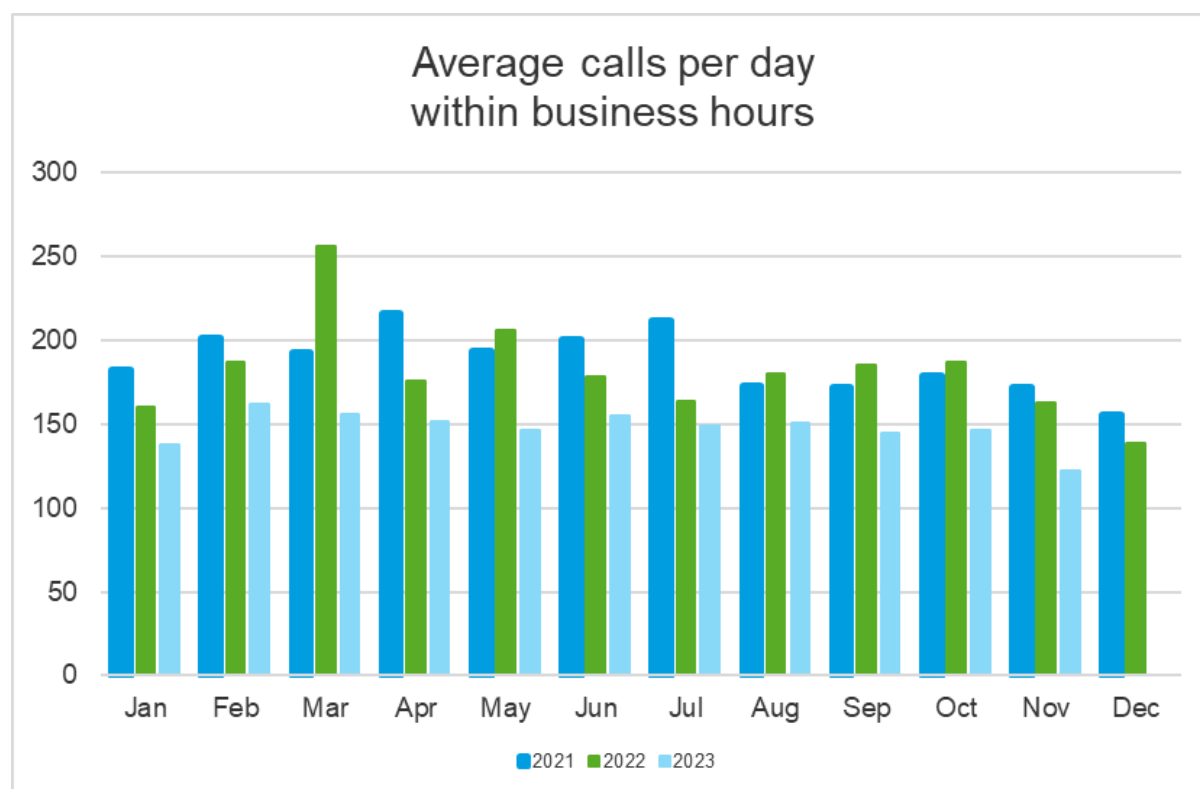
The below table illustrates all other financial transactions (excluding over the counter receipts) received at Council and processed by the finance department. These are BPay and EFT (electronic funds transfer) transactions for payments such as rates, animal registration etc.



