



SOUTHERN DOWNS REGIONAL COUNCIL GENERAL MEETING OF COUNCIL

Dear Councillors

Your attendance is hereby requested at the General Meeting of Council to be held in the Council Chambers, Southern Downs Regional Council, 61 Marsh Street, Stanthorpe on **Wednesday, 31 January 2018 at 9:00AM**.

Notice is hereby given of the business to be transacted at the meeting.

David Keenan

CHIEF EXECUTIVE OFFICER

25 January 2018

Attendance:

- 11:00am Speaker's Request – Andrew Hill from Homeworthy Inspection Services – Agenda Item 12.8
- 11:10am Speaker's Request – Max Barton from Cherrabah Sporting Clays Inc – Agenda Item 12.9

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WEDNESDAY, 31 JANUARY 2018 General Meeting of Council

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1. PRAYER & CONDOLENCES

2. ATTENDANCE

3. APOLOGIES

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 13 December 2017

Recommendation

THAT the minutes of the General Council Meeting held on Wednesday 13 December 2017 be adopted.

4.2 Special Council Meeting - 22 December 2017

Recommendation

THAT the minutes of the Special Council Meeting held on Friday 22 December 2017 be adopted.

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Chief Executive Officer	File Ref: 13.42

Recommendation

THAT Council receive the report and note the contents.

Report

The purpose of this report is to provide a summary of Actions resulting from resolutions from the December 2017 General Council Meeting.

A copy of the Actions report is attached.

Attachments

1. Actions from December 2017 General Meeting [View](#)



ACTIONS FROM PREVIOUS GENERAL COUNCIL MEETING

Date From: 13/12/2017

Date To: 13/12/2017

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
13 December 2017	5.1	Actions from Previous Council Meeting	David Keenan	22 Dec 2017 - 12:26 PM - Marion Seymour Noted	22/12/2017
13 December 2017	7.1	Mayoral Minute - December 2017	Tracy Dobie	22 Dec 2017 - 12:26 PM - Marion Seymour Noted	22/12/2017
13 December 2017	8.1	Correspondence	David Keenan	22 Dec 2017 - 12:27 PM - Marion Seymour Noted	22/12/2017
13 December 2017	9.1	Petition - Closure of Hoey Lane, Thomdale	David Keenan	22 Dec 2017 - 12:28 PM - Marion Seymour Noted	22/12/2017
13 December 2017	10.1	Financial Report as at 30 November 2017	Andrew Page	22 Dec 2017 - 12:28 PM - Marion Seymour Noted	22/12/2017
13 December 2017	10.2	Draft Economic Development Strategy	Scott Templeman	23 Jan 2018 - 10:51 AM - Marion Seymour The Strategy has been disseminated to the appropriate stakeholder groups for comment. It has also been placed on the SDRC Website for comment. Consultation closes in February at which time the feedback will be considered and the final strategy presented to Council.	23/01/2018
13 December 2017	11.1	Engineering Services Department Monthly Report	Peter See	15 Jan 2018 - 7:45 AM - Barb Fagen Noted	15/12/2017
13 December 2017	11.2	Southern Downs Road Safety Advisory Committee Minutes	Chris Whitaker	15 Jan 2018 - 7:46 AM - Barb Fagen Noted	15/12/2017
13 December 2017	12.1	Pest Management Advisory Committee Minutes - 28 November 2017	Darryl Brooks	21 Dec 2017 - 3:34 PM - Alison Bilbrough Monthly Memo sent to AMES to action in accordance per Council Resolution.	15/12/2017
13 December 2017	12.2	Invasive Pests Control Scheme Update	Darryl Brooks	21 Dec 2017 - 3:35 PM - Alison Bilbrough Monthly Memo sent to AMES to action in accordance per Council Resolution.	15/12/2017
13 December 2017	12.3	Department of Natural Resources and Mines - Conversion of a Term Lease - Lot 449 on BNT1507, Thulimbah	Cathy Cockram	21 Dec 2017 - 3:36 PM - Alison Bilbrough Monthly Memo sent to MCS & LMO to action in accordance per Council Resolution. Letter mailed to DNRM.	21/12/2017



ACTIONS FROM PREVIOUS GENERAL COUNCIL MEETING

Date From: 13/12/2017

Date To: 13/12/2017

13 December 2017	16.1	PN 97505 - Second Request for Water Relief	Andrew Page	22 Dec 2017 - 12:29 PM - Marion Seymour Letter sent regarding outcome of the meeting.	22/12/2017
13 December 2017	16.2	Economic Development Advisory Committee Minutes 21 November 2017	Scott Templeman	22 Dec 2017 - 12:30 PM - Marion Seymour Noted	22/12/2017
13 December 2017	16.3	Expression of Interest - Stanthorpe Effluent Water	Renee Wallace	17 Jan 2018 - 4:14 PM - Barb Fagen The Irrigators have been notified of Council's resolution. Council is currently in communication with the Irrigators solicitors.	17/01/2018
13 December 2017	16.4	Wallangarra WTP Evaluation Report	Adam Eastes	17 Jan 2018 - 1:50 PM - Barb Fagen Note Correspondence and Purchase order sent advising of Council resolution	11/01/2018
13 December 2017	16.5	Leyburn Water Supply	Logan Carrie	17 Jan 2018 - 1:43 PM - Barb Fagen Noted Further information was provided	15/12/2017
13 December 2017	16.6	RFT 18-006 Stanthorpe Fitness Centre (currently known as the Stanthorpe YMCA), Stanthorpe Aquatic Centre, Killamey Pool and Allora Pool	Michael Bell	17 Jan 2018 - 1:44 PM - Barb Fagen Noted Preparations were undertaken to take over the Management on the Stanthorpe Fitness Centre from the 1 January 2018	31/12/2017
13 December 2017	16.7	Offer for Council's McDonald Johnson Street Sweeper	Brett Donovan	17 Jan 2018 - 1:45 PM - Barb Fagen Noted Correspondence sent advising of Council resolution	15/12/2017
13 December 2017	16.8	Capital Works - Reallocation of Funds	Darryl Brooks	21 Dec 2017 - 3:33 PM - Alison Bibbrough Monthly Memo sent to AMES & MF&IT to action as per Council Resolution	15/12/2017
13 December 2017	16.9	Warwick Polocrosse Club Inc - Request for changes to Resolution on March 2017	Peter Gribblin	21 Dec 2017 - 3:37 PM - Alison Bibbrough Monthly Memo sent to MCS & LCO to action in accordance per Council Resolution.	21/12/2017

6. DECLARATIONS OF CONFLICTS OF INTEREST

7. MAYORAL MINUTE

7.1 Mayoral Minute - January 2018

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Mayor	ECM Function No/s:

Recommendation

THAT Council receive the Mayoral Minute for January 2018.

Report

There are some members of our community who use social media to bully others. When I use the term 'bullying' I am referring to the definition from the Australian Government Human Rights website: "Bullying is when people repeatedly and intentionally use words or actions against someone or a group of people to cause distress and risk to their wellbeing."

While the majority of people who use social media do not contribute to this sort of behaviour, there are a small number who do, and I believe they are having a negative effect on our community. These people believe they can write whatever they want about other people. They do this repeatedly and their intention is to cause distress to the person they are targeting.

The problem is the people who take this action, particularly on Facebook, don't think they are doing anything wrong. I am not talking here about children or teenagers. I am talking about adults: parents and grandparents who are deliberately engaging in cyber-bullying.

I believe it is time to take a stand. Over the last two years I have been a target of cyber-bullying by a small number of individuals: on a daily, weekly and monthly basis. They have persistently attacked me by making statements that are cruel and meant to hurt. I have ignored these people and their bullying behaviour because they have no credibility and what they say doesn't affect me or influence the decisions I make.

But after recent events, I have come to the conclusion that by ignoring their actions I am sending a message that it is acceptable for them to behave in this disgusting manner. This cyber-bullying if left unchecked, makes everyone feel as if they are powerless. Observers see nothing is done to stop these cyber-bullies from posting their filth and it has a cumulative effect: each person fears being the first to contradict them or call them out, lest he or she become their next target. This means each individual is being forced to live in fear. Every person has a right to be treated fairly and with respect. Every person has a right to feel safe when they go online and not to dread being confronted with hate statements posted there by bullies.

Over recent weeks I've looked more closely at what these people post on Facebook, not just about me but about other people as well. I read what they posted during the period following the death of Amy Everett. These people do not see themselves as bullies. They believe they are just expressing their opinions. But when they do that repeatedly and with the cruel intention to cause distress and harm to others; then they are bullies.

I anticipate that by me bringing attention to their actions, these bullies will become harsher in their attacks on me personally. Let them do so. Their bullying behaviour will be even more evident.

By speaking out it is my goal to bring the bullying behaviour of these people to public notice and to bring awareness to these people themselves that they are accountable, now and forever, for what they post on social media. Accountable for the impact it has on others, not just the person they are targeting.

There is a National Day of Action Against Bullying and Violence on 16 March this year and I will be taking a series of actions over the next six weeks to raise the public awareness of the behaviour of these cyber-bullies in our community.

Attachments

Nil

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Chief Executive Officer	ECM Function No/s:

Recommendation

THAT the report of the Chief Executive Officer in relation to Correspondence be received.

Report

1. **Minister for Natural Resources, Mines and Energy** in relation to the National Water Infrastructure Development Fund Part 1 – Emu Swamp Dam Feasibility Study (copy attached).

Action: Noted.

2. **Warwick Art Gallery** thanking Council for facilitating the Gallery's participation in the Centenary of Federal Policing celebration in November 2017 (copy attached).

Action: Noted.

3. **Queensland Recreational Aircraft Association** regarding the 60 year anniversary for the Club on 27 October 2018 and seeking approval to proceed with a celebration, and whether Council would consider a fresh coat of paint for the terminal building and installation of a memorial monument which could be unveiled on the day (copy attached).

Action: Referred for Council's consideration.

4. **Department of Local Government, Racing and Multicultural Affairs** in relation to the Amendment of Local Law No. 1 (Animal Management) 2017 and advising that the Department has completed its review and there are no matters that would impact adversely on state interests identified (copy attached).

Action: Noted.

5. **Department of Local Government, Racing and Multicultural Affairs** in relation to Local Law No. 4 (Waste Management) 2017 and advising that the Department has completed its review and there are no matters that would impact adversely on state interests identified (copy attached).

Action: Noted.

6. **Department of Local Government, Racing and Multicultural Affairs** advising that Council has been identified by the Department and the Queensland Treasury Corporation to participate in the 2017-2018 Credit and Financial Sustainability Review program (copy attached).

Action: Noted.

7. **Department of Local Government, Racing and Multicultural Affairs** in response to Council's letter of 15 December 2017 regarding legislative changes and compliance responsibilities impacting local governments (copy of both letters attached).

Action: Noted.

8. **Department of Education** advising of some of the key activities from schools within the region (copy attached).

Action: Noted.

Attachments

1. Minister for Natural Resources, Mines and Energy [View](#)
2. Warwick Art Gallery [View](#)
3. Queensland Recreational Aircraft Association [View](#)
4. Department of Local Government, Racing and Multicultural Affairs [View](#)
5. Department of Local Government, Racing and Multicultural Affairs [View](#)
6. Department of Local Government, Racing and Multicultural Affairs [View](#)
7. Department of Local Government, Racing and Multicultural Affairs [View](#)
8. Letter from Council to Department of Local Government [View](#)
9. Department of Education [View](#)



Hon Dr Anthony Lynham MP
Minister for Natural Resources, Mines and Energy

Our Reference: CTS31947/17

04 JAN 2018

1 William Street Brisbane

PO Box 15216 City East
Queensland 4002 Australia

Telephone +61 7 3719 7360
Email sdnrm@miniserial.qld.gov.au
www.dnrm.qld.gov.au

Councillor Tracy Dobie
Mayor
Southern Downs Regional Council
PO Box 26
WARWICK QLD 4370

Dear Councillor Dobie

**Re: National Water Infrastructure Development Fund Part 1 – Emu Swamp Dam
feasibility study**

I am writing in reference to recent correspondence from you and the Australian Government regarding the Emu Swamp Dam feasibility study under the National Water Infrastructure Development Fund. In addition, I understand that Ms Linda Dobe, Acting Deputy Director-General, Department of Natural Resources, Mines and Energy (DNRME), the former Department of Energy and Water Supply, has already discussed the matter and the proposed way forward with you and Mr David Keenan.

As you are aware, the Australian Government wants to see the development of a business case for the proposed Emu Swamp Dam and has advised that it supports the Stanthorpe and Granite Belt Chamber of Commerce becoming the proponent for the study. I recognise Council's concerns regarding the study. I understand that you have agreed that Council will maintain involvement with the study as a key stakeholder, but will take a position that alternative supply options to Emu Swamp Dam are preferred for urban purposes. As such, DNRME will impress upon the Chamber of Commerce that the study can not only assume that the dam would be used for urban and agricultural purposes, and will need to include assessment of the financial and economic viability of Emu Swamp Dam based on a scenario in which it meets agricultural demands only.

Officers from DNRME have already spoken with Mr Ian Henderson regarding the Chamber of Commerce's intentions for the study and the need to consider the implications of the dam having no urban supply role. In addition, they discussed the expectation that the study will conform to the Building Queensland framework with respect to the assessment of needs and options, noting that this broadly mirrors Infrastructure Australia's processes for the Australian Government.

It is important for all involved that the final report for a detailed business case of Emu Swamp Dam is comprehensive and accurate. In order to achieve this aim, it is important that Council remains engaged with the study and clearly states its water demands, needs and preferences.

Please do not hesitate to contact Mr Grant Horton, Director, Regional Water Infrastructure at: grant.horton@dnrme.qld.gov.au or telephone (07) 3166 0157 if you have any further matters you wish to raise.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line extending to the right.

Dr Anthony Lynham MP
Minister for Natural Resources,
Mines and Energy



49 albion street po box 775 warwick qld 4370 tel (07) 46610434 www.warwickartgallery.com.au



10 January 2018

The Chief Executive Officer
Southern Downs Regional Council
PO Box 26
Warwick QLD 4370

Dear David

I am writing on behalf of the Management Committee of Warwick Art Gallery to thank Southern Downs Regional Council for facilitating our participation on the Centenary of Federal Policing celebration in November 2017.

With Council's financial assistance we were able to provide the Australian Federal Police History, Traditions and Museum unit with a display space that did justice to the exhibition.

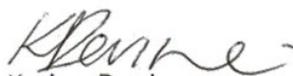
The opportunity to work with Terry Brown and his staff was inspirational for our team especially their dedication to the stories and objects that reflect the valuable work of the Australian Federal Police.

We gratefully acknowledge the assistance received from Michael Bell, Scott Templeman and their respective staff members who assisted us before and during the exhibition.

A brief summary of exhibition statistics is provided on the next page.

Thank you for your ongoing support of the Gallery.

Regards


Karina Devine
Gallery Director

Southern Downs Regional Council



DOC0284162



49 albion street po box 775 warwick qld 4370 tel (07) 46610434 www.warwickartgallery.com.au

Exhibition Report: Centenary of Federal Policing in Australia

Dates of Display	19 October - 19 December 2017
Number of days open for viewing	44
Number of people who saw the exhibition	Adults 1369 Youth 319 = 1688
Function Details and Attendance	<ul style="list-style-type: none"> Centenary Celebration #1 on Thursday 19 October with guest speakers Southern Downs Regional Council Mayor Tracy Dobie, QLD Commander Sharon Cowden and exhibition curator Terry Browne attended by 49 guests Centenary Celebration #2 on Saturday 18 November with guest speakers Southern Downs Regional Council Mayor Tracy Dobie and Police Commissioner Andrew Colvin APM OAM attended by 76 guests
Complimentary media	<ul style="list-style-type: none"> Advertisements in the Warwick Daily News and Lifestyle Magazine Editorial in Warwick Daily News Review in Toowoomba Chronicle by arts writer Sandy Pottinger Curator interview on ABC RADIO Toowoomba.



**Queensland Recreational Aircraft Assoc.
Incorporating Warwick Aero Club**



PO Box 934 , Warwick 4370

Mr David Keenan
Chief Executive Officer
Southern Downs Regional Council
PO Box 26
Warwick 4370

10 January 2018

Dear Mr Keenan

Re: WARWICK AERODROME 60 YEARS OLD.

On October 27 2018 it will be 60 years since the opening of Warwick aerodrome. QRAA/Warwick Aero Club members wish to mark the occasion with a celebration at the aerodrome similar to one 10 years previously.

On the 50 year anniversary a bar-b-q was held for SDRC councillors, the public and descendants of those who assisted in the establishment of the aerodrome.

With Council approval we would like to proceed with this celebration.

Prior to the event we ask if Council could consider giving the terminal building a fresh coat of paint. It would also be fitting if some consideration be given to the memorial monument, previously requested, which could be installed, then unveiled on the day.

I look forward to your reply.

Yours Sincerely,

Phil Goyne

Dr Phil Goyne
President QRAA/Warwick Aero Club

cc. Mayor Tracy Dobie, Cr. Jo McNally, Cr. Rod Kelly, Mr Michael Bell



Department of Local Government,
Racing and Multicultural Affairs

Our ref: DGC17/1441

11 JAN 2018

Mr David Keenan
Chief Executive Officer
Southern Downs Regional Council
PO Box 26
WARWICK QLD 4370

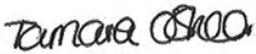
Dear Mr Keenan

I refer to the email of 4 December 2017 submitting the Southern Downs Regional Council's (the council) Amendment Local Law No. 1 (Animal Management) 2017 (proposed local law) for state interest review by the Department of Local Government, Racing and Multicultural Affairs (the department).

The department has completed its review of the council's proposed local law having regard to matters of state interest relevant to the department. No matters that would impact adversely on state interests were identified during the review.

If you require further information, I encourage you to contact Mr Damon Meadows, Senior Advisor, Local Government and Regional Services (South) in the department on 4616 7314 or by email at damon.meadows@dilgp.qld.gov.au.

Yours sincerely


Tamara O'Shea
Acting Director-General

1 William Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3452 7009
ABN 251 66 523 889



Department of Local Government,
Racing and Multicultural Affairs

Our ref: DGC17/1529:

11 JAN 2018

Mr David Keenan
Chief Executive Officer
Southern Downs Regional Council
PO Box 26
WARWICK QLD 4370

Dear Mr Keenan

I refer to the email of 13 December 2017, submitting the Southern Downs Regional Council's (the council) Local Law No.4 (Waste Management) 2017 (proposed local law) for state interest review by the Department of Local Government, Racing and Multicultural Affairs (the department).

The department has completed its review of the council's proposed local law having regard to matters of state interest relevant to the department. No matters that would adversely impact state interests were identified during the review.

If you require further information, I encourage you to contact Mr Damon Meadows, Senior Advisor, Local Government and Regional Services (South) in the department on 4616 7314 or by email at damon.meadows@dilgp.qld.gov.au.

Yours sincerely


Tamara O'Shea
Acting Director-General

1 William Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +617 3452 7009
ABN 251 66 523 889



Department of Local Government,
Racing and Multicultural Affairs

Our ref: DEPC17/2132

20 DEC 2017

Mr David Keenan
Chief Executive Officer
Southern Downs Regional Council
PO Box 26
WARWICK QLD 4370

Dear Mr Keenan *David,*

Please be advised that the Southern Downs Regional Council has been identified by the Department of Local Government, Racing and Multicultural Affairs (the department) and the Queensland Treasury Corporation (QTC) to participate in the 2017-18 Credit and Financial Sustainability Review program.

The QTC will be in contact with you shortly to discuss the review, including further details in relation to the timing, process and any other matters associated with undertaking the review.

If you require further information, I encourage you to contact Mr Gary Kleidon, Acting Manager, Financial Policy and Investment, Local Government and Regional Services in the department on 3452 6760 or by email at gary.kleidon@dlgp.qld.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Frankie Carroll".

Frankie Carroll
Director-General

1 William Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3452 7009
ABN 251 66 523 889



Department of Local Government,
Racing and Multicultural Affairs

Our ref: DGC18/11

Your ref: PG:JC

18 JAN 2018

Mr David Keenan
Chief Executive Officer
Southern Downs Regional Council
PO Box 26
WARWICK QLD 4370

Dear Mr Keenan

Thank you for your letter of 15 December 2017 about legislative changes and compliance responsibilities impacting local governments.

I appreciate the concerns raised by the Southern Downs Regional Council's (the council) Audit and Risk Management Committee with regard to the range of obligations local governments have in administering various pieces of state legislation and ways in which local governments can be kept up-to-date on changes with compliance responsibilities.

The Department of Local Government, Racing and Multicultural Affairs (the department) is committed to supporting local governments in understanding and meeting their statutory obligations under the legislation administered by it. For example, to keep local governments informed of legislative changes and compliance obligations under the *Local Government Act 2009* and subordinate legislation, the department provides information through various channels including:

- releasing regular Local Government Bulletins to subscribers
- writing directly to chief executive officers and/or mayors
- publishing a range of web-based information, including best practice and statutory guidelines and legislative compliance checklists
- delivering training programs and tailored workshops to local government councillors and employees.

The department is committed to improving its services, especially its online resources and tools and will further consider the matter you have raised as it reviews its services and communication media. As such, your feedback on the existing resources and services provided and any additional suggestions that may be of benefit to the council is welcomed.

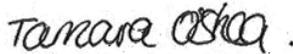
1 William Street Brisbane
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However, in relation to legislation administered by other state agencies, it remains their responsibility to provide information about legislative and compliance changes to stakeholders impacted by those changes. If there are suggestions for improving communication on legislative changes administered by other state agencies, I encourage the council to contact those agencies directly.

In response to similar concerns about the complexities associated with local governments administering such a wide range of statutory responsibilities, the Local Government Association of Queensland (LGAQ) has launched a Legislation Compliance Service. This service is specifically designed to provide a single repository of local government compliance obligations across a range of state and federal legislation, along with tools to manage and meet those statutory requirements. For more information on this service, please contact the LGAQ on 1300 542 700 or by email at ask@lgaq.asn.au.

If you require further information, I encourage you to contact Mr Max Barrie, Director, Program Implementation and Review in the department on 3452 6704 or by email at max.barrie@dilgp.qld.gov.au.

Yours sincerely



Tamara O'Shea
Acting Director-General



Our Ref: PG:JC

15 December 2017

Mr Frankie Carroll
Director-General
Department of Infrastructure, Local Government and Planning
PO Box 15009
CITY EAST QLD 4002

Please address all communications to:

The Chief Executive Officer
Southern Downs
Regional Council
PO Box 26
Warwick Qld 4370

mail@sdrdc.qld.gov.au
www.sdrdc.qld.gov.au

abn 59 786 792 651

Warwick Office

64 Fitzroy Street
Warwick Qld 4370

Stanthorpe Office

61 Marsh Street
Stanthorpe Qld 4380

t 1300 MY SDRC
(1300 697 372)

f 07 4661 0333

Dear Mr Carroll

Legislative compliance for Queensland local governments

At the 8 December 2017 meeting, Council's Audit and Risk Management Committee considered, among many others matters, how Council ensures it is compliant with all legislative obligations and how changes to these obligations are identified and actioned. As you can appreciate, there is a vast amount of compliance obligations that apply to Queensland local governments, estimated to be over 4,000 and the time and resources required to maintain and oversee compliance is considerable.

As a result of the discussion on this matter, Council's Audit and Risk Management Committee resolved:

THAT the Audit and Risk Management Committee receive and note the contents of the report and recommend that Council write to the Department of Infrastructure, Local Government and Planning regarding the most appropriate methods of informing local governments of changes to legislation and compliance.

Council appreciates any input or assistance the Department can provide in the future to all Queensland local governments to ensure improved legislative compliance.

Should you have any questions in relation to this process please contact me on 1300 697 372.

Yours faithfully



David Keenan
Chief Executive Officer



Department of
Education

19 January 2018

Cr Tracy Dobie
Mayor
Southern Downs Regional Council
64 Fitzroy St
Warwick QLD 4370

By email only: tracy.dobie@sdrq.qld.gov.au

Dear Cr Dobie

As we embark on the 2018 school year I am taking the opportunity to advise you of some of the key activity or news from the schools within your electorate located in the Darling Downs South West Region of the Department of Education.

The following Principals have been appointed to schools in your electorate:

- Ms Susan Evans, Ballandean State School;
- Yvonne Watt, Dalveen State School;
- Ms Rochelle Callard, The Summit State School; and
- Mr Ben Austen, Thulimbah State School.

The following schools have infrastructure projects that are completed, underway or in the planning process:

- Allora P-10 State School: Stage 2 of the Student Outdoor Space, incorporating covered access to hall, eating & break out areas is currently under construction;
- Greenlands State School: The part enclosure of an existing shade over court is currently underway;
- Leyburn State School: A toilet to facilitate access for persons with disabilities is currently being installed;
- Severnlea State School: An additional Amenities Block has been completed;
- Stanthorpe State High School: The Tuckshop is currently being upgraded;
- Wallangarra State School: A lift to facilitate access for persons with disabilities was recently installed;
- Warwick State High School: The Special Education Block is currently being refurbished, as well, an additional toilet block and associated rooms on Hamilton Oval have been completed; and
- Warwick West State School: Classroom refurbishments were recently completed.

**Darling Downs
South West Region**

178 Hume Street
Toowoomba
PO Box 38
Toowoomba
Queensland 4350 Australia
Telephone (07) 4616 3771
Facsimile (07) 4616 3701
Website www.education.qld.gov.au

The following schools received an upgrade improving internet connectivity during 2017:

- Applethorpe State School;
- Broadwater State School;
- Dalveen State School;
- Freestone State School;
- Glennie Heights State School;
- Karara State School;
- Killarney P-10 State School;
- Leyburn State School;
- Maryvale State School;
- Pozieres State School;
- Severnlea State School;
- The Summit State School;
- Thulimbah State School;
- Wallangarra State School;
- Wheatvale State School; and
- Yangan State School.

The following schools are scheduled to have internet connection infrastructure upgraded during 2018:

- Ballandean State School;
- Dalveen State School (further upgrade);
- Glennie Heights State School (further upgrade);
- Karara State School (further upgrade);
- Murray's Bridge State School; and
- Pozieres State School (further upgrade).

I have now been in the Regional Director role for more than a year and have seen first-hand the work and contributions of principals, teachers and other members of staff to improve the educational outcomes for the students in their care and to support the communities they serve.

Thank you for your support of education through your work and I wish you well for 2018.

Please do not hesitate to contact me on 4616 3722 or Leanne.Wright@det.qld.gov.au if you wish to discuss these or any other educational matters.

Kind Regards



Leanne Wright
Regional Director
Department of Education
Darling Downs South West Region

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

10. EXECUTIVE

10.1 Finance Report as at 31 December 2017

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Manager Finance & Information Technology	ECM Function No/s:

Recommendation

THAT Council receive and note the Financial Report as at 31 December 2017.

Report

Council's operating performance against forecast shows that the net operating position (before capital items) of \$21.1m.

The general rates, fire levy and waste utility charges have been raised for all of the financial year. The water and wastewater utility charges have been raised in October for the first six months, and have been charged with the October water consumption.

Income Statement

Total operating revenue of \$50.4m has been received for the months of July to December and capital revenue of \$8.8m has been received for the year.

Overall operating expenditure of \$29.3m is \$4.9m under the year to date estimate of \$34.3m with employee costs being around \$2.1m under budget and materials and services being \$2.3m under the year to date estimate.

Capital Works in Progress

Capital works expenditure to 31 December 2017 is \$17.8m which is 36.2% of the capital works budget of \$49.3m.

Year to date capital expenditure by area is as follows:

	Approved Annual Budget	Carryover & Amendments	Total Budget	YTD Expenditure	% Spent	Committed	Spent & Committed	% Spent & Committed
Land & Land Improvements	-	3,332	3,332	10,194	305.9%	800	10,994	329.9%
Buildings	436,000	1,091,188	1,527,188	211,954	13.9%	273,093	485,046	31.8%
Plant & Equipment	3,679,000	12,689	3,691,689	1,108,320	30.0%	1,570,397	2,678,717	72.6%
Roads, Drains & Bridges	7,848,846	21,338,642	29,187,488	5,788,120	19.8%	2,790,425	8,578,544	29.4%
Water	4,962,450	5,684,804	10,647,254	3,184,378	29.9%	1,332,792	4,517,170	42.4%
Wastewater	3,165,000	(931,965)	2,233,035	1,102,815	49.4%	103,092	1,205,907	54.0%
Other Assets	2,649,000	(685,111)	1,963,889	122,441	6.2%	215,863	338,304	17.2%
Total	22,740,296	26,513,579	49,253,875	11,528,222	23.4%	6,286,461	17,814,682	36.2%

Budget Implications

The second quarter budget review has been undertaken in December 2017, and will be presented to Council at the general meeting in January.

Policy Consideration

Operational Plan 2017/18

Review and update of the 10 year Financial Plan
Annual review of Debt Policy, Procurement Policy, Revenue Policy and Investment Policy

Community Engagement

Nil

Legislation/Local Law

Local Government Act 2009 and Local Government Regulation 2012

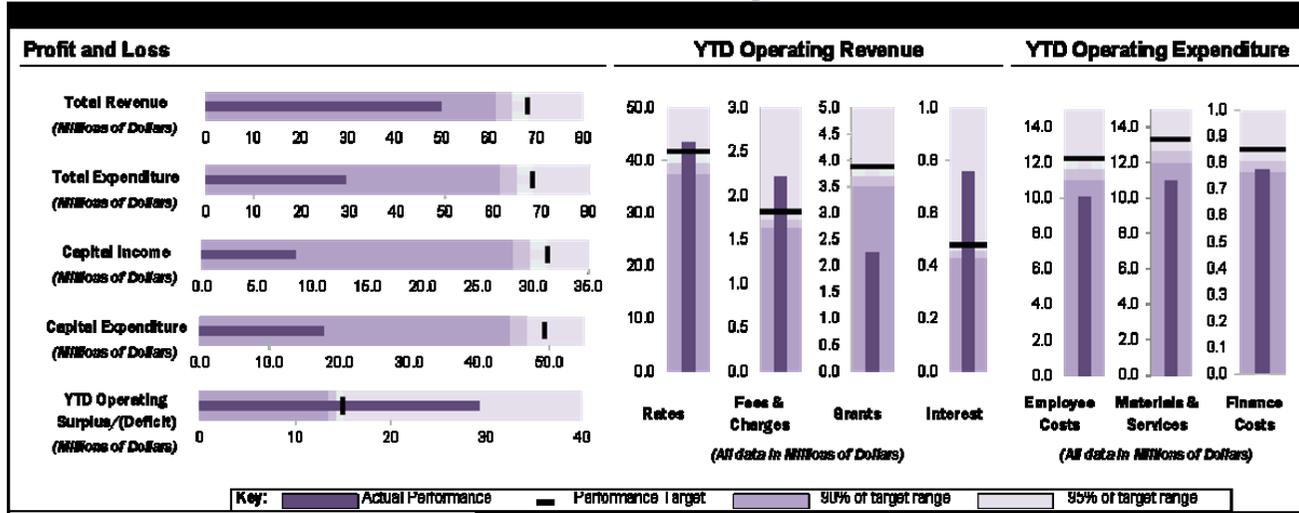
Options

1. Council receive and note the Financial Report as at 31 December 2017.
2. Council not receive and note the Financial Report as at 31 December 2017.

Attachments

1. Finance Report as at 31 December 2017 [View](#)
2. Investment Register [View](#)

Southern Downs Regional Council Summary of Performance December 2017



Operating Performance Summary

Operating Revenue
 Total operating revenue of \$50.4m is over the year to date estimate of \$49.4m. Council has received 21.8% more fees and charges revenue, 58.5% more in interest income and 2.7% more than budget for contract and sales revenue. Capital grants of \$6.6m has been received for the 2017/18 financial year.

Operating Expenditure
 Year to date operating expenditure of \$29.3m is \$4.9m under the year to date budget estimate of \$34.3m. Employee costs are around \$2.1m under the year to date estimate and materials and services are \$2.3m under the year to date estimate.

Capital Works

At 31 December 2017, \$11.5m of the \$49.3m budget has been spent on capital works and capital purchases which is 23.1% of the full year budget.

A further \$6.3m in purchase orders has been raised against capital work jobs, bringing the total amount spent and committed to \$17.8m.

Major capital works to undertaken this financial year include \$29.2m for roads and bridges and \$12.9m for water and waste water. Council has a budget of \$3.7m for plant replacement.

Balance Sheet

At 31 December 2017 Cash at bank and investments total \$55.2m.

Council has maintained its ability to meet all its current commitments with a working capital ratio of 6.18:1.

Total loans (current and non current) that are outstanding amount to \$22.9m.

Southern Downs Regional Council Income Statement December 2017

Audited 2017 Actual \$		Annual 2018 Budget \$	Phased 2018 YTD Budget \$	Phased 2018 YTD Actual \$
	Revenue from ordinary activities			
29,960,772	General Rates	30,807,900	31,058,173	30,844,833
282,464	Rural fire brigade levy	283,705	283,705	284,964
24,173,601	Utility Rates and Charges	24,740,000	12,370,000	14,485,274
(1,618,631)	Less Discounts	(1,789,725)	(1,789,725)	(1,792,037)
(591,198)	Rates on Council properties	(509,891)	(254,946)	(331,095)
52,207,008		53,531,989	41,667,209	43,491,938
4,421,431	Fees and Charges	3,624,103	1,820,166	2,217,356
1,476,960	Interest	968,000	479,500	759,868
5,261,559	Contract & Sales Revenue	2,262,750	1,131,375	1,162,216
933,923	Rent and Other Income	872,310	436,368	321,877
11,003,454	Government Grants and Subsidies	7,612,746	3,890,848	2,258,023
75,324,354	Total Operating Revenue	68,872,098	49,425,466	50,411,479
	Expenses from ordinary activities			
20,942,178	Employee Costs	24,427,624	12,213,898	10,096,706
24,201,530	Materials and Services	26,643,984	13,321,422	10,981,736
15,224,665	Depreciation and Amortisation	15,526,095	7,940,263	7,479,878
2,280,152	Finance Costs	1,701,870	850,935	777,430
62,648,524	Total Operating Expenses	68,299,573	34,326,518	29,335,750
12,675,830	Operating Surplus/(Deficit) before capital items	572,525	15,098,948	21,075,729
	Other Capital Amounts			
9,031,591	Capital Grants, Contributions and Donations	30,273,585	75,000	8,850,593
(4,874,693)	Other capital income and (expenses)	993,500	(60,000)	(313,864)
16,832,728	Net Result Surplus/(Deficit)	31,839,610	15,113,948	29,612,458

Explanation

Income Statement

This Statement outlines:

- all sources of Council's YTD income (revenue).
- all YTD operating expenses incurred. These expenses relate to operations and do not include capital expenditure. However the depreciation of assets is included.

The Net Result Surplus/(Deficit) for the reporting period is a good measure of council's financial performance.

This figure is determined by deducting total expenses from total revenue.

Southern Downs Regional Council Balance Sheet December 2017

Audited 2017 Actual \$		Annual 2018 Budget \$	Phased 2018 YTD Actual \$
Current Assets			
25,448,369	Cash assets & Investments	34,558,000	55,168,748
3,205,373	Receivables (includes Rates & Utilities receivable)	5,623,000	12,707,967
697,650	Assets held for sale	553,506	443,000
265,798	Inventories	229,494	441,424
<u>31,617,192</u>		<u>40,964,000</u>	<u>68,761,139</u>
Non-Current Assets			
946,000	Investment Property	742,000	742,000
721,743,783	Property, plant and equipment	771,104,999	701,914,185
275,395	Other Financial Assets	205,001	169,906
19,058,954	Capital works in progress	-	38,316,570
1,403,290	Intangible Assets	1,276,000	1,234,769
<u>743,427,422</u>		<u>773,328,000</u>	<u>742,377,430</u>
<u>775,044,614</u>	TOTAL ASSETS	<u>814,292,000</u>	<u>811,138,569</u>
Current Liabilities			
3,843,545	Creditors and other payables	6,858,999	2,800,922
7,120,132	Provisions	4,215,000	6,756,646
2,005,578	Interest bearing liabilities	1,492,999	1,553,935
<u>12,969,255</u>		<u>12,566,998</u>	<u>11,111,504</u>
Non-Current Liabilities			
25,878,224	Interest bearing liabilities	20,687,002	21,383,761
3,858,167	Provisions	5,119,000	4,947,308
<u>29,736,391</u>		<u>25,806,002</u>	<u>26,331,070</u>
<u>42,705,646</u>	TOTAL LIABILITIES	<u>38,373,000</u>	<u>37,442,574</u>
<u>732,338,968</u>	NET COMMUNITY ASSETS	<u>775,919,000</u>	<u>773,695,995</u>
Community Equity			
182,723,268	Asset Revaluation Reserve	182,932,000	182,931,429
549,615,700	Retained surplus	592,987,000	590,764,566
<u>732,338,968</u>	TOTAL COMMUNITY EQUITY	<u>775,919,000</u>	<u>773,695,994</u>

Balance Sheet

The Balance Sheet outlines what Council owns (its assets) and what it owes (liabilities) at a point in time. Council's net worth is determined by deducting total liabilities from total assets - the larger the equity, the stronger the financial position.

-

Key Ratios	Budget	YTD Actual	On Target?	Key Ratios	Budget	YTD Actual	On Target?
Working Capital Ratio (Current Assets / Current Liabilities)	3.26 : 1	6.19 : 1	✓	Interest Coverage Ratio (Net Interest Expense / Total Operating Revenue) (%)	1.07%	0.74%	✓
Target Ratio	> 1:1	> 1:1		Target Ratio Upper Limit (%)	10.0%	10.0%	
<p>This is an indicator of the management of working capital (short term financial capital). Measures the extent to which a Council has liquid assets available to meet short term financial obligations.</p>				<p>This ratio indicates the extent to which a Council's operating revenues are committed to interest expenses. As principal repayments are not operating expenses, this ratio demonstrates the extent to which operating revenues are being used to meet the financing charges associated with debt servicing obligations.</p>			
Operating Surplus Ratio (Net Operating Surplus / Total Operating Revenue) (%)	46.2%	58.7%	✓	Asset Sustainability Ratio (Capital Expenditure on the Replacement of Assets (renewals) / Depreciation Expense)	317.2%	238.2%	✓
Target Ratio	0.0% to 15.0%	> 0.0% to 15.0%		Target Ratio Lower Limit (%)	> 90%	> 90%	
<p>This is an indicator of the extent to which revenues raised cover operational expenses only or are available for capital funding purposes.</p> <p>A positive ratio indicates the percentage of total rates available to help fund proposed capital expenditure. If the relevant amount is not required for this purpose in a particular year, it can be held for future capital expenditure needs by either increasing financial assets or preferably, where possible, reducing debt.</p>				<p>This is an approximation of the extent to which the infrastructure assets managed by the Council are being replaced as these reach the end of their useful lives. Depreciation expense represents an estimate of the extent to which the infrastructure assets have been consumed in a period. Capital expenditure on renewals (replacing assets that the Council already has) is an indicator of the extent to which the infrastructure assets are being replaced.</p>			
Net Financial Liabilities Ratio (Total Liabilities - Current Assets) / Total Operating Revenue	-5.1%	-62.1%	✓	Comments on Ratio Results.			
Target Ratio Upper Limit (%)	<=60%	<=60%		<p>The reported ratios are taken from the Department of Local Government guidelines on sustainable financial management. When looking at ratios it is important to acknowledge that they represent a snapshot in time and that anomalies in the reported results are not taken in isolation. The targets are those provided by the Department as a preferred range and results outside those ranges will require further consideration.</p> <p>Whilst changes to the legislation have amended the required ratios, the ratios listed will continue to be reported on.</p> <p>The Asset Sustainability Ratio is under the target lower limit as there has not been a full year of activity for assets.</p>			
<p>This is an indicator of the extent to which the net financial liabilities of a Council can be serviced by its operating revenues.</p> <p>A positive value of less than 60 per cent is the benchmark as determined by the Department of Local Government. It indicates that Council has the capacity to fund liabilities and to have the capacity to increase its loan borrowings. A positive value greater than 60 per cent but less than a 100% indicates that Council has the capacity to fund liabilities but has limited capacity to increase its loan borrowings.</p> <p>A ratio less than zero (negative) indicates that current assets exceed total liabilities and; therefore, Council has the capacity to increase its loan borrowings.</p>							

INVESTMENTS REGISTER

as at 31 December 2017

CASH MANAGEMENT

10.30am CALL ACCOUNT

LAST MONTH
(30 November 2017)

\$ 9,427,542.74

GENERAL QTC SDRC Acct
TOTAL QTC

PRINCIPAL INTEREST RATE

\$ 9,044,033.34 2.34%
\$ 9,044,033.34

BANK BILLS AND IBD

<u>DATE</u>	<u>DESCRIPTION</u>	<u>PRINCIPAL</u>	<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DAYS</u>
11-Aug-17	QCCU	\$ 3,000,000.00	2.60%	10-Jan-18	152
17-Aug-17	QCCU	\$ 3,000,000.00	2.60%	17-Jan-18	153
17-Aug-17	BANK OF QLD	\$ 3,000,000.00	2.55%	14-Feb-18	181
22-Aug-17	NAB	\$ 3,000,000.00	2.48%	24-Jan-18	155
22-Aug-17	WESTPAC	\$ 3,000,000.00	2.55%	21-Feb-18	183
22-Aug-17	BANK OF QLD	\$ 3,000,000.00	2.55%	28-Feb-18	190
24-Aug-17	NAB	\$ 3,000,000.00	2.50%	21-Feb-18	181
25-Oct-17	QCCU	\$ 3,000,000.00	2.60%	28-Mar-18	154
10-Nov-17	WESTPAC	\$ 3,000,000.00	2.50%	14-Feb-18	96
15-Nov-17	WESTPAC	\$ 3,000,000.00	2.60%	16-May-18	182
15-Nov-17	BANK OF QLD	\$ 3,000,000.00	2.60%	17-May-18	183
15-Nov-17	BENDIGO	\$ 3,000,000.00	2.60%	17-May-18	183
16-Nov-17	BANK OF QLD	\$ 3,000,000.00	2.60%	28-Mar-18	154
22-Nov-17	SUNCORP	\$ 3,000,000.00	2.45%	22-Mar-17	120
29-Nov-17	BANK OF QLD	\$ 3,000,000.00	2.60%	30-May-18	182
\$ 50,000,000.00	TOTAL	\$ 45,000,000.00			
\$ 68,427,542.74	GRAND TOTAL	\$ 64,044,033.34			

Weighted Average 2.55%
 BBSW 90 day rate 1.80%

FUNDS BREAKDOWN

<u>FUND</u>	<u>PRINCIPAL</u>
\$ 59,427,542.74	\$ 54,044,033.34
\$ -	\$ -
\$ -	\$ -
\$ 68,427,542.74	\$ 64,044,033.34

INSTITUTION BREAKDOWN

(30% MAXIMUM AT ANY ONE INSTITUTION EXCLUDING QTC)

<u>INSTITUTION</u>	<u>PRINCIPAL</u>
\$ -	\$ -
\$ 3,000,000.00	\$ 3,000,000.00
\$ 12,000,000.00	\$ 9,000,000.00
\$ 3,000,000.00	\$ 3,000,000.00
\$ 9,000,000.00	\$ 9,000,000.00
\$ -	\$ -
\$ 17,000,000.00	\$ 15,000,000.00
\$ 9,427,542.74	\$ 9,044,033.34
\$ 6,000,000.00	\$ 6,000,000.00
\$ -	\$ -
\$ -	\$ -
\$ 68,427,542.74	\$ 64,044,033.34

100%

10.2 Quarterly Human Resources Report

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Manager Human Resources	ECM Function No/s:

Recommendation

THAT Council receive the Human Resources Report for the October to December 2017 quarter.

Report

The purpose of this report is to provide Council with a summary of human resource and employee statistics for the October to December 2017 quarter.

As at 31 December 2017 Council’s overall Full Time Equivalent (“FTE”) workforce, which includes permanent, temporary and casual positions, was 347.69 (*Figure 1*). A comparison of the FTE from the end of the last quarter shows an increase from 30 September 2017 of 4.79 FTE. This change is made up predominantly of temporary roles responding to short term business needs and the employment of trainees.

Figure 2 indicates the FTE breakdown per Directorate and employment type. Details of the changes in FTE from the previous quarter are included.

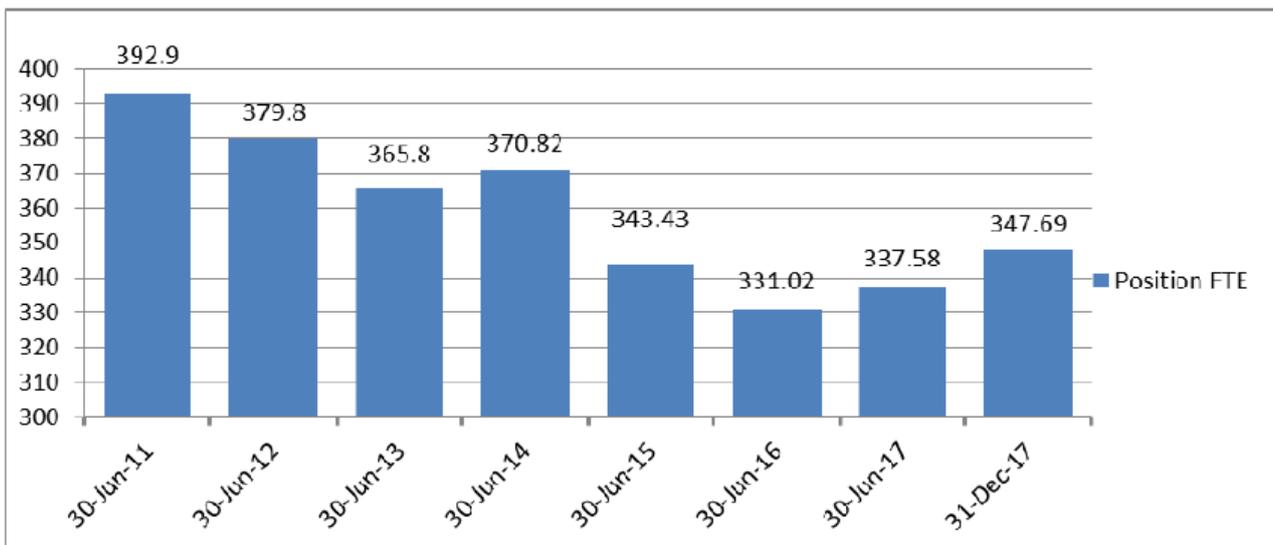


Figure 1: Total Number of Positions (FTE - Full Time Equivalent) – End of Financial Year and Current FTE

Full Time Equivalent Positions (FTE) as at 30 December 2017					
Activity Area	Perm	Temp	Casual	Total FTE	%
Executive Services	43.08	3.00	1.88	47.96	13.7%
Engineering Services	212.66	15.00	2.20	229.86	65.6%
Planning, Environment & Corporate Services	63.74	7.13	1.88	72.75	20.8%
Total	319.48	25.13	5.96	350.57	

**Please note that overall FTE figures may be impacted by short term temporary and casual engagements*

FTE totals for Last Quarter (July – Sept 17)	317.48	18.46	6.96	342.90
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Figure 2: Total Number of Positions (FTE) per Department and employment type

The majority of staff are employed permanently, with 8.11% employed in a short term or casual capacity where business needs arise. (Figure 3).

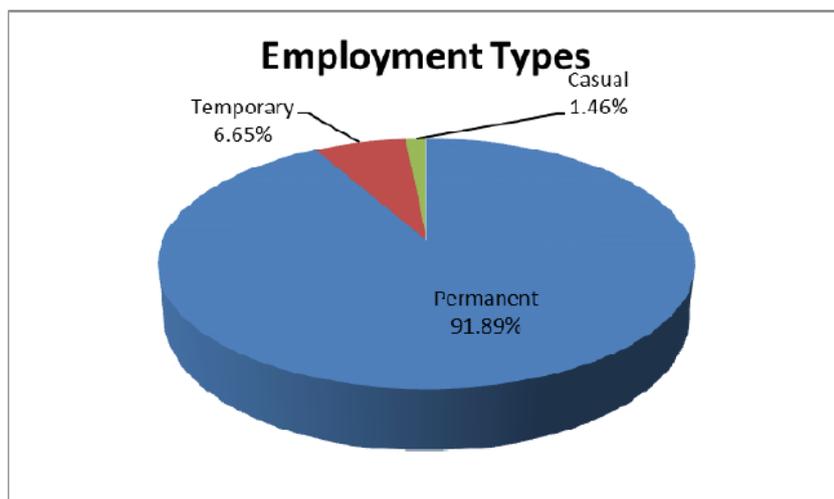


Figure 3: Employment Type Percentage Breakdown

SEPARATIONS

Council's annual rate of separation has increased from 6.0% (at end of June quarter) to 10.4% for the year of 2017 (Figure 4). All employees who depart Council are offered the opportunity to participate in an Exit Interview. Participation is voluntary (Figure 5).

Annual Separation Rate	
Staff exiting the organisation	10.4%

Figure 4: Annual Separation Rate - 2017

(inclusive of staff resigning who were employed permanently or left before the end of a temporary engagement)

Exit Interview Participation	
Number of staff exiting the organisation for the quarter	14
Number of interviews conducted	6

Figure 5: Exit Interview Participation October to December 2017

LEAVE

Council continues to undertake quarterly reviews of Personal Leave utilisation. Personal Leave includes Sick Leave, Carer's Leave and Family Leave. In circumstances where Sick Leave of periods of greater than two days is taken, staff are required to provide a medical certificate. Personal leave days taken without certificate per FTE have reduced significantly from the previous quarter across all Directorates. (Figure 6)

Personal Leave Usage				
Activity Area	Personal Leave Days	Personal Leave Days Without Certificate	% Days Without Certificate	Personal Leave Days Without Certificate per FTE
Executive Services	142.00	45.00	31.7%	0.94
Engineering Services	586.00	242.00	41.3%	1.05
Planning, Environment & Corporate Services	125.00	72.00	57.6%	0.99
Total	853.00	359.00		

Figure 6: Personal Leave Usage October to December 2017

WORKPLACE WELLNESS

Council supports its workforce through a comprehensive health and wellbeing program which includes access to flu vaccinations, skin checks, health assessments, professional counselling and discount on gym memberships.

Wellness Program	Participants	Status
Quit Smoking - Kickin' Butt	33	Ongoing
Skin Checks	35	Nov – Feb
Wellness Checks	3	Ongoing

Figure 7: Wellness Program Participation October to December 2017

TRAINING AND DEVELOPMENT

This section provides the number of formal training and development attendances supported by Council. The statistics in this section do not include Elected Member training and development. (Figure 8)

Learning & Development					
Department	Professional Development	Study Assistance	Safety	Skills	Total
Executive Services	11	4	8	1	24
Engineering Services	26	13	278	18	335
Planning, Environment & Corporate Services	39	7	11	21	78
TOTAL	76	24	297	40	437

Figure 8: Number of Staff Formal Training and Development Attendances Supported by Council October to December 2017

Key	
Professional Development	Conferences, seminars, forums
Study Assistance	Staff currently enrolled and receiving study assistance from Council including apprenticeships and traineeships
Safety	WHS training including tool box WHS talks, confined spaces, traffic control, load restraint, manual handling etc
Skills	Licences/tickets, literacy/numeracy, computer training, etc

Council currently supports 24 staff who are undertaking certificate studies or higher. (Figure 9)

Current Staff Supported Studies	
Course	Number
Certificate II in Horticulture	1
Certificate II in Civil Construction	1
Certificate III in Water Industry Treatment	5
Certificate III in Civil Construction	3
Certificate III in Mobile Plant Technology	1
Certificate III in Business Administration	2
Certificate IV in Community Services Work	1
Diploma in Project Management	2
Associate Degree in Engineering	1
Associate Degree in Spatial Science	2
Graduate Certificate in Business	1
CPA Program	2
Masters in Environmental Engineering	1
TOTAL	24

Figure 9: Number of Staff Completing Council Supported Studies of at least Certificate Level October to December 2017

WORK HEALTH AND SAFETY

Council has a statutory obligation to have in place appropriate arrangements to record accident, incidents and near misses.

Figure 10 provides statistical information on the overall number of accidents, incidents and near misses reported for the October to December 2017 quarter. Comparatively, the number of reports received this quarter is significantly higher than the previous quarter for 2017 and the equivalent quarter in 2016 (see Figure 11). This increase in reported incidents may be due to an increase in the actual number of incidents for the period; however it may also be indicative of an improvement in reporting culture.

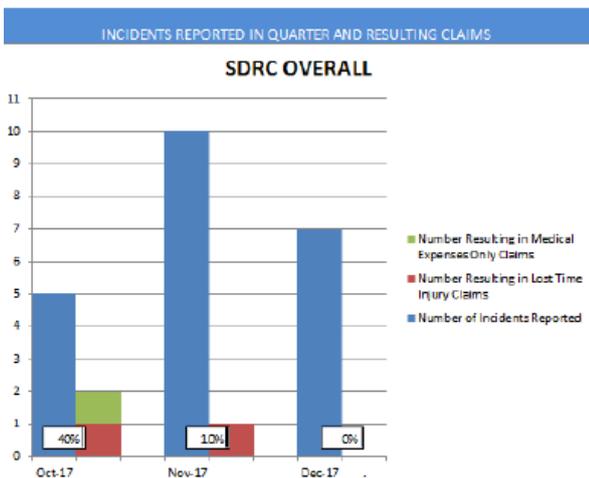


Figure 10: Incidents reported in quarter resulting in claims – October to December 2017

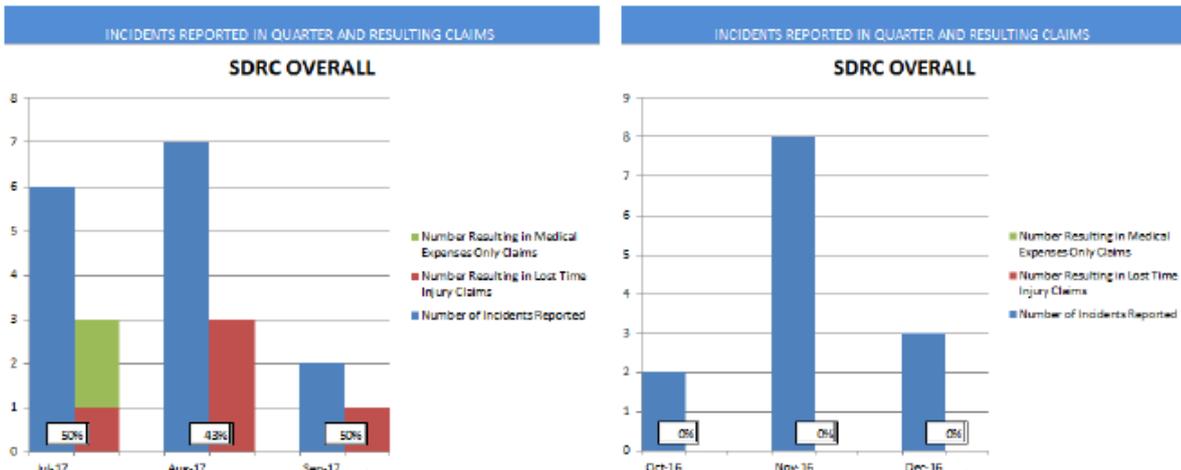


Figure 11: Incidents reported – comparison with previous quarter 2017 and equivalent quarter 2016

Figure 12 highlights the cost of approved workers compensation claims for the October – December 2017 quarter. Total cost for the quarter was \$17,810 which indicates a reduction in cost over the last quarter (\$20,751). There were only three new injury claims accepted in the December quarter. Consequently, the majority of the cost for this quarter is due to injury claims accepted in the previous quarter. Figure 13 provides comparison of the cost of lost time injury claims from the previous quarter and the equivalent quarter in 2016.

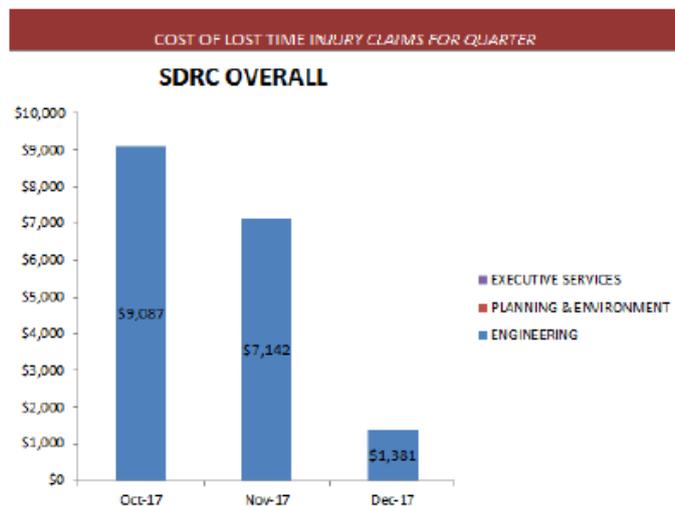


Figure 12: Cost of lost time injury claims – October to December 2017



Figure 13: Cost of lost time injury claims - comparison with previous quarter 2017 and equivalent quarter 2016

The Work Health and Safety rectification plan, implemented as a result of an audit by Local Government Workcare in April 2017, has reached some significant milestones. These include:

- Implementation of multiple new Safe Operating Procedures
- Implementation of more comprehensive safety audits on Council construction sites
- Approval and implementation of a new Sun Safety procedure
- Approval and implementation of a new Animal Control procedure
- Drug and Alcohol Management Procedures training for all Council staff
- Commencement of blanket drug and alcohol testing on all Council staff

During the October – December 2017 quarter, a total of 68 contractor inductions were completed. This brings the total number of contractor inductions since commencement of the program to 410.

ADDITIONAL HUMAN RESOURCE INFORMATION/STATISTICS

Industrial Relations

Enterprise agreement negotiations continue with further meetings held on 2 November, 17 November, 5 December, 15 December 2017 and 16 January 2018. Further meetings are scheduled for 6 and 7 February 2018.

Funding

Council has received funding through State and Federal Government initiatives resulting in a number of training opportunities for existing staff. Training will focus on skill shortage areas of plant operation and supervisory development.

Casual for a Cause

Council staff are encouraged to wear casual work attire on a Friday and make a small monetary donation which is given to various not for profit charity organisations chosen by staff. The following organisations were chosen for the October to December period:-

- Drug ARM
- Days for Girls – Allora Team
- Southern Downs Ark (Animal Rescue and Kare)

Budget Implications

Nil

Policy Consideration

The provision of employee statistics allows the Council to manage its workforce which contributes directly to the achievement of Community, Corporate and Operational Plans.

Community Engagement

Nil

Legislation/Local Law

Nil

Options

1. Receive the Human Resources Report for the October to December 2017 quarter.
2. Not receive the Human Resources Report for the October to December 2017 quarter.

Attachments

Nil

10.3 Policy Review - Non-Current Asset Accounting Policy

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Manager Finance & Information Technology	ECM Function No/s:

Recommendation

THAT Council adopt the revised attached Non-Current Asset Accounting Policy.

Report

As discussed at the Briefing Session on 8 January 2018, Council staff have updated this Policy as requested.

Budget Implications

Nil

Policy Consideration

Corporate Plan 2014-2019 (revised edition) 'The Well-Governed Southern Downs'

Community Engagement

Nil

Legislation/Local Law

Nil

Options

Council:-

1. Adopt the revised Non-Current Asset Accounting Policy PL-FS015
2. Not adopt the revised Non-Current Asset Accounting Policy PL-FS015

Attachments

1. Revised Non-Current Asset Accounting Policy PL-FS015 [View](#)



Non-Current Asset Accounting Policy

Policy Number:	PL-FS015
Department:	Executive Services
Section:	Accounting
Responsible Manager:	Manager Finance & Information Technology
Date Adopted:	29 April 2015
Date to be Reviewed:	Within 6 months of the quadrennial election
Date Reviewed:	26 October 2016
Date Rescinded:	N/A

REVISION RECORD

Date	Version	Revision description
08/09/2016	2	Update policy contents as required

Non-Current Asset Accounting Policy

Policy no: *PL-FS015*

Updated: 28 October 2016

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Non-Current Asset Accounting Policy

Policy no: PL-FS015

Updated: 28 October 2018

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1 Purpose

The aim of this policy is to contribute to the better management of assets of the Council and to provide accurate data regarding assets in all financial documents.

This policy addresses the accounting treatment of non-current assets that provide future economic benefit to Southern Downs Regional Council and the community.

2 Scope

The Non-Current Asset Accounting Policy, applies to the line items of property, plant & equipment, intangible assets and assets held for resale as disclosed within Council's Statement of Financial Position.

This policy generally impacts upon all Council employees and contractors. Specifically, the policy is directly applicable to Asset Custodians and Council officers who have asset management and asset accounting responsibilities. This policy will be applicable when performing the following functions:

- Acquiring, constructing or developing a non-current asset
- Accounting for costs incurred in maintaining a non-current asset
- Renewing, replacing or enhancing the service potential of a non-current asset
- Revaluing non-current assets
- Disposal of non-current asset
- Accounting for the depreciation or amortisation of non-current assets
- Reporting and disclosing non-current assets
- Establishing the useful life and residual values of non-current assets
- Testing noncurrent assets for impairment

3 Legislative Context

State Government Legislation

- *Local Government Act 2009*
- *Local Government Regulation 2012*

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Australian Accounting Standards

- AASB 5 – Non-current Assets held for Sale and Discontinued Operations
- AASB 13 – Fair Value Measurement

Non-Current Asset Accounting Policy

Policy no: *PL-FS015*

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- AASB 101 – Presentation of Financial Statements
- AASB 116 – Property, Plant and Equipment
- AASB 117 – Leases
- AASB 136 – Impairment of Assets
- AASB 138 – Intangible Assets
- AASB 108 – Accounting Policies, Change in Accounting Estimates and Errors

4 Policy Details

This policy addresses the accounting treatment of non-current assets that provide future economic benefit to Southern Downs Regional Council and the community. The policy also provides [guidance](#) to the allocation of responsibilities of assets.

An Asset Accounting Policy is necessary to assist in the process of capturing meaningful data for strategic planning purposes (i.e. Asset Management Plans & Long Term Financial Plans). Expenses related to assets will be classified into asset work activities (i.e. operations, maintenance, capital renewal and capital new/upgrade), and useful lives and capitalisation thresholds reviewed.

The separation of maintenance and operating expenses from capital expenditure is necessary for the financial statements to accurately portray council's financial condition.

4.1 Asset Classes

An asset class is a grouping of non-current assets in the financial asset register of a similar nature and the lowest level of information on non-current assets included within Council's financial statements. The following asset classes are reported by Council:

- Land & [Improvements](#)
- Buildings
- Fleet, Plant and Equipment
- Roads, Bridges and Drainage
- Water Infrastructure
- Sewerage Infrastructure
- Other Infrastructure
- Artworks
- Capital Works In Progress

Non-Current Asset Accounting Policy

Policy no: *PL-FS015*

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4.2 Asset Recognition

All non-current Property Plant and Equipment assets must be recorded in Council's financial asset register.

For an item to be recognised as a non-current asset in Council's financial asset registers it must meet all of the following criteria:

- Council has control over the asset
- It is probable that future economic benefits associated with the item will flow to Council
- A past transaction or event must have occurred
- The asset must be capable of reliable measurement
- The asset must last longer than one (1) year
- ~~The cost or fair value of the asset can be measured reliably~~
- ~~The cost or fair value exceeds Council's asset recognition threshold~~

Australian accounting standard AASB 116(10) states that under the recognition principle, an asset is to be recognised when costs are incurred. An item that meets the definition of an Asset shall be measured at cost in accordance with AASB 116:

The cost of an asset will include:

- Purchase price less deductions (rebates, discounts etc.)
- Costs directly attributable to bringing the asset to a location where it can be used as intended. This would include:
 - Employee compensation. This includes costs of employee benefits arising directly from the construction or acquisition of the asset: eg outside wages, inside project management costs, and "on costs" such as superannuation and workers compensation.
 - Site preparation and/or restoration - Assembly costs
 - Professional fees

Purchase Costs excluded from in the cost of an asset include:

- Marketing and advertising costs incurred when opening a new facility.
- Costs incurred after the date an asset is deemed in use (upgrades, maintenance, etc.).
- Avoidable costs.
- Financing Costs – Interest charged on borrowings to fund asset purchase.
- Preliminary Studies.

~~These accumulated costs represent the value of the asset at cost as at the date in which the asset is deemed to be complete and available for use. Council may acquire assets at zero or at a nominal value, the asset is deemed to be valued at its fair value at date of acquisition. This initial valuation does not constitute a revaluation, a revaluation will only occur when it is the expressed decision of management to revalue a class of assets due to a change in the future economic benefits of that class.~~

~~(Refer to Attachment 1 for further details and guidance on initial cost of recognition)~~

4.3 Asset Recognition Thresholds

~~These accumulated costs represent the value of the asset at cost as at the date in which the asset is deemed to be complete and available for use. The Recognition thresholds to be applied on initial acquisition of an asset are as follows:~~

Asset Type	Threshold
Land	No threshold*
Buildings	\$5,000
Fleet, Plant and Equipment	\$5,000
Infrastructure Assets	\$5,000
Artworks	\$1

* Minor land parcels (< 100m² or less than 3m in width) have no market value and possess limited or negligible service potential. Due to materiality these minor land parcels are recorded in Council's financial asset register at nominal value.

4.4 Capital Costs on Assets after initial recognition

4.4

Costs on assets incurred after initial recognition are to be capitalised whenever the associated work either renews, extends or upgrades the asset's underlying service potential.

4.5 Asset Valuation Method

~~All Council assets that qualify for recognition are to be initially measured at cost. However, where an asset is acquired at no cost (contributed/donated) to Council, such as transport infrastructure or stormwater infrastructure, are to be valued at fair value at the date of acquisition. or for nominal cost, the value is deemed to be its fair value at the date of acquisition. Fair Value is deemed to be either:~~

~~• Market Value if there is market evidence; or~~

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~~Depreciated Replacement Cost if there is no market evidence.~~

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~~Where an asset was acquired in prior financial years and has yet to be recorded in Council's financial asset register, the asset is to be brought to account at the fair value as at the date of recognition.~~

~~The valuation method applicable to each Asset Class subsequent to initial recognition is as follows:~~

Asset Class	Valuation Method
Land	Market Value
Buildings	Market Value or Depreciated Replacement Cost where no market readily available
Fleet, Plant and Equipment	Cost
Roads, Bridges and Drainage	Depreciated Replacement Cost
Water Infrastructure	Depreciated Replacement Cost
Sewerage Infrastructure	Depreciated Replacement Cost
Other Infrastructure	Cost
Artworks	Market Value

~~Each class of asset will have a basis of measurement, Cost or Fair Value. Asset classes categorised as Fair Value will be re-assessed on an annual basis. Indexation may be applied to re-valued assets in the intervening years where a re-valuation does not occur. Assets categorized as Cost will not be revalued, but will be measured at historical cost, less any applicable depreciation/amortization expense. Comprehensive revaluations will take place at least every 5 years as a minimum.~~

4.6 Depreciation

The method and rate of depreciation will be based on accepted patterns of useful life by Local Government, the experience of localised conditions to assess any environmental impact on those assets, and the verification from an independent valuer.

Council uses the straight line method to depreciate tangible non-current assets (other than parcels of land, which are not subject to depreciation or amortisation).

~~The Straight-line Depreciation approach is where consumption of benefits is in a uniform manner over the useful life of the asset, calculated on asset cost less residual value.~~

Asset depreciation and amortisation parameters, useful lives, asset condition (used to assess remaining useful lives) and residual values are to be reviewed with sufficient regularity to ensure that they are representative of current conditions and expectations at the end of each financial year. Remaining useful life of an asset should be reassessed whenever a major addition or any significant partial disposal is processed.

4.7 Asset Revaluations

~~All assets subject to a revaluation process are to be revalued at Fair Value.~~

~~The Gross Revaluation method is to be applied, whereby any accumulated depreciation at the date of revaluation is restated proportionally with the change in the asset's gross carrying amount.~~

~~With the exception of assets that remain valued at cost, a full revaluation is undertaken every three to five years.~~

~~Full revaluations for applicable asset classes are completed rolling basis whereby all assets underlying a particular asset class, recognised on the financial asset register, are revalued simultaneously within a given financial year.~~

~~An interim revaluation using indices developed via a desktop approach is to be undertaken at financial year end for an asset class subject to regular revaluations whenever there has been a material movement in replacement cost (or market value, where applicable) since the last full revaluation.~~

4.84.7 Non-Current Asset Disposal

A financial asset is to be derecognised in the financial asset register whenever:

- The asset is destroyed, abandoned or decommissioned with no future economic benefit expected to be generated from its use
- The asset is scrapped, sold or traded
- The asset is lost or stolen; or
- Control of the asset is transferred to another entity

All assets derecognised from the financial asset register require authorisation by the respective Asset Custodian.

Partial disposal of an infrastructure asset is to occur whenever:

- A significant component or section of an infrastructure asset is destroyed, abandoned or decommissioned with no future economic benefit expected to be generated from its use; or
- Major renewal works have been undertaken resulting in a significant component or section of an infrastructure asset being replaced.

4.8 Valuable Non-Current Asset

A valuable non-current asset is an asset that has the following limits applied to it:

- Plant & Equipment greater than \$5,000;
- Any other type of non-current asset greater than \$10,000

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4.9 Management of Work In Progress

Work In Progress balances are to be reviewed at least monthly to ensure that they are cleared no later than six months after practical completion or prior to full revaluation of the pertinent asset class, whichever occurs first.

4.10 Minor Assets

The acquisition of minor assets is treated as an expense and is recorded in Attractive Items Register. All Departments within the council are responsible for maintaining their own Attractive Items Register which is subject to periodic internal or external audit. The registers are to be in common format and include description, details of location, responsible officer, serial numbers, acquisition and disposal or transfer details. Items in the attractive items register are to be identified by marking or engraving to reduce the likelihood of theft or aid police recovery. Thresholds relating to minor assets are disclosed in the Expenditure Classification Procedure.

5 Definitions

Term	Meaning
Amortisation	The systematic allocation of the cost of an intangible asset (less any residual value) over its useful life to reflect patterns of periodic consumption of the asset.
Asset	Future economic benefits controlled by Council as a result of past transactions or other past events.
Asset Class	Grouping of non-current assets of a similar nature and the lowest level of information on non-current assets included within Council's financial statements.
Asset Custodian	Council officer accountable for management of an asset.
Asset Management Component Register	Repository of component level asset information used primarily for asset management purposes.
Asset Recognition	The process whereby a non-current asset is included in the financial asset register and therefore recognised on Council's Statement of Financial Position.
Asset Renewal (aka Renewal Works)	Capital works that reinstates some or all of the original service potential of an asset.

Brownfield	Term commonly used for asset replacement cost methodologies that exclude sunk costs from the valuation formula.
Capital Expenditure	Costs incurred over the life of an asset of a nature that either renew, extend or upgrade the asset's underlying service potential.
Carrying Amount	The amount at which an asset is recorded (either at cost or fair value) within the financial asset register after deducting any accumulated depreciation and accumulated impairment losses. This is the same as an asset's written down value or net book value.
Contributed Asset	An asset that is acquired by Council at nominal or no cost, usually by way of an agreement with property developers, through State Government arrangements or bequeathed to Council.
Cost	Amount of cash or cash equivalent paid or the fair value of any other consideration given to acquire an asset at the time of its acquisition or construction.
Control	Ability of Council to obtain benefits flowing from the asset and to restrict the access of others to those benefits.
Decommissioning	Removal, demolition, or elimination of an asset's service potential, resulting from a specific management decision.
Depreciable Amount	The cost of an asset, or other amount substituted for cost, less its residual / salvage value.
Depreciated Replacement Cost	Current cost of replacement or reproduction of an asset, less deductions for physical deterioration from day to day consumption-depreciation of the asset.
Depreciation	The systematic allocation of the depreciable amount of an asset over its useful life to reflect patterns of periodic consumption of the asset.
Design Life	Expected period of time an asset can be used based on its design characteristics. Can be greater than the period of time Council intends to use an asset.
Economic Life	The period over which an asset is expected to be economically useful to Council. For example, a vehicle may be replaced after 2 years for economic reasons even though its design life may exceed 15 years.
Fair Value	Equates to market value if a readily available market exists or depreciated replacement cost where no market exists.
Financial Asset Register	Repository of financially recognised non-current assets and related information used primarily for financial accounting purposes.
Full Revaluation	The process whereby the fair value of all assets within an asset class are updated in line with

Future Economic Benefits	current market values or replacement cost and remaining useful life along with residual value are reassessed. In respect to not for profit entities such as Council, future economic benefits refer to the ability of an asset to provide goods or services in accordance with the organisation's objectives.
Gross Carrying Amount (aka Gross Value)	The amount at which an asset is recorded (either at cost or fair value) within the financial asset register, excluding any deduction for accumulated depreciation or accumulated impairment losses.
Highest and Best Use Intangible Asset	The use of an asset by market participants that would maximise its market value. An identifiable non-monetary asset without physical substance.
Interim Revaluation	Desktop review of asset values recorded in the financial asset register, whereby all assets within an asset class are adjusted by an indexation factor.
Impairment Infrastructure Assets	Decrease in service potential of an asset as a consequence of an irregular event or catastrophe, resulting in its recoverable amount being less than its carrying amount. Typically large, interconnected networks or programs of composite assets. The components of these assets may be separately maintained, renewed, replaced or disposed of, so that the required level and standard of service from the network of assets is continuously sustained. Generally, the components and hence the assets, have long lives. They are fixed in place and rarely have any market value.
Maintenance Expenditure	Recurrent planned and unplanned expenditure, which is periodically or regularly required as part of Council's maintenance plan to ensure that the asset is kept in an operational state, achieves its useful life and provides the required level of service.
Market Value	The price that would be received to sell an asset in an orderly transaction between market participants, excluding transaction costs but inclusive of any transport cost.
Net Book Value	The amount at which an asset is recorded (either at cost or fair value) within the financial asset register after deducting any accumulated depreciation and accumulated impairment losses. This is the same as an asset's carrying amount or written down value.
Nominal Cost	Nil or minimal cost for which an asset has been acquired.
Non-Current Asset	An asset held by Council for use rather than exchange and which provides an economic benefit

	for a period greater than one year.
Off Maintenance	Point in time that the period of "on maintenance" applicable to contributed assets either expires or ceases.
On Maintenance	Point in time that Council accepts control of an asset handed over by a property developer and assets are recognised in Council's accounts. The term "on maintenance" refers to an effective warranty period whereby the responsibility for rectifying defects associated with the contributed assets rests with the developer.
Operating Expenditure	Encompasses all costs associated with operating an asset (ie electricity, fuel, staff, plant and equipment on costs and corporate overheads)
Recognition Threshold	Value, which an asset should exceed on acquisition before it is recognised within the financial asset register and Council accounts.
Recoverable Amount	The higher of an asset's fair value less costs to sell and its value in use.
Remaining Useful Life	The remaining operational life of an asset in service, irrespective of the period an asset has been in use or its design life or initial useful life when first recognised.
Renewal Works (aka Asset Renewal)	Capital works that reinstates some or all of the original service potential of an asset
Replacement Cost	The current cost to replace or reproduce an asset based on similar operating conditions.
Residual Value (aka Salvage Value or Scrap Value)	The estimated amount that would be obtained today from the disposal of an asset, after deducting the estimated costs of disposal, if the asset were already of the age and in condition expected at the end of its useful life.
Sunk Costs	Costs that are incurred on the initial construction of an asset that are unlikely to be incurred again when the asset is renewed or replaced.
Service Potential	The capacity to provide goods and services in accordance with Council's objectives.
Useful Life	The period of time an asset is intended to be used by Council, which is estimated when the asset is initially put into service.
Value In Use	Normally refers to assets that generate some form of cash inflow. Where assets have no cash inflow, value in use is deemed to be depreciated replacement cost.
Written Down Value	The amount at which an asset is recorded (either at cost or fair value) within the financial asset register after deducting any accumulated depreciation and accumulated impairment losses. This is the same as an asset's carrying amount or net book value.

10.4 Second Quarter Budget Review 2017/2018

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Manager Finance & Information Technology	ECM Function No/s:

Recommendation

THAT Council adopt the revised budget following the second quarter budget review 2017/18 as per Attachment 1.

Report

A review of actual to budget results for the second quarter of the 2017/18 financial year has been undertaken in order to identify potential budget adjustments arising out of events and activities in the second quarter to 31 December 2017.

The review included the operating and capital work budgets for the 2017/18 financial year.

A full set of financial statements for the 2017/18 financial year and forecasts for the next 2 financial years incorporating the second quarter budget review are contained in Attachment 2.

Budget Implications

Details of the budget amendments arising from the second quarter budget review on the operating budget are provided in Attachment 1.

The impact of these amendments on Council's forecast operating result is an increase in the operating surplus of \$392k bringing the full year estimated operating surplus to \$965k.

The revised capital work budget is detailed in Attachment 3.

Proposed amendments to the capital works program will decrease the value of the current program to \$42.5m, a decrease of \$6.8m.

Grant funding will decrease by \$7.1m which includes \$6.0m for Cyclone Debbie NDRRA Event March 2017, \$785k for Water Trunk Main Construction - Storm King to WTP, and \$320k for Industrial Land Development; and general funding and reserves will increase by \$645k.

The following table summarises all of the changes made to the capital works program in the second quarter budget review.