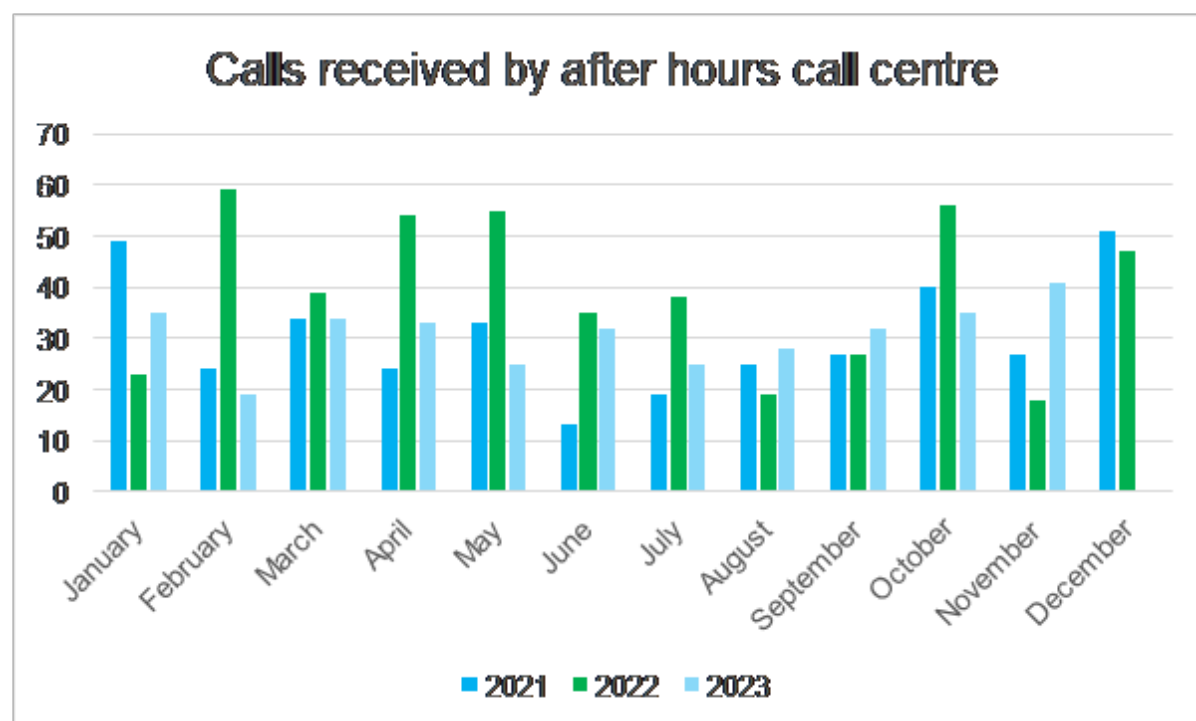
Below are the total number of calls received into the Council main phone line (07 5424 4000), including out of hours, compared to previous calendar years. Calls received does not include internal calls made within Council, or outbound calls. There were 2,803 calls received for the month November 2023. This is a decrease of 499 calls compared to October 2023. Compared to November 2022 there was a decrease of 886 calls for the month.