Proposed capital works amendments	Asset Class	Adjustment	Cost	External funding	General Funding
New T1 modules - eServices, Enterprise Cash Receipting, Scheduling	Technology	Increased by	\$297		\$297
Warwick SES Building extension	Other	Increased by	\$7,868		\$7,868
Wallangarra Hale Haven Drive	Water	Increased by	\$197,500		\$197,500
Filter Medium Replacement - Warwick Treatment plant	Water	Increased by	\$103		\$103
Filter Medium Replacement - Killarney Treatment plant	Water	Increased by	\$2,600		\$2,600
Water Main Renewal Locke Street Warwick	Water	Reduced by	-\$15,853		-\$15,853
Wastewater CED Improvements - Wallangarra	Wastewater	Increased by	\$62,280		\$62,280
Valve & Hydrant renewals - Southern 2017	Water	Reduced by	-\$6,357		-\$6,357
Warwick WTP Upgrade Stage 1 - Clarifier	Water	Increased by	\$19,652		\$19,652
Water main Extension - Rifle Range - Hale Haven Drive Stanthorpe	Water	Increased by	\$14,000		\$14,000
Trunk Distribution Manifold Replacement Stage 1 -Warwick WTP	Water	Increased by	\$7,500		\$7,500
Wastewater pump station - Golf Links Warwick	Wastewater	Increased by	\$9,000		\$9,000
Wastewater CED Pond - Killarney	Wastewater	Increased by	\$1,612		\$1,612
SCADA-Telemetry & Electrical Renewals	Water	Reduced by	-\$17,069		-\$17,069
Emu Swamp Dam Business Case (council's contribution)	Water	Reduced by	-\$50,000		-\$50,000
Stanthorpe WWTP renewal of knife valve	Wastewater	Increased by	\$15,000		\$15,000
Warwick WTP Upgrade clarifier Stage 2 Construction	Water	Reduced by	-\$900,000		-\$900,000
Wastewater pump station upgrade - Dragon St Warwick	Wastewater	Reduced by	-\$225,000		-\$225,000
Water main Replacement Wantley St - Pratten St - Mogridge Warwick	Water	Increased by	\$32,500		\$32,500
Water meter Renewals - Southern	Water	Reduced by	-\$50,000		-\$50,000
Valve & Hydrant Renewals - Southern	Water	Increased by	\$33,500		\$33,500
Water trunk main construction - Storm King to WTP	Water	Reduced by	-\$1,778,450	-\$785,370	-\$993,080
Backflow Prevention Devices Renewal Northern & Southern	Water	Reduced by	-\$25,000		-\$25,000
Wallangarra Water Treatment Plant	Water	Increased by	\$300,000		\$300,000
Morgan Park raw water extension	Water	Reduced by	-\$250,000		-\$250,000
Two Underground Service Locators	Water	Additional project	\$16,700		\$16,700
Stanthorpe WTP power supply upgrade	Water	Additional project	\$50,000		\$50,000
Stanthorpe WWTP replace chlorine dosing pump	Wastewater	Additional project	\$5,460		\$5,460
Warwick WWTP standby sludge tfr pumps	Wastewater	Additional project	\$13,000		\$13,000
Wastewater Main Renewals - Northern	Wastewater	Additional project	\$3,610		\$3,610
Victoria St Sewer Main bridge-restriction of access	Wastewater	Additional project	\$15,000		\$15,000
Stanthorpe WTP Raw water inlet actuator	Water	Additional project	\$7,000		\$7,000
Mt Tabor pump station control	Water	Additional project	\$17,700		\$17,700
Stanthorpe effluent urban users metering	Wastewater	Additional project	\$35,000		\$35,000
Sewer Main Relining	Wastewater	Additional project	\$300,000		\$300,000
Connolly Dam maintenance access	Water	Additional project	\$25,000		\$25,000
Leslie Dam manifold	Water	Additional project	\$27,000		\$27,000
Victoria street sewermain bridge removal of piers	Wastewater	Additional project	\$35,000		\$35,000
Wallangarra Soak removal of piers	Water	Additional project	\$35,000		\$35,000
Safe access to reservoirs	Water	Additional project	\$60,000		\$60,000
Killarney Water - Hope street PS Control	Water	Additional project	\$10,000		\$10,000

Proposed capital works amendments	Asset Class	Adjustment	Cost	External funding	General Funding
2 * Bubblers at Queen's park	Water	Additional project	\$12,000		\$12,000
Southern Downs Water Management Plan	Water	Additional project	\$50,000		\$50,000
Replace Chlorine Analyser	Water	Additional project	\$9,000		\$9,000
New Davit arms anchor points	Water	Additional project	\$20,000		\$20,000
UPS for SCADA and telemetry	Water	Additional project	\$6,000		\$6,000
Jackie Howie SPS - Replace Pump	Water	Additional project	\$6,300		\$6,300
Allora Water Reservoir Repairs	Water	Additional project	\$150,000		\$150,000
Warwick Waste Facility General Capital Replacement Program	Other	Increased by	\$6,500		\$6,500
K9 Cube	Other	Additional project	\$20,000		\$20,000
Expansion of Allora Stockpile area	Other	Reduced by	-\$93,000		-\$93,000
Geotechnical Investigations for Warwick and Stanthorpe Landfills	Other	Additional project	\$93,000		\$93,000
Top Netting of Rabbit Fence	Other	Additional project	\$15,000		\$15,000
Equitable Access Requirements - Stanthorpe Admin Building	Buildings	Reduced by	-\$150,000		-\$150,000
Stanthorpe Admin Building Under-Pinning	Buildings	Reduced by	-\$50,000		-\$50,000
Town Hall repairs to termite damage	Buildings	Increased by	\$318		\$318
Swanfels Shelter Contribution	Buildings	Increased by	\$1,100		\$1,100
Stanthorpe Fitness Centre Building Compliance Rectification	Buildings	Additional project	\$181,042		\$181,042
Cyclone Debbie NDRRA Event March 2017	Roads	Reduced by	-\$6,000,000	-\$6,000,000	\$0
Complementary Works	Roads	Additional project	\$750,000		\$750,000
New Playground Equipment at Wallangarra	Other	Additional project	\$149,000		\$149,000
Stormwater Drainage Upgrade Huston Street	Roads	Additional project	\$195,000		\$195,000
Soldiers Memorial Stanthorpe - Significant Maintenance	Other	Additional project	\$35,000		\$35,000
Bus Shelter - Stanthorpe State School	Other	Additional project	\$29,000		\$29,000
Avenue of Honour	Other	Additional project	\$50,000		\$50,000
Extension of the lighting along Quart Pot Creek	Other	Additional project	\$30,000		\$30,000
Plant Replacement Program	Roads	Increased by	\$950,000		\$950,000
Old Stanthorpe Road 3km Section Approx 20.6km South of Warwick	Roads	Increased by	\$2,853		\$2,853
Gravel Resheeting (17-18)	Roads	Reduced by	-\$750,000		-\$750,000
Industrial Land Development	Roads	Deferred to 18/19	-\$670,000	-\$320,000	\$0
Commonwealth Games Gym Equipment - All Materials	Roads	Additional project	\$50,000		\$50,000
New Project relating to Building Better Regions	Other	Additional project	\$100,000	\$50,000	\$50,000
Total			-\$6,760,734	-\$7,055,370	\$644,636

The proposed amendments will decrease community equity from \$775.9m to \$768.2m. Total assets will decrease from \$814.3m to \$806.8m with current assets of \$40.3m and non-current assets decreasing from \$773.3m to \$766.5m. Total liabilities will increase from \$38.4m to \$38.6m.

Policy Consideration

Long Term Financial Plan

Community Engagement

Nil

Legislation/Local Law

Local Government Act 2009

Local Government Regulation 2012

Australian Accounting Standards

Options

Council:

1. Adopt the 2017/2018 second quarter budget review.
2. Do not adopt the 2017/2018 second quarter budget review.
3. Adopt selected amendments from the second quarter budget review.

Attachments

1. Proposed Operating Budget for 2017-18 with notes incorporating the second quarter budget review amendments [View](#)
2. Revised Financial Statements with forecasts: Statement of Comprehensive Income, Statement of Financial Position, Statement of Cash Flow, Statement of Changes in Equity incorporating the proposed amendments from the second quarter review [View](#)
3. Revised Capital Works Program for 2017-18 [View](#)

Southern Downs Regional Council
Qtr 2 Proposed Operating Budget 2017/18

Current Actual to end of December \$	Description	Adopted Current Budget 2017-18 \$	Proposed Budget 2017-18 \$	Change \$ (Proposed less Current)	Change % (Proposed less Current)	Notes
Revenue						
Operating revenue						
Rates and Utility Charges						
30,852,940	General rates	30,807,900	30,836,950	29,050	0.1%	Budget adjusted to reflect estimated full year actuals
284,964	Rural fire brigade levy	283,705	284,460	755	0.3%	
5,918,311	Water	11,862,910	11,922,910	60,000	0.5%	Budget adjusted to reflect estimated full year actuals
4,247,353	Waste water	8,564,939	8,484,939	(80,000)	-0.9%	Budget adjusted to reflect estimated full year actuals
4,318,611	Waste management	4,312,151	4,316,376	4,225	0.1%	
(8,107)	Investive Pest Control Separate Rate	0	500,000	500,000	100.0%	
45,615,071	Total rates and utility charges	55,831,805	56,345,635	514,030	0.9%	
(1,792,037)	Less: Discount	(1,789,725)	(1,793,585)	(3,861)	0.2%	
43,823,034	Net rates and utility charges revenue	54,042,080	54,552,049	510,169	0.9%	
Other Operating Revenue						
2,217,556	Fees and charges	3,624,103	3,484,844	(139,259)	-3.8%	See Note 1 below
759,868	Interest income	968,000	968,000	0	0.0%	
311,751	Leasing and rent	473,404	488,913	15,509	3.3%	See Note 2 below
2,258,029	Operating grants and subsidies	7,612,746	7,612,746	0	0.0%	
1,162,216	Recoverable works	2,262,750	2,785,516	522,766	23.1%	See Note 3 below
210,126	Other revenue	399,106	497,865	98,759	24.7%	See Note 4 below
50,742,575	Total operating revenue	69,361,989	70,389,933	1,027,944	1.5%	
Operating expenses						
10,900,179	Employee costs	24,380,607	24,420,619	(139,987)	-0.7%	Employee costs recalculated at 31 December based on current PTE numbers
(808,473)	Employee oncosts / (recoveries)	(152,983)	(238,667)	(85,684)	56.0%	Employee oncost recoveries recalculated at 31 December
379,453	Councillors' Expenses	788,621	788,880	259	0.0%	
641,297	Community Grants	971,000	1,077,920	106,920	11.0%	See Note 5 below
4,814,572	Contracts and Services	12,918,062	13,376,148	458,086	3.5%	See Note 6 below
6,079,396	Materials	12,728,304	12,999,371	271,067	2.1%	Budget adjusted to reflect estimated full year actuals
777,490	Finance Costs	1,701,870	1,674,900	(26,970)	-1.6%	Budget adjusted to reflect estimated full year actuals
947,711	Other Expenses	392,715	392,715	0	0.0%	
7,479,878	Depreciation	15,526,095	15,526,095	0	0.0%	
(1,080,692)	Plant Hire / (recoveries)	(1,154,718)	(1,147,895)	6,823	-0.6%	
331,095	Rates on Council Properties	509,891	555,034	45,143	8.9%	Budget adjusted to reflect estimated full year actuals
29,666,845	Total operating expenses	68,809,464	69,425,121	615,656	0.9%	
21,075,729	Operating Surplus / (Deficit)	572,525	964,812	392,288	68.5%	
Capital amounts						
1,094,544	Capital contributions	2,329,031	1,355,531	(963,500)	-41.5%	Details are contained in the Capital Works notes attached
7,756,049	Capital grants	29,068,064	21,938,360	(7,129,684)	-24.5%	Details are contained in the Capital Works notes attached
(918,844)	Profit / (Loss) on disposal	(120,000)	(120,000)	0	0.0%	Details are contained in the Capital Works notes attached
8,596,729	Total of capital amounts	31,267,085	23,173,891	(8,093,194)	-25.9%	
29,612,458	Net Remit surplus / (Deficit)	31,839,610	24,138,703	(7,700,906)	-24.2%	

Notes to QTR 1 Proposed Operating Budget for 2017/18

Note 1: Fees and charges revenue	Change \$	Change %
Commission Received	6,966 ↑	11%
Fines	(9,000) ↓	-27%
License Fees	3,813 ↑	1%
Facilities Hire	(12,200) ↓	-11%
Water Sales	19,000 ↑	93%
Other Fees and Charges	(147,640) ↓	-6%
Aerodrome Landing Fees	102 ↑	1%
Cattle	(32,800) ↓	-8%
Sheep	20,000 ↑	29%
Tranship/Holding/Feeding	(5,500) ↓	-69%
Infrastructure Replacement Levy	18,000 ↑	32%

- Effluent Reuse - Warwick \$(126,000)
 - Stanthorpe Wastewater \$(65,000)
 - Warwick Water \$63,200

Item 10.4 Second Quarter Budget Review 2017/2018
 Attachment 1: Proposed Operating Budget for 2017-18 with notes incorporating the second quarter budget review amendments

Note	Category	Change \$	Change %	Notes
Note 2: Leasing & Rent	Rent Received	7,486 ↑	2%	
	Leases	8,023 ↑	5%	
Note 3: Recoverable Works	Insurance Refunds	522,766 ↑	100%	Stanthorpe Civic Centre Fire Restoration Insurance Claim
Note 4: Other Revenue	Allora Transfer Station	4,500 ↑	129%	
	Killarney Transfer Station	6,000 ↑	400%	
	Pratten Transfer Station	2,100 ↑	100%	
	Leyburn Transfer Station	1,800 ↑	100%	
	Warwick Waste Management Facilities	4,000 ↑	16%	
	Stanthorpe Waste Management Facilities	12,400 ↑	62%	
	Wallangarra Transfer Station	650 ↑	43%	
	Environmental Local Laws	2,000 ↑	100%	
	Educative Functions	1,908 ↑	100%	
	Warwick Visitor Information Centre	900 ↑	113%	
	Stanthorpe Visitor Information Centre	2,500 ↑	50%	
Stanthorpe Fitness Centre	60,000 ↑	100%		
Note 5: Community Grants	Community Grant	118,920 ↑	79%	- General Council Meeting 22/11/2017 - Resolution 16.8 \$22,000 - Additional Community Grant Funding \$60,000
	Fast Grant	(12,000) ↓	-1.20%	- General Council Meeting 22/11/2017 - Resolution 16.8
Note 6: Contracts and Services	Change by Department:	Change \$	Change %	
Community Services & Major Projects	337,000 ↑	28.8%	- Stanthorpe Fitness Centre \$255,000 - Property Maintenance Program - Increased maintenance \$75,000	
Corporate Services	31,700 ↑	10.5%	- External complaints investigation \$25,000 - Legal advice re: John Dee project \$5,000	
Finance & Information Technology	(18,605) ↓	-3.0%	- Information Technology - Security Expenses \$(20,705) - Accounting Services - Contractors \$2,100	
Human Resources	20,000 ↑	37%	- Legal advice \$20,000	
Economic Development and Tourism	70,000 ↑	75%	- Queen's Baton Relay Celebration in Leslie Park \$10,000 - Cost for hosting Cameron \$10,000 - Promotional Material \$50,000 - Shaping Southern Downs - to engage consultant \$20,000	
Engineering Services Directorate	(20,054) ↓	-1.1%	- Engineering Services Directorate - Professional Fees \$(15,764) - Yangan Road Depot - Contractors \$(5,000) - Quarries Operations - Contractors \$8,800	
Works Maintenance & Open Space	11,800 ↑	1%	- Asset Management Inspections - Contractors \$(52,000) - Asset Management Inspections - Professional Fees \$36,000 - Additional funding for undertaking pre-emptive maintenance and beautification works prior to major events \$20,000	
Water and Wastewater	112,645 ↑	6%	- Warwick Water Management - Contractors \$120,000 - Killarney Water Management Contractors \$18,000 - Wallangarra Water - Contractors \$11,000 - Stanthorpe Effluent Reuse - Contractors \$10,000 - Warwick Effluent Reuse - Contractors \$(8,500) - Killarney Water - Professional Fees \$9,000 - Stanthorpe Water - Professional Fees \$(60,000) - Warwick Wastewater - Legal Fees \$7,000	
Environmental Services	(63,100) ↓	-1%	- Allora Transfer Station - Contractors \$(95,000) - Killarney Transfer Station - Contractors \$(85,000) - Warwick Waste Management Facilities - Contractors \$(70,000) - Stanthorpe Waste Management Facilities - Contractors \$(30,000) - Stanthorpe Waste Management Facilities - Hire Expenses \$8,400 - Health Inspections and Complaints - Contractors \$25,000 - Karara Bin Compound - Contractors \$29,500 - State Government Licensing - Legal Fees \$50,000	
Planning and Development	(23,300) ↓	-3%	- Strategic Planning and Land Use Policy - Contractors \$(50,000) - Development Engineering - Contractors \$23,000 - Building Applications - Contractors - \$9,700	

Statement of Comprehensive Income			
	Jun-18B	Jun-18F	Jun-20F
Income			
Revenue			
Operating revenue			
Net rates, levies and charges	54,551.00	57,098.00	59,745.00
Fees and charges	3,485.00	3,568.00	3,653.00
Rental income	488.00	501.00	514.00
Interest received	988.00	1,000.00	935.00
Sales revenue	2,786.00	2,656.00	2,927.00
Other income	498.00	510.00	523.00
Grants, subsidies, contributions and donations	7,613.00	7,803.00	7,998.00
Total operating revenue	70,390.00	73,327.00	76,295.00
Capital revenue			
Grants, subsidies, contributions and donations	23,294.00	6,436.00	3,402.00
Total revenue	93,684.00	79,763.00	79,697.00
Expenses			
Operating expenses			
Employee benefits	24,971.00	25,748.00	28,539.00
Materials and services	27,411.00	28,658.00	29,863.00
Finance costs	1,517.00	1,434.00	1,353.00
Depreciation and amortisation	15,528.00	16,380.00	17,606.00
Other expenses	-	-	-
Total operating expenses	69,425.00	72,201.00	75,461.00
Capital expenses			
Total capital expenses	120.00	120.00	120.00
Total expenses	69,545.00	72,321.00	75,581.00
Net result	24,139.00	7,442.00	4,116.00
Operating result			
Operating revenue	70,390.00	73,327.00	76,295.00
Operating expenses	69,425.00	72,201.00	75,461.00
Operating result	965.00	1,126.00	834.00

Statement of Financial Position			
	Jun-18B	Jun-18F	Jun-20F
Assets			
Current assets			
Cash and cash equivalents	33,793.00	23,737.00	20,547.00
Trade and other receivables	5,726.00	5,965.00	6,198.00
Inventories	783.00	783.00	783.00
	-	-	-
Total current assets	40,303.00	30,485.00	27,528.00
Non-current assets			
Investments	742.00	742.00	742.00
Property, plant & equipment	784,070.00	780,168.00	785,953.00
Other non-current assets	1,656.00	1,656.00	1,686.00
Total non-current assets	786,468.00	782,566.00	788,381.00
Total assets	806,771.00	813,051.00	815,909.00
Liabilities			
Current liabilities			
Trade and other payables	6,570.00	6,839.00	7,099.00
Borrowings	1,432.00	1,518.00	1,616.00
Provisions	4,215.00	4,215.00	4,215.00
Other current liabilities	408.00	408.00	408.00
Total current liabilities	12,624.00	12,979.00	13,338.00
Non-current liabilities			
Borrowings	20,808.00	19,292.00	17,876.00
Provisions	5,119.00	5,119.00	5,119.00
Total non-current liabilities	25,928.00	24,411.00	22,794.00
Total liabilities	38,552.00	37,390.00	36,132.00
Net community assets	768,218.00	775,661.00	779,777.00
Community equity			
Asset revaluation surplus	162,932.00	162,932.00	162,932.00
Retained surplus	595,286.00	592,729.00	596,845.00
Total community equity	768,218.00	775,661.00	779,777.00

Statement of Cash Flows			
	Jun-18B	Jun-19F	Jun-20F
Cash flows from operating activities			
Receipts from customers	89,243.00	63,800.00	66,630.00
Payments to suppliers and employees	(55,619.00)	(54,312.00)	(56,422.00)
Interest received	968.00	1,000.00	935.00
Rental income	711.00	500.00	513.00
Non-capital grants and contributions	11,066.00	7,788.00	7,984.00
Borrowing costs	(1,346.00)	(1,259.00)	(1,173.00)
Net cash inflow from operating activities	45,022.00	17,516.00	16,468.00
Cash flows from investing activities			
Payments for property, plant and equipment	(42,119.00)	(32,167.00)	(23,042.00)
Payments for intangible assets	(374.00)	(290.00)	(380.00)
Grants, subsidies, contributions and donations	23,294.00	6,436.00	3,402.00
Other cash flows from investing activities	(120.00)	(120.00)	(120.00)
Net cash inflow from investing activities	(19,319.00)	(26,141.00)	(20,140.00)
Cash flows from financing activities			
Proceeds from borrowings	-	-	-
Repayment of borrowings	(1,512.00)	(1,432.00)	(1,518.00)
Repayments made on finance leases	-	-	-
Net cash inflow from financing activities	(1,512.00)	(1,432.00)	(1,518.00)
Total cash flows			
Net increase in cash and cash equivalent held	24,191.00	(10,058.00)	(3,189.00)
Opening cash and cash equivalents	9,602.00	33,793.00	23,737.00
Closing cash and cash equivalents	33,793.00	23,737.00	20,547.00

Statement of Changes in Equity			
	Jun-16B	Jun-19F	Jun-20F
Asset revaluation surplus			
Opening balance	182,932.00	182,932.00	182,932.00
Increase in asset revaluation surplus	-	-	-
Closing balance	182,932.00	182,932.00	182,932.00
Retained surplus			
Opening balance	581,147.00	585,286.00	592,886.00
Net result	24,138.00	7,442.00	4,116.00
Increase in asset revaluation surplus	na	na	na
Closing balance	595,286.00	592,886.00	596,914.00
Total			
Opening balance	744,079.00	768,218.00	775,660.00
Net result	24,138.00	7,442.00	4,116.00
Closing balance	768,218.00	775,660.00	779,776.00

Project Name	Expenditure			Funding Sources				
	Adopted Budget \$	Requested Amendment \$	Revised Budget \$	Revenue Funded \$	Grants \$	Other \$	Sale Proceeds \$	Reserves \$
Finance and Information Technology								
Capital Revenue						150,000		
New T1 modules - eServices, Enterprise Cash Receipting, Scheduling	12,689	297	12,986	12,986				
Short St depot movement	3,332		3,332	3,332				
Building Security System Upgrade Stanthorpe Depot	25,000		25,000	25,000				
New Technology One modules	186,000		186,000	186,000				
Replace Production Host server and Storage Server	175,000		175,000	175,000				
Warwick Saleyards Upgrade of Walkways	75,000		75,000	18,000		57,000		
Finance and Information Technology Total	477,021	297	477,318	420,318	0	207,000	0	0
Engineering Services Directorate								
Flood gauge Replacements	930	2	932	372	3,904			
Cover for PVC Water/Sewer pipes in Yangan Rd Depot	30,000		30,000	30,000				
Rehabilitation of Works on Warwick Streetscape	30,000		30,000	30,000				
Purchase land Easey street drainage	125,000		125,000	125,000				
Warwick SES Building extension	11,674	7,868	19,542	7,868		11,674		
Engineering Services Directorate Total	197,604	7,870	205,474	193,240	3,904	11,674	0	0
Water and Wastewater								
Wallangarra Hale Haven Drive	0	197,500	197,500	197,500				
Water Reservoir Renewals	407	1	408	408				
Filter Medium Replacement - Warwick Treatment plant	0	103	103	103				
Filter Medium Replacement - Killamey Treatment plant	10,000	2,600	12,600	12,600				
Upgrade Chlorine Dosage System - Spa Wastewater Plant	2,568		2,568	2,568				
Water Main Renewal Locke Street Warwick	21,222	-15,853	5,369	5,369				
Wastewater CED Improvements - Wallangarra	0	62,280	62,280	62,280				
Valve & Hydrant renewals - Southern 2017	6,357	-6,357	0	0				
Water trunk main design - Storm King to WTP	25,145		25,145	25,145				
Warwick WTP Upgrade Stage 1 - Clarifier	2,480,348	19,652	2,500,000	2,500,000				
Water main Extension - Rose St - Anzac St Stanthorpe	5,333		5,333	5,333				
Water main Extension - Rifle Range - Hale Haven Drive Stanthorpe	133,432	14,000	147,432	147,432				
Trunk Distribution Manifold Replacement Stage 1 -Warwick WTP	78,101	7,500	85,600	85,600				
Water Main extension - Derwent St - Stanthon St Stanthorpe	7,919		7,919	7,919				
Wastewater pump station - Golf Links Warwick	44,000	9,000	53,000	53,000				
Wastewater CED Pond - Killamey	5,388	1,612	7,000	7,000				
Stage 2 Water Main Extension to Applethorpe	52,144	1	52,145	52,145				

Item 10.4 Second Quarter Budget Review 2017/2018
 Attachment 3: Revised Capital Works Program for 2017-18

Project Name	Adopted Budget \$	Requested Amendment \$	Revised Budget \$	Revenue Funded \$	Grants \$	Other \$	Sale Proceeds \$	Reserves \$
Backflow Prevention Devices Renewal Northern & Southern	16,546		16,546	16,546				
SCADA-Telemetry & Electrical Renewals	19,069	-17,069	2,000	2,000				
Raw Water Pump Upgrade - Wallangarra	13,714		13,714	6,857		6,857		
Water Bore Well Renewal Wallangarra	354	1	355	355				
Rawwater from Connolly Dam to Morgan Park and Ind Est	1,171,714		1,171,714	292,737	484,000			
Sewer to Morgan Park	981,079		981,079	20,000	449,632			
Bore wells rehabilitation	18,000		18,000	18,000				
Emu Swamp Dam Business Case (council's contribution)	50,000	-50,000	0	0				
Stanthorpe WWTP Additional Emergency Storage	175,000		175,000	175,000				
Stanthorpe WWTP renewal of knife valve	10,000	15,000	25,000	25,000				
Warwick WTP Upgrade clarifier Stage 2 Construction	900,000	-900,000	0	0				
Wastewater Main Renewal - Slade Campus	90,000		90,000	90,000				
Wastewater pump station - Jackie Howe Drive Warwick	50,000		50,000	50,000				
Wastewater pump station renewal - Tyrell St Stanthorpe	75,000		75,000	75,000				
Wastewater pump station upgrade - Dragon St Warwick	300,000	-225,000	75,000	75,000				
Wastewater Renewals - Inflow and Infiltration rectifications	150,000		150,000	150,000				
Water main Replacement Wantley St - Pratten St - Mogridge Warwick	55,000	32,500	87,500	87,500				
Water meter Renewals - Northern	150,000		150,000	150,000				
Water meter Renewals - Southern	75,000	-50,000	25,000	25,000				
Valve & Hydrant Renewals - Northern	200,000		200,000	200,000				
Valve & Hydrant Renewals - Southern	70,000	33,500	103,500	103,500				
WWPS New Emergency storage	60,000		60,000	60,000				
Network New Emergency power generators	66,000		66,000	66,000				
Wastewater Rising Main Replacement - O'leary St - Wentworth St Warwick	40,000		40,000	40,000				
Water trunk main construction - Storm King to WTP	3,278,450	-1,778,450	1,500,000	318,300	1,181,700			
Warwick WTP Upgrade Reservoir	75,000		75,000	75,000				
Backflow Prevention Devices Renewal Northern & Southern	25,000	-25,000	0	0				
Wallangarra Water Treatment Plant	1,200,000	300,000	1,500,000	0				1,500,000
John Dee water main - 150mm Rosehill Rd	193,000		193,000	0				193,000
Morgan Park raw water extension	250,000	-250,000	0	0				
Electrical Works at Stanthorpe Wastewater Treatment Plant	250,000		250,000	250,000				
Two Underground Service Locators		16,700	16,700	16,700				
Stanthorpe WTP power supply upgrade		50,000	50,000	50,000				
Stanthorpe WWTP replace chlorine dosing pump		5,460	5,460	5,460				
Warwick WWTP standby sludge tfr pumps		13,000	13,000	13,000				
Wastewater Main Renewals - Northern		3,610	3,610	3,610				

Item 10.4 Second Quarter Budget Review 2017/2018
 Attachment 3: Revised Capital Works Program for 2017-18

Project Name	Adopted Budget \$	Requested Amendment \$	Revised Budget \$	Revenue Funded \$	Grants \$	Other \$	Sale Proceeds \$	Reserves \$
Victoria St Sewer Main bridge-restriction of access		15,000	15,000	15,000				
Stanthorpe WTP Raw water inlet actuator		7,000	7,000	7,000				
Mt Tabor pump station control		17,700	17,700	17,700				
Stanthorpe effluent urban users metering		35,000	35,000	35,000				
Sewer Main Relining		300,000	300,000	300,000				
Connolly Dam maintenance access		25,000	25,000	25,000				
Leslie Dam manifold		27,000	27,000	27,000				
Victoria street sewermain bridge removal of piers		35,000	35,000	35,000				
Wallangarra Soak removal of piers		35,000	35,000	35,000				
Safe access to reservoirs		60,000	60,000	60,000				
Killamey Water - Hope street PS Control		10,000	10,000	10,000				
2 nd Bubblers at Queen's park		12,000	12,000	12,000				
Southern Downs Water Management Plan		50,000	50,000	50,000				
Replace Chlotine Analyser		9,000	9,000	9,000				
New Davit arms anchor points		20,000	20,000	20,000				
UPS for SCADA and telemetry		6,000	6,000	6,000				
Jackie Howie SPS - Replace Pump		6,300	6,300	6,300				
Allora Water Reservoir Repairs		150,000	150,000	150,000				
Water and Wastewater Total	12,880,290	-1,713,709	11,166,580	6,444,967	2,065,332	6,857	0	1,693,000
Environmental Services								
Waste Facility Administration							-120,000	
Upgrade of one Waste Transfer Station	53,595	31	53,626	53,626				
Warwick Waste Facility General Capital Replacement Program	364		364	364				
Expansion of Allora Stockpile area	100,000	-93,000	7,000	7,000				
Minor Capital Works, Stanthorpe Waste Facility	50,000		50,000	50,000				
Replacement of 1.5km of Stanthorpe Wild Dog Check Fence	20,000		20,000	20,000				
Replacement of section of the Killamey Wild Dog Check Fence	11,000		11,000	11,000				
Warwick Waste Facility General Capital Replacement Program	50,000	6,500	56,500	56,500				
Extend Fence line Northern Granite Belt Waste Tr Station	15,000		15,000	15,000				
Geotechnical Investigations for Warwick and Stanthorpe Landfills		93,000	93,000	93,000				
K9 Cube		20,000	20,000	20,000				
Top Netting of Rabbit Fence		15,000	15,000	15,000				
Environmental Services Total	299,959	41,531	341,490	341,490	0	0	-120,000	0
Corporate Services								
Replacement of Kitchens - four pensioner units	36,000		36,000	36,000				

Project Name	Adopted Budget \$	Requested Amendment \$	Revised Budget \$	Revenue Funded \$	Grants \$	Other \$	Sale Proceeds \$	Reserves \$
Warwick aerodrome development	340,000		340,000	0			340,000	
Replacement of bathrooms - two pensioner units	22,000		22,000	22,000				
Corporate Services Total	398,000	0	398,000	58,000	0	0	340,000	0
Community Services & Major Projects								
Stanthorpe Civic Centre Fire Restoration	41,268		41,268			522,766		
Connolly Dam Toilets	193,246		193,246	77,584	48,000			
Building Fire Systems Upgrades	75,000		75,000	75,000				
Equitable Access Requirements - Stanthorpe Admin Building	150,000	-150,000	0	0				
Stanthorpe Admin Building Under-Pinning	50,000	-50,000	0	0				
Stanthorpe Lions Park Toilet Block - Repair Foundations	8,000		8,000	8,000				
Town Hall repairs to termite damage.	60,000	318	60,318	60,318				
Swanfels Shelter Contribution	25,000	1,100	26,100	26,100				
Dungaree Memeorial	135,000		135,000	0	135,000			
Killamey Multipurpose Facility & Willi St Community	695,000		695,000	0	695,000			
Rest area for visitors and travellers	150,000		150,000	0	150,000			
Regions Art Gallery Upgrade	150,000		150,000	0	150,000			
Recreation areas Connolly dam & small villages	150,000		150,000	0	150,000			
Burial wall at Warwick cemetary	180,000		180,000	0	180,000			
Quart Pot Creek Thermometer - pathway	30,000		30,000	30,000				
Replace Heat Pumps - WIRAC	30,000		30,000	30,000				
Warwick Library - replace air conditioners	60,000		60,000	60,000				
Gates - Warwick Aerodrome	30,000		30,000	30,000				
Stanthorpe Fitness Centre Building Compliance Rectification	0	181,042	181,042	181,042				
Community Services & Major Projects Total	2,212,514	-17,540	2,194,974	578,044	1,508,000	522,766	0	0
Works Maintenance & Open Space								
Rogers Street Carpark	569,366		569,366	293,837	252,000			
Fromes Lane	310,717		310,717	143,835	80,000			
Cyclone Debbie NDRRA Event March 2017	15,000,000	-6,000,000	9,000,000	0	9,000,000			
Allora Cemetery Shelter Repairs	23,000		23,000	23,000				
Christmas Decorations for Public Areas	20,000		20,000	20,000				
Lawn Cemetery Beams	20,000		20,000	20,000				
Mitchner Shelter Warwick Cemetery Restoration	80,000		80,000	80,000				
Parks - Gleeson Park Stanthorpe Weir	50,000		50,000	50,000				
Stanthorpe Outdoor Burial Wall	75,000		75,000	75,000				
Complementary Works	0	750,000	750,000	750,000				
Park Upgrade	30,000	0	30,000	30,000				

Item 10.4 Second Quarter Budget Review 2017/2018
Attachment 3: Revised Capital Works Program for 2017-18

Project Name	Adopted Budget \$	Requested Amendment \$	Revised Budget \$	Revenue Funded \$	Grants \$	Other \$	Sale Proceeds \$	Reserves \$
New Playground Equipment at Wallangarra		149,000	149,000	149,000				
Stormwater Drainage Upgrade Huston Street		195,000	195,000	195,000				
Soliders Memorial Stanthorpe - Significant Maintenance		35,000	35,000	35,000				
Bus Shelter - Stanthorpe State School		29,000	29,000	29,000				
Avenue of Honour		50,000	50,000	50,000				
Extension of the lighting along Quart Pot Creek		30,000	30,000	30,000				
Works Maintenance & Open Space Total	16,178,083	-4,762,000	11,416,083	1,973,672	9,332,000	0	0	0
Works Construction, Workshops & Assets								
Plant Replacement Program	3,293,000	950,000	4,243,000	3,469,500	0		773,500	
Lynchurst Lane Bridge Replacement			0	0	9,358			
Reseals	2,000		2,000	2,000				
Connells Road Bridge Replacement	50,000		50,000	25,000	420,112			
Gravel Resheeting	4,400		4,400	4,400				
Rangers Rd/ Cxenham Street Intersection	862		862	0				
Goomburra Road Rehabilitation	8	1	9	0				
Sycamore St reconstruction and Stormwater upgrade	450,000		450,000	0	450,000			
Old Stanthorpe Road Safety Improvements	140,000		140,000	0	401,027			
Boys Road Bridge Replacement	70,000		70,000	35,000	486,422			
Inverramsay Rd Widening and Rehabilitation	0		0		7,342			
Amiens Rd widening and rehabilitation	1,689	1	1,690	1,689	8,909			
Aldred/Miller St Stormwater Extension	350,000		350,000	350,000				
Thanes Creek Culvert Reconstruction	300,000		300,000	300,000				
Connolly Dam Road South East of Warwick	268,000		268,000	40,000	117,458			
Eukey Road 4.2km Section from 1km East of Ballandean	0		0	0	102,500			
Sugarloaf Road Mount Tully Road	3,000		3,000	0	98,975			
Longs Lane (east of Wallangarra) East of Wallangarra	136,000		136,000	0	68,000			
Mount Tully Road 3km Section Approx 6km South East of Stanthorpe	25,000		25,000	0	37,293			
Old Stanthorpe Road 3km Section Approx 20.6km South of Warwick	72,000	2,853	74,853		5,891			
Cannon Creek Road Amiens Road Stanthorpe	5,200		5,200	0	61,300			
Dalcouth Road Gentle Road Stanthorpe	40,000		40,000	0	29,702			
Amiens Road Glenlyon Drive Stanthorpe	0		0	0	28,152			
Dragon Street Pratten Street Warwick	0		0	0	11,991			
Wallace Street Percy Street Warwick	5,000		5,000	0	20,037			
Britannia Street Railway Street Stanthorpe	21,000		21,000	0	14,424			
Palmerin Street Warwick Between Fitzroy and Albert Streets Warwick	3,000		3,000	0	5,347			
Glen Road 3km Section Approx 6.5km West of Warwick	13,000		13,000	0	7,310			

Item 10.4 Second Quarter Budget Review 2017/2018
Attachment 3: Revised Capital Works Program for 2017-18

Project Name	Adopted Budget \$	Requested Amendment \$	Revised Budget \$	Revenue Funded \$	Grants \$	Other \$	Sale Proceeds \$	Reserves \$
Warwick CBD cycle lanes design and construction	31,000		31,000	17,050	7,314			
Stanthorpe CBD Cycle Facilities Design and Construction	46,000		46,000	23,920	11,634			
Kenilworth Street Upgrade	918,000		918,000	0	1,572,828	1,100,000		
Killamey Streetscape	100,000		100,000	0	40,544			
Allora Streetscape	197,000		197,000	0	80,000			
Schnitzlering Street Upgrade	409,000		409,000	100,000	200,931	30,000		
Allora-Clifton Rd major pavement repairs (17-18 RTR)	100,000		100,000	0	100,000			
Forest Plains Road major pavement repairs (17-18 RTR)	350,000		350,000	0	350,000			
Goomburra Rd Widen and Rehabilitate (17-18 RTR)	500,000		500,000	0	500,000			
Harslett Rd Widen and Rehabilitate (17-18 RTR)	300,000		300,000	0	300,000			
Jack Smith Gully Rd rehabilitation (17-18 RTR)	300,000		300,000	0	300,000			
Gravel Resheeting (17-18)	2,100,000	-750,000	1,350,000	1,200,000	150,000			
TIDS Inveramsay Road widening (17-18)	1,198,846		1,198,846	599,423	599,423			
TIDS Amiens Road widening (17-18)	1,000,000		1,000,000	500,000	500,000			
Reseals (17-18)	960,000		960,000	960,000				
Freestone Bridge Planning and Design (BRP)	100,000		100,000	50,000	50,000			
Guy St (Fitzroy-Grafton) Blackspot 17-18	76,000		76,000	0	76,000			
Numdubbermere Rd Blackspot 17-18	79,500		79,500	0	79,500			
Sugarloaf Rd Blackspot 17-18	366,900		366,900	0	366,900			
Condamine River, walk/cycle path	115,000	0	115,000	0	115,000			
Multi-purpose Vehicle fitout - Disaster Centre/library	75,000		75,000	0	75,000			
Killamey Streetscape stage 2	50,000	0	50,000	0	50,000			
Industrial Land Development	700,000	-670,000	30,000	0	350,000			
Warwick CBD road & footpath improvements	500,000		500,000	0	500,000			
Cycleways	425,000		425,000	212,500	212,500			
Moving Stormwater at Defiance Mills	350,000		350,000	350,000				
Works Construction, Workshops & Assets Total	16,600,405	-467,145	16,133,260	8,240,482	8,979,124	1,130,000	773,500	0
Economic Development & Tourism								
Air-Conditioning - Stanthorpe Visitor Information Centre	10,000		10,000	10,000				
Commonwealth Games Gym Equipment - All Materials		50,000	50,000	50,000				
New Project relating to Building Better Regions		100,000	100,000	50,000	50,000			
Economic Development & Tourism Total	10,000	150,000	160,000	110,000	50,000	0	0	0
2017-18 Capital Works Total	49,253,876	-6,760,696	42,493,179	18,380,213	21,938,380	1,355,531	993,500	1,693,000

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11.1 Engineering Services Department Monthly Report

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Director Engineering Services	ECM Function No/s: 04.15.01

Recommendation

THAT Council receive the Engineering Services Department Monthly Report.

Report

The following is provided for the information of Councillors.

2017/18 Project Status reports

The information tables for the 2017/18 Project Status Report for Community Services & Major Projects, Works Construction and Water & Wastewater are attached.

Design

Water and Wastewater Section

Wastewater Main Replacement – Warwick Christian College (Slade School)

Plans for the replacement & realignment of sections of DN100 sewer main in the school property have been issued for construction. The alignment was set out in readiness for the commencement of work during school holidays.

Hydrant & Valve Replacement Albion Street, Warwick

Continued preparing Traffic Management Plan for carrying out maintenance to some appurtenances located in Albion Street and side streets. Some of these are located within intersections and will require traffic to be deviated from the normal travelled path. Main Roads will need to approve TMP.

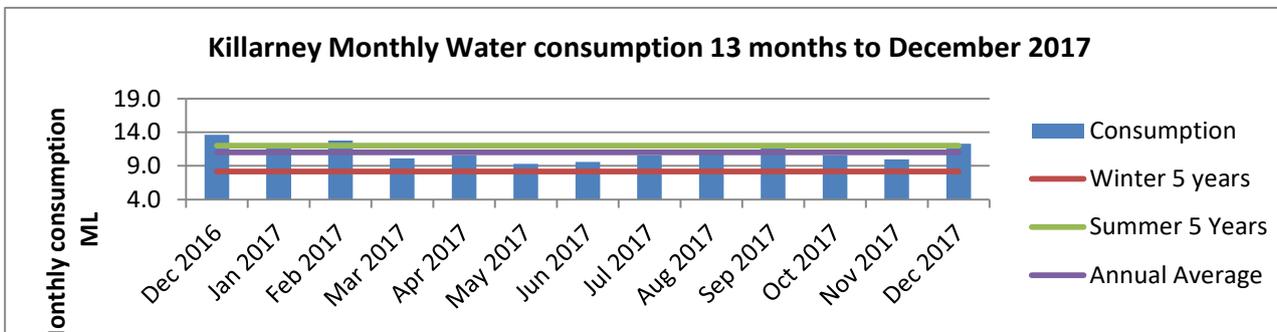
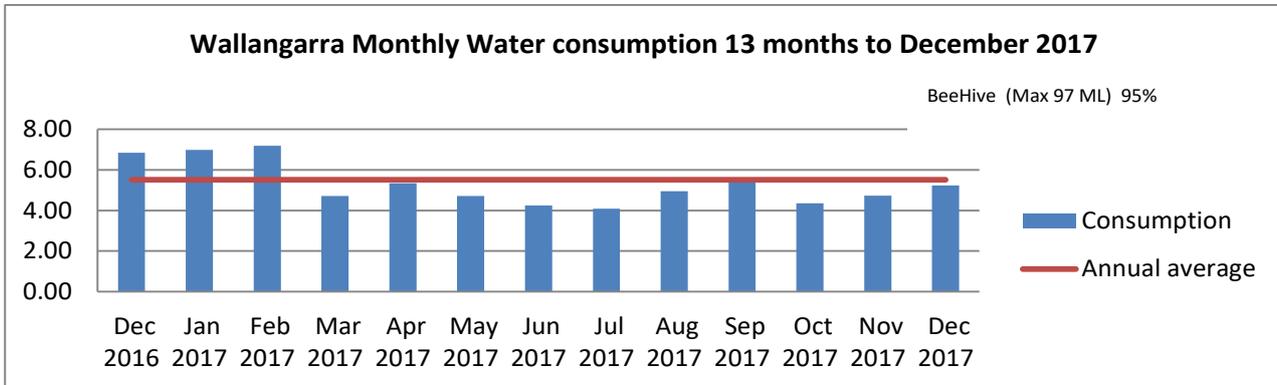
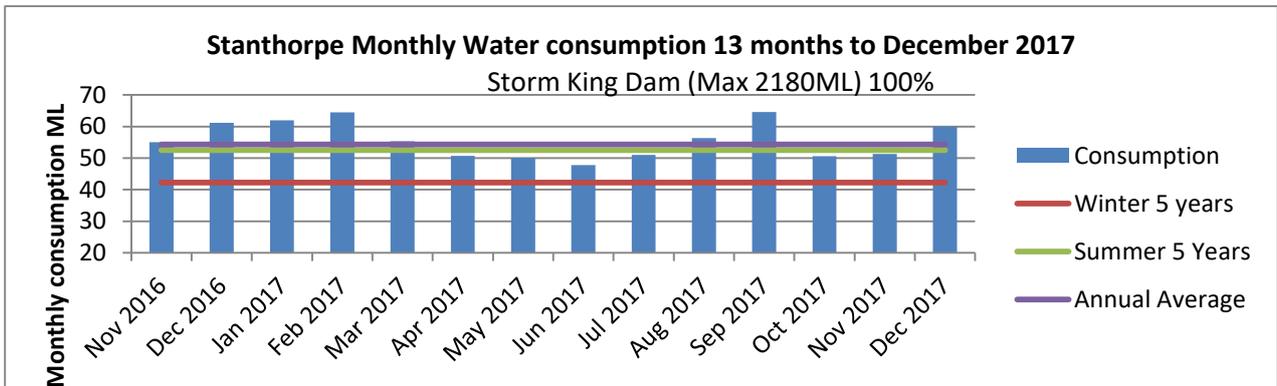
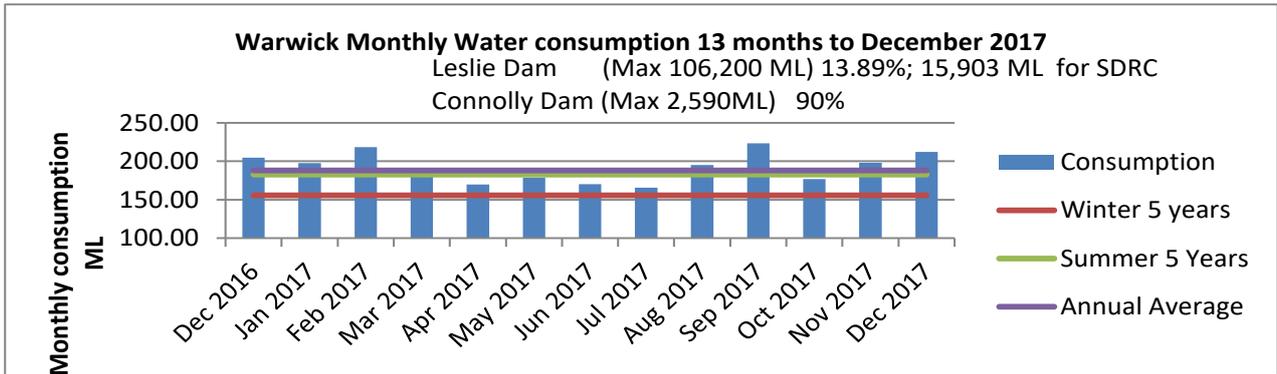
Other

Big Thermometer, Stanthorpe

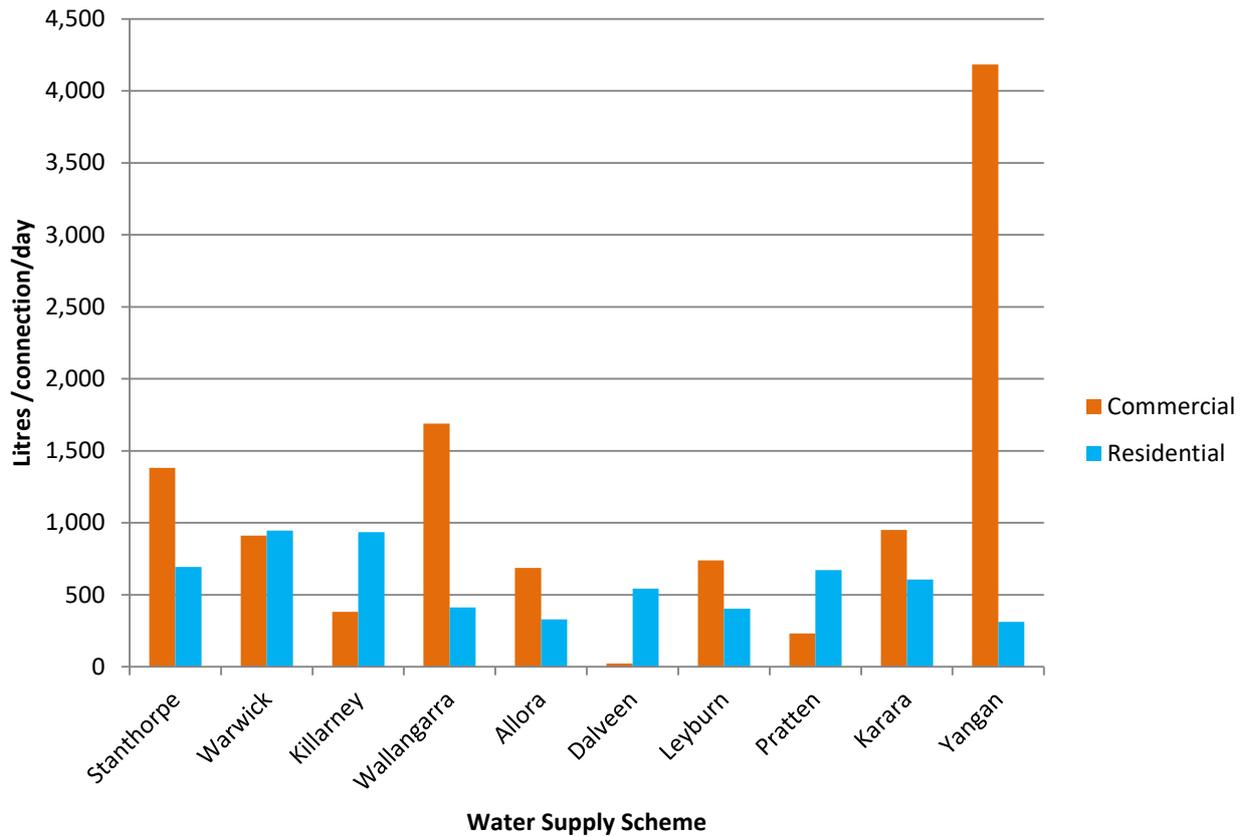
Design completed for additional parallel park and footpath linking proposed site of the Big Thermometer to the Tourist Information Centre in Leslie Parade, Stanthorpe. Set out will be carried out this month for construction.

Water & Wastewater as at 31 December 2017

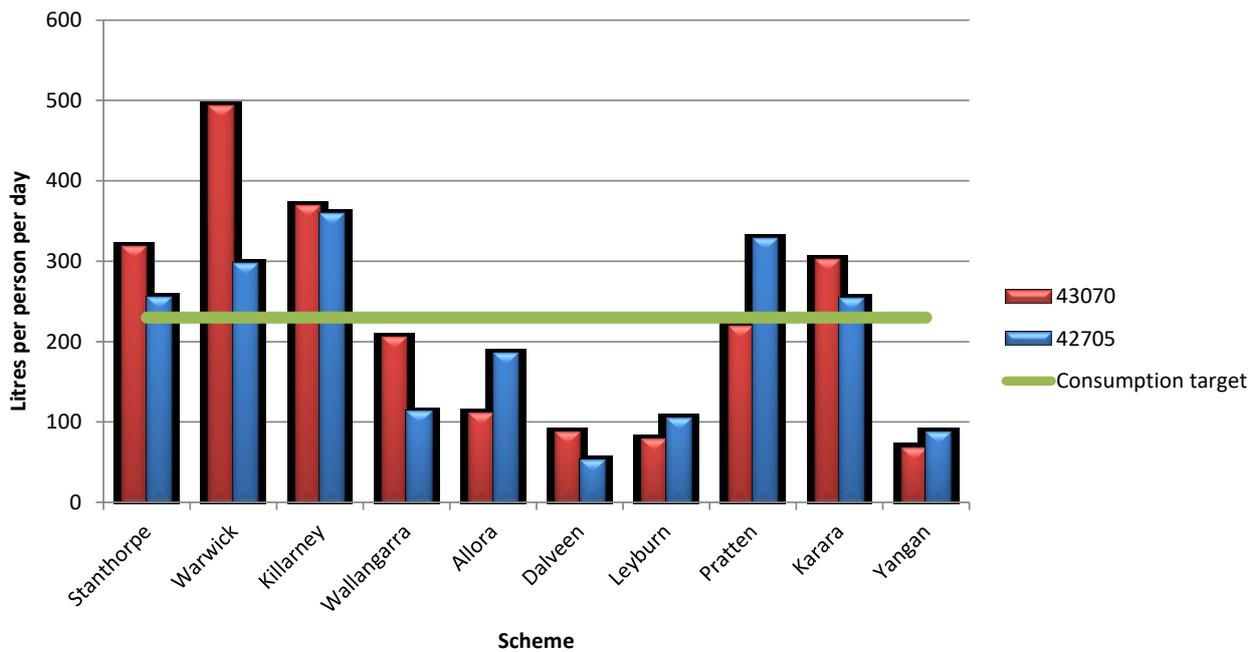
Monthly Water Consumption Graphs



Avg Daily Consumption per Connection December 2017 (based on March 2017 meter readings)



Residential Water Consumption Comparison



Budget Implications

Nil

Policy Consideration

Nil

Community Engagement

Nil

Legislation/Local Law

Nil

Options

1. Receive the Engineering Services Department Monthly Report; or
2. Do not receive the Engineering Services Department Monthly Report.

Attachments

1. Community Services & Major Projects 2017/18 Project Status Report [View](#)
2. Works Construction 2017/18 Project Status Report [View](#)
3. Water & Wastewater 2017/18 Project Status Report [View](#)

**COMMUNITY SERVICES AND MAJOR PROJECTS
 2017/18 PROJECT STATUS UPDATE**

Communication Update No.: **28**

Date of Issue: **19 January 2018**

Community Services Projects	Status	Next Milestone Target Date	PC Date	Cost	Risk & Mitigation	PM	Project Tracking (Green – On Target) (Orange – Minor Slippage) (Red – Off Target)
Community Health & Wellbeing	<p>Report has been received by Council at October 17 Council meeting.</p> <p>Meeting held with Australian Drug Foundation community engagement officer regarding Good Sport program.</p> <p>Propose to add this to the project management plan (PMP).</p> <p>Draft PMP developed.</p>	<p>CDO to attend the next Sport & Recreation Advisory Committee meeting to share concepts of next stage (possibly Feb 2018).</p> <p>Further develop and finalise PMP by 31 January 2018.</p>	Jun 18		Time lapse with delayed advisory committee input impacts on development of PMP.	PB	<p>CSAC recommendation has reshaped second stage of project, which will require a re-draft of the PMP and its timelines.</p> <p>Postponement of Sport & Recreation advisory committee has delayed input from that sector.</p>
Karara Water Supply Engagement	<p>Council Briefing 26 April 2017.</p> <p>Consultation with staff to determine scope completed 7 December 2017.</p> <p>Develop PMP 13 December 2017.</p> <p>Engagement meetings with residents completed.</p> <p>Compilation of data</p>	<p>Report to Council Briefing 5 February 2018.</p> <p>Advise residents of outcome February 2018.</p>	Feb 18			DM	

	completed.						
Low Cost Camping Opportunities for Gateway Communities in Southern Downs	<p>Council resolution 28/06/17.</p> <p>PMP developed.</p> <p>Meeting held between key Council Stakeholders saw a modification occur to the scope and project title, which will generate a reviewed PMP.</p> <p>Revised PMP completed and approved 1 December 2017.</p>	<p>Meeting date set for 7 February with key stakeholders.</p> <p>Follow up with communities of Wallangarra and Maryvale to identify dates and times to schedule meetings.</p> <p>Research and benchmark other Councils by 31 January 2018.</p> <p>Practical completion 30/06/18.</p>	Jun 18			DM	
Say No to Violence	<p>Merchandise has been delivered 30 November 17.</p> <p>Say No to Violence Bumper Stickers circulated to be placed on Council vehicles.</p> <p>Project promoted at the Peace Walk and Candle Lighting ceremony 8 December 2017.</p> <p>Promotional coasters delivered to 8 licenced premises in Warwick and Stanthorpe 21 December 2017.</p> <p>Additional 2000 promotional coasters ordered 22 December 2017.</p> <p>Promotional coasters delivered to further 3</p>	<p>Revised project plan 31 January 2018 (subject to being able to meet with the licensed premises members within that time frame).</p> <p>Targeted campaign to commence in February 2018.</p> <p>Receive additional coasters from supplier and deliver to remainder of licenced premises 31 January 2018.</p> <p>Coffee cups delivered to identified outlets in conjunction with project launch.</p>	Jun 18		Postponement of Licenced Premises members has delayed input from their sector. Awaiting a new date to meet with group.	DM	

	licenced premises 11 January 2018.						
Stanthorpe War Memorial Restoration	<p>Consultation with stakeholders to determine scope completed October 2017.</p> <p>Quote received for restoration to building \$22,845</p> <p>Quote received for restoration of honour boards \$9,398.</p>	<p>Ongoing consultation with stakeholders.</p> <p>Quotations being received for proposed works.</p> <p>Request revised quotations.</p> <p>Letters of support being received.</p> <p>Preparation of Lasting Legacies funding application and submission due 28 January 2018.</p>	Jun 18			KM	
Youth Council	<p>Youth Council Model and Youth Action Plan have been approved.</p> <p>Work being undertaken on development of new Youth Council model.</p>	<p>Develop Youth Council model, terms of reference/ guidelines, supporting framework, nomination and appointment process.</p> <p>Call for nominations/ applications by 28 Feb 2018.</p>	Feb 18			GJ	
Grants to Community	<p>Round Two closed 29 October 2017.</p> <p>The Assessment & Moderation process was complete.</p> <p>The Agenda Report was presented to the November 2017 Council Meeting.</p> <p>The Council resolutions have been actioned.</p>	<p>Round Two acquittals being received.</p> <p>Planning for annual review of grants program 26 January 2018.</p> <p>First stakeholders meeting scheduled 29 January 2018.</p> <p>Fast Grant – Interim Review report to Council Meeting 31 January 2018.</p>	Jun 18	\$257k		SH	

	The administrative processes are completed 21 December 2017.	2017/18 Fast Grant program remains open. Preparation for 2018/19 programs underway. Further report to January 18 General meeting to modify fast grant rules.					
Regional Arts Development Fund	Eight applications received requesting a total of \$108,578. One Reference Group member resigned prior to completing assessments and another member did not complete assessments for the third time so notification has been issued to remove member from the group. RADF Reference Group recommended 7 out of 8 applications at the assessment meeting 16/01/18	RADF Reference Group recommendations to Council Meeting 31/01/2018	Jun 18	\$105k		ZD	
Grant Applications	Status	Next Milestone Target Date	PC Date	Cost	Risk & Mitigation	PM	Project Tracking
Warwick Aerodrome – Construct Glider Strip	PMP developed. Preliminary costings completed. Funding application unsuccessful.	Funding to be sought through future budget consideration. Funding placed into draft 18/19 FY budget for Council consideration.	Jun 18	\$150k	Funding: grant may not be approved. Will need to consider/identify alternate funding sources should this be the case. Reputation: User	ZD	Lateness of funding identification will impact on PC date.

Initiation/Procurement Phase	Status	Next Milestone Target Date	PC Date	Cost	Risk & Mitigation	PM	Project Tracking
					groups likely to be quite active in process, however, stakeholders have been engaged early.		
Leslie Park Cenotaph Dais	<p>6 Dec 17 Committee requested Council assistance to project manage work.</p> <p>7 Dec 17 Request approved by CEO</p> <p>8 Dec 17 Exemption Certificate for proposed work lodged with Dept. Environment , Heritage and Science.</p>	<p>Exemption Certificate January.</p> <p>Contract Specification Draft – late Jan 18.</p> <p>Committee to confirm funding late Jan 18.</p>	Nov 18	\$80k Committee plus in-kind support in officer time.	Budget: Committee 50% of the way to the estimated figure. Project cannot proceed until budget confirmed.	MB	
Building Asset and Services Management Plan Improvement Actions	<p>Department engaged contractor to complete</p> <ol style="list-style-type: none"> Governance Hierarchy; Condition Assessment Manual; and Operations Manual. <p>All documents now in final stages. Documents circulated to key stakeholders for feedback.</p>	Final versions of the document to be submitted to Council by PC date.	Mar 18	\$12k		MB	
Killarney Multipurpose Facility and Willi Street Community Groups Relocation	<p>19 Dec 17 PMP approved.</p> <p>Meeting held to discuss requirements to</p>	Release RFQ to heritage consultants 25/01/18	Jun 19	\$695k	Multiple risks and their mitigation strategies identified in the PMP	AJ	

	relocate/develop the Local Heritage Registered Killarney Scout Hut – RFQ being drafted for Heritage Impact Report.						
Rest Area for Visitors and Travellers Incorporating New Entrance Signage	Wallangarra Community Meeting outcomes to influence scope. Site visit 08/01/18 to inspect possible location for works. Final PMP signed off and distributed 18/01/18	Wallangarra Community to be engaged when PMP signed off. Early February 2018 for meeting.	Dec 18	\$150k		ZD	
Regions Art Gallery Upgrade	Project dependency: Awaiting results of Stanthorpe Library Feasibility Study before proceeding further with this project.	Decision on library feasibility March 2018	Jun 19	\$150k	Time: Project dependent on library feasibility study being conducted by Corporate Services, which is not due until March 2018	AJ	Project dependent on Library Feasibility study being completed by Corporate Services.
Recreation Areas at Connolly Dam and Small Villages (BBQs and covered seats)	Final PMP signed off and distributed 18/01/18	Draft RFQ for procurement of BBQs and seating 02/02/18	Dec 18	\$150k		ZD	
Burial Wall at Warwick Cemetery	PMP Feedback received. Concept plan sketched. Enquiry sent to DEHP regarding development requirements on State Heritage Listed Warwick General Cemetery	Finalise PMP 25/01/18	Jun 19	\$180k	Time and Cost: Warwick Cemetery is heritage listed. May need State development approval to construct building on the site, may need to engage Heritage Architect for design in keeping with	AJ	

					heritage listing		
Dungaree Memorial Project	Applied for Heritage Exemption Certificate from Department of Environment, Heritage and Science as Leslie Park is State Heritage listed. PMP signed off and distributed 18/01/18	Heritage Exemption Certificate Jan 2018 Construction drawings from landscape architect – late February 2018	Dec 18	\$135k		ZD	
Big Thermometer (Stanthorpe)	Preliminary plans drawn and approved for design of footpath and caravan parking zone	Footpath and caravan parking zone construction late Jan 18	Jun 18	\$30k	Scope: Community Group Involvement may have higher expectations of Council than previously agreed. Location: Footings of structure have been built in flood zone. Chamber of Commerce have been made aware of risk to structure from flooding. Chamber of Commerce are willing to accept this risk	AJ	
John Simpson - Equestrian Sculpture	Preliminary meeting held with Mr Simpson, with further meeting arranged to understand scope of works. PMP Developed with a PC date in December 2017. John Simpson informed of	PMP sign off still to occur, however, this is dependent on Council funding. Meeting organised for mid-December with key stakeholders.	Dec 17	\$60k	Budget: Unclear what funding is in place? Proponent requested to meet with all key stakeholders Reputation: Managed process closely and align to	MB	Budget held by project sponsor John Simpson Agreed to be issues between stakeholders, meaning this project is unlikely to be delivered by the end of the year due to stakeholders not

	non-budget allocation in first quarter, meaning until a budget is identified, Council is unable to proceed with the actions tasked to it.				agreed PMP objectives and outcomes. Time: Likely to slip due to a lack of stakeholder engagement by proponent.		necessarily being able to proceed on equalised design.
Mini Golf (WRAC Facility)	RFQ Issued. Discussions held with submitters. Contacted WA LG to get a RFT that could be used to let this type of project. WA LG provided copy of their RFT. \$30K operational budget approved through the first quarter budget review. Meeting held between key stakeholders Nov 17 to discuss way forward. RFQ drafted and issued. RFQ close mid December 17. Limited submissions received with focus on design and construct, with prices offered far in excess of budget allocation.	Consider moving into negotiations with all invited submitters to identify appropriate outcome that meets LGA principles for contracting.	Dec 18	Design - \$30k Construction - TBC	Budget: Quarterly review to pick up potential future capital works.	MB	Whilst offers received by end of Oct, no one still at hand, meaning time missed, as per.
Stanthorpe Admin Building – Equitable Access	Project dependency: Awaiting results of Stanthorpe Library Feasibility Study before proceeding further with	Decision on library feasibility March 2018. Based on timing, consideration being given to defer project to following	Jun 18	\$150k	Quality: Obtain specialist advice Scope: Obtain specialist advice	AJ	Project on hold awaiting result of Stanthorpe Library Feasibility Study. Project recommended to be deferred.

	this project.	year and forecast budget out. Awaiting Council decision on 2 nd QTR budget.			Timing: Council meetings may need to be temporarily relocated Decision of feasibility likely to delay project. Consideration may be given to not proceed with project this financial year.		
Stanthorpe Admin Building – Underpinning	Project dependency: Awaiting results of Stanthorpe Library Feasibility Study before proceeding further with this project.	Decision on library feasibility March 2018. Based on timing, consideration being given to defer project to following year and forecast budget out. Awaiting Council decision on 2 nd QTR budget.	Jun 18	\$50k	Noise/dust nuisance during works – schedule works to after hours. Decision of feasibility likely to delay project. Consideration may be given to not proceed with project this financial year.	ZD	Project on hold awaiting result of Stanthorpe Library Feasibility Study. Project recommended to be deferred.
Construction/Implementation Phase	Status	Next Milestone Target Date	PC Date	Cost	Risk & Mitigation	PM	Project Tracking
Connolly Dam Toilets	Grant funding of \$120,000 fully expended. Project complete, awaiting final sign-off. Issues with building contractor delayed the completion of rectification works required to meet	Plumbing rectifications for compliance 19/01/2018 Minor building rectifications for compliance 23/01/2018 Certificate of Classification – date to be confirmed	Nov 17	\$170k	Water contamination – use experienced contractors, install environmentally appropriate systems Delay: Inclement weather may delay	ZD	

	building and plumbing compliance.				works – schedule works for winter		
Stanthorpe Fitness Centre - Building Compliance Rectifications	Draft plans to incorporate new toilets and kitchenette for Outside School Hours Care facility sent to Regulator for feedback on suitability Proceeding with existing plans for Building and Plumbing Approval in order for other works to commence ASAP Permanent new signage installed	Building and Plumbing Approvals Jan 18 Quarterly review of budget required to complete works. Recommendation to 2 nd quarterly review	Feb 18	\$130K, Council approval depended	No budget currently allocated, project proceeding to address safety issues Disruption to fitness activities – contractor aware of need to work with users	AJ	Timing for PC may be an issue Budget: No budget currently allocated to complete building works required to bring building into basic compliance
Stanthorpe Lions Park Toilets – Underpinning	Site Inspection with Manager Works Maintenance & Open Space on 12/01/18 to determine extent of drainage works recommended in Damage & Condition report. Works required exceed available budget. Earthworks for drainage deferred awaiting budget allocation. Some of the recommended remediation works (i.e. plumbing) can be completed.	Quotes for plumbing works 09/02/18	Jun 18	\$8k	Works in a public place – install temporary fencing to protect public Budget insufficient to carry out all recommended remediation works.	ZD	
Town Hall Toilets Decommissioning	Department of Environment, Heritage and Science advised Council that the Toilets will not be	Budget required to be identified through quarterly review.	Jun 18	TBC. Est. \$20k	Delay: Heritage Exemption Certificate required prior to	ZD	

	<p>included in the Heritage Listing.</p> <p>Heritage Exemption Certificate received 23/11/2017 (exemption required as the toilets are on the same lot as the Town Hall)</p> <p>Demolition approval (building work) in place.</p>	<p>Timing of demolition subject to funding allocation from 2nd QTR Review.</p>			<p>commencing</p> <p>Delay: Inclement weather may delay works</p> <p>Budget: No funding allocated.</p>		
<p>Warwick Town Hall – Fire Detection System</p>	<p>Extension for design to 31/01/18 due to contractor experiencing delays on other projects and storm damage at various locations</p>	<p>Design 31/01/18</p> <p>Supply and install 31/03/18</p>	<p>Jun 18</p>	<p>\$75k</p>	<p>Timing: schedule works around Town Hall bookings</p> <p>Quality: ensure works comply with Heritage Exemption Certificate</p>	<p>AJ</p>	
<p>Warwick Town Hall – Termite Damage Repairs</p>	<p>Termite damage repairs commenced (which can proceed under General Heritage Exemption Certificate). Additional termite damage discovered on southern exterior door frame.</p> <p>Application for Heritage Exemption Certificate submitted to Department of Environment, Heritage and Science to also replace the backstage hoop pine timber flooring that has been damaged by borers</p>	<p>Outcome of application for Heritage Exemption Certificate late mid-Jan 2018</p>	<p>Jun 18</p>	<p>\$60k</p>	<p>Heritage Listed Building – works to comply with General Heritage requirements</p>	<p>AJ</p>	

Warwick Water Treatment Plant Water Clarifier	Preparation for concrete pour for launders (base) Pipework commenced	Launder base concrete pour 17/01/18 Mechanical installation 29/01/18 to 09/02/18 Night works for Y-Piece connection week beginning 29/01/18 Practical Completion 16/02/2018 Commissioning 28/02/2018	Feb 18	\$2.4M	Water supply contamination: Use experienced contractors, no connection to water supply until all tests successful Funding: Unsuitable material may be struck onsite, requiring variations Delay: Inclement weather may delay works	AJ	Project delayed due to weather resulting in missing the mechanical component installation date for sub-contractor. Sub-contractor not available for mechanical component installation until early February 2018.
Completed Projects							
Allora Streetscape							
Building Asset and Services Management Plan							
Child Safety Week							
Disability Action Week							
Emu Swamp Dam Feasibility (NWIDF)							
Flood Mitigation Gauges							
Girls Empowerment Project – Partnership project between SDRC & SDIEA							
Local Level Alliance – Southern Downs							
Pioneer Park Swanfels Shelter Rebuild							
Seniors Month and Seniors Expo							
Short Street Shed Relocation							
Southern Downs Youth Network (SDYN)							
Talc Street Facility Transition							
Young Leaders Program							
Southern Downs Water Security Options Business Case							

Item 11.1 Engineering Services Department Monthly Report
Attachment 2: Works Construction 2017/18 Project Status Report

Works Construction 2017/18 Project Status Report - December 2017

Initiation/ Procurement Phase	Status	Next Milestone Target Date	PC date	Cost	Risks & Mitigation	PM	Project Tracking (Green - On Target) (Orange - Minor Slippage) (Red - Off Target)
Goomburra Rd widening & rehabilitation	Soil test completed. Scoping in progress.	Scoping & Project documents to be completed by early January 18. Possible commencement of works in early February 18.	Mar-18	\$500k	1) No major risks other than working near energised power lines. Appropriate precautions (spotter etc) will be taken when working near power lines. 2) Delay & rework due to inclement weather.	NK	Minor delay due to Fitzroy St works.
Alfred St storm water upgrade	Draft design completed. Storm water Management Plan prepared & sent to TMR for approval.	TMR approval to be obtained by January 18.	Apr-18	\$350k	1) Land resumption works (Ergon energy land) could delay works by 2 - 3 months 2) TMR may request SDRC to carry out additional works to address on going flooding of driveways.	NK/RB	TMR did not progress the approval process. NK to follow up.
Thames Ck culvert reconstruction	Design finalised & draft tender documents received. Budget (\$300,000) allocated.	Complete design & tender documents by January 18.	Mar-18	\$300k	1) The culvert is currently propped & to be constructed urgently. 2) Delay & rework due to inclement weather.	NK	Finalising tender documents not progressed well due to other priority projects.
Palmerin St footpath (W4Q2)	Funding received and scoping in progress.	Scoping including asset location/ relocation to be decided by January 18. Consultation with business owners to be commenced in February 18.	Apr-18	\$350k	1) Possible service relocation works could cost more & delay the works. 2) Work progress may be slowed to reduce impact on businesses. 3) Works should not be carried out from mid March to end of March 18 due to Commonwealth Baton Relay (29/3/18).	NK/PC	
Churhill Drive footpath (W4Q2)	Funding received.	Scoping including asset location/ relocation to be decided by February 18.	Jun-18	\$115k	1) Possible land resumption may delay the project.	NK/RB	
Warwick Cycleways	Line marking completed.	Signs to be installed by February 18.	Feb-18	\$33k	1) Possible over expenditure.	RB	
Stanthorpe cycleways	Funding received.	This is design only project for this financial year. Consultant to be engaged to carry out design of pedestrian bridge by February 18.	Mar-18	\$48k	1) Possible delay due to other priority projects.	NK/RB/ MH/ Ashleigh	Design consultant will be engaged in the near future by Maintenance Dept.
Defiance (Churchill Drive) Stormwater upgrade	Funding allocated.	Consultation with the Mill to be commenced to decide construction period. Design to be commenced in January 18.	Jun-18	\$350k	1) Possible delay due to other priority projects	NK/PC	Design consultant to be engaged & timeline for construction works has to be finalised to program construction works.
Reseal - North	Scoping in progress.	Pavement repair works to be commenced & sealing of some road are scheduled to commence in February 18.	Mar-18		1) No major risks other than working near energised power lines. Appropriate precautions (spotter etc) will be taken when working near power lines.	RB	Minor delay in finalising works due to other priority projects (Cycleways & Killarney Streetscape 2).
Construction Phase	Status	Next Milestone Target Date	PC Date	Cost	Risks & Mitigation	PM	Project Tracking
Inverransay Rd Widening & Rehabilitation	Stormwater extension & floodway extension completed. Sealing of first segment (approximately 500 m) completed.	Commencing road widening works on 8/1/18.	Mar-18	\$1.2M	1) No major risks other than working near energised power lines. Appropriate precautions (spotter etc) will be taken when working near power lines. 2) Delay & rework due to inclement weather.	NK	In Progress.
Schnitzlering St Upgrade (TEC - \$350,000; \$250,000 grants from State - W4Q)	Storm water & road works including sealing completed up to McEvoy St intersection. McEvoy St intersection works in progress. W4Q funded section completed in November 17 & SDRC funded section (intersection works) in progress.	Completes road works at intersection by January 18.	Jan-18	\$409k	1) Over expenditure due to service relocation works, design & rework on pavement. Amended budget (\$409,000) is inadequate	PC	Works in McEvoy St intersection in progress & expect to complete by January 18.

Item 11.1 Engineering Services Department Monthly Report
 Attachment 2: Works Construction 2017/18 Project Status Report

Resheeting Stage 2	Commencing on 9/1/18.	Completes Stage 2 by May 18.	May-18	\$800k	No risks other than WHS related during construction.	HT/ MB/ NK	
Amiens Rd widening	Works commenced in early January 18.	Completion of works by March 18.	Mar-18	\$1M	1) No major risks other than working near energised power lines. Appropriate precautions (spotter etc) will be taken when working near power lines. 2) Delay & rework due to inclement weather.	HT	
Fitzroy St rehabilitation (W4Q2)	Pavement repair work including sealing completed on 17 January 18. Signs & line marking to be completed.	Possible asphalt works depending on savings.	Feb-18	\$150k	1) Works should be completed well before the Commonwealth Baton Relay (29/3/18).	NK/ PC	Works commenced on 9/1/18 & sealing completed on 17/1/18. Possible asphalt works could be organised.
Reseal - South	Resealing completed for Wallangarra streets, Granite Belt Drive, Mt Tully Rd, Rabbit Fence Rd & High School carpark	Line marking to be completed by Feb 18.	Feb-18	\$600k	1) No major risks other than working near energised power lines. Appropriate precautions (spotter etc) will be taken when working near power lines.	HT/ RB	
Completed Projects							
Bows Rd bridge Replacement							
Connells Rd Bridge Replacement							
Blacksport 16/17 - Mt Tully Rd, Eukey Rd/ Sugarloaf Rd/ Mt Tully Rd, Old Stanthorpe Rd, Longs Lane & Connolly Dam Rd							
R2R Old Stanthorpe safety improvements (CH 15.44-16.48 km)							
Kenilworth St Upgrade (LGGS)							
Killarney Streetscape (\$100,000 grants from State - W4Q1)							
Killarney Streetscape- Stage 2 (\$50,000 grants from State - W4Q2)							

Water & Wastewater 2017/18 Project Status Report - December 2017

Initiation/Procurement Phase	Task	Current Status	Start	End	Dependencies/Issues	Project Status Green - On Track (Orange - Minor Slippage) Red - Off Budget
WATER						
Water trunk main - Storm King Dam to WTP	Grant funding has been announced. 100% For Construction drawings have been issued	Tender for procurement of pipe and construction contractors to be prepared - Advertising of Tender to commence January 2018		30-Jun-18 CK	Excavation in granite rock. Indefinite weather over an extended period of time. Availability of a suitable contractor. river crossings - permits required from Fisheries, DE-P, DERM to undertake works in Quart Pot Creek	
SCADA-Telemetry & Electrical Audit	most sites have been assessed - including all of Stanthorpe sewer sites	Receive and review audit report include switchboard / telemetry upgrade in capital program - January 2018		Jun-18 AE		
Wallangarra WTP renewal	Council has approved recommended tenderer	Award contract early January 2018. Initial pre-start meeting with successful contractor mid January		Jun-18 AE	health based targets have not yet been prescribed. Scope and budget creep - clarification of exclusions prior to awarding tender	
Network New Emergency Power Generators	All Tabor generator ready to be commissioned. Freestone Rd to be commissioned early 2018	generators to be commissioned and covers to be installed Jan 2018		Jan-18 SM	availability of contractors and delivery of generators on time	
Leyburn bore (water quality) - Desk top study	Report reviewed by Council. Council requests more information regarding options. Further testing in the network to be undertaken. New bore to be constructed	Quotes for new bore to be sourced. Request for Queensland Health to brief Council at next meeting		Jan-18 LC	New bore in same equifer - potential for further treatment of drinking water supply required	
Trunk Distribution Manifold Replacement Stage 1 (Design - Warwick)	Pump sizes to be determined (Stewart). Civil and Structural design to be finalised	Flow meter for Ellen Rd pump station to be installed. SD meeting to be scheduled - February 2018		Jun-18 SM	no design risks identified - design only	
John Dee water main - 150mm Rosehill Rd	Design in progress. Main Roads approvals in progress	Construction of water main - late January 2018		Feb-18 LC	Delay with Main Roads approvals	
Leslie Dam - manifold	SunWater has been contacted. Quota provided for initial condition assessment and network analysis	organise meeting with key SDRC personnel		Feb-18 CK		
Quart Pot Creek - recycled water pipes	submission for external funding has been prepared	waiting on advice from State Government regarding success of funding application				
TOTALS:						

Item 11.1 Engineering Services Department Monthly Report
 Attachment 3: Water & Wastewater 2017/18 Project Status Report

Construction Phase	Site	Contractor	Start	End	Notes	Progress
WATER						
Water Meter Renewals - Northern	In progress	ongoing	Jun-18	LV6	no risks identified	
Water Meter Renewals - Southern	In progress	ongoing	Jun-18	LP	budget has been reduced - reallocate to other projects	
Valves & Hydrants Renewals - Northern	valves and hydrants along Albion St to be renewed. Preparation of Traffic Management Plans in progress	Crews undertaking works on valves on either side of Albion St in preparation for night works	Mar-18	LV6	Main Roads approvals availability of staff and contractors	
Valves & Hydrants Renewals - Southern	In progress - budget amendment - reallocation of funds to other projects	project completed for 2017/18	Jun-18	LP		
Warwick WTP Upgrade Stage 1 - Clarifier	works have been poured	commencing Feb 2018	Feb-18	CK	project managed by Major Projects Team	
Bedflow Prevention Devices Renewal Northern & Southern	not started - determine scope and training required			LV6		
Warwick WTP - jetty to bedwash lagoon	to be completed after the clarifier contractor de-mobilises from site		Jun-18	LC		
Killarney (Hope St) and Mt Tabor pumps	procurement for Mt Tabor has been finalised	upgrade of Mt Tabor scheduled for January 2018. Hope St to be completed by Jun 2018	Jun-18	AE/SM		
TOTALS:						
WASTEWATER						
Stanhope WWTP Renewal of plug (turtle) valve	Project scheduled to be completed prior to Christmas			Dec-17	SM	
McBride St sewer main bridge - pipe	RFQ sent to contractors	quote close late December 2017		Jan-18	LC	
TOTALS:						

11.2 Naming of Boxs Road Bridge

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	PA to Director Engineering Services	ECM Function No/s: 28.63

Recommendation

THAT Council consider a name for the newly constructed bridge on Boxs Road, Tannymorel.