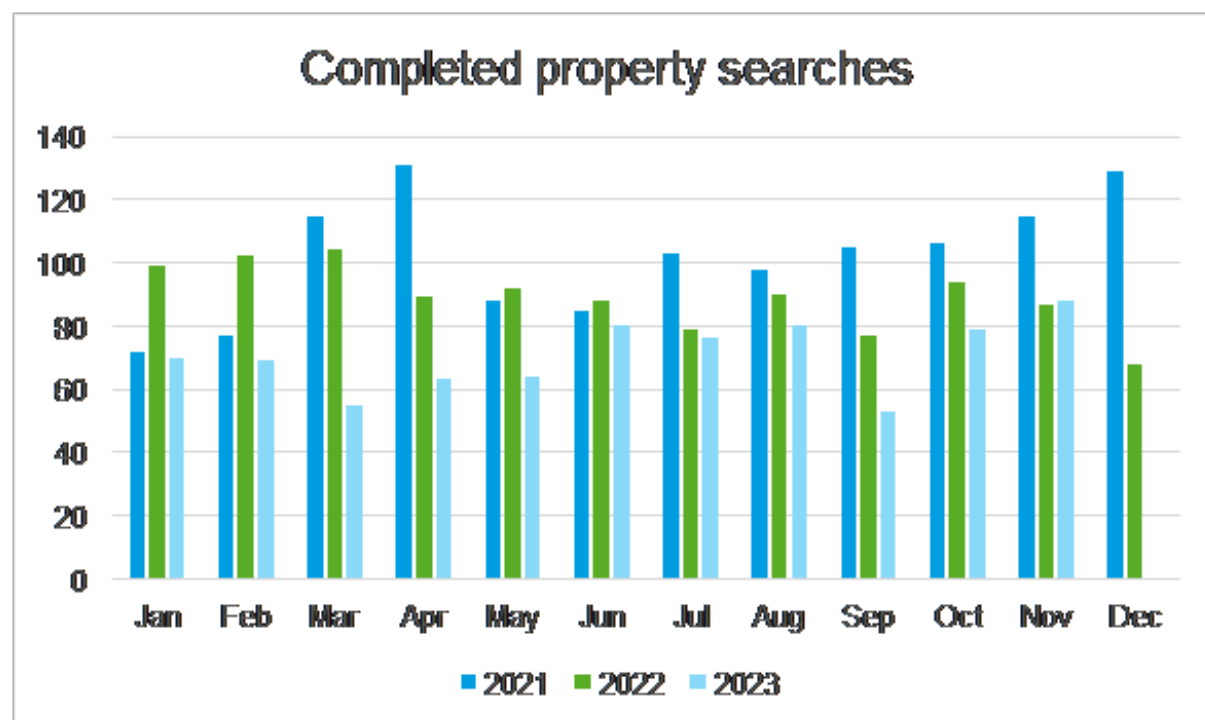
Listed below is a comparison of the average calls received per day within business hours. On average there were 122 calls received each business day for November 2023, which was a decrease of 25 calls on average per day from October 2023. Compared to November 2022 there was a decrease of 40 calls on average per day.



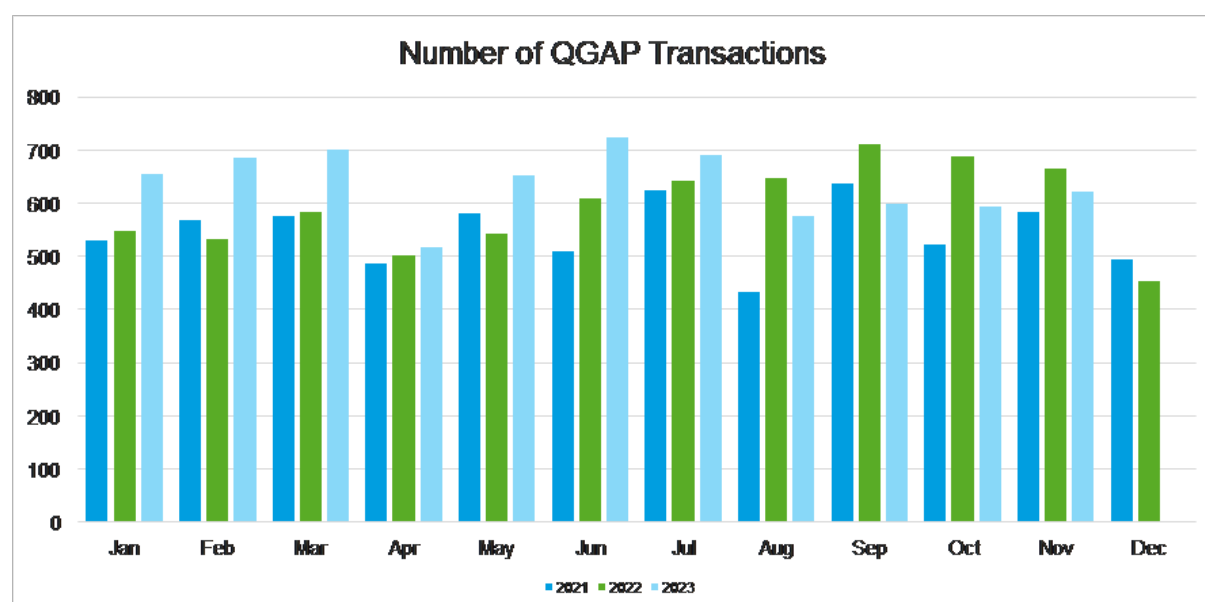
There were 2,682 calls received during business hours and 121 out of hours. Of the 121 calls received out of hours, 41 calls transferred to the afterhours call centre. There was an increase of six calls to Council's afterhours provider compared to October 2023.