Report

Council has recently completed the construction of the new bridge on Boxs Road at Tannymorel.

On the 22 November 2017 Council called on the community to suggest a name for the new bridge with submissions closing on Friday 8 December 2017.

Council received two submissions for a name for the Boxs Road Bridge. Copies of the submissions are attached.

Sandra Brown has requested that the bridge be named Edward (Ned) Boxs Bridge after her great grandfather. Edward Box worked on Canning Downs station as an Overseer and had selected land that was part of Canning Downs when it was divided to build his family home on. Edward Box was born in 1858 and died in 1919 at the age of 61 years.

Rod Petersen has requested that the bridge be named Tom Petersen Bridge as the Petersen family have a legacy of living beside the bridge on Boxs Road since the early 1920's. The block on the North West side was originally owned by Tom's father Niels Petersen. Tom later purchased further blocks on the North East side. The current owner of Niels block is Tom's grandson Wayne and his wife Karen who have four daughters. They are 4th and 5th generation Petersen's.

There is no other family left in the Tannymorel district that has a relationship, spanning five generations, with this particular crossing on Farm Creek. Tom was well respected by the local community and his family hope that Council will consider naming the bridge "Tom Petersen Bridge" in his honour thus leaving a lasting legacy to his contribution to the community.

Council received a letter from Joan Finucane in February 2017 requesting that a memorial be created in honour of her father John Joseph O'Connor Healy (letter attached). John Healy was a clerk with the Warwick Railway Department. From 1935 to 1947 John Healy was a state member of the Queensland Parliament and was responsible for the bitumen road over Cunningham Gap. Council replied in March 2017 acknowledging the contribution that the Healy family had made to the Southern Downs Region and her letter would be provided to the Director Engineering Services and will be referenced when the next opportunity arises.

Budget Implications

The cost to erect signs is estimated to be \$400.00 which can be funded from the bridge budget.

Policy Consideration

Nil

Community Engagement

On the 22 November 2017 Council called on the community to suggest a name for the new bridge with submissions closing on Friday 8 December 2017.

Legislation/Local Law

Nil

Options

1. Consider one of names for the newly constructed bridge on Boxs Road, Tannymorel.
2. Choose not to name Boxs Road bridge.

Attachments

1. Correspondence from Sandra Brown [View](#)
2. Correspondence from Rod Petersen [View](#)
3. Correspondence from Joan Finucane [View](#)

EXPRESSION OF INTEREST NAMING OF BOX`S ROAD BRIDGE

Sandra Brown

P O Box 1300

Warwick Qld 4370

PH: 0405 676 786



Residential address:

386 Strudwicks Rd

Junabee 4370

NAME OF BRIDGE

Edward (Ned) Box`s Bridge

As I`m the great granddaughter of Edward Box I believe the bridge should have Edwards name. As he worked on Canning Downs when it was a station as an Overseer. During his time working on the station he was able to select a piece of land and built his family home on, that was part of Canning Downs, when it was divided.

His sons and daughters owned other pieces of land in the local area as does his grandson (my father) Robert John Box Jnr and I own land not far from where the Box family home was built.

Edward was born in 1858 and died in 1919 at the age of 61 years.



**Rod Petersen
49 Melrose Road
Killarney Qld 4373**

Phone Mob: 0427 622687 or 4664 1374

6 December 2017

**My submission on behalf of the family of a name for the new bridge on
Boxes Road, Tannymorel is:-**

TOM PETERSEN BRIDGE

The Petersen family have a legacy of living beside the bridge on Boxes Road since the early 1920's. The block on the North West side was originally owned by Tom's father Niels Petersen. Tom later purchased further blocks on the North East side. The current owner of Niels block is Tom's grandson Wayne and his wife Karen who have four daughters. They are 4th and 5th generation Petersen's. The block was previously owned by Tom's son Rodney who is Wayne's father.

There is no other family left in the Tannymorel district that has a relationship, spanning five generations, with this particular crossing on Farm Creek.

Tom Petersen and the late Owen Wagner, another long term neighbour of the bridge, took responsibility for many years, for clearing the previous bridge of debris following flooding.

Tom spent his whole life as a neighbour to the bridge and during his lifetime he was also involved with many organisations within the community.

- He served many years a Tannymorel School Secretary. (now known as P & C's)
- Secretary to the Tannymorel Bowls Club for as long as he was able.
- He was Secretary when the current Tannymorel Bowls Clubhouse was built. It was opened in 1987 and has become a very active social venue for residents of the area and a credit to the committee at the time.

- Tom and the late Allan Castle were responsible for the upkeep and maintenance of the Tannymorel Bowling Green for many years.
- Tom spent many years as an executive member of the Killarney Anglican Parish Council. He held the rolls of the Tannymorel District Warden, Rector's Warden, Secretary and Treasurer over the years.
- Tom also gave willingly of his time and equipment for working bees at the school, Tannymorel Bowling Club, the Church and Tannymorel School Sports Association.

Tom (Thomas Frederick) Petersen passed away in late 1989 after a lifetime of association with the previous bridge and service to his community.

Tom's early years on the farm were not easy as in his mid 20's he contracted polio and he was told he would never farm again. However determination saw him return to his farm and the life he loved.

He was a quite but responsible man who always helped the community but never sought the limelight. This was evidenced by the fact he never sought or held the roll of President of the associations he supported but was willing to do the hard yakka as secretary.

Several Petersen family descendants are still active members of both the Tannymorel and Killarney districts.

Many a tale could be told by members of the Petersen, Wagner and Jensen families of rides down the hill, round the bend to the bridge and also about journeys home from the Bowling Club. The bend has been somewhat lessened with the building of the new bridge and with its increased height should be unlikely to flood again.

Tom was well respected by the local community and his family hope that you will consider naming the bridge "Tom Petersen Bridge" in his honour thus leaving a lasting legacy to his contribution to the community.

Rod Petersen
49 Melrose Road
Killarney 4373

Phone Mobile 0427 622687 or 4664 1374.

24 Goble Street
Hendra Qld 4011

23 February 2017

The Chief Executive Officer
Southern Downs Regional Council
Corner Fitzroy & Albion Street
WARWICK QLD 4370

SOUTHERN DOWNS REGIONAL COUNCIL WARWICK BRANCH			
RECEIVED			
28 FEB 2017			
			File
Tsk			
Dst			
Fwd			

Dear Sir/Madam

Twice previously I have written to the Warwick Council receiving no acknowledgment of my letters on either occasion. However, I am hoping my third attempt will prove successful.

Having spent many of my early years, until my marriage at St Mary's in 1947, I still visit relatives and enjoy the nostalgia of memories. Warwick is a beautiful city, laid out in squares as is Melbourne.

My mother, born in Warwick was Florence May Ahern and married my father, John Joseph O'Connor Healy in Warwick in 1921. He was a clerk in the Railway Department, Warwick and in 1932 contested the State Election under the banner of the Australian Labour Party against Mr G P Barnes, a business man and one of nature's gentlemen. He was not successful but in 1935, upon the retirement of Mr Barnes, he contested the seat against Mr Dan Connolly winning by a slim majority. He contested the next four elections, having been defeated by Mr Otto Madsen in 1947.

During my father's time in Parliament, Warwick was declared a city in 1936 and he was responsible for the bitumen road over Cunningham Gap. It was suggested by the Minister for Works at the time, Mr Bruce that the road should be named Healy Highway as my father said rightly so, that it should be called after Alan Cunningham Highway.

It occurred to me on one of my visits that although Mr Madsen had been honoured by the Council. There was nothing in memory of my father – not a street, a place, or a park.

My father was a grandson of John Healy, a Councillor on the Warwick Town Council in the period 1882 – 1889 and is known as the father of the Town Hall clock. No doubt you are aware of this as it has been recorded in booklets at the time of the 100 year anniversary of Warwick Town Hall 1888-1988. John Healy died on 19/12/1918 and is buried in Warwick Cemetery with his wife Kate who died on 3/5/1923.

I have no doubt many residents past and present deserve recognition but I am sure there would be few who could match the grandfather – grandson connection.

I respectfully ask for your thoughts on my suggestion that a memorial be created in my father's honour.

Sincerely



Joan Finucane

Cc Honourable Laurence Springborg





DK:MES/2715172

13 March 2017

Please address all communications to:
The Chief Executive Officer
Southern Downs
Regional Council
PO Box 26
Warwick Qld 4370

mail@sdrcl.qld.gov.au
www.sdrcl.qld.gov.au

abn 59 786 792 651

Warwick Office
64 Fitzroy Street
Warwick Qld 4370

Stanthorpe Office
67 Marsh Street
Stanthorpe Qld 4380

t 1300 MY SDRC
(1300 697 372)

f 07 4661 0333

Joan Finucane
24 Goble Street
HENDRA QLD 4011

Dear Mrs Finucane

Re: Memorial

Thank you for your letter dated 23 February 2017 and please accept my apologies for not responding sooner. I acknowledge receipt of your correspondence and the content of the letter. The contribution of your family to the Southern Downs Region has certainly been significant and spread across the generations.

Attached to this letter is the Roads and Street Naming Policy, which is due to be reviewed. This Policy details the process by which Roads and Streets are named.

It is noted that recently Council sought Expressions of Interest for the naming of a number of bridges that have recently been completed. The community response to the Expression of Interest process was substantial with many residents seeking to have relatives acknowledged, as well as members of the community. Future Expression of Interest processes will be advertised on Council's website www.sdrcl.qld.gov.au

A copy of your letter will be provided to the Director Engineering Services and will be referenced when the next opportunity arises.

Thank you again for your letter and please accept my apologies for the delay in responding.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. Keenan', is written over a white background.

David Keenan
Chief Executive Officer

Enc

24 Goble Street
Hendra Qld 4011

10 April 2017

Chief Executive Officer
Southern Downs Regional Council
PO Box 26
WARWICK Qld 4370

Dear Sir,

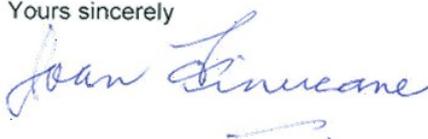
Re: Your reference DK:MES/2715172

Thank you for your letter of 13 March 2017 and note that you have forwarded a copy of my request to the Director Engineering Services.

I have carefully read the attachments to your letter and consider that there is no further need for any action on my part.

Trusting for a favourable consideration by the Engineer and the Council.

Yours sincerely



Joan Finucane

SOUTHERN DOWNS REGIONAL COUNCIL WARWICK BRANCH	
RECEIVED	
20 APR 2017	
Action Officer:	File
Task	
Dst	
Fwd	



11.3 Naming of Rogers Street Car Park

Document Information

 Southern Downs <small>REGIONAL COUNCIL</small>	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	PA to Director Engineering Services	ECM Function No/s: 28.63

Recommendation

THAT Council consider a name for the Rogers Street Car Park.

Report

In 2017 Council completed the upgrade to the Rogers Street Car Park and a request was received to consider a name for it.

On the 22 November 2017 Council called on the community to suggest a name for the Rogers Street Car Park with submissions closing on Friday 8 December 2017.

Council received eleven submissions. Copies of the submissions are attached.

Below is a summary table of the submissions.

Submitter	Name	Reasons
Mally McMurtrie	Doug Smith Car Park	Doug Smith was a former Stanthorpe Shire Councillor who put forward a plan for a new car park outlining the site, size and benefits . Council purchased land in Rogers Street for the future.
Greg Thouard	Doug Smith Car Park or Smithys Car Park	Doug Smith was a Stanthorpe Shire Councillor, a strong member of the Chamber of Commerce and operated a large emporium, Furnishings 'n Things, at the southern end of the CBD. During his time on Council, the Stanthorpe Plaza with a major supermarket and a string of speciality shops opened on the northern CBD. This popular shopping centre with large car park drew strong support from local shoppers. Shops outside this new establishment, or "down town" shops as they were become known, witnessed ailing trade times. The new establishment started its own group, The Plaza Tenants Association, with its own promotions and finally a strong shopping presence.
Cr Vic Pennisi	Doug Smith Car Park	During Doug Smith's time as Deputy Mayor of Stanthorpe Shire Council he had the vision and advocacy that land was purchased for the specific planning of building a car park.

Denise Ingram	Mally McMurtrie Car Park	Throughout her career as a councillor in Stanthorpe Shire and later Southern Downs Regional Council. Mally continued to advocate for the vision of Doug Smith to complete the car park. Mally at times has very vocally maintained the momentum to see the completion of the long anticipated Rogers Street Car Park finally come to fruition.
Denise Ingram (2nd Submission)	Rogers Street Car Park	For sentimental reason retain the name Rogers Street Car Park, which is the name currently known and used in the community. The name is out of respect for two former mayors of the Stanthorpe Shire. Father and son Fred and Glen Rogers.
Gloria Robertson	Rogers Street Car Park	Leave it as Rogers Street Car Park
Tara Atkinson	Quart Pot Car Park	Quart Pot Car Park has a nice ring to it. And it is almost right next to Quart Pot Creek
Tara Atkinson	Richard Pfeiffer Car Park	Richard Pfeiffer Car Park as he is the local artist who carved the mini monolith, show casing the local creativity that emerges from our beautiful environment.
David Lee	Samual Lee Car Park	Naming the car park the SAMUEL LEE CAR PARK would honour the business man, SAMUEL LEE, who commenced a printing business that served the town of Stanthorpe and areas throughout Australia and overseas for three generations.
	Lee Caxton Car Park or Caxton Lee Car Park	The location of the new car park is inextricably linked to the Lee family, and the historical reference to William Caxton - and the building named in his honour - would be a fitting tribute to the past use of the land.
	Lees Car Park	To name the Rogers Street Car Park the LEES CAR PARK would honour the name of a businessman, Samuel Lee, who began a printing business that served the town of Stanthorpe for 90 years.
	Lee Car Park	To name the Rogers Street Car Park the LEE CAR PARK would be a fitting tribute to honour the life of a very long time Stanthorpe resident whose current age has already placed her name in the record books of Australian supercentenarians.
Karen Dwyer	Stannum Miners Car Park or Tin Miners Car Park	Tin is what first influenced people to move to this region and the carpark is situated in close proximity to our lovely creek. Miners would most likely have camped in this area. Tin is also found alongside granite rock and with the beautiful granite sculptured rock either name would be fitting.
Carol Van Klaveren	The Frome Car Park	Mr and Mrs Frome used to walk to work from their house next to the car park along Frome Lane for many years. They had a great business, useful to many in the community and were friendly and helpful to all.
Dell Wells	The Wells Car Park	For many years George & Dell Wells owned several shops in Rogers Street. Dell also ran the Apple & Grape Festival as Secretary and/or treasurer for 24 years.

Budget Implications

The cost to erect a sign is estimated to be \$400.00 which can be funded from the signage budget.

Policy Consideration

Nil

Community Engagement

On the 22 November 2017 Council called on the community to suggest a name for the Rogers Street Car Park with submissions closing on Friday 8 December 2017.

Legislation/Local Law

Nil

Options

1. Consider one of the names for the Rogers Street Car Park
2. Do not name the Rogers Street Car Park.

Attachments

1. Submissions Received for the Naming of Rogers Street Car Park [View](#)

Denise Ingram

PO Box 292

Stanthorpe Qld 4380

Southern Downs Regional Council

RE: Naming of Rogers Street Car Park.

The Car Park in Rogers Street Stanthorpe which has recently undergone a process which was envisaged many years ago in the Stanthorpe Shire Council days.

The site of the car park was set aside to be developed as an off High Street parking facility. It was planned that workers in the CBD could park in Rogers Street, to allow more parking for shoppers in the main Street and as overflow parking. It was envisaged that large vehicles, caravans and trailers would also be able to park close to the CBD. The current work which has included a walkway from High Street through Frome Lane to provide easy access between the car park and shops.

While I am aware the late Councillor Doug Smith was the early instigator of the planned car park. I would like to submit the name of Mally McMurtrie to be commemorated in the naming of the car park. Throughout her career as a councillor in Stanthorpe Shire and later Southern Downs Regional Council. Mally continued to advocate for the vision of Doug Smith to complete the car park. Doug was unsuccessful in his bid for Mayor in 1997. Mally at times has very vocally maintained the momentum to see the completion of the long anticipated Rogers Street Car Park finally come to fruition.

I therefore respectfully submit Mally McMurtrie Car Park as the name of "Rogers Street Car Park."

Thank you for giving consideration to my submission.

Yours sincerely

Denise Ingram

28/11/2017

Denise Ingram
PO Box 292
Stanthorpe 4380

Southern Downs Regional Council

I have made a previous submission to SDRC in response to a call for expression of interest in naming of the Rogers Street Car Park.

Having spoken to several people recently it appears that there is a sentiment to retain the name Rogers Street Car Park, which is the name currently known and used in the community. That name would be out of respect for two former mayors of the Stanthorpe Shire. Father and son Fred and Glen Rogers.

The following suggestion was conveyed to me by an elderly lady, who does not have access to computers. She did not wish to be named.

The name I submit on behalf of that lady is Phyllis Lee. Mrs Lee recently turned 110. She is the oldest woman in Queensland. Mrs Lee worked for Samuel Lee & Co. Newsagent and Printing Company as Phyllis Hamilton. As a result of that employment she met and married Wesley Lee. The family business continued. Lees Newsagency and the printing business International Colour Productions. Were carried on by her 2 sons.

The business operated from the premises adjoining Fromme Lane until the building was renovated and since renovation in recent years occupied by Wayne's World and now Price Busters. As Fromme lane now part of the streetscape connection to the car park there is a real connection between local retail history and Mrs Lee.

I submit this for the consideration of Councillors.

Yours sincerely

Denise Ingram

From: Vic Pennisi
Sent: Tuesday, 7 November 2017 5:18 PM
To: Marion Seymour
Subject: Doug Smith

Hi

Would you mind asking the Director of engineering if he would consider including a report in the Nov meeting agenda considering naming or dedicating the Rogers Street car park to Doug Smith. Doug was the deputy mayor at the time and it was as a result of his vision and advocacy that the land was purchased and held for the specific strategy of building a car park. He died some time ago but his widow lives here and two of his sons own successful businesses in Southern Downs. The Smith family were successful pioneers in the furniture and floor covering industries. A simple plaque screwed to the granite rock and an unveiling by the family would be a fitting conclusion to this long awaited project and I am sure would be well received by all. More detail could be collected from ex councillor McMurtrie.

Thank you

And

Regards

Vic

Sent from my iPad

From: Tara Atkinson [<mailto:tara@mindbodysynergy.com.au>]

Sent: Thursday, 30 November 2017 6:56 AM

To: General Enquiries

Subject: New Car Park Naming

Quart Pot Car Park has a nice ring to it. And it is almost right next to Quart Pot Creek.

Or Richard Pfeiffer Car Park considering he is the local artist who carved the mini monolith, showcasing the local creativity that emerges from our beautiful environment.

Warmest Regards,

Tara Atkinson

+61 415 363 372

Mind Body Synergy & Skills to Thrive

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From: davo [<mailto:mally@halenet.com.au>]
Sent: Thursday, 30 November 2017 9:43 AM
To: Tracy Dobie
Subject: ROGERS STREET CAR PARK

Dear Mayor Dobie and Councilors,

This is in response to your request in the Warwick Daily News dated Wednesday 29th November.

One day, in the 1990's, a Councilor by the name of DOUG SMITH came to our meeting of the Stanthorpe Council and put forward a plan for a new car park. He had found out that a part of Rogers Street was up for sale.

He put a full plan before Council, which included the site, size, price and the benefits to all.

It was agreed, by all, to purchase the lot for the future.

His foresight is why we have a car park and it should be noted that he has passed and that is why I am putting forward that the car park be named "DOUG SMITH".

Thank you for the opportunity to have a say

Kind Regards

Mally McMurtrie



Apple & Grape Harvest Festival

Stanthorpe Festival Association Inc.

23 February to 4 March, 2018

7 December 2017

Mr David Keenan
Chief Executive Officer
Southern Downs Regional Council
PO Box 26
WARWICK QLD 4370

Dear David

Submission for naming Rogers Street Car Park

Name & Contact Details.

Greg Thouard
President, Stanthorpe Apple & Grape Harvest Festival
PO Box 338, Stanthorpe Qld 4380
Mob: 0400 750 351 E: president@appleandgrape.org

Suggested Name

Doug Smith Park or Smithy's Car Park

Statement Supporting Suggested Name

The late Doug Smith was a Stanthorpe Shire Councillor, a strong member of the Chamber of Commerce and operated a large emporium, Furnishings 'n Things, at the southern end of the CBD. During his time on Council, the Stanthorpe Plaza with a major supermarket and a string of speciality shops opened on the northern CBD. This popular shopping centre with large car park drew strong support from local shoppers. Shops outside this new establishment, or "down town" shops as they were become known, witnessed alling trade times. The new establishment started its own group, The Plaza Tenants Association, with its own promotions and finally a strong shopping presence.

Council records will show that Cr Doug Smith lobbied Council to push ahead with CBD Improvements and in the drive to attract "down-town shopping", he finally convinced Council to buy a vacant block between Rogers and Creek Streets for a car park. The purchase finally occurred, the land was a casual car park and the rest is now embodied in SDRC history with the completion of a marvellous car park and stylish access laneway, Fromes Lane. Identities such as the Frome family are recognised by the laneway name, and influential family and Council involvement by Fred Rogers and Glen Rogers is recognised in the Rogers Street name, all that is left is to recognise is the proponent behind the car park idea, Doug Smith.

Doug's local history as a community identity is:

- Apple & Grape Harvest Festival long serving committee member, two-term president and Life Member
- Life member of Football Stanthorpe for contribution to Junior Soccer
- Inaugural Chairman of the Granite Belt Tourist Association
- Chamber of Commerce member and spokesperson for that group for many years
- Councillor with Stanthorpe Shire Council

P.O. Box 338, Stanthorpe Qld 4380
T: (07) 4681 4111
E: info@appleandgrape.org
W: www.appleandgrape.org



Apple & Grape Harvest Festival

Stanthorpe Festival Association Inc.

23 February to 4 March, 2018

- Lions Club Stanthorpe 24 years including president, Zone Chairman and Deputy District Governor
- Strong volunteer history with Meals on Wheels, Probus Club, Stanthorpe Tourist Office, Masonic Lodge, cricket and overall a willing worker for many community events.

Yours sincerely

Greg Thouard
President

P: 0400 750 351
E: president@appleandgrape.org

P.O. Box 338, Stanthorpe Qld 4380
T: (07) 4681 4111
E: info@appleandgrape.org
W: www.appleandgrape.org

3 Allison St
Dunthorpe
H380.

To
CEO

Southern Downs Regional Council

May I ask what is wrong
with Rogers Street Car Park.

Fred Rogers was a great mayor as well
as a great man.

It was my privilege to know him
for many years. and I feel it would
be fitting to keep the name Rogers
Car Park.

No doubt there are many worthy
people the park could be named after
but whoever you choose some people
will complain

SOUTHERN DOWNS REGIONAL COUNCIL	
WARWICK BRANCH	
RECEIVED	
27 NOV 2017	
Action Officer:	<input checked="" type="checkbox"/> File
Tsk	<input type="checkbox"/>
Dst	<input type="checkbox"/>
Twd	<input type="checkbox"/>

Yours Sincerely
Gloria Robertson

Southern Downs Regional Council

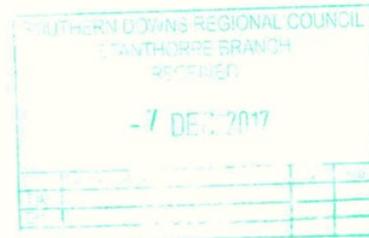


DOC0270225



ROBERTSON

The Chief Executive Officer
Southern Downs Regional Council
PO Box 26
Warwick Qld 4370



Dear Sir

In response to the -
EXPRESSION OF INTEREST
NAMING OF ROGERS STREET CAR PARK
in the Stanthorpe Border Post on 23rd November 2017,
I wish to offer 5 suggestions with a statement to support each suggestion.



DAVID LEE

1. **SAMUEL LEE CAR PARK**
2. **LEE CAXTON CAR PARK**
3. **CAXTON LEE CAR PARK**
4. **LEES CAR PARK**
5. **LEE CAR PARK**

CONTACT DETAILS:

David Lee
2 Day Street, Stanthorpe 4380

Phone: 0407 123 006
Email: dwjlee@bigpond.com

Southern Downs Regional Council



DOC0270528

SAMUEL LEE CAR PARK

Samuel Lee, a craftsman and printer of distinction, came to Stanthorpe in 1920 with a small printing press that he had brought with him from England. He purchased land on the southern side of what is now Fromes Lane and built a block of shops, naming the building "Caxton Building" and his business he named Samuel Lee & Co.

In 1928 Tony and Barbara Frome arrived in town from Tenterfield to set up a drapery store. They rented a shop in the Caxton Building with a handshake from Wesley Lee (son of Samuel Lee). Michael & Co., as the store was known, remained a valued tenant in the building, without a lease, for the next 54 years.

The printing business begun by Samuel Lee continued in the family for the next 90 years in Caxton Building. The business had a reputation for quality work and was always on the cutting edge of new technology. Printing post cards was a major part of the business producing scenic views for towns and cities throughout Australia and markets overseas.

Samuel Lee took scenic photos using glass negatives and reproduced the scenes in sepia. In the 1940's & 50's Wesley Lee printed the scenic views using fake colour printing. In the early 1960's David Lee (Wesley's son) developed a technique that was revolutionary for its time that enabled post cards and scenic views to be reproduced and printed from a colour transparency.

Naming the car park the **SAMUEL LEE CAR PARK** would honour the business man, SAMUEL LEE, who commenced a printing business that served the town of Stanthorpe and areas throughout Australia and overseas for three generations.

LEE CAXTON CAR PARK or **CAXTON LEE CAR PARK**

The location of the new Rogers Street Car Park, and the history of the area upon which it stands, both lend credence to the ideal name for the new facility: **LEE CAXTON CAR PARK** or **CAXTON LEE CAR PARK**.

Back in 1476, William Caxton set up the first printing press in England. Almost 500 years later, in 1920, Samuel Lee purchased the land adjacent to Rogers Street and Maryland Street and built "Caxton Buildings", home to a printing and stationery business named Samuel Lee & Co.

Samuel Lee & Co. continued operating from the same premises, as a family business, for 90 years. David Lee, a now retired resident of Stanthorpe, is a 7th generation printer and worked in the Caxton Building for 58 years. His ancestors had commenced in the printing industry in England in the early 1800's and the tradition continued for over 200 years, until 2010.

Phyllis Lee, still living in Stanthorpe today at the age of 110 years, married Wesley Lee (son of Samuel Lee) and began working in the family business in 1925.

The location of the new car park is inextricably linked to the Lee family, and the historical reference to William Caxton – and the building named in his honour – would be a fitting tribute to the past use of the land.

LEES CAR PARK

Samuel Lee built "Caxton Building" in 1920 adjacent to the Rogers Street Car Park and what is now known as Fromes Lane and set up a printing and stationery business known as Samuel Lee & Co. Wesley Lee (son of Samuel), carried on the business for more than 40 years followed by his son David Lee who worked in the family printing business for 58 years.

Wesley Lee was a highly respected businessman in Stanthorpe with high ethical standards. He was heavily involved in the community - Red Cross, Bush Children, Masonic Lodge and the Methodist Church. His wife Phyllis worked in the business for nearly 50 years and recently celebrated her 110th birthday - the oldest person living in Queensland and recognized as only one of three supercentenarians living in Australia.

David Lee has the distinct and probably unique honour of being a 7th generation printer. Now retired, he is a proud resident of the town of Stanthorpe.

To name the Rogers Street Car Park the **LEES CAR PARK** would honour the name of a businessman, **Samuel Lee**, who began a printing business that served the town of Stanthorpe for 90 years.

LEE CAR PARK

Phyllis Lee, at the age of 110 years, is the oldest person living in Queensland and recognized as one of only three supercentenarians living in Australia. Currently living in "Carramar" in Stanthorpe she has been a resident of Stanthorpe for 98 years.

Phyllis came to live at Applethorpe with her family in 1919 when her father bought an orchard in the area. In 1925 she took up domestic duties working in the mornings at the home of Samuel & Ellen Lee in College Road, then in the afternoon working in the printing and stationery business of Samuel Lee & Co.

In 1933 she married Wesley Lee (son of Samuel & Ellen Lee) and continued working in the business of Samuel Lee & Co. for the next 40 years.

To name the Rogers Street Car Park the **LEE CAR PARK** would be a fitting tribute to honour the life of a very long time Stanthorpe resident whose current age has already placed her name in the record books of Australian supercentenarians.

From: Karen Dwyer [<mailto:karendwyer09@bigpond.com>]
Sent: Friday, 1 December 2017 6:32 PM
To: General Enquiries
Subject: Carpark Stanthorpe

Hi There

My suggestion for carpark in Roger Street, Stanthorpe is "Stannum Miners Carpark" or "Tin Miners Carpark".

I feel it would be difficult to name after one particular person.

Tin is what first influenced people to move to this region and the carpark is situated in close proximity to our lovely creek. Miners would most likely have camped in this area.

Tin is also found alongside granite rock and with the beautiful granite sculptured rock I thought above name would be fitting.

Regards

Karen Dwyer
10 Moss Court
Stanthorpe
M # 0418870978

Sent from [Mail](#) for Windows 10

From: Carol van Klaveren [<mailto:carolvanklaveren@gmail.com>]
Sent: Tuesday, 12 December 2017 7:33 AM
To: General Enquiries
Subject: Naming the new car park in Rogers Street Stanthorpe

The name I suggest for the new car park between Rogers Street and Creek Street is "The Frome Carpark". I remember Mr and Mrs Frome walking from their house next to the car park along Frome Lane for many years. They had a great business, useful to many in the community and were friendly and helpful to all.

Carol van Klaveren

SOUTHERN DOWNS REGIONAL COUNCIL
STANTHORPE BRANCH
RECEIVED

SDRC. 27. 11. 17.
29 NOV 2017 P.0429 667 809

Dear Sir,

I would like to see the Rogers St Car Park named "The Wellb Car Park". For many years George & Dell Wellb owned several shops on Rogers Street. At least 30 or more years we called our businesses Wellb Auto Parts & Electrical Service. In this shop we ran a spare Parts Shop & an Auto Electrical Shop. We then opened another store where Life Line is now we called it Wellb's Equipment Store. We sold Honda & Suzuki & Motocycles. Also many Husqvarna & Sawes etc. & Honda Power Products. Dell also ran the Apple & Grape Festival as Secretary & or Treasurer for 24 years so it should be fitting that something should be named after us. George passed away in 2008 at 66 years of age from Leukemia & Dell still lives at 49 Harris St Stn opposite the C& White Oval. Awaiting your reply.

Regards. Dell Wellb

11.4 Grants to Community - Fast Grant - Interim Review

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Manager Community Services and Major Projects Community Services Officer (Grants)	ECM Function No/s: 15.45

Recommendation

THAT Council approve:

1. The removal of all references to “*short-term emergent or immediate need*” under the Grants to Community – Fast Grant and replace it with “*The Fast Grant provides small amounts of financial assistance to not-for-profit organisations for projects or activities that will benefit the Southern Downs communities.*”
2. The removal of all references to “Priority of funding offers is given to applicants that did not receive grant funding from Council in the previous twelve months” under the Grants to Community – Fast Grant to allow all applications to be considered on their merit.

Report

The Chief Executive Officer has requested an urgent review of the Grants to Community – Fast Grant (“Fast Grant”) program.

Currently, the Fast Grant funding stream “is aimed at providing small amounts of financial assistance to not-for-profit organisations where a short-term emergent or immediate need for a project or activity arises.”

At the time of writing this report, one (1) Fast Grant application had been awarded in 2017/18 for \$950 leaving a balance of \$9,050 in the current budget allocation.

In order to deplete the balance of the Fast Grant this financial year, Council could consider removing all the references to “*short-term emergent or immediate need*” in the Grants to Community documentation and information. This would relax the purpose of the Fast Grant funding and provide organisations with broader scope to apply for the Fast Grant which is capped at \$1,000 per application per financial year.

Accordingly, it is recommended that all the wording in the Grants to Community documents and information for Fast Grants be amended to read – “*The Fast Grant provides small amounts of financial assistance to not-for-profit organisations for projects or activities that will benefit the Southern Downs communities.*”

Budget Implications

To expend the balance of the Fast Grant budget of \$9,050 prior to 30 June 2018.

Policy Consideration

Grants to Community Policy

Community Engagement

Further engagement is scheduled later this year.

Legislation/Local Law

Local Government Act 2009

Local Government Regulation 2012

Options

1. Remove all the Grants to Community – Fast Grant references to “short-term emergent or immediate need” and replace it with “The Fast Grant provides small amounts of financial assistance to not-for-profit organisations for projects or activities that will benefit the Southern Downs communities.”
2. Do not remove all the Grants to Community – Fast Grant references to “short-term emergent or immediate need” and replace it with “The Fast Grant provides small amounts of financial assistance to not-for-profit organisations for projects or activities that will benefit the Southern Downs communities.”
3. Reject these options and provide an alternative course of action.

Attachments

Nil

12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

12.1 Operational Plan Quarterly Report October to December 2017

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Governance and Grants Officer	ECM Function No/s: 13.45.01

Recommendation

THAT Council receive the contents of the Operational Plan Quarterly Review – October to December 2017.

Report

The *Local Government Regulation 2012* requires that Council prepare and adopt an Operational Plan for each financial year. The Regulation also requires that Council must make assessments of its progress towards implementing its Operational Plan at regular intervals of not more than 3 months and that it must discharge its responsibilities in a way that is consistent with the annual Operational Plan.

Officer comments regarding the status and progress/completion of the 2017/2018 Operational Plan actions for the period 1 October 2017 to 31 December 2017 are attached.

Budget Implications

The Operational Plan is consistent with Council's 2017/2018 Budget.

Policy Consideration

The Operational Plan reflects the long term goals identified within the 2014-2019 Corporate Plan (Revised Edition).

Community Engagement

Nil

Legislation/Local Law

Section 174 of the *Local Government Regulation 2012* states that Council must prepare and adopt an annual operational plan for each financial year

Section 174(3) of the *Local Government Regulation 2012* states that a written assessment of the local government's progress towards implementing the annual operational plan must be presented at meetings of the local government held at regular intervals of not more than 3 months

Options

Council:-

1. Receive the contents of the Operational Plan Quarterly Review – October to December 2017.
2. Not receive the contents of the Operational Plan Quarterly Review – October to December 2017.

Attachments

1. Operational Plan Quarterly Review October to December 2017 v2 [View](#)

Engineering Services

Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i> 1.1 <i>Review levels of service delivery to our region</i>						
Review and update the Drought Management Plan.	Water and Wastewater	Manager Water and Wastewater		15%		Council is in contact with Qld Water and is in the process of organising a community workshop (March 2018) which will inform the Water Efficiency Plan. Local Law needs to be passed by Council to enforce watering restrictions as the current Drought Management Plan is no longer enforceable.
<i>Key Outcome</i> 1.12 <i>Develop and promote our unique artistic and cultural diversity</i>						
Work with local community volunteers on delivering Civic events in Stanthorpe and Warwick.	Community Services	Manager Economic Development and Tourism		50%		Economic Development and Tourism Department are working with a number of community groups to deliver a range of Civic Events, including Australia Day and Christmas Carols.
<i>Key Outcome</i> 1.12 <i>Develop and promote our unique artistic and cultural diversity</i>						
Review the regional Australia Day arrangements	Community Services	Manager Economic Development and Tourism		50%	28/02/2018	Council officers have an engagement strategy in place to ensure the Australia Day Celebrations are successful. A briefing session is booked for Council on 15th of January and from there a report will go to the next Council Meeting with recommended changes to the Australia Day Policy.
<i>Key Outcome</i> 1.4 <i>Review the Southern Downs Community Plan and Community Engagement Strategy in consultation with other key stakeholders including other levels of Governments.</i>						
Review Councils achievements from the 2030 community plan.	Community Services	Manager Community Services and Major Projects		0%		Not yet started.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i>						
1.8 Assist community groups to increase their sustainability and build social capacity.						
Explore options for delivering project planning skills to further build capacity in the community.	Community Services	Manager Community Services and Major Projects		0%		Not yet started.
<i>Key Outcome</i>						
1.9 Continue to develop and extend Council's public consultation processes.						
Engage with a broad community base regarding youth issues identified through the Youth Action Plan process	Community Services	Manager Community Services and Major Projects		30%		Youth Policy adopted by Council, which will see the introduction of a Youth Council. Nominations for new youth Council expected to be called February 2018.
<i>Key Outcome</i>						
2.2 Continue to upgrade pathways throughout the region to encourage increased walking and cycling by residents and visitors in accordance with the Footway and Bikeway Master Plan.						
Complete Cycle pathway master plans.	Engineering Services	Director Engineering Services		0%		Single master plan to be presented to General Meeting in April 2018. Some works are to be carried out commencing in February 2018 due to grant funding. This includes Churchill Drive and a bridge at Park road.
<i>Key Outcome</i>						
4.12 Explore/review potential efficiencies and opportunities for Council's operations.						
Actively seek external funding to deliver Community Service projects.	Community Services	Manager Community Services and Major Projects		50%		Council continues to actively seek community grants, having again been successful in securing \$55k in RADF.
<i>Key Outcome</i>						
4.2 Participate in the development of a fire trail implementation and maintenance program with other agencies.						
Determine Council's view on fire trail management.	Engineering Services	Director Engineering Services		100%	13/12/2017	A report was presented to the December General Meeting.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i> 5.1 <i>Investigate opportunities to fund and implement streetscape plans for beautification, safety and accessibility</i>						
Enhance Stanthorpe's streetscape by developing Fromes Lane into a useable public space.	Works Maintenance and Open Space	Manager Works Maintenance and Open Space	✓	100%		Project was completed on the 30th November 2017.
<i>Key Outcome</i> 5.7 <i>Secure a sustainable, reliable water supply to support industry and population growth</i>						
Deliver the 2017-18 Capital Works Program.	Water and Wastewater	Manager Water and Wastewater	●	50%		The capital works budget is on target completing the Raw Water and Sewer to Morgan Park, Valve and Hydrant renewals (Sth), 75% of the new clarifier construction, and award of the new Wallangarra WTP. Tender documents for the construction of the Storm King Dam pipeline is due out January 2018.
<i>Key Outcome</i> 5.7 <i>Secure a sustainable, reliable water supply to support industry and population growth</i>						
Deliver the Warwick Water Treatment Plant Master Plan as scheduled in the Capital Works Program.	Water and Wastewater	Manager Water and Wastewater	✓	100%		This item is complete.
<i>Key Outcome</i> 5.7 <i>Secure a sustainable, reliable water supply to support industry and population growth</i>						
Complete Warwick Water treatment plant stage 1.	Water and Wastewater	Manager Water and Wastewater	●	75%		The clarifier is scheduled for commissioning Feb 2018. The interconnecting pipe work is commencing week beginning 8 Jan 2018. Weekly progress meetings are held on site to ensure treatment plant operators are aware of up coming construction works and any safety items.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i>						
6.7 <i>Secure a sustainable, reliable water supply to support industry and population growth.</i>						
Review the Drinking Water Quality Management Plan.	Water and Wastewater	Manager Water and Wastewater		95%		The revised DWQMP was submitted to the regulator (DEWS) on July 2017 and a IRN was received and responded by Council 4 Oct 2017. The due date for a response from DEWS for the Plan was the 4 Jan 2018. Council is awaiting confirmation of acceptance. The revised plan incorporated all findings and recommendations from the recent external audit (Sept 2017).
<i>Key Outcome</i>						
6.7 <i>Secure a sustainable, reliable water supply to support industry and population growth.</i>						
Review the Recycled Water Management Plan.	Water and Wastewater	Manager Water and Wastewater		90%		Council recently received (27 Dec 2017) an Information Requirement Notice (IRN) which covers 7 items for Council to address by 1 March 2018. This has been forward to Bligh Tanner (consultant used to produce these plans) to address.
<i>Key Outcome</i>						
6.8 <i>Develop and review current plans for Emu Swamp Dam including associated risk management strategies</i>						
Progress Emu Swamp Dam project conditions of approval.	Water and Wastewater	Manager Water and Wastewater		100%		As a result of the GHD submitted Emu Swamp Dam Business Case Stage 1 Final Report (“the report”), dated June 2017, Council resolved to not progress the construction of the Emu Swamp Dam (for Urban and Agricultural use) as recommended by the report. Instead a detailed business case should be submitted for funding to pursue those alternative water sources for Stanthorpe as identified in the report. This will be commenced by the 3rd quarter. Additionally, it was resolved to initiate a Water Management Plan for the whole Southern Downs region. This has commenced and is addressed in KPI ACT00100 - Review and update the Drought Management Plan.

 **Complete**
  **On Track**
  **On hold**
  **Not Started Yet**
  **Needs Attention**

Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i> 7.1 <i>Analyse current roads and other associated infrastructure to determine priorities.</i>						
Review and refine the 5 year Capital Works Program for Roads and Associated Infrastructure.	Works Construction, Workshops and Assets	Manager Works Construction, Workshops and Assets		90%	31/05/2018	Program refined for the submission of the proposed capital program for the 2018-19 Budget. Following the finalisation of the budget the program will have to be adjusted to reflect the budget decisions taken by Council.
<i>Key Outcome</i> 7.3 <i>Review and implement strategies to allow for the expansion of aviation activities at both aerodrome as funding permits.</i>						
Explore using the facilities for activities to bring in additional revenue.	Community Services	Manager Community Services and Major Projects		50%		Council has secured external funding from organisations who have hired Council's aerodromes. Council continues to explore ways to hire out Town Hall and the Stanthorpe Civic Centre. Council has now acquired the Stanthorpe Fitness Centre, with activities currently being explored to improve the revenue stream.
<i>Key Outcome</i> 7.3 <i>Review and implement strategies to allow for the expansion of aviation activities at both aerodrome as funding permits.</i>						
Manage and maintain aerodrome facilities at Warwick and Stanthorpe.	Community Services	Manager Community Services and Major Projects		50%		Annual Audit completed which identified a number of remedial actions that require completion.
<i>Key Outcome</i> 7.6 <i>Provide well maintained sealed and unsealed roads, including footpaths and stormwater drainage, to determined levels of service as defined in the Asset Management Plan.</i>						
Deliver the 2017/18 Works Construction Capital Works Program.	Works Construction, Workshops and Assets	Manager Works Construction, Workshops and Assets		40%	29/06/2018	Approx 40% of the Works Construction Capital budget has been spent. The current budget/ program will require adjustment to better reflect what actual work that will be able to be completed in the 17-18 year. Amendments will be made during the quarterly budget process.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i> 8.12 <i>Develop and implement council land management strategies</i>						
Manage and maintain Council buildings and facilities.	Community Services	Manager Community Services and Major Projects		25%		Maintenance of Council buildings continues. Building Asset and Services Management Plan adopted by Council, with the governance hierarchy, condition assessment manual and operations manual now in draft, with final versions to be in place in 2018.
<i>Key Outcome</i> 8.14 <i>Manage and develop SDRC's disaster management, and recovery responsibilities.</i>						
Provide disaster recovery assistance to residents in the event of a disaster.	Engineering Services	Director Engineering Services		25%		Continual works carried out. Works carried out for December storms by acting LDC.
<i>Key Outcome</i> 8.14 <i>Manage and develop SDRC's disaster management, and recovery responsibilities.</i>						
Provide disaster emergency response training to volunteers to maintain competency and capacity to respond in a disaster situation.	Engineering Services	Director Engineering Services		0%		Some evacuation centre training has been carried out.
<i>Key Outcome</i> 8.14 <i>Manage and develop SDRC's disaster management, and recovery responsibilities.</i>						
Develop Memorandums of Understanding with owners of identified evacuation centres.	Engineering Services	Director Engineering Services		5%		Work yet to commence but will build on existing arrangements.
<i>Key Outcome</i> 8.15 <i>Continue to review and expand Asset Management Plans</i>						
Review and update the Asset Management Plan for Water Supply.	Water and Wastewater	Manager Water and Wastewater		20%		The 10 year capital program is to be finalised at the end of January 2018 which will be the core data to feed the AMP.
<i>Key Outcome</i> 8.15 <i>Continue to review and expand Asset Management Plans.</i>						
Review and update the Asset Management Plan for Wastewater.	Water and Wastewater	Manager Water and Wastewater		20%		The 10 year capital program is to be finalised end of January 2018 which will be the core data to feed the AMP.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i> 5.15 <i>Continue to review and expand Asset Management Plans.</i>						
Refine the Water & Wastewater 4 & 10 year Capital Works Program.	Water and Wastewater	Manager Water and Wastewater		75%		Meetings have been held with each Supervisor and Engineer to highlight all items/issues to be addressed and captured in the 10 year capital program. A prioritisation meeting is scheduled 10 Jan 2018 with Assets and Engineering to refine the current Assets program. This program is reflected in the 10 year Financial program including scoring. This draft will be submitted to Financial week beginning 15 Jan. This program will then be presented to the Supervisor to finalise the prioritisation and process for future data capture.
<i>Key Outcome</i> 8.15 <i>Continue to review and expand Asset Management Plans.</i>						
Further refine and develop the Corporate Asset Management approach and processes to ensure closer integration between the Asset Management Plans and Council's Long Term Financial Plan.	Works Construction, Workshops and Assets	Manager Works Construction, Workshops and Assets		30%	29/06/2018	Implementation of the SDRC Asset Management Strategy is progressing slowly. Implementation and development of the Asset Management Steering Committee is ongoing. Regular reporting on the actions relating to Asset Management are being provided to the Audit and Risk Management Committee. Several projects to advance Asset Management such as the Asset Hierarchy Review are ongoing. Negotiations have commenced with QTC regarding a possible "Regional Capability Advancement Program Asset Management Pilot".
<i>Key Outcome</i> 8.9 <i>Continue to develop accurate flood mapping studies.</i>						
Implement IGEM REVIEW task actions for year one.	Engineering Services	Director Engineering Services		70%		LDMP has undergone annual review. Tasks are currently being prioritised. Review has shown improvements in all areas
<i>Key Outcome</i> 8.9 <i>Continue to develop accurate flood mapping studies.</i>						
Complete all remaining required sub-plans for the Local Management Disaster Plan.	Engineering Services	Director Engineering Services		45%		Sub-plans being progressively sent to LDMG

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Executive Office

Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome 1.3 Continue to monitor and stay informed about matters that affect the community</i>						
Provision of timely and accurate Council information to the community.	Executive Office	Chief Executive Officer		50%	30/06/2018	A range of initiatives are being undertaken including the Q&A sessions, Cuppa with the Councillors, a range of public forums, the monthly Council newsletter and through the Advisory Committees.
<i>Key Outcome 1.12 Explore/review potential efficiencies and opportunities for Council's operations.</i>						
Provide overall guidance and direction on Council's operations.	Executive Office	Chief Executive Officer		50%	30/06/2018	Updates have been provided to Councillors on a regular basis at Council briefing and Council meetings.
<i>Key Outcome 4.12 Explore/review potential efficiencies and opportunities for Council's operations.</i>						
Support for Elected Members.	Executive Office	Chief Executive Officer		50%	30/06/2018	Councillors are provided with fortnightly updates and receive information through formal Briefing Sessions
<i>Key Outcome 4.4 Apply the Planning Scheme to ensure consistent and balanced decisions are made in relation to lifestyle and growth opportunities.</i>						
Continue to provide interest group forums including Tourism, Economic Development, and Agribusiness.	Economic Development and Tourism	Manager Economic Development and Tourism		50%	29/06/2018	Economic Development Department has delivered a Jobs Expo, Agri-business Expo and back-packer welcome event. In the coming quarter, there will be another back-packer event, an employment services expo and a culinary skills workshop.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i>						
5.3 <i>Review Council's role in tourism.</i>						
Review tourism, information and business signage in Southern Downs. Part one is to investigate, review and recommend new welcome and tourist signage, including cluster signage in region. Part two is investigate removal of old / defunct business and tourism signage.	Economic Development and Tourism	Manager Economic Development and Tourism		50%		Council Officers are working with TMR and Consultants to deliver a new signage strategy.
<i>Key Outcome</i>						
5.1 <i>Review the Planning Scheme in accordance with State legislation.</i>						
Review, workshop and Implement Economic Development Strategy.	Economic Development and Tourism	Manager Economic Development and Tourism		75%	28/02/2018	Council Officers will deliver the formalised Economic Development Strategy by February 2018 following the receipt of feedback.
<i>Key Outcome</i>						
5.12 <i>Develop and implement council land management strategies.</i>						
Rollout further safety improvements as identified by Saleyards Master Plan.	Finance and Information Technology	Manager Finance and Information Technology		0%	30/06/2018	Next stage in the safety improvement plan to commence early March 2018.
<i>Key Outcome</i>						
5.12 <i>Develop and implement council land management strategies.</i>						
Manage and maintain Warwick Saleyards.	Finance and Information Technology	Manager Finance and Information Technology		50%	30/06/2018	Ongoing management of saleyards continuing.
<i>Key Outcome</i>						
5.16 <i>Implement an ongoing review of the rating system encompassing benefited rate areas.</i>						
Issue rates and utility charges for Council.	Finance and Information Technology	Manager Finance and Information Technology		75%	1/04/2018	The final Water and Waste Water charges are to be levied in March 2018. General rates and waste collection charges have already been levied.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i>						
8.16 <i>Implement an ongoing review of the rating system encompassing benefited rate areas.</i>						
Review Council's Rating Categories	Finance and Information Technology	Manager Finance and Information Technology		25%	30/06/2018	The review of the general rating categories is currently being undertaken with estimated completion date on 31 March 2018, in line with the 2018/19 budget.
<i>Key Outcome</i>						
8.2 <i>Develop and implement policies and procedures to effectively manage HR resources and practices across the entire Southern Downs Regional Council organisation.</i>						
Negotiate new Certified Agreement.	Human Resources	Manager Human Resources		50%		EB negotiations commenced.
<i>Key Outcome</i>						
8.22 <i>Provide and maintain strategies to ensure Council's long term financial sustainability.</i>						
Review and update of the 10 year Financial Plan.	Finance and Information Technology	Manager Finance and Information Technology		50%		The 10 year financial plan has been updated with end of year results from 2016/17. This will be updated again through the budget cycle for 2018/19.
<i>Key Outcome</i>						
8.22 <i>Provide and maintain strategies to ensure Council's long term financial sustainability.</i>						
Annual review of Debt Policy, Procurement Policy, Revenue Policy and Investment Policy.	Finance and Information Technology	Manager Finance and Information Technology		0%	30/06/2018	The review of the debt policy, procurement policy, revenue policy and investment policy will take place as part of the 2018/19 budget cycle.
<i>Key Outcome</i>						
8.3 <i>Continue to promote and encourage a proactive approach to workplace health and safety.</i>						
Review Council's safety management systems to ensure compliance with audit and legislative requirements.	Human Resources	Manager Human Resources		30%		Safety Audit completed. Safety Action Plan developed and currently being implemented. Continued implementation and review of Council's Safety Action Plan.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i>						
<i>S.7 Become an employer of choice appropriate training, innovative leadership and improved career pathways.</i>						
Review current workforce profile and conduct skills audit across all Directorates for succession planning.	Human Resources	Manager Human Resources		20%		Workforce strategy completed. Performance and Development Plans currently being completed or distributed to employees. Increase in employee turnover rate. Review of structure required to be undertaken.
<i>Key Outcome</i>						
<i>S.8 Continue to upgrade and use most effective technology to provide best delivery of services to the region.</i>						
Undertake additional IT Security Testing	Finance and Information Technology	Manager Finance and Information Technology		0%	30/06/2018	Activity on this action to commence in mid January 2018.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Planning, Environment and Corporate Services

Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome 1.1 Review levels of service delivery to our region.</i>						
Overall Direction of the Planning, Environment and Corporate Services Directorate and implementation of Operational Plan.	Planning, Environment and Corporate Services	Director Planning, Environment and Corporate Services		50%		Directorate activities are in accordance with Operational Plan and Budget.
<i>Key Outcome 1.1 Review levels of service delivery to our region.</i>						
Ensure Planning and Environment Capital Works are constructed and completed generally in accordance with the Budget and Operational Plan.	Planning, Environment and Corporate Services	Director Planning, Environment and Corporate Services		50%		PECS Capital Works proceeding in accordance with Budget.
<i>Key Outcome 1.7 Review Council's long term involvement in Council housing.</i>						
Implement the requirements of the state housing registration process.	Corporate Services	Manager Corporate Services		100%		The housing policies and asset management plan have been adopted by Council. Council's Community Housing officer continues to work in conjunction with staff from the Housing Department to ensure continuing Council compliance.
<i>Key Outcome 3.2 Further develop libraries to become active community hubs of learning and social inclusion.</i>						
Finalise the review of the Library Strategic Plan.	Corporate Services	Manager Corporate Services		65%		Council's Library Service Coordinator has submitted a draft strategy for feedback.
<i>Key Outcome 3.2 Further develop libraries to become active community hubs of learning and social inclusion.</i>						
Implement an internet management system for public internet access.	Corporate Services	Manager Corporate Services		50%		The software has been installed at Stanthorpe library for testing and will be implemented in other libraries when appropriate.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i> 3.2 Further develop libraries to become active community hubs of learning and social inclusion.						
Deliver the requirements of the First Five Forever grant as set by State Library.	Corporate Services	Manager Corporate Services	✓	100%		This is an ongoing program. This year the State library set a target of distribution of first five forever library kits to 10% of the target audience (200); at this point in time >900 kits have already been distributed.
<i>Key Outcome</i> 3.2 Further develop libraries to become active community hubs of learning and social inclusion.						
Progress the decisions made by Council on future mobile library service alternatives.	Corporate Services	Manager Corporate Services	●	25%		A report has been submitted to the January 2018 meeting of Council.
<i>Key Outcome</i> 4.4 Apply the Planning Scheme to ensure consistent and balanced decisions are made in relation to lifestyle and growth opportunities.						
Review development assessment procedures, factsheets and website content in line with the changes to accord with the amended Planning Scheme.	Planning and Development	Director Planning, Environment and Corporate Services	●	0%		The work on this action is pending the adoption of the Planning Scheme amendments.
<i>Key Outcome</i> 6.3 Utilise 'best practice' waste management practices and further develop regional facilities in accordance with the Waste Management Plan.						
Undertake Capital Works in accordance with the Waste Reduction and Recycling Plan 2014-2024.	Environmental Services	Acting Manager Environmental Services	●	75%		Minor Capital Works at the Warwick Waste facility has now been completed. The Minor Capital Works program for the Stanthorpe Waste facility has been allocated and work has commenced.
<i>Key Outcome</i> 6.3 Utilise 'best practice' waste management practices and further develop regional facilities in accordance with the Waste Management Plan.						
Review the Waste Reduction and Recycling Plan 2014-2024.	Environmental Services	Acting Manager Environmental Services	●	50%		Consultants have been engaged to prepare a new Waste Reduction and Recycling Plan and it is anticipated it will be presented to Council in February. Community engagement will commence after this time prior to formal acceptance of the Plan by Council.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i>						
6.3 <i>Utilise 'best practice' waste management practices and further develop regional facilities in accordance with the Waste Management Plan.</i>						
Develop and tender the documents and appoint a new Contractor for Waste Collection and disposal services for the next 10 years.	Environmental Services	Acting Manager Environmental Services		50%		Council at the 26 July 2017 Meeting agreed to extend all the key Waste Management contracts (JJ Richards, Endeavour Foundation and MJ Smith) to expire on 30 June 2019, hence deferring works on the new waste contract until March 2018.
<i>Key Outcome</i>						
6.9 <i>Continue to promote, educate and implement awareness and best practice waste collection, recycling, environmental health and environmental protection strategies.</i>						
Continue to promote, educate and implement awareness and best practice waste collection, recycling.	Environmental Services	Acting Manager Environmental Services		50%		Staff are continuously educating and creating awareness of best practice waste removal and recycling. EnviroCom has undertaken one education program so far (waste education at early childhood centres and community workshop) with a further program planned for March 2018.
<i>Key Outcome</i>						
6.9 <i>Continue to promote, educate and implement awareness and best practice waste collection, recycling, environmental health and environmental protection strategies.</i>						
Continue to promote, educate and implement awareness and best practice Environmental Health and Environmental Protection strategies.	Environmental Services	Acting Manager Environmental Services		50%		The Environment and Environmental Health staff continues to promote, educate and implement awareness of best practice Environmental Health and Environmental Protection strategies during routine and requested inspections. Toolbox presentation on environmental obligations was conducted with Council employees in September 2017.
<i>Key Outcome</i>						
8.1 <i>Review the Planning Scheme in accordance with State legislation.</i>						
Complete the review of the Southern Downs Planning Scheme.	Planning and Development	Director Planning, Environment and Corporate Services		80%		Planning Scheme Amendments and Council comments on submissions with State for review.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i> 8.1 <i>Review the Planning Scheme in accordance with State legislation.</i>						
Oversee review of the Planning Scheme including initiatives to streamline Development Assessment.	Planning, Environment and Corporate Services	Director Planning, Environment and Corporate Services		90%		Planning Scheme amendments and Council's comments on objections are with the State for review.
<i>Key Outcome</i> 8.12 <i>Develop and implement council land management strategies.</i>						
Manage Council's land holdings to maximise return, particularly in relation to disposal of surplus freehold land and potential leasing of existing trustee land.	Corporate Services	Manager Corporate Services		50%		The emphasis for the first half of the year has been centred on sales of land at the Warwick aerodrome. Sales at this site are continuing and since freeholding sales commenced during 2016/17, 22 land sales have either been completed, placed under contract or nearing completion of negotiations prior to contract, to the value of \$1,032,500. Council land at Border Road, Applethorpe will be placed under contract of sale for the value of \$145,000. A smaller parcel of land at Sugarloaf will be contracted for the value of \$30,000.
<i>Key Outcome</i> 8.12 <i>Develop and implement council land management strategies.</i>						
Review the future land requirements at the Warwick Aerodrome for use by the Department of Defence.	Corporate Services	Manager Corporate Services		25%		Preliminary discussions have been held with representatives from the Department of Defence.
<i>Key Outcome</i> 8.12 <i>Develop and implement council land management strategies.</i>						
Develop a Local Government Infrastructure Plan for Southern Downs Regional Council	Planning and Development	Director Planning, Environment and Corporate Services		70%		Draft LGIP pending review by State.
<i>Key Outcome</i> 8.12 <i>Develop and implement council land management strategies.</i>						
Review with aim to develop new criteria and requirements, as well as streamline and simplify all Short term accommodation Local Laws/subordinate local laws.	Planning and Development	Director Planning, Environment and Corporate Services		0%		This action is on hold pending resourcing.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i>						
<i>S.15 Continue to review and expand Asset Management Plans</i>						
Oversee the completion of an advanced Asset Management Plan for assets within the Environmental Services Department.	Environmental Services	Acting Manager Environmental Services		75%		A draft Asset Management Plan for Environmental Services was received in January 2018 and is currently being reviewed prior to a report to Council recommending that they adopt the Plan.
<i>Key Outcome</i>						
<i>S.17 Review pest management services in accordance with legislative requirements, community expectations and to ensure the protection of the environment.</i>						
Review pest management services in accordance with legislative requirements, community expectations and to ensure protection of the environment, and construct related Capital Works.	Environmental Services	Acting Manager Environmental Services		50%		Improvements to the wild dog check fences are anticipated to be carried out in the first half of 2018. Staff have continued to carry our aerial and ground based baiting to control wild dogs. Invasive species are continuing to be controlled through the Invasive Species Control Scheme with approximately 90% of the Control Works Forms now received.
<i>Key Outcome</i>						
<i>S.17 Review pest management services in accordance with legislative requirements, community expectations and to ensure the protection of the environment.</i>						
Implement an approved Environmental Enhancement program.	Environmental Services	Acting Manager Environmental Services		50%		Council has adopted the Invasive Pest Control Scheme with 5,227 of 5,814 Control Works Forms have been submitted for approval. Reminder letters advising landholders to submit their forms will be sent out in October. Site inspections continue to be performed. Supplementary rates notices proposed to be issued in March for those landowners who failed to submit a Control Works Form. At the December General Meeting, Council approved the extension of the Plan for a three (3) year period.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i>						
S.17 <i>Review pest management services in accordance with legislative requirements, community expectations and to ensure the protection of the environment.</i>						
Implement changes to the Pest Management Plan as required by the commencement of the Biosecurity Act on 1st July 2016.	Environmental Services	Acting Manager Environmental Services	✓	100%		Council has adopted an Invasive Species Control Action Plan to replace the Pest Management Plan.
<i>Key Outcome</i>						
S.17 <i>Review pest management services in accordance with legislative requirements, community expectations and to ensure the protection of the environment.</i>						
To continue to support the Pest Management Working Group and implement the recommendations of the committee.	Environmental Services	Acting Manager Environmental Services	●	50%		The Pest Management Advisory Committee met in August 2017 and the minutes of the meeting will be presented to Council in October. The Committee met again in November 2017 with a report to the November General Meeting. The Committee intend to meet again in February 2018
<i>Key Outcome</i>						
S.16 <i>Continue to promote and encourage a proactive approach to risk management, including business continuity.</i>						
Manage the Insurance functions of Council.	Corporate Services	Manager Corporate Services	●	90%		All contracts are in place and remaining action relates to any insurance claims received.
<i>Key Outcome</i>						
S.18 <i>Continue to promote and encourage a proactive approach to risk management, including business continuity.</i>						
Ensure the recommendations accepted by Council from the Audit and Risk Management committee are implemented.	Corporate Services	Manager Corporate Services	●	50%		Recommendations from the audit and risk management committee are submitted to Council on a quarterly basis as part of the meeting minutes.
<i>Key Outcome</i>						
S.18 <i>Continue to promote and encourage a proactive approach to risk management, including business continuity.</i>						
Develop procedures and review reporting functions for business continuity, risk management, corporate/operational planning and fraud control.	Corporate Services	Manager Corporate Services	●	80%		Draft fraud control procedures have been developed. All other requirements have been implemented.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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Operational Plan Action	Service/ Program	Responsibility	Action Status	Progress (%)	Completion Date	Comment
<i>Key Outcome</i>						
3.2 <i>Develop and implement policies and procedures to effectively manage HR resources and practices across the entire Southern Downs Regional Council organisation.</i>						
Develop resource sharing capabilities within Community Contact and in partnership with other regional Councils.	Corporate Services	Manager Corporate Services		60%		Community Contact continues to provide staff to assist across the organisation e.g. Yangan Road office, invasive pest control scheme. Staff exchanges have occurred with Western Downs Regional Council and discussions are underway with Scenic Rim and Lockyer Regional Councils. It is anticipated that Council CC staff will be operating in the Warwick library on a trial basis from March 2018.
<i>Key Outcome</i>						
3.2 <i>Develop and implement policies and procedures to effectively manage HR resources and practices across the entire Southern Downs Regional Council organisation.</i>						
Digitalisation of former Stanthorpe Shire and Warwick Shire employee files.	Corporate Services	Manager Corporate Services		50%		Project will continue for the remainder of 2017/18.
<i>Key Outcome</i>						
3.2 <i>Develop and implement policies and procedures to effectively manage HR resources and practices across the entire Southern Downs Regional Council organisation.</i>						
Review all processes and practices within Council's Community Contact Centres.	Corporate Services	Manager Corporate Services		50%		This review is being undertaken in conjunction with other Council departments and is reliant upon availability of staff resources.
<i>Key Outcome</i>						
3.8 <i>Continue to upgrade and use most effective technology to provide best delivery of services to the region.</i>						
Scanning and registering old development files.	Corporate Services	Manager Corporate Services		50%		This project will continue for the remainder of 2017/18.
<i>Key Outcome</i>						
3.3 <i>Continue to upgrade and use most effective technology to provide best delivery of services to the region.</i>						
Scanning and registration of old Council's minutes.	Corporate Services	Manager Corporate Services		50%		This project will continue for the remainder of 2017/18.

 Complete	 On Track	 On hold	 Not Started Yet	 Needs Attention
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12.2 Making of Amendment Local Law No. 1 (Animal Management) 2017

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Planning and Compliance Coordinator	ECM Function No/s: 19.7.1

Recommendation

THAT Council:

1. Makes *Amendment Local Law No. 1 (Animal Management) 2017* (as attached).
2. Adopts a consolidated version of *Local Law No. 2 (Animal Management) 2011* to include the amendments made by *Amendment Local Law No. 1 (Animal Management) 2017*.

Report

At the General Meeting in November 2017, Council proposed to make *Amendment Local Law No. 1 (Animal Management) 2017* ('the amendment local law').

The effect of the amendment local law is to amend *Local Law No. 2 (Animal Management) 2011* to allow the issuing of 'removal notices' to the animal owners who have failed to comply with a compliance notice. Compliance notices can be issued for offences such as barking dogs, straying animals and excessive numbers of animals.

A removal notice may require the owner to destroy the animal, or permanently remove the animal from a specified area. It will be an offence to not comply with a removal notice. Furthermore, if the owner fails to comply with a removal notice, an authorised person may seize the animal and dispose of the animal (by sale, euthanasia or other means).

Public consultation of the draft subordinate local law has been undertaken in accordance with Council's process for making local laws and section 29(1) of the *Local Government Act 2009*. A public notice was published in the Southern Free Times on 30 November 2017. The public consultation period ended on 22 December 2017.

Six submissions were received in relation to the amendment local law. Five of the submitters were in support of the amendment local law, due to their own experience with nuisance dogs, and consider that additional enforcement methods are required to adequately deal with nuisance dogs.

The remaining submitter requested that the amendment to the local law specifically exempt cats that are microchipped and desexed. The submitter is concerned that groundless complaints could be made about cats straying, and much loved pets could be unjustly removed from their homes.

The proposed amendments state that a removal notice is only issued following the failure of an animal owner to comply with a compliance notice. A responsible pet owner would likely take action to address any nuisance their pet may be causing and therefore it is very unlikely that a removal notice would be issued to a responsible pet owner. It is expected that removal notices will be issued infrequently, and only if compliance notices and Penalty Infringement Notices (PINs) prove unsuccessful.

The amendment local law was referred to the Department of Local Government, Racing and Multicultural Affairs (DLGRMA), and the Department of Agriculture and Fisheries (DAF). The DAF

advised that they have no comment in relation to the amendment local law, and the DLGRMA advised that no matters that would impact adversely on State interests were identified.

Process to Make a Local Law

Council must decide by resolution whether to-

- (a) make the proposed local law as advertised; or
- (b) make the proposed local law with amendments; or
- (c) not proceed with the making of the proposed local law.

It is recommended that Council make *Amendment Local Law No. 1 (Animal Management) 2017* (as attached) and also adopt a new consolidated version of *Local Law No. 2 (Animal Management) 2011* to include the changes made by the amendment local law.

Budget Implications

There are costs associated with public notification of the amendment local law.

Policy Consideration

Nil

Community Engagement

Public consultation of the proposed local law has been undertaken in accordance with section 29B of the *Local Government Act 2009*.

Legislation/Local Law

Local Government Act 2009

Local Law No. 2 (Animal Management) 2011

Options

Council:

1. Proposes to make *Amendment Local Law No. 1 (Animal Management) 2017* as attached; or
2. Proposes to make *Amendment Local Law No. 1 (Animal Management) 2017* with changes; or
3. Decides to not make any change to *Local Law No. 2 (Animal Management) 2011*.

Attachments

1. Draft Amendment Local Law No. 1 (Animal Management) 2017 [View](#)
2. Draft Consolidated Local Law No. 2 (Animal Management) 2011 [View](#)

SOUTHERN DOWNS REGIONAL COUNCIL

Amendment Local Law No. 1 (Animal Management) 2017

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Part 1 Preliminary

1 Short title

This local law may be cited as *Amendment Local Law No. 1 (Animal Management) 2017*.

2 Local law amended

This local law amends *Local Law No. 2 (Animal Management) 2011*.

3 Commencement

This local law commences on ****.

Part 2 Amendment of Local Law No. 2 (Animal Management) 2011

4 Insertion of new division 5 (Removal of animals) and section 20A (Power to remove an animal)

Part 3, after section 20—

~~insert—~~

‘Division 5 Removal of animals

20A Power to remove an animal

- (1) An authorised person may issue a notice (a *removal notice*) to the owner or responsible person for an animal who has not complied with a compliance notice which has been issued in relation to compliance with this local law.
- (2) A removal notice may require the owner or responsible person for an animal, within the reasonable time stated in the notice, to—
 - (a) destroy the animal or have it destroyed; or
 - (b) permanently remove it from the area specified in the notice.
- (3) The removal notice must include or be accompanied by an information notice.
- (4) The recipient of a removal notice must comply with it.
Maximum penalty for subsection (4)—50 penalty units.
- (5) If the owner or responsible person fails to comply with a removal notice, an authorised person may enter the land on which the animal is kept under the powers to enter property given by the Act and seize the animal and dispose of the animal under Division 5 of Part 4 of this local law.’

- 5 Amendment of section 27 (Dealing with animal seized and impounded for non-compliance with local law)**
- (1) Section 27(1), after ‘section’—
insert—
‘20A(5)’.
- (2) Section 27(2)(b), after ‘division 5—
insert—
‘; or
(c) if the animal was seized by an authorised person under section 20A(5)—
dispose of the animal under division 5’.
- 6 Amendment of section 31 (Application of this division)**
- (1) Section 31, (d) and (e)—
renumber as (e) and (f)
- (2) Section 31, after (c)—
insert—
‘(d) an authorised person has seized an animal under section 20A(5); or’.
- 7 Amendment of section 32 (Sale, disposal or destruction of animals)**
- Section 32(1)(b), ‘an animal mentioned in section 27(2)(b)’—
omit, insert—
‘an animal seized under section 20A(5), or an animal mentioned in section 27(2)(b)’.
- 8 Amendment of schedule (Dictionary)**
- (1) Schedule—
insert—
‘*removal notice* see section 20A(1)’.
- (2) Schedule, definition *State planning instrument*, ‘*Sustainable Planning Act 2009*, schedule 3’—
omit, insert—
‘*Planning Act 2016*, section 8’.

Local Law No. 2 (Animal Management) 2011

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Part 1 Preliminary

1 Short title

This model local law may be cited as *Local Law No. 2 (Animal Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to regulate and manage the keeping and control of animals in the local government's area in a way that—
 - (a) balances community expectations with the rights of individuals; and
 - (b) protects the community against risks to health and safety; and
 - (c) prevents pollution and other environmental damage; and
 - (d) protects the amenity of the local community and environment.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and
 - (b) the prescription of minimum standards for keeping animals; and
 - (c) the proper control of animals in public places and koala conservation areas; and
 - (d) the management of dangerous or aggressive animals other than dogs;¹ and
 - (e) the seizure and destruction of animals in certain circumstances; and
 - (f) the establishment and administration of animal pounds.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws²

This local law is—

- (a) in addition to, and does not derogate from—
 - (i) laws regulating the use or development of land; and
 - (ii) other laws about the keeping or control or welfare of animals; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

¹ The *Animal Management (Cats and Dogs) Act 2008* provides for the management of *regulated dogs*, comprising declared dangerous dogs, declared menacing dogs and restricted dogs.

² This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or Commonwealth. See the Act, section 27.

Part 2 Keeping of animals

Division 1 Prohibition on keeping animals

5 Prohibition on keeping animals in prescribed circumstances

- (1) The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.
- (2) The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) whether an animal is a restricted dog;³
 - (g) the locality in which the animal would be kept;
 - (h) the nature of the premises in which the animal would be kept, including the size of the enclosure or the size of the allotment.⁴

Example for subsection (2)—

A prohibition may be imposed in relation to keeping certain species or a prescribed number of animals of a certain species in an urban locality.

- (3) A person must not keep an animal in contravention of a prohibition under this section.

Maximum penalty for subsection (3)—50 penalty units.

Division 2 Animals for which approval is required

6 Requirement for approval

- (1) Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval⁵ for keeping an animal or animals in prescribed circumstances.

³ Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: "A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law."

⁴ See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures.

⁵ Keeping an animal for which an approval is required under this local law is a *prescribed activity* under schedule 2 of *Local Law No. 1 (Administration) 2011*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.

- (2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;
 - (g) the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.⁶
- (3) An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the Planning Act⁷.
- (4) Under this section, the local government may not require an approval for keeping a restricted dog.⁸

Division 3 Animals for which desexing is required

7 Requirement to desex an animal

- (1) The local government may, by subordinate local law, require an animal of a particular species or breed to be desexed.
- (2) The subordinate local law may—
 - (a) specify that the requirement for desexing only applies once an animal reaches a certain age; and
 - (b) exempt animals under particular circumstances.

Example for paragraph (b)—

Exemption might be provided for an animal that is owned by a member of a recognised breeders' association for the purposes of breeding or showing.

- (3) A person must not keep an animal that is required to be desexed unless the animal has been desexed.

Maximum penalty for subsection (3)—20 penalty units.

⁶ See note 4.

⁷ See the definition of *Planning Act* in the Act, schedule 4.

⁸ Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.

Division 4 Minimum standards

8 Minimum standards for keeping animals

- (1) The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.
- (2) A person who keeps an animal must ensure that the relevant minimum standards prescribed by a subordinate local law are complied with.⁹
Maximum penalty for subsection (2)—20 penalty units.
- (3) If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

Division 5 Identification of registered cats and dogs

9 Identification for cats and dogs in certain circumstances

The local government may, by subordinate local law, prescribe the identification required by the *Animal Management (Cats and Dogs) Act 2008* for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog.¹⁰

Part 3 Control of animals

Division 1 Animals in public places

10 Exclusion of animals

- (1) The local government may, by subordinate local law, specify public places where animals, or animals of a particular species or breed, are prohibited.
- (2) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of a prohibition specified under subsection (1).
Maximum penalty for subsection (2)—20 penalty units.
- (3) The local government must take reasonable steps to provide notice to members of the public regarding the animals that are prohibited in a particular public place.
- (4) In this section—
reasonable steps include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—

⁹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

¹⁰ Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a cat or dog at a place other than the address in the registration notice to ensure it bears the identification prescribed by the local government under a local law.

- (a) the animals that are prohibited in the place; and
- (b) in general terms, the provisions of subsection (2).

11 Dog off-leash areas

- (1) The local government may, by subordinate local law, designate an area within a public place as an area where a dog is not required to be on a leash (a *dog off-leash area*).
- (2) The local government must take reasonable steps to provide notice to members of the public regarding the designation of an area as a dog off-leash area.
- (3) In this section—
reasonable steps include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of the area.

12 Control of animals in public places¹¹

- (1) The owner or responsible person for an animal must ensure that the animal is not in a public place—
 - (a) unless the animal is under the effective control of someone; and
 - (b) if the animal is a declared dangerous animal¹²—unless the animal is securely restrained to prevent it from—
 - (i) attacking a person or animal; or
 - (ii) acting in a way that causes fear to a person or animal; or
 - (iii) causing damage to property.

Maximum penalty for subsection (1)—20 penalty units.

- (2) The owner or responsible person for a dog that is on heat must ensure that the animal is not in a public place.

Maximum penalty for subsection (2)—20 penalty units.

- (3) An animal is under the *effective control* of someone only if—
 - (a) a person who is physically able to control the animal—
 - (i) is holding it by an appropriate leash, halter or rein; or
 - (ii) has appropriately tethered it to an object fixed to a place from which the object can not be moved by the animal and is continuously supervising the animal; or
 - (iii) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or

¹¹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, section 3, regarding the requirement for muzzling and effective control of regulated dogs in public and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

¹² See the definition of *declared dangerous animal* in the schedule.

- (b) the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or
- (c) the animal is a dog in a dog off-leash area and under the supervision of a person who is able to control the animal by voice command; or
- (d) the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government; or
- (e) the animal is a working animal actually engaged in moving livestock and under the supervision of a person who is able to control the animal by voice command.

13 Person in control of dog or prescribed animal to clean up faeces

If a dog or any other animal prescribed by subordinate local law defecates in a public place, the person who has control of the dog or animal must immediately remove and dispose of the faeces in a sanitary way.

Maximum penalty—20 penalty units.

Division 2 Restraint of animals

14 Duty to provide proper enclosure and prevent animal from wandering

- (1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person's land.¹³

Maximum penalty for subsection (1)—20 penalty units.

- (2) The local government may, by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.

- (3) The owner of the animal must ensure that it is not wandering at large.¹⁴

Maximum penalty for subsection (3)—20 penalty units.

- (4) It is a defence to a prosecution for an offence against subsection (3) for the defendant to prove that—

- (a) the defendant maintained a proper enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or
- (b) the animal was wandering at large in circumstances authorised by the conditions of an approval granted under a local law.

Example for paragraph (b)—

The conditions of an approval to keep racing pigeons might authorise the approval holder to release the pigeons from their enclosure for a certain amount of time each day and during official pigeon racing events.

¹³ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

¹⁴ See the definition of *wandering at large* in the schedule.

15 Koala conservation requirements

- (1) The local government may, by subordinate local law, prescribe requirements for keeping a dog on land that is within a koala area.
- (2) The prescribed requirements may relate to—
 - (a) the enclosure in which the dog must be kept between sunset and sunrise; or
 - (b) tethering the dog between sunset and sunrise to prevent it from attacking a koala; or
 - (c) fencing that must be in place to separate dogs from koalas on the land or on a part of the land; or
 - (d) other measures that will be likely to prevent an attack by the dog on a koala between sunset and sunrise.
- (3) A person who keeps a dog on land that is within a koala area must comply with requirements prescribed under this section.

Maximum penalty for subsection (3)—20 penalty units.

- (4) In this section—

koala area means—

- (a) a koala habitat area; or
- (b) an area designated by subordinate local law as a koala area.

koala habitat area means an area designated as a koala habitat by—

- (a) a conservation plan made under the *Nature Conservation Act 1992*; or
- (b) a State planning instrument.

Division 3 Aggressive behaviour by animals other than dogs

16 Limited application of division to dogs¹⁵

- (1) Unless otherwise indicated, this division does not apply in relation to aggressive behaviour by a dog.
- (2) In this section—

aggressive behaviour means attacking, or acting in a way that causes fear to, someone else or another animal.

17 Animals not to attack or cause fear to persons or animals

- (1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, someone else or another animal.

¹⁵ Aggressive behaviour by dogs is covered by the *Animal Management (Cats and Dogs) Act 2008*, sections 194 to 196.

Maximum penalty for subsection (1)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
 - (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
 - (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
 - (d) otherwise—20 penalty units.
- (2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty for subsection (2)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
 - (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
 - (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
 - (d) otherwise—20 penalty units.
- (3) In this section—

allow or encourage, without limiting the *Criminal Code*, sections 7 and 8, includes cause to allow or encourage.

another animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone's property—

- a pet mouse or guinea pig
- vermin that are protected animals under the *Nature Conservation Act 1992*.¹⁶

18 Defences for offence against s 17

It is a defence to a prosecution for an offence against section 17 for the defendant to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—

- (a) as a result of the animal being attacked, mistreated, teased, or provoked by the person or other animal, including a dog; or
- (b) to protect the responsible person, or a person accompanying the responsible person (the *accompanying person*), or the responsible person's or accompanying person's property.

¹⁶ See section 83 of that Act.

Division 4 Dangerous animals other than dogs¹⁷

19 Declaration of dangerous animal other than a dog

- (1) A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.
- (2) An authorised person may declare an animal other than a dog to be a declared dangerous animal if the animal meets the criteria prescribed by subordinate local law.
- (3) A declaration under subsection (2) takes effect at the time the local government gives the responsible person for the animal an information notice¹⁸ about the declaration.

20 Power to require responsible person for declared dangerous animal to take specified action

An authorised person may, by giving a compliance notice,¹⁹ require the responsible person for a declared dangerous animal to take specified action—

- (a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land; and
- (b) to ensure that the animal remains in secure custody and is unable to attack or cause fear to persons or other animals or cause damage to another person's property.

Division 5 Removal of animals

20A Power to remove an animal

- (1) An authorised person may issue a notice (a *removal notice*) to the owner or responsible person for an animal who has not complied with a compliance notice which has been issued in relation to compliance with this local law.
- (2) A removal notice may require the owner or responsible person for an animal, within the reasonable time stated in the notice, to—
 - (a) destroy the animal or have it destroyed; or
 - (b) permanently remove it from the area specified in the notice.
- (3) The removal notice must include or be accompanied by an information notice.
- (4) The recipient of a removal notice must comply with it.

Maximum penalty for subsection (4)—50 penalty units.

¹⁷ Dangerous dogs are dealt with in the *Animal Management (Cats and Dogs) Act 2008*.

¹⁸ See the definition of *information notice* in *Local Law No. 1 (Administration) 2011*, schedule 1.

¹⁹ See *Local Law No. 1 (Administration) 2011*, section 27 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

- (5) If the owner or responsible person fails to comply with a removal notice, an authorised person may enter the land on which the animal is kept under the powers to enter property given by the Act and seize the animal and dispose of the animal under Division 5 of Part 4 of this local law.

Part 4 Seizure, impounding or destruction of animals

Division 1 Seizure of animals

21 Seizure of animals

- (1) An authorised person may seize²⁰ an animal, other than a dog,²¹ in the following circumstances—
- (a) the animal is found wandering at large; or
 - (b) the responsible person for the animal has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.²²
- (2) An authorised person may seize a dog in the following circumstances—
- (a) the dog is found wandering at large; or
 - (b) the responsible person for the dog has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (3) The authorised person may seize an animal under subsection (1)(a) or a dog under subsection (2)(a) where—
- (a) another person has found the animal or dog wandering at large and delivered it to the authorised person; or
 - (b) an occupier of private land has found the animal or dog wandering at large

²⁰ See the *Local Government Act 2009*, chapter 5, part 2, division 1 in relation to authorised persons' enforcement powers, including entry to land.

²¹ See the *Animal Management (Cats and Dogs) Act 2008*, section 125, for seizure of a dog.

²² The *Transport Operations (Road Use Management) Act 1995*, section 100(13) provides: "If a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government's area."

on the land, taken it under effective control and requested the authorised person to enter the land to seize it.

- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.
- (5) For the purposes of seizing an animal, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal.

Division 2 Destruction of animal without notice

22 Power to immediately destroy seized animal

- (1) This section applies where an authorised person has seized an animal, other than a regulated dog,²³ under this local law or another law.
- (2) The authorised person may, without notice, immediately destroy the animal if—
 - (a) the authorised person reasonably believes the animal is dangerous and the authorised person can not control it; or
 - (b) the animal is significantly suffering as a result of disease, severe emaciation or serious injuries; or
 - (c) an owner of the animal has requested the authorised person to destroy it.

Division 3 Return or impounding of animals

23 Immediate return of animal seized wandering at large

- (1) This section applies where—
 - (a) an animal has been seized under section 21(1)(a) or section 21(2)(a); and
 - (b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person may return the animal to the owner or responsible person.

24 Impounding of seized animal

An authorised person who seizes an animal under this local law or another law may impound the animal at a place of care for animals operated by—

- (a) the local government; or
- (b) another organisation or local government prescribed by subordinate local law.

Example for paragraph (a)—

An animal pound.

²³ See the *Animal Management (Cats and Dogs) Act 2008*, section 127, for power to destroy a seized regulated dog.

Example for paragraph (b)—

A veterinary surgery or an animal refuge.

25 What is a notice of impounding

- (1) A **notice of impounding** means a written notice, given to the owner or responsible person for an animal, stating that—
 - (a) the animal has been impounded; and
 - (b) the animal may be reclaimed within the prescribed period provided that—
 - (i) the cost-recovery fee is paid; and
 - (ii) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and
 - (iii) if the animal has been seized under section 21(1)(b) or 21(2)(b)— the owner or responsible person has complied with the relevant compliance notice; and
 - (iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and
 - (v) no destruction order has been made for the animal.
- (2) In this section—
relevant compliance notice means the compliance notice mentioned in section 21(1)(b) or 21(2)(b).

26 Dealing with animal seized and impounded for wandering at large

- (1) Subsection (2) applies where—
 - (a) an authorised person has impounded an animal seized under section 21(1)(a) or 21(2)(a); and
 - (b) the animal was not a declared dangerous animal at the time of being seized; and
 - (c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person must give the owner or responsible person a notice of impounding.
- (3) Subsection (4) applies where—
 - (a) an authorised person has impounded a declared dangerous animal seized under section 21(1)(a); or
 - (b) an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.
- (4) The authorised person may—

- (a) give the owner or responsible person for the animal a notice of impounding;
or
- (b) make a destruction order for the animal under section 30.

27 Dealing with animal seized and impounded for non-compliance with local law

- (1) This section applies where an authorised person has impounded an animal seized under section 20A(5), 21(1)(b) or 21(2)(b).
- (2) The authorised person may—
 - (a) give the owner or responsible person for the animal a notice of impounding;
or
 - (b) if the animal was being kept in contravention of section 5 of this local law or is an animal for which an approval cannot be granted under this local law or is an animal for which an application for approval under this local law has been rejected—dispose of the animal under division 5; or
 - (c) if the animal was seized by an authorised person under section 20A(5)—dispose of the animal under division 5.

28 Dealing with animal seized and impounded for attacking etc a person or another animal

- (1) This section applies where an authorised person has impounded an animal seized under section 21(1)(c).
- (2) The authorised person may²⁴—
 - (a) make a destruction order for the animal under section 30; or
 - (b) give the owner or responsible person a notice of impounding.

29 Reclaiming an impounded animal

- (1) This section applies where—
 - (a) the owner or responsible person for an animal has been given a notice of impounding; or
 - (b) an authorised person does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.
- (2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—
 - (a) reclaims the animal within the prescribed period; and
 - (b) pays the cost-recovery fee; and
 - (c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration—

²⁴ An authorised person may also declare an animal as a declared dangerous animal under section 19 if specified criteria are met.

- obtains the approval or registration; and
- (d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.
- (3) However, the animal may not be reclaimed by an owner or responsible person if—
- (a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
- (b) a destruction order has been made for the animal.
- (4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—
- (a) if subsection (3)(a) applies—
- (i) an authorised person advises the owner or responsible person that the animal's continued retention as evidence is no longer required; and
- (ii) the owner or responsible person has satisfied subsection (2)(b)-(d);
- (b) if subsection (3)(b) applies—
- (i) an application for a review or an appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and
- (ii) the owner or responsible person has satisfied subsection (2)(b)-(d).

Division 4 Destruction of animal following notice

30 Destruction orders

- (1) An authorised person may make an order (a *destruction order*) stating the person proposes to destroy an animal 14 days after the order is served.
- (2) A destruction order may only be made in 1 or more of the following circumstances—
- (a) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
- (b) the animal is a declared dangerous animal and was found wandering at large; or
- (c) the animal has been seized more than 3 times during a 12 month period.
- (3) The destruction order must—
- (a) be served on a person who owns, or is a responsible person for, the animal; and

- (b) include or be accompanied by an information notice.²⁵
- (4) If a destruction order is made for the animal, the person may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
- (5) If an application for review has been made relating to the decision to make the order, the person may destroy the animal if—
- (a) the review is finally decided or is otherwise ended; and
 - (b) the order is still in force; and
 - (c) the time allowed for filing a notice of appeal has expired and no notice of appeal has been filed.
- (6) If an appeal is made relating to the decision to make the order, the person may destroy the animal if—
- (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is still in force.
- (7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
- (a) a review relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the order; and
 - (c) the order is no longer in force; and
 - (d) the owner or responsible person has satisfied section 29(2)(b)-(d).
- (8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
- (a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) the order is no longer in force; and
 - (c) the owner or responsible person has satisfied section 29(2)(b)-(d).
- (9) In this section—
- review* means a review conducted under the process mentioned in part 4 of *Local Law No.1 (Administration) 2011*.
- appeal* means an appeal under part 4 of this local law.

Division 5 Disposal of impounded animals

31 Application of this division

This division applies where—

- (a) an impounded animal has not been reclaimed within the prescribed period

²⁵ See note 17.

under section 29(2); or

- (b) if section 29(3)(a) applies— the impounded animal has not been reclaimed within 3 days of an authorised person's advice to the owner or responsible person that the animal's continued retention as evidence is no longer required; or
- (c) if section 29(3)(b) applies—the impounded animal has not been reclaimed within 3 days of the completion of a review or appeal that caused a destruction order to no longer be in force; or
- (d) an authorised person has seized an animal under section 20A(5); or
- (e) an authorised person has seized an animal mentioned in section 27(2)(b); or
- (f) the owner of an animal has surrendered the animal to the local government.

32 Sale, disposal or destruction of animals

- (1) The local government may—
 - (a) offer the animal for sale by public auction or by tender; or
 - (b) if the animal is an animal seized under section 20A(5), or an animal mentioned in section 27(2)(b), or is of a species, breed or class specified by subordinate local law for this paragraph—
 - (i) sell the animal by private agreement; or
 - (ii) dispose of the animal in some other way without destroying it; or
 - (iii) destroy the animal.

Example for paragraph (b)—

The subordinate local law might specify dogs, cats and other small domestic animals, for which a public auction or tender might not be practicable.

- (2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this local law.

Examples—

- A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area.
 - An animal that a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.
 - A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.
- (3) If an animal is to be offered for sale at a public auction under this section, notice of the time and place of the auction must be exhibited at the local government's public office for at least 2 days before the date of the auction.
 - (4) An amount realised on sale of an impounded animal must be applied—
 - (a) first, towards the costs of the sale; and
 - (b) second, towards the cost-recovery fee for impounding; and

- (c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.
- (5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(c) within 1 year of the date of the sale, the amount becomes the property of the local government.
- (6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

Examples—

- The local government may give the animal away.
- The local government may have the animal destroyed.

Division 6 Other Impounding matters

33 Register of impounded animals

- (1) The local government must ensure that a proper record of impounded animals (the *register of impounded animals*) is kept.
- (2) The register of impounded animals must contain the following information about each impounded animal—
 - (a) the species, breed and sex of the animal; and
 - (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable—the registration number of the animal; and
 - (d) if known—the name and address of the responsible person; and
 - (e) the date and time of seizure and impounding; and
 - (f) the name of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and
 - (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.
- (3) The register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.

34 Access to impounded animal

- (1) This section applies to an animal impounded under section 24.
- (2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
- (3) Subsection (2) does not apply if it is impracticable or would be unreasonable to

allow the inspection.

- (4) The inspection must be provided free of charge.

35 Unlawful removal of seized or impounded animal

- (1) A person must not, without the authority of an authorised person, remove or attempt to remove—
- (a) a seized animal from the custody or control of an authorised person; or
 - (b) an impounded animal from the local government's facility for keeping impounded animals.

Maximum penalty for subsection (1)—50 penalty units.

- (2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

Part 5 Appeals against destruction orders

36 Who may appeal

An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction order.

37 Starting appeal

- (1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.
- (2) An appeal is started by—
- (a) filing notice of appeal with the Magistrates Court; and
 - (b) serving a copy of the notice of appeal on the local government; and
 - (c) complying with rules of court applicable to the appeal.
- (3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.
- (4) However, the court may, at any time, extend the time for filing the notice of appeal.
- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

38 Stay of destruction order

Upon filing the notice of appeal, the destruction order is stayed until the court decides the appeal.

39 Hearing procedures

- (1) In deciding an appeal, the Magistrates Court—
 - (a) has the same powers as the local government; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing, unaffected by the decision appealed against.

40 Court's powers on appeal

- (1) In deciding an appeal, the Magistrates Court may—
 - (a) confirm the decision appealed against; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the local government with directions the court considers appropriate.
- (2) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.
- (3) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

41 Appeal to District Court

An appeal lies to a District Court from a decision of the Magistrates Court, but only on a question of law.

Part 6 Miscellaneous

42 Sale of animals

- (1) The local government may, by subordinate local law, specify conditions to be complied with by persons who offer animals, or a particular species of animal, for sale.
- (2) Conditions specified under subsection (1) are in addition to requirements of the *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs.
- (3) A person must not offer or display animals for sale in the area unless the person complies with conditions specified under subsection (1).
Maximum penalty for subsection (3)—50 penalty units.

43 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the circumstances in which the keeping of animals is prohibited;²⁶ or
- (b) the circumstances in which an approval is required for the keeping of animals;²⁷ or
- (c) the circumstances in which desexing of an animal is required;²⁸ or
- (d) minimum standards for keeping animals generally or animals of a particular species or breed;²⁹ or
- (e) the identification for cats and dogs required under the *Animal Management (Cats and Dogs) Act 2008*;³⁰ or
- (f) the exclusion of animals, or animals of a specified species, from public places;³¹ or
- (g) designated dog off-leash areas;³² or
- (h) animals whose faeces in public places must be removed and disposed of;³³ or
- (i) proper enclosure requirements;³⁴ or
- (j) requirements for keeping a dog within a koala area;³⁵ or
- (k) designation of an area as a koala area;³⁶ or
- (l) the criteria for declaring an animal other than a dog to be a declared dangerous animal;³⁷ or
- (m) the organisation or local government that operates a place or care for impounded animals;³⁸ or
- (n) the species, breed or class of animal that may be disposed of other than by public auction or tender;³⁹ or
- (o) the office at which the register of impounded animals is available for public inspection;⁴⁰ or

²⁶ See section 5(1).

²⁷ See section 6(1).

²⁸ See section 7(1).

²⁹ See section 8(1).

³⁰ See section 9.

³¹ See section 10(1).

³² See section 11(1).

³³ See section 13.

³⁴ See section 14(2).

³⁵ See section 15(1).

³⁶ See section 15(4).

³⁷ See section 19(1).

³⁸ See section 24(b).

³⁹ See section 32(1)(b).

⁴⁰ See section 33(3).

- (p) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;⁴¹ or
- (q) the exclusion of animals of a particular species from the application of this local law;⁴² or
- (r) the declaration of a species of animal as a declared dangerous animal;⁴³ or
- (s) the period within which an impounded animal may be reclaimed.⁴⁴

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⁴¹ See section 42(1).

⁴² See the definition of *animal* in the schedule.

⁴³ See the definition of *declared dangerous animal* in the schedule.

⁴⁴ See the definition of *prescribed period* in the schedule.

Schedule Dictionary

Section 3

animal includes a mammal, fish, bird, reptile, amphibian or insect but does not include an animal of a species excluded by subordinate local law from the application of this local law.

attack, by an animal, means—

- (a) aggressively rushing at or harassing any person or animal; or
- (b) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal; or
- (c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.

compliance notice means a compliance notice mentioned in *Local Law No. 1 (Administration) 2011*, section 27.

cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.⁴⁵

declared dangerous animal means an animal—

- (a) of a species declared by subordinate local law as a declared dangerous animal; or
- (b) declared under section 19 of this local law to be a declared dangerous animal.

destroy, an animal, includes causing it to be destroyed.

destruction order see section 30(1).

dog off-leash area see section 11(1).

effective control see section 12(3).

notice of impounding see section 25(1).

owner, of an animal, means

- (a) its registered owner;
- (b) a person who owns the animal, in the sense of it being the person's personal property;
- (c) a person who usually keeps the animal, including through an agent, employee or anyone else;
- (d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.

prescribed period means the period, fixed by subordinate local law, of not less than—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 days;

and commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

registered owner, of an animal, means a person recorded as being the owner of the animal in a registry kept by a local government.

⁴⁵ See the Act, section 97 for the power of a local government to fix a cost recovery fee.

removal notice see section 20A(1).

responsible person, for an animal, means—

- (a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or
- (b) the parent or guardian of a minor who has immediate control or custody of the animal; or
- (c) the person who occupies the place at which the animal is usually kept,

but does not include—

- (a) a person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or
- (b) a person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.

restricted dog see *Animal Management (Cats and Dogs) Act 2008*, section 63.

State planning instrument see *Planning Act 2016*, section 8.

the Act means the *Local Government Act 2009*.

wandering at large means—

- (a) the animal is not under the effective control of someone; and
- (b) the animal is in either—
 - (i) a public place; or
 - (ii) a private place without the consent of the occupier.

12.3 Proposal to Make a New Planning Scheme

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Planning and Compliance Coordinator	ECM Function No/s: 18.14

Recommendation

THAT Council proposes to make a new planning scheme.

Report

Council has indicated that it wishes to make a new planning scheme for the region.

The first step in this process is for Council to propose to make a planning scheme. This will allow Council officers to proceed to tender for suitable consultants to assist with this project.

Council must give notice of the proposed planning scheme to the chief executive of the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP). The information that will be given by Council will be determined with the consultant, but will likely include:

- The nature and objective of the proposed planning scheme;
- The impact on State interests;
- A preferred process for the making of the planning scheme – including the order and timing of steps in the process;
- An indicative timeframe; and
- A proposed communications strategy.

There is no set process for the making of a planning scheme. The process is determined by the DSDMIP on a case-by-case basis. After consulting with Council, the DSDMIP must give a notice about the process for making the planning scheme to Council, and Council must make the planning scheme by following process in the notice.

Budget Implications

The cost of the new planning scheme is estimated at \$350,000. The final cost will depend on the number and type of studies to be undertaken, the extent of involvement of consultants, and the extent of community engagement.

Policy Consideration

Corporate Plan

4.4 Apply the Planning Scheme to ensure consistent and balanced decisions are made in relation to lifestyle and growth opportunities

8.1 Review the Planning Scheme in accordance with State legislation

Community Engagement

The timing, duration and type of community engagement will be determined based on advice from the consultant and Councillors. A draft planning scheme must undergo a public consultation period of at least 40 business days.

Legislation/Local Law

Planning Act 2016

Minister's Guidelines and Rules 2017

Options

Council:

1. Proposes to make a new planning scheme.
2. Does not propose to make a new planning scheme.

Attachments

Nil

12.4 Quarterly Report on Development Approvals for the October to December Quarter 2017

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Development Assessment Coordinator	ECM Function No/s: N/A

Recommendation

THAT Council receives the report and notes its contents.

Report

This report provides Council with a summary of the number of development related approvals, the timeframe for Council's assessment, the estimated value of these approvals, and identify the approvals which are progressing toward construction.

This report deals with all development approvals in the development cycle for the October to December 2017 quarter, and relates to the following application types:

- Material Change of Use
 - Other associated applications
 - Works on Local Heritage Places
- Reconfiguring a Lot
 - Other associated applications
- Plans of Subdivision (Survey Plans)
- Operational works
- Building applications
- Plumbing and drainage applications and
- Temporary events permits.

The Planning and Development office issued all the decisions within legislated timeframes in accordance to the *Sustainable Planning Act 2009*, the *Planning Act 2016* and the *Plumbing and Drainage Act 2002*.

The figures provided in relation to Building applications refer to Council certified application only. No data in relation to private building certification is provided.

1.0 Number of applications decided in fourth quarter of 2017:

This table summarises the number of applications decided in the quarter.

	First quarter 2016	First quarter 2017	Second quarter 2016	Second quarter 2017	Third quarter 2016	Third quarter 2017	Fourth quarter 2016	Fourth quarter 2017
Material Change of Use	21	22	24	33	26	35	17	27
- Negotiated decisions	3	2	4	5	1	4	2	3
- Change to an existing approval	4	2	5	2	5	6	9	5
Reconfiguring a lot	9	10	15	9	7	13	8	13
- Negotiated decisions	4	0	2	1	0	2	0	0
- Change to an existing approval	1	2	8	1	2	2	5	4
Survey Plans	10	6	7	10	15	25	5	12
Operational works	2	1	3	5	5	1	2	4
Building	40	28	35	28	27	33	28	28
Plumbing & drainage	52	71	69	72	73	84	73	42
Temporary events	4	2	3	1	2	4	2	1
TOTALS	150	140	175	165	165	209	151	139

2.0 Decision timeframe

Please note that the assessment times exclude the time when an application is referred to the State Department of Infrastructure, Local Government and Planning (DILGP) for input, or when additional information for an application is requested. DILGP has 30 business days to review and decide an application referred to them, and this assessment period is over and above that of Council's.

2.1 Land-use, operational works and building applications

The Integrated Development Assessment System (IDAS) in the *Sustainable Planning Act 2009* and the Development Assessment Rules in the *Planning Act 2016* stipulates the development assessment process, and legislates timeframes in which all land-use, operational works and building applications **must** be decided. IDAS allows the assessing authority (in this case Council) 20 business days, since the last action taken by the applicant and 35 business days total under the *Planning Act 2016*, minus the Information Request period*, to decide an application. The following table outlines the average time in business days Council's Planning and Development office takes to assess and decide delegated applications.

	First quarter Timeframe (b.d.)	Second quarter Timeframe (b.d.)	Third quarter Timeframe (b.d.)	Fourth quarter Timeframe (b.d.)
Material Change of Use:				
- Delegated	8.187	13.241	10.8	9.38
- Council meeting	16.666	14.75	21.75	24
Reconfiguring a lot:				
- Delegated	9.3	8.66	9.2	7.38
- Council meeting				
Operational works	5	4.2	11	1.5
Building	15.6	11.7	12.9	9.75

To further speed up low risk applications, the Planning and Development Office introduced a "Rapid Assessment Report Format", referred to as RAPID, through which such applications are reviewed and decided.

From the statistics it is clear that Council's decision-making time, in business day, are consistently less than what is set out in IDAS and the Development Assessment Rules.

* An application is applicant driven, and Council cannot proceed with assessment unless the required actions, such as referral to DILGP, and public notification, are completed by the applicant.

It should be noted that this quarter required Council's Planning and Development Office to process application under the *Sustainable Planning Act 2009* and the *Planning Act 2016*. This also included the Department participating in a Developer's Forum to enable the industry to become familiar with the legislative changes that occurred on and after 3 July 2017.

2.2 Plan of subdivision

The *Sustainable Planning Act 2009* and the *Planning Act 2016* stipulates the assessment process and legislated timeframes in which a plan of subdivision **must** be issued by Council. The Act allows 10 business days to issue the signed Survey Plan.

The average period for processing a plan of subdivision is 1.36 business days.

It should be noted that eight (8) of the survey plans were processed on the same day they were lodged with Council.

2.3 Plumbing and drainage applications

The *Plumbing and Drainage Act 2002* stipulates the assessment process, and legislated timeframes in which plumbing and drainage applications **must** be decided. The Act allows 20 business days, to decide an application, and this timeframe includes all inspections.

The average assessment period for a plumbing application is 10.4 business days.

It should be noted that two (2) plumbing approvals were held up for 192 days and 32 days waiting for a planning approval to be obtained. If these two (2) permits are taken out of the average assessment, the plumbing applications were processed in an average of 7.89 days.

3.0 Estimated value of the applications

Calculating the value of an approval is done by estimating the value of the future development at today's dollar value. The value of the applications decided in this quarter is estimated as follows:

	Value (\$)
Operational works	\$2,767,749.70
Building	\$3,667,557.00

** These values are a projection, and have been collated from verbal reports from applicants and details provided on the application forms. These values will change over time.

4.0 Developments which are proceeding

The strongest indication of a development proceeding, once a Development permit is issued, is the submission of subsequent Operational works, Building, and Plumbing and drainage applications.

In the last quarter, the following larger developments have progressed:

- MCU\1759 – Bunnings – Business Activities (Shop, Showroom and Garden Centre)
 - Approved 25 January 2017
 - OPW\000115 – Internal Operational Works (Earthworks, Retaining Walls and Stormwater Drainage Infrastructure) Approved 19 December 2017

- RC\01442 – 1 into 39 Lots – Crn East Street and McDougall Street
 - Approved 20 March 2014
 - OPW\000111 – Operational Works (Roadworks, Stormwater, Drainage Works, Water Infrastructure, Earthworks, Sewerage Infrastructure and Footpath) approved on 18 December 2017

5.0 Initiatives and Improvements

5.1 This quarter:

The Planning Department was available for the first time during the Christmas and New Year period. During this time there were a number of enquiries received both over the phone and at the Counter.

5.2 Next quarter:

Encourage and promote applicants to arrange with Council's Planning Department a Pre-lodgment meeting prior to lodging a formal development application. This is to improve efficiency in the assessing and deciding of the applications received. In some cases, may avoid the need to issue an Information Request, which overall improves timeframes with Council.

Budget Implications

Nil

Policy Consideration

Nil

Community Engagement

The planning applications that were Impact assessable underwent public notification in accordance with the *Sustainable Planning Act 2009* and the *Planning Act 2016*.

Legislation/Local Law

Building Act 1975

Plumbing and Drainage Act 2002

Sustainable Planning Act 2009

Planning Act 2016

Southern Downs Planning Scheme

Local Law No. 1 (Administration) 2011

Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011

Options

Council:

1. Receive and note the summary of the development approvals statistics for the October to December 2017 quarter.
2. Not receive and note the summary of the development approvals statistics for the October to December 2017 quarter.

Attachments

Nil

12.5 Amendment to the 2017/18 SDRC Fees and Charges

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Acting Manager Environmental Services	ECM Function No/s: 0

Recommendation

THAT Council amend the 2017/18 SDRC Fees and Charges to remove the requirement for domestic customers to pay for the disposal of refrigerators, freezers, air conditioning units and gas bottles and that the Fees and Charges read as follows:-

Commercial Operators Only

- Refrigerators, freezers and air conditioning units \$8:00 each
- Gas bottles \$4:00 each.

Report

In the 2017/18 fees and charges, there are the following disposal fees for commercial and domestic customers relating to the disposal of items that require de-gassing:-

- Refrigerators, freezers and air conditioning units \$8:00 each
- Gas bottles – commercial or domestic (each) \$4:00 each.

The fee for the disposal of refrigerators, freezers and air conditioning units has only commenced this financial year. The fees were introduced as a way of recovering costs from customers to cover the cost of having these items de-gassed which is a statutory requirement. Since the introduction of the fees, there have been a number of issues, some of these being:-

1. Negative feedback from Supervisors of regional waste facilities about the fee (customers being abusive to them);
2. Customers wanting to pay cash for the disposal fees when regional waste facilities are not supposed to accept cash;
3. The cost of generating an invoice for such a small amount (i.e. less than \$10.00) – it's estimated that it costs \$50.00 to generate one invoice;
4. Customers not wanting to pay the disposal fees, which has resulted in a significant increase in the illegal dumping of white goods, which in turn is a cost to Council for the clean ups;
5. White goods being left out the front of unsupervised bin compounds;
6. To avoid the fees, customers are bringing these items to the waste facilities which have already been degassed or have the compressor missing – not only is this potentially a very dangerous practice but it is also illegal.

Below is a breakdown of anticipated income and expenditure should the fee for these items be continued for the 2017/18 year and a comparison should the fee be removed. The numbers of items are based on the numbers currently provided for the first half year of 2017/18 from our

supervised waste facilities, from the iWeigh system which is utilised at the Warwick and Stanthorpe waste facilities and our de-gassing Contractor.

Income

Item	Currently	With Fee Removed
Refrigerators, freezers, air conditioner units (estimated that 1,000 items will be disposed of during 2017/18 @ \$8.00 each)	\$8,000.00	Nil
Gas bottles (estimated 80 items to be disposed of during 2017/18 @ \$4.00 each)	\$329.00	Nil
Scrap metal @ \$65.00 / tonne or \$6.50 / fridge	\$4,255.00	\$4,255.00
Total	\$12,584.00	\$4,255.00

The income component is based on each fridge weighing an average of 100 kilograms and Council receiving \$65.00 per tonne for scrap metal.

Expenditure

Item	Currently	With fee removed
Cost to generate invoice – (approx. 675 @ \$50.00 each)	\$33,600.00	Nil
Payment to licensed contractor to de-gas	\$14,000.00	\$14,000.00
Clean up costs	\$5,000.00	Nil
Total	\$52,600.00	\$14,000.00

Based on the above estimates, there is a \$40,000.00 out of pocket cost this financial year for implementing this fee. In comparison, should the fee be removed, there will be an out of pocket cost of just under \$10,000.00.

The discrepancy in the tables above between the number of items brought to the waste facilities (1,030 in total) in the income section against the number of invoices generated (675) is attributed to some people paying cash for their items and a customer bringing out multiple items at the same time.

Whilst there should be every effort to apply cost recovery principles to waste management activities, there appears to be little commercial value in continuing to charge domestic customers a fee to dispose of refrigerators, freezers, air conditioning units and gas bottles. By removing the fee for domestic customers, it will encourage them to do the right thing and will assist in curbing some of these unacceptable behaviours.

Budget Implications

Whilst there currently is an income generated by collecting fees for the disposal of refrigerators, freezers, air conditioning units and gas bottles, and there are costs associated with payment to a licenced contractor to de-gas these units, these costs are insignificant in comparison to the cost of issuing invoices and the cost of having Council employees collecting these items when they are dumped illegally.

Council still receives an income from these items once these are de-gassed via our scrap metal removal contractors.

Policy Consideration

Operational Plan 2017/18

4.12 Explore/review potential efficiencies and opportunities for Council's operations.

Community Engagement

Contact has been made with various waste facility Supervisors to obtain their feedback on the pros and cons of having this fee for domestic customers retained or revoked.

Legislation/Local Law

- *Local Government Act 2009 and Local Government Regulation 2012.*
- *The Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*
- *The Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995.*
- *Waste Reduction and Recycling Act 2011*
- *Environment Protection Act 1994*
- *Environment Protection Regulation 2008*
- *Environment Protection (Waste Management) Regulation 2000*

Options

Council:

1. Amend the 2017/18 waste disposal fees and charges to have the payment of refrigerators, freezers and gas bottles only apply to commercial operators, i.e. domestic customers would be exempt from paying the current fee.
2. Not amend the 2017/18 waste disposal fees and charges for the disposal of refrigerators, freezers and gas bottles and continue to charge commercial and domestic customers.

Attachments

Nil

12.6 Delegation Register - Council to CEO

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Governance and Grants Officer	ECM Function No/s: 22.01.01

Recommendation

THAT Council adopt the amendments to the 'Council to CEO Delegations Register' as per the attached document.

Report

Pursuant to section 257 of the *Local Government Act 2009*, Council is required to review the Register of Delegations for the Southern Downs Regional Council to the Chief Executive Officer (CEO). With ever increasing responsibilities on local governments, it is not feasible for local government to exercise all powers at or through its meetings. Delegation of certain powers from Council to the CEO, and from the CEO to Council officers ensures the administrative efficiency of Council.

The purpose of this report is to advise Council of the changes made to various Acts and Regulations which has resulted in Council's Delegations to the Chief Executive Officer requiring updating and amending. Additionally, previously the delegation limits for all staff were contained within the Delegations Register, however the Manager of Finance and Information Technology has requested the limits for all staff (except the Chief Executive Officer) will be included in the Procurement Policy, which will facilitate consistency, improved efficiency and ease of identification.

Council last adopted amendments to the Register of Delegations from Council to the Chief Executive Officer at its General Meeting on 28 June 2017.

Council subscribes to the Local Government Association of Queensland's online delegations register service which provides up to date advice on local government legislative delegations through King and Company Solicitors. As part of this service, Council has been advised of a number of changes to the Register from Council to the Chief Executive Officer. Below is a summary of new registers, changes of substance to existing registers and registers that have been removed.

Changes of substance to existing registers – Existing registers that have been amended:

- Animal Management (Cats and Dogs) Act 2008
- Body Corporate and Community Management (Accommodation Module) Regulation 2008
- Body Corporate and Community Management (Commercial Module) Regulation 2008
- Body Corporate and Community Management (Small Schemes Module) Regulation 2008
- Body Corporate and Community Management (Standard Module) Regulation 2008

- Body Corporate and Community Management Act 1997
- Building Act 1975
- Coastal Protection and Management Act 1995
- Economic Development Act 2012
- Environmental Protection Act 1994
- Environmental Protection Regulation 2008
- Fire and Emergency Service Act 1990
- Heavy Vehicle (Mass, Dimension and Loading) National Regulation
- Information Privacy Act 2009
- Land Act 1994
- Local Government Act 2009
- Mining and Quarrying Safety and Health Act 1999
- Development Assessment Rules
- Plumbing and Drainage Act 2002
- Queensland Heritage Act 1992
- Queensland Reconstruction Authority Act 2011
- Residential Services (Accreditation) Act 2002
- Standard Plumbing and Drainage Regulation 2003
- State Penalties Enforcement Act 1999
- Sustainable Planning Act 2009
- Transport Infrastructure Act 1994
- Waste Reduction and Recycling Regulation 2011
- Water Act 2000
- Water Regulation 2016
- Water Supply (Safety and Reliability) Act 2008
- Work Health and Safety Act 2011

Budget Implications

Nil

Policy Consideration

Corporate Plan 2014 – 2019: The Well- Governed Southern Downs

- 8.6 Develop and implement customer focused policies and processes in keeping with Council's commitment to customer service.

Community Plan 2030: The Well-Governed Southern Downs

- 8.6 Create seamless processes between Southern Downs Regional Council and the community.

Community Engagement

Nil

Legislation/Local Law

Local Government Act 2009, section 257 – Delegation of Local Government Powers and section 260(1) – requires that the Chief Executive Officer must establish and record all delegation in a delegations register.

Local Government Regulation 2012, section 305 – provides the particular content requirements for the register.

Options

Council:

1. Adopt the amendments to the 'Council to CEO Delegations Register' as per the attached document.
2. Amend or add conditions if appropriate.
3. Do not adopt the amendments in the 'Council to CEO Delegation Register'.

Attachments

1. Council to CEO Delegations (Excluded from agenda - Provided under separate cover)
(Excluded from agenda - Provided under separate cover)[View](#)

12.7 Update on Matter of Southern Downs Regional Council v Hood & Brown (GrainX)

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Planning and Compliance Coordinator	ECM Function No/s: 11.09.05

Recommendation

THAT Council note the information provided in the report.

Report

In September 2017, Council's solicitor filed proceedings against Christopher Hood and David Brown (the owners and operators of the GrainX site at 20 Herbert Street, Allora) in the Planning and Environment Court. The proceedings are in relation to:

1. An offence under section 440(2) of the *Environmental Protection Act 1994*, being the causing of an environmental nuisance by the emission of noise from fixed and mobile plant and equipment;
2. An offence under section 440Q(1) of the *Environmental Protection Act 1994*, being the contravention of a noise standard in respect to the operation of a package diesel electric generator unit; and
3. Offences under section 180(1) of the *Planning Act 2016*, being non-compliance with conditions of the development permit issued in relation to the site on 30 June 2011, namely:
 - Development of the site not in accordance with the approved plan;
 - Failure to apply for and obtain a building approval for four silos on the land; and
 - Failure to comply with landscaping requirements.

Council's environmental consultant is continuing to monitor the site for dust levels. At this time, monitoring has failed to demonstrate that dust emissions exceed environmental standards.

Affidavits have been prepared by Council officers and Allora residents.

Mediation in relation to this matter will be held on Friday, 2 February 2018, and the matter has been allocated for hearing for two days during the March 2018 sittings.

Budget Implications

At this time, the following payments have been made:

- Council's solicitor - \$45,945.62
- Council's environmental consultant - \$28,418.83
- Council's barrister - \$3542.00

However, significant work has been undertaken since the last payments were made, and the actual cost to date is estimated to be around \$100,000.

Policy Consideration

Nil

Community Engagement

Several Allora residents have been working with Council's solicitor and have provided affidavits regarding the activities at GrainX and the impacts that they are experiencing.

Legislation/Local Law

Environmental Protection Act 1994
Planning Act 2016

Options

Council:

1. Notes the report.
2. Does not note the report.

Attachments

Nil

12.8 Material Change of Use - R & C Newman, Tummaville Road, Leyburn

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Planning Officer	ECM Function No/s: MCU\01900

APPLICANT:	Homeworthy Inspection Services
OWNER:	Robert J Newman & Cheryl B Newman
ADDRESS:	Tummaville Road, Leyburn
RPD:	Lot 15 L187, Parish of Leyburn, County of Merivale
LAND USE AREA:	Rural (Sandstone rises and traprock hills precinct)
PROPOSAL:	Dwelling house (within Flood hazard overlay)
LEVEL OF ASSESSMENT:	Code
SUBMITTERS:	Not Applicable
REFERRALS:	Nil

Recommendation Summary

THAT the application for Material Change of Use for a Dwelling house (within Flood hazard overlay) on land at Tummaville Road, Leyburn, described as Lot 15 L187, Parish of Leyburn, County of Merivale, be refused.

Report

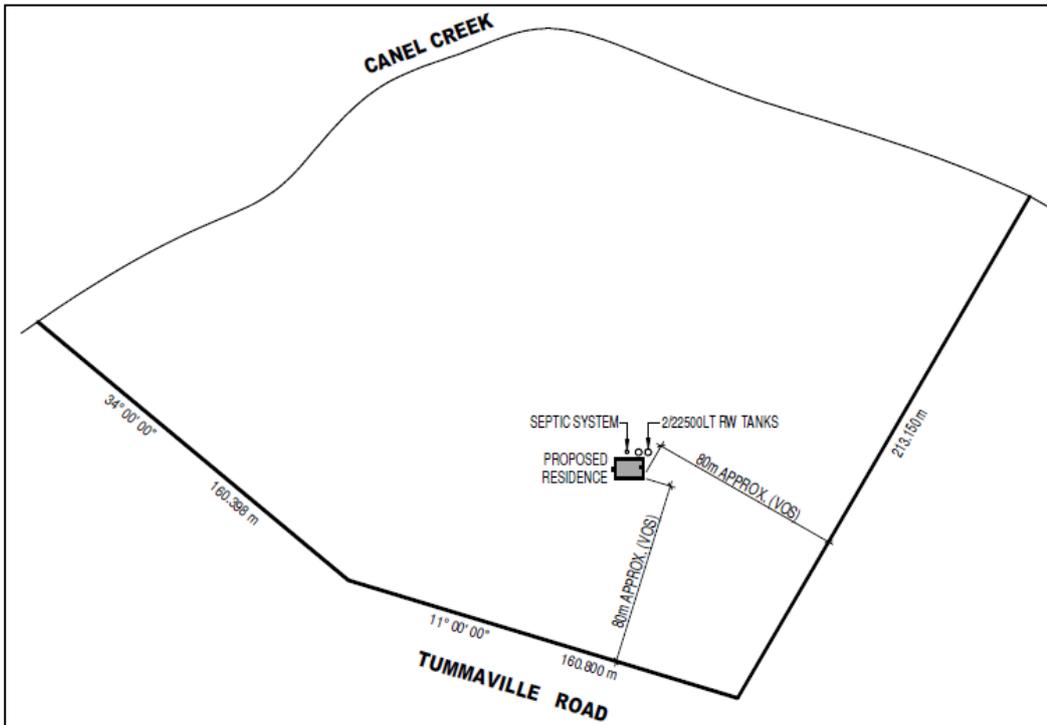
The subject site is approximately 4.5 hectares and has frontage to Tummaville Road and Canal Creek. All of the subject site is located within Council's Flood hazard overlay.



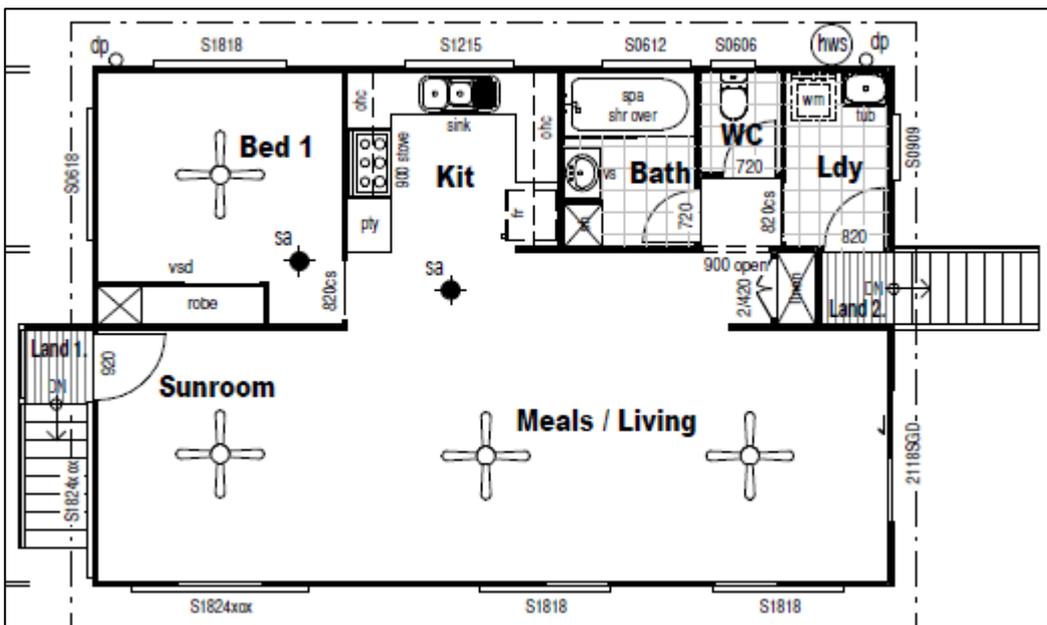
An application has been received for a one bedroom dwelling on steel posts at least 1.5 metres above ground level. The proposed dwelling will be located approximately 80 metres from Tumnaville Road, and 80 metres from the northern property boundary.

This application could be dealt with under delegated authority; however because of the issues surrounding the flood risk, this application is submitted to Council for consideration.

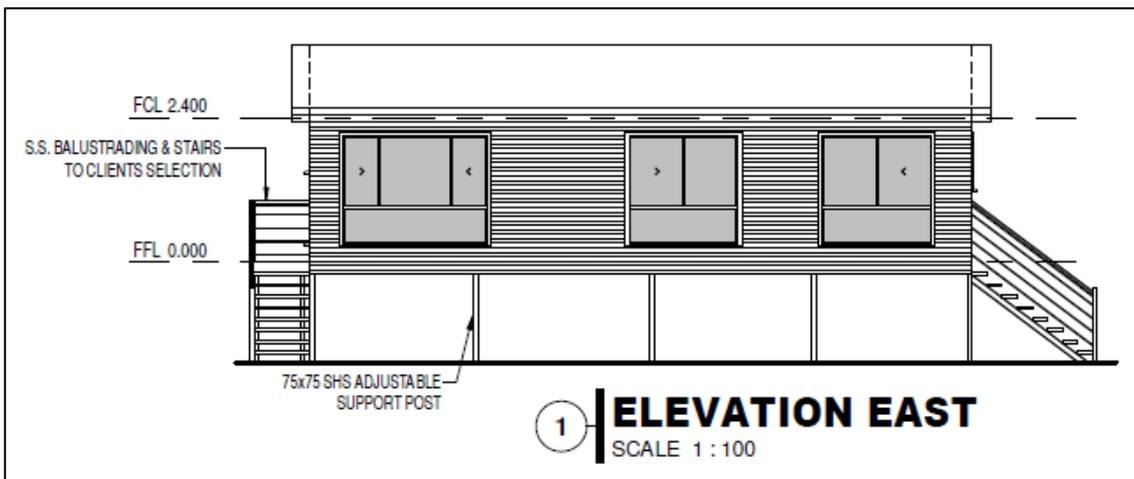
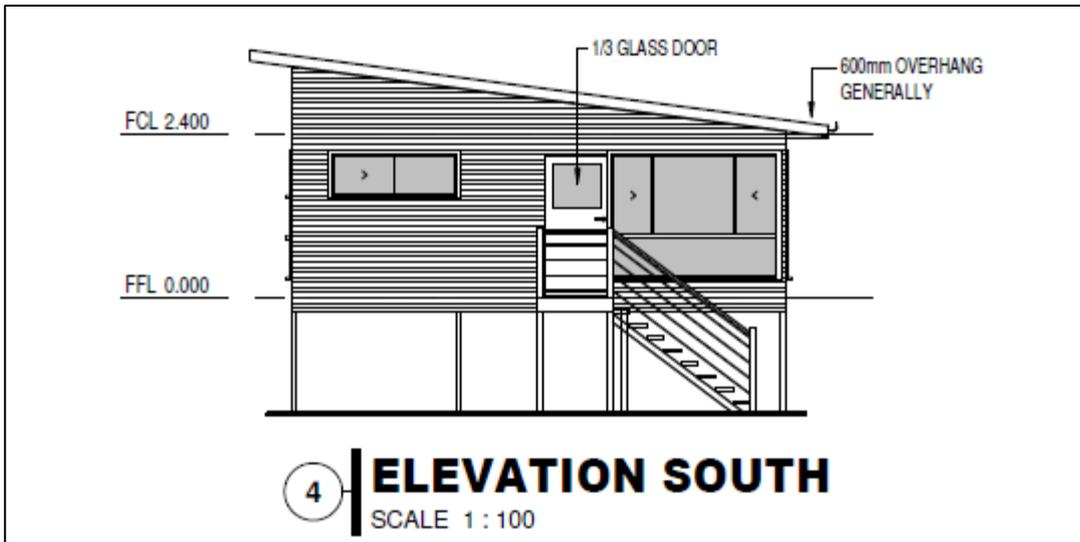
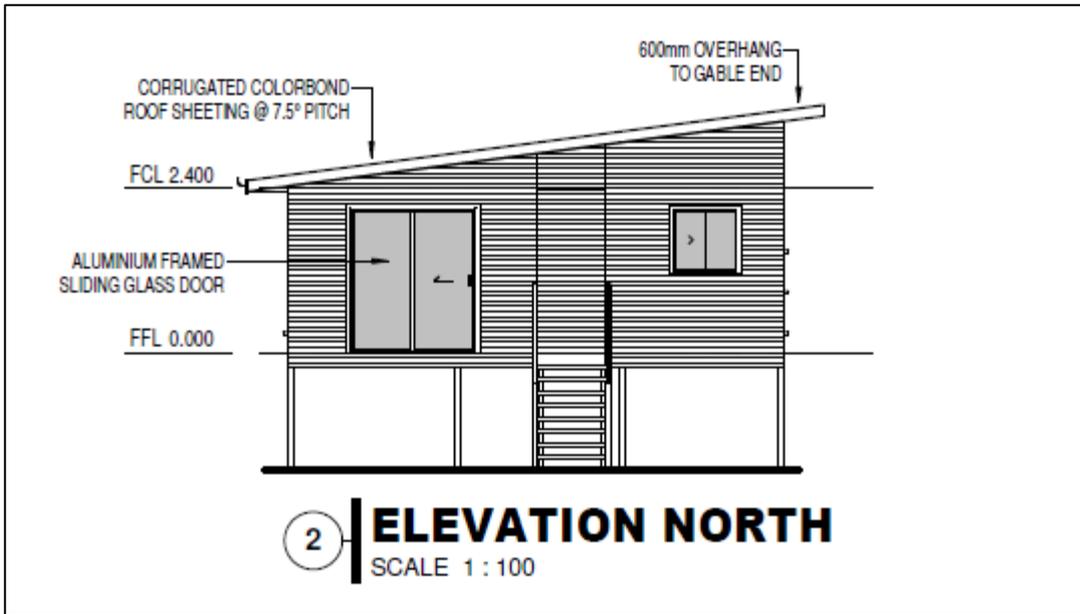
Site Plan

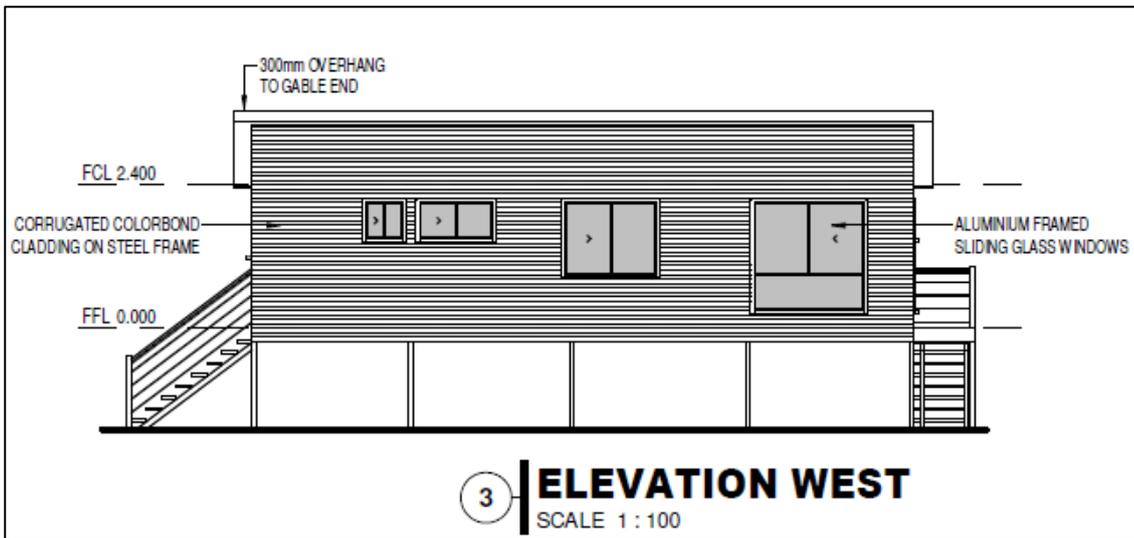


Floor Plan



Elevations





Assessment against the Planning Scheme

This application required assessment against the following benchmarks:

- Residential uses code
- Flood hazard overlay code
- Physical infrastructure code

Residential uses code

The purpose of the Residential uses code is to ensure that dwelling houses, dual occupancy, hostels, multiple dwellings and retirement facilities are located and designed to:

- (a) *meet the needs and expectations of the community for safe, convenient, pleasant and suitable accommodation*

The purpose of the code will be achieved through the following overall outcomes.

All dwelling houses, dual occupancy, hostels, multiple dwellings and retirement facilities:

- (a) *Occur only on land that is suited to the development and occupation of residential buildings;*
 (e) *Have adequate and safe vehicle access;*

The entire subject site is constrained by flooding in a 1% flood event. The site has adequate vehicle access via Tumnaville Road, however the access route encounters significant flooding in a 1% AEP flood event.

The proposed development complies with, or can be conditioned to comply with the code in relation to Access, Environmental protection, and Dwelling house & Dual occupancy – Rural zone.

With regards to the Site, the code requires that a dwelling house, dual occupancy, hostel, multiple dwelling and retirement facility is erected on a part of a site with -

- (a) a flood free area of at least 17 m x17 m at natural ground level; and
 (b) a slope of less than 15%.

The entire subject site is located within Council's Flood hazard overlay, and there is no flood free area for the construction of a dwelling.

The associated Performance outcome is:

PO1 *Dwelling houses, dual occupancy, hostels, multiple dwellings and retirement facilities are located on a site that is free from natural hazards.*

The entire subject site is located within the Flood hazard overlay, with almost all of the site being at least 50 centimetres deep in a 1% flood event. The impacts of flooding on the land are addressed

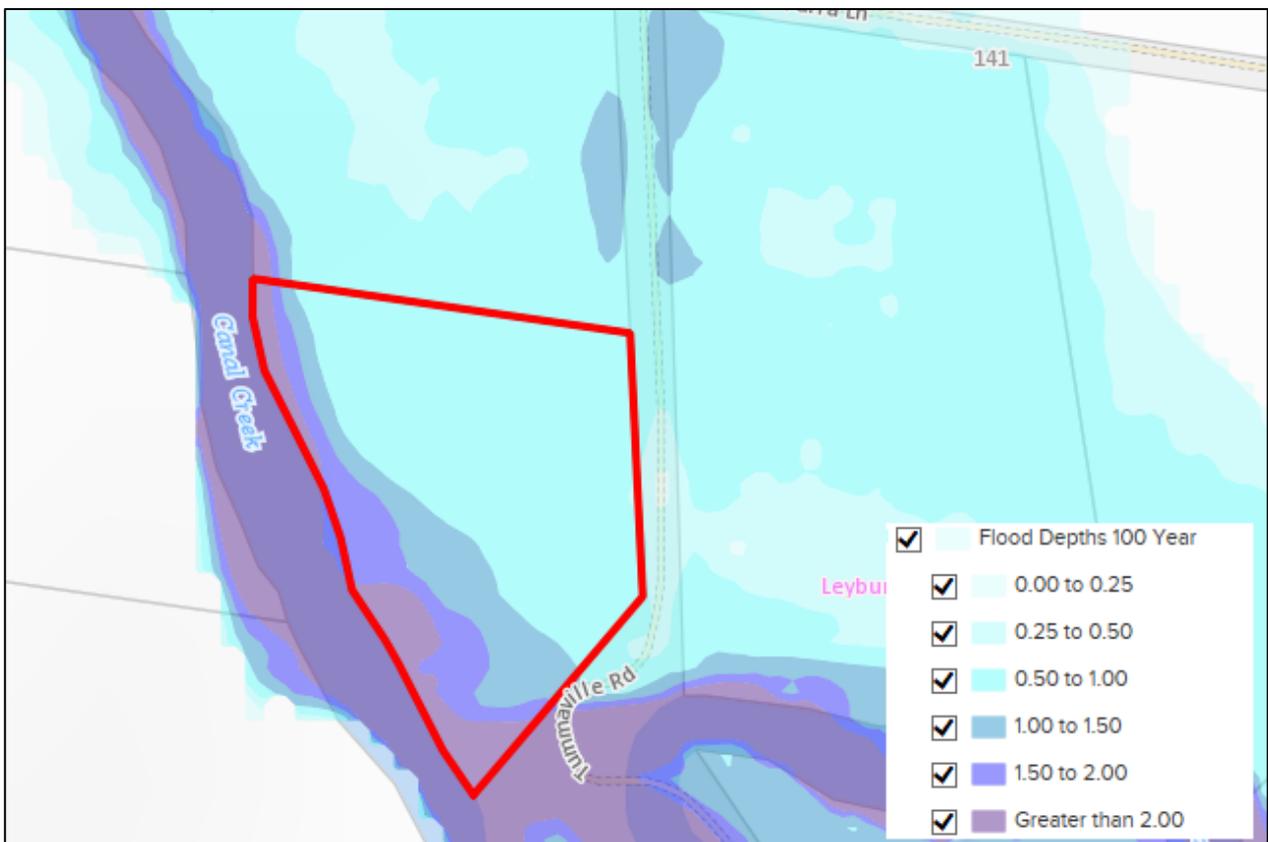
below in the assessment against the Flood hazard overlay code. The proposed development does not meet the Performance outcome.

Flood hazard overlay code

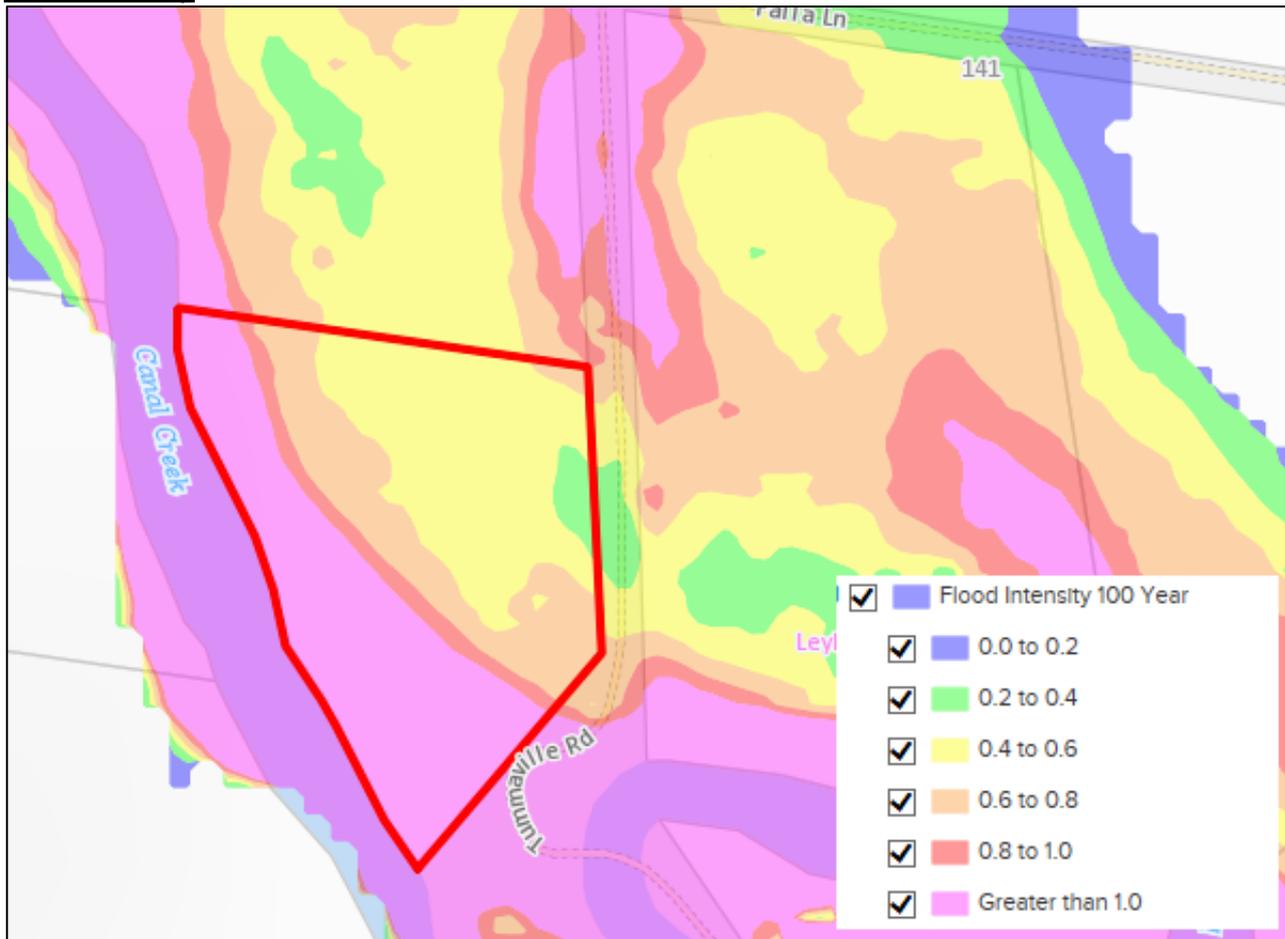
The whole site is located within Council's Flood hazard overlay. The location of the proposed dwelling is mapped as being between 0.5 metres to 1 metre deep during a 1% Flood event. Council's flood modelling shows that the proposed dwelling has a Flood intensity of 0.4 – 0.6, indicating a velocity of up to 0.5m/s.

It is noted that sections of Tummaville Road, which would be the only practical escape route in a flood event, reach depths between 0.5 metres to 1.5 metres in a 1% Flood event. Council's flood modelling shows that areas of the escape route on Tummaville Road have a Flood intensity of greater than 1, indicating a maximum velocity of over 2m/s.

Flood depths



Flood intensity



Information Request

On 17 October 2017, Council requested further information from the applicant with regards to flood risk. Council's Information Request stated the following:

Council has reviewed the information provided, and it is unlikely that Council can support the application.

Council's Flood modelling shows that the proposed dwelling is located at least 570 metres from dry ground in a 1% Flood event if using Tummaville Road and Falla Lane as the evacuation route.

The information supplied in the planning application does not provide sufficient justification or evidence to support a dwelling being appropriate in this location. In order for the application to be assessed, Council requires additional justification that the development maintains the safety of people on the development site from flood events and minimises the potential damage from flooding to property. This includes evacuation to safety in a flood event.

Due to the site characteristics, it may be difficult to provide adequate justification to warrant the dwelling being suitable at the subject property and therefore it is strongly recommended that you withdraw the application. Please note that if the application is withdrawn during the information stage before any response is provided, a partial refund can be given.

On 21 December 2017, a Planning Consultant provided a response to the Information Request on behalf of the applicant. The response to the Information Request included a number of points, including the following:

Circumstances

The Council's "Leyburn Flood Risk Management Study" identifies the construction site area as having potential peak flow velocities, in the maximum flood event (1 in 100 year or 1%), of between 0.6 to 0.8m/s (metres per second).

The Council's "Leyburn Flood Risk Management Study" identifies the construction site area, much of its surrounds, and land between it and Tummaville Road, as having a "Low Flood Hazard", in the maximum flood event (1 in 100 year or 1%) – which, as outlined on page 40 of the study, a "Low Hazard" represents where "able bodied adults would have little difficulty in wading to safety".

Leyburn Flood Risk Management Study

During potential events there is typically a time lag between the rise in the waters of the Creek to the "breaking of its banks", of between 5.25 hours (minor event) to 8 hours (major event), and the subsequent inundation of surrounding low lying areas. Although it is noted that this time lag could vary depending on rainfall intensity, but it could be reasonably assumed that 'lag time' and warning time would be measured in hours and certainly not in minutes.

In addition to the above it is noted that flood waters closest to, and especially within the creek and its banks, are typically the fast moving and deepest parts of a flooded creek/area – whereas those areas furthest away from the creek (flood source) are typically slower moving and shallow. This is reflected by the "Leyburn Flood Risk Management Study" findings and modelling – which, due to the lower heights and lower velocities for the proposed house site (and land between it and Tummaville Road) rates the subject areas as being within a Low Hazard area, where adults could wade to safety in a maximum event; and thus it could also be reasonably assumed that damage to structures (especially the proposed which is raised well above flood heights on engineer design steel posts) is highly unlikely to occur.

As discussed, the proposed Dwelling House will be constructed on 1.5m high steel piers which will ensure that the house's floor level is at least 500mm (0.5 metres) clear of the highest known flood level at the proposed site area.

Thus, based upon the above, and the "Leyburn Flood Risk Management Study" (that the flood height is relatively low, flood velocities are relatively low and the flood hazard is identified as low - not having risk to life or property), although the flood hazard/potential for the site and construction site is real, the proposed Dwelling House will not result in any risk to life or property.

Risk

It is considered that the risk to the proposed Dwelling House and its occupants is acceptable as there is no probable risk to life or property (proposed Dwelling House), escape/evacuation is possible and remaining in the house during even a maximum flood event would ensure the safety of its residents. Further to this it is unlikely that any flood event would be of a prolonged duration of such that would require assistance/aid to the residents prior to the waters receding.

Further to the above, the following should be noted in relation to risk:

- 1) The subject site is prone to flooding/inundation in a 1 in 100 year flood event at levels between approximately 2 metres along its western boundary to approximately 0.00 to 0.25 metres at its eastern boundary line;
- 2) The above levels are a rarer but possible occurrence, with other more common flood events likely to be of lesser height and velocity and potentially lesser coverage of the site – including not covering the dwelling site;
- 3) The flood waters could be expected to be slower moving the further they are away from the creek. With the higher more dangerous velocities being in deeper areas in more defined flow paths;

- 4) *The proposed house site is significantly separated from the Creek (at least 120 metres) and is likely to only be susceptible to flood/inundation levels of 0.5 to 1.0 metres (maximum – 1 in 100 years) or less;*
- 5) *The flood heights likely at the house site and between the house site and the road frontage (Tummalville Road) are likely to be at maximum levels of between 0.5 metres at house and 0.00 to 0.25 metres at the road;*
- 6) *The maximum possible flood heights noted above are not immediate and are likely to occur gradually, over a period likely measured in a minimum of hours and not minutes. Likely 5 hours, at a minimum, to 8 hours.*
- 7) *The proposed house site is only 80 metres from Tummalville Road;*
- 8) *Driving at only 40km per hour a person in a car would reach Tummalville Road, from the proposed house site, in less than 15 seconds (7 seconds to travel 80 metres at 40 km/per hour) – taking into account acceleration from 0 to 40km. At only a speed of 10km/per hour it would take less than 45 seconds to travel from the proposed Dwelling House site to Tummalville Road (29 seconds to travel 80 metres at 10 km/per hour) – taking into account acceleration from 0 to 10km. Thus, from the time it was decided to evacuate (eg. official warning received) it would take less than 5 minutes to reach the safety of higher ground on Falla Lane. Noting that the flood free area to the north-east on Falla Lane would be only 620 metres from the proposed house site. Which, at an average speed of only 40km/per hour could be reached in less than 1 minute (56 seconds to travel 620 metres at 40km/per hour) – noting that higher speeds could be safely/legally achieved on Tummalville Road;*
- 9) *Further to the above, the “Leyburn Flood Risk Management Study” identifies that the area for the proposed house and between it and Tummalville Road could be easily accessed by an adult on foot even during the maximum event;*
- 10) *It is considered that evacuation, although recommended, would not be necessary due to the height and velocity of the flooding (at only its maximum), the height above the flooding level of the house floor level, and the unlikelihood that waters affecting the dwelling house site would be compromise the structural integrity of the house and/or its footings;*
- 11) *It is noted that there is a flood monitoring network set up for the Canal Creek which is directly geared to be able to produce data and warnings for the town of Leyburn to the south of the subject site (upstream);*
- 12) *There is a flood warning siren in Leyburn. However, based upon Council’s information, this is unlikely to be heard at the subject site. However, the information obtained from the flood monitoring network, used to decide when to trigger the siren, also feeds information to statewide warning systems – with warnings issued also by the Bureau of Meteorology and ABC Radio – at least. It is also considered that residents, made aware of the flood hazard and risks, would be able to identify the rising of the creek and know where to go to escape the hazard before being susceptible to any risk – albeit low as discussed herein and identified by the study; and would certainly know to listen for warnings.*

Based upon the above, it is considered that flood risk to life and property is low (negligible) and acceptable, as it is highly unlikely that residents of the proposed dwelling house would be at risk of death or injury from a flood event, and the Dwelling House itself would not be at risk of damage, as:

- 1) *The flood would not rise above the proposed floor levels;*
- 2) *The nature of the flood, gradual and lower velocity, would be highly unlikely to affect the structural integrity of the dwelling house;*
- 3) *The flood intensity would not put life at risk and could also safely enable evacuation by foot to higher ground at Tummalville Road if necessary; and*

- 4) *Escape/evacuation of the dwelling house is readily available and achievable due to:*
 - a) *the existence of advanced early warning systems;*
 - b) *increased public knowledge and awareness of flooding and its implications since the 2011 floods;*
 - c) *escape from the dwelling house to flood free/high ground is achievable in around 2 minutes;*
 - d) *flood waters from the Canal Creek are unlikely to reach the house site, or block egress/escape routes, in less than 10 minutes (and most likely in hours) from when warnings are issued – as, due to the Council and Bureau of Meteorology advanced warning systems, the time from warning to flood impact is more likely to be much longer than required to evacuate.*

Mitigation

It is considered that mitigation of potential flood hazard and risk (especially to the Dwelling House) is achieved fully by the proposed construction methods/design and remaining in the house during an event. However, Council could also impose conditions of approval that ensure that all future owners/residents of the site must be made aware (in writing) of the flood hazard to the site, and potential risks from flooding. It is considered that this would ensure the risk to life is mitigated to an acceptable level, as residents would be aware of hazard, aware of risks (eg. driving through flood waters), aware of warning systems and would not act inappropriately (misadventure) during an event.

The purpose of the Flood hazard overlay code is to manage development outcomes in the floodplain so that risk to life, property, community and the environment during future flood events is minimised, and to ensure that development does not increase the potential for flood damage on site or to other property.

The purpose of the code will be achieved through the following overall outcomes.

- (a) *Development maintains the safety of people on the development site from flood events and minimises the potential damage from flooding to property.*
- (b) *Development does not result in adverse impacts on people's safety, the environment or the capacity to use land within the floodplain.*

The entire subject site is located within the Flood hazard overlay, with almost all the site being at least 50 centimetres deep in a 1% flood event.

The proposed dwelling is constructed on steel posts. While the exact floor level of the dwelling has not been provided, it has been stated that *'the dwelling house's floor level is a minimum of 1.5 metres above ground level.'* And that *'the design of the posts and its footings are by an Engineer who has taken into account potential flood impacts (depth and velocity).'*

The site has adequate vehicle access via Tummaville Road, however the access route encounters significant flooding in a 1% AEP flood event. Flooding poses a potential impact on health and safety of residents of the site, particularly due to the lack of flood free access to the site.

For a Material Change of Use, the code requires that new buildings, with the exception of farm sheds and outbuildings associated with an existing dwelling are not located within the overlay area. The proposed dwelling is located within the Flood hazard overlay area.

The associated Performance outcome is:

PO1 Development siting and layout responds to flooding potential and maintains personal safety at all times.

The site is accessed via Tummaville Road, however the access route encounters significant flooding, both in terms of depth and velocity, in a 1% AEP flood event.

Directly to the south of the site, Tummaville Road crosses the Canal Creek where the depth and velocity is extreme in a flood, and there is no flood-free bridge. At the moment this creek crossing is closed due to flood damage. This means that any evacuation from the proposed dwelling would

need to be north via Tummaville Road and Falla lane. The proposed dwelling is located approximately 600 metres from the nearest part of flood free land using Tummaville Road and Falla Lane as the escape route.

While the applicant's consultant states that the depth and velocity of flood water would be such that an able-bodied adult would have little difficulty wading to Tummaville Road, the increased depth and velocity of flood water along Tummaville Road have not been considered. Council's Flood mapping indicates that a section of Tummaville Road to the north reaches between 1.0 and 1.5 metres deep, and has a maximum velocity of up to two (2)m/s² in a 1% flood event. Therefore, the use of Tummaville Road as an evacuation route cannot be considered safe. Furthermore, it cannot be assumed (or required) that only able-bodied adults will be residing in the dwelling.

In the applicant's response to the Information Request, it was stated that:

It is considered that mitigation of potential flood hazard and risk (especially to the Dwelling House) is achieved fully by the proposed construction methods/design and remaining in the house during an event.

It is not recommended that people remain at home when their properties are inundated by flooding, even if the floor level of their dwelling is well above the water level.

It is important to note that during major flood events, Leyburn is completely isolated and there is no ability for State Emergency Services (SES) or Council officers to provide assistance to those that are flood affected. Residents on the northern side of the Tummaville Road bridge crossing of Canal Creek are inundated prior to inundation of the main township. Therefore, increasing the number of people living in the flood plain is not recommended.

Council's Director Engineering Services and Local Disaster Coordinator has reviewed the applicant's response to Council's Information Request, and provided the following statement:

I accept their argument that the floor height will be clear of the 1% event. The steel piles are mentioned but I am unclear if they are designed by a RPEQ; not just an engineer. The fact remains that the house proposed will be completely cut off in times of flooding. Wading through flood waters in my view is not a safe proposal in general. By accepting this as a "safe" option I believe Council would wear some liability potentially.

I recommend refusal as there is no safe option in my view if the occupants do not evacuate prior to the flood.

As per the statement from the Director Engineering Services and Local Disaster Coordinator, it is not considered that the dwelling is sited in a safe location, and the proposal does not ensure that personal safety is maintained at all times. As such, the Performance outcome cannot be met.

The code also requires that residential buildings:

- (a) Use screening to ensure that the understorey is not visible from the street;
- (b) Are not excessively high or out of character with the area;
- (c) Orient to the street by ensuring that the stairs to the dwelling and at least one habitable room overlook the street; and
- (d) Have ground floors that allow for the flow through of flood water.

The proposed dwelling does not appear to be excessively high, or out of character with the area. However, the applicant has not indicated that any screening will be used for the understorey of the proposed dwelling.

The associated Performance outcome is:

PO2 Development is resilient to flood events by ensuring that design and construction account for the potential risks of flooding.

The proposed dwelling is set back approximately 80 metres from Tummaville Road. The proposed dwelling does not appear to be excessively high, or out of character with the area, and it is not expected that screening the understorey would be required to improve the amenity of risk resilience

of the dwelling. It is considered that the proposed dwelling could comply with the Performance outcome.

Physical infrastructure code

The proposed development complies with, or can be conditioned to comply with the Physical infrastructure code in relation to Water supply, Waste water disposal, Energy, and Roads and rail.

State Planning Policy

As Council's Planning Scheme has not been identified by the Minister as appropriately integrating the State Planning Policy 2017, Council must assess the application against the relevant assessment benchmarks of the SPP.

Assessment benchmarks – natural hazards, risk and resilience:

- 3) *Development avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.*
- 4) *Development supports and does not hinder disaster management response or recovery capacity and capabilities.*
- 5) *Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.*
- 6) *Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.*

As described in the assessment against the Flood hazard overlay above, the entire subject site is located within the Flood hazard overlay. The proposed dwelling is constructed on steel posts, above the water levels of a 1% flood event.

Any evacuation from the proposed dwelling would need to be north via Tumnaville Road and Falla lane. The proposed dwelling is located approximately 600 metres from the nearest part of flood free land using Tumnaville Road and Falla Lane as the escape route.

While the applicant's consultant states that the depth and velocity of flood water would be such that an able-bodied adult would have little difficulty wading to Tumnaville Road, the increased depth and velocity of flood water along Tumnaville Road have not been considered. Council's Flood mapping indicates that a section of Tumnaville Road to the north reaches between 1.0 and 1.5 metres deep, and has a maximum velocity of over 2m/s in a 1% flood event. Therefore, the use of Tumnaville Road as an evacuation route cannot be considered safe. Furthermore, it cannot be assumed (or required) that only able-bodied adults will be residing in the dwelling.

During major flood events, Leyburn is completely isolated and there is no ability for State Emergency Services (SES) or Council officers to provide assistance to those that are flood affected. Any rescue efforts for residents at the property would hinder disaster management response or recovery capacity and capabilities throughout other flood affected areas.

The proposed development does not comply with all of the relevant Assessment Benchmarks for natural hazards, risk and resilience from the State Planning Policy 2017.

Proposed Amendments to the Planning Scheme

Given that the proposed amendments to the planning scheme (which are currently with the Minister awaiting final approval) Council can apply the Coty Principle, which means Council can give weight to the proposed amendments.

The proposed amendments include changes to the Flood hazard overlay code to allow some new buildings within the overlay. The relevant assessment benchmark is as follows:

AO1(b) New buildings are located within the overlay area only where the local government has confirmed in writing that the following criteria are met:

- (i) There is no part of the lot that is outside of the Flood hazard overlay area;

- (ii) New buildings are located on the highest part of the lot to minimise entrance of floodwaters;
- (iii) New buildings are located in areas of low flood hazard only as follows:
 - Maximum flood depth is 0.3 m; and
 - Maximum flood velocity is 0.4 m/s.
- (iv) Direct access is available to low hazard evacuation routes as follows:
 - Maximum flood depth is 0.3 m;
 - Maximum flood velocity is 0.4 m/s; and
 - Evacuation distance is less than 200 m.

The proposed dwelling house fails to meet (iii) and (iv) as the flood depth both at the dwelling site and the evacuation route exceeds 0.3 metres, the flood velocity exceeds 0.4 metres per second, and the evacuation distance to a flood free area exceeds 200 metres.

Unlawful Building Work

It is noted that at the time of writing this report, significant building work has been undertaken for the construction of the dwelling.

Building work has commenced despite:

- No planning approval or building approval being issued for the dwelling;
- The building certifier also acting as applicant for the planning application;
- A letter being sent on 6 September 2017 in response to a request for building information (Form 19) advising that the height of flood waters during a 1% AEP flood event is at least 50 centimetres on the land, and exceeds 2 metres in some parts of the site, and that planning approval is required for a dwelling house on this land;
- Council's Information Request dated 17 October 2017 advising Council is unlikely to approve the application given the flood liability of the land, and suggesting withdrawal of the application.

If Council decides to refuse this application, it is recommended that Council also resolve that should the unlawful building works not be removed from the land, that legal action commence against the landowners.

Conclusion

The applicant proposes to construct a dwelling on land that is entirely located within Council's Flood hazard overlay.

The Planning Scheme requires that new dwellings are not to be located within the Flood hazard overlay, and the siting and layout responds to flooding potential maintains personal safety at all times.

Tummaville Road is also subject to flooding and there is no alternative flood-free access to the site in a flood event. The proposed dwelling is located approximately 600 metres from the nearest part of flood free land using Tummaville Road and Falla Lane as the escape route. Flooding poses a potential impact on health and safety of residents of the site, particularly due to the lack of flood free access to the site.

The proposed development cannot meet the Performance outcomes of the Flood hazard overlay code, the Residential uses code and the Rural zone code with regard to flooding. The proposed development is recommended for refusal.

STATEMENT OF REASONS

Assessment benchmarks

Benchmarks applying for the development
(a) The following codes of the Southern Downs Planning Scheme: <ul style="list-style-type: none">– 8.2.5 Flood hazard overlay code– 9.3.7 Residential uses code– 9.4.7 Physical infrastructure code
(b) State Planning Policy July 2017, Part E - Natural hazards, risk and resilience

Reasons for the decision

Notwithstanding the details that have been provided, not all benchmarks have been achieved and development conditions cannot be imposed to achieve compliance. Therefore the development does not achieve compliance with the Southern Downs Planning Scheme and the State Planning Policy 2017.