For the month of November 2023 there were 88 property searches completed for prospective purchasers. This increased by 9 completed searches for the month compared to October 2023.



There were 623 Queensland Government Agent Program (QGAP) transactions for the Lowood QGAP agency in November 2023. On average there were 28 transactions per business day in November which is the same on average as October 2023.



#### Attachments

Nil

#### Recommendation

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

**Resolution**

Moved – Cr Brieschke

Seconded – Cr Whalley

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

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Regional Precincts and Partnership Program.</b>
<b>File Ref:</b>	<b>State and Federal Government - Liaison</b>
<b>Action Officer:</b>	<b>CEO</b>

**Background/Summary**

At the Ordinary Council Meeting on 27 September 2023, Council made the following decision.

*“THAT Council write to the Minister for Infrastructure, Transport, Regional Development and Local Government and the Minister for Regional Development, Local Government and Territories objecting to the exclusion of Somerset Regional Council from the Australian Government’s Regional Precincts and Partnerships Program stream one (RPPP) due to geography and notes that Somerset Regional Council towns like Toogoolawah that are apparently considered part of Greater Brisbane and therefore ineligible under RPPP are further from Brisbane CBD than eligible major urban population centres like Surfers Paradise and Maroochydore”*

Council has received the attached letter from the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government, outlining that the Government currently has no plans to modify the geographic eligibility of the Greater Capital City Statistical Areas (GCCSA) for the program, nor is it possible for prospective applicants to be granted an exemption to the criteria.

The letter advises that Council will be eligible to apply for the urban Precincts and Partnership Program (uPPP) and the Thriving Suburbs Program.

This advice remains disappointing as Somerset is clearly a rural regional council with polar differences to the large SEQ Cites. Yet it still remains that the GCCSA does not capture Gold Coast and Sunshine Coast Councils who are eligible to apply for the Growing Regions and RPP Programs.

Council may wish to consider the following options:

1. Accept the advice as provided and seek direct engagement with the Commonwealth Department regarding the eligibility criteria for the uPPP. Once baseline eligibility criteria are known, Council Officer focuses on appropriate submissions under the uPPP.
2. Council writes to our neighbouring rural based Council, Scenic Rim and Lockyer Valley Regional Councils, which are also impacted by the GCCSA, seeking their



interest in a joint campaign and potential deputation to the Hon Catherine King MP to try and attempt to have rural based Council's either removed or exempted from the GCCSA.

#### Attachments

Letter from the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government.

#### Recommendation

THAT Council writes:

1. the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government, thanking her for her letter and Council's desire to engage with the Department regarding the eligibility criteria for the Urban Precincts and Partnership Program (uPPP). Notwithstanding, Council remains disappointed that the Commonwealth Government has no plans to modify the geographic eligibility of the Greater Capital City Statistical Areas (GCCSA), particularly because Somerset Regional Council is a rural-based local government.
2. to Scenic Rim and Lockyer Valley Regional Council seeking their interest in a joint campaign and potential deputation to the Hon Catherine King MP to try and attempt to have rural based Council's either removed or exempted from the GCCSA for Commonwealth Grant Programs, such as the Growing Regions and Regional Precincts and Partnerships Programs.

#### Resolution

Moved – Cr Whalley

Seconded – Cr Isidro

“THAT Council writes:

1. the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government, thanking her for her letter and Council's desire to engage with the Department regarding the eligibility criteria for the Urban Precincts and Partnership Program (uPPP). Notwithstanding, Council remains disappointed that the Commonwealth Government has no plans to modify the geographic eligibility of the Greater Capital City Statistical Areas (GCCSA), particularly because Somerset Regional Council is a rural-based local government.
2. to Scenic Rim and Lockyer Valley Regional Council seeking their interest in a joint campaign and potential deputation to the Hon Catherine King MP to try and attempt to have rural based Council's either removed or exempted from the GCCSA for Commonwealth Grant Programs, such as the Growing Regions and Regional Precincts and Partnerships Programs.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Kilcoy Motocross Event Management Plan 2024</b>
<b>File Ref:</b>	<b>SRS/Council Properties/Leasing Out</b>
<b>Action Officer:</b>	<b>DCORP</b>

### Background/Summary

#### 2024 Calendar and Event Management Plan

The lease for the Motocross requires the preparation of an annual event management plan. Attached please find the proposed Event Management Plan and Calendar of Events proposed for 2024.