The entire site is located within the Flood hazard overlay and there is no alternative flood-free site on the land. Tummaville Road is also subject to flooding, and there are no alternative flood free access routes. The proposed development would increase the risk to people and property in a flood event. The proposed development cannot comply with the Southern Downs Planning Scheme and State Planning Policy as outlined in the recommendation.

Options

Council:

1. Refuse the application for the reasons outlined in the recommendation.
2. Refuse the application for reasons other than as outlined in the recommendation.
3. Approve the application subject to conditions giving reasons for the approval despite the conflict with the assessment benchmarks.

Recommendation

A. THAT the application for Material Change of Use for a Dwelling house (within Flood hazard overlay) on land at Tummaville Road, Leyburn, described as Lot 15 L187, Parish of Leyburn, County of Merivale, be refused for the following reasons:

1. The entire site is located within the Flood hazard overlay and there is no alternative flood-free site on the land. Tummaville Road is also subject to flooding, and there are no alternative flood free access routes. The proposed development would increase the risk to people and property in a flood event. The depth and velocity of flood water during a 1% AEP flood event are excessive, both at the development site and the evacuation route, and the evacuation distance to a flood free area is also excessive.
2. The proposed development cannot comply with the following sections of the Southern Downs Planning Scheme:
 - Section 8.2.5.2(1), Flood hazard overlay code, Purpose:
The purpose of the Flood hazard overlay code is to manage development outcomes in the floodplain so that risk to life, property, community and the environment during future flood events is minimised
 - Section 8.2.5.2(2), Flood hazard overlay code, Purpose:
The purpose of the code will achieve the following outcomes:
 - (a) *Development maintains the safety of people on the development site from flood events and minimises the potential damage from flooding to property.*
 - (b) *Development does not result in adverse impacts on people's safety*
 - Section 8.2.5.3, Flood hazard overlay code, Assessment Criteria:
AO1.1 New buildings, with the exception of farm sheds and outbuildings associated with an existing dwelling are not located within the overlay area.
PO1 Development siting and layout responds to flooding potential and maintains personal safety at all times.
 - Section 9.3.7.2, Residential uses code, Purpose:
The purpose of the code will be achieved through the following overall outcomes.
All dwelling houses, dual occupancy, hostels, multiple dwellings and retirement facilities:
 - (a) *Occur only on land that is suited to the development and occupation of residential buildings;*
 - Section 9.3.7.3, Residential uses code, Assessment Criteria:
AO1 A dwelling house ... is erected on a part of the site with –
 - (a) *A flood free area of at least 17m x 17m at natural ground level;*
PO1 Dwelling houses ... are located on a site that is free from natural hazards.
3. The proposed development does not comply with the following Assessment Benchmarks of the State Planning Policy 2017.
 - Part E - Natural hazards, risk and resilience
 - 3) Development avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.
 - 4) Development supports and does not hinder disaster management response or

recovery capacity and capabilities.

- 5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.

4. Under the Coty Principle, the proposed development cannot comply with the following sections of the proposed amendments to the Southern Downs Planning Scheme:

- Section 8.2.5.3, Flood hazard overlay code, Assessment Criteria:

AO1(a) With the exception of farm sheds and outbuildings associated with an existing dwelling, new buildings are not located within the overlay area; or

(b) New buildings are located within the overlay area only where the local government has confirmed in writing that the following criteria are met:

(i) There is no part of the lot that is outside of the Flood hazard overlay area;

(ii) New buildings are located on the highest part of the lot to minimise entrance of floodwaters;

(iii) New buildings are located in areas of low flood hazard only as follows:

- Maximum flood depth is 0.3 m; and

- Maximum flood velocity is 0.4 m/s.

(iv) Direct access is available to low hazard evacuation routes as follows:

- Maximum flood depth is 0.3 m;

- Maximum flood velocity is 0.4 m/s; and

- Evacuation distance is less than 200 m.

PO1 Development siting and layout responds to flooding potential and maintains personal safety at all times.

- B. (a) THAT, if the unlawful building works remain on Lot 15 L187 despite enforcement action, Council commence legal action to have the landowners remove the unlawful building works; and
- (b) THAT Council delegates authority to the Chief Executive Officer to conduct this legal action, including authority to commence, prosecute, negotiate, mediate, settle or cease this legal action upon such terms as Council's legal advisor may recommend or approve, and appoint expert witnesses as necessary.

Attachments

Nil

12.9 Material Change of Use - Cherrabah Sporting Clays Incorporated, 396 Keoghs Road, Elbow Valley

Document Information

 Southern Downs <small>REGIONAL COUNCIL</small>	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Development Assessment Coordinator	ECM Function No/s: MCU\01889

APPLICANT:	Cherrabah Sporting Clays
OWNER:	Joyful View Garden Real Estate Development Resort Co. Pty Ltd
ADDRESS:	396 Keoghs Road ELBOW VALLEY QLD 4370
RPD:	Lot 1000 on SP 268215 (Incl Emt Z), Parish of Wildash
ZONE:	Rural (Granite Hills Precinct)
LAND USE AREA:	1988 (Ha)
PROPOSAL:	Outdoor Sport and Recreation (Clay Shooting and Small Bore Rifle Range)
LEVEL OF ASSESSMENT:	Impact
SUBMITTERS:	8 Submissions (1 Withdrawn Submission)
REFERRALS:	Nil
FILE NUMBER:	MCU\01889

Recommendation Summary

THAT the application for Material Change of Use for Outdoor Sport and Recreation (Clay Shooting and Small Bore Rifle Range), on land at 396 Keoghs Road ELBOW VALLEY QLD 4370, described as Lot 1000 on SP 268215 (Incl Emt Z), Parish of Wildash, County of Merivale, be approved subject to conditions.

Report

The subject property is zoned Rural and currently operates as the Cherrabah Resort. This proposed development for a Clay Shooting and Small Bore Rifle Range comprising of 14 Shooting Stands to operate separate to the Cherrabah Resort but use the service the resort offers to patrons i.e. accommodation rooms, restaurant, bar, amenities etc. The Clay Shooting and Small Rifle Range will hosts a monthly event on the last weekend of each month and host 2 major events throughout the year. The Cherrabah Sporting Clays Incorporated has previously hosted two (2) annual events at the subject property through a Temporary Events Permits issued by Council. A maximum number of shooters at the once a month events are to be no more than 50 people, with the Club currently averaging 32 shooters and the two (2) annual events are to be a maximum of 250 people. A copy of the Weapons Licencing Approval to operate the Clay Shooting and Small Bore Rifle Range has been provided to Council.



Figure 1: Location of Clay Shooting and Small Bore Rifle Range

The Clay Shooting and Small Bore Rifle Range – Shooting Directions

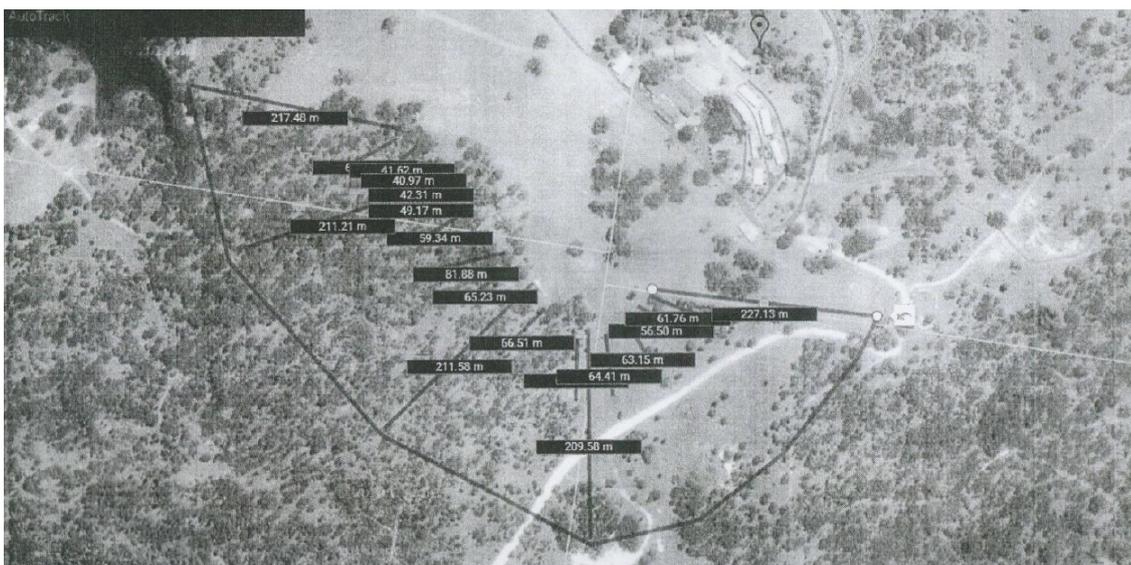


Figure 2: Shooting directions and clearance distances

Environmental Health Officer's Comments

"Whilst there is some information that is not clear in the noise assessment, for example, the calculated component noise taking into consideration the background noise, this would generally result in a lower noise level than the measured noise level which has been included in the report and therefore the levels reported can still be considered.

It will be recommended that the two different shooting ranges (the clay target range and the centre fire/pistol range) cannot be used at the same time, the results in the noise assessment of the shotgun and rifle together have not been considered further. For the centre fire/pistol range, as there are only two stands in operation, it is unlikely this will result in a noise nuisance provided conditions are placed on any approval and that the number of stands and the operation must be constructed in accordance with the submitted information. However, it has been reported in the noise assessment that the clay target range will have twelve shooting stands. Whilst it is unlikely that shots would be fired from each stand at the same time, this needs to be considered as worst case scenario. The noise assessment provides a predicted noise level of 77dB(Z) for six shots at the same time, but does not indicate how this was predicted. A general rule from the Australian Standard 2436 is that if the difference between two decibel levels is 0 to 1dB, an amount of 3dB is added to the higher of the two decibel levels. Therefore, if it is assumed that all 12 stands result in a 66dB(Z) level each, this will add to a combined noise level of 99dB(Z), which exceeds the criteria in the Environmental Protection Act 1994. Therefore, it is recommended that a maximum of 10 stands be permitted to be used at any one time at the clay target range. See further comments throughout the report regarding shooting stands. This limitation, combined with the infrequent use of the clay target range which should be limited to once/month and for two annual events, will mean it is unlikely the range will have a noise impact on the surrounding environment".

The application submitted identified fourteen (14) shooting stands as part of the proposed range. However the noise report provided only made reference to twelve (12) shooting stands and although the noise report has been provided in accordance with the Environmental Protection Act 1994 (EPA), the report failed to take into account an item raised in the information request issued by Council on the 12 September 2017 which required the noise report to demonstrate a noise level of 95dB Z peak Holds at the subject property boundary.

The Environmental Impact Noise Report provided by the Applicant which was prepared by CRG Acoustics provided the noise levels at the nearby sensitive receptors. The EPA, Section 440ZC Outdoor Shooting Ranges, Item (1) makes reference to the following:

- (1) *A person must not operate, or permit the operation of, an outdoor shooting range, between 6a.m. and 6p.m. on any day, if the noise from the operation is more than—*
- (a) for a range that is normally used at least 5 days a week—95dB Z Peak Hold; or*
 - (b) for a range that is normally used 4 days a week—100dB Z Peak Hold; or*
 - (c) for a range that is normally used no more than 3 days a week—105dB Z Peak Hold.*

The proposed shooting events are not being carried out more than 3 days per week (one (1) weekend a month and two (2) annual events) and therefore the EPA allows for a noise level of 105dB Z Peak Hold. The comments provided by Council's Environmental Health Officer indicates as a worst case scenario, the combined noise level will be 99dB(Z) which is below the level mentioned in section 440ZC, item 1 point (c) of the EPA. Therefore, the number of shooting stands should be limited as per the Noise Report provided by the applicant, which is twelve (12) shooting stands. For this reason the proposal plan (Figure 2 above) should be amend to remove the shooting stands closest to the property boundary as follows:

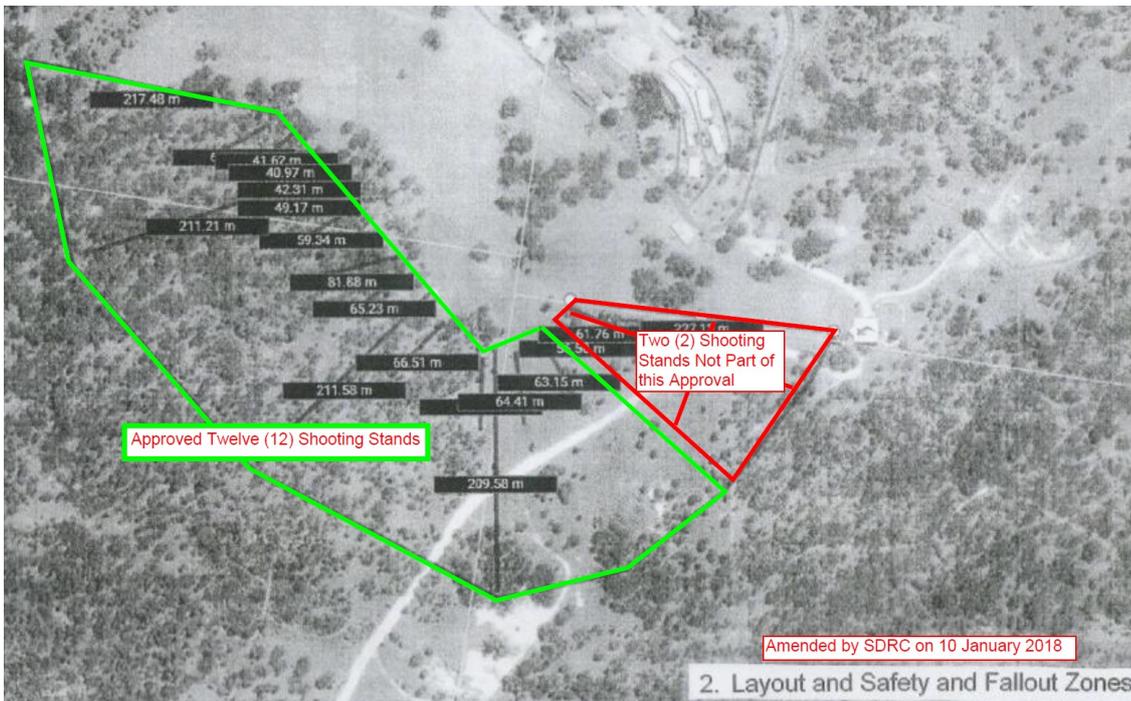


Figure 3: Amendments to proposal plans in accordance with advice obtain from Council’s Environmental Officer.

The applicant can provide suitable information regarding the two (2) shooting stands being removed from the development proposal with an undated Noise Report. This could be considered as part of a Negotiated Decision.

Referral

Advice was sought after from the Department of Infrastructure, Local Government and Planning (DILGP) in August 2017 and the following comments were received on 31 August 2017:

“Given the nature of the development you have described and the definition of Major Sport, Recreation and Entertainment Facility in Schedule 24 of the Planning Regulation 2017, I do believe that a referral would be required for Schedule 10, Part 9, Division 4, Subdivision 1 (Schedule 20).

I note that this determination has been based on the national events and international events in terms of the number of participants (and I presume others) to be engaged in the activity. If for example, the applicant only proceeded with the monthly shooting events on the weekend for up to 30 to 40 people and biannual events, I believe the referral would not be triggered”.

Based on this advice, the national and international events are not included in this application with only the monthly and biannual events forming part of this proposal. If the Cherrabah Sporting Clay Incorporated wishes to host national and international events, they will need to apply through a formal application process. The Cherrabah Sporting Clays Incorporated wanted Council to find out if the monthly events could host 50 people (currently averaging 32 people but want to cater for continuing growth of the Club) and still avoid the referral to the DILGP with the following response provided:

*“This would still be appropriate i.e. **not** as a Major Facility”.*

To comply with the advice sought from DILGP the following conditions should be imposed on the development:

- This approval allows for the use of the site for the following uses only:
 - One weekend event per month (Maximum 50 register Shooters at the event)
 - Two (2) annual events per year (Maximum 250 registered Shooters at the event)

- No National or International events are to be hosted at the subject property unless the appropriate approvals are granted by the relevant entities in accordance with the *Planning Act 2016*.

Third Party Advice

As the subject property is within close proximity to the Queensland/New South Wales boarder, a letter was sent to Tenterfield Shire Council on 30 November 2017 requesting third party advice. There has been no correspondence received from Tenterfield Shire Council about the development proposal.

Submissions

The applicant provided a response to the submissions on 15 January 2018 as follows:

“2015-2017 we have operated our major 3 day events on a special events license applied for with Southern Downs Regional Council - approved and granted for the past 3 years.

After discussion with the council, we were advised to apply for a Development Application to eliminate the procedure and cost of Special Events Licences for every event each year.

Cherrabah Sporting Clays Inc. is a non-profit club and the aim of our club is to promote sporting clay shooting in the Southern Downs region as this is the only sporting clay layout in the region. We offer a world class sporting shooting layout which does attract shooters and families from all over Australia. In 2018 the annual May event will be the 27th year of this event, the last 4years conducted at Cherrabah.

1. *The Cherrabah Resort applied for and was granted, for the first 2 years to run on a special events license in 2015/2016 and it was conducted by Toowoomba Clay Target Club Inc.*
2. *This year (May 2017) Cherrabah Sporting Clays Incorporated applied for and was granted a Special Events Licence and then again conducted a smaller 2 day shoot in (November 2A1,7) once again with special events licence. Numbers of shooters.*
 - *(230 shooters) over 3 days May 2017*
 - *(70 shooters over 2 days) November 2017*
 - *All of the above events are fully booked from one year to the next and Cherrabah Resort is a closed venue restricted to shooters and their families only.*
 - *We even outsource accommodation in local bed & breakfast houses.*
 - *We use multimedia for the booking of accommodation, meals.*

Noise

- *Three noise reports have been submitted by professionals and all meet the requirements.*

With relation to extra traffic into the area both inside and on nearby roads - This would have very little effect as vehicles would be the same as at any full resort - where they drive to Cherrabah and park their cars (most vehicles are not used until departure.)As part of our special events licensing we are required to inform the police department, fire brigade and ambulance that the event is on.

Safety

As with all licensed shooting ranges approved by Weapons Licencing (copy attached) all requirements of the gun laws are strictly adhered to, including range register, security, storage and instruction by qualified range officers.

Contamination

All casings, shells, targets and general rubbish will be removed at the end of each session. All clay targets used are biodegradable. All used cartridges are collected and removed from the property”.

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<i>Granite Mine Application</i>	The Granite Mine application does not form part of this application. The decision of the mine is up to the State Government and therefore is not applicable to the assessment of this application. No comments can be made by Council in relation to the affects the mine will have on noise, dust, land contamination, vibrations occurring, traffic generated, fuel storage, road closure, etc.
<i>Animal well fair will be compromised from shoots being fired. The noise creates stress amongst cattle, working dogs and native animals</i>	The shooting range has provided sufficient setbacks from the boundaries. The noise level generated by the proposal are considered appropriate under the Environmental Protection Act and therefore should not have any major effects on the surrounding rural livestock and animals in the locality. In addition the shooting range will not be in use every day with the hours of operation conditioned as part of the development.
All the current clubs in Warwick district have fully met the requirements under the Weapons Act 1990; Weapons Categories Regulation 1997; Weapons Amendment Act 2011; The Weapons and Other Legislation Amendment Act 2012 and Weapons Regulation 2016, as well as the Associations Act.	The proposed Clay Shooting and Small Bore Rifle Range will need to comply with all applicable legislation that other rifle ranges also need to comply with. In response to the submissions, a copy of the approval for Category A Weapons, Category B Weapons and Category C (Shotgun) Weapons for sport target shooting has been provided.
<i>The noise generated by the granite mine and the 2 shooting range applications would have an a cumulative effect on noise levels</i>	The Granite mine application does not form part of this application. The applicant has provided an Acoustic Report as part of the application which indicated that the noise levels generated by the shooting range are in accordance with the Environmental Protect Act. In addition, a condition of approval is that only one shooting range can be in use at one time on the subject property.
<i>The noise report is misleading and incomplete account of the noise impacts</i>	Council’s Environmental Health Officer has reviewed the Noise Report provided and recommended conditions such as, reducing the shooting stands for the range, limiting the hours of operation and only allows one shooting range in use at any one time. With the conditions imposed any issues within the noise report can be addressed.
<i>The noise from the shooting range can be heard kilometres from the subject property.</i>	It is acknowledged that noise will be generated by the shooting range but it needs to be determined if the noise is at an unacceptable level. In this instance, the noise levels provided are in accordance with the Environmental Protection Act and therefore are considered acceptable.

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<i>The shooting range will have impacts on native wildlife in the area</i>	It is acknowledged that there is wildlife in the area. The development is not proposing to remove any significant vegetation for the shooting range and a condition has been imposed for a fauna spotter to be present at each shoot. In the event that wildlife is spotted, the shooting must stop immediately until the animal has moved safely away from the area. In addition, as part of the weapons licencing requirements, if a shooter accidentally harms wildlife, they can be suspended from shooting for a year and therefore it is in the shooters best interest to be mindful of wildlife.
<i>The use of the current shooting range is in breach of their approval.</i>	If the existing shooting range is in breach of the conditions of approval, a compliant should be made directly to Council and the Cherrabah Resort to ensure an appropriate compliance investigation is carried out. Each approval requires the conditions of any approval to be complied with.
<i>Signage has not been restricted to the subject property only with the range widely advertising to the public.</i>	This condition relates to a physical signage and not advertising on public media. The physical signage is only allowed to be shown on the subject property and on no other land but it does not restrict advertising on websites etc.
<i>The proposal is inconsistent with the Southern Downs Planning Scheme, in particular the biodiversity and rural zone code</i>	The application has been assessed against the applicable benchmarks identified in the Southern Downs Planning Scheme. With conditions imposed the development is considered to comply with the planning scheme and justification is provided against the criteria listed in the Statement of Reason that is attached to this report and will be available in the decision notice.
<i>There is no need to additional shooting ranges within the Southern Downs Region</i>	The Southern Downs Planning Scheme does not take into consideration other shooting ranges in the region. The application process is to allow applicants to apply to Council for a particular use on any given site. If the development complies with the applicable criteria, it is considered to be acceptable.
<i>Hours to operate 7 days a week 9am to 5pm is unacceptable</i>	The shooting range is not to be used 7 days a week. The shooting range is only intending to operate one weekend a month and host two (2) annual events per year. A condition has been imposed for the hours of operation at these events to be between 8am and 6pm.
<i>The noise report does not take into account all properties within the locality</i>	A noise report is required to identify all sensitive receptors such as existing dwelling. If a lot is vacant, it is not considered a sensitive receptor and does not need to form part of the noise report. The noise report provided for the application does identify the nearby sensitive receptors i.e. approved dwelling houses.

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<i>The range will contaminate the land</i>	All land contamination is to be reported immediately to the Department of Environment and Heritage Protection. The operators of the range are also required to comply with the Environmental Protection Act. A condition of approval is that should the shooting range use cease, rehabilitation is to occur to the area to the satisfaction of Council.
<i>There are inappropriate safety zones around the range</i>	There are a number of elements that are considered in the assessment of the application against the Southern Downs Planning Scheme. However before a range can operate they are still required to obtain an approval from Weapons Licencing Queensland who will also impose conditions relating to safety zones, noise and how the range is to operate. The safety zones of a range are determined by Weapons Licencing and not Council. A copy of the current weapons licencing approval for the Clay Shooting and Small Bore Rifle Range has been provided to Council.
<i>The shooting range will have an effect on the local tourism</i>	The range is to not just to provide a facility but also to bring people to the local area. There has been no information provided to suggest that the range will have a negative effect on local tourism. Council would be unable to rely upon this ground as a reason to refuse this application.
<i>The spotted quoll in the area is reliant on the protection of the existing habitat</i>	The shooting range is only operating during daylight hours when the quoll would be generally inactive as it is a nocturnal animal. In addition, there is no removal of significant vegetation as part of the proposal and therefore the use would have minimal effects on the existing habitat. A fauna spotter is to be present at each shooting event and shooting must stop immediately if wildlife is seen in the danger zone.
<i>The shooting range will create acceptable noise and devalue my property</i>	No evidence or market related verification has been supplied validating the claim that the proposed development devalues adjoining properties. Council would be unable to rely upon this ground as a reason to refuse this application.

Assessment against the Planning Scheme

Section 3.2 of the *Southern Downs Planning Scheme* outlines in the Strategic Intent - Element - Sport and Recreation, Specific Outcome 3.5.4.2 Land Use Strategies point (2) the following:

- *The development of new major sport and recreation facilities and the upgrading of existing facilities is carefully located, designed and constructed to ensure that the impacts of the uses such as noise, traffic and lighting nuisance can be managed to avoid unacceptable impacts on sensitive uses including residential development and on the existing road infrastructure.*

The proposed Outdoor Sport and Recreation for a Clay Shooting and Small Bore Rifle Range is to host sporting events on a monthly basis and bi-annually. The facility has been carefully located on

an existing property that has facilities available for club members and spectators in the form of an existing resort. All roads are constructed to the subject property and therefore no new major infrastructure is required. The event is to be carried out during daylight hours and therefore will not cause any lighting nuisance. The shooting range is located in an area where sufficient distance from property boundaries are achieved and a noise report has been submitted demonstrating that noise levels generated by the facility are at an acceptable level for (10) shooting stands and identifies the existing sensitive uses including residential developments. The development is considered to comply with the Strategic Intent of the Southern Downs Planning Scheme for Sport and Recreation.

This application required assessment against the following benchmarks:

- the Rural zone code
- the Carparking and loading code
- the Landscaping code
- the Outdoor lighting code
- the Physical infrastructure code
- the Biodiversity overlay code
- the Bushfire overlay code

Rural zone code

The purpose of the Rural zone code is to:

- *Provide for tourism uses associated with surrounding rural activities or within localities with environmental values where such uses do not give rise to conflicts which could prejudice the existing economic activity in the area or impact on natural resources, environment or landscape character.*
- *Provide for uses that require isolation from urban areas as a consequence of their impacts such as noise or odour.*

The proposed Clay Shooting and Small Bore Rifle Range is located at an existing resort (Cherrabah) and this proposed Clay Shooting and Small Bore Rifle Range is to provide an event that will bring patrons from outside the region to the resort. The rifle range has been located in an area that does not require the removal of any regulated vegetation.

The subject property is located within a rural setting with a radius from nearby towns being approximately 16km from Killarney, 17km from Warwick and 30km from Stanthorpe. A use of this nature does need to be in isolation from urban areas and therefore the subject property is considered appropriate. It is acknowledged that noise will be generated from the use, but a noise report has been provided which adequately demonstrates that the noise generated is at an acceptable level to nearby sensitive receptors for twelve (12) shooting stands in accordance with the *Environmental Protection Act 1994*. The Clay Shooting and Small Bore Rifle Range is located approximately 1200m from the northern boundary, 1050m from the southern boundary, 900m from the eastern boundary (when including all fourteen (14) shooting stands) and 3800m from the western boundary. The proposed development provides appropriate setbacks to sensitive receptors, will not compromise the urban areas, encourages tourist to visit the existing resort and the isolation of the subject property ensure the development complies with the purpose of the Rural zone code.

The purpose of the code will be achieved through the following overall outcomes:

- *Impacts on significant vegetation and habitat areas are minimised by the location of non-rural uses outside of areas of remnant vegetation. Where rearrangements of boundaries occur lots contain building envelopes that exclude areas of remnant vegetation and include any required firebreak from remnant vegetation.*

- *Non-rural uses including tourist uses and industries to value add to rural enterprises:*
 - a) are located, designed, oriented, constructed and operated to minimise impact on existing rural uses and are buffered from productive land; and*
 - b) do not alienate good quality agricultural land, strategic cropping land or potential strategic cropping land; and*
 - c) are located on cleared land to avoid the need for additional clearing of vegetation; and*
 - d) are designed to minimise environmental impacts; and*
 - e) are located, designed, oriented, constructed and operated to avoid hazards such as bushfire, landslip and flood; and*
 - f) are accessed by roads that are of an adequate standard for the traffic generated by the use;*
- *There is limited reduction in the vegetation cover within the zone and ecological corridors are protected.*

The section of the subject property that is considered remnant vegetation is identified in 'blue' below:



Figure 4: Identifying remnant vegetation in relation to the proposed shooting range.

As it can be seen in figure 4, there is a small section of the shooting range located within a remnant vegetation area. As part of this development there is no removal of significant vegetation. The subject property does have a hilly terrain and is not considered to be good cropping or agricultural land. The location of the Clay Shooting and Small Bore Rifle Range is located within the centre of the subject property with dense vegetation surrounding the range ensuring that there is a buffer between this development and any nearby properties that are used for rural uses/productive land. The location of the range is not identified in a bushfire hazard area. Regardless of this, the range would not be used in a bushfire event, there is sufficient water stored on-site to cater for a bushfire event and at the bi-annual events, the rural fire brigade are present for the entire event. When the weekend and bi-annual events are occurring, many patrons will stay at the resort and the traffic generation caused by the events would be the same as if the resort was

booked at full capacity. The main traffic route to the subject property is bitumen sealed and is considered to be of an adequate standard to cater for the proposed use of a Clay Shooting and Small Bore Rifle Range for up to 50 shooters at the monthly events and 250 people at the bi-annual events. Overall the proposed development is considered to comply with the overall outcomes of the Rural Zone Code.

The subject property is identified within the Granite Hills precinct and the overall outcomes for the precinct are as follows:

- *The scenic amenity and landscape character values as well as the agricultural values in this precinct are protected from development that could impact in a negative manner on these values.*
- *While this area may be suitable for larger tourist uses they are only located in areas where they do not affect existing natural and scenic values, where no vegetation is cleared as a result of the development, where site access is adequate and appropriate for the traffic generated by the use where productive agricultural land is not alienated and where the use does not conflict with the prevailing character of the surrounding area.*
- *The scenic values of the land are maintained and new development involving substantial built development is screened and well set back from road frontages.*

The proposed Clay Shooting and Small Bore Rifle Range has been located within an area that does not require the removal of significant vegetation and does not involve any permanent buildings to what already exists ensuring that the scenic amenity and landscape character values of the area are maintained and not compromised in a negative manner. There is adequate site access via a bitumen sealed roads for the traffic that would be generated by the proposed development. The subject property is constrained for agricultural purposes and as the vegetation on-site is being maintained, the use does not conflict with the prevailing character of the surrounding area as there is no substantial built development that forms part of this proposal, with the patrons at the range utilising the existing facilities on-site that form part of the existing Cherrabah Resort. The proposed development is considered to comply with the overall outcomes of the precinct.

Assessment Benchmarks of the Rural Zone Code

AO1 - *There is no acceptable outcome identified.*

PO1 - *The rural or natural environment character of the land is retained. Uses established in the Rural zone do not conflict with rural land uses or the natural, scenic and community values of the area.*

The shooting range is located within an area where the terrain is quite hilly and therefore is constrained for rural uses. In addition, the distance the range is located from the property boundaries will also ensure that rural uses within the locality are not compromised. The shooting range is not removing any significant vegetation from the subject property which will maintain the natural and scenic values of the area. There are no permanent structures as part of the development proposal. The clays targets that are used at the shooting range are biodegradable to reduce the impacts on the environment and although it is acknowledged that the bullets used do contain lead, a rotary hoe is used to collect the lead pellets to reduce any lead contamination to the soil. The shooting range is considered to retain the natural environmental character of the land and therefore compliance with the performance outcome of the Code is achieved.

AO2 - *No acceptable outcome identified.*

PO2 - *Rural activity on land is protected from conflict with other uses that are not rural uses.*

The proposed Clay Shooting and Small Bore Rifle Range is not considered a rural use but an outdoor sport and recreation use. The shooting range is located a significant distance from all property boundaries which will ensure that rural activities within the locality are not compromised. Regardless of this, the shooting range will not compromise any future rural activities that may occur on the subject land should the shooting range be closed in the future and therefore the development is considered to comply with the performance outcome of the Code.

AO5 - *There is no acceptable outcome identified.*

PO5 - *There are no significant adverse impacts on public health and safety with regard to:*

(a) the siting scale and design of buildings or other works;

(b) waste water disposal;

(c) the permanent or temporary occupation of or access to areas subject to natural hazards.

There are no proposed buildings on-site with regards to the proposed Clay Shooting and Small Bore Rifle range with the shooters and spectators of the recreational activity utilising the existing facilities located at the Cherrabah Resort. The waste disposed of on-site is primarily clay targets which are biodegradable and while it is acknowledged that lead bullets are used, they can be collected by using a rotary hoe to reduce any contamination. The location of the rifle range, spectator's area and access to the site/range are not located within a bushfire overlay area and therefore should not be subject to natural hazard. All shooting ranges are subject to Weapons Licencing approval which also has separate requirements to the planning scheme criteria. The proposed development is considered to comply with the performance outcome of the Code as there will not be any adverse impact on public health and safety.

AO6 - *There is no acceptable outcome identified*

PO6 - *All uses are located, designed, oriented and constructed to minimise noise, dust, odour or other nuisance from existing lawful uses including rural and industry uses.*

The subject property is 1988 hectares in size and the closest distance from the shooting area to a boundary is the eastern boundary which is approximately 900m. However, the shooting distance of a shotgun is generally around 80m which is similar for small bore range rifles. It can be seen in Figure 2: Shooting directions and clearance distances the shooting distances range between 40m and 80m with a clearance zone provided of around 200m to ensure safety is maintained. There is no dust or odour that would go beyond the shooting area, with noise being the greatest nuisance generated from the proposed development. The applicant has provided a noise report to demonstrate the noise levels generated by the proposal. In this instance, there are no prescribed noise levels within the Southern Downs Planning Scheme for a Shooting Range and therefore the noise report provided is based on the prescribed noise levels within the *Environmental Protection Act 1994* which outlines that a shooting range used no more than 3 days per week (proposal is for one (1) shooting event per month and two (2) annual events) as not exceeding 105dBZ. The report provided illustrates that the shooting range will not exceed this limit but it is recommended that the shooting range has been reduced from fourteen (14) shooting stand to twelve (12) shooting stands based on Council's assessment and the noise report provided by the applicant. As the development has sufficient setbacks from boundaries and the noise generated is at a reasonable level in accordance with the *Environmental Protection Act*, the development is considered to comply with the performance outcome of the Code and will not impact on existing rural uses.

AO8 - *There is no acceptable outcome identified.*

PO8 - *Development is sensitive and responsive to the scenic amenity of the area. The appearance and siting of buildings, other structures, carparking areas or signage is compatible with the scenic character of the area, the design of any nearby structures and is respectful and sympathetic to any Local heritage place.*

The proposed development does not involve any new structures or buildings and will be utilising the existing facilities at the Cherrabah Resort. Conditions can be imposed on the proposed development for informal/temporary car parking arrangements and signage to further ensure the development is compatible with the scenic character of the area. There is no significant vegetation

being removed as part of the shooting range which will maintain the existing scenic character of the area and with the shortest setbacks from boundaries being approximately 900m, the development is being respectful to nearby properties and therefore compliance with the performance outcome is achieved.

Granite Hills Precinct

AO1- Granite hills - There is no acceptable outcome identified.

PO1 - Granite hills - Uses are limited to uses that do not compromise the natural environment character or scenic value of the land, are safe from environmental hazards and are located on sites that have adequate and appropriate access.

In particular –

- (a) The development does not result in the clearing of any remnant vegetation either for site works or protection from hazards;*
- (b) The use is located, designed and constructed so that it is not likely to cause conflict with agricultural practices;*
- (c) The use has low visual impact particularly where located on highways, main roads or tourist routes.*

As mentioned above, there is only a small section of the shooting range area that is located within a remnant vegetation area. However, the development is not removing any significant vegetation as part of the proposal, ensuring that the character or scenic value of the land is not compromise. The subject property is not located near any highways, main roads or tourist routes. There are sufficient setbacks from boundaries and with the subject property having a hilly terrain, the location of the shooting range is at a low point to maintain a low visual impact from nearby areas. The main access route to the subject property is via bitumen sealed roads with appropriate access to the subject property. The rural fire brigade are present at the two (2) annual events. Therefore the development is considered to comply with the performance outcome of the Code.

Assessment Benchmarks of the Sport and Recreation Facility Code

(2) The purpose of the code will be achieved through the following overall outcomes.

(c) Sensitive design and siting and operation of facilities and infrastructure combined with buffering of facilities from sensitive land uses such as residential uses minimises the impact of sport and recreation facilities and associated uses on adjacent areas.

(d) Adverse impacts on ecological values are minimised where recreation and open space areas include natural habitats such as bushland, wetlands or waterways, or act as a buffer between natural and developed areas.

The proposed Clay Shooting and Small Bore Rifle range is maintaining the natural environment by not removing any vegetation from the subject property. There is a significant amount of vegetation existing on-site that will act as a buffer between the location of the rifle range and the nearby properties. The closest setback from a boundary is approximately 900m to the east and therefore the proposed location of the rifle range is being sensitive in the siting of the facility. There are no new buildings or structures as part of the proposal as the range will utilise the existing facilities at the Cherrabah Resort. The Clay Shooting club has been operating annual events at the facility through Temporary Event Permits issued by Council and have advised that member numbers are increasing over time which indicates that there is a demand for this type of facility. As part of the application, a noise report has been provided which demonstrates that the noise levels generated from the facility are being considerate of nearby sensitive land uses. The development is considered to comply with the overall outcomes of the Code.

AO6 - (a) At least 50% of spectator seating areas are provided with a shade structure.

(b) 100% of player off field areas are provided with shade structures.

There is no formal spectator and shooting areas provided with permanent shade structures, therefore a performance outcome is sought after.

PO6 - Natural and built shade structures reduce exposure to ultra violet radiation.

The spectators are located to the north of the shooting area on a hill that is open (Yellow) and the shooters are positioned on the edge of the tree area (Blue) as identified below:

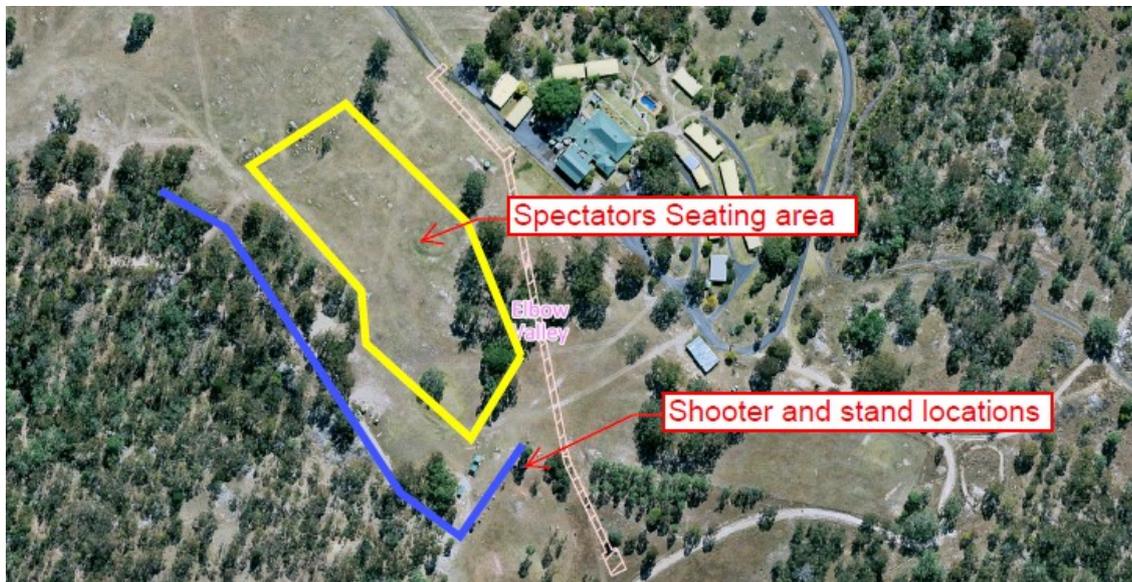


Figure 4: Spectators and Shooting area

There are some trees around the shooting and spectators' area but the event encourages spectators to bring their portable shade device on the event day with the club providing some portable shade structures also in the form of umbrellas, marquees and portable shade shelters. The Cherrabah Sporting Clays are only intending to operate one weekend a month and host two (2) annual events a year and are not open to the general public, with only members being able to shoot at the facility. Given the low frequency of the events, the portable shelters are considered appropriate for the use and there is natural area available for patrons to reduce the exposure to ultra violet radiation. In addition, the facilities at the Cherrabah Resort will also be available to spectators and shooters which are in the form of buildings with indoor areas available. Therefore, the development is considered to comply with the performance outcomes of the Code.

AO12 - No acceptable outcome identified

PO12 - The use does not result in unacceptable impact on the amenity of the surrounding area.

As previously mentioned within the report, the applicant has provided a noise report that demonstrates the noise levels that are generated by the shooting range are at an acceptable level. The shooting range is located in an area with appropriate distances from property boundaries to ensure the use does not result in unacceptable impact on the amenity of the surrounding area. The subject property is not located near any major townships and therefore overall the development is considered to comply with the performance outcome of the Code.

Biodiversity Areas Overlay Code

The purpose of Biodiversity areas overlay code is to:

- *maintain and enhance ecological processes;*
- *protect areas of important scenic amenity value.*

The purpose of the code will be achieved through the following overall outcomes

- Significant conservation areas are conserved to ensure their ongoing contribution to the natural environment and biological diversity of the area.
- Important ecological corridors and habitat linkages are maintained.

The biodiversity area is identified in 'green' below:



Figure 5: Biodiversity Areas Overlay

Although the shooting range is partly located within the biodiversity area, there is no significant vegetation being removed as part of the application. By not removing significant vegetation, the scenic values of the biodiversity area are being maintained and protected for the future. The shooting area is at the edge of the biodiversity area and therefore will not compromise ecological corridors and habitat linkages. The proposal is considered to achieve the purpose and overall outcomes of the Code.

AO1 - No acceptable outcome identified.

PO1 - The values of the Significant Conservation Area are protected or enhanced to ensure its ongoing contribution to the natural environment and biological diversity of the area.

The biodiversity area is being protection with no significant vegetation being removed from the subject property as part of the development. While it is acknowledged that some of the shooting stands are located within the biodiversity area, they are not expected to impact on the values of this area. Biodegradable clay targets are used at the shooting range and by imposing requirements to clean up the area after each shooting event, the biological diversity of the area will not be compromised by the proposal. A condition can be imposed on the development for additional tree planting/rehabilitation of the area to occur once the use has ceased to contribute to the natural environment and ensure compliance with the performance outcome is achieved.

AO2 - No acceptable outcome identified.

PO2 - Clearing of vegetation within the Significant Conservation Area is avoided or minimised as much as possible and only occurs where:

- (a) the development is consistent with the intent of the zone in which it is located;
- (b) the available cleared or developed land is insufficient to accommodate the development;

- (c) the development design has taken all reasonable steps to minimise the total footprint within which activities, buildings, structures, driveways and other works and disturbance are contained;*
- (d) the development design has taken all reasonable steps to avoid further fragmentation of biodiversity areas and strengthens linkages where possible;*
- (e) the biodiversity and scenic amenity values of the area are not compromised;*
- (f) the development avoids areas containing higher values to the greatest extent practicable and activities, buildings, structures, driveways and other works and disturbance are located in disturbed areas or areas of lesser importance in terms of biodiversity values; and*
- (g) the development is planned to reduce and minimise any edge effects on retained areas of vegetation.*

Although the shooting area is located within the Biodiversity area, there is no significant vegetation proposed to be removed as part of the development. The proposal is utilising the existing buildings and facilities at the Cherrabah Resort to further reduce any encroachment within the biodiversity by additional buildings. The subject property is heavily vegetated and to ensure appropriate distances are maintained from property boundaries, the Cherrabah Resort and to maintain safety, the shooting stands are within a cluster, facing to the south away from the existing Cherrabah Resort. There are limited areas available on-site to locate the rifle range outside of the biodiversity area and still maintain safety. The location put forward for the rifle range, although partly located within the biodiversity area it has been planned in an area to reduce impacts and maintain safety from nearby boundaries and existing facilities. Only half of the shooting range is located within the biodiversity area and the stands have been located on the edge of this area to reduce encroachment as much as possible. Therefore the development is considered to comply with the performance outcome.

A07 - No acceptable outcome identified.

PO7 - Unimpeded movement of fauna is facilitated within and through the site, particularly along identified ecological corridors by:

- (a) ensuring that development and associated activities do not create barriers to the movement of fauna along and within ecological corridors;*
- (b) directing fauna to locations where wildlife infrastructure has been created, to enable wildlife to safely negotiate a development area; and*
- (c) separating fauna from potential hazards.*

There is part of the shooting range within the Biodiversity Area however it is located on the edge of the identified area and therefore should not impeded the movement of fauna. The Clay Shooting is not carried out every day with an event occurring one weekend a month and two (2) annual events. There are no permanent structures proposed as part of the development and therefore will not create any barriers for the movement of fauna within this area. As part of the shooting rules, anyone who accidentally shoots any native fauna will be suspended from shooting for a year and therefore it is considered reasonable to impose a condition for a fauna spotter to be present at each event to protect the native fauna and the competitors. The condition will ensure that comply with the performance outcome is achieved.

A09 - No acceptable outcome identified.

PO9 - Areas showing signs of degradation that are important to the viability of biodiversity values are rehabilitated to as near as is practical to the naturally occurring state of plant species, having regard to:

- (a) the use of native plant species of local provenance that support the habitat needs of any rare or threatened species;*
- (b) replication of the species and structure of adjacent remnant habitats, including understorey vegetation.*

As mentioned above, a condition should be imposed for replanting/rehabilitation to occur to the shooting area that is within the biodiversity area should the use cease in the future. At present the area is not considered to show signs of degradation and the development is not proposing to remove any significant vegetation from this area or provide permanent structures. With a condition imposed for rehabilitation to occur to the area once the use has ceased, compliance with the performance outcome is achieved.

Bushfire Hazard Overlay

There are areas on the subject property that are identified within the Bushfire Hazard Overlay area. However, the proposed shooting range is located outside of this area and the access to exit the subject property is also free from the hazard. At the bi-annual events the rural fire brigade are present at the event should a bushfire occur. The existing Cherrabah Resort would already have an evacuation plan in place and there is sufficient water available on-site should a fire break out. Regardless of this, the shooting events would not occur during a bushfire event and therefore the development is considered to comply with the Code.

Carparking and loading code

AO1.1 - *The number of parking and loading spaces is not less than the minimum number specified in Table 9.4.2.4 or Council may accept an alternative to providing the required spaces on the development site in accordance with Planning Scheme Policy –Off Street Carparking.*

Table 9.4.2.4

<i>Development</i>	<i>Minimum number of spaces</i>
<i>Outdoor Sport and Recreation</i>	<i>(a) 20 spaces per playing field or 6 spaces per court whichever is applicable; plus (b) Bicycle parking racks a rate of one space per 10 car parks provided in accordance with (a) above.</i>

The proposed development is not providing any additional formal car parking for the proposed development and therefore a performance outcome is sought after.

PO1 - *Sufficient carparking is provided to accommodate the number and type of vehicles likely to be generated by the development having regard to the following:*

- (a) The nature and operation of the use;*
- (b) The likely number of users including residents and employees;*
- (c) The hours of operation and the peak parking demand periods;*
- (d) The availability of alternative parking in the vicinity including on street car parking;*
- (e) In the case of residential development, the proximity to the Principal centre zone and the facilities contained within that zone or the availability of public transport;*
- (f) The feasibility of physically providing parking on site including access restrictions and size of the site; and*
- (g) The provisions of Planning Scheme Policy –Off Street Carparking.*

The car parking rate specified within table 9.4.2.4 above makes reference to playing fields and courts which is different to shooting stands for this application. Bicycle parking is not considered reasonable in this instance given the location of the subject property and it is unlikely that patrons will ride a bike to the events. Regardless of this there is sufficient space on-site for bicycles to park informally and therefore formal bicycles parks are not considered reasonable in this instance. In regards to car parking, the shooting range intend on utilising the existing car parking on-site for their events and the reasoning behind this is that when an events are on, the resort will not be available for outside guests, with many of patrons booking rooms at the resort purposely for the

shooting event. Regardless of this, the subject property is quite large and there is sufficient space on-site for additional informal car parking to be provided. A condition should be imposed for an area to be identified on-site for an informal car parking area to be provided, away from the shooting areas and managed by a volunteer or staff to direct traffic to a safe parking location. The condition should state that *'informal car parking is acceptable unless complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief), the carpark shall be constructed in gravel to Council's standards'*.

In addition to the above, the site access and driveways leading to the resort and Shooting Range are of a bitumen standard and is considered sufficient for the proposed development. The development is considered to comply with the performance outcome of the Code.

Landscaping code

There is sufficient landscaping existing on-site and there is substantial vegetation located throughout the subject property, therefore no additional landscaping needs to be provided. The Landscaping Code is not considered relevant for this development.

Outdoor lighting code

The shooting events are carried out during daylight hours and therefore the Outdoor Lighting Code is not considered applicable in this instance.

Physical infrastructure code

The shooting range is to utilise the existing facilities at the Cherrabah Resort and therefore the Physical Infrastructure Code is not considered applicable in this instance.

Other applicable legislation

Environmental Protection Act 1994

The Southern Downs Planning Scheme does not have specific criteria for noise when assessing an Outdoor Shooting Ranges and therefore specific criteria is drawn from the *Environmental Protection Act 1994*, in particular section 440ZC Outdoor Shooting Ranges as follows:

440ZC Outdoor shooting ranges

(1) A person must not operate, or permit the operation of, an outdoor shooting range, between 6a.m. and 6p.m. on any day, if the noise from the operation is more than—

- (a) for a range that is normally used at least 5 days a week—95dB Z Peak Hold; or
- (b) for a range that is normally used 4 days a week—100dB Z Peak Hold; or
- (c) for a range that is normally used no more than 3 days a week—105dB Z Peak Hold.

(2) A person must not operate, or permit the operation of, an outdoor shooting range, between 6p.m. and 10p.m. on any day, if the noise from the operation is more than—

- (a) for a range that is normally used at least 5 evenings a week—85dB Z Peak Hold; or
- (b) for a range that is normally used 4 evenings a week—90dB Z Peak Hold; or
- (c) for a range that is normally used no more than 3 evenings a week—95dB Z Peak Hold.

(3) For this section, noise from an outdoor shooting range is measured by working out the arithmetic average of the noise levels of whichever of the following happens first during the measurement period—

- (a) at least 40 individual gunshots;
- (b) at least 20 individual gunshots in any 30-minute period.

(4) In this section—

used means used for an activity that includes shooting.

Examples of a range being used—

- 1 a shooting match conducted at the range
- 2 a defence personnel or police officer training session, that includes shooting, conducted at the range

The Environmental Noise Impact Assessment Report prepared by CRGAcoustics was provided by the applicant and made particular reference to the criteria listed in the *Environmental Protection Act 1994*. The report indicated that the proposed clay shooting range had a worst case scenario of 77 dB(Z) which is 18 dB below the criteria outlined in the Environmental Protection Act 1994, which allows for a level of 105 dB Z between the hours of 6 am and 6pm on any day.

Regardless of this, a condition should be imposed on the proposed development advising that the clay shooting and small bore rifle range can only operate between the hours of 8am to 6pm and be reduced to twelve (12) stands which is outlined in the noise report provided.

Infrastructure Charges

The adopted Infrastructure Charges Resolution (No.2) 2015 list Outdoor Sport and Recreation as 'Specialised Uses' and states the adopted infrastructure charges as follows:

The adopted infrastructure charges is the charge (In Columns 3 & 4) for the charge category (In column 1) that the local government determines should apply for the use-at time of assessment.

During the assessment of the application it has been determined, that as the proposed Clay Shooting and Small Bore Rifle Range is utilising the existing facilities at the Cherrabah Resort, there is no additional demand on the transport or parkland network and the subject property is not connected to Council's reticulated water and sewer network, therefore infrastructure charges should not apply to this development.

STATEMENT OF REASONS

Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development
<p>The following codes of the Southern Downs Planning Scheme:</p> <ul style="list-style-type: none"> - 6.2.10 Rural zone code - 8.2.2 Biodiversity areas overlay code - 8.2.3 Bushfire hazard overlay code - 9.3.11 Sport and recreation facility code - 9.4.2 Carparking and loading code - 9.4.4 Landscaping code - 9.4.6 Outdoor lighting Code - 9.4.7 Physical infrastructure code <p>Darling Downs Regional Plan State Planning Policy Local Government Infrastructure Plan <i>Environmental Protection Act 1994</i></p>

Reasons for the decision

Notwithstanding the details that have been provided, not all benchmarks have been complied with, but by imposing conditions, compliance with the Southern Downs Planning Scheme is achieved.

Reasons for Approval Despite Non-Compliance with Assessment Benchmarks

The development has been assessed against the relevant benchmarks specified above, and has been approved despite non-compliance with the specific benchmarks listed below for the reasons noted.

Benchmark	Reasons for the approval despite non-compliance with benchmark
<p>Rural Zone Code</p> <p>AO1- <i>There is no acceptable outcome identified.</i></p> <p>PO1 - <i>The rural or natural environment character of the land is retained. Uses established in the Rural zone do not conflict with rural land uses or the natural, scenic and community values of the area.</i></p>	<p>The shooting range is located within an area where the terrain is quite hilly and therefore is constrained for rural uses. In addition, the distance the range is located from the property boundaries will also ensure that rural uses within the locality are not compromised. The shooting range is not removing any significant vegetation from the subject property which will maintain the natural and scenic values of the area. There are no permanent structures as part of the development proposal.</p>
<p>AO2 - <i>There is no acceptable outcome identified.</i></p> <p>PO2 - <i>Rural activity on land is protected from conflict with other uses that are not rural uses.</i></p>	<p>The proposed Clay Shooting and Small Bore Rifle Range are not considered a rural use but an outdoor sport and recreation use. The shooting range is located a significant distance from all property boundaries which will ensure that rural activities within the locality are not compromised.</p>
<p>AO5 - <i>There is no acceptable outcome identified.</i></p> <p>PO5 - <i>There are no significant adverse impacts on public health and safety with regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the siting scale and design of buildings or other works;</i> <i>(b) waste water disposal;</i> <i>(c) the permanent or temporary occupation of or access to areas subject to natural hazards.</i> 	<p>There are no proposed buildings on-site with regards to the proposed Clay Shooting and Small Bore Rifle range with the shooters and spectators of the recreational activity utilising the existing facilities located at the Cherrabah Resort. The waste disposed of on-site is primarily clay targets which are biodegradable and while it is acknowledged that lead bullets are used, they can be collected by using a rotary hoe to reduce any contamination. The location of the rifle range, spectator's area and access to the site/range are not located within a bushfire overlay area and therefore should not be subject to natural hazard.</p> <p>All shooting ranges are subject to Weapons Licencing approval which also has separate requirements to the planning scheme criteria with regards to safety.</p>
<p>AO6 - <i>There is no acceptable outcome identified.</i></p> <p>PO6 - <i>All uses are located, designed, oriented and constructed to minimise noise, dust, odour or other nuisance from existing lawful uses including rural and industry uses.</i></p>	<p>The subject property is 1988 hectares in size and the closest distance from the shooting area to a boundary is the eastern boundary which is approximately 900m. However, the shooting distance of a shotgun is generally around 80m which is similar for a small bore range rifle, with a clearance zone provided of around 200m to ensure safety is maintained which has</p>

	<p>been provided.</p> <p>There is no dust or odour that would go beyond the shooting area, with noise being the greatest nuisance generated from the proposed development. The applicant has provided a noise report to demonstrate the noise levels generated by the proposal.</p> <p>The shooting range has been reduced from fourteen (14) shooting stand to twelve (12) shooting stands based on Council's assessment and the noise report provided by the applicant.</p>
<p>AO8 - <i>There is no acceptable outcome identified.</i></p> <p>PO8 - <i>Development is sensitive and responsive to the scenic amenity of the area. The appearance and siting of buildings, other structures, carparking areas or signage is compatible with the scenic character of the area, the design of any nearby structures and is respectful and sympathetic to any Local heritage place.</i></p>	<p>The proposed development does not involve any new structures or buildings and will be utilising the existing facilities at the Cherrabah Resort.</p> <p>There is no significant vegetation being removed as part of the shooting range which will maintain the existing scenic character of the area and with the shortest setbacks from boundaries being approximately 900m, the development is being respectful to nearby properties.</p>
<p>Granite Hills Precinct</p> <p>AO1- <i>Granite hills - There is no acceptable outcome identified.</i></p> <p>PO1 - <i>Granite hills - Uses are limited to uses that do not compromise the natural environment character or scenic value of the land, are safe from environmental hazards and are located on sites that have adequate and appropriate access. In particular –</i></p> <p><i>(a) The development does not result in the clearing of any remnant vegetation either for site works or protection from hazards;</i></p> <p><i>(b) The use is located, designed and constructed so that it is not likely to cause conflict with agricultural practices;</i></p> <p><i>(c) The use has low visual impact particularly where located on highways, main roads or tourist routes.</i></p>	<p>There is only a small section of the shooting range area that is located within a remnant vegetation area. However, the development is not removing any significant vegetation as part of the proposal, ensuring that the character or scenic value of the land is not compromise. The subject property is not located near any highways, main roads or tourist routes. There are sufficient setbacks from boundaries and with the subject property having a hilly terrain, the location of the shooting range is at a low point to maintain a low visual impact from nearby areas. The main access route to the subject property is via bitumen sealed roads with appropriate access to the subject property.</p>
<p>AO6 - <i>(a) At least 50% of spectator seating areas are provided with a shade structure.</i></p> <p><i>(b) 100% of player off field areas are provided with shade structures.</i></p>	<p>There are some trees around the shooting and spectators' area but the event encourages spectators to bring their portable shade device on the event day with the club providing some potable</p>

<p>PO6 - Natural and built shade structures reduce exposure to ultra violet radiation.</p>	<p>shade structures also in the form of umbrellas, marquees and portable shade shelters.</p> <p>Given the low frequency of the events, the portable shelters are considered appropriate for the use and there is natural area available for patrons to reduce the exposure to ultra violet radiation. In addition, the facilities at the Cherrabah Resort will also be available to spectators and shooters which are in the form of buildings with indoor areas available.</p>
<p>Outdoor Sport and Recreation Code</p> <p>AO12 - No acceptable outcome identified PO12 - The use is does not result in unacceptable impact on the amenity of the surrounding area.</p>	<p>The applicant has provided a noise report that demonstrates the noise levels that are generated by the shooting range are at an acceptable level. The shooting range is located in an area with appropriate distances from property boundaries to ensure the use does not result in unacceptable impact on the amenity of the surrounding area. The subject property is not located near any major townships.</p>
<p>Biodiversity Areas Overlay Code</p> <p>AO1 - No acceptable outcome identified. PO1 - The values of the Significant Conservation Area are protected or enhanced to ensure its ongoing contribution to the natural environment and biological diversity of the area.</p>	<p>The biodiversity area is being protection with no significant vegetation being removed from the subject property as part of the development. While it is acknowledged that some of the shooting stands are located within the biodiversity area, they are not expected to impact on the values of this area. Biodegradable clay targets are used at the shooting range and by imposing requirements to clean up the area after each shooting event, the biological diversity of the area will not be compromised by the proposal.</p>
<p>AO2 - No acceptable outcome identified. PO2 - Clearing of vegetation within the Significant Conservation Area is avoided or minimised as much as possible and only occurs where:</p> <p>(a) the development is consistent with the intent of the zone in which it is located; (b) the available cleared or developed land is insufficient to accommodate the development; (c) the development design has taken all reasonable steps to minimise the total footprint within which activities, buildings, structures, driveways and other works and disturbance are contained; (d) the development design has</p>	<p>Although the shooting area is located within the Biodiversity area, there is no significant vegetation proposed to be removed as part of the development. The proposal is utilising the existing buildings and facilities at the Cherrabah Resort to further reduce any encroachment within the biodiversity by additional buildings. The subject property is heavily vegetated and to ensure appropriate distances are maintained from property boundaries, the Cherrabah Resort and to maintain safety, the shooting stands are within a cluster, facing to the south away from the existing Cherrabah Resort. There are limited areas available on-site to locate the rifle range outside of the biodiversity area and still maintain safety, the shooting stands are within a cluster, facing to the south away</p>

<p><i>taken all reasonable steps to avoid further fragmentation of biodiversity areas and strengthens linkages where possible;</i></p> <p><i>(e) the biodiversity and scenic amenity values of the area are not compromised;</i></p> <p><i>(f) the development avoids areas containing higher values to the greatest extent practicable and activities, buildings, structures, driveways and other works and disturbance are located in disturbed areas or areas of lesser importance in terms of biodiversity values; and</i></p> <p><i>(g) the development is planned to reduce and minimise any edge effects on retained areas of vegetation.</i></p>	<p>from the existing Cherrabah Resort.</p> <p>Only half of the shooting range is located within the biodiversity area and the stands have been located on the edge of this area to reduce encroachment as much as possible.</p>
<p>A07 - No acceptable outcome identified.</p> <p>PO7 - Unimpeded movement of fauna is facilitated within and through the site, particularly along identified ecological corridors by:</p> <p><i>(a) ensuring that development and associated activities do not create barriers to the movement of fauna along and within ecological corridors;</i></p> <p><i>(b) directing fauna to locations where wildlife infrastructure has been created, to enable wildlife to safely negotiate a development area; and</i></p> <p><i>(c) separating fauna from potential hazards.</i></p>	<p>There is part of the shooting range within the Biodiversity Area however it is located on the edge of the identified area and therefore should not impeded the movement of fauna. The Clay Shooting is not carried out every day with an event occurring one weekend a month and two (2) annual events. There are no permanent structures proposed as part of the development and therefore will not create any barriers for the movement of fauna within this area.</p> <p>A fauna spotter is to be present at each event to protect the native fauna and the competitors.</p>
<p>A09 - No acceptable outcome identified.</p> <p>PO9 - Areas showing signs of degradation that are important to the viability of biodiversity values are rehabilitated to as near as is practical to the naturally occurring state of plant species, having regard to:</p> <p><i>(a) the use of native plant species of local provenance that support the habitat needs of any rare or threatened species;</i></p> <p><i>(b) replication of the species and structure of adjacent remnant habitats, including understorey vegetation.</i></p>	<p>A condition has been imposed for replanting/rehabilitation to occur to the shooting area that is within the biodiversity area should the use cease in the future. At present the area is not considered to show signs of degradation and the development is not proposing to remove any significant vegetation from this area or provide permanent structures.</p>

Carparking and Loading Code

AO1.1 - The number of parking and loading spaces is not less than the minimum number specified in Table 9.4.2.4 or Council may accept an alternative to providing the required spaces on the development site in accordance with Planning Scheme Policy –Off Street Carparking.

Table 9.4.2.4

Development	Minimum number of spaces
Outdoor Sport and Recreation	(a) 20 spaces per playing field or 6 spaces per court whichever is applicable; plus (b) Bicycle parking racks a rate of one space per 10 car parks provided in accordance with (a) above.

PO1 - Sufficient carparking is provided to accommodate the number and type of vehicles likely to be generated by the development having regard to the following:

- (a) The nature and operation of the use;
- (b) The likely number of users including residents and employees;
- (c) The hours of operation and the peak parking demand periods;
- (d) The availability of alternative parking in the vicinity including on street car parking;
- (e) In the case of residential development, the proximity to the Principal centre zone and the facilities contained within that zone or the availability of public transport;
- (f) The feasibility of physically providing parking on site including access restrictions and size of the site; and
- (g) The provisions of Planning Scheme Policy –Off Street Carparking.

The car parking rate specified within table 9.4.2.4 above makes reference to playing fields and courts which is different to shooting stands for this application. Bicycle parking is not considered reasonable in this instance given the location of the subject property and it is unlikely that patrons will ride a bike to the events

In regards to car parking, the shooting range intend on utilising the existing car parking on-site for their events and the reasoning behind this is that when an events are on, the resort will not be available for outside guests, with many of patrons booking rooms at the resort purposely for the shooting event. Regardless of this, the subject property is quite large and there is sufficient space on-site for additional informal car parking to be provided. A condition should be imposed for an area to be identified on-site for an informal car parking area to be provided, away from the shooting areas and managed by a volunteer or staff to direct traffic to a safe parking location.

The site access and driveways leading to the resort and Shooting Range are of a bitumen standard and is considered sufficient for the proposed development.

Additional Relevant Matters for Impact Assessable Development

The following matters were given regard to, or assessment carried out against, in undertaking the assessment of this development application.

Other relevant matters under s 45(5)(b)	Benchmark reference	
The development of new major sport and recreation facilities and the upgrading of existing facilities is carefully located, designed and constructed to ensure that the impacts of the uses such as noise, traffic and lighting nuisance can be managed to avoid unacceptable impacts on sensitive uses including residential development and on the existing road infrastructure.	Southern Downs Planning Scheme - Part 3 Strategic Framework - Strategic Intent - Element - Sport and Recreation, Specific Outcome 3.5.4.2 Land Use Strategies point (2)	assessed against
Section 440ZC Outdoor Shooting Ranges (<i>Noise Assessment Criteria</i>)	<i>Environmental Protection Act 1994</i>	assessed against

Matters Raised in Submissions

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<i>Granite Mine Application</i>	The Granite Mine application does not form part of this application. The decision of the mine is up to the State Government and therefore is not applicable to the assessment of this application. No comments can be made by Council in relation to the affects the mine will have on noise, dust, land contamination, vibrations occurring, traffic generated, fuel storage, road closure, etc.
<i>Animal well fair will be compromised from shoots being fired. The noise creates stress amongst cattle, working dogs and native animals</i>	The shooting range has provided sufficient setbacks from the boundaries. The noise level generated by the proposal are considered appropriate under the Environmental Protection Act and therefore should not have any major effects on the surrounding rural livestock and animals in the locality. In addition the shooting range will not be in use every day with the hours of operation conditioned as part of the development.

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<p>All the current clubs in Warwick district have fully met the requirements under the Weapons Act 1990; Weapons Categories Regulation 1997; Weapons Amendment Act 2011; The Weapons and Other Legislation Amendment Act 2012 and Weapons Regulation 2016, as well as the Associations Act.</p>	<p>The proposed Clay Shooting and Small Bore Rifle Range will need to comply with all applicable legislation that other rifle ranges also need to comply with. In response to the submissions, a copy of the approval for Category A Weapons, Category B Weapons and Category C (Shotgun) Weapons for sport target shooting has been provided.</p>
<p><i>The noise generated by the granite mine and the 2 shooting range applications would have an a cumulative effect on noise levels</i></p>	<p>The Granite mine application does not form part of this application. The applicant has provided an Acoustic Report as part of the application which indicated that the noise levels generated by the shooting range are in accordance with the Environmental Protect Act. In addition, a condition of approval is that only one shooting range can be in use at one time on the subject property.</p>
<p><i>The noise report is misleading and incomplete account of the noise impacts</i></p>	<p>Council's Environmental Health Officer has reviewed the Noise Report provided and recommended conditions such as, reducing the shooting stands for the range, limiting the hours of operation and only allows one shooting range in use at any one time. With the conditions imposed any issues within the noise report can be addressed.</p>
<p><i>The noise from the shooting range can be heard kilometres from the subject property.</i></p>	<p>It is acknowledged that noise will be generated by the shooting range but it needs to be determined if the noise is at an unacceptable level. In this instance, the noise levels provided are in accordance with the Environmental Protection Act and therefore are considered acceptable.</p>
<p><i>The shooting range will have impacts on native wildlife in the area</i></p>	<p>It is acknowledged that there is wildlife in the area. The development is no proposing to remove any significant vegetation for the shooting range and a condition has been imposed for a fauna spotter to be present at each shoot. In the event that wildlife is spotted, the shooting must stop immediately until the animal has moved safely away from the area. In addition, as part of the weapons licencing requirements, if a shooter accidentally harms wildlife, they can be suspended from shooting for a year and therefore it is in the shooters best interest to be mindful of wildlife.</p>

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<i>The use of the current shooting range is in breach of their approval.</i>	If the existing shooting range is in breach of the conditions of approval, a compliant should be made directly to Council and the Cherrabah Resort to ensure an appropriate compliance investigation is carried out. Each approval requires the conditions of any approval to be complied with.
<i>Signage has not been restricted to the subject property only with the range widely advertising to the public.</i>	This condition relates to a physical signage and not advertising on public media. The physical signage is only allowed to be shown on the subject property and on no other land but it does not restrict advertising on websites etc.
<i>The proposal is inconsistent with the Southern Downs Planning Scheme, in particular the biodiversity and rural zone code</i>	The application has been assessed against the applicable benchmarks identified in the Southern Downs Planning Scheme. With conditions imposed the development is considered to comply with the planning scheme and justification is provided against the criteria listed in the Statement of Reason that is attached to this report and will be available in the decision notice.
<i>There is no need to additional shooting ranges within the Southern Downs Region</i>	The Southern Downs Planning Scheme does not take into consideration other shooting ranges in the region. The application process is to allow applicants to apply to Council for a particular use on any given site. If the development complies with the applicable criteria, it is considered to be acceptable.
<i>Hours to operate 7 days a week 9am to 5pm is unacceptable</i>	The shooting range is not to be used 7 days a week. The shooting range is only intending to operate one weekend a month and host two (2) annual events per year. A condition has been imposed for the hours of operation at these events to be between 8am and 6pm.
<i>The noise report does not take into account all properties within the locality</i>	A noise report is required to identify all sensitive receptors such as existing dwelling. If a lot is vacant, it is not considered a sensitive receptor and does not need to form part of the noise report. The noise report provided for the application does identify the nearby sensitive receptors i.e. approved dwelling houses.

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<i>The range will contaminate the land</i>	All land contamination is to be reported immediately to the Department of Environment and Heritage Protection. The operators of the range are also required to comply with the Environmental Protection Act. A condition of approval is that should the shooting range use cease, rehabilitation is to occur to the area to the satisfaction of Council.
<i>There are inappropriate safety zones around the range</i>	There are a number of elements that are considered in the assessment of the application against the Southern Downs Planning Scheme. However before a range can operate they are still required to obtain an approval from Weapons Licencing Queensland who will also impose conditions relating to safety zones, noise and how the range is to operate. The safety zones of a range are determined by Weapons Licencing and not Council. A copy of the current weapons licencing approval for the Clay Shooting and Small Bore Rifle Range has been provided to Council.
<i>The shooting range will have an effect on the local tourism</i>	The range is to not just to provide a facility but also to bring people to the local area. There has been no information provided to suggest that the range will have a negative effect on local tourism. Council would be unable to rely upon this ground as a reason to refuse this application.
<i>The spotted quoll in the area is reliant on the protection of the existing habitat</i>	The shooting range is only operating during daylight hours when the quoll would be generally inactive as it is a nocturnal animal. In addition, there is no removal of significant vegetation as part of the proposal and therefore the use would have minimal effects on the existing habitat. A fauna spotter is to be present at each shooting event and shooting must stop immediately if wildlife is seen in the danger zone.
<i>The shooting range will create acceptable noise and devalue my property</i>	No evidence or market related verification has been supplied validating the claim that the proposed development devalues adjoining properties. Council would be unable to rely upon this ground as a reason to refuse this application.

Matters Prescribed by the *Planning Regulation 2017*

Not applicable

Options

Council:

1. Approve the application subject to conditions as recommended.
2. Approve the application subject to conditions other than as recommended.
3. Approve the application subject to conditions giving reasons for the approval despite the conflict with the assessment benchmarks.

Recommendation

THAT the application for Material Change of Use for Outdoor Sport and Recreation (Clay Shooting and Small Bore Rifle Range), on Lot 1000 on SP 268215 (Incl Emt Z), located at 396 Keoghs Road ELBOW VALLEY QLD 4370, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Layout and Safety and Fallout Zones (Amended by Council)	-	10/01/2018
Site Plan	-	22/12/2017

2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

Land Use and Planning Controls

3. This approval allows for the use of the site for the following uses only:
 - One weekend event per month (Maximum 50 register Shooters at the event)
 - Two (2) annual events per year (Maximum 250 registered Shooters at the event)
4. No National or International events are to be hosted at the subject property unless the appropriate approvals are granted by the relevant entities in accordance with the *Planning Act 2016*.
5. Provide a copy of the Weapons Licencing Approval to Council.
6. A register must be kept detailing all registered shooting attending the monthly and bi-annual events. The register must be provided to Council upon request.
7. A maximum of twelve (12) shooting stands are to be permitted to be used at any one time at the Clay Target and Small Bore Rifle Range as per plan titled Layout and Safety and Fallout Zones (Amended by Council) and dated 10/01/2018. An increase in shooting stand numbers may be acceptable if an updated Environmental Noise Impact Assessment Report is submitted to the satisfaction of the Director Planning, Environment and Corporate Services demonstrating that the increase in shooting stands does not create a noise nuisance.
8. The development shall generally operate only between the hours of 8.00am to 6.00pm, one weekend a month and at two (2) annual Events.
9. Only one (1) shooting range located on Lot 1000 SP268215 can be used at any one time.
10. The types of firearms to be used at the rifle range is restricted to .22 calibre rifles and shotguns.

Amenity and Environmental Controls

11. A dedicated fauna spotter person is to be made available at each shooting event. Should native fauna been seen, the shooting is to stop immediately until the fauna has moved to a safe area, away from the shooting locations.
12. No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval.
13. Should the use of the Clay Shooting and Small Bore Rifle Range cease, a rehabilitation plan

must be submitted and approved to the satisfaction of the Director Planning, Environment and Corporate Services. Any recommendation within the report must be carried out within three (3) months of the Rehabilitation Plan being approved.

14. All residents within 3 kilometres of the site are to be notified in writing of the two (2) annual Shooting Events at least 7 days prior to the event.
15. The operator must investigate and address all environmental nuisance and/or environmental harm complaints. The following details must be recorded and provided to Council upon request:
 - (a) time, date, name and contact details of the complainant;
 - (b) reasons for the complaint;
 - (c) any investigations undertaken;
 - (d) conclusions formed; and
 - (e) any actions taken.

When requested by Council, an assessment, including monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance and/or environmental harm (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief). Upon completion of the assessment, the results must be submitted to Council within 10 business days. If the complaint is about noise from the shooting range, the assessment must demonstrate a noise level of no greater than 105dB Z Peak Hold is achieved at the nearest boundary of an allotment with a residential dwelling. The report is to clearly detail the background noise levels, the noise levels during the operation of the activity, and any mitigation measures which are required to be undertaken if noise levels arising from the activity are identified to be in excess of 105dB Z Peak Hold. If required by Council, proposed mitigation measures are to be implemented.

16. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.
17. Any rubbish and litter resulting from the Shooting Events must be collected and disposed of immediately following the event. The site is to be left in a clean and tidy condition.
18. Advertising Devices relating to the Outdoor Sport and Recreation use (Clay Shooting and Small Bore Rifle Range) may **only** be erected on the subject land, i.e. Lot 1000 SP268215. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the rural character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
19. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 8 lux at the property boundary.

Car Parking and Vehicle Access

20. All vehicular access to and from the site must be via Keoghs Road only.
21. Provisions are to be made for disabled parking on-site.
22. A car parking area for the Events (Monthly and two (2) annual Events) must be provided on-site at a suitable location. The location of the car parking area is to be identified with Bunting Safety flags and a person must be available to direct vehicle drivers to a suitably located car park.

The carpark area may remain grass, provided it is appropriately maintained and does not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the driveway become eroded or potholes form that would increase noise associated with vehicle movements, the carpark shall be constructed in gravel to Council's standards.

Water Supply and Waste water

23. The supply of water for human consumption i.e. drinking water, must be made available at all Events, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.
24. Additional toilets must be brought in to the site for the two (2) annual Events.

Advisory Notes

- i. Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- ii. Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- iii. It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- iv. The operator must at all times comply with the *Environmental Protection Act 1994*.
- v. The owner or occupier of the land must, within 20 business days after the commencement of the notifiable activity, give notice to the Contaminated Land Unit under section 320DA of the *Environmental Protection Act 1994*.
- vi. Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*.
- vii. An application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011.
- viii. The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- ix. The supply of water for human consumption, food preparation, food utensil washing or personal hygiene, including the supply of water for drinking water, showers, baths, hand basin and kitchen sinks, must be connected to a drinking water supply, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.
- x. No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.

Aboriginal Cultural Heritage

- xi. All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsima.qld.gov.au

Approval Times

- xii. In accordance with the *Planning Act 2016*, this approval will lapse six years from the day the approval takes effect, unless the Plan of Subdivision is submitted to Council within the

currency period. **Council will NOT approve the plan unless all conditions of this approval have been complied with to the satisfaction of Council and within the currency period of the approval.**

Attachments

1. Submissions [View](#)

**Submission in regard to application for Development Permit for a
Material Change of Use
Shooting Club – clay shooting and small bore range**

Applicant's details—

Name:

Cherrabah Sporting Clays Incorporated

Application reference:

MCU/01889

Material Change of Use:

Development Permit for Material Change of Use: Outdoor Sporting Recreation (clay shooting and small bore range)

Landowner:

Joyful View Garden Real Estate Development Resort Co. Pty. Ltd.
PO Box 304, Warwick Q 4370

Location:

396 Keoghs Road, Elbow Valley, Warwick Q 4370

Property description:

Lot 1000 SP268215, Parish of Wildash, County of Merivale

Details of person making submission—

Name and address:

Darrel William and Maureen Ann USHER

9 Cressey Street

WAVELL HEIGHTS Q 4012

Phone: (07) 3266 3073

Email: duwirri@aanet.com.au

Property details:

Lot 1 on RP36825, lot 2 on M34649, lot 1686 on M34646, Parish of Wildash, County of Merivale.

Grounds of the submission and facts and circumstances relied on—

Our son, BD (Ben) Usher has also made a submission on this. To save repetition, I ask that his comments on the matters addressed below also be attributed to me in conjunction with this submission.

Care of the land

We own the area of land detailed above which shares a common boundary on the north-west and north of the Cherrabah property.

This family, my husband and myself, and now our son, has taken on the responsibility for the care of this land for a long period of time. The property on the north-west, lot 1686 on M34646, was transferred to my father from his father, my grandfather, in 1917, 100 years ago this year. It was passed from my father's care to mine in 1978, and continuing the value of heritage it will continue to be passed down to his descendants.

Lot 2 on M34649, was dealt with by my grandfather in a similar manner, transferring it to another son. We have taken on the responsibility of the heritage of this land since 1978 and similarly it too will continue to be passed down to his descendants.

The land now known as Cherrabah was dealt with in the same way with another son. One could only guess, that if he was able, that son would rue the day that the land passed from his hands.

I have written the above, in an effort to explain how important the land, and the care of it, is to us. I grew up knowing that the land had to be respected, to be worked, looked after, and left in at least as good a condition as we found it. My outline is relevant to how we feel about our property being negatively impacted from what goes on at Cherrabah. We can strive all we can to look after our own land, but are limited by how much as we can to do to protect it from the actions of others.

Our property has remained true to the well-established character of district, that of a quiet, peaceful rural district. We would like it to remain that way.

The past—how it has affected us and our property

When the then Cherrabah Resort was set up, what the local community accepted into the district was a quiet rural resort providing an escape to peace and tranquility away from the noise and pressure of urban living. This was something that could co-exist with the neighbouring rural landholdings.

Many schemes to change this have come and gone at Cherrabah. One to mention would be the unwelcome proposal for a Mega Resort which if it had proceeded would have affected our property, our business and our lives in many ways.

Our property has suffered water shortages in previous reliable creeks which coincided with the development of a large dam on Cherrabah built with no consideration for the needs of landowners downstream.

What is happening right now

We will mention the other current applications awaiting decisions as they are relevant to the shooting range applications. The noise generated by the proposed granite mine combined with the noise resulting from gunfire on the same portion of land at the same time would have to be taken note of. This combination of the 2 sources of noise occurring concurrently would have a cumulative effect on the noise level.

Application for a granite mine – awaiting decision:

The Development Application for a granite mine, has the planned location in the north-west corner of the Cherrabah property, inside the common boundaries of our properties and the Cherrabah property. This is metres from our property, but 3.5 km from the Cherrabah Homestead.

Application for the Permanent Road Closure – awaiting decision:

As part of their Granite Mine project, Cherrabah has applied for the permanent closure a section of road which provides the eastern access to our property, and to buy the road reserve.

Application for Outdoor Recreation – clay target and small bore range- notification period: this submission:

Application for Sporting Club – rifle long range, and hand gun – notification period: submission made.

The future—we must not let the land and the environment down

We will mention some of the difficulties the proposed granite mine would bring. It does relate to the proposed shooting range application, as the shooting range application would double the noise problem with which we have already been presented with the proposed granite mine on the same portion of land. It also reiterates our statements on Cherrabah's failure in the areas of communication, consideration of others and being a good neighbour.

Cherrabah chose a location for the granite mine as far as it could from their own infrastructure and located it close to our property. A mine site could have been chosen from many others investigated and available.

Our property lies immediately north of Cherrabah and is used as an operational cattle property which uses dogs extensively for cattle management.

Cherrabah has 'offered up' our property, without our knowledge, to provide a buffer zone for dust, noise and vibration, odour, sediment and stormwater-run-off. There was absolutely no communication or information provided about plans to develop a granite mine.

This mine carries with it a multitude of possible dangers. Some are—

Contamination of watercourse, soil and pastures by silica dust:

Latest research suggests that silica dust created from the cutting of stone or stone-like products carries a high cancer risk, believed to be higher than asbestosis. This dust is precisely what will be produced here and carried onto our property, when cutting the granite outcrops.

A proposed ore/overburden stockpile lies between the mining resource site and our property. There is a high danger of winds carrying this silica dust to our property contaminating the watercourse, soil and pastures as well as brought in through sediment and stormwater run-off from the mining operations and from the mining dam spillway.

The water from these watercourses is used in beef cattle production on our property and those downstream. In addition to the harm that could be caused to humans we are very mindful of the animal welfare issue and the harm that could be caused to these animals and the Australian beef cattle industry through contaminated water, soil and pastures and the desecration of the land for the future.

Noise and vibration:

As a working cattle property, dogs are used in property management. It is well known that dogs have ultra-sensitive hearing and gunshots or thunder has a catastrophic effect on them. Many dogs are lost this way. Cattle also are affected by noise making them unsettled and property management more difficult.

The cumulative effect of gunfire noise and the mining operation noise being carried out at the same time on the same portion of land, would be an unacceptable animal welfare issue. We cannot stress enough the irresponsibility of introducing gunfire into a quiet rural area where cattle are unaccustomed to such noise. Working or domestic dogs, could not cope with such cumulative noise.

Flammable fuel:

Flammable fuel will be stored at this remote mine site, remote from the Cherrabah Homestead, but not from our property. It shows a total disregard for us, their neighbours, and for the local firefighters who will have to deal with any bushfire on Cherrabah knowing that they must keep such fires away from the mine site and fuel.

Application for the Permanent Road Closure awaiting decision:

Cherrabah has applied for the Permanent Road Closure on a road reserve which provides the eastern access to our property, and wishes to buy the road reserve taking away access to our property. If approved, the Permanent Road Closure would place an impossible property management burden on us.

This closure would pose an unacceptable risk to the community as it would greatly hinder emergency services, ambulance, fire brigade and police from gaining entry to our property. Cherrabah experiences many bushfires, and the community are relied upon to deal with these fires. They need the current access.

Demonstrated Behaviour – Lack of communication, consideration of others and being a good neighbour

The development application for the granite mine demonstrates a culture of inconsideration and secrecy towards the community and particularly neighbours. It seems that almost a year was spent on the planning and application process for this mine, and not a word was communicated about it to us, or other neighbours.

We were not notified, as an adjoining landowner, of the Development Application for a granite mine and were unable to submit an informed submission. This failure to notify was admitted to me verbally. Cherrabah went on to sign a Statutory Declaration that we had been notified. We had not.

We reported this failure to the Government Departments concerned, and they addressed it. The application was readvertised and we were able to provide a submission/objection. We are awaiting a decision on this Development Application.

The application for a Permanent Road Closure to close the access to our property as part of the mining plan was never divulged to ourselves or neighbours who they are aware depend on and use the road on a regular basis.

These issues demonstrate a lack of respect for others and of an understanding for the need to be a good neighbour and member of the local community. They seem not to understand that they have a legal obligation not to interfere with the quiet enjoyment of another's property.

Our response to the Application for Outdoor Sporting Recreation (clay shooting and small bore range) MCU/01889

Noise

Cherrabah operates as a rural resort on a secluded property where peace and tranquillity are meant to be found and enjoyed. This is the reason for which it was established.

Cherrabah are seeking approval to impose the following noise on us—

For the mine—

- (a) all the noise related to the actual mining, including that of machinery; and
- (b) that of increased traffic both inside the property and on nearby roads, including general work vehicles and 19 m flat top semi-trailers with an average net payload of 20 tonnes carrying large slabs of granite; and

For the shooting ranges—

- (a) the continuity of gunfire over a long period of time having a catastrophic effect on animals, particularly dogs (working or domestic).
- (b) extra traffic into the area both inside and on nearby roads.

As this noise would be generated at the same time on the same portion of land, the level of noise would be cumulative.

Weapons

Firearms are a necessary part of the rural industry, and their use must be treated with the utmost respect. It would be generally accepted the rural landowners abide by this and firearms are used on a needs basis. They do not generate unnecessary noise.

Where firearms are concerned, we as neighbours, and the community in general, are entitled to feel safe in the knowledge that we know what is going on relation to firearms on this property.

Former Prime Minister John Howard did a good job of ridding Australia of a large proportion of unnecessary firearms in Australia. We should be ensuring his legacy continues by building on his success and not encouraging a gun culture in Australia. Statistics have shown that an extremely high percentage of Australians would support the banning of firearms for all but those with a genuine need. They would not support more shooting ranges.

Summary

Approval of the application for the shooting range, along with that for the granite mine, would result in the creation of a cumulative level of noise being created concurrently on the same portion of land (lot 1000 SP26815). This would intrude on our property and affect the operation of the business of grazing, and the welfare of the animals on our land and is an example of a lack of communication, consideration of others and being a good neighbour being demonstrated by Cherrabah.

The secretive, underhanded behaviour demonstrated causes concern about what might be carried out on the property, unseen and unknown about by neighbours and the community.

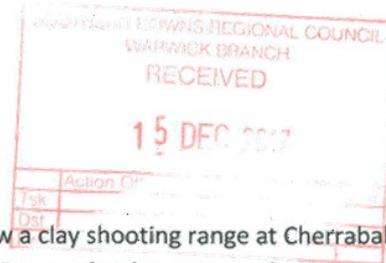
Our concerns demonstrated in this submission have lead us to consider it an unacceptable risk to allow a shooting range to be approved on the Cherrabah property.

We therefore submit that application MCU/01889 submitted by Outdoor Sporting Recreation (clay shooting and small bore range) (Joyful View Garden Real Estate Development Resort Co. Pty. Ltd.) be refused.

DW Usher
Darrel William Usher

MA Usher
Maureen Ann Usher

OPPOSITION TO PROPOSAL BY Cherrabah Sporting Clays Incorporated (MC/01889)



To Whom It May Concern,

I am writing to express my opposition to the plan to allow a clay shooting range at Cherrabah Homestead Resort. This is a special part of the Southern Downs that has attracted tourists to this special part of the world for many years. The beauty and amenity of the bush in this corner of the shire, combine with the wildlife (including the Quoll), to make it a very special experience. Recent research figures from Tourism Research Australia indicate that Southern Queensland Country attracted 46,000 visitors to the region this year alone, spending \$61.3 million dollars in the area. The International Visitor Survey showed an 11.2% increase in expenditure and a 17.4% surge in total visitation for the year. The report indicated that these visitors were coming to experience the beautiful scenery of the area.

To allow a clay shooting range to establish in a pristine area of natural beauty and to allow it to operate for 7 days a week, for 9 hours a day, would obviously destroy this area for any further tourist developments. Already there are various tourist facilities in this area that would be destroyed by this development. In addition any owners of land south of Warwick wanting to make use of the tourist boom, would be shut out for ever. People have a right to live in peace and to have the natural assets they own protected from bad development. Do not destroy a vast area of beauty with this development.

Regards,

Margaret Bell (15.12.17)

Margaret Bell

77 Cleary Street, Warwick

Southern Downs Regional Council



DOC0207462

From: Kiam Kelly [mailto:kiamk@bigpond.com]
Sent: Saturday, 16 December 2017 12:28 PM
To: General Enquiries
Cc: Tonya.Collier@srcd.qld.gov.au
Subject: Objection to applications applications MCU/01889 and MCU/01897: Shooting range at Cherrabah

Dear Sir/Madam

Re applications applications MCU/01889 and MCU/01897: Shooting range at Cherrabah

I am writing to register my objection to applications MCU/01889 and MCU/01897.

Please note:

I did not receive any written advice of the current proposed further development of the firing range at Cherrabah, which I understand was posted to several of my neighbours and received by them on or about November 2017.

I received no notification of this firing range further development: I only became aware of it when a neighbour mentioned this to me in discussion yesterday.

I strongly object to these applications on several grounds as below:

Noise level

Despite the reports received, which indicate relatively low levels of noise transmission from shooting, the noise levels on our adjoining rural property are excessive. The noise from shooting at Cherrabah is at a level that normal conversation is not possible at the time of firing

due to the volume of the shots and the percussion. The rate of firing is also often very regular and repetitive, and is extremely intrusive, preventing our reasonable enjoyable use of our rural property. It is also producing significant human stress due to constant and regular high levels of noise.

I therefore can only conclude that the acoustic reports provided do not account for the transmission of sound in the direction of our block, and/or do not allow for the topography of the area. The crack of the rifle fire is very significant from a position in line with and ahead of the firing points, which seems to be our situation.

The acoustic report of December 2015 has several possible concerns: there are inconsistencies in statements about shooting direction and noise receptor location; the report states that the instrument could not be calibrated; the report states that noise levels were estimated using regulations not applicable to the topography of the region. Testing also appears to have been conducted by committee members of the shooting club wishing to use the site, which is a significant conflict of interest. I suggest for this reason that recommendations from this report should not be considered.

The acoustic report of November 2017 appears more rigorous, although it seems that the appropriate criteria have not been applied. As SRDC recognizes this area as a significant conservation area (SDRC Planning Scheme) and it is a critical habitat for vulnerable (Nature Conservation Act 1992) and endangered (Environmental Protection and Biodiversity Conservation Act 1999) species, I believe the criteria for protected areas from Schedule 1 of the Environmental Protection (Noise) Policy 2008 should be applied.

Noise impact re dwellings: The zoning of our rural property is such that a building permit can be obtained. We are currently investigating options to build on our property. It is not acceptable for the acoustic reports to therefore only consider the existing houses which are much further away from the proposed site than where we are planning to build. Therefore the noise reports should have considered the impact on all surrounding land holdings, not just the current dwellings.

Noise impact on stock: We are considering running a small number of cattle and/or horses on our rural property. My past rural experience (on a 2000 acres cattle property in northern NSW and also a 350 acre cattle property at Silverdale in SE QLD) indicates that the stock will be significantly disturbed by the noise levels currently from Cherrabah, at least initially when they are not used to this noise. In my previous experience, noise from gunshots can and has resulted in cattle and horses going through fences, and racing through rough country and gullies, resulting in significant injury and/or death.

Noise impact on humans: The regular rate of firing, combined with the noise, is stressful to myself and prevents reasonable enjoyable use of our rural property. From discussions, I believe other landholders at the southern end of Hopgood Road are also experiencing similar

disturbance. Any proposal to increase in the calibre of rifles, and potentially increase noise levels, and/or increase frequency of use, is totally unacceptable.

Apparent current non-compliance with existing firing range restrictions

I am not expert on this area, but I would like to express my concerns for your consideration.

I understand MCU\01479 contains the following statements, which should currently be adhered to:

- The range will be used by in-house guests
- The shooting range will be restricted to 0.22 calibre rifles and shotguns
- The shooting range may only be used between the hours of 8.00am to 6.00pm;0#...
- The maximum number of shooters....using the rangemust not exceed five shooters
- Advertising devices relating to the rifle range may only be erected on the subject land

From my observation this has not been the situation. I am aware of the following, which appear to indicate non-compliance with the current conditions:

- The range is widely advertised to the public inviting them to participate in shooting events, apparently breaching the condition that the range be used by in-house guests.
- The shooting range and competitions have been advertised on multiple club and association websites and news publications, drawing large numbers of people, and apparently contradicting the requirements re advertising.
- I understand that the range has been used by over 200 shooters on a single day, which is far in excess of the approved maximum of five shooters
- I have heard gun fire before 8am and after 6pm, which appears to contradict the requirements for use of the shooting range between 8am and 6pm
- The range also appears to be regularly for large calibre, or full bore shooting, as the noise level is much louder than that from a 0.22 calibre. I have some limited experience with rifles, as I have a current gun licence for a 0.22 calibre rifle. In the past, my father had a larger rifle, and I have been with friends who also discharged larger rifles, so I have experienced the sound of higher calibre gun fire. Often the sound of the gunshots from Cherrabah sound nothing like a 0.22 calibre, and sound to be from much higher calibre rifles.

The apparent non-compliance with the current conditions give me little faith that further development will also be complied with.

Effect on wildlife

I have observed wildlife being disturbed when shooting commences at Cherrabah. I have seen wallabies stop their peaceful feeding and jump away rapidly. I have observed birds take flight suddenly and in large numbers. I have observed wallabies drinking at the dam race away in apparent agitation. Therefore I am very concerned for the impact on the wildlife in the area from the current and proposed shooting range.

Cherrabah and the surrounding heavily vegetated rural properties, including ours, are home to numerous echidnas, various wallaby species, numerous bird species, koalas and numerous other native fauna. A research report several years ago identified Cherrabah as home to the last remaining significant quoll population in Queensland.

The restrictions on the current land use regarding clearing of vegetation are designed to protect the native environment. However, I am concerned that the ecology of this peaceful native environment will be significantly altered, with some of the fauna departing due to the regular and excessive noise from the firing range. Numerous ecological studies have shown that the removal of only one animal species can have a very significant effect on the other fauna population levels and also on the vegetation, and even waterways – in short, the ecological balance, when disturbed, has far-reaching and significant damaging effects. I can reference some of these studies if you wish.

As referred to above, SRDC already recognises this area as a significant area for native species protection, so I believe this is another significant reason to not allow any further firing ranges to be developed on Cherrabah and to restrict the current firing range.

Lead Contamination

Firing ranges generate significant amounts of lead, which is a significant risk to the ecosystem. This area currently has very low to minimal levels of contamination and pollution, with small amounts in limited areas from past rural activities and small amounts generally from widespread air pollution (*pollution can even be found in the ice of un-inhabited South Pole*). Research shows that lead contamination of the soil on shooting ranges is far in excess of safe levels and cannot adequately be remedied – although some of the lead can be collected, it is not possible to remove all (or possibly even most) of the lead. It is not possible to fully contain the run-off of lead residues. This proposed firing range would produce significant amounts of lead. Therefore, this risk to the natural environment of the area should not be permitted.

I believe that the firing range proposal is inconsistent with the current SRDC planning scheme regarding biodiversity and rural zone codes. It has been pointed out to me that, ironically, the proposal even conflicts with Cherrabah's own marketing material which espouses a peaceful and quiet natural environment!

Requirement for another shooting range

I understand that shooting ranges are an enjoyable recreational and social pursuit for many people. However, there is no social requirement for another shooting range in the Warwick area. I understand this social pursuit is more than adequately catered to through three existing shooting ranges in the local area, with another two nearby at Toowoomba. Discussions with some members of the shooting clubs indicate they already have limited numbers and would like more members, so it certainly appears that the existing shooting ranges are not at peak capacity and that the area does not require another shooting range.

I admire Cherrabah's initiatives to develop their resort and bring more activities and business to the local area. However, I believe this development should be possible through enhancing their rural business and developing rural pursuits and an ecological experience for visitors, where visitors can experience "true Australian bush". This development should be done without unnecessary pollution, and without significant negative impact on wildlife and the ecological balance of the natural ecosystems in this area. The shooting range, in its current state and the proposed further shooting range development, does not do this.

Therefore, for the reasons above, I have significant objections to the Cherrabah firing range, both as it is currently operating with significant noise and pollution, and to the proposed further firing range development.

Regards

Kiam Kelly

Mailing address: 62 London Street Nundah QLD 4012
Phone: 0408 060 710

On behalf of Kiam Kelly and Ian Wood, Cullenden Heights Trust

17/12/17

To SDRC

RE: DA No: MCU\01889

Objection to proposed development.

Cherrabah is not an isolated property. What they do effects those who own properties around them. There are now a number of small holdings surrounding them as larger properties have been sold in their smaller lots. Purchasing these properties for quiet, seclusion, plans to build and move to.

We object to the shooting range on Cherrabah. And to any increase of use. Due to the valleys and placement of the range the noise coming from the shooting range effects our area of neighbours on the end of Hopgoods Rd. It is loud and disturbs the peace, for both humans and the native animals, that we were seeking with the purchase of our property (before the addition of the shooting range to Cherrabah we were unable to object to original application due to finding out the day before via text message and not in a place with internet). We note that the sound reports don't include any area off of Cherrabah. We can tell you from experience of being on property (and having to leave during the day due to the noise levels of it) when clay shooting has been on it is loud.

7 day a week 9am – 5pm shooting is ridiculous!! It means no quiet during the day at all. And for us it means that our property now becomes unusable by us. A veteran with Post Traumatic Stress Disorder with gun fire being a trigger a shooting range next door firing at any time becomes a massive problem.

We also don't trust that they will comply with any approval. They currently have approval for shooting for guests and have had approval to have competitions. For both of these they have breached the conditions numerous times. Disrespecting their neighbours.

With the last competition we received the notification less than a week before the competition (council informed me it was supposed to be a minimum of 14 days notice), we had been out for a day trip the week before. Then according to the approval paperwork they were not allowed to start before 8am. On the last day they started at 7 am and that earlier hour meant the noise levels were substantially louder and a breach of their conditions. Let alone a rare weekend visit with no notification of non stop shooting when we needed quite.

We visit our property occasionally but we have experienced on numerous occasions shooting happening on the range both day and night (another breach) and also with higher calibre rifles than the 22 & shot guns they are currently allowed (husband is a veteran can tell from sound).

I believe when the shooting range was originally approved it was only supposed to be temporary and was to be moved to another location on the approval of the subdivision they were in the process of getting approval for. Which they have since stopped seeking.

I hope council really considers the impact on neighbouring properties.

Jason & Julia Hamilton-Smith

7 Hirst St Greenmount QLD 4359

Owner Lot 46 Hopgoods Rd Elbow Vally

**Submission in regard to application for Development Permit for a
Material Change of Use
Outdoor Sporting Recreation – clay shooting and small bore range**

Applicant's details—

Name:

Cherrabah Sporting Clays Incorporated

Application reference:

MCU/01889

Material Change of Use:

Development Permit for Material Change of Use: Outdoor Sporting Recreation (clay shooting and small bore range)

Landowner:

Joyful View Garden Real Estate Development Resort Co. Pty. Ltd.
PO Box 304, Warwick Q 4370

Location:

396 Keoghs Road, Elbow Valley, Warwick Q 4370

Property description:

Lot 1000 SP268215, Parish of Wildash, County of Merivale

Details of person making submission—

Name and address:

Benjamin Darrel USHER

'Avoca'

150 O'Deas Road

ELBOW VALLEY Q 4370

Phone: (07) 4667 9124 Mob: 0427 679 124

Email: duwirri@aanet.com.au

Property details:

Lot 2 on RP70536, and others, Parish of Wildash, County of Merivale.

Grounds of the submission and facts and circumstances relied on—

My parents, DW & MA Usher have also made a submission on this. To save repetition, I ask that their comments on the matters I will address below also be attributed to me in conjunction with this submission.

Care of the land

I own the area of land detailed above which shares a common boundary on the north-east with Cherrabah along with other landholdings in the area.

Also included in my grazing operation is my parents' property, lot 1686 on M34646, and lot 2 on M34649, which share a common boundary on the north-west and north with Cherrabah.

Our property has remained true to the well-established character of district, that of a quiet, peaceful rural district. Previous generations of my family have been committed to this and I have now taken on the responsibility for this.

My full time occupation is as a grazier, operating a beef production business on all of the land mentioned above.

The past—how it has affected me and my property

When the then Cherrabah Resort was set up, what the local community, among them my grandfather, accepted into the district was a quiet rural resort providing an escape to peace and tranquility away from the noise and pressure of urban living. What the founder Mr Barber proposed was something that could co-exist with the neighbouring rural landholdings and his project was welcomed.

Many schemes to change this have come and gone at Cherrabah. I will touch on those which have occurred in the past 19 years since I have taken over the ownership of my own landholdings from the family and the management of those of my parents.

The proposal for a Mega Resort would have impacted on the grazing business on my parents and my adjoining property and my landholdings downstream from Cherrabah in many ways.

In addition, the water shortages suffered in previous reliable creeks which coincided with the development of a large dam have been a physical and financial burden for me. I have had to provide alternative water infrastructure since the Cherrabah dam was built with no consideration for the needs of landowners downstream.

It is my firm belief that lack of flow downstream from Cherrabah is affecting the natural ecosystems. However, this has all been allowed to happen. I tried all I could to be heard but this was allowed to happen to my detriment.

For a period Cherrabah was known as an EcoResort and did not allow shooting on the property. It is now supporting the efforts of the local landowners by being part of the wild dog baiting program, which lessens the threat to the endangered Quoll population on Cherrabah.

What is happening right now

All the following must be considered together, each being relevant to the other in that the granite mine and the 2 shooting range proposals would produce noise concurrently and on the same portion of land, lot 1000 SP268215, with a cumulative level of noise.

The current applications are—

Application for a granite mine - awaiting decision:

Application for the Permanent Road Closure - awaiting decision:

Application for Outdoor Recreation – clay target and small bore range- notification period:

Application for Shooting Club – rifle long range, and hand gun – notification period.

The future—we must not let the land and the environment down

There is almost constant wind of some level on this property. Have studies on wind direction been undertaken on this portion of land for the shooting range applications? Claims put forward for the application for the mining lease on prevailing winds on this same portion of land were incorrect – claiming they came to the property from the north-east, when official BOM readings confirm that they come from the south-east.

These winds would carry the following to the northerly properties, and we cannot allow that to happen—

Silica dust

I would like to stress the possible contamination of watercourses, soil and pastures by silica dust on our properties, animals and humans and those downstream. The belief that it contains properties that carry a higher cancer producing risk than that which produces asbestosis, must be taken very seriously.

Noise and vibration:

The issue of noise is very important to me and the operation of my grazing business.

The proposed granite mine will produce noise and vibration from the operation of the mine, the use of machinery and the increase in traffic on roads around and on the Cherrabah property. Large semi-trailers will be introduced to the area for the transportation of granite slabs from the property.

The proposed shooting ranges would produce repetitive gunfire. Introducing both of these noise sources to the same portion of land concurrently will have a cumulative noise effect in a habitat on the mine site which contains the endangered Quoll.

I am not aware if studies have been undertaken on the local Quoll population and their susceptibility to dispersal from their current habitat at the mine site due to the double threat of noise.

Noise is a big issue for me as I operate the working cattle property on both my parents and my own land. My dogs are a vital part of property management. We all know that dogs have highly sensitive hearing and that noise, particularly gunshots or thunder, have

a disastrous effect on them. I invest a lot of time in training good cattle dogs and I cannot have them become lost through an attempt to escape the noise.

I cannot be expected to put off my cattle work to protect my dogs because Cherrabah is producing this cumulative level of noise. Cattle are affected by noise making them unsettled. We have lost cattle before, due to Cherrabah's noise. Having to deal with 2 sources of noise concurrently, at the same location, on Cherrabah makes property management more difficult.

The hours of operation of the 2 shooting ranges being put forward covers the time 8.00 am to 6 pm, 7 days a week with the granite mine operating similar hours. This would make it impossible to find a time during daylight hours when noise would not be produced.

Noise impact assessments for the shooting ranges carried out for Cherrabah without the effect of wind being taken into account, would prove to be different in a normal everyday situation. I can only work on fact. Through my knowledge and experience I know that gunshots at Cherrabah will affect dogs and cattle on adjoining properties. The prevailing winds in this area come from the south-east and carry any noise, including gunfire onto the northern properties.

Flammable fuel:

The winds coming from the south-east would bring fires to the proposed mining site and shooting ranges and then on to our property.

I am heavily involved in protecting Cherrabah in times of bushfire and would be one of the front line people keeping fire from flammable fuel at the mine site. I probably understand the fire situation on Cherrabah better than they do, having had more personal experience.

It seems inconsiderate that would now apply to add 2 shooting ranges in addition to the unacceptable granite mine proposal to the difficulties of fighting fires on Cherrabah, and then rely on local landowners to deal with bushfires.

Application for the Permanent Road Closure awaiting decision:

Taking this access away, in addition to having the noise effect on livestock to deal with, would take away my ability to fit in all I have to do in the hours available in a day in the future. No thought towards neighbours was put into the decision to apply for this.

Demonstrated Behaviour – Lack of communication, consideration of others and being a good neighbour

While I am well known at Cherrabah and have reason to go there from time to time, particularly when fighting their fires, they never in the 12 months the granite mine was being planned mentioned it or their plans to take away my road access. Similarly, this shooting range application was never mentioned.

My response to the Application for Outdoor Sporting Recreation (clay shooting and small bore range)

Noise

My statements on noise demonstrate compelling reasons why I cannot have the cumulative effect of the granite mine and the shooting clubs intrude on my property.

Weapons

Where firearms are concerned rural landowners use them in the right place at the right time. They are not something to be taken lightly. Their use needs to be limited to necessary uses which do not cause a nuisance to neighbours, and allows them the right to quiet enjoyment of their land. Continuous gunfire such as that produced at a shooting range is not conducive to that.

There is already an established Shooting Club and Rifle Range in Warwick, and so the need for another one to be established cannot be a priority.

Summary

Cherrabah is applying to have 2 extra sources of noise intrude on my property concurrently, that of the granite mine and of the 2 shooting ranges.

In considering this application it should be noted that these 2 additional sources of noise will originate from the same portion of land, lot 1000 on SP268215 and occur concurrently, producing a cumulative effect. That the effect on my business of grazing, and the welfare of the animals (including working dogs) has not been considered by the applicant, is an example of a lack of communication, consideration of others and being a good neighbour being demonstrated by Cherrabah.

I have set out my concerns in this submission, and combined with those submitted by my parents, consider it unacceptable to allow this shooting range for rifle, long range, and hand guns to be established on the Cherrabah property.

I therefore submit that application MCU/01889 submitted by Cherrabah Sporting Clays Incorporated be refused.

BD Usher
Benjamin Darrel Usher

14 December 2017

Southern Downs Regional Council
PO Box 26
WARWICK QLD 4370

Attention: Mandy May
Planning Technical Officer
mail@sdrc.qld.gov.au

Dear Mandy,

Open letter to the Southern Downs Council Environment and Planning Officers, Councillors and Mayor:

I am writing this letter as an objection to new gun ranges being proposed at Cherrabah Mountain Resort, Keoghs Road, Elbow Valley Warwick.

I live just South of the QLD-NSW border and can clearly hear all practice and events being held at the shotgun venue. Indeed, the noise can be heard a couple of kilometres south of my home as well. Any upgrade to more powerful weapons and more consistent shooting will be disturbing to all in this area. We have enough shooting areas in the Southern Downs anyway.

The mountains here in this area will carry and distribute the noise further than audio tests will indicate. Cool, crisp mornings and wind direction are also factors.

Cherrabah Resort and Maryland National Park are the home of numerous rare and endangered forms of wildlife and botanical specimens as well. All are protected under various relevant local, State and Commonwealth Environmental Protection bodies. Strict protection has been afforded to some species.

Regional Council Management Plans need to be upheld and the lifestyle which draws people and investment to this area is a council responsibility. Indeed, a large and successful eco-tourism camping area at Cullendore is now advancing and becoming popular and profitable. The flow-on effect for Warwick, Stanthorpe and Killarney is tangible.

My concerns are for the impact on the immediate areas of Cherrabah (Elbow Valley in particular), Maryland National Park and surrounds.

If my concerns fall on deaf ears, I will have no choice but to pursue with vigour all areas of State and Commonwealth environment legislation. Again, the stewardship of the environment is the sole responsibility of all of us. The ecology of this area of Trap Rock country has shown reasonable tolerance of traditional farming methods and the pastoral industries, but huge gun ranges, granite quarries and mega-structures! What next?

Yours sincerely,



A. M. (Tony) Kelly

Address: 459 Maryland-Cullendore Road

Maryland NSW 4377

Phone: 0459 399 971

Email: tonykelly52@hotmail.com

We are writing to register our objection to applications MCU/01889 and MCU/01897. We strongly object to these applications as the proposed uses are invasive, inappropriate, and highly inconsiderate choices for the land in question. They are inconsistent with multiple elements of the SDRC planning scheme, will negatively impact the health and wellbeing of surrounding property owners, will pollute the environment and interrupt wildlife patterns, and will provide negligible value for the broader community. Further, we disagree with findings of the included acoustic reports and believe they provide a misleading and incomplete account of the noise impact.

The impact of the current shooting activities at Cherrabah upon our nearby land use and enjoyment cannot be understated. There appears to have been absolutely no effort to mitigate noise impacts in either current or proposed arrangements. The constant and relentless rate of firing, combined with the unpredictable and often very early and very late shooting sessions, is a major source of stress and distraction for us and the other landholders in the area. The volume and the percussive shock associated with individual shots is extremely intrusive. The crack of the rifle fire is stupendous when heard from positions in the direction of shooting. The effect of hearing it while performing any task is jarring and sickening. Quite simply, the present shooting noise from Cherrabah is preventing any attempt at peaceful enjoyment of the land by other residents.

There is a very rich and diverse array of fauna in the area. From a subjective perspective, it is very difficult to enjoy the natural sounds, including bird calls, when they are punctuated by rifle shots and shotgun blasts. We understand existing shooting arrangements were to be temporary so to think that the applicants instead wish to expand upon the already excessive and unauthorised shooting arrangements is outrageous, and has become a source of considerable stress for us.

Based on advice provided by Council, it seems that shooting arrangements at Cherrabah are in breach of their current land use conditions. In correspondence related to MCU\01479 in September 2014 Council advised that "The range will be used by in-house guests", "The shooting range will be restricted to 0.22 calibre rifles and shotguns", "The shooting range may only be used between the hours of 8.00am to 6.00pm", "The maximum number of shooters....using the rangemust not exceed five shooters", and "Advertising devices relating to the rifle range may only be erected on the subject land"

The range is widely advertised to the public inviting them to participate in shooting events, breaching the condition that the range not be advertised and be for use by in-house guests. Research indicates that the range has been used by up to 280 shooters on a single day, a ridiculous amount of shooting for such a secluded and small firing range. This is a gross violation of the land use conditions, and a blatant disregard of their neighbor's right to peaceful enjoyment of their land. The appears that range is also used regularly for large calibre, full bore shooting, the noise level of which is much louder than 0.22 calibre. Finally, the shooting range and competitions are widely advertised on multiple club and association websites, facebook pages and news publications, drawing large numbers of people. In short, if Cherrabah will not comply with current conditions,

how can the nearby community and council be convinced that they won't breach any future conditions on a new range?

The noise report of December 2015 is of questionable scientific rigor. There are inconsistencies in statements about shooting direction and noise receptor locations. The report states that the instrument could not be calibrated and that noise levels were estimated using laws not applicable to the topography of the region. Furthermore, testing appears to have been conducted by committee members of the shooting club wanting to utilise the site rather than by an independent or government agent. This suggests an extreme level of bias, and cannot be considered to be impartial. Any recommendation from such a report should not be considered.

The acoustic reports of November 2017 appear more rigorous, although it appears that the appropriate criteria have not been applied in making a recommendation. Council recognizes the area as a significant conservation area in their planning scheme and it is a critical habitat for vulnerable and endangered species under both the Nature Conservation Act 1992 and the Environmental Protection and Biodiversity Conservation Act 1999. For this reason we believe the criteria for protected areas from Schedule 1 of the Environmental Protection (Noise) Policy 2008 are applicable. There are over 650 species of flora and fauna identified in this biodiverse area, and the stress the noise causes to us has been observed to influence the wildlife also.

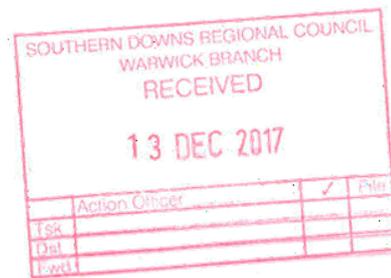
In addition to noise and vibration, the introduction of large quantities of lead into the ecosystem needs to be considered. A shooting club in Toowoomba recently collected 54 tonnes of lead from their range: how much more lead was missed, and how much had already entered the ecosystem? This is not an acceptable level of risk in an otherwise uncontaminated environment. Research has shown that lead contamination of the soil on shooting ranges is far in excess of safe levels and can't adequately be remedied. Protection of wildlife and groundwater aquifers must be prioritised; if groundwater is being used onsite or on adjoining properties sharing the same aquifer, then there are obviously human health and broader environmental considerations.

The proposal is inconsistent with the planning scheme currently in place within SDRC, particularly the biodiversity and rural zone codes, and ironically it even conflicts with Cherrabah's own marketing material which espouses peaceful and quiet natural environment. We think there is great capacity for Cherrabah to continue rebuilding the resort with farming and environmental style experiences and provide a real draw card for visitors to this special part of the Southern Downs. However, it needs to be done in a way that doesn't unnecessarily pollute the environment and impact the biodiversity for which it is renowned. Any development needs to focus on enhancing rather than degrading the peaceful and scenic location for neighbours, visitors, and future generations alike.

There is no need for additional shooting ranges within the Southern Downs area. The three existing shooting ranges exceed the requirements of the small population of the area. Rather than starting new clubs in new locations and negatively impacting new areas, the applicants should be encouraged to collaborate and provide support for the existing

clubs. By their own admission shooting clubs are supposed to have a social element and are often struggling for members so stretching potential members across even more clubs and locations seems counterintuitive to this community spirit. This approach would also consolidate noise and environmental impacts into existing, suitably identified land use zones. For comparison, over 2.6 million people within Brisbane, plus a large proportion of the Gold Coast are serviced by a single shooting complex. For the approximately 35000 population of Southern Downs to have at least five sites in the same geographical range (three locations in the region and plus at least two more in nearby Toowoomba region) is excessive. There is no need for council to approve any more ranges in the area, certainly not for applicants who are proposing travel away from closer ranges or past existing ranges in order to get to this location.

Shooting activities at Cherrabah are having a serious impact on the land use by their all of their immediate neighbors. We have had discussions with several of the neighbors who agree that on days with very heavy firing, the sound and percussion is so intrusive that one cannot even think, let alone work. When we purchased our property we worked closely with council to ensure that it was zoned appropriately for building and eventually residing there. This type of development at Cherrabah jeopardizes that. We were quite open about the fact that we were excited at the prospect of one day living in such an unspoiled and beautiful piece of Australian bushland protected by the planning scheme zoning. We work hard on our land and off, and were looking forward to the day when we could build a house on our land and enjoy it more permanently. We cannot begin to describe how disappointed we are at having the peace and quiet shattered by gunfire, the environmental values of the area put at risk, and we strongly object to a change of use or any other approvals which enable shooting activities to continue.



Letter of Opposition
to the
Proposal by Cherrabah Sporting Clays Incorporate
(MC/01889)

by
Stuart Bell
Cullendore High Country Campgrounds



I am writing to object to an application by **Cherrabah Sporting Clays Incorporate (MC /01889)** to construct an outdoor sport and recreation club (clay shooting and small bore range) consisting of 14 shooting stations, on lot 1000 on SP268215.

I am objecting on the grounds of:

- Noise
- Contamination
- Need
- The effect on local tourist businesses
- Legal Ramifications

In compiling this objection, I have used the following documents:

- Southern Downs Regional Council Planning Scheme
- Southern Downs Regional Council Biodiversity Areas Map
- Southern Downs Regional Council Online Map
- Qld Environmental Protection (Noise) Policy 2008
- Department of Environment and Heritage Protection– Noise, odour and Dust – making a complaint
- Qld Department of National Parks, Sport and Racing – Planning for Shooting and Motor Sports Facilities
- Qld Nature Conservation Act 1992
- Qld Vegetation Management Act 1999
- Qld Planning Act 2016
- Queensland Government – Notifiable Activities
- Commonwealth Environment Protection and Biodiversity Conservation Act 1999
- Commonwealth Department of the Environment and Energy – (Information Sheet) National Recovery Plans for the Spotted-tailed Quoll
- Commonwealth Department Environment, Land, Water and Planning – National Recovery Plan for the Spotted-tailed Quoll
- Queensland Police – Applying for a Range Approval
- Ecology and Conservation of the Spotted-tailed Quoll in Southern Queensland by Dr Stephanie Meyer-Gleaves.

1. NOISE

1.1 Inappropriate noise testing

The acoustic report completed by Brian Battle was carried out in inappropriate conditions (blustering 32km/hour winds). The conclusions drawn by Mr Battle were patently inaccurate and should be totally disregarded by Council. His first conclusion was that *the level of sound at the rear of the property is below the threshold limit of the human ear and will not be able to be heard by humans*. During the 'special event' shoots held at Cherrabah the gun fire was plainly heard on our property, 7kms south of the location of the shoot, some 4kms south of Cherrabah's back boundary. On one occasion it was so upsetting to people camped at our property that they left early. Therefore, all the

people in our area who are affected by this noise either have superhuman hearing or the conclusions of Mr Battle are incorrect.

Mr Battle's second conclusion namely- *Sporting Clay Shooting on Cherrabah Resort will not cause undue duress to the neighbours* has been proven to be totally incorrect. The multiple phone calls made to Warwick Police, Cherrabah Resort and subsequently to SDRC complaining of the noise of their clay shoot would clearly indicate that this shoot caused duress to many neighbours. Mr Battle went on to say that *the noise generated from the Cherrabah Resort proposed Sporting Clays shooting range will not impact on surrounding properties adjacent to the resort*. The evidence of previous shoots clearly does not bear this out.

Mr Battle's recommendation that shooting should not commence until 8am and then should only proceed until 5pm is cold comfort indeed. While Cherrabah Sporting Clays Incorporate were probably happy to pay for this advice, the thought of us up here in the hills being woken on a Sunday morning to 14 lanes of shotguns firing and putting up with this for the next 9 hours is unacceptable. I believe that the evidence of previous gun shoots should give Council a clear perception of the true impact of this development and it should be noted that Mr Battle's report was commissioned by Cherrabah Sporting Clays Incorporate.

1.2 Noise effecting the environment

The Information Sheet produced by the *Qld Department of National Parks, Sport and Racing – Planning for Shooting and Motor Sports Facilities* states '*while QPS considerations have a strong focus on safety, local government planners need to consider the potential for noise to create a nuisance for nearby residents or OTHER SENSITIVE LAND USES.*' I consider that the proposal to construct a clay shooting range at Cherrabah Homestead Resort to have obvious effects on land that provides habitat for endangered and vulnerable animals. The existence of these animals within the forest surrounding this development qualify this as sensitive land. Included in these animals is the Spotted-tailed Quoll which is listed by the Commonwealth of Australia as an endangered animal. It is clear in various comments made in the **Southern Downs Regional Council Planning Scheme** that Council are aware of and endorse these obligations. Among these is the following statement - *The Southern Downs will actively work towards expanding and supporting environmentally sustainable practices. The impacts of population and industry growth (assuming this includes the tourist industry) will be well balanced to preserve the environment that is so valued by our community.* A Strategic Outcome outlined in the Planning Scheme states - *The quality of the natural environment, its assets, ecological processes and biodiversity values are conserved, enhanced and restored. The existing natural capital of the Southern Downs is maintained. This protects the integrity of areas of ecological significance, their life supporting capacities and contribution to biodiversity for present and future generations.* These outcomes are enacted by the requirement that - *Development proposals on land identified in the Biodiversity areas overlay will not be approved unless they incorporate adequate and appropriate environmental safeguards and buffers.* **Overlay map region 1** shows that Cherrabah is included as a Significant Conservation Area. The information provided to the public does not adequately address the requirements outlined in the SDRC Planning Scheme.

Under the EPBC act (**section 18 and 18A**) a person commits an offence if a person takes an action and the action results or will result in a significant impact on a species listed as threatened or endangered. If a developer or local government planners feel that a development MIGHT have a

significant impact on any matters of environmental significance, then the developer would need to apply for approval through the EPBC act. This approval process under the EPBC act would be in addition to any state or local government approval that may be required. This requires the developer to refer the project to the Department of Environment. It is clear that this development may have an effect on the quolls in the area. It is therefore imperative that the Commonwealth Government is informed that this is a controlled action under the EPBC act. The minister or the minister's delegate would then decide if the project should be assessed under the EPBC act. Under **section 34D** the minister must, among other things, consider if the action is inconsistent with any recovery plans for the species.

The **National Recovery Plan for the Spotted-tailed Quoll *Dasyurus maculatus*** lists the Cherrabah Homestead Resort as the location of an important population of the Spotted-tail Quoll. This plan also states – *'The recovery of the Spotted-tail quoll is primarily dependant on the protection of its existing habitat. Practices or developments that destroy this habitat, or alter it to the extent that the species density is reduced, may be detrimental to the conservation of the species.'* In addition, the plan also states – *'Practices that directly or indirectly reduce the prey within a habitat patch also have the ability to effect the density of Spotted-tail Quolls and the ability of the habitat to support breeding females.'* It would seem reasonable to assume that a proposed clay shooting range would have serious negative impacts on the habitat of the Spotted-tailed Quoll and reduce prey in the area. The fact that the applicant has not even provided an environmental impact statement, showing that they have at least considered this, demonstrates a disregard for their obligations under the EPBC act. This is particularly concerning when it is considered that the owners of Cherrabah have previously recognised the importance of this area to the future of the Spotted-tail Quoll when they agreed to have this land placed under an environmental covenant when applying for past developments. This previous experience in which they dealt with the EPBC act should have given the developers a clear understanding of their obligations. Additionally, the work carried out by Dr Stephanie Meyer-Gleaves at Cherrabah during her research for her doctorate **"Ecology and Conservation of the Spotted-tailed Quoll in Southern Queensland"** should have flagged the importance of avoiding high-impact developments on the property. Particularly when in her discussion of the Cherrabah population of quolls Dr Meyer-Gleaves states (page 147) *'Any action undertaken on the property, be it disturbance activities, the alteration of habitat, the removal of prey species will influence the survival of individual quolls and thus the survival of the entire population'*.

The EPBC act does not prevent development in areas of quoll habitat. It does however restrict actions that are of high negative impact on quolls. It is hard to understand why the owners of Cherrabah Homestead Resort would support, what could only be one of the most noise intense developments that could possibly be put forward in an area that is clearly important to one of our endangered native animals. I ask that SDRC consider not only the EPBC act in their deliberations but also their stated responsibilities in this matter. I believe that this development should be stopped at the local level before any need for assessment under the EPBC act is necessary. 3.4.4.1 of the SDRC Planning Scheme states – *New development is located, designed, operated and managed so that it does not result in pollution of air, land and water and adverse environmental impacts are avoided or effective mitigation measures are implemented.* I note that there appears to be no explanation given by the developer or requested by council that deals with this outcome. I cannot imagine what could possibly be done to alleviate the effect that a 14 station clay shooting range would have on the

immediate environment that provides habitat for the endangered quoll. If one is not forthcoming, then the development should be denied.

I am very concerned, that under these circumstances, Cherrabah Sporting Clays have already commenced shooting events at this location. It seems from conversations with SDRC staff that Council has not given authorisation for the use of this range. It seems that due process that enables community consultation and investigates environmental impacts have not been followed. It also seems that the Minister for Environment has not been given the opportunity to make a determination through the EPBC Act on whether this range is acceptable. This history gives me no confidence that the proponents of this development have displayed an appropriate stewardship for this habitat.

1.3 Noise effecting amenity

A key aspect of the **SDRC Strategic Plan** is that the Southern Down's natural and scenic landscapes are valued by the community and will be protected. As stated in element 3.6.1 *The region's landscapes and natural areas contribute to tourism as well as the quality of life and the recreational and scenic opportunities for residents. Landscapes that have aesthetic and amenity values are conserved and protected from development that diminishes their values.* This statement, made by SDRC, is a clear 'call to arms' in protecting the quality of life of residents. It must be recognised by SDRC that part of the amenity of the area around Cherrabah is the quiet of the bush setting. It must also be understood by Council that quality of life is closely linked to a sense of safety and well-being. As is outlined in the information sheet **Planning for Shooting and Motor Sports Facilities (Department of National Parks, Sport and Racing)** the effect of noise on individuals has a subjective element. There are some noises that effect people's ability to relax and feel safe, some noises that completely destroy the amenity of a place. The noise of firearms discharging, particularly in the modern era, is one of those noises. Furthermore, the fact that the application is asking for the right to use 14 lanes for shotguns simultaneously, makes the subjective quality of this noise far worse.

As is outlined in the information sheet **Noise, Odour, Dust – Making a complaint (Department of Environment and Heritage Protection) - In Queensland, local Governments are responsible for administering those parts of the Environmental Protection Act 1994 that manage environmental nuisance.** This document goes on to state that *environmental nuisance is the unreasonable interference (or likely interference) with an environmental value caused by noise. Environmental values include the amenity of a place that make it suitable for anyone to sleep, study or RELAX. These values can be affected by noise.* Something as intrusive as a clay shooting range in the district, especially when considered in conjunction with a centrefire rifle and pistol range, will undoubtedly affect the amenity of the area. This is clearly demonstrated by the reaction of our community to earlier gun shoots held at Cherrabah that resulted in multiple calls to police and to SDRC. People, who had not been given the consideration by organisers to be informed of the shoot, were panicked by what can only be described as the sound of a firefight taking place in the area. I can confirm that these events sounded far worse from our property than the 'soft popping' that was subjectively described in the CRG Acoustics report included in the information provided by council. Visitors to our campground expressed to us that they were affected by this noise and that it was destroying their experience. As we have set up this campground in good faith that SDRC would live up to their stated responsibilities in the SDRC Planning Scheme regarding the protection of amenity and tourism

we were worried by this event. If such activities were to continue it would have a negative impact on our business. As it was a 'Special Event' we assumed that we would not need to worry in the future. We have since discovered that this event was a 'trojan horse' that has led to regular special events and now applications for multiple shooting ranges to be used 7 days per week. Every time Council has allowed these shoots to proceed under yet another 'Special Event' authorisation the amenity of our area has been destroyed by the clear and present sound of multiple gun fire. Only recently we were woken on a Saturday evening by the sound of gunfire near our front gate. This gunfire sounded like automatic fire and went on for well over an hour. We did not investigate that night as the gunfire sounded uncontrolled. Next morning, whilst investigating if property signs had been damaged, I discovered that the gunfire had been caused by patrons of a Cherrabah Clay Shoot who were camping on a neighbouring property. They apparently decided, after refreshments, that it would be a good idea for three of them to simultaneously practice with their shotguns while using a spotlight. No thought was given to the amenity of the district, the law or appropriate behaviour. This was done after this group had spent 9 hours blasting away at Cherrabah throughout the day. They returned to Cherrabah on Sunday to continue to affront our district with hours more shooting. The only benefit to the special event shoots we have had to endure is that it has given us a clear indication of the disruption to our life caused by this club and the type of people who seem to be attracted to this club. As it stands these 'special' events held, on a regular basis, are in apparent contravention of SDRC guidelines and the EPBC act. As stated in the **QPS Information Sheet – Applying for Range Approval** – *Council should provide to the QPS an approval for the club to conduct activities at the proposed range site.* I ask in relation to the lead-up to the current application if this was done by Council before any shooting (except small bore) proceeded at the Cherrabah Homestead Resort.

2. Contamination

No information has been presented in the application that gives an indication on what the applicants intend to do about lead contamination caused by the gun range. There are clear obligations under various legislation that ensures that the applicants need to prevent contamination. Under **Queensland legislation- gun, pistol and rifle ranges are notifiable activities as they are activities that have the potential to cause contamination.** The very fact that the applicant has not explained the protocols they intend to put in place to deal with potential contamination is of a real concern to me. It seems to indicate an ill-considered application that has not been adequately prepared. The fact that the location of the gun range is on a resort that collects water from a dam whose catchment includes the range, makes this even more worrying. I note that the shooting range is located over a forested area (probably the habitat of some unsuspecting native animals). I therefore believe it is essential that the proponents give a clear idea as to how they intend to de-contaminate this area. Secondly as the proponents have already commenced operations they need to make it clear that they have followed legislation and notified the authorities of their activities.

It is totally inappropriate that such details as contamination can be sorted out at some time in the future. People have a right to know how this will be dealt with at the front end of the process. Why this has not been included shows a disregard for due process. I don't believe that it is appropriate that we have been forced to consider an application that will have such an enormous impact on our lives when the application fails to explain such important details. All of this may be unimportant to

the applicant or the Council, but it is part of the missing information that is highly relevant to the people that will be directly affected by this development.

3. Need

It is understood that shooting is an appropriate pastime. However, because of the noise generated by outdoor ranges their location needs to be carefully considered. In addition, due to the effect of an outdoor range on the local community, they should only be built if absolutely necessary. If our community is already well serviced by existing ranges, it is not appropriate to keep building more. Not only do these new ranges effect the lifestyle of residents and impact on native animals and existing businesses, they place constraints on future development in the area. It is clear that the community is already well -serviced by shooting ranges and Elbow Valley/Cullendore should not be made to suffer because of a request for a club to build an unneeded facility. Other clubs in the area would be more than happy to accept the membership of the 50 shooters that Cherrabah Clay Shooters hope to attract.

4. Effect on local tourism

SDRC is clearly committed to sustainable tourist developments. They have a well-articulated vision for tourism and see its importance to the future viability of the region. In section 3.9.5.2 of the SDRC Planning Scheme states – *new tourist developments will be considered on their merits having regard to the impacts of the use on:*

- *The existing and proposed character of the area;*
- *The Natural environment;*
- *The scenic beauty of the area;*
- *The existing and required infrastructure*
- *The road network leading to the site;*
- *The residential amenity of the area.*

This section also states – *Existing tourist facilities and event locations are protected from incompatible uses.*

It is clear that the effects of this development are not in keeping with the area or its existing tourism ventures and it is expected that SDRC in keeping with its written commitments will not allow this development to pass. If the SDRC decide to allow this development to proceed, it will have a long term negative effect on local tourism. We as owner/operators of an environmental campground will be severely affected by this development.

5. Legal Ramifications

It is clear that multiple Legislative Acts will impact on this development and on Council's decision on its future. In particular, the EPBC Act is likely to play a key role in the future of this development. It is incumbent on Council to look at all the ramifications of various Parliamentary Acts that effect the approval process of this development. On face value, this development also challenges much of the

SDRC Planning Scheme. I believe that it is also incumbent upon Council to ensure that the decision made reflects both the words and ethos of their planning document. There are also sure to be negative outcomes for local residents and businesses if this development is approved. Individuals and/or groups have the right to seek recourse for loss of amenity or damage to business. Already the activities of this club have had tangible ramifications on my community. Their 'special event' shoots, on a range that does not seem to have been authorised by Council and therefore does not appear to be compliant with QPS rules, has negatively impacted on residents. It has given us a window into what life will be like if their proposed 14 station range opens for business. Make no mistake this development will impact significantly on our lives and our businesses. Residents are not gaining anything from this and their rights should be considered paramount when Council makes its decision.

6. Ownership

It is clear that the proponent of this development is not the owner of the land. The owner of this land operates a resort on this property. As the needs of a gun club run contrary to the needs of a homestead resort it seems difficult to justify this arrangement. If the owner of the land does not allow the lease with Cherrabah Sporting Clays Incorporated to continue who will take control of this facility? If the noise created by the clay shooting club turns out to be incompatible with the needs of Cherrabah what would be the outcome for both Cherrabah Homestead Resort and Cherrabah Sporting Clay Incorporated?

12.10 Material Change of Use - All Weapons Shooting Incorporated, 396 Keoghs Road, Elbow Valley

Document Information

 <p>Southern Downs REGIONAL COUNCIL</p>	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Development Assessment Coordinator	ECM Function No/s: MCU\01897

APPLICANT:	All Weapons Shooting Incorporated
OWNER:	Joyful View Garden Real Estate Development Resort Co. Pty Ltd
ADDRESS:	396 Keoghs Road, Elbow Valley
RPD:	Lot 1000 on SP 268215 (Incl Emt Z), Parish of Wildash
ZONE:	Rural (Granite Hills Precinct)
LAND USE AREA:	1988 (Ha)
PROPOSAL:	Outdoor sport and recreation (Long Rifle Range and Handgun Range)
LEVEL OF ASSESSMENT:	Impact
SUBMITTERS:	8 Submissions (1 Withdrawn Submission)
REFERRALS:	Nil
FILE NUMBER:	MCU\01897

Recommendation Summary

THAT the application for Material Change of Use, Outdoor sport and recreation (Long Rifle Range and Handgun Range) on land at 396 Keoghs Road ELBOW VALLEY QLD 4370, described as Lot 1000 on SP 268215 (Incl Emt Z), Parish of Wildash, County of Merivale, be approved subject to conditions.

Report

The subject property is zoned Rural and will provide an additional recreational activity at the Cherrabah Resort. This proposed development is for a Long Rifle Range and Handgun Range comprising of a maximum of 5 shooters. The distance from the firing line to the down range is 400m and the firing line of the range is located approximately 1200m from the northern boundary, 1940m from the eastern boundary (1500m from the southeast boundary), 3400m from the southern boundary and 2800m from the western boundary. The shooting direction of the range is to the south.



Figure 1: Location of Shooting Range

Environmental Health Officer’s Comments

“Whilst there is some information that is not clear in the noise assessment, for example, the calculated component noise taking into consideration the background noise, this would generally result in a lower noise level than the measured noise level which has been included in the report and therefore the levels reported can still be considered.

It will be recommended that the two different shooting ranges (the clay target range and the centre fire/pistol range) cannot be used at the same time, the results in the noise assessment of the shotgun and rifle together have not been considered further. For the centre fire/pistol range, as there are only two stands in operation, it is unlikely this will result in a noise nuisance provided conditions are placed on any approval and that the number of stands and the operation must be constructed in accordance with the submitted information”. See further comments below through the report regarding shooting stands and hours/days of operation.

The information provided by the applicant indicates the following:

“Number of people shooting at same time: Max Five shooters shooting at the same time”.

The Environmental Impact Notice Report provided by the Applicant which was prepared by CRG Acoustics provided the noise levels at the nearby sensitive receptors but no noise details were provided at the property boundaries. In addition, as the noise report only makes reference to two (2) shooting stands, a condition should be imposed for only two (2) shooting stands to be used for the Long Rifle Range and Handgun Range as recommended by Council’s Environmental Health Officer until an updated report can be provided. It is also recommended that a condition should be

included that the multiple shooting ranges located at the subject property should not be used at the same time. The recommended conditions imposed should be as follows to ensure compliance with the Noise Report provided by the applicant.

- This approval allows for the use of the site for the following uses only:
 - A maximum of two (2) shooting stands are permitted to be used at any one time at the Long Rifle Range and Handgun Range.
- Only one (1) shooting range located on Lot 1000 SP268215 can be used at any one time.

Referral

There are no referrals required to the Department of Infrastructure, Planning and Local Government as part of this application.

Third Party Advice

As the subject property is within close proximity to the Queensland/New South Wales boarder, a letter was sent to Tenterfield Shire Council on 30 November 2017 requesting third party advice. There has been no correspondence received from Tenterfield Shire Council about the development proposal.

Submissions

The applicant provided a response to the submissions on 5 January 2018 as follows:

"9 objections to the following:

Noise -

- *Noise reports have been submitted all by professionals and all meet the requirements. We should also note that at this stage we are applying for Development approval, so we can then apply for licenses through weapons licensing, where noise and safety and environment issues will be addressed. Without their approval this activity will not commence.*

Land clearing -

- *We have been very careful in our location as to not interrupt wildlife; we will be taking every precaution to insure as not to pollute the environment. Clearing of land is not required*
- *Location as per map*

Safety -

- *As with all licensing we will abide by Weapons licensing and the gun laws – Security, gun safes and weapon handling. Qualified range officers and instruction*
- *3200 Meter buffer zone for bullet to travel. Shooting will be directed into Cherrabah property; so that no bullets enter other property's or public spaces.*
- *We will constructing man made bullet trap, all rifle and pistol bullet to insure the safety of our neighbours.*
- *The shooting range will not operating without a range officer attend.*

Contamination –

- *Bullet trap, or called bullet stop to stop all the lead projectile in the manmade mount, and we can retrieve the lead projectile in case the pollution to environment All casings, shells, targets and general rubbish will be removed at the end of each session".*

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<i>Granite Mine Application</i>	The Granite Mine application does not form part of this application. The decision of the mine is up to the State Government and therefore is not applicable to the assessment of this application. No comments can be made by Council in relation to the affects the mine will have on noise, dust, land contamination, vibrations occurring, traffic generated, fuel storage, road closure, etc.
<i>Animal well fair will be compromised from shoots being fired. The noise creates stress amongst cattle, working dogs and native animals</i>	The shooting range has provided sufficient setbacks from the boundaries. The noise level generated by the proposal are considered appropriate under the Environmental Protection Act and therefore should not have any major effects on the surrounding rural livestock and animals in the locality. In addition the shooting range will not be in use every day with the hours of operation conditioned as part of the development.
<i>All the current clubs in Warwick district have fully met the requirements under the Weapons Act 1990; Weapons Categories Regulation 1997; Weapons Amendment Act 2011; The Weapons and Other Legislation Amendment Act 2012 and Weapons Regulation 2016, as well as the Associations Act.</i>	The proposed Long Rifle Range and Handgun Range will need to comply with all applicable legislation that other rifle ranges also need to comply with. As part of the application to Weapons Licencing Queensland, the applicant needs to provide a copy of the decision issued by Council. A condition of approval is for a copy of the Weapon's Licencing approval under the Weapons Act 1990 to be given to Council prior to the commencement of the use.
<i>The noise generated by the granite mine and the 2 shooting range applications would have an a cumulative effect on noise levels</i>	The Granite mine application does not form part of this application. The applicant has provided an Acoustic Report as part of the application which indicated that the noise levels generated by the shooting range are in accordance with the Environmental Protect Act. In addition, a condition of approval is that only one shooting range can be in use at one time on the subject property.
<i>The noise report is misleading and incomplete account of the noise impacts</i>	Council's Environmental Health Officer has reviewed the Noise Report provided and recommended conditions such as, reducing the shooting stands for the range, limiting the hours of operation and only allowing one shooting range in use at any one time. With the conditions imposed any discrepancies within the noise report have been minimised.
<i>The noise from the shooting range can be heard kilometres from the subject property.</i>	It is acknowledged that noise will be generated by the shooting range but it needs to be determined if the noise is at an unacceptable level. In this instance, the noise levels provided are in accordance with the Environmental Protection Act and therefore are considered acceptable.

<p><i>The shooting range will have impacts on native wildlife in the area</i></p>	<p>It is acknowledged that there is wildlife in the area. The development is not proposing to remove any vegetation for the shooting range and a condition has been imposed for a fauna spotter to be present at each shoot and in the event that wildlife is spotted, the shooting must stop immediately until the animal has moved safely away from the area. In addition, as part of the weapons licencing requirements, if a shooter accidentally harms wildlife, they can be suspended from shooting for a year and therefore it is in the shooters best interest to be mindful of wildlife.</p>
<p><i>The use of the current shooting range is in breach of their approval.</i></p>	<p>If the existing shooting range is in breach of the conditions of approval, a compliant should be made directly to Council and the Cherrabah Resort to ensure an appropriate compliance investigation is carried out. Each approval requires the conditions of any approval to be complied with.</p>
<p><i>Signage has not been restricted to the subject property only with the range widely advertising to the public.</i></p>	<p>This condition relates to a physical signage and not advertising on public media. The physical signage is only allowed to be shown on the subject property and not on any other land but it does not restrict advertising on websites etc.</p>
<p><i>The proposal is inconsistent with the Southern Downs Planning Scheme, in particular the biodiversity and rural zone code</i></p>	<p>The application has been assessed against the applicable benchmarks identified in the Southern Downs Planning Scheme. With conditions imposed the development is considered to comply and justification against the criteria is listed in the Statement of Reason that is attached to this report and will be available in the decision notice. It should be noted that the area of the shooting range is not identified within any Biodiversity Overlay Area and is not considered to contain any remanent vegetation.</p>
<p><i>There is no need to additional shooting ranges within the Southern Downs Region</i></p>	<p>The Southern Downs Planning Scheme does not take into consideration other shooting ranges in the region. The application process is to allow applicants to apply to Council for a particular use on any given site. If the development complies with the applicable criteria, it is considered to be acceptable.</p>
<p><i>Hours to operate 7 days a week 9am to 5pm is unacceptable</i></p>	<p>The noise report provided by the applicant has specified that the shooting range is to be available between the hours of 8am and 6pm. While the shooting range is to be available for patrons of the Cherrabah Resort, it does not mean that the shooting range will be in use the entire time. A condition has been imposed for the hours of operation and limiting the use to 5 days a week.</p>
<p><i>The noise report does not take into account all properties within the locality</i></p>	<p>A noise report is required to identify all sensitive receptors such as existing dwelling. If a lot is vacant, it is not considered a sensitive receptor and does not need to form part of the noise report. The noise report provided for the application does identify the nearby sensitive receptors i.e. approved dwelling houses.</p>

<i>The range will contaminate the land</i>	All land contamination is to be reported immediately to the Department of Environment and Heritage Protection. The operators of the range are also required to comply with the Environmental Protection Act. A condition of approval is that should the shooting range use cease, rehabilitation is to occur to the area to the satisfaction of Council.
<i>There are inappropriate safety zones around the range</i>	There are a number of elements that are considered in the assessment of the application against the Southern Downs Planning Scheme. However before a range can operate they are still required to obtain an approval from Weapons Licencing Queensland who will also impose conditions relating to safety zones, noise and how the range is to operate. The safety zones of a range are determined by Weapons Licencing and not Council. A copy of the current weapons licencing approval for the Long Rifle Range and Handgun Range is to be provided to Council.
<i>The shooting range will have an effect on the local tourism</i>	The range is to not just to provide a facility but also to bring people to the local area. There has been no information provided to suggest that the range will have a negative effect on the local tourism. Council would be unable to rely upon this ground as a reason to refuse this application.
<i>The spotted quoll in the area is reliant on the protection of the existing habitat</i>	The shooting range is only operating during daylight hours when the quoll would be generally inactive as it is a nocturnal animal. It addition, there is no removal of significant vegetation as part of the proposal and therefore the use would have minimal effects on existing habitat. A fauna spotter is to be present at each shoot and shooting must stop immediately if wildlife is seen in the danger zone.
<i>The shooting range will create acceptable noise and devalue my property</i>	No evidence or market related verification has been supplied validating the claim that the proposed development devalues adjoining properties. Council would be unable to rely upon this ground as a reason to refuse this application.

Assessment against the Planning Scheme

Section 3.2 of the Southern Downs Planning Scheme outlines the Strategic Intent – Element – Tourism and Events – Strategic Outcome 3.9.5.1 point (1) and Land use Strategies 3.9.5.2 point (1) as follows:

- *Opportunities for sustainable tourist attractions, leisure activities and destinations that are complementary to the Southern Downs Region’s character are provided.*
- *The tourist industry is an increasingly important component of the economic base of the Southern Downs. The strategy for strengthening the tourist industry and development for tourists is based on providing adequate land in appropriate settings within the urban and rural landscape as well as opportunities for various forms of tourist entertainment, recreation and accommodation facilities.*

The proposed Long Rifle Range and Handgun Range is to provide an additional recreational activity at an existing tourist Resort known as 'Cherrabah'. The region promotes outdoor recreational activities and the proposed Long Rifle Range and Handgun Range provides a leisure activity that not all facilities can provide, making it a unique tourist destination. The Long Rifle Range and Handgun Range is considered to complement the rural character of the region by providing an activity that is suited within a rural environment. The existing resort already provides accommodation facilities within a rural landscape setting and this use of a Long Rifle Range and Handgun Range will provide an opportunity for various forms of tourist entertainment and recreation. The subject land has an area of 1988 hectares and as the shooting range provides suitable setbacks from boundaries, there is adequate land available for the use but still maintain the existing scenic values of the land. The development is considered to comply with the Strategic Intent of the Southern Downs Planning Scheme for Tourism and Events.

This application required assessment against the following benchmarks:

- the Rural zone code
- the Carparking and loading code
- the Landscaping code
- the Outdoor lighting code
- the Physical infrastructure code
- the Biodiversity overlay code
- the Bushfire overlay code

Rural zone code

The purpose of the Rural zone code is to:

- *Provide for tourism uses associated with surrounding rural activities or within localities with environmental values where such uses do not give rise to conflicts which could prejudice the existing economic activity in the area or impact on natural resources, environment or landscape character.*
- *Provide for uses that require isolation from urban areas as a consequence of their impacts such as noise or odour.*

The proposed Long Rifle Range and Handgun Range is located at an existing resort (Cherrabah) and this proposed Long Rifle Range and Handgun Range to provide an additional tourist recreational activity at the Cherrabah Resort. The rifle range has been located in an area that does not require the removal of any significant vegetation, is not located within the Biodiversity Overlay or identified within area of regulated vegetation.

The subject property is located within a rural setting with a radius from nearby towns being approximately 16km from Killarney, 17km from Warwick and 30km from Stanthorpe. A use of this nature does need to be in isolation from urban areas and therefore the subject property is considered appropriate. It is acknowledged that noise will be generated from the use being a Long Rifle Range and Handgun Range but a noise report has been provided which adequately demonstrates that the noise generated is at an acceptable level to nearby sensitive receptors for two (2) shooting stands in accordance with the *Environmental Protection Act 1994*. There are appropriate setbacks from the subject property boundaries and sensitive receptors. The Rifle Range will not compromise the urban areas, will encourages tourist to visit the existing report with the different activities on offer and the isolation of the subject property ensure the development complies with the purpose of the Rural zone code.

The purpose of the code will be achieved through the following overall outcomes:

- *Impacts on significant vegetation and habitat areas are minimised by the location of non-rural uses outside of areas of remnant vegetation. Where rearrangements of boundaries*

occur lots contain building envelopes that exclude areas of remnant vegetation and include any required firebreak from remnant vegetation.

- *Non-rural uses including tourist uses and industries to value add to rural enterprises:*
 - a) are located, designed, oriented, constructed and operated to minimise impact on existing rural uses and are buffered from productive land; and*
 - b) do not alienate good quality agricultural land, strategic cropping land or potential strategic cropping land; and*
 - c) are located on cleared land to avoid the need for additional clearing of vegetation; and*
 - d) are designed to minimise environmental impacts; and*
 - e) are located, designed, oriented, constructed and operated to avoid hazards such as bushfire, landslip and flood; and*
 - f) are accessed by roads that are of an adequate standard for the traffic generated by the use;*
- *There is limited reduction in the vegetation cover within the zone and ecological corridors are protected.*

The section of the subject property that is considered remnant vegetation is identified in 'blue' below:

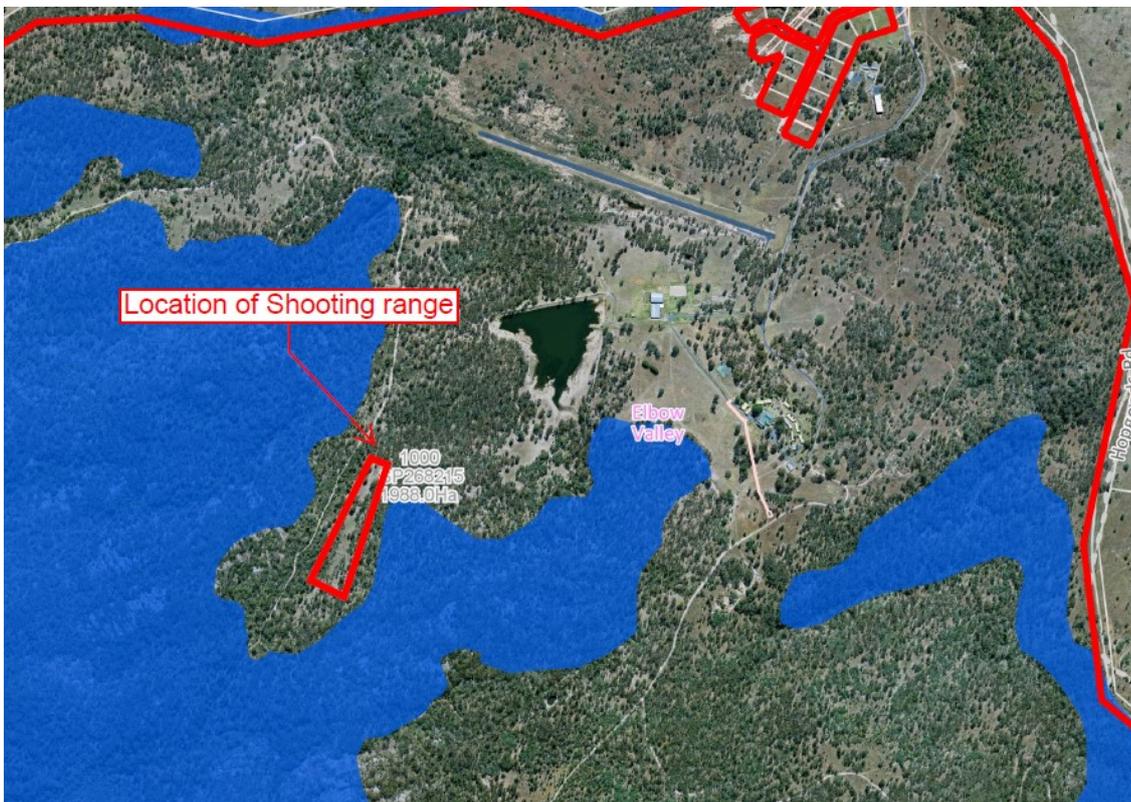


Figure 2: Identifying the Remnant Vegetation Area on-site

As it can be seen in figure 2, the Long Rifle Range and Handgun Range is located outside of the remnant vegetation area. The subject property does have a hilly terrain and is not considered to be good cropping or agricultural land. The location of the Long Rifle Range and Handgun Range is located within the centre of the subject property with dense vegetation surrounding the range ensuring that there is a buffer between this development and any nearby properties that are used for rural uses/productive land. The location of the range is identified in a bushfire hazard area. Regardless of this, the range would not be used in a bushfire event and there is sufficient water stored on-site to cater for a bushfire event. The use is to provide an additional service for the guests that stay at the Cherrabah Resort and therefore the traffic generation caused by the range would be the same as the general bookings for the resort. The main traffic route to the subject

property is bitumen sealed and is considered to be of an adequate standard to cater for the proposed use of a Long Rifle Range and Handgun Range. Overall the proposed development is considered to comply with the overall outcomes of the Rural Zone Code.

The subject property is identified within the Granite Hills precinct and the overall outcomes for the precinct are as follows:

- *The scenic amenity and landscape character values as well as the agricultural values in this precinct are protected from development that could impact in a negative manner on these values.*
- *While this area may be suitable for larger tourist uses they are only located in areas where they do not affect existing natural and scenic values, where no vegetation is cleared as a result of the development, where site access is adequate and appropriate for the traffic generated by the use where productive agricultural land is not alienated and where the use does not conflict with the prevailing character of the surrounding area.*
- *The scenic values of the land are maintained and new development involving substantial built development is screened and well set back from road frontages.*

The proposed Long Rifle Range and Handgun Range has been located within an area that does not require the removal of any significant vegetation and will only require one (1) permanent structure for the two (2) shooting stands to be provided. The one (1) permanent structure would be partly open or only consist of a roofed area and would be similar in appearance to other rural shed ensuring that the scenic amenity and landscape character values of the area are maintained and not compromised in a negative manner. There is adequate site access via a bitumen sealed roads for the traffic that would be generated by the proposed development. The subject property is constrained for agricultural purposes and as the vegetation on-site is being maintained, the use does not conflict with the prevailing character of the surrounding area as there is no substantial built development that forms part of this proposal, with the patrons at the range utilising the existing facilities on-site that form part of the existing Cherrabah Resort. The proposed development is considered to comply with the overall outcomes of the precinct.

Assessment Benchmarks of the Rural Zone Code

AO1 - *There is no acceptable outcome identified.*

PO1 - *The rural or natural environment character of the land is retained. Uses established in the Rural zone do not conflict with rural land uses or the natural, scenic and community values of the area.*

The shooting range is located within an area where the terrain is quite hilly and therefore is constrained for rural uses. In addition, the distance the range is located from the property boundaries will also ensure that rural uses within the locality are not compromised. The shooting range is not removing any significant vegetation from the subject property which will maintain the natural and scenic values of the area. There will only be one (1) permanent structures as part of the development that will be of the same scale and appearance to a rural farm structure. A rotary hoe can be used to collect the bullets from the pistols and rifles to reduce any contamination to the soil. In addition, the rifles will shoot into an embankment to ensure that the pullets from the bullets are contained within one location. The shooting range is considered to retain the natural environmental character of the land and therefore compliance with the performance outcome of the Code is achieved.

AO2 - *No acceptable outcome identified.*

PO2 - *Rural activity on land is protected from conflict with other uses that are not rural uses.*

The proposed Long Rifle Range and Handgun Range is not considered a rural use but an outdoor sport and recreation use. The shooting range is located a significant distance from all property boundaries which will ensure that rural activities within the locality are not compromised. Regardless of this, the shooting range will not compromise any future rural activities that may occur on the subject land should the shooting range be closed in the future and therefore the development is considered to comply with the performance outcome of the Code.

AO5 - *There is no acceptable outcome identified.*

PO5 - *There are no significant adverse impacts on public health and safety with regard to:*

(a) the siting scale and design of buildings or other works;

(b) waste water disposal;

(c) the permanent or temporary occupation of or access to areas subject to natural hazards.

The proposed Long Rifle Range and Handgun Range will have a permanent structure that will be partly open for the two (2) shooting stands. The structure will be of a scale and appearance to a rural structure and will have no adverse impacts on the scenic amenity of the area. This recreational activity is utilising the existing facilities located at the Cherrabah Resort. The range will have a shooting mound/wall (Stop butts) at the end to the range to capture all bullets which will contain any waste generated by the bullets and make it is easier for the bullets to be collected with the use of a rotary hoe. The location of the rifle range is located within a bushfire hazard area however, the range would not be used during a bushfire event and the access to exit the subject property is outside of this hazard area. All shooting ranges are subject to Weapons Licencing approval which also has separate requirements to the planning scheme criteria, in particular safety zones to maintain public safety. The proposed development is considered to comply with the performance outcome of the Code as there will not be any adverse impact on public health and safety.

AO6 - *There is no acceptable outcome identified*

PO6 - *All uses are located, designed, oriented and constructed to minimise noise, dust, odour or other nuisance from existing lawful uses including rural and industry uses.*

The subject property is 1988 hectares in size and the closest distance from the shooting area to a boundary is the northern boundary which is approximately 1200m. The range will require a shooting mound/wall (Stop butts) at the end to reduce the distance in which the bullets would travel from the firing line to further ensure safety is maintained. There is no dust or odour that would go beyond the shooting area, with noise being the greatest nuisance generated from the proposed development. The applicant has provided a noise report to demonstrate the noise levels generated by the proposal. In this instance, there are no prescribed noise levels within the Southern Downs Planning Scheme for a Shooting Range and therefore the noise report provided is based on the prescribed noise levels within the *Environmental Protection Act 1994*. The report provided illustrates that the shooting range will not exceed this amount specified within the *Environmental Protection Act* but the shooting range has been reduced from five (5) shooting stands to two (2) shooting stands based on the noise report by the applicant. As the development has sufficient setbacks from boundaries and the noise generated is at a reason level in accordance with the *Environmental Protection Act*, the development is considered to comply with the performance outcome of the Code and will not impact on existing rural uses.

AO8 - *There is no acceptable outcome identified.*

PO8 - *Development is sensitive and responsive to the scenic amenity of the area. The appearance and siting of buildings, other structures, carparking areas or signage is compatible with the scenic character of the area, the design of any nearby structures and is respectful and sympathetic to any Local heritage place.*

The proposed development does involve a minor new structure for the shooting stands but will utilising the existing facilities at the Cherrabah Resort. As the proposed Long Rifle Range and Handgun Range is a recreational activity provided to guest staying at the resort there is no requirement for additional car parking to be provided. A condition can be imposed on the proposed

development advising that only guests staying at the existing resort can use the proposed Long Rifle Range and Handgun Range. The range will only take up a small section (approximately 2.7 hectares) of the 1988 hectare subject property which ensures the development is compatible with the scenic character of the area. There is no significant vegetation being removed as part of the shooting range which will maintain the existing scenic character of the area and with the shortest setbacks from boundaries being approximately 1200m, the development is being respectful to nearby properties and therefore compliance with the performance outcome is achieved.

Granite Hills Precinct

AO1- Granite hills - There is no acceptable outcome identified.