The Club has requested a similar number of days consistent with previous years. However, further clarity is detailed below regarding coaching activities.

The event management plan proposed for 2024 includes:

<b>Activity</b>	<b>Days per year 2024</b>	<b>Days per year 2023</b>
Practice	13	13
Competition (Club Race Days 8 Somerset Series 2) 1 National / State 2 day Event with the possibility of a second.  [Note: Date for the 2 day National Event TBC with Motorcycling Queensland.] The second event is an allowance for the use of the track by MQ for a national event should the official race day at a different track be rained out.	12  (8 club events, 2 Somerset Series and 1 MQ event which is a 2-day event)	12  (10 events, 2 of which are 2-day events)
Coaching (Saturdays 2024)	10	10
Week Day Coaching Clinics (afternoon only)	24 (2 per month)	24 (2 per month)
Coaching School (on weekend or school holidays)	3 clinics - 1 to 4 days 9 days proposed	3 clinics – 1 to 4 days 9 days proposed

The club has reduced days of use for the 2024 calendar. Competition days will decrease by two days. These days are the highest participation and attendance days. Practice days are also decreased by two days for the 2024 calendar.

#### *Week Day Coaching Clinics (afternoon only)*

The Club has various coaches that would like the opportunity to host coaching clinics that are 5 hours within 8.30am – 5.00pm on various week day afternoons, with attendees expected to be in the order of 8 – 25 people. Two (2) week day coaching sessions per month are requested.

The Club has also proposed that occasionally, if this session is not used for coaching, the Club may utilise this time for a practice session for no more than 25 riders.

#### *Coaching School (1 – 4 days on weekend or school holidays)*

Additionally, from time to time coaches throughout Australia will book the track for between 1 - 4 days for an intensive coaching school to be held on a weekend or during school holidays. Rider numbers would be approximately 10 - 40 depending on the length of the coaching clinic, and the number of coaches available to provide tuition as per student / teacher ratios.

The Club advises that as the riders will be learning different skills including off bike fitness, nutrition etc the noise is limited in comparison to a race day. The focus is more on developing skills than speed. It is also a requirement of Motorcycling Australia that all riders must complete 5 hours of competency with an accredited coach prior to moving up to a higher capacity bike.

Council has previously limited sessions of this type to a maximum of 10 days per year. The dates are nominated in the calendar.

#### *Coaching - Weekend*

These days have been set as Saturdays only. Previously the timing of the Weekend Coaching was not advised.

#### *Additional or Substitute Days*

As per the Event Management Plan for 2023, any substitute days need to be approved by Council, no additional days will be considered to the overall number of days.

#### **Event Management Plan Review**

The Event Management Plan for 2024 (as approved plus additional Council requirements set by resolution) have been reviewed and compared to the 2023 Event Management Plan to ensure the 2024 Plan includes all requirements set by Council.

Changes made by the club are as follows:

#### *Background*

Membership 2024 - 505 (2023 - 500)

One national event proposed in 2024 (2 events in 2023), 1 additional Event proposed 2024 if that event is rained out at the track it is proposed to be undertaken.

#### *Event Schedule*

National events may include:

National Events – SEQ MX Series – date to be advised by MQ

#### *Coaching*

Coaching will be week days in 2024. There are also three holiday clinics proposed.

#### *Patron Details*

Club race days in 2023 – 200 riders average attendance. No noise exceedances recorded during testing.