PO1 - Granite hills - Uses are limited to uses that do not compromise the natural environment character or scenic value of the land, are safe from environmental hazards and are located on sites that have adequate and appropriate access.

In particular –

- (a) The development does not result in the clearing of any remnant vegetation either for site works or protection from hazards;*
- (b) The use is located, designed and constructed so that it is not likely to cause conflict with agricultural practices;*
- (c) The use has low visual impact particularly where located on highways, main roads or tourist routes.*

As mentioned above, the area dedicated for the range is not located within the Biodiversity Overlay or identified within a remnant vegetation area. The development is not removing any significant vegetation as part of the proposal, ensuring that the character or scenic value of the land is not compromise. The subject property is not located near any highways, main roads or tourist routes. There are sufficient setbacks from boundaries and with the subject property having a hilly terrain, the location of the shooting range is at a low point to maintain a low visual impact from nearby areas. The main access route to the subject property is via bitumen sealed roads with appropriate access to the subject property. Therefore the development is considered to comply with the performance outcome of the Code.

Assessment Benchmarks of the Sport and Recreation Facility Code

(2) The purpose of the code will be achieved through the following overall outcomes.

(c) Sensitive design and siting and operation of facilities and infrastructure combined with buffering of facilities from sensitive land uses such as residential uses minimises the impact of sport and recreation facilities and associated uses on adjacent areas.

(d) Adverse impacts on ecological values are minimised where recreation and open space areas include natural habitats such as bushland, wetlands or waterways, or act as a buffer between natural and developed areas.

The proposed Long Rifle Range and Handgun Range is maintaining the natural environment by not removing any significant vegetation from the subject property. There is a significant amount of vegetation existing on-site that will act as a buffer between the location of the rifle range and the nearby properties. The closest setback from a boundary is approximately 1200m to the north and therefore the proposed location of the range is being sensitive in the siting of the facility. There is only a small structure as part of the proposal as the range will utilise the existing facilities at the Cherrabah Resort. The Long Rifle Range and Handgun Range is to provide an additional recreational activity to guests which indicate that there is a demand for this type of facility/activity. As part of the application, a noise report has been provided which demonstrates that the noise levels generated from the facility are being considerate of nearby sensitive land uses. The development is considered to comply with the overall outcomes of the Code.

AO12 - No acceptable outcome identified

PO12 - The use does not result in unacceptable impact on the amenity of the surrounding area.

As previously mentioned within the report, the applicant has provided a noise report that demonstrates the noise levels that are generated by the shooting range are at an acceptable level. The shooting range is located in an area with appropriate distances from property boundaries to ensure the use does not result in unacceptable impact on the amenity of the surrounding area. The subject property is not located near any major townships and therefore overall the development is considered to comply with the performance outcome of the Code.

Bushfire Hazard Overlay Code

AO3.1 - Development is not located on land that is subject to bushfire hazard as shown on the overlay map.

The proposed location of the Long Rifle Range and Handgun Range is within the Bushfire Hazard Overlay as identified in 'orange' as follows and therefore a performance outcome is sought after:

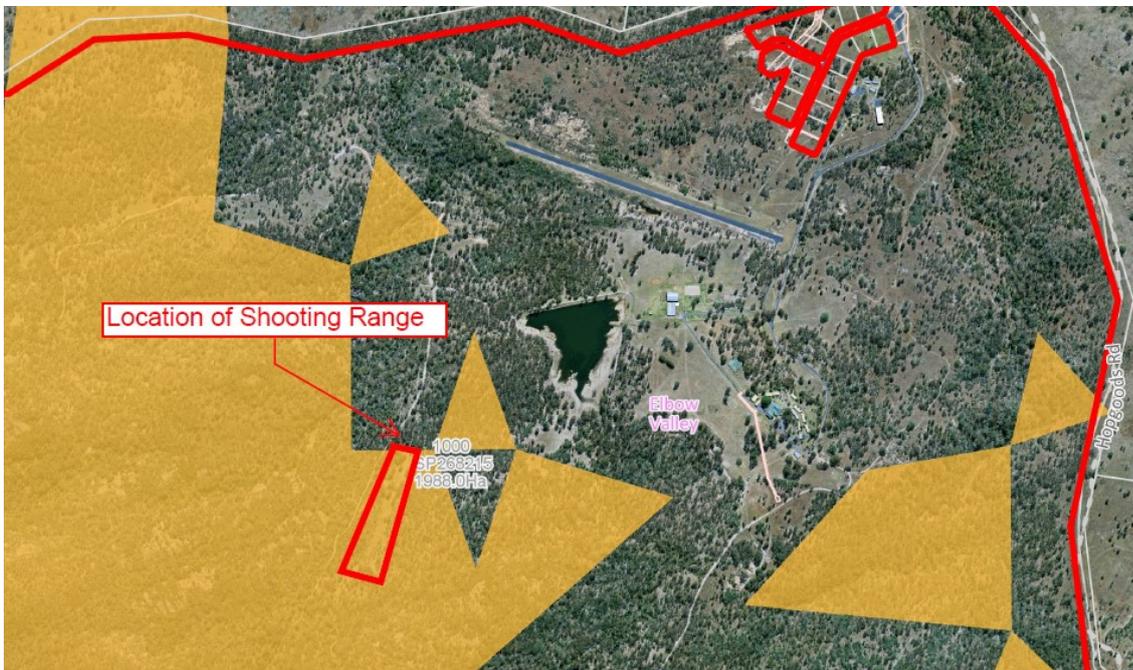


Figure 3: Identifying the Bushfire Hazard Area on-site

PO3 - Any proposed use does not compromise the safety of people or property from bushfire.

It is acknowledged that the range is located within the Bushfire hazard however the shooting range will not be in use when there is a bushfire event. Should a bushfire event occur, the resort would have an Evacuation Plan in place and as the guests using the range would be guests at the resort, the Evacuation Plan would be made available to everyone. The access to the subject property is located outside of this hazard area and there is substantial water storage on-site to fight a fire during a bushfire event. Therefore compliance with the performance outcome is achieved.

Carparking and loading code

AO1.1 - The number of parking and loading spaces is not less than the minimum number specified in Table 9.4.2.4 or Council may accept an alternative to providing the required spaces on the development site in accordance with Planning Scheme Policy –Off Street Carparking.

Table 9.4.2.4

<i>Development</i>	<i>Minimum number of spaces</i>
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<i>Outdoor Sport and Recreation</i>	<p>(a) 20 spaces per playing field or 6 spaces per court whichever is applicable; plus</p> <p>(b) Bicycle parking racks a rate of one space per 10 car parks provided in accordance with (a) above.</p>
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The proposed development is not providing any additional formal car parking for the proposed development and therefore a performance outcome is sought after.

PO1 - Sufficient carparking is provided to accommodate the number and type of vehicles likely to be generated by the development having regard to the following:

- (a) The nature and operation of the use;
- (b) The likely number of users including residents and employees;
- (c) The hours of operation and the peak parking demand periods;
- (d) The availability of alternative parking in the vicinity including on street car parking;
- (e) In the case of residential development, the proximity to the Principal centre zone and the facilities contained within that zone or the availability of public transport;
- (f) The feasibility of physically providing parking on site including access restrictions and size of the site; and
- (g) The provisions of Planning Scheme Policy –Off Street Carparking.

The car parking rate specified within table 9.4.2.4 above makes reference to playing fields and courts which is different to shooting stands for this application. Bicycle parking is not considered reasonable in this instance given the location of the subject property and it is unlikely that guests will ride a bike to the resort. Regardless of this there is sufficient space on-site for bicycles to park informally and therefore formal bicycles parks are not considered reasonable in this instance. In regards to car parking, the shooting range intend on utilising the existing car parking on-site as this range is to provide an additional activity for the guest that are staying at the existing Cherrabah Resort.

In addition to the above, the site access and driveways leading to the resort are of a bitumen standard and is considered sufficient for the proposed development. The development is considered to comply with the performance outcome of the Code.

Landscaping code

There is sufficient landscaping existing on-site and there is substantial vegetation located throughout the subject property, therefore no additional landscaping needs to be provided. The Landscaping Code is not considered relevant for this development.

Outdoor lighting code

The shooting at the range is to be carried out during daylight hours and therefore the Outdoor Lighting Code is no considered applicable in this instance.

Physical infrastructure code

The shooting range is to utilise the existing facilities at the Cherrabah Resort and therefore the Physical Infrastructure Code is not considered applicable in this instance.

Environmental Protection Act 1994

The Southern Downs Planning Scheme does not have specific criteria for noise when assessing an Outdoor Shooting Ranges and therefore specific criteria is drawn from the *Environmental Protection Act 1994*, in particular section 440ZC Outdoor Shooting Ranges as follows:

440ZC Outdoor shooting ranges

- (1) A person must not operate, or permit the operation of, an outdoor shooting range, between 6a.m. and 6p.m. on any day, if the noise from the operation is more than—
 - (a) for a range that is normally used at least 5 days a week—95dB Z Peak Hold; or

- (b) for a range that is normally used 4 days a week—100dB Z Peak Hold; or
- (c) for a range that is normally used no more than 3 days a week—105dB Z Peak Hold.

(2) A person must not operate, or permit the operation of, an outdoor shooting range, between 6p.m. and 10p.m. on any day, if the noise from the operation is more than—

- (a) for a range that is normally used at least 5 evenings a week—85dB Z Peak Hold; or
- (b) for a range that is normally used 4 evenings a week—90dB Z Peak Hold; or
- (c) for a range that is normally used no more than 3 evenings a week—95dB Z Peak Hold.

(3) For this section, noise from an outdoor shooting range is measured by working out the arithmetic average of the noise levels of whichever of the following happens first during the measurement period—

- (a) at least 40 individual gunshots;
- (b) at least 20 individual gunshots in any 30-minute period.

(4) In this section—

used means used for an activity that includes shooting.

Examples of a range being used—

- 1 a shooting match conducted at the range
- 2 a defence personnel or police officer training session, that includes shooting, conducted at the range

The Environmental Noise Impact Assessment Report prepared by CRGAcoustics was provided by the applicant and made particular reference to the criteria listed in the *Environmental Protection Act 1994*.

The noise report provided by the applicant indicated that a shot gun is more audible than a .308 but a different section of the report advised that a .308 is the loudest of the weapons used. Therefore, until an undated report is provided, it is recommended that condition be imposed on the proposed development advising that the Long Rifle Range and Handgun Range can only operate between the hours of 8am to 6pm for no more than 5 days per week.

The applicant can provide suitable information regarding the hours and days of operation with an undated Noise Report. This could be considered as part of a Negotiated Decision.

Infrastructure Charges

The adopted Infrastructure Charges Resolution (No.2) 2015 list Outdoor Sport and Recreation as 'Specialised Uses' and states the adopted infrastructure charges as follows:

The adopted infrastructure charges is the charge (In Columns 3 & 4) for the charge category (In column 1) that the local government determines should apply for the use-at time of assessment.

During the assessment of the application it has been determined, that as the proposed Long Rifle Range and Handgun Range is utilising the existing facilities at the Cherrabah Resort, there is no additional demand on the transport or parkland network and the subject property is not connected to Council's reticulated water and sewer network, therefore infrastructure charges should not apply to this development.

STATEMENT OF REASONS

Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development

The following codes of the Southern Downs Planning Scheme:

- 6.2.10 Rural zone code
- 8.2.2 Biodiversity areas overlay code
- 8.2.3 Bushfire hazard overlay code
- 9.3.11 Sport and recreation facility code
- 9.4.2 Carparking and loading code
- 9.4.3 Healthy Waters Code
- 9.4.4 Landscaping code
- 9.4.6 Outdoor lighting Code
- 9.4.7 Physical infrastructure code

Darling Downs Regional Plan

State Planning Policy

Local Government Infrastructure Plan

Environmental Protection Act 1994

Reasons for the decision

Notwithstanding the details that have been provided, not all benchmarks have been complied with, but by imposing conditions, compliance with the Southern Downs Planning Scheme is achieved.

Reasons for Approval Despite Non-Compliance with Assessment Benchmarks

The development has been assessed against the relevant benchmarks specified above, and has been approved despite non-compliance with the specific benchmarks listed below for the reasons noted.

Benchmark	Reasons for the approval despite non-compliance with benchmark
<p>Rural Zone Code</p> <p>AO1 - <i>There is no acceptable outcome identified.</i></p> <p>PO1 - <i>The rural or natural environment character of the land is retained. Uses established in the Rural zone do not conflict with rural land uses or the natural, scenic and community values of the area.</i></p>	<p>The shooting range is located within an area where the terrain is quite hilly and therefore is constrained for rural uses. In addition, the distance the range is located from the property boundaries will also ensure that rural uses within the locality are not compromised. The shooting range is not removing any significant vegetation from the subject property which will maintain the natural and scenic values of the area. There will only be one (1) permanent structure as part of the development that will be of the same scale and appearance to a rural farm structure. A rotary hoe can be used to collect the bullets from the pistols and rifles to reduce any contamination to the soil.</p>
<p>AO2 - <i>No acceptable outcome identified.</i></p> <p>PO2 - <i>Rural activity on land is protected from conflict with other uses that are not rural uses.</i></p>	<p>The proposed Long Rifle Range and Handgun Range is not considered a rural use but an outdoor sport and recreation use. The shooting range is located a significant distance from all property boundaries which will ensure that rural activities within the locality are not</p>

	<p>compromised. Regardless of this, the shooting range will not compromise any future rural activities that may occur on the subject land should the shooting range be closed in the future.</p>
<p>A05 - <i>There is no acceptable outcome identified.</i></p> <p>PO5 - <i>There are no significant adverse impacts on public health and safety with regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the siting scale and design of buildings or other works;</i> <i>(b) waste water disposal;</i> <i>(c) the permanent or temporary occupation of or access to areas subject to natural hazards.</i> 	<p>The proposed Long Rifle Range and Handgun Range will have a permanent structure that will be partly open for the two (2) shooting stands. The structure will be of a scale and appearance to a rural structure and will have no adverse impacts on the scenic amenity of the area. This recreational activity is utilising the existing facilities located at the Cherrabah Resort.</p> <p>The range will have a shooting mound/wall (Stop butts) at the end to the range to capture all bullets which will contain any waste generated by the bullets and make it is easier for the bullets to be collected with the use of a rotary hoe.</p> <p>The location of the rifle range is located within a bushfire hazard area however the range would not be used during a bushfire event and the access to exit the subject property is outside of this hazard area.</p> <p>All shooting ranges are subject to Weapons Licencing approval which also has separate requirements to the planning scheme criteria, in particular safety zones to maintain public safety.</p>
<p>A06 - <i>There is no acceptable outcome identified</i></p> <p>PO6 - <i>All uses are located, designed, oriented and constructed to minimise noise, dust, odour or other nuisance from existing lawful uses including rural and industry uses.</i></p>	<p>The subject property is 1988 hectares in size and the closest distance from the shooting area to a boundary is the northern boundary which is approximately 1200m. The range will require a shooting mound/wall (Stop butts) at the end to reduce the distance in which the bullets would travel from the firing line to further ensure safety is maintained. There is no dust or odour that would go beyond the shooting area, with noise being the greatest nuisance generated from the proposed development. The applicant has provided a noise report to demonstrate the noise levels generated by the proposal.</p> <p>The shooting range has been reduced from five (5) shooting stands to two (2) shooting stands based on the noise report provided.</p> <p>As the development has sufficient setbacks from boundaries and the noise</p>

	<p>generated is at a reason level in accordance with the <i>Environmental Protection Act</i>, the development is not considered to impact on existing rural uses.</p>
<p>AO8 - <i>There is no acceptable outcome identified.</i></p> <p>PO8 - <i>Development is sensitive and responsive to the scenic amenity of the area. The appearance and siting of buildings, other structures, carparking areas or signage is compatible with the scenic character of the area, the design of any nearby structures and is respectful and sympathetic to any Local heritage place.</i></p>	<p>The proposed development does involve a minor new structure for the shooting stands but will utilising the existing facilities at the Cherrabah Resort. As the proposed Long Rifle Range and Handgun Range is a recreational activity provided to guest staying at the resort there is no requirement for additional car parking to be provided.</p> <p>A condition can be imposed on the proposed development advising that only guests staying at the existing resort can use the proposed Long Rifle Range and Handgun Range.</p> <p>The range will only take up a small section (approximately 2.7 hectares) of the 1988 hectare subject property which ensures the development is compatible with the scenic character of the area. There is limited to no significant vegetation being removed as part of the shooting range which will maintain the existing scenic character of the area.</p> <p>With the shortest setbacks from boundaries being approximately 1200m, the development is being respectful to nearby properties and therefore compliance with the performance outcome is achieved.</p>
<p>Granite Hills Precinct</p> <p>AO1- <i>Granite hills - There is no acceptable outcome identified.</i></p> <p>PO1 - <i>Granite hills - Uses are limited to uses that do not compromise the natural environment character or scenic value of the land, are safe from environmental hazards and are located on sites that have adequate and appropriate access.</i></p> <p><i>In particular –</i></p> <ul style="list-style-type: none"> <i>(a) The development does not result in the clearing of any remnant vegetation either for site works or protection from hazards;</i> <i>(b) The use is located, designed and constructed so that it is not likely to cause conflict with agricultural practices;</i> <i>(c) The use has low visual impact particularly where located on</i> 	<p>The area dedicated for the range is not located within the Biodiversity Overlay or identified within a remnant vegetation area. The development is not removing any significant vegetation as part of the proposal, ensuring that the character or scenic value of the land is not compromise. The subject property is not located near any highways, main roads or tourist routes. There are sufficient setbacks from boundaries and with the subject property having a hilly terrain, the location of the shooting range is at a low point to maintain a low visual impact from nearby areas. The main access route to the subject property is via bitumen sealed roads with appropriate access to the subject property.</p>

<p>highways, main roads or tourist routes.</p>					
<p>Outdoor Sport and Recreation Code</p> <p>AO12 - No acceptable outcome identified PO12 - The use is does not result in unacceptable impact on the amenity of the surrounding area.</p>	<p>The applicant has provided a noise report that demonstrates the noise levels that are generated by the shooting range are at an acceptable level. The shooting range is located in an area with appropriate distances from property boundaries to ensure the use does not result in unacceptable impact on the amenity of the surrounding area. The subject property is not located near any major townships</p>				
<p>Bushfire Hazard Overlay Code</p> <p>AO3.1 - Development is not located on land that is subject to bushfire hazard as shown on the overlay map.</p> <p>PO3 - Any proposed use does not compromise the safety of people or property from bushfire.</p>	<p>It is acknowledged that the range is located within the Bushfire hazard however the shooting range will not be in use when there is a bushfire event. Should a bushfire event occur, the resort would have an Evacuation Plan in place and as the guests using the range would be guests at the resort, the Evacuation Plan would be made available to everyone. The access to the subject property is located outside of this hazard area and there is substantial water storage on-site to fight a fire during a bushfire event.</p>				
<p>Carparking and Loading Code</p> <p>AO1.1 - The number of parking and loading spaces is not less than the minimum number specified in Table 9.4.2.4 or Council may accept an alternative to providing the required spaces on the development site in accordance with Planning Scheme Policy –Off Street Carparking.</p> <p>Table 9.4.2.4</p> <table border="1" data-bbox="165 1462 707 2002"> <thead> <tr> <th data-bbox="165 1462 443 1547">Development</th> <th data-bbox="443 1462 707 1547">Minimum number of spaces</th> </tr> </thead> <tbody> <tr> <td data-bbox="165 1547 443 2002">Outdoor Sport and Recreation</td> <td data-bbox="443 1547 707 2002">(a) 20 spaces per playing field or 6 spaces per court whichever is applicable; plus (b) Bicycle parking racks a rate of one space per 10 car parks provided in accordance with (a) above.</td> </tr> </tbody> </table>	Development	Minimum number of spaces	Outdoor Sport and Recreation	(a) 20 spaces per playing field or 6 spaces per court whichever is applicable; plus (b) Bicycle parking racks a rate of one space per 10 car parks provided in accordance with (a) above.	<p>The car parking rate specified within table 9.4.2.4 above makes reference to playing fields and court which is different to shooting stands for this application. Bicycle parking is not considered reasonable in this instance given the location of the subject property and it is unlikely that guests will ride a bike to the resort.</p> <p>In regards to car parking, the shooting range intend on utilising the existing car parking on-site as this range is to provide an additional activity for the guest that are staying at the existing Cherrabah Resort.</p> <p>In addition to the above, the site access and driveways leading to the resort are of a bitumen standard and is considered sufficient for the proposed development.</p>
Development	Minimum number of spaces				
Outdoor Sport and Recreation	(a) 20 spaces per playing field or 6 spaces per court whichever is applicable; plus (b) Bicycle parking racks a rate of one space per 10 car parks provided in accordance with (a) above.				

<p>PO1 - Sufficient carparking is provided to accommodate the number and type of vehicles likely to be generated by the development having regard to the following:</p> <ul style="list-style-type: none"> (a) The nature and operation of the use; (b) The likely number of users including residents and employees; (c) The hours of operation and the peak parking demand periods; (d) The availability of alternative parking in the vicinity including on street car parking; (e) In the case of residential development, the proximity to the Principal centre zone and the facilities contained within that zone or the availability of public transport; (f) The feasibility of physically providing parking on site including access restrictions and size of the site; and (g) The provisions of Planning Scheme Policy –Off Street Carparking. 	
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Additional Relevant Matters for Impact Assessable Development

The following matters were given regard to, or assessment carried out against, in undertaking the assessment of this development application.

Other relevant matters under s 45(5)(b)	Benchmark reference	
<ul style="list-style-type: none"> <i>Opportunities for sustainable tourist attractions, leisure activities and destinations that are complementary to the Southern Downs Region's character are provided.</i> <i>The tourist industry is an increasingly important component of the economic base of the Southern Downs. The strategy for strengthening the tourist industry and development for tourists is based on providing adequate land in appropriate settings within the urban and rural landscape as well as opportunities for various forms of tourist entertainment, recreation and accommodation facilities.</i> 	Southern Downs Planning Scheme - Part 3 Strategic Framework – Strategic Intent – Element – Tourism and Events, Specific Outcome 3.9.5.1 point (1) and Land use Strategies 3.9.5.2 point (1)	assessed against
Section 440ZC Outdoor Shooting Ranges (<i>Noise Assessment Criteria</i>)	<i>Environmental Protection Act 1994</i>	assessed against

Matters Raised in Submissions

Matters raised in any submissions	Description of how matters were dealt with in reaching the decision
<i>Granite Mine Application</i>	The Granite Mine application does not form part of this application. The decision of the mine is up to the State Government and therefore is not applicable to the assessment of this application. No comments can be made by Council in relation to the affects the mine will have on noise, dust, land contamination, vibrations occurring, traffic generated, fuel storage, road closure, etc.

<p><i>Animal well fair will be compromised from shoots being fired. The noise creates stress amongst cattle, working dogs and native animals</i></p>	<p>The shooting range has provided sufficient setbacks from the boundaries. The noise level generated by the proposal are considered appropriate under the Environmental Protection Act and therefore should not have any major effects on the surrounding rural livestock and animals in the locality. In addition the shooting range will not be in use every day with the hours of operation conditioned as part of the development.</p>
<p><i>All the current clubs in Warwick district have fully met the requirements under the Weapons Act 1990; Weapons Categories Regulation 1997; Weapons Amendment Act 2011; The Weapons and Other Legislation Amendment Act 2012 and Weapons Regulation 2016, as well as the Associations Act.</i></p>	<p>The proposed Long Rifle Range and Handgun Range will need to comply with all applicable legislation that other rifle ranges also need to comply with. As part of the application to Weapons Licencing Queensland, the applicant needs to provide a copy of the decision issued by Council. A condition of approval is for a copy of the Weapon's Licencing approval under the Weapons Act 1990 to be given to Council prior to the commencement of the use.</p>
<p><i>The noise generated by the granite mine and the 2 shooting range applications would have an a cumulative effect on noise levels</i></p>	<p>The Granite mine application does not form part of this application. The applicant has provided an Acoustic Report as part of the application which indicated that the noise levels generated by the shooting range are in accordance with the Environmental Protect Act. In addition, a condition of approval is that only one shooting range can be in use at one time on the subject property.</p>
<p><i>The noise report is misleading and incomplete account of the noise impacts</i></p>	<p>Council's Environmental Health Officer has reviewed the Noise Report provided and recommended conditions such as, reducing the shooting stands for the range, limiting the hours of operation and only allowing one shooting range in use at any one time. With the conditions imposed any discrepancies within the noise report have been minimised.</p>
<p><i>The noise from the shooting range can be heard kilometres from the subject property.</i></p>	<p>It is acknowledged that noise will be generated by the shooting range but it needs to be determined if the noise is at an unacceptable level. In this instance, the noise levels provided are in accordance with the Environmental Protection Act and therefore are considered acceptable.</p>

<p><i>The shooting range will have impacts on native wildlife in the area</i></p>	<p>It is acknowledged that there is wildlife in the area. The development is not proposing to remove any vegetation for the shooting range and a condition has been imposed for a fauna spotter to be present at each shoot and in the event that wildlife is spotted, the shooting must stop immediately until the animal has moved safely away from the area. In addition, as part of the weapons licencing requirements, if a shooter accidentally harms wildlife, they can be suspended from shooting for a year and therefore it is in the shooters best interest to be mindful of wildlife.</p>
<p><i>The use of the current shooting range is in breach of their approval.</i></p>	<p>If the existing shooting range is in breach of the conditions of approval, a compliant should be made directly to Council and the Cherrabah Resort to ensure an appropriate compliance investigation is carried out. Each approval requires the conditions of any approval to be complied with.</p>
<p><i>Signage has not been restricted to the subject property only with the range widely advertising to the public.</i></p>	<p>This condition relates to a physical signage and not advertising on public media. The physical signage is only allowed to be shown on the subject property and not on any other land but it does not restrict advertising on websites etc.</p>
<p><i>The proposal is inconsistent with the Southern Downs Planning Scheme, in particular the biodiversity and rural zone code</i></p>	<p>The application has been assessed against the applicable benchmarks identified in the Southern Downs Planning Scheme. With conditions imposed the development is considered to comply and justification against the criteria is listed in the Statement of Reason that is attached to this report and will be available in the decision notice. It should be noted that the area of the shooting range is not identified within any Biodiversity Overlay Area and is not considered to contain any remanent vegetation.</p>
<p><i>There is no need to additional shooting ranges within the Southern Downs Region</i></p>	<p>The Southern Downs Planning Scheme does not take into consideration other shooting ranges in the region. The application process is to allow applicants to apply to Council for a particular use on any given site. If the development complies with the applicable criteria, it is considered to be acceptable.</p>

<p><i>Hours to operate 7 days a week 9am to 5pm is unacceptable</i></p>	<p>The noise report provided by the applicant has specified that the shooting range is to be available between the hours of 8am and 6pm. While the shooting range is to be available for patrons of the Cherrabah Resort, it does not mean that the shooting range will be in use the entire time. A condition has been imposed for the hours of operation and limiting the use to 5 days a week.</p>
<p><i>The noise report does not take into account all properties within the locality</i></p>	<p>A noise report is required to identify all sensitive receptors such as existing dwelling. If a lot is vacant, it is not considered a sensitive receptor and does not need to form part of the noise report. The noise report provided for the application does identify the nearby sensitive receptors i.e. approved dwelling houses.</p>
<p><i>The range will contaminate the land</i></p>	<p>All land contamination is to be reported immediately to the Department of Environment and Heritage Protection. The operators of the range are also required to comply with the Environmental Protection Act. A condition of approval is that should the shooting range use cease, rehabilitation is to occur to the area to the satisfaction of Council.</p>
<p><i>There are inappropriate safety zones around the range</i></p>	<p>There are a number of elements that are considered in the assessment of the application against the Southern Downs Planning Scheme. However before a range can operate they are still required to obtain an approval from Weapons Licencing Queensland who will also impose conditions relating to safety zones, noise and how the range is to operate. The safety zones of a range are determined by Weapons Licencing and not Council. A copy of the current weapons licencing approval for the Long Rifle Range and Handgun Range is to be provided to Council.</p>
<p><i>The shooting range will have an effect on the local tourism</i></p>	<p>The range is to not just to provide a facility but also to bring people to the local area. There has been no information provided to suggest that the range will have a negative effect on the local tourism. Council would be unable to rely upon this ground as a reason to refuse this application.</p>

<p><i>The spotted quoll in the area is reliant on the protection of the existing habitat</i></p>	<p>The shooting range is only operating during daylight hours when the quoll would be generally inactive as it is a nocturnal animal. In addition, there is no removal of significant vegetation as part of the proposal and therefore the use would have minimal effects on existing habitat. A fauna spotter is to be present at each shoot and shooting must stop immediately if wildlife is seen in the danger zone.</p>
<p><i>The shooting range will create acceptable noise and devalue my property</i></p>	<p>No evidence or market related verification has been supplied validating the claim that the proposed development devalues adjoining properties. Council would be unable to rely upon this ground as a reason to refuse this application.</p>

Matters Prescribed by the *Planning Regulation 2017*

Not applicable

Council:

1. Approve the application subject to conditions as recommended.
2. Approve the application subject to conditions other than as recommended.
3. Refuse the application giving reasons for the refusal.

Recommendation

THAT the application for Material Change of Use, Outdoor Sport and Recreation (Long Rifle Range and Handgun Range) on Lot 1000 on SP 268215 (Incl Emt Z), located at 396 Keoghs Road ELBOW VALLEY QLD 4370, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Site Plan – Location of Shooting Range	-	23/01/2018
Site Plan – Close up of Shooting Range	-	23/01/2018

2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

Land Use and Planning Controls

3. This approval allows for the use of the site for the following uses only:
 - A maximum of two (2) shooting stands are permitted to be used at any one time at the Long Rifle Range and Handgun Range.
4. Only guests at the existing Cherrabah Resort located on Lot 1000 SP268215 can use the Long Rifle Range and Handgun Range. A register is to be kept on-site and made available to Council upon request.
5. The development shall generally operate only between the hours of 8.00am to 6.00pm and no more than 5 days a week. A register is to be kept on-site of the days the range is open and made available to Council upon request.

An increase in shooting stand numbers or the hours and days of operation may be acceptable if an updated Environmental Noise Impact Assessment Report is submitted to the satisfaction of the Director Planning, Environment and Corporate Services demonstrating that the increase in shooting stands or hours and days of operation does not create a noise nuisance.
6. Only one (1) shooting range located on Lot 1000 SP268215 can be used at any one time.
7. Provide to Council a copy of the Weapon's Licencing Approval prior to using the Long Rifle Range and Handgun Range.

Amenity and Environmental Controls

8. A dedicated fauna spotter person is to be made available at each shoot. Should native fauna been seen, the shooting is to stop immediately until the fauna has moved to a safe area, away from the shooting location.
9. No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval.
10. Should the use of the Long Rifle Range and Handgun Range cease, a rehabilitation plan must be submitted and approved to the satisfaction of the Director Planning, Environment and Corporate Services. Any recommendation within the report must be carried out within three (3) months of the Rehabilitation Plan being approved.
11. The operator must investigate and address all environmental nuisance and/or environmental harm complaints. The following details must be recorded and provided to Council upon request:

- (a) time, date, name and contact details of the complainant;
- (b) reasons for the complaint;
- (c) any investigations undertaken;
- (d) conclusions formed; and
- (e) any actions taken.

When requested by Council, an assessment, including monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance and/or environmental harm (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief). Upon completion of the assessment, the results must be submitted to Council within 10 business days. If the complaint is about noise from the shooting range, the assessment must demonstrate a noise level of no greater than 95dB Z Peak Hold is achieved at the nearest boundary of an allotment with a residential dwelling. The report is to clearly detail the background noise levels, the noise levels during the operation of the activity, and any mitigation measures which are required to be undertaken if noise levels arising from the activity are identified to be in excess of 95dB Z Peak Hold. If required by Council, proposed mitigation measures are to be implemented.

- 12. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.
- 13. Advertising Devices relating to the Outdoor Sport and Recreation use (Long Rifle Range and Handgun Range) may **only** be erected on the subject land, i.e. Lot 1000 SP268215. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the rural character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
- 14. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 8 lux at the property boundary.

Car Parking and Vehicle Access

- 15. All vehicular access to and from the site must be via Keoghs Road only.

Advisory Notes

- i. Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- ii. Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- iii. It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- iv. The operator must at all times comply with the *Environmental Protection Act 1994*.
- v. The owner or occupier of the land must, within 20 business days after the commencement of the notifiable activity, give notice to the Contaminated Land Unit under section 320DA of the *Environmental Protection Act 1994*.
- vi. Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*.
- vii. The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being

conducted in accordance with the conditions of the approval.

- viii. No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.

Aboriginal Cultural Heritage

- ix. All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the “cultural heritage duty of care”). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsima.qld.gov.au

Approval Times

- x. In accordance with the *Planning Act 2016*, this approval will lapse six years from the day the approval takes effect, unless the Plan of Subdivision is submitted to Council within the currency period. **Council will NOT approve the plan unless all conditions of this approval have been complied with to the satisfaction of Council and within the currency period of the approval.**

Attachments

1. Submissions [View](#)

**Submission in regard to application for Development Permit for a
Material Change of Use
Shooting Club – rifle long range, and hand gun**

Applicant's details—

Name:

All Weapon Shooting Incorporated

Application reference:

MCU/01897

Material Change of Use:

Development Permit for Material Change of Use: Shooting Club – rifle long range and hand gun

Landowner:

Joyful View Garden Real Estate Development Resort Co. Pty. Ltd.
PO Box 304, Warwick Q 4370

Location:

396 Keoghs Road, Elbow Valley, Warwick Q 4370

Property description:

Lot 1000 SP268215, Parish of Wildash, County of Merivale

Details of person making submission—

Name and address:

Darrel William and Maureen Ann USHER
9 Cressey Street
WAVELL HEIGHTS Q 4012
Phone: (07) 3266 3073
Email: duwirri@aanet.com.au

Property details:

Lot 1 on RP36825, lot 2 on M34649, lot 1686 on M34646, Parish of Wildash, County of Merivale.

Grounds of the submission and facts and circumstances relied on—

Our son, BD (Ben) Usher has also made a submission on this. To save repetition, I ask that his comments on the matters addressed below also be attributed to me in conjunction with this submission.

Care of the land

We own the area of land detailed above which shares a common boundary on the north-west and north of the Cherrabah property.

This family, my husband and myself, and now our son, has taken on the responsibility for the care of this land for a long period of time. The property on the north-west, lot 1686 on M34646, was transferred to my father from his father, my grandfather, in 1917, 100 years ago this year. It was passed from my father's care to mine in 1978, and continuing the value of heritage it will continue to be passed down to his descendants.

Lot 2 on M34649, was dealt with by my grandfather in a similar manner, transferring it to another son. We have taken on the responsibility of the heritage of this land since 1978 and similarly it too will continue to be passed down to his descendants.

The land now known as Cherrabah was dealt with in the same way with another son. One could only guess, that if he was able, that son would rue the day that the land passed from his hands.

I have written the above, in an effort to explain how important the land, and the care of it, is to us. I grew up knowing that the land had to be respected, to be worked, looked after, and left in at least as good a condition as we found it. My outline is relevant to how we feel about our property being negatively impacted from what goes on at Cherrabah. We can strive all we can to look after our own land, but are limited by how much as we can do to protect it from the actions of others.

Our property has remained true to the well-established character of district, that of a quiet, peaceful rural district. We would like it to remain that way.

The past—how it has affected us and our property

When the then Cherrabah Resort was set up, what the local community accepted into the district was a quiet rural resort providing an escape to peace and tranquility away from the noise and pressure of urban living. This was something that could co-exist with the neighbouring rural landholdings.

Many schemes to change this have come and gone at Cherrabah. One to mention would be the unwelcome proposal for a Mega Resort which if it had proceeded would have affected our property, our business and our lives in many ways.

Our property has suffered water shortages in previous reliable creeks which coincided with the development of a large dam on Cherrabah built with no consideration for the needs of landowners downstream.

What is happening right now

We will mention the other current applications awaiting decisions as they are relevant to the shooting range applications. The noise generated by the proposed granite mine

combined with the noise resulting from gunfire on the same portion of land at the same time would have to be taken note of. This combination of the 2 sources of noise occurring concurrently would have a cumulative effect on the noise level.

Application for a granite mine – awaiting decision:

The Development Application for a granite mine, has the planned location in the north-west corner of the Cherrabah property, inside the common boundaries of our properties and the Cherrabah property. This is metres from our property, but 3.5 km from the Cherrabah Homestead.

Application for the Permanent Road Closure – awaiting decision:

As part of their Granite Mine project, Cherrabah has applied for the permanent closure a section of road which provides the eastern access to our property, and to buy the road reserve.

Application for Outdoor Recreation – clay target and small bore range- notification period: submission made.

Application for Sporting Club – rifle long range, and hand gun – notification period: this submission.

The future—we must not let the land and the environment down

We will mention some of the difficulties the proposed granite mine would bring. It does relate to the proposed shooting range application, as the shooting range application would double the noise problem with which we have already been presented with the proposed granite mine on the same portion of land. It also reiterates our statements on Cherrabah's failure in the areas of communication, consideration of others and being a good neighbour.

Cherrabah chose a location for the granite mine as far as it could from their own infrastructure and located it close to our property. A mine site could have been chosen from many others investigated and available.

Our property lies immediately north of Cherrabah and is used as an operational cattle property which uses dogs extensively for cattle management.

Cherrabah has 'offered up' our property, without our knowledge, to provide a buffer zone for dust, noise and vibration, odour, sediment and stormwater-run-off. There was absolutely no communication or information provided about plans to develop a granite mine.

This mine carries with it a multitude of possible dangers. Some are—

Contamination of watercourse, soil and pastures by silica dust:

Latest research suggests that silica dust created from the cutting of stone or stone-like products carries a high cancer risk, believed to be higher than asbestosis. This dust is precisely what will be produced here and carried onto our property, when cutting the granite outcrops.

A proposed ore/overburden stockpile lies between the mining resource site and our property. There is a high danger of winds carrying this silica dust to our property contaminating the watercourse, soil and pastures as well as brought in through

sediment and stormwater run-off from the mining operations and from the mining dam spillway.

The water from these watercourses is used in beef cattle production on our property and those downstream. In addition to the harm that could be caused to humans we are very mindful of the animal welfare issue and the harm that could be caused to these animals and the Australian beef cattle industry through contaminated water, soil and pastures and the desecration of the land for the future.

Noise and vibration:

As a working cattle property, dogs are used in property management. It is well known that dogs have ultra-sensitive hearing and gunshots or thunder has a catastrophic effect on them. Many dogs are lost this way. Cattle also are affected by noise making them unsettled and property management more difficult.

The cumulative effect of gunfire noise and the mining operation noise being carried out at the same time on the same portion of land, would be an unacceptable animal welfare issue. We cannot stress enough the irresponsibility of introducing gunfire into a quiet rural area where cattle are unaccustomed to such noise. Working or domestic dogs, could not cope with such cumulative noise.

Flammable fuel:

Flammable fuel will be stored at this remote mine site, remote from the Cherrabah Homestead, but not from our property. It shows a total disregard for us, their neighbours, and for the local firefighters who will have to deal with any bushfire on Cherrabah knowing that they must keep such fires away from the mine site and fuel.

Application for the Permanent Road Closure awaiting decision:

Cherrabah has applied for the Permanent Road Closure on a road reserve which provides the eastern access to our property, and wishes to buy the road reserve taking away access to our property. If approved, the Permanent Road Closure would place an impossible property management burden on us.

This closure would pose an unacceptable risk to the community as it would greatly hinder emergency services, ambulance, fire brigade and police from gaining entry to our property. Cherrabah experiences many bushfires, and the community are relied upon to deal with these fires. They need the current access.

Demonstrated Behaviour – Lack of communication, consideration of others and being a good neighbour

The development application for the granite mine demonstrates a culture of inconsideration and secrecy towards the community and particularly neighbours. It seems that almost a year was spent on the planning and application process for this mine, and not a word was communicated about it to us, or other neighbours.

We were not notified, as an adjoining landowner, of the Development Application for a granite mine and were unable to submit an informed submission. This failure to notify was admitted to me verbally. Cherrabah went on to sign a Statutory Declaration that we had been notified. We had not.

We reported this failure to the Government Departments concerned, and they addressed it. The application was readvertised and we were able to provide a submission/objection. We are awaiting a decision on this Development Application.

The application for a Permanent Road Closure to close the access to our property as part of the mining plan was never divulged to ourselves or neighbours who they are aware depend on and use the road on a regular basis.

These issues demonstrate a lack of respect for others and of an understanding for the need to be a good neighbour and member of the local community. They seem not to understand that they have a legal obligation not to interfere with the quiet enjoyment of another's property.

***Our response to the Application for Shooting Club – rifle long range and hand gun
MCUN01897***

Noise

Cherrabah operates as a rural resort on a secluded property where peace and tranquillity are meant to be found and enjoyed. This is the reason for which it was established.

Cherrabah are seeking approval to impose the following noise on us—

For the mine—

- (a) all the noise related to the actual mining, including that of machinery; and
- (b) that of increased traffic both inside the property and on nearby roads, including general work vehicles and 19 m flat top semi-trailers with an average net payload of 20 tonnes carrying large slabs of granite; and

For the shooting ranges—

- (a) the continuity of gunfire over a long period of time having a catastrophic effect on animals, particularly dogs (working or domestic).
- (b) extra traffic into the area both inside and on nearby roads.

As this noise would be generated at the same time on the same portion of land, the level of noise would be cumulative.

Weapons

Firearms are a necessary part of the rural industry, and their use must be treated with the utmost respect. It would be generally accepted the rural landowners abide by this and firearms are used on a needs basis. They do not generate unnecessary noise.

Where firearms are concerned, we as neighbours, and the community in general, are entitled to feel safe in the knowledge that we know what is going on relation to firearms on this property.

Former Prime Minister John Howard did a good job of ridding Australia of a large proportion of unnecessary firearms in Australia. We should be ensuring his legacy continues by building on his success and not encouraging a gun culture in Australia. Statistics have shown that an extremely high percentage of Australians would support the banning of firearms for all but those with a genuine need. They would not support more shooting ranges.

Summary

Approval of the application for the shooting range, along with that for the granite mine, would result in the creation of a cumulative level of noise being created concurrently on the same portion of land (lot 1000 SP26815). This would intrude on our property and affect the operation of the business of grazing, and the welfare of the animals on our land and is an example of a lack of communication, consideration of others and being a good neighbour being demonstrated by Cherrabah.

The secretive, underhanded behaviour demonstrated causes concern about what might be carried out on the property, unseen and unknown about by neighbours and the community.

Our concerns demonstrated in this submission have lead us to consider it an unacceptable risk to allow a shooting range to be approved on the Cherrabah property.

We therefore submit that application MCU/01897 submitted by All Weapon Shooting Incorporated (Joyful View Garden Real Estate Development Resort Co. Pty. Ltd.) be refused.

DW Usher
Darrel William Usher

MA Usher
Maureen Ann Usher

From: Kiam Kelly [mailto:kiamk@bigpond.com]
Sent: Saturday, 16 December 2017 12:28 PM
To: General Enquiries
Cc: Tonya.Collier@srcd.qld.gov.au
Subject: Objection to applications applications MCU/01889 and MCU/01897: Shooting range at Cherrabah

Dear Sir/Madam

Re applications applications MCU/01889 and MCU/01897: Shooting range at Cherrabah

I am writing to register my objection to applications MCU/01889 and MCU/01897.

Please note:

I did not receive any written advice of the current proposed further development of the firing range at Cherrabah, which I understand was posted to several of my neighbours and received by them on or about November 2017.

I received no notification of this firing range further development: I only became aware of it when a neighbour mentioned this to me in discussion yesterday.

I strongly object to these applications on several grounds as below:

Noise level

Despite the reports received, which indicate relatively low levels of noise transmission from shooting, the noise levels on our adjoining rural property are excessive. The noise from shooting at Cherrabah is at a level that normal conversation is not possible at the time of firing

due to the volume of the shots and the percussion. The rate of firing is also often very regular and repetitive, and is extremely intrusive, preventing our reasonable enjoyable use of our rural property. It is also producing significant human stress due to constant and regular high levels of noise.

I therefore can only conclude that the acoustic reports provided do not account for the transmission of sound in the direction of our block, and/or do not allow for the topography of the area. The crack of the rifle fire is very significant from a position in line with and ahead of the firing points, which seems to be our situation.

The acoustic report of December 2015 has several possible concerns: there are inconsistencies in statements about shooting direction and noise receptor location; the report states that the instrument could not be calibrated; the report states that noise levels were estimated using regulations not applicable to the topography of the region. Testing also appears to have been conducted by committee members of the shooting club wishing to use the site, which is a significant conflict of interest. I suggest for this reason that recommendations from this report should not be considered.

The acoustic report of November 2017 appears more rigorous, although it seems that the appropriate criteria have not been applied. As SRDC recognizes this area as a significant conservation area (SDRC Planning Scheme) and it is a critical habitat for vulnerable (Nature Conservation Act 1992) and endangered (Environmental Protection and Biodiversity Conservation Act 1999) species, I believe the criteria for protected areas from Schedule 1 of the Environmental Protection (Noise) Policy 2008 should be applied.

Noise impact re dwellings: The zoning of our rural property is such that a building permit can be obtained. We are currently investigating options to build on our property. It is not acceptable for the acoustic reports to therefore only consider the existing houses which are much further away from the proposed site than where we are planning to build. Therefore the noise reports should have considered the impact on all surrounding land holdings, not just the current dwellings.

Noise impact on stock: We are considering running a small number of cattle and/or horses on our rural property. My past rural experience (on a 2000 acres cattle property in northern NSW and also a 350 acre cattle property at Silverdale in SE QLD) indicates that the stock will be significantly disturbed by the noise levels currently from Cherrabah, at least initially when they are not used to this noise. In my previous experience, noise from gunshots can and has resulted in cattle and horses going through fences, and racing through rough country and gullies, resulting in significant injury and/or death.

Noise impact on humans: The regular rate of firing, combined with the noise, is stressful to myself and prevents reasonable enjoyable use of our rural property. From discussions, I believe other landholders at the southern end of Hopgood Road are also experiencing similar

disturbance. Any proposal to increase in the calibre of rifles, and potentially increase noise levels, and/or increase frequency of use, is totally unacceptable.

Apparent current non-compliance with existing firing range restrictions

I am not expert on this area, but I would like to express my concerns for your consideration.

I understand MCU\01479 contains the following statements, which should currently be adhered to:

- The range will be used by in-house guests
- The shooting range will be restricted to 0.22 calibre rifles and shotguns
- The shooting range may only be used between the hours of 8.00am to 6.00pm.;0#
- The maximum number of shooters....using the rangemust not exceed five shooters
- Advertising devices relating to the rifle range may only be erected on the subject land

From my observation this has not been the situation. I am aware of the following, which appear to indicate non-compliance with the current conditions:

- The range is widely advertised to the public inviting them to participate in shooting events, apparently breaching the condition that the range be used by in-house guests.
- The shooting range and competitions have been advertised on multiple club and association websites and news publications, drawing large numbers of people, and apparently contradicting the requirements re advertising.
- I understand that the range has been used by over 200 shooters on a single day, which is far in excess of the approved maximum of five shooters
- I have heard gun fire before 8am and after 6pm, which appears to contradict the requirements for use of the shooting range between 8am and 6pm
- The range also appears to be regularly for large calibre, or full bore shooting, as the noise level is much louder than that from a 0.22 calibre. I have some limited experience with rifles, as I have a current gun licence for a 0.22 calibre rifle. In the past, my father had a larger rifle, and I have been with friends who also discharged larger rifles, so I have experienced the sound of higher calibre gun fire. Often the sound of the gunshots from Cherrabah sound nothing like a 0.22 calibre, and sound to be from much higher calibre rifles.

The apparent non-compliance with the current conditions give me little faith that further development with also be complied with.

Effect on wildlife

I have observed wildlife being disturbed when shooting commences at Cherrabah. I have seen wallabies stop their peaceful feeding and jump away rapidly. I have observed birds take flight suddenly and in large numbers. I have observed wallabies drinking at the dam race away in apparent agitation. Therefore I am very concerned for the impact on the wildlife in the area from the current and proposed shooting range.

Cherrabah and the surrounding heavily vegetated rural properties, including ours, are home to numerous echidnas, various wallaby species, numerous bird species, koalas and numerous other native fauna. A research report several years ago identified Cherrabah as home to the last remaining significant quoll population in Queensland.

The restrictions on the current land use regarding clearing of vegetation are designed to protect the native environment. However, I am concerned that the ecology of this peaceful native environment will be significantly altered, with some of the fauna departing due to the regular and excessive noise from the firing range. Numerous ecological studies have shown that the removal of only one animal species can have a very significant effect on the other fauna population levels and also on the vegetation, and even waterways – in short, the ecological balance, when disturbed, has far-reaching and significant damaging effects. I can reference some of these studies if you wish.

As referred to above, SRDC already recognises this area as a significant area for native species protection, so I believe this is another significant reason to not allow any further firing ranges to be developed on Cherrabah and to restrict the current firing range.

Lead Contamination

Firing ranges generate significant amounts of lead, which is a significant risk to the ecosystem. This area currently has very low to minimal levels of contamination and pollution, with small amounts in limited areas from past rural activities and small amounts generally from widespread air pollution (*pollution can even be found in the ice of un-inhabited South Pole*). Research shows that lead contamination of the soil on shooting ranges is far in excess of safe levels and cannot adequately be remedied – although some of the lead can be collected, it is not possible to remove all (or possibly even most) of the lead. It is not possible to fully contain the run-off of lead residues. This proposed firing range would produce significant amounts of lead. Therefore, this risk to the natural environment of the area should not be permitted.

I believe that the firing range proposal is inconsistent with the current SRDC planning scheme regarding biodiversity and rural zone codes. It has been pointed out to me that, ironically, the proposal even conflicts with Cherrabah's own marketing material which espouses a peaceful and quiet natural environment!

Requirement for another shooting range

I understand that shooting ranges are an enjoyable recreational and social pursuit for many people. However, there is no social requirement for another shooting range in the Warwick area. I understand this social pursuit is more than adequately catered to through three existing shooting ranges in the local area, with another two nearby at Toowoomba. Discussions with some members of the shooting clubs indicate they already have limited numbers and would like more members, so it certainly appears that the existing shooting ranges are not at peak capacity and that the area does not require another shooting range.

I admire Cherrabah's initiatives to develop their resort and bring more activities and business to the local area. However, I believe this development should be possible through enhancing their rural business and developing rural pursuits and an ecological experience for visitors, where visitors can experience "true Australian bush". This development should be done without unnecessary pollution, and without significant negative impact on wildlife and the ecological balance of the natural ecosystems in this area. The shooting range, in its current state and the proposed further shooting range development, does not do this.

Therefore, for the reasons above, I have significant objections to the Cherrabah firing range, both as it is currently operating with significant noise and pollution, and to the proposed further firing range development.

Regards

Kiam Kelly

Mailing address: 62 London Street Nundah QLD 4012
Phone: 0408 060 710

On behalf of Kiam Kelly and Ian Wood, Cullenden Heights Trust

17/12/17

To SDRC

RE: DA No: MCU\01897

Objection to proposed development application.

Cherrabah is not an isolated property. What they do effects those who own properties around them. There are now a number of small holdings surrounding them as larger properties have been sold in their smaller lots. Purchasing these properties for quiet, seclusion, plans to build and move to.

We object to the shooting range on Cherrabah. And to any increase of use. Due to the valleys and placement of the range the noise coming from the shooting range effects our area of neighbours on the end of Hopgoods Rd. It is loud and disturbs the peace, for both humans and the native animals, that we were seeking with the purchase of our property (before the addition of the shooting range to Cherrabah we were unable to object to original application due to finding out the day before via text message and not in a place with internet).

7 day a week 9am – 5pm shooting is ridiculous!! It means no quiet during the day at all. And for us it means that our property now becomes unusable by us. A veteran with Post Traumatic Stress Disorder with gun fire being a trigger a shooting range next door firing at any time becomes a massive problem. And use of .308 ammunition is a huge calibre and very loud. Increasing the current issues of sound.

We also don't trust that they will comply with any approval. They currently have approval for shooting for guests and have had approval to have competitions. For both of these they have breached the conditions numerous times. Disrespecting their neighbours.

With the last competition we received the notification less than a week before the competition (council informed me it was supposed to be a minimum of 14 days notice), we had been out for a day trip the week before. Then according to the approval paperwork they were not allowed to start before 8am. On the last day they started at 7 am and that earlier hour meant the noise levels were substantially louder and a breach of their conditions. Let alone a rare weekend visit with no notification of non stop shooting when we needed quite.

We visit our property occasionally but we have experienced on numerous occasions shooting happening on the range both day and night (another breach) and also with higher calibre rifles than the 22 & shot guns they are currently allowed (husband is a veteran can tell from sound).

They have also been advertising club meetings on the internet (another breach).

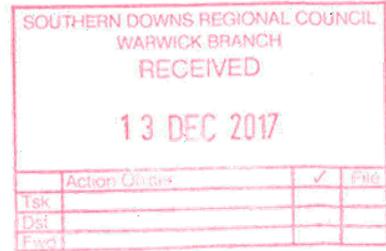
I believe when the shooting range was originally approved it was only supposed to be temporary and was to be moved to another location on the approval of the subdivision they were in the process of getting approval for. Which they have since stopped seeking.

I hope council really considers the impact on neighbouring properties.

Jason & Julia Hamilton-Smith

7 Hirst St Greenmount QLD 4359

Owner Lot 46 Hopgoods Rd Elbow Valley



Letter of Opposition
to the
Proposal by All Weapons Shooting Incorporated
(MC/01897)

by
Stuart Bell
Cullendore High Country Campgrounds



I am writing to object to an application by **All Weapons Shooting Incorporated (MC /01897)** to construct an outdoor sport and recreation club that caters for all weapons within the category A, B and H, as outlined in the QLD Weapons Act, on lot 1000 on SP268215.

I am objecting on the grounds of:

- Noise
- Contamination
- Land Clearing
- Need
- Safety
- The veracity and adequacy of information provided
- The effect on local tourist businesses
- Legal Ramifications
- Ownership

In compiling this objection, I have used the following documents:

- Southern Downs Regional Council Planning Scheme
- Southern Downs Regional Council Biodiversity Areas Map
- Southern Downs Regional Council Online Map
- Qld Environmental Protection (Noise) Policy 2008
- Department of Environment and Heritage Protection– Noise, odour and Dust – making a complaint
- Qld Department of National Parks, Sport and Racing – Planning for Shooting and Motor Sports Facilities
- Qld Nature Conservation Act 1992
- Qld Vegetation Management Act 1999
- Qld Planning Act 2016 Queensland Government – Notifiable Activities
- Queensland Government – Notifiable Activities
- Commonwealth Environment Protection and Biodiversity Conservation Act 1999
- Commonwealth Department of the Environment and Energy – (Information Sheet) National Recovery Plans for the Spotted-tailed Quoll
- Commonwealth Department Environment, Land, Water and Planning – National Recovery Plan for the Spotted-tailed Quoll
- Queensland Police – Applying for a Range Approval
- Ecology and Conservation of the Spotted-tailed Quoll in Southern Queensland by Dr Stephanie Meyer-Gleaves.

1 NOISE

1.1 Inappropriate noise testing

The application that I am asked to consider is for an outdoor sport and recreation club that caters for all weapons within the category A, B and H as outlined in the **QLD Weapons Act**. This application does not signify an upper limit on calibres and includes all weapons classed as concealable firearms under 75cms in length. I find it unacceptable that the attached Environmental Noise Impact Assessment has made a determination that the loudest firearm that will be used on the range will be

a .308 calibre rifle. This is clearly inaccurate as other firearms listed in the report namely .45 automatic pistols and .357 calibre pistols are louder. Furthermore, it should be a minimum requirement that the accompanying test be carried out on the loudest firearm that can be used under the Development Application (a .375 calibre is 170 dB). It is unacceptable that we are expected to take it as fact that the applicant will only use up to a .308 calibre rifle, as this was the one tested. We have a right to assume that the applicant may use all and any firearms that the DA has asked for and we should be presented with test data on the loudest of these. Furthermore, the test fails to indicate the load used in the .308 that was tested, without this information the current test lacks the authenticity to be considered in this application.

1.2 Noise effecting the environment

The Information Sheet produced by the *Qld Department of National Parks, Sport and Racing – Planning for Shooting and Motor Sports Facilities* states '*while QPS considerations have a strong focus on safety, local government planners need to consider the potential for noise to create a nuisance for nearby residents or OTHER SENSITIVE LAND USES.*' I consider that the proposal to construct a shooting range for centrefire weapons and handguns at Cherrabah Homestead Resort to have obvious effects on land that provides habitat for endangered and vulnerable animals. The existence of these animals within the forest surrounding this development qualify this as sensitive land. Included in these animals is the Spotted-tailed Quoll which is listed by the Commonwealth of Australia as an endangered animal. It is clear in various comments made in the **Southern Downs Regional Council Planning Scheme** that Council are aware of and endorse these obligations. Among these is the following statement - *The Southern Downs will actively work towards expanding and supporting environmentally sustainable practices. The impacts of population and industry growth (assuming this includes the tourist industry) will be well balanced to preserve the environment that is so valued by our community.* A Strategic Outcome outlined in the Planning Scheme states - *The quality of the natural environment, its assets, ecological processes and biodiversity values are conserved, enhanced and restored. The existing natural capital of the Southern Downs is maintained. This protects the integrity of areas of ecological significance, their life supporting capacities and contribution to biodiversity for present and future generations.* These outcomes are enacted by the requirement that - *Development proposals on land identified in the Biodiversity areas overlay will not be approved unless they incorporate adequate and appropriate environmental safeguards and buffers.* **Overlay map region 1** shows that Cherrabah is included as a Significant Conservation Area. The information provided to the public does not adequately address the requirements outlined in the SDRC Planning Scheme.

Under the **EPBC act (section 18 and 18A)** a person commits an offence if a person takes an action and the action results or will result in a significant impact on a species listed as threatened or endangered. If a developer or local government planners feel that a development MIGHT have a significant impact on any matters of environmental significance, then the developer would need to apply for approval through the EPBC act. This approval process under the EPBC act would be in addition to any state or local government approval that may be required. This requires the developer to refer the project to the Department of Environment. It is clear that this development may have an effect on the quolls in the area. It is therefore imperative that the Commonwealth Government is informed that this is a controlled action under the EPBC act. The minister or the minister's delegate would then decide if the project should be assessed under the EPBC act. Under

section 34D the minister must, among other things, consider if the action is inconsistent with any recovery plans for the species.

The National Recovery Plan for the Spotted-tailed Quoll *Dasyurus maculatus* lists the Cherrabah Homestead Resort as the location of an important population of the Spotted-tail Quoll. This plan also states – *‘The recovery of the Spotted-tail quoll is primarily dependant on the protection of its existing habitat. Practices or developments that destroy this habitat, or alter it to the extent that the species density is reduced, may be detrimental to the conservation of the species.’* In addition, the plan also states – *‘Practices that directly or indirectly reduce the prey within a habitat patch also have the ability to effect the density of Spotted-tail Quolls and the ability of the habitat to support breeding females.’* It would seem reasonable to assume that a proposed large bore centrefire and pistol range that intends to operate for 7 days a week from 8am to 6pm would have impacts on the habitat of the Spotted-tailed Quoll and reduce prey in the area. The fact that the applicant has not even provided an environmental impact statement, showing that they have at least considered this, demonstrates a disregard for their obligations under the EPBC act. This is particularly concerning when it is considered that the owners of Cherrabah have previously recognised the importance of this area to the future of the Spotted-tail Quoll when they agreed to have this land placed under an environmental covenant when applying for past developments. This previous experience in which they dealt with the EPBC act should have given the developers a clear understanding of their obligations. Additionally, the work carried out by Dr Stephanie Meyer-Gleaves at Cherrabah during her research for her doctorate **“Ecology and Conservation of the Spotted-tailed Quoll in Southern Queensland”** should have flagged the importance of avoiding high-impact developments on the property. Particularly when in her discussion of the Cherrabah population of quolls Dr Meyer-Gleaves states (page 147) *‘Any action undertaken on the property, be it disturbance activities, the alteration of habitat, the removal of prey species will influence the survival of individual quolls and thus the survival of the entire population’.*

The EPBC act does not prevent development in areas of quoll habitat. It does however restrict actions that are of high negative impact on quolls. It is hard to understand why the owners of Cherrabah Homestead Resort would support, what could only be one of the most noise intense developments that could possibly be put forward in an area that is clearly important to one of our endangered native animals. I ask that SDRC consider not only the EPBC act in their deliberations but also their stated responsibilities in this matter. I believe that this development should be stopped at the local level before any need for assessment under the EPBC act is necessary. 3.4.4.1 of the SDRC Planning Scheme states – *New development is located, designed, operated and managed so that it does not result in pollution of air, land and water and adverse environmental impacts are avoided or effective mitigation measures are implemented.* I note that there appears to be no explanation given by the developer or requested by council that deals with this outcome. I cannot imagine what could possibly be done to allow tourists to shoot .45 automatic pistols, 7 days a week from 8am to 6pm, that would adhere to this outcome. If one is not forthcoming, then the development should be denied.

1.3 Noise effecting amenity

A key aspect of the SDRC Strategic Plan is that the Southern Down’s natural and scenic landscapes are valued by the community and will be protected. As stated in element 3.6.1 *The region’s*

landscapes and natural areas contribute to tourism as well as the quality of life and the recreational and scenic opportunities for residents. Landscapes that have aesthetic and amenity values are conserved and protected from development that diminishes their values. This statement, made by SDRC, is a clear 'call to arms' in protecting the quality of life of residents. It must be recognised by SDRC that part of the amenity of the area around Cherrabah is the quiet of the bush setting. It must also be understood by Council that quality of life is closely linked to a sense of safety and well-being. As is outlined in the **information sheet Planning for Shooting and Motor Sports Facilities (Department of National Parks, Sport and Racing)** the effect of noise on individuals has a subjective element. There are some noises that effect people's ability to relax and feel safe, some noises that completely destroy the amenity of a place. The noise of firearms discharging, particularly in the modern era, is one of those noises. Furthermore, the fact that the application is asking for the right to use automatic pistols makes the subjective quality of this noise far worse.

As is outlined in the information sheet **Noise, Odour, Dust – Making a complaint (Department of Environment and Heritage Protection) - In Queensland, local Governments are responsible for administering those parts of the Environmental Protection Act 1994 that manage environmental nuisance.** This document goes on to state that *environmental nuisance is the unreasonable interference (or likely interference) with an environmental value caused by noise, Environmental values include the amenity of a place that make it suitable for anyone to sleep, study or RELAX. These values can be affected by noise.* Something as intrusive as a centrefire rifle and pistol range in the district, especially when considered in conjunction with a shotgun range, will undoubtedly affect the amenity of the area. This is clearly demonstrated by the reaction of our community to earlier gun shoots held at Cherrabah that resulted in multiple calls to police and to SDRC. People, who had not been given the consideration by organisers to be informed of the shoot, were panicked by what can only be described as the sound of a firefight taking place in the area. I can confirm that these events sounded far worse from our property than the 'soft popping' that was subjectively described in the **CRG Acoustics** report included in the information provided by council. Visitors to our campground expressed to us that they were affected by this noise and that it was destroying their experience. As we have set up this campground in good faith that SDRC would live up to their stated responsibilities in the SDRC Planning Scheme regarding the protection of amenity and tourism we were worried by this event. If such activities were to continue it would have a negative impact on our business. As it was a 'Special Event' we assumed that we would not need to worry in the future. We have since discovered that this event was a 'trojan horse' that has led to regular special events and now applications for multiple shooting ranges to be used 7 days per week. Every time Council has allowed these shoots to proceed under yet another 'Special Event' authorisation the amenity of our area has been destroyed by the clear and present sound of multiple gun fire. As it stands these 'special' events held, on a regular basis, are in apparent contravention of SDRC guidelines and the EPBC act as well as having a negative impact on our business. As stated in the **QPS Information Sheet – Applying for Range Approval – Council should provide to the QPS an approval for the club to conduct activities at the proposed range site.** I ask in relation to the lead-up to the current application if this was done by Council before any shooting (except small bore) proceeded at the Cherrabah Homestead Resort.

2. Contamination

The scant nature of the information in this application gives no information on what the applicants intend to do about lead contamination caused by the gun range. There are clear obligations under various legislation that ensures that the applicants need to prevent contamination. Under **Queensland legislation- gun, pistol and rifle ranges are notifiable activities as they are activities that have the potential to cause contamination.** The very fact that the applicant has not explained the protocols they intend to put in place to deal with potential contamination is of a real concern to me. It seems to indicate an ill-considered application that has not been adequately prepared. The fact that the location of the gun range is on a resort that collects water from a dam whose catchment includes the range, makes this even more worrying.

It is totally inappropriate that such details as contamination can be sorted out at some time in the future. People have a right to know how this will be dealt with at the front end of the process. Why this has not been included shows a disregard for due process. I don't believe that it is appropriate that we have been forced to consider an application that will have such an enormous impact on our lives when the application fails to explain such important details. All of this may be unimportant to the applicant or the Council but it is part of the missing information that is highly relevant to the people that will be directly affected by this development.

It is also noted that the only information provided on what will be built on the site of the range is a quadrilateral on a satellite image which roughly depicts the size of the range. This shows the range to be at least one kilometre from existing buildings. The DA information indicates that no buildings will be constructed at the site of the range. As a public facility with no toilets how will contamination from human waste be dealt with? Why hasn't this information been provided for us to consider?

3. Land Clearing

The applicant has answered no to the question regarding tree clearing under the **Vegetation Management Act 1999**. It is noted that the satellite image depicting the location of the rifle range shows that the range will be located in a forest area. I am confused as to how the range will be made usable without clearing.

4. Safety

It is impossible to ascertain from the information provided exactly how this range will be utilised. From information received from Council it appears that the range will be used by tourists who wish to shoot holes in paper. It is reasonable to assume that the facility will either provide them with weapons or that they will bring their own. Either way appropriate storage such as an armoury will be required. Firearms to be used include H Category firearms and multiple firearms will need to be stored on site. It is astounding to me that no explanation has been included in this application that indicates that a suitable armoury exists or that one is to be constructed. The very fact that this is not a core consideration in the application leaves me as a nearby resident in no doubt that safety is not a priority in this application.

5. Need

It is understood that shooting is an appropriate pastime. However, because of the noise generated by outdoor ranges their location needs to be carefully considered. In addition, due to the effect of an outdoor range on the local community, they should not be built on a whim. If our community is

already well serviced by existing ranges, it is not appropriate to keep building more. Not only do these new ranges effect the lifestyle of residents and impact on native animals and existing businesses, they place constraints on future development in the area. If an applicant wants to financially benefit from such an invasive development, they should show real need for the development as well as a considered attempt to mitigate any issues. The developer, who is not a local resident and thus will only receive the benefits of this development while not having to live with the ramifications of this range, has not shown need or indicated that they are interested in any mitigation of issues associated with this development.

Cherrabah Homestead Resort already has the right to use a small-bore range which allows visitors to shoot holes in paper. If visitors feel it necessary to shoot larger calibre rifles or handguns, they can access other ranges found nearby. The facilities found in the Southern Downs more than cater to the needs of shooters. These ranges have existed for years and people living nearby or running businesses have made the decision to locate to the area with the knowledge that these shooting facilities already exist. The residents of Cullendore and Elbow Valley have come to the area in the knowledge that it is unaffected by such a range.

6. Effect on local tourism

SDRC is clearly committed to sustainable tourist developments. They have a well-articulated vision for tourism and see its importance to the future viability of the region. In section 3.9.5.2 of the SDRC Planning Scheme states – *new tourist developments will be considered on their merits having regard to the impacts of the use on:*

- *The existing and proposed character of the area;*
- *The Natural environment;*
- *The scenic beauty of the area;*
- *The existing and required infrastructure*
- *The road network leading to the site;*
- *The residential amenity of the area.*

This section also states – *Existing tourist facilities and event locations are protected from incompatible uses.*

It is clear that the effects of this development are not in keeping with the area or its existing tourism ventures and it is expected that SDRC in keeping with its written commitments will not allow this development to pass. If the SDRC decide to allow this development to proceed, it will have a long term negative effect on local tourism. We as owner/operators of an environmental campground will be severely affected by this development. The effect on our clients from shooting events that have recently taken place, with Council approval, on Cherrabah Homestead Resort have negatively impacted on our business. This can only get worse if a development that allows a range for big bore rifles and handguns to operate 7 days a week.

7. The veracity and adequacy of the information provided.

This application clearly lacks the depth of information needed for the public to make an accurate assessment of the impact of the development. It appears that the applicants have misunderstood the effects of this project and feel that the scant application information is adequate for 'the locals'.

In the light of the potential impacts of this proposal it is disrespectful to the people that are going to have to live in the district that so little information has been provided. This is not an application for a carport and should not be treated as such. The only partly comprehensive information that has been provided in the Environmental Noise Impact Statement is inaccurate and does not discuss the environment in any shape or form.

8. Legal Ramifications

It is clear that multiple Legislative Acts will impact on this development and on Council's decision on its future. In particular, the EPBC Act is likely to play a key role in the future of this development. It is incumbent on Council to look at all the ramifications of various Parliamentary Acts that effect the approval process of this development. On face value, this development also challenges much of the SDRC Planning Scheme. I believe that it is also incumbent upon Council to ensure that the decision made reflects both the words and ethos of their planning document. There are also sure to be negative outcomes for local residents and businesses if this development is approved. Individuals and/or groups have the right to seek recourse for loss of amenity or damage to business. Already the shooting activities at Cherrabah have had tangible ramifications on my community. Their 'special event' shoots, on a range that does not seem to have been authorised by Council and therefore does not appear to be compliant with QPS rules, has negatively impacted on residents. It has given us a window into what life will be like if this proposed centrefire range opens for business. Make no mistake this development will impact significantly on our lives and our businesses. Residents are not gaining anything from this and their rights should be considered paramount when Council makes its decision.

9. Ownership

It is clear that the proponent of this development is not the owner of the land. The owner of this land operates a resort on this property. As the needs of a gun club run contrary to the needs of a homestead resort it seems difficult to justify this arrangement. If the owner of the land does not allow the lease with All Weapons Shooting Incorporated to continue who will take control of this facility? If the noise created by the centrefire club turns out to be incompatible with the needs of Cherrabah what would be the outcome for both Cherrabah Homestead Resort and All Weapons Shooting Incorporated?

**Submission in regard to application for Development Permit for a
Material Change of Use
Shooting Club – rifle long range, and hand gun**

Applicant's details—

Name:

All Weapon Shooting Incorporated

Application reference:

MCU/01897

Material Change of Use:

Development Permit for Material Change of Use: Shooting Club – rifle long range and hand gun

Landowner:

Joyful View Garden Real Estate Development Resort Co. Pty. Ltd.
PO Box 304, Warwick Q 4370

Location:

396 Keoghs Road, Elbow Valley, Warwick Q 4370

Property description:

Lot 1000 SP268215, Parish of Wildash, County of Merivale

Details of person making submission—

Name and address:

Benjamin Darrel USHER

'Avoca'

150 O'Deas Road

ELBOW VALLEY Q 4370

Phone: (07) 4667 9124 Mob: 0427 679 124

Email: duwirri@aanet.com.au

Property details:

Lot 2 on RP70536, and others, Parish of Wildash, County of Merivale.

Grounds of the submission and facts and circumstances relied on—

My parents, DW & MA Usher have also made a submission on this. To save repetition, I ask that their comments on the matters I will address below also be attributed to me in conjunction with this submission.

Care of the land

I own the area of land detailed above which shares a common boundary on the north-east with Cherrabah along with other landholdings in the area.

Also included in my grazing operation is my parents' property, lot 1686 on M34646, and lot 2 on M34649, which share a common boundary on the north-west and north with Cherrabah.

Our property has remained true to the well-established character of district, that of a quiet, peaceful rural district. Previous generations of my family have been committed to this and I have now taken on the responsibility for this.

My full time occupation is as a grazier, operating a beef production business on all of the land mentioned above.

The past—how it has affected me and my property

When the then Cherrabah Resort was set up, what the local community, among them my grandfather, accepted into the district was a quiet rural resort providing an escape to peace and tranquility away from the noise and pressure of urban living. What the founder Mr Barber proposed was something that could co-exist with the neighbouring rural landholdings and his project was welcomed.

Many schemes to change this have come and gone at Cherrabah. I will touch on those which have occurred in the past 19 years since I have taken over the ownership of my own landholdings from the family and the management of those of my parents.

The proposal for a Mega Resort would have impacted on the grazing business on my parents and my adjoining property and my landholdings downstream from Cherrabah in many ways.

In addition, the water shortages suffered in previous reliable creeks which coincided with the development of a large dam have been a physical and financial burden for me. I have had to provide alternative water infrastructure since the Cherrabah dam was built with no consideration for the needs of landowners downstream.

It is my firm belief that lack of flow downstream from Cherrabah is affecting the natural ecosystems. However, this has all been allowed to happen. I tried all I could to be heard but this was allowed to happen to my detriment.

For a period Cherrabah was known as an EcoResort and did not allow shooting on the property. It is now supporting the efforts of the local landowners by being part of the wild dog baiting program, which lessens the threat to the endangered Quoll population on Cherrabah.

What is happening right now

All the following must be considered together, each being relevant to the other in that the granite mine and the 2 shooting range proposals would produce noise concurrently and on the same portion of land, lot 1000 SP268215, with a cumulative level of noise.

The current applications are—

Application for a granite mine - awaiting decision:

Application for the Permanent Road Closure - awaiting decision:

Application for Outdoor Recreation – clay target and small bore range - notification period:

Application for Shooting Club – rifle long range, and hand gun - notification period.

The future—we must not let the land and the environment down

There is almost constant wind of some level on this property. Have studies on wind direction been undertaken on this portion of land for the shooting range applications? Claims put forward for the application for the mining lease on prevailing winds on this same portion of land were incorrect – claiming they came to the property from the north-east, when official BOM readings confirm that they come from the south-east.

These winds would carry the following to the northerly properties, and we cannot allow that to happen—

Silica dust

I would like to stress the possible contamination of watercourses, soil and pastures by silica dust on our properties, animals and humans and those downstream. The belief that it contains properties that carry a higher cancer producing risk than that which produces asbestosis, must be taken very seriously.

Noise and vibration:

The issue of noise is very important to me and the operation of my grazing business.

The proposed granite mine will produce noise and vibration from the operation of the mine, the use of machinery and the increase in traffic on roads around and on the Cherrabah property. Large semi-trailers will be introduced to the area for the transportation of granite slabs from the property.

The proposed shooting ranges would produce repetitive gunfire. Introducing both of these noise sources to the same portion of land concurrently will have a cumulative noise effect in a habitat on the mine site which contains the endangered Quoll.

I am not aware if studies have been undertaken on the local Quoll population and their susceptibility to dispersal from their current habitat at the mine site due to the double threat of noise.

Noise is a big issue for me as I operate the working cattle property on both my parents and my own land. My dogs are a vital part of property management. We all know that dogs have highly sensitive hearing and that noise, particularly gunshots or thunder, have

a disastrous effect on them. I invest a lot of time in training good cattle dogs and I cannot have them become lost through an attempt to escape the noise.

I cannot be expected to put off my cattle work to protect my dogs because Cherrabah is producing this cumulative level of noise. Cattle are affected by noise making them unsettled. We have lost cattle before, due to Cherrabah's noise. Having to deal with 2 sources of noise concurrently, at the same location, on Cherrabah makes property management more difficult.

The hours of operation of the 2 shooting ranges being put forward covers the time 8.00 am to 6 pm, 7 days a week with the granite mine operating similar hours. This would make it impossible to find a time during daylight hours when noise would not be produced.

Noise impact assessments for the shooting ranges carried out for Cherrabah without the effect of wind being taken into account, would prove to be different in a normal everyday situation. I can only work on fact. Through my knowledge and experience I know that gunshots at Cherrabah will affect dogs and cattle on adjoining properties. The prevailing winds in this area come from the south-east and carry any noise, including gunfire onto the northern properties.

Flammable fuel:

The winds coming from the south-east would bring fires to the proposed mining site and shooting ranges and then on to our property.

I am heavily involved in protecting Cherrabah in times of bushfire and would be one of the front line people keeping fire from flammable fuel at the mine site. I probably understand the fire situation on Cherrabah better than they do, having had more personal experience.

It seems inconsiderate that would now apply to add 2 shooting ranges in addition to the unacceptable granite mine proposal to the difficulties of fighting fires on Cherrabah, and then rely on local landowners to deal with bushfires.

Application for the Permanent Road Closure awaiting decision:

Taking this access away, in addition to having the noise effect on livestock to deal with, would take away my ability to fit in all I have to do in the hours available in a day in the future. No thought towards neighbours was put into the decision to apply for this.

Demonstrated Behaviour – Lack of communication, consideration of others and being a good neighbour

While I am well known at Cherrabah and have reason to go there from time to time, particularly when fighting their fires, they never in the 12 months the granite mine was being planned mentioned it or their plans to take away my road access. Similarly, this shooting range application was never mentioned.

***My response to the Application for Shooting Club – rifle long range and hand gun
MCU01897***

Noise

My statements on noise demonstrate compelling reasons why I cannot have the cumulative effect of the granite mine and the shooting clubs intrude on my property.

Weapons

Where firearms are concerned rural landowners use them in the right place at the right time. They are not something to be taken lightly. Their use needs to be limited to necessary uses which do not cause a nuisance to neighbours, and allows them the right to quiet enjoyment of their land. Continuous gunfire such as that produced at a shooting range is not conducive to that.

There is already an established Shooting Club and Rifle Range in Warwick, and so the need for another one to be established cannot be a priority.

Summary

Cherrabah is applying to have 2 extra sources of noise intrude on my property concurrently, that of the granite mine and of the 2 shooting ranges.

In considering this application it should be noted that these 2 additional sources of noise will originate from the same portion of land, lot 1000 on SP268215 and occur concurrently, producing a cumulative effect. That the effect on my business of grazing, and the welfare of the animals (including working dogs) has not been considered by the applicant, is an example of a lack of communication, consideration of others and being a good neighbour being demonstrated by Cherrabah.

I have set out my concerns in this submission, and combined with those submitted by my parents, consider it unacceptable to allow this shooting range for rifle, long range, and hand guns to be established on the Cherrabah property.

I therefore submit that application MCU/01897 submitted by All Weapon Shooting Incorporated (Joyful View Garden Real Estate Development Resort Co. Pty. Ltd.) be refused.