#### *Toilets and Showers*

Club Race days – an additional 5 port-a-loos to be provided 2024.

The Event Management Plan proposed by the club for 2024 meets all the requirements previously set by Council.

For the 2023 year there were no reported noise issues. Sound measurements were provided from each event. The club had indicated action taken where a motorbike did not meet requirements. This has resulted in significantly improved compliance with sound tests during 2023. Due to no noise issues and ongoing reporting to Council there was no need for an external sound test in 2023. Notwithstanding, there were some other issues raised associated with camping and litter management, with corrective action taken by the club.

#### **Land Management Plan**

Council has previously resolved to grant a lease to the Kilcoy Motorcycle Club (the Club) over Lots 1 and 2 SP134321 located at Neurum Road, Kilcoy. The current lease of the site expires on 31 December 2025. The Kilcoy Motocross are in agreement with the lease proposal put forward and are working on the Land Management Plan as agreed.

The terms and conditions to be included within the Land Management Plan are being developed and will be workshopped. Consultation with the club is underway. Additionally, the Land Management Plan will require public consultation.

### Attachments

Attachment 1 – Event Management Plan 2024

Attachment 2 – Calendar of Events 2024

### Recommendation

THAT Council:

1. Approve the proposed Event Management Plan and Calendar of Events for 2024 for the Kilcoy Motorcycle Club, comprising 12 competition days, 13 practice days, 10 coaching days, 24 week day clinics (5 hour session only) and 9 coaching school holiday clinics, and
2. Advise the Kilcoy Motorcycle club and Motorcycle Queensland that Council expects the club to assist Council with finalising the Land Management Plan prior to entering into a new five year lease of the current site and the club must fund and undertake a needs analysis, site assessment and masterplan outlining the future direction of the club, including the potential need for alternate location(s).

### Resolution

Moved – Cr Whalley

Seconded – Cr Gaedtke

“THAT Council:

1. Approve the proposed Event Management Plan and Calendar of Events for 2024 for the Kilcoy Motorcycle Club, comprising 12 competition days, 13 practice days, 10 coaching days, 24 week day clinics (5 hour session only) and 9 coaching school holiday clinics, and
2. Advise the Kilcoy Motorcycle club and Motorcycle Queensland that Council expects the club to assist Council with finalising the Land Management Plan prior to entering into a new five year lease of the current site and the club must fund and undertake a needs analysis, site assessment and masterplan outlining the future direction of the club, including the potential need for alternate location(s).”

Carried

*Vote - Unanimous*

### Meetings authorised by Council

Nil

## Mayor and Councillor Reports

### Cr Brieschke – Councillor Report

November

- 29 Ordinary Council Meeting via Teams.  
Council Workshop Meeting via Teams.

- 30 Christmas Light Judging

December

- 02 Light Up Esk Christmas Tree event
- 05 Christmas Light Judging
- 06 SRC Volunteer Christmas Famil, Linville
- 07 Harlin State School Grade 6 Dinner, Toogoolawah
- 08 Christmas Lights Presentation, Somerset Civic Centre  
Rollerbae event, Somerset Civic Centre  
Visit to Esk Hospital Auxiliary Christmas event, Esk Bowls Club
- 09 Toogoolawah Christmas Tree
- 14 Esk Men's Shed Annual General Meeting  
Community meeting at Glamorgan Vale Hall
- 15 Drinks on the Green end of year function, Toogoolawah & District  
History Group, Toogoolawah History Museum.
- 18 Council Briefing

I was again privileged to judge this year's Christmas Light competition along with Cr Wendt and guest judge Mr Jason Beatie.

We had our work cut out for us. The standard of entries were highly competitive and a pleasure to see and I would like to thank all the entrants for their efforts in bringing the Christmas cheer to our community.

I would like to wish our community, staff and fellow Councillors a Merry Christmas and Safe and Happy New Year.

### Cr Whalley – Councillor Report

Cr Whalley offered his thanks to staff and constituents a safe and enjoyable Christmas.

### Cr Choat – Councillor Report

October

- 25 Council Ordinary Meeting and Workshop – Council Chambers Esk
- 28 Lowood SES Rescue Boat Handover – SES Depot Lowood  
Lowood Lodge Celebratory Banquet – Lowood QCWA Hall
- 31 Whole of Council Organisational Development Day – Esk Civic Centre

November

- 02 All Souls Day commemorations – St Mel's Catholic Church Esk
- 14 Valley of the Lakes Garden Club AGM - Esk Civic Centre  
Lowood-Fernvale Bendigo Bank AGM – Lowood Golf Club
- 15 Council Ordinary Meeting and Workshop – Council Chambers Esk
- 16 Ray White Client Appreciation Event – Esk  
Tourism Networking Event – Brisbane Valley Roasters Esk
- 25 Kilcoy Races – Kilcoy Race Club  
Glamorgan Vale Christmas Carnival – Community Hall Grounds Glamorgan Vale
- 27 Lowood Lions General Meeting – Lowood Open Door Gallery
- 29 Council Ordinary Meeting and Workshop – Council Chambers Esk

December

- 02 Light Up Esk – Community Christmas Event, Esk

- 03 Esk Community Choir – 45<sup>th</sup> Annual Christmas Concert
- 08 SRC Skate Away Event – Esk Civic Centre  
SES Christmas Break-up - Esk Civic Centre  
Esk Hospital Auxiliary Christmas Break-up – Esk Bowls Club
- 09 Four Season's Church Men's Fellowship Breakfast  
Lowood Community Christmas Carnival  
Toogoolawah Christmas Tree Celebration
- 12 Kilcoy Shed Happens Christmas Celebration
- 15 Toogoolawah and District History Group Inc Christmas Drinks on the Green
- 16 Fernvale Community Church – Carols in the Park
- 18 Council Briefing Session – Council Chambers Esk
- 21 Council Ordinary Meeting and Workshop – Council Chambers Esk

### **Cr Gaedtke– Councillor Report**

November

- 29 Ordinary Council Meeting & Workshop Meeting

December

- 01 Turning on the Christmas Lights – Yowie Park Kilcoy
- 02 Kilcoy Christmas Street Carnival
- 05 Year 3-6 Annual Awards Ceremony – Kilcoy State Primary School
- 05 Toogoolawah State School Awards Night
- 06 Mt Kilcoy State School P-6 Award Ceremony
- 07 Brisbane Valley Heritage Trails Committee Meeting – Harlin
- 07 Kilcoy Recreation Grounds Advisory Committee Meeting
- 12 Kilcoy Hospital Auxiliary Meeting
- 12 Friends of Stonehouse Management Committee Meeting – Moore
- 13 Meeting Kilcoy Show & Kilcoy Multi-Cultural Meeting
- 18 Confidential Briefing Session – Esk
- 20 Reconciliation Queensland – Annual General Meeting 2023 – Zoom
- 20 Kilcoy Chamber of Commerce – Christmas Celebrations
- 21 Ordinary Council Meeting & Workshop Meeting

I must sincerely thank the band of busy Mums who form the Kilcoy Christmas Carnival committee. I would like to once again thank our Mayor for performing the official opening of the carnival. The attendance of the event this year was enormous and I believe the biggest carnival yet. I am filled with a profound sense of awe and gratitude being part of our multi-cultural community. The Fijian men sang their beautiful song unaccompanied. John and I along with some dear friends rode our motorbikes and trikes escorting Santa who was positioned in a well decorated RAM. By the reaction of the children, they were totally gob smacked by Santa's elaborate entry. Finally, thank you so much to the hard working husbands and partners of the Kilcoy Christmas Carnival committee, and to the many heroic sponsors.

Congratulations to all school children who participated in their special awards ceremonies. It is always gratifying to witness their hard work and the forthcoming rewards. Of course, none of this would be possible without the strong support of their teaching staff, and Mum, Dads and Carers.

### **Cr Wendt – Councillor Report**

November

- 29 Ordinary Council Meeting – Esk  
Workshop Meeting – via Teams  
Presentation – Esk
- 30 Christmas Light Judging

## December

- 01 Kilcoy Lights – Yowie Park Kilcoy
- 02 Esk Elves – Lighting of Christmas Tree - Esk
- 05 Christmas Light Judging
- 06 Volunteer for FAMIL – Linville
- 08 Christmas Lights Award Presentation – Esk
- 09 Toogoolawah Christmas Carnival – Toogoolawah  
Lowood Christmas Carnival - Lowood
- 12 SWFSA Christmas Party – Glamorgan Vale
- 13 Rural Fire Brigade Training Night – Fernvale
- 14 Leukemia Foundation Lunch – Plainlands  
RSL Meal Night – Lowood
- 16 Carols in the Park – Fernvale
- 17 SWFSA – Fish Release – Somerset  
Lowood Lutheran Church Carols – Lowood
- 18 Councillor Briefing Session - Teams

**Mayor's Report of Activities from 29 November 2023 – 22 December 2023**

Ref - Governance - Reporting - Reporting - Mayor and Councillor Reports

## November

- 29 Council meeting Esk  
5.30pm Information session at Gatton Shire Hall

## December

- 1 9am Council of Mayors meeting in Brisbane  
5pm Prenzlau State School end of year award presentation at the Lowood State High School Hall
- 2 3pm Kilcoy Christmas Carnival
- 3 2.30pm Esk Choir Christmas Concert at the Somerset Civic Centre
- 5 9.30am Kilcoy State School Year 3-6 Annual Awards Ceremony  
2pm LGAQ Policy Briefing (online)  
4pm Marburg and Mt Crosby Thunder Cricket Game at the Fernvale Sports Park, bowled first ball for the first senior's game.
- 6 6pm Volunteer Famil at the Linville Hotel
- 7 3pm Water Collaborative Meeting at LVRC  
6pm Harlin State School Graduation Ceremony at Toogoolawah Golf Club
- 8 10am Somerset Christmas Light Competition presentations  
5pm Roller Disco at the Somerset Civic Centre  
6.30pm Somerset SES Unit End of Year Function
- 9 1pm Opening of the new exhibition at the Somerset Regional at Gallery – the Condensery  
4.30pm Toogoolawah Christmas Tree Carnival  
7pm Lowood Show Society Christmas breakup.
- 10 5.30pm Prenzlau Rural Fire Brigade Christmas Breakup at Lowood RSL
- 11 6pm Lowood Lions Meeting at the Open Door Gallery in Lowood
- 12 2.30 Pre-launch Shaping SEQ 2023 Briefing  
6.30pm Somerset Wivenhoe Fish Stocking Association  
Christmas break up at the Bottle Tree Hotel Glamorgan Vale
- 14 10am Esk Mens Shed AGM

- 15 12pm Leukemia Foundation Christmas Party  
6.30pm Lowood RSL Christmas Breakup  
2.30pm Presentation for volunteer at the Esk Visitor Information Centre – first volunteer to reach 20 years' service as a volunteer  
4pm Drinks on the Green at the Toogoolawah History Museum  
6pm Carols and Sausage Sizzle hosted by Trax Church and Lowood Bowls Club
- 16 11.30am Lowood Lions Christmas break Up at Lowood Hotel Motel  
12pm Lowood Bowls Club Christmas breakup and presentations at the Lowood Bowls Club
- 17 7pm Coolana Carols night hosted by the Lutheran Church Coolana
- 18 11am Able Australia Active Living Program
- 21 8am Council meeting in Esk  
3pm SRC Council Christmas breakup at the Fernvale Community Hall

**Resolution**

Moved – Cr Whalley

Seconded – Cr Wendt

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

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

Nil

**Consideration of notified motions**

Nil

**Reception of notices of motion for next meeting****Resolution**

Moved – Cr Brieschke

Seconded – Cr Whalley

“THAT a motion be prepared regarding the limitations of transport options for youth as identified in Council agenda item 36 Youth Engagement Strategy.”

Carried*Vote - Unanimous***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 11.56 am.