**BD Usher
Benjamin Darrel Usher**

14 December 2017

Southern Downs Regional Council
PO Box 26
WARWICK QLD 4370

Attention: Mandy May
Planning Technical Officer
mail@sdrc.qld.gov.au

Dear Mandy,

Open letter to the Southern Downs Council Environment and Planning Officers, Councillors and Mayor:

I am writing this letter as an objection to new gun ranges being proposed at Cherrabah Mountain Resort, Keoghs Road, Elbow Valley Warwick.

I live just South of the QLD-NSW border and can clearly hear all practice and events being held at the shotgun venue. Indeed, the noise can be heard a couple of kilometres south of my home as well. Any upgrade to more powerful weapons and more consistent shooting will be disturbing to all in this area. We have enough shooting areas in the Southern Downs anyway.

The mountains here in this area will carry and distribute the noise further than audio tests will indicate. Cool, crisp mornings and wind direction are also factors.

Cherrabah Resort and Maryland National Park are the home of numerous rare and endangered forms of wildlife and botanical specimens as well. All are protected under various relevant local, State and Commonwealth Environmental Protection bodies. Strict protection has been afforded to some species.

Regional Council Management Plans need to be upheld and the lifestyle which draws people and investment to this area is a council responsibility. Indeed, a large and successful eco-tourism camping area at Cullendore is now advancing and becoming popular and profitable. The flow-on effect for Warwick, Stanthorpe and Killarney is tangible.

My concerns are for the impact on the immediate areas of Cherrabah (Elbow Valley in particular), Maryland National Park and surrounds.

If my concerns fall on deaf ears, I will have no choice but to pursue with vigour all areas of State and Commonwealth environment legislation. Again, the stewardship of the environment is the sole responsibility of all of us. The ecology of this area of Trap Rock country has shown reasonable tolerance of traditional farming methods and the pastoral industries, but huge gun ranges, granite quarries and mega-structures! What next?

Yours sincerely,



A. M. (Tony) Kelly

Address: 459 Maryland-Cullendore Road
Maryland NSW 4377
Phone: 0459 399 971
Email: tonykelly52@hotmail.com

We are writing to register our objection to applications MCU/01889 and MCU/01897. We strongly object to these applications as the proposed uses are invasive, inappropriate, and highly inconsiderate choices for the land in question. They are inconsistent with multiple elements of the SDRC planning scheme, will negatively impact the health and wellbeing of surrounding property owners, will pollute the environment and interrupt wildlife patterns, and will provide negligible value for the broader community. Further, we disagree with findings of the included acoustic reports and believe they provide a misleading and incomplete account of the noise impact.

The impact of the current shooting activities at Cherrabah upon our nearby land use and enjoyment cannot be understated. There appears to have been absolutely no effort to mitigate noise impacts in either current or proposed arrangements. The constant and relentless rate of firing, combined with the unpredictable and often very early and very late shooting sessions, is a major source of stress and distraction for us and the other landholders in the area. The volume and the percussive shock associated with individual shots is extremely intrusive. The crack of the rifle fire is stupendous when heard from positions in the direction of shooting. The effect of hearing it while performing any task is jarring and sickening. Quite simply, the present shooting noise from Cherrabah is preventing any attempt at peaceful enjoyment of the land by other residents.

There is a very rich and diverse array of fauna in the area. From a subjective perspective, it is very difficult to enjoy the natural sounds, including bird calls, when they are punctuated by rifle shots and shotgun blasts. We understand existing shooting arrangements were to be temporary so to think that the applicants instead wish to expand upon the already excessive and unauthorised shooting arrangements is outrageous, and has become a source of considerable stress for us.

Based on advice provided by Council, it seems that shooting arrangements at Cherrabah are in breach of their current land use conditions. In correspondence related to MCU\01479 in September 2014 Council advised that "The range will be used by in-house guests", "The shooting range will be restricted to 0.22 calibre rifles and shotguns", "The shooting range may only be used between the hours of 8.00am to 6.00pm", "The maximum number of shooters....using the rangemust not exceed five shooters", and "Advertising devices relating to the rifle range may only be erected on the subject land"

The range is widely advertised to the public inviting them to participate in shooting events, breaching the condition that the range not be advertised and be for use by in-house guests. Research indicates that the range has been used by up to 280 shooters on a single day, a ridiculous amount of shooting for such a secluded and small firing range. This is a gross violation of the land use conditions, and a blatant disregard of their neighbor's right to peaceful enjoyment of their land. The appears that range is also used regularly for large calibre, full bore shooting, the noise level of which is much louder than 0.22 calibre. Finally, the shooting range and competitions are widely advertised on multiple club and association websites, facebook pages and news publications, drawing large numbers of people. In short, if Cherrabah will not comply with current conditions,

how can the nearby community and council be convinced that they won't breach any future conditions on a new range?

The noise report of December 2015 is of questionable scientific rigor. There are inconsistencies in statements about shooting direction and noise receptor locations. The report states that the instrument could not be calibrated and that noise levels were estimated using laws not applicable to the topography of the region. Furthermore, testing appears to have been conducted by committee members of the shooting club wanting to utilise the site rather than by an independent or government agent. This suggests an extreme level of bias, and cannot be considered to be impartial. Any recommendation from such a report should not be considered.

The acoustic reports of November 2017 appear more rigorous, although it appears that the appropriate criteria have not been applied in making a recommendation. Council recognizes the area as a significant conservation area in their planning scheme and it is a critical habitat for vulnerable and endangered species under both the Nature Conservation Act 1992 and the Environmental Protection and Biodiversity Conservation Act 1999. For this reason we believe the criteria for protected areas from Schedule 1 of the Environmental Protection (Noise) Policy 2008 are applicable. There are over 650 species of flora and fauna identified in this biodiverse area, and the stress the noise causes to us has been observed to influence the wildlife also.

In addition to noise and vibration, the introduction of large quantities of lead into the ecosystem needs to be considered. A shooting club in Toowoomba recently collected 54 tonnes of lead from their range: how much more lead was missed, and how much had already entered the ecosystem? This is not an acceptable level of risk in an otherwise uncontaminated environment. Research has shown that lead contamination of the soil on shooting ranges is far in excess of safe levels and can't adequately be remedied. Protection of wildlife and groundwater aquifers must be prioritised; if groundwater is being used onsite or on adjoining properties sharing the same aquifer, then there are obviously human health and broader environmental considerations.

The proposal is inconsistent with the planning scheme currently in place within SDRC, particularly the biodiversity and rural zone codes, and ironically it even conflicts with Cherrabah's own marketing material which espouses peaceful and quiet natural environment. We think there is great capacity for Cherrabah to continue rebuilding the resort with farming and environmental style experiences and provide a real draw card for visitors to this special part of the Southern Downs. However, it needs to be done in a way that doesn't unnecessarily pollute the environment and impact the biodiversity for which it is renowned. Any development needs to focus on enhancing rather than degrading the peaceful and scenic location for neighbours, visitors, and future generations alike.

There is no need for additional shooting ranges within the Southern Downs area. The three existing shooting ranges exceed the requirements of the small population of the area. Rather than starting new clubs in new locations and negatively impacting new areas, the applicants should be encouraged to collaborate and provide support for the existing

clubs. By their own admission shooting clubs are supposed to have a social element and are often struggling for members so stretching potential members across even more clubs and locations seems counterintuitive to this community spirit. This approach would also consolidate noise and environmental impacts into existing, suitably identified land use zones. For comparison, over 2.6 million people within Brisbane, plus a large proportion of the Gold Coast are serviced by a single shooting complex. For the approximately 35000 population of Southern Downs to have at least five sites in the same geographical range (three locations in the region and plus at least two more in nearby Toowoomba region) is excessive. There is no need for council to approve any more ranges in the area, certainly not for applicants who are proposing travel away from closer ranges or past existing ranges in order to get to this location.

Shooting activities at Cherribah are having a serious impact on the land use by their all of their immediate neighbors. We have had discussions with several of the neighbors who agree that on days with very heavy firing, the sound and percussion is so intrusive that one cannot even think, let alone work. When we purchased our property we worked closely with council to ensure that it was zoned appropriately for building and eventually residing there. This type of development at Cherrabah jeopardizes that. We were quite open about the fact that we were excited at the prospect of one day living in such an unspoiled and beautiful piece of Australian bushland protected by the planning scheme zoning. We work hard on our land and off, and were looking forward to the day when we could build a house on our land and enjoy it more permanently. We cannot begin to describe how disappointed we are at having the peace and quiet shattered by gunfire, the environmental values of the area put at risk, and we strongly object to a change of use or any other approvals which enable shooting activities to continue.

12.11 Material Change of Use - Raymond J Merritt, 69 Watts Street, Maryvale

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Planning Officer	ECM Function No/s: MCU\01909

APPLICANT:	Raymond J Merritt
OWNER:	Raymond J Merritt
ADDRESS:	69 Watts Street, Maryvale
RPD:	Lots 1 & 2 SP285177, Parish of Gilbert, County of Merivale
ZONE:	Township
LAND USE AREA:	9985m ²
PROPOSAL:	Low impact industry (Contractors Depot and storage of materials)
LEVEL OF ASSESSMENT:	Impact
SUBMITTERS:	One
REFERRALS:	Nil
FILE NUMBER:	MCU\01909

Recommendation Summary

THAT the application for Material Change of Use for Low impact industry (Contractors Depot and storage of materials) on land at 69 Watts Street, Maryvale, described as Lots 1 & 2 on SP285177, Parish of Gilbert, County of Merivale, be approved subject to conditions.

Report

An application has been received for a Low impact industry (Contractors Depot and storage of materials) at 69 Watts Street, Maryvale. The business has been operating for some time, and was brought to the attention of Council's Planning Compliance Department.



The applicant proposes to operate the site as a depot for an earthworks business operating around Maryvale. The nature of the business is generally on call, meaning that the business is not generally operating every day, but can require the business to operate any time between 8:00am to 5:00pm, seven days per week. The applicant has stated that he is the only employee that works from the site.

The applicant has stated that the following vehicles associated with the use will be stored on site:

- Two (2) bobcats (Tare 2042)
- An excavator (Tare 3500)
- A tipper truck (Gross vehicle mass [GVM] 4440)
- A flatbed truck (GVM 4440)
- A tractor and slasher (Tare 2200)
- A Ute with a trailer.

Only warranty servicing of the vehicle occur at the site. All other vehicle repairs and maintenance occurring off-site.

Site Plan



The applicant has also stated that he gets materials for jobs delivered off-site by the truckload. Sometimes he does not require the entire truckload for the job he is doing, and would like to be able to store some leftover materials at the site to use on other jobs. The types of materials that this may include are:

- Crusher dust
- Decomposed granite
- Gravel

The maximum quantity of materials stored at the site at any time would be 32 tonnes, which would only usually be delivered once every couple of months. The applicant has stated that no non-employees (customers) would be accessing the site to pick up or purchase the materials stored at the site.

In a response to Council's Information Request, the applicant confirmed that only the southern access (to Lot 2 SP285177) will be used for the business.

Discussion on use definition

The applicant has stated that they thought they were able to operate the business as a Home-based business. It was explained to the applicant that the use is of a scale that cannot be considered to be a home based business for the following reasons:

- The use includes outside storage of machinery and goods.
- The use involves garaging more than one commercial vehicle on site, and may include minor warranty servicing.
- The total use area for the business is greater than 40 square metres.

Public Notification

The application underwent Public Notification from 30 November 2017 to 21 December 2017. In accordance with s53(4(b)) and s53(12) of the Planning Act 2016, the application must be on Public Notification for 15 business days, but a business day does not include a day between 20 December of a year and 5 January of the next year.

The Public Notification period was advertised until 21 December 2017, and as such, was only on Public Notification for 14 business days, meaning that the Public Notification period did not comply with the requirements of the Act.

However, section 53 (3) of the *Planning Act 2016* states that:

- (3) *the assessment manager may assess and decide a development application even if some of the requirements of the development assessment rules about the notice have not been complied with, if the assessment manager considers any noncompliance has not—*
- (a) adversely affected the public’s awareness of the existence and nature of the application; or*
 - (b) restricted the public’s opportunity to make properly made submissions about the application.*

The application was on Public Notification for 21 days in total. Council did not assess the application until after 6 January 2018, to allow for any late submissions to be lodged with Council.

It is considered that the non-compliance has not adversely affected the public’s awareness of the existence and nature of the application or restricted the public’s opportunity to make properly made submissions about the application. As such, it is recommended that Council accepts the Public Notification and should assess and decide the application.

Submissions

One (1) submission was received in relation to the proposed development. The issues raised in the submission are described in the table below:

Matters raised in the submission	Council’s comment
<p><u>Size of property</u></p> <p><i>The property at 69 Watts Street, Maryvale is too small to have trucks unloading crusher dust – rock. There are instances where b-doubles are dropping off load after load, which completely inhibits my ability to have the restful home life and clean air that the Southern Downs promotes in their Community Statement, (adopted by Council in December 2011).</i></p>	<p>The subject site is approximately one hectare, and contains an existing dwelling. The Site Plan shows adequate space for the storage of vehicles and materials, and allows for vehicle manoeuvring.</p> <p>The applicant has stated that all materials are delivered with a truck and dog trailer and that deliveries are infrequent (once every couple of months).</p> <p>It is recommended that any approval include a condition limiting the quantity of materials that can be stored on the site, and the location of the material stockpile.</p>

Matters raised in the submission	Council's comment
<p><u>Amenity</u></p> <p><i>The property in question is unsightly, and housing a huge amount of building materials and unregistered cars. The property has inadequate fencing to conceal this eyesore. The application sought is for a 7 day a week license which will effect the several properties surrounding Mr Merritt's home, with no break in noise or pollution in Maryvale, which is considered a small town.</i></p> <p><i>Due to the prevailing winds from the west to the east, my property is inundated with dust, which is a serious health and pollution concern.</i></p> <p><i>My property is situated south east from Mr Merritts, at Lot 27 Slade Street, and has an elevated position over his property, as he is set low in the valley. The noise from the bobcats, trucks and even telephone conversations originating from Mr Merritts property amplifies 10 fold and creates an amphitheatre effect.</i></p>	<p>There is currently a quantity of building materials located around the yard.</p> <p>It is not unusual for a contractor to work on any day of the week. The applicant has stated that as the nature of the work is on call, there are often periods where there are no jobs.</p> <p>The subject site is separated from any residential properties to the south and west by a road reserve. Any residential properties to the east and north are separated by road reserve and a reserve for Sport and Recreation, which used to be the site of the rail line. The closest dwelling to the subject site is located approximately 45 metres south of the property boundary.</p> <p>It is recommended that hours of operation for the business are restricted to 8:00am to 6:00pm.</p> <p>It is also recommended that any approval include a condition for screen fencing and landscaping to provide a visual screen for the site, and assist to buffer any noise and dust generated from the site.</p>
<p><u>Environment</u></p> <p><i>When it rains the run off from my property ends up in Mr Merritts yard, and can reach up to approximately one feet of settled water. If there is any diesel spills, grease, servicing from the intended diesel truck storage this would certainly finally be flowing into the drains and waterways.</i></p>	<p>The applicant has advised that only warranty servicing of the vehicles will be conducted on site. All other mechanical work will be done off site.</p> <p>Appropriate conditions can included with any approval to minimise any risk of contamination from hazardous materials.</p>
<p><u>Unlawful access</u></p> <p><i>The land behind his property which is known to be polluted land due to it being the old railway yards and siding. This area has a DO NOT ENTER sign affixed, however both the fence type gates have been broken and Mr Merritt is utilizing as a thoroughfare. This is contrary to being told by law he isn't allowed. Mr Merritt is abusing every known law and utilizing council land for his own advantage.</i></p> <p><i>Mr Merritt continues to utilise the unsealed road adjoining my property. Your comments to me stated that Mr Merritt would only be able to access the Watt Street sealed road, however this has proven not to be the case.</i></p>	<p>The road reserve to the south of the site is an unconstructed road. The applicant has been advised that all vehicle entrances to the site will have to be from Watts Street, which is a sealed road.</p> <p>It is recommended that any approval should include a condition requiring screen fencing along the southern and eastern boundaries. This will ensure that the road reserve and reserve for sport and recreation cannot be used to access the site.</p>

Assessment against the Planning Scheme

This application required assessment against the following benchmarks:

- Township zone code
- Industry uses code
- Carparking and loading code
- Landscaping code
- Outdoor lighting code
- Physical infrastructure code

Township zone code

The purpose of the Township zone code is to provide for small to medium size urban settlements located within a rural area.

Development provides for a mix of uses including residential, retail, business, education, industrial, community purpose, recreation and open space which support the needs of the local rural community.

The local government purpose of the zone code is to provide for the development of the villages of the Region as community and service centres.

In addition the purpose of the code is to -

- (a) *Maintain the singular character and amenity of the villages in the Region.*

The purpose of the code will be achieved through the following outcomes.

- (a) *A range of residential, retail, commercial, industrial, tourist, community and cultural uses are provided.*
- (d) *Development in the village services the needs of local residents, residents of the surrounding rural area and visitors.*
- (f) *The residential amenity is protected by sensitive design and siting of non-residential uses and buffering between potentially conflicting uses.*

The proposed development is relatively small in nature, and services Maryvale and the surrounding area. The subject site is separated from all nearby residential lots. Any approval can include conditions for landscaping and screen fencing to provide a buffer between the use and any nearby residential uses.

The proposed development complies with the requirements of the code with regards to Scale of development, Access, Infrastructure, Built form, Character and amenity, Environment, Agricultural land, and Provisions for Maryvale.

Industry uses code

The purpose of the Industry uses code is to ensure that industry, and warehouse uses are located on suitable sites having regard to site characteristics and access and are consistent with the built form and character and amenity of the locality and the environment of the area including water quality, air quality, soil quality, vegetation and wildlife.

The purpose of the code will be achieved through the following overall outcomes.

All industry uses:

- (a) *Occur only on land that is suited to the development and operation of industrial uses;*
- (b) *Are located, designed and operated in a manner that prevents unacceptable environmental and amenity impacts on adjoining land uses;*
- (d) *Have adequate and safe vehicle access;*

- (e) *Generate traffic on access roads that is within the capacity of the road and consistent with the types of traffic and frequency of traffic movement existing on the access roads;*

The subject site has frontage to a constructed sealed road, and is separated from all nearby residential lots by road reserves and a reserve for sport and recreation. The closest dwelling to the subject site is located approximately 45 metres south of the property boundary. As no customers are accessing the site directly, the use is not expected to generate any significant traffic movements above what would normally be expected in the area.

Appropriate conditions can be included in any approval to minimise environmental and amenity impacts on nearby land uses.

The proposed development complies with, or can be conditioned to comply with the Industry uses code in relation to Location, Access, Environment and Infrastructure.

The code requires that the number of carparking spaces required on-site is to be provided in accordance with Carparking and Loading Code. Car parking requirements will be discussed later in the report.

The code also requires that there is no open storage of goods or materials associated with any use in any zone except in the Rural zone.

The code also requires that buildings, structures or land used for industry are screened from any dwelling other than a dwelling on the same site. The screening shall include at least:

- (a) a 1.8 m high screen fence between the industry use and the dwelling in a location that screens the dwelling from the industry use; and
- (b) a landscaped buffer at least 3m wide located on the same site as the industry use

The proposed development involves the open storage of commercial vehicles and landscaping materials such as gravel and crusher dust.

The associated Performance outcome is:

PO7 Uses are located and designed that the visual impact of the use is minimised.

The subject site is located at least 45 metres from the nearest dwelling, and separated from all nearby residential lots by road reserves and a reserve for sport and recreation. The use area is of a relatively small scale, and located at the rear of the lot. Any approval can include conditions requiring that the boundaries of the subject site are screened with fencing and landscaping to minimise the visual impact of the proposed development. It is considered that the Performance outcome can be met.

Carparking and loading code

The purpose of the Carparking and loading code is to ensure that provision for vehicle access and parking is adequate to meet the demand likely to be generated by development.

The car parking and loading code requires that the number of parking and loading spaces provided on site is not less than the minimum number specified in Table 9.4.2.4 or Council may accept an alternative to providing the required spaces on the development site in accordance with Planning Scheme Policy –Off Street Carparking.

Table 9.4.2.4 – Carparking and loading – Car parking requirements	
Development	Minimum number of spaces
All uses, except accommodation activities, in the District centre, Mixed use, Specialised centre and Township zone	(a) 1 space per 50 m ² of gross floor area and any outdoor use area; plus (b) Bicycle parking racks at a rate of one bike parking space per 20 car parks where the car park on site exceeds 50.

The proposed development does not include any Gross Floor Area, however it does include outdoor use areas for the storage of the vehicles and materials. The applicant does not intend to provide any on-site car parking spaces.

The associated Performance outcome is:

PO1 Sufficient carparking is provided to accommodate the number and type of vehicles likely to be generated by the development having regard to the following:

- (a) The nature and operation of the use;*
- (b) The likely number of users including residents and employees;*
- (c) The hours of operation and the peak parking demand periods;*
- (d) The availability of alternative parking in the vicinity including on street car parking;*
- (e) In the case of residential development, the proximity to the Principal centre zone and the facilities contained within that zone or the availability of public transport;*
- (f) The feasibility of physically providing parking on site including access restrictions and size of the site; and*
- (g) The provisions of Planning Scheme Policy –Off Street Carparking.*

The applicant has advised that no non-employees will be accessing the site to pick up the materials stored on site. As the proposed development does not include any use where customers are required to park at the site, it is considered appropriate that no car parking spaces are provided.

Landscaping code

The applicant has stated that there are existing trees on the property that contribute to a landscaped buffer at the site, and some additional 'yucca' plants have been planted along the sites southern boundary. Further landscaping will be required to comply with the Industry uses code. Any approval can condition that the additional landscaping is provided to provide a visual screen, and that a Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to any building approvals being issued.

Outdoor lighting code

The proposed development can be conditioned to comply with the Code.

Physical infrastructure code

The proposed development complies with the Code with regards to Water supply, Waste water disposal, Energy, Roads and Rail, Development near underground utility services, and Crime prevention and safety.

Infrastructure Charges

For industrial uses, Infrastructure Charges are payable on the amount of Gross Floor Area involved in a development. The proposed development does not include any increase to the Gross Floor Area at the site. As such, Infrastructure Charges are not payable for the proposed development.

Conclusion

The applicant proposes to operate the site as a depot for an earthworks business operating around Maryvale. The nature of the business is generally on call. The proposed use will include storing up

to seven vehicles at the site, and up to 32 tonnes of materials (gravel, crusher dust, or decomposed granite).

The application underwent Public Notification from 30 November 2017 to 21 December 2017. During this period, one (1) submission was received in relation to the proposed development. The submission raised issues regarding the size of the property, amenity, environmental risk, and unlawful access to the site.

The proposed development does not comply with all of the codes in relation to car parking, and screen fencing and landscaping. The proposed use is of a small scale, and is not expected to result in significant impacts on the surrounding area. The impacts on the environment and amenity can be minimised with appropriate conditions. It is recommended that the application is approved with conditions.

STATEMENT OF REASONS

Assessment benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development
<p>The following codes of the Southern Downs Planning Scheme:</p> <ul style="list-style-type: none"> – 6.2.13 Township zone code – 9.3.5 Industry uses code – 9.4.2 Carparking and loading code – 9.4.4 Landscaping code – 9.4.6 Outdoor lighting Code – 9.4.7 Physical infrastructure code

Reasons for the decision

Notwithstanding the details that have been provided, not all benchmarks have been complied with, but by imposing conditions, compliance with the Southern Downs Planning Scheme is achieved.

Reasons for Approval Despite Non-Compliance with Assessment Benchmarks

The development has been assessed against the relevant benchmarks specified above, and has been approved despite non-compliance with the specific benchmarks listed below for the reasons noted.

Benchmark	Reasons for the approval despite non-compliance with benchmark
<p><u>Industry uses code</u></p> <p><i>AO7.3 Buildings, structures or land used for industry are screened from any dwelling other than a dwelling on the same site. The screening shall include at least:</i></p> <p><i>(a) a 1.8 m high screen fence between the industry use and the dwelling in a location that screens the dwelling from the industry use; and</i></p> <p><i>(b) a landscaped buffer at least 3m wide located on the same site as the industry use.</i></p>	<p>The proposed development involves the open storage of commercial vehicles and landscaping materials such as gravel and crusher dust.</p> <p>The subject site is located at least 45 metres from the nearest dwelling, and separated from all nearby residential lots by road reserves and a reserve for sport and recreation. The use area is at the rear of the lot, and any approval can include conditions requiring that the boundaries of the subject site are screened with fencing</p>

<p><i>PO7 Uses are located and designed that the visual impact of the use is minimised.</i></p>	<p>and landscaping to minimise the visual impact of the proposed development.</p>
<p><u>Car parking and loading code</u></p> <p><i>AO1.1 The number of parking and loading spaces is not less than the minimum number specified in Table 9.4.2.4 or Council may accept an alternative to providing the required spaces on the development site in accordance with Planning Scheme Policy –Off Street Carparking.</i></p> <p><i>PO1 Sufficient carparking is provided to accommodate the number and type of vehicles likely to be generated by the development having regard to the following:</i></p> <p><i>(a) The nature and operation of the use;</i></p> <p><i>(b) The likely number of users including residents and employees;</i></p> <p><i>(c) The hours of operation and the peak parking demand periods;</i></p> <p><i>(d) The availability of alternative parking in the vicinity including on street car parking;</i></p> <p><i>(e) In the case of residential development, the proximity to the Principal centre zone and the facilities contained within that zone or the availability of public transport;</i></p> <p><i>(f) The feasibility of physically providing parking on site including access restrictions and size of the site; and</i></p> <p><i>(g) The provisions of Planning Scheme Policy –Off Street Carparking.</i></p>	<p>The proposed development does not include any Gross Floor Area, however it does include outdoor use areas for the storage of the vehicles and materials. The applicant proposed not to provide any on-site car parking spaces.</p> <p>No non-employees will be accessing the site to pick up the materials stored on site. As the proposed development does not include any use where customers are required to park at the site, it is considered appropriate that no car parking spaces are provided.</p>

Additional Relevant Matters for Impact Assessable Development

Not applicable

Matters Raised in Submissions

Matters raised in the submission	Council's comment
<p><u>Size of property</u> <i>The property at 69 Watts Street, Maryvale is too small to have trucks unloading crusher dust – rock. There are instances where b-doubles are dropping off load after load, which completely inhibits my ability to have the restful home life and clean air that the Southern Downs promotes in their Community Statement, (adopted by Council in December 2011).</i></p>	<p>The subject site is approximately one hectare and contains an existing dwelling. The Site Plan shows adequate space for the storage of vehicles and materials, and allows for vehicle manoeuvring.</p> <p>The applicant has stated that all materials are delivered with a truck and dog trailer and that deliveries are infrequent (once every couple of months).</p> <p>It is recommended that any approval include a condition limiting the quantity of materials that can be stored on the site, and the location of the material stockpile.</p>
<p><u>Amenity</u> <i>The property in question is unsightly, and housing a huge amount of building materials and unregistered cars. The property has inadequate fencing to conceal this eyesore. The application sought is for a 7 day a week license which will effect the several properties surrounding Mr Merritt's home, with no break in noise or pollution in Maryvale, which is considered a small town. Due to the prevailing winds from the west to the east, my property is inundated with dust, which is a serious health and pollution concern. My property is situated south east from Mr Merritts, at Lot 27 Slade Street, and has an elevated position over his property, as he is set low in the valley. The noise from the bobcats, trucks and even telephone conversations originating from Mr Merritts property amplifies 10 fold and creates an amphitheatre effect.</i></p>	<p>There is currently a quantity of building materials located around the yard.</p> <p>It is not unusual for a contractor to work on any day of the week. The applicant has stated that as the nature of the work is on call, there are often periods where there are no jobs.</p> <p>The subject site is separated from any residential properties to the south and west by a road reserve. Any residential properties to the east and north are separated by road reserve and a reserve for Sport and Recreation, which used to be the site of the rail line. The closest dwelling to the subject site is located approximately 45 metres south of the property boundary.</p> <p>It is recommended that hours of operation for the business are restricted to 8:00am to 6:00pm.</p> <p>It is recommended that any approval include a condition for screen fencing and landscaping to provide a visual screen for the site, and assist to buffer any noise and dust generated from the site.</p>
<p><u>Environment</u> <i>When it rains the run off from my property ends up in Mr Merritts yard, and can reach up to approximately one feet of settled water. If there is any diesel spills, grease, servicing from the intended diesel truck storage this would certainly finally be flowing into the drains and waterways.</i></p>	<p>The applicant has advised that only warranty servicing of the vehicles will be conducted on site. All other mechanical work will be done off site.</p> <p>Appropriate conditions can included with any approval to minimise any risk of contamination from hazardous materials.</p>

Matters raised in the submission	Council's comment
<p><u>Unlawful access</u> <i>The land behind his property which is known to be polluted land due to it being the old railway yards and siding. This area has a DO NOT ENTER sign affixed, however both the fence type gates have been broken and Mr Merritt is utilizing as a thoroughfare. This is contrary to being told by law he isn't allowed. Mr Merritt is abusing every known law and utilizing council land for his own advantage. Mr Merritt continues to utilise the unsealed road adjoining my property. Your comments to me stated that Mr Merritt would only be able to access the Watt Street sealed road, however this has proven not to be the case.</i></p>	<p>The road reserve to the south of the site is an unconstructed road. The applicant has been advised that all vehicle entrances to the site will have to be from Watts Street, which is a sealed road.</p> <p>It is recommended that any approval should include a condition requiring screen fencing along the southern and eastern boundaries. This will ensure that the road reserve and reserve for sport and recreation cannot be used to access the site.</p>

Matters Prescribed by the *Planning Regulation 2017*

Not applicable

Options

Council:

1. Approve the application subject to conditions as recommended.
2. Approve the application subject to conditions other than as recommended.
3. Refuse the application giving reasons for the refusal.

Recommendation

THAT the application for Material Change of Use for Low impact industry (Contractors Depot and storage of materials) on land at 69 Watts Street, Maryvale, described as Lots 1 & 2 on SP285177, Parish of Gilbert, County of Merivale, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plan submitted with the application, EXCEPT THAT ONLY THE ACCESS TO LOT 2 SP285177 MAY BE USED FOR THE BUSINESS, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Site Plan	MCU\01909-1	15 September 2017

2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

Land Use and Planning Controls

3. This approval allows for the use of the site for the following uses only: Contractors Depot and storage of materials
4. The development shall generally operate only between the hours of 8.00am to 6.00pm, seven days per week.
5. A maximum of two (2) employees are permitted at the site at any time.
6. A maximum of nine (9) commercial vehicles are to be stored at the site.

The vehicles on site are to include a maximum of:

- 2x Bobcat
 - 1x Excavator
 - 1x Tipper Truck
 - 1x Flatbed truck
7. Only warranty servicing of the vehicles is to be conducted on-site. No other motor vehicle repairs or maintenance are to be carried out on-site.
 8. A maximum of 32 tonnes of materials (such as decomposed granite, gravel, crusher dust, etc) are to be stored on the site at any time. The materials are only to be stored in the area shown in yellow below:



9. No customers are to access the site to pick up any materials. All materials must be delivered

to customers off site.

Amenity and Environmental Controls

10. The loading and/or unloading of delivery and other service vehicles (excluding general waste collection vehicles) is limited between the hours of 8.00am and 6.00pm. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
11. Any hazardous materials (e.g oil and fuel) must be stored in a covered and bunded area.
12. Any liquid spills must be cleaned up immediately and disposed of in an appropriate manner that ensures environmental harm does not occur. An appropriate spill kit for the management of wastes and hazardous liquids associated with the activity must be readily available at the site. Anyone operating under this approval must be trained in the use of the spill kit.
13. All material stockpiles and trafficable areas associated with the approved activity must be maintained using all reasonable and practicable measures necessary to minimise the release of windblown emissions to the atmosphere. Reasonable and practicable measures may include but are not limited to:
 - a. Using water sprays and/or a water truck;
 - b. Adopting and adhering to speed limits;
 - c. Using dust suppressants and wind breaks; and
 - d. Sealing the areas.
14. The operator must investigate and address all environmental nuisance and/or environmental harm complaints. The following details must be recorded and provided to Council upon request:
 - a. time, date, name and contact details of the complainant;
 - b. reasons for the complaint;
 - c. any investigations undertaken;
 - d. conclusions formed; and
 - e. any actions taken.

When requested by Council, an assessment, including monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance and/or environmental harm (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief). Upon completion of the assessment, the results must be submitted to Council within 10 business days. This must be undertaken in accordance with any direction given by Council at the time.

15. The cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
16. Advertising Devices relating to the use may **only** be erected on the subject land, i.e. Lots 1 & 2 SP285177. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the residential character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
17. All equipment, goods and materials must be located in a building or screened from view from all roads, other public places and adjoining land by fencing and/or dense landscaping.
18. Install and maintain the lighting fixtures so that they do not emit glare or light above the levels stated in *Australian Standard AS:4282-1997 Control of Obtrusive Effects of Outdoor Lighting*.

Fencing, Landscaping and Buffers

19. A screen fence 1.8 metres high shall be erected around the use area, as shown in red below, to provide visual screening. This screen fencing is to be provided at the developer's cost.



20. **Details of the proposed fencing are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of a Development Permit for Building Work.** Fencing is to be provided and maintained in accordance with the approved details.
21. Tree planted buffer strips are to be provided adjacent to the southern boundary of the subject land, in the location shown in green below, so as to minimise the visual impact of the development from adjoining properties and roads. Trees are to be planted a maximum of three (3) metres apart.



22. **A Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the commencement of the use.** The Landscaping Plan must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

23. A concrete industrial crossing is to be constructed at the Watts Street entrance to the site (Lot 2 SP285177) in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
24. All vehicular access to and from the site associated with this approval must be via Watts Street, to Lot 2 SP285177 only.
25. A 3.0 metre wide all-weather driveway is to be constructed from Watts Street to the vehicle and material storage areas. The driveway may remain gravel, provided it is appropriately maintained and does not cause a dust nuisance. If complaints are received (which in the

opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the driveway shall be sealed to Council's standards.

26. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system or footpath be permitted.

Roadworks

27. Any roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.

Stormwater Drainage

28. Site stormwater runoff must be collected, detained and discharged where appropriate in a manner that does not increase the quantity or concentration of stormwater flow in comparison to the pre-development condition. Where necessary, suitable easements to lawful points of discharge, which may include surrounding properties, shall be provided to Council, at the developer's cost.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (v) Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*.
- (vi) An application must be submitted and approved by Council for a permit under Southern Downs Regional Council's Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation).

Aboriginal Cultural Heritage

- (vii) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsima.qld.gov.au

Attachments

1. Submission [View](#)

18th December 2017

Clancy Sloan
Planning Officer
Southern Downs Regional Council
clancy.sloan@sdr.c.qld.gov.au

Dear Clancy,

Appeal of Planning Application MCU\01909 Contractors Depot - 69 Watts Street, Maryvale

As discussed, I wish to appeal the Planning Application, (change of zoning) of the Watts Street address from Town Residential to a Truck Yard or Transport Depot submitted by Mr Raymond Merritt.

I bought in Slade Street, Maryvale to spend my retirement years. As you are aware I have health concerns, and am currently writing this from the Greenslopes Hospital in Brisbane, where I am recovering from spinal surgery.

OBJECTIONS:

- It is my belief that the property at 69 Watts Street, Maryvale is too small to have trucks unloading crusher dust – rock. There are instances where b-doubles are dropping off load after load, which completely inhibits my ability to have the restful home life and clean air that the Southern Downs promotes in their Community Statement, (adopted by Council in December 2011). The property in question is unsightly, and housing a huge amount of building materials and unregistered cars. The property has inadequate fencing to conceal this eyesore. The application sought is for a 7 day a week license which will effect the several properties surrounding Mr Merritt's home, with no break in noise or pollution in Maryvale, which is considered a small town.
- Due to the prevailing winds from the west to the east, my property is inundated with dust, which is a serious health and pollution concern. This is exacerbated by Mr Merritt continuing to utilise the unsealed road adjoining my property. Your comments to me stated that Mr Merritt would only be able to access the Watt Street sealed road, however this has proven not to be the case.
- My property is situated south east from Mr Merritts, at Lot 27 Slade Street, and has an elevated position over his property, as he is set low in the valley. The noise from the bobcats, trucks and even telephone conversations originating from Mr Merritts property amplifies 10 fold and creates an amphitheatre effect.
- Similarly to the above when it rains the run off from my property ends up in Mr Merritts yard, and can reach up to approximately one foot of settled water. If there is any diesel spills, grease, servicing from the intended diesel truck storage this would certainly finally be flowing into the drains and waterways.
- The land behind his property which is known to be polluted land due to it being the old railway yards and siding. This area has a DO NOT ENTER sign affixed, however both the fence type gates have been broken and Mr Merritt is utilizing as a thoroughfare. This is contrary to being told by law he isn't allowed. Mr Merritt is abusing every known law and utilizing council land for his own advantage.

Many thanks in anticipation.

Kind regards,

Graeme Collins
Lot 27 Slade Street, Maryvale

12.12 Material Change of Use - United Petroleum Pty Ltd, 86 Wallace Street, Warwick

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Planning Officer	ECM Function No/s: MCU\01791

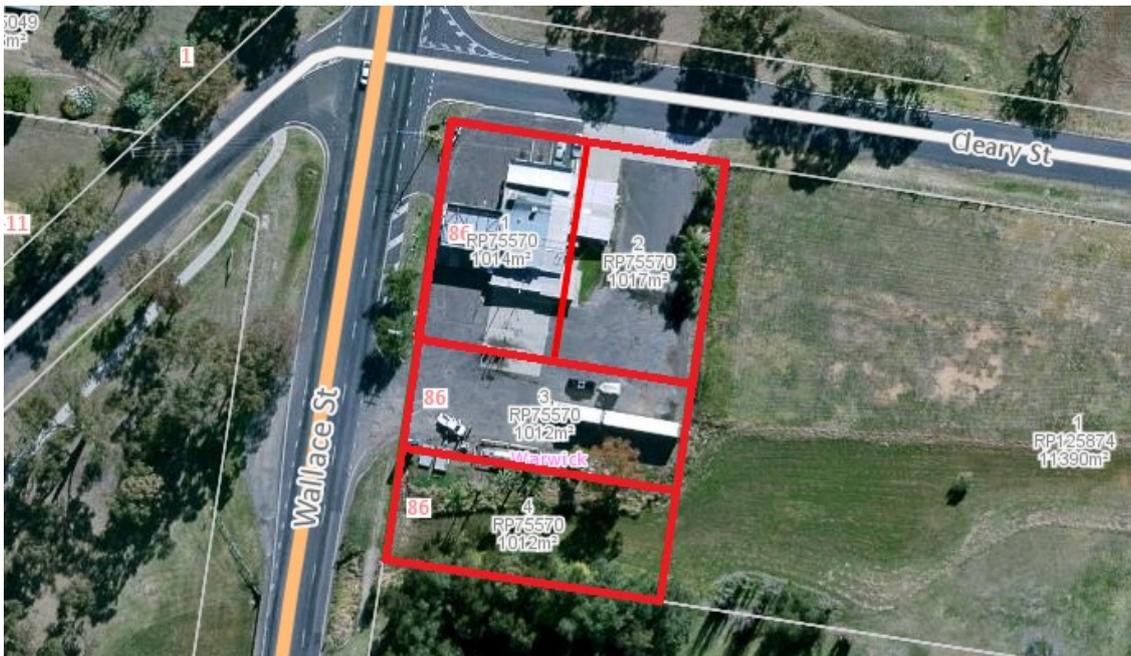
APPLICANT:	United Petroleum Pty Ltd C/- Saunders Havill Group
OWNER:	Redcarstle Pty Ltd
ADDRESS:	86 Wallace Street, Warwick
RPD:	Lots 1-4 RP75570, Parish of Warwick, County of Merivale
ASSESSMENT AGAINST:	Low density residential zone
LAND USE AREA:	4055 square metres
PROPOSAL:	Service station (Redevelopment of existing service station)
LEVEL OF ASSESSMENT:	Impact
SUBMITTERS:	One (1)
REFERRALS:	Department of Infrastructure, Local Government and Planning
FILE NUMBER:	MCU\01791

Recommendation Summary

THAT the application for Material change of use for a Service station (Redevelopment of existing service station) on land at 86 Wallace Street, Warwick, described as Lots 1-4 RP75570, Parish of Warwick, County of Merivale, be approved subject to conditions.

Report

The subject site contains four titles and is 4055 square metres. The land has frontage to Cleary Street and Wallace Street (New England Highway). The land to the south of the site is a Tourist park.

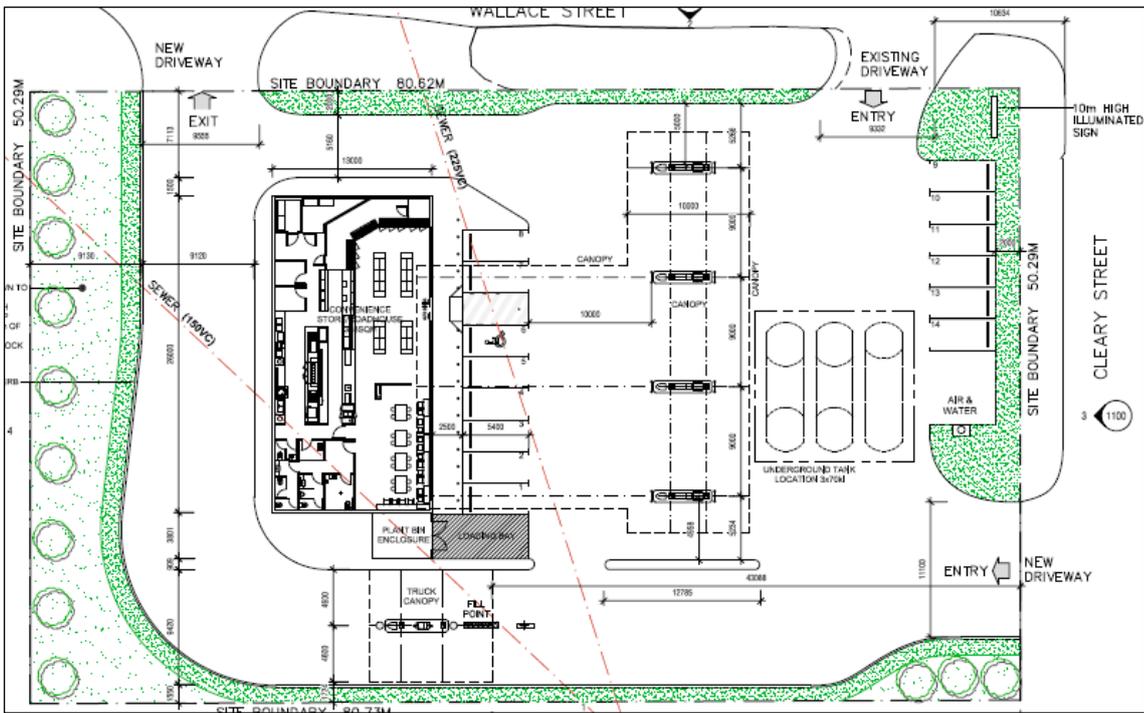


An application has been received to redevelop the site to construct a new service station with a Gross Floor Area of 338 square metres. The proposed service station will operate 24 hours per day and seven days per week.

The Service station will include:

- Five fuel bowsers (10 spaces total)
- Shop
- Kitchen and dining area.
- A water and air facility;
- Associated car parking for 14 cars including one (1) PWD; and
- Three site access points – two from Wallace Street and one from Cleary Street
- 10m Pylon sign located near the Wallace Street/ Cleary Street corner.

Site Plan and Building layout



The proposal includes a total 14 car parking spaces. It is proposed that there will be two entrance points to the site; one on Cleary Street and one on Wallace Street. An exit to Wallace Street will be located at the southern end of the site.

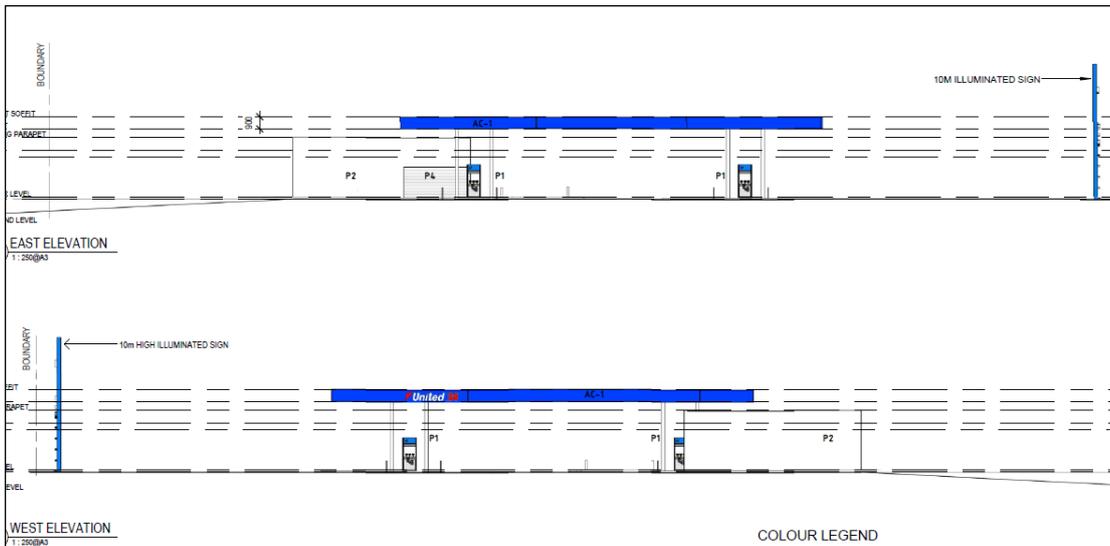
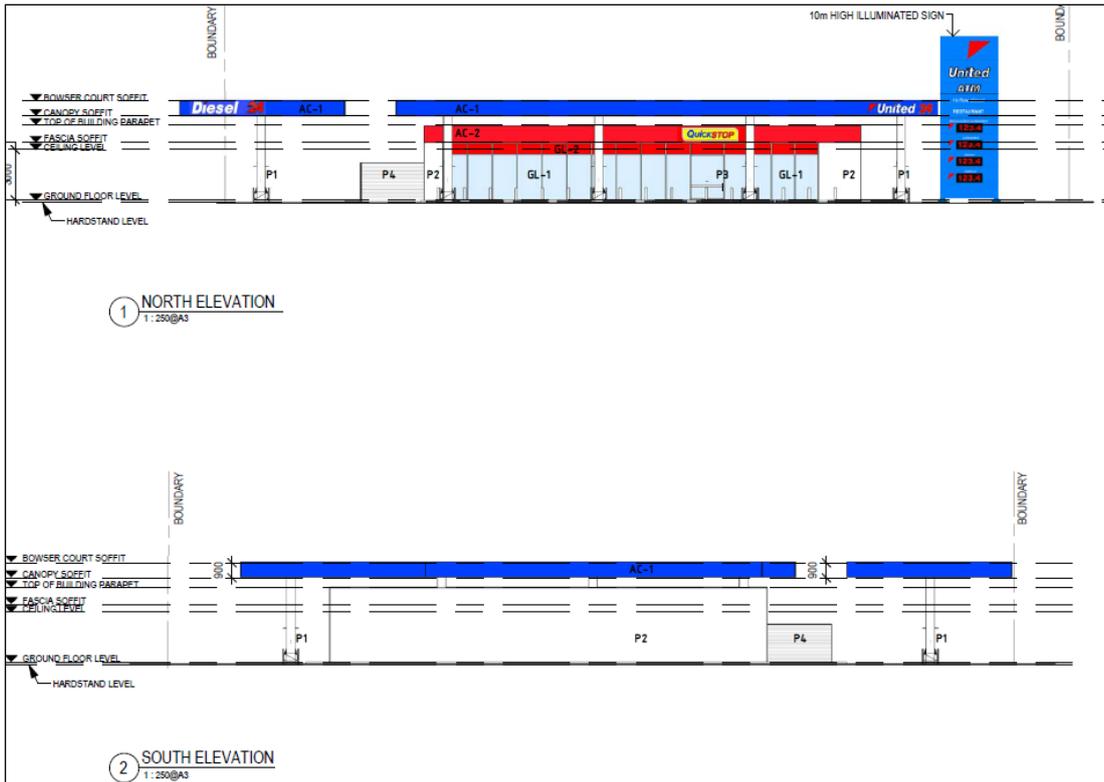
The following fuel is expected to be stored on site:

- Tank 1 Diesel 45kl / Ad Blue 10kl
- Tank 2 ULP 40kl / P95 15kl
- Tank 3 E10 30kl / P98 15kl / E85 10kl

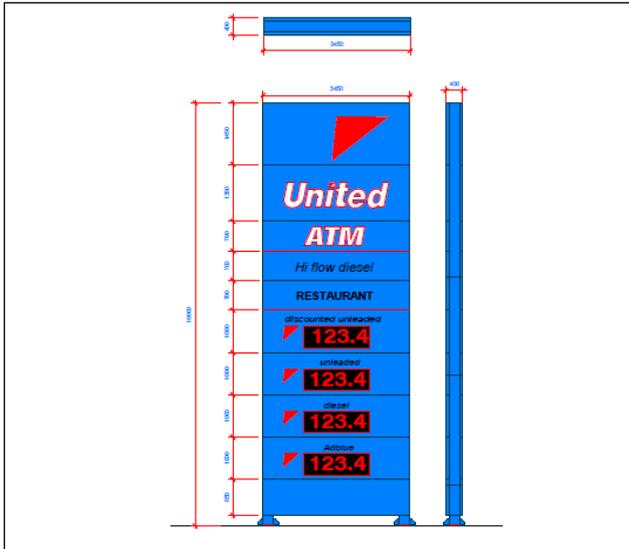
The applicant has provided the following statement in relation to waste collection:

Refuse collection and servicing will be provided in accordance with the existing refuse collection and servicing arrangement onsite. The proposed MCU will not significantly alter the existing arrangement with access via Cleary Street and exit from the southern access on Wallace Street being the anticipated arrangement.

Elevations



The proposed development will include a 10 metre high sign as shown below:

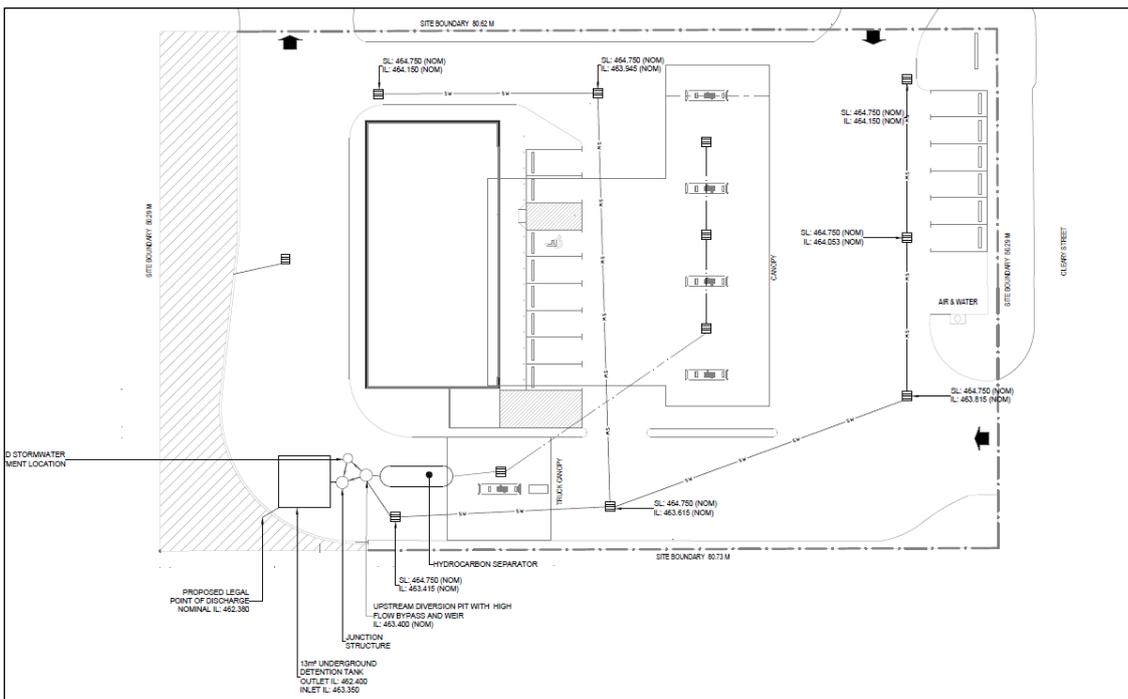


Stormwater

A Site Based Stormwater Management Plan will be implemented to ensure that the development does not create negative impacts on the natural environment. The applicant has advised that the proposed development meets the following water quantity and quality objectives:

- *No increase in post development flows up to and including the 100yr ARI;*
- *All flows induced by the 10yr ARI are captured on-site and reticulated to existing storm water drainage;*
- *No adverse impact on adjoining or downstream properties;*
- *Ensured all storm water drainage is directed to a Lawful Point of Discharge (being the overland flow channel at the southern end of the lot)*

The image below shows the proposed Stormwater plan:



Flooding

Currently, an overland flow channel crosses a large portion of Lot 4 RP75570. This area is located within Council's Flood hazard overlay. The proposed development will involve levelling part of Lot 4, which will impede the flow of the existing natural waterway, which flows from the west along the southern boundary of the site.

The second revision of the Flood Impact report prepared by BE Collective states that:

The development will alter the shape of the channel within the site boundary, which results in no increase of flood width and height through the channel and therefore no worsening in flood risk to the neighbouring lots. During detailed design stage of the development, discussions with neighbouring allotment can take place about improving the overall channel shape, which will likely improve the flow height and width further.

Information Request

On 14 December 2016, Council issued an Information Request requiring more detail information about a number of issues including stormwater and flooding, manoeuvring areas, spill management, hazardous matters, and noise impacts. On 13 March 2017 the applicant provided a response to Council's Information Request.

A review of the information provided revealed that there was still insufficient information for Council to be able to consider an approval for the proposed development. The applicant was asked to provide further information in relation to the hydraulic design for flooding and storms, and area of the site available for landscaping. The applicant responded by providing an amended site plan and a new flood report for the site.

Referral

The application required referral to the Department of Infrastructure, Local Government and Planning as Wallace Street (New England Highway) is a State controlled road. The DILGP provided a concurrency agency response with conditions; including the removal of the northern access from Wallace Street.

On 10 April 2017, the applicant put the application on hold to seek a change to the concurrence agency response.

On 11 October 2017, the applicant provided Council with an amended concurrence agency response. The conditions from the amended response are attached as Schedule 2.

Submissions

The application underwent Public Notification from 23 March 2017 to 18 April 2017. During this period, one submission is received in relation to the proposed development. The submission stated the following:

As the operator of a major tourism facility whose guests have endured environmental issues with dust, noise, a general lack of who cares and damage to fencing from the users of the United Service Station and operators we ask that the Southern Downs Regional Council ensures that the following are included in the conditions that are applied to the Redevelopment of the Existing United Service Station.

- *All Driveways are sealed.*
- *Screen Fencing and Landscaping side and rear of the property are included and SDRC ensures that it is maintained at no cost to the neighbouring properties.*
- *Storm water and all other run off are directed away from our property.*

- *The watercourse has no further fill added to it.*

Council's comment:

The proposed redevelopment of the site will include changing the location of the existing parking and manoeuvring areas. Any approval can condition that all driveways, crossovers, manoeuvring areas, and parking spaces are sealed.

The Planning Scheme requires that a landscaped buffer is provided along any boundary that adjoins land in the Low density residential zone. The overland flow path at the south of the site operates as a buffer to the adjoining lot. Any approval can condition that screen fencing and a landscaped buffer can be provided along the eastern property boundary.

The *Site Based Stormwater Management Plan* provided by the applicant details that the lawful point of discharge for the site will be the overland flow path that flows partly through the submitters property. The *Site Based Stormwater Management Plan* details that onsite detention will be used to ensure that there is no increase in the volume or intensity of stormwater entering the adjoining properties in a Q100 Storm rainfall event.

The proposed development involves works within the Flood hazard overlay to level a manoeuvring area for vehicles to exit the site. These works involve altering the land to fill some parts of the existing waterway, and will deepen the waterway in other areas. The second revision of the Flood Impact report prepared by BE Collective states that:

The development will alter the shape of the channel within the site boundary, which results in no increase of flood width and height through the channel and therefore no worsening in flood risk to the neighbouring lots. During detailed design stage of the development, discussions with neighbouring allotment can take place about improving the overall channel shape, which will likely improve the flow height and width further.

Council's Development Assessment Engineer has viewed the report, and advised that the solution appears to be suitable design to create a no-worsening of the height and width of the stormwater flow.

Assessment against the Planning Scheme

This application required assessment against the Low density residential zone code, the industry uses code, the Carparking and loading code, the Landscaping code, the Outdoor lighting code, the Physical infrastructure code, the Healthy waters code, the Flood hazard overlay code.

Low density residential zone code

The purpose of the Low density residential zone code is to provide for predominantly dwelling houses supported by community uses and small scale services and facilities that cater for local residents.

The local government purpose of the zone code is to provide for -

- (h) *Non-residential development may be supported where such uses directly support the day to day needs of the immediate residential community, do not detract from the residential amenity of the area and do not undermine the viability of nearby centres or the central business area contained in the Principal centre zone or District centre zone.*

The purpose of the code will be achieved through the following overall outcomes.

- (e) *Development is reflective and responsive to the environmental constraints of the land.*
- (f) *Development provides a high level of amenity through compatible mixing of land uses, activities and building forms, access to services and facilities and cohesive streetscapes and quality urban design.*
- (j) *Small scale non-residential uses are provided where they cater directly to community needs, such as convenience stores and child care facilities, where the character and residential amenity is maintained, and where they do not replicate the uses in nearby*

centres. In some locations it may be appropriate for non-residential uses to be clustered together in small groups, however the scale of the development and the associated hard surfaces will be limited in order to minimise impacts on the residential character and the grouping will not contribute to ribbon development. Non-residential uses are small scale and incorporate design elements that are consistent with the surrounding residential development.

The proposed service station is a redevelopment of an existing service station at the site. The provision of the service station will continue to provide for the day to day needs of the surrounding residents with the supply of petrol and other convenience items such as milk, bread, papers, etc.

The site is adjoining by a Tourist park, and does not adjoin any residential dwellings. The site does not resemble a residential site. The proposed redevelopment will enhance the visual amenity of the property and improve the streetscape along Wallace Street.

The proposed development generally complies with the assessment criteria and can be appropriately conditioned to reduce the impacts on nearby properties.

The code requires that non-residential buildings and car parking areas are set back at least 6 m from the main street frontage, 3 m from any secondary street frontage and 2 m from side and rear boundaries. The setback is landscaped in accordance with the Landscaping code.

The proposed car parking area for spaces 9 – 14 is located two metres from Cleary Street.

The associated Performance outcome is:

PO8 The appearance and siting of buildings, other structures, car parking areas or signage is compatible with the local streetscape character, the style and design of nearby residential buildings and is respectful and sympathetic to any Local heritage place.

The proposed redevelopment will enhance the visual amenity of the property and create and improvement to the existing built form and car parking arrangement on the site. It is considered that the proposed design of the site will be compatible with the local streetscape area, and can meet the Performance outcome.

In regards to Built form, the code also requires that the roof form is a gabled or hipped roof with secondary skillions. For larger buildings, roofs will incorporate multiple gables or hips to ensure that the roof remains in proportion to the wall heights, and that building facades incorporate verandas.

The design of the proposed roof is level, and is not gabled or hipped.

The associated Performance outcome is:

PO9 Non-residential buildings and structures reflect and display elements of domestic architecture including pitched roofs, variations in setbacks, architectural detailing and materials.

The development incorporates appropriate setbacks, variation in materials, and architectural detailing. It is acknowledged that the development does not incorporate pitched roofs, however the design is standard of a service station. The bulk of the built form comprises of 338 square metres of Gross Floor Area on a site that is 4055 square metres in size, ensuring there is an appropriate balance of built form to open space.

There are limited dwelling houses located within close proximity to the subject property therefore a pitched roof would create limited value to the existing streetscape. The development is of a similar natural to the existing service station and overall is considered to comply with the performance outcome.

With regards to Traffic, the code requires that the use does not generate more than two truck movements per week of trucks with a gross vehicle mass (GMV) of 10 tonne or less and does not generate any truck movements of trucks with a GMV of greater than 10 tonnes.

The proposed use of a service station is expected to generate more than two truck movements per week of trucks with a gross vehicle mass (GMV) of 10 tonne or less.

The associated Performance outcome is:

PO16 The traffic generated by a use other than a residential use does not significantly increase the traffic that could normally be expected in the locality.

The land has frontage to Wallace Street which is a national highway that experiences significant traffic flow. The site currently operates as a service station, and it is likely that the number of trips generated by the site will be consistent with the existing site. As such, it is considered that the Performance outcome can be met.

With regard to the Use, the code requires that the use is for short term accommodation or the use utilises an existing non-residential building or the use provides a sympathetic and complementary use of a Local heritage place.

The proposed development will involve the demolition of the existing non-residential building in order to construct the new service station.

The associated Performance outcome is:

PO20 Uses, other than residential uses are either associated with or provide a service to residents of the surrounding residential area or have locational characteristics that can best be met within a residential area.

The proposed development is a redevelopment of an existing use at the site. The service station will continue to provide for the day to day needs of the surrounding residents and motorists passing through the area. The proposed development meets the performance outcome.

Flood hazard overlay code

The purpose of the Flood hazard overlay code is to manage development outcomes in the floodplain so that risk to life, property, community and the environment during future flood events is minimised, and to ensure that development does not increase the potential for flood damage on site or to other property.

The purpose of the code will be achieved through the following overall outcomes.

- (a) *Development maintains the safety of people on the development site from flood events and minimises the potential damage from flooding to property.*
- (b) *Development does not result in adverse impacts on people's safety, the environment or the capacity to use land within the floodplain.*
- (c) *Land that is identified as subject to flood hazard is conserved for sustainable rural use or sport, recreation and open space purposes and when located adjacent to the Warwick urban area contributes where possible to the Warwick green belt.*

The proposed development will involve works to land within the overland flow path through Lot 4 RP75570, located within the Flood hazard overlay. These works are required to level a manoeuvring area for vehicles to exit the site.

All buildings will be located outside of the flood hazard area and there is no increase in risk to people's safety at the site.

It is recommended that any approval include a condition requiring that the owner to dedicate the portion of the site located within the Flood hazard overlay to Council as Public Land for stormwater to ensure the flood affected land is conserved for sport, recreation and open space purposes and contributes to the Warwick green belt.

For Material Change of Use, Reconfiguring a Lot and Operational Works, the code requires that works in urban areas associated with the proposed development do not involve:

- (a) Any physical alteration to a watercourse or floodway including vegetation clearing;
- (b) A net increase in filling.

The proposed development involves works within the Flood hazard overlay to level a manoeuvring area for vehicles to exit the site. These works involve altering the land to deepen the waterway in some areas.

The associated Performance outcome is:

PO3 Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the potential for flood damage either on site or on other properties.

Revision B of the *Flood Impact Report* prepared by BE Collective, dated 15 November 2017 demonstrates that the channel will be deepened and battered within the subject site, which will lead to a no worsening situation for adjoining properties with regard to flooding. Council's Development Assessment Engineer has reviewed the report, and advised that the solution appears to be suitable. Operational Works approval will be required for the works within the stormwater channel.

Industrial uses code

The purpose of the Industry uses code is to ensure that industry, and warehouse uses are located on suitable sites having regard to site characteristics and access and are consistent with the built form and character and amenity of the locality and the environment of the area including water quality, air quality, soil quality, vegetation and wildlife.

The purpose of the code will be achieved through the following overall outcomes.

All industry and warehouse uses:

- (a) *Occur only on land that is suited to the development and operation of industrial uses;*
- (d) *Have adequate and safe vehicle access;*
- (e) *Generate traffic on access roads that is within the capacity of the road and consistent with the types of traffic and frequency of traffic movement existing on the access roads;*
- (f) *Have adequate infrastructure for the use including water supply, waste water disposal, stormwater control, telecommunications and electricity;*
- (g) *Do not impact in a negative manner on the natural environment.*

The subject site is currently being used for a service station, and the land is suitable for continued use as a service station.

The site fronts the New England Highway and Cleary Street, providing suitable and safe vehicle access to the proposed service station. These roads are adequate to handle any traffic expected for the proposed development.

The site is currently serviced by all required infrastructure, and a stormwater control plan will be implemented to ensure that the development does not create negative impacts on the natural environment, particularly the overland flow path through the southern end of the site.

The proposed development complies with the Code with regards to Access, Amenity, and Infrastructure.

With regard to Location, the code requires that the land is not included in the area shown as Flood hazard area on the Flood hazard overlay maps.

The associated Performance outcome is:

PO1 The physical characteristics of the land are suitable for industrial use.

The flood hazard overlay encompasses most of the existing Lot 4 RP75570, which includes an overland flow channel. The service station building will be located outside of the Flood hazard overlay, however the truck manoeuvring area extends into the Flood hazard area, and it is proposed that this area will be altered to create a flat manoeuvring area for vehicles.

The applicant has provided a *Flood Impact Report (Revision B)* detailing how the channel will be deepened and battened within the subject site, which will lead to a no worsening situation for adjoining properties with regard to flooding. As such, it is considered that the physical characteristics of the land are suitable for the proposed service station.

With regard to Built form and streetscape, the code requires that:

- (a) *a landscaped setback area at least 6.0 m wide is provided along the primary street frontage of the site (apart from vehicle access points) to allow for streetscape and character landscaping in accordance with the Landscaping Code.*
- (b) *where a site has more than one frontage a landscaped setback area of at least 4.0 m wide is provided along any secondary street frontage to allow for streetscape and character landscaping in accordance with the Landscaping Code.*

The proposed development includes a landscaped setback area varying between one and two metres wide along the Wallace Street frontage of the site. The proposed landscaped setback along the Cleary Street frontage of the site is at least two metres wide.

The code also requires that:

Car parking spaces are to be located in separate car parking areas that do not accommodate more than 6 cars. Car parking areas are separated by a landscaped area at least 2 metres wide or by a building.

The eight car parking spaces located along the northern side of the proposed building are located within one parking area, separated by a sealed walkway to the front door of the service station building.

The associated Performance outcome is:

PO3 Buildings and other structures are designed and constructed in a manner that complements the existing built form in the immediate area.

The proposal is a redevelopment of an existing site. The landscaped strips along each road frontage provide a significant improvement to the site design of the existing service station.

The design of the car parking bays do not result in extensive sealed parking areas without disruption from landscaping or other features.

The proposed site design represents an improvement on the existing situation and complements the existing built form in the immediate area.

With regard to Environment, the code requires that Industry development does not result in removal of remnant vegetation or disturb or redirect any natural watercourse, and that buildings, storage areas, parking and loading areas are located at least 20 m from any natural features such as creeks, gullies, waterways and wetlands.

The proposed service station building will be located at the edge of the overland flow channel that passes through Lot 4 RP75570. The proposal includes works (deepening and battening) within part of the overland flow channel to accommodate the manoeuvring areas.

The associated Performance outcome is:

PO8 No significant degradation of the natural environment occurs through loss of natural vegetation, disturbance or destruction of wildlife corridors or important stands of remnant vegetation.

The primary function of the overland flow channel that it impacted by the development is stormwater drainage. The areas to be disturbed do not include any Remnant vegetation or wildlife corridors. The applicant has provided a *Flood Impact Report (Revision B)* detailing how the channel will be deepened and battened within the subject site, which will lead to a no worsening situation for adjoining properties.

Carparking and loading code

The car parking requirements for the proposed Service Station is as determined by Council. The associated Performance outcome states as follows:

PO1 Sufficient carparking is provided to accommodate the number and type of vehicles likely to be generated by the development having regard to the following:

- (a) The nature and operation of the use;*
- (b) The likely number of users including residents and employees;*
- (c) The hours of operation and the peak parking demand periods;*
- (d) The availability of alternative parking in the vicinity including on street car parking;*
- (e) In the case of residential development, the proximity to the Principal centre zone and the facilities contained within that zone or the availability of public transport;*
- (f) The feasibility of physically providing parking on site including access restrictions and size of the site; and*
- (g) The provisions of Planning Scheme Policy–Off Street Carparking.*

The applicant has proposed 14 car parking spaces (including 1 PWD space). There is also one air and water space, and eight standing spaces at the bowsers, queuing spaces behind the bowsers, and two standing spaces for trucks to refuel.

Healthy waters code

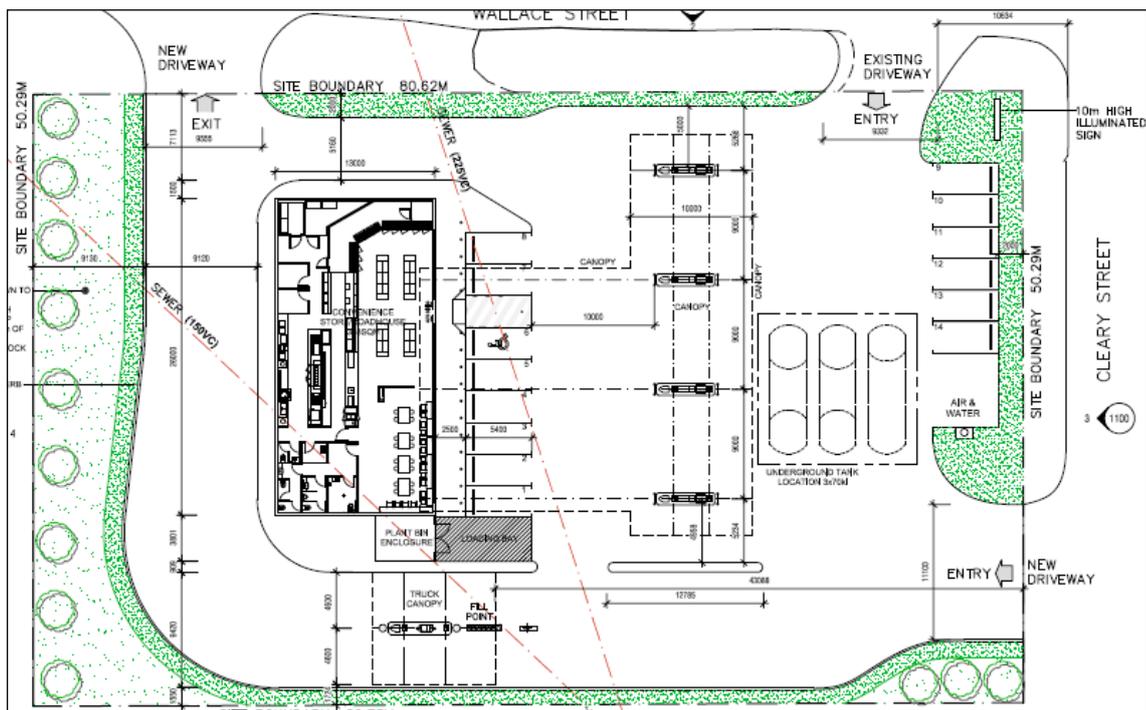
A *Site Based Stormwater Management Plan* will be implemented to ensure that the development does not create negative impacts on the natural environment, particularly the overland flow path through the southern end of the site. Any approval can condition that the site is operated in accordance with the *Site Based Stormwater Management Plan*. It is considered that the proposed development can meet the requirements of the Healthy waters code.

Landscaping code

The site does not currently have any landscaping within the setback to either of the road frontages.

The applicant proposes to include landscaping along each road frontage and the eastern boundary. Treed landscaping is also proposed for the overland flow channel at the south of the site.

Site Plan - landscaped areas



Any approval can condition that the applicant provide a detailed Landscaping and Planting Plan, and that the landscaping of the site is carried out in accordance with the plan. It is considered that the proposed development can meet the requirements of the Planning Scheme in relation to Landscaping.

Outdoor lighting code

Any approval can be conditioned to ensure outdoor lighting associated with the development, including illuminated advertising devices are designed, constructed and operated, so as not to cause a nuisance to passing motorists, adjoining properties or shine up into the night sky.

Physical infrastructure code

The site has frontage to Wallace Street and Cleary Street which are both bitumen sealed, kerbed and channelled. The site is already connected to reticulated water supply and sewerage infrastructure. The site has an existing power supply.

A Council sewer main exists on site. Any approval can include a condition requiring an easement over the infrastructure in favour of Council to allow future access to Council's infrastructure and ensure no permanent structures are constructed over the sewer line.

Any approval can be conditioned to require the ongoing connection and maintenance of the urban services to the development and therefore, meets the requirements of the code.

Infrastructure Charges

Credit can be given for the Gross Floor Area (GFA) and impervious areas of the existing service station at the site.

The proposed new service station has a GFA of 338 square metres, and according to the *Site Based Stormwater Management Plan*, approximately 85% of the site (3447 square metres) will be impervious.

The existing service station has a GFA of 240 square metres, and according to the *Site Based Stormwater Management Plan*, approximately 75% of the site (3041 square metres) is currently impervious.

Therefore, the applicable Infrastructure Charges can be calculated as:

Development Type	Network	Charge Rate	Proposed	Credit	Charge
Industry	Stormwater	\$5/impervious m ²	3447m ² x \$5 =\$17,235	3041m ² x \$5 =\$15,205	\$2,030
	Other	\$50/m ² GFA	338m ² x \$50 =\$16,900	240m ² x \$50 =\$12,000	\$4,900
TOTAL:					\$6,930

Office use only			
Network	Proportion of Charge	Charge/ Network	Receipt Code
Roads	20%	\$980	RC241
Parks	10%	\$490	RC243
Water	35%	\$1,715	RC244
Sewerage	35%	\$1,715	RC245
Stormwater	\$5/m ²	\$2030	RC242

In accordance with Section 122 of the *Planning Act 2016*, the infrastructure charge is payable when the change of use happens.

Conclusion

The site currently operates as a service station. The applicant proposes a significant redevelopment of the site, to construct a new service station, which will operate 24 hours per day and seven days per week. The Service station will include: Five fuel bowsers (10 spaces total); Shop; Kitchen and dining area; a water and air facility; associated car parking for 14 cars including one (1) PWD.

The site is located in the Low density residential zone, however, does not resemble a residential site. The land to the south of the site is a Tourist park.

Wallace Street (New England Highway) is a State controlled road. The Department of Infrastructure, Local Government and Planning has provided Concurrence agency conditions to be included with any approval.

One submission was received in relation to the proposed development. The submission requested that any approval include conditions relating to sealed driveways, screen fencing and landscaping, stormwater discharge, and no fill in the stormwater overland flow path.

The proposed service station is a redevelopment of an existing service station at the site. The provision of the service station will continue to provide for the day to day needs of the surrounding residents. The design of the proposed roof is level, and is not gabled or hipped, which is standard for a building of this type. The proposed redevelopment will enhance the visual amenity of the property and improve the streetscape along Wallace Street and Cleary Street.

The applicant proposes works within the Flood hazard overlay in order to level an area to accommodate the truck manoeuvring areas. These works involve altering the land to fill some parts of the existing waterway, and will deepen the waterway in other areas.

A Site Based Stormwater Management Plan will be implemented to ensure that the development does not create negative impacts on the natural environment, particularly the overland flow path through the southern end of the site.

The proposed development can be appropriately conditioned to reduce the impacts associated with the construction and operation of the service station.

Options

THAT Council:

1. Adopt the officer's recommendation.
2. Adopt an alternative recommendation.
3. Refuse the application with reasons.

Recommendation

THAT the application for Material change of use for a Service Station (Redevelopment of existing service station) on land at 86 Wallace Street, Warwick, described as Lots 1-4 RP75570, Parish of Warwick, County of Merivale, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans and documents submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan/Doc No.	Date
Proposed Site Plan	SK-0001 REV 7	21 November 2017
Proposed Elevations – North and South	SK-1100 REV 6	7 March 2017
Proposed Elevations – East and West	SK-1101 REV 6	7 March 2017
Signage Design	SK-2001 REV 2	17 November 2016
Site Based Stormwater Management Plan and Code Compliance Report	N/A	8 March 2017
Flood impact report – Revision B	N/A	30 November 2017
Environmental Noise Assessment Report – Revision O	16BRA0008-R01-0	11 November 2016

2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

Reconfiguration of a Lot

3. The existing allotments are to be amalgamated into one allotment and a new Certificate of Title issued to cover the newly created allotment prior to the use of the site commencing.
4. Prior to the use commencing, the land located within the stormwater overland flow channel is to be subdivided from the remainder of the site and dedicated to Council as freehold Public Land for Stormwater. The land must be dedicated to Council **after** all works within the overland flow channel are completed and accepted on maintenance.

Easements and Covenants

5. Three (3) metre wide easements must be provided over all sewerage infrastructure located within private property.

Road Classification

6. Prior to the use commencing, the operator is to apply to the National Heavy Vehicle Regulator to obtain approval for the section of Cleary Street from the New England Highway to the access to the site to be added to the approved B-Double Network.

Building and Site Design

7. The colours and materials of the building are to be in accordance with the character of the area. **Details of the colours and materials of the building and pavement are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.
8. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)

9. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)
10. A detail design of any cut or fill greater than occurring within the waterway to be provided and approved as Operational Works.

Amenity and Environmental Controls

11. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Warwick waste facility.
12. Any fixed noise emitting device (eg. air conditioning unit, refrigeration unit, compressor, generator, etc.) located outside must be placed within an appropriate acoustic enclosure.
13. Noise levels emitted from the activity must not exceed the noise levels specified in the Environmental Noise Assessment Report, document number16BRA0008 R01_0, prepared by TTM and dated 11 November 2016.
14. A sufficient number of suitable waste receptacles must be provided on site at all times. Waste receptacles must be regularly serviced to prevent unsightly accumulations of waste or environmental harm being caused. A waste collection contractor must be engaged to supply suitable waste and recycling receptacles and service waste and recycling receptacles.
15. All regulated waste must be removed from the site by a regulated waste removal contractor. The records for this disposal must be kept on site and be available for viewing by an authorised officer. Waste collection must occur between the hours of 7am and 10pm as per the Environmental Noise Assessment Report, document number16BRA0008 R01_0, prepared by TTM and dated 11 November 2016.
16. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.
17. Any hazardous materials (e.g. oil and fuel) must be stored in a covered and bunded area.
18. Any liquid spills must be cleaned up immediately and disposed of in an appropriate manner that ensures environmental harm does not occur. Appropriate spill kits for the management of wastes and hazardous liquids associated with the activity must be readily available at the site. Anyone operating under this approval must be trained in the use of the spill kits.
19. The registered operator of the activity to which this approval relates must contact Council as soon as practicable after becoming aware of any release of contaminants, or any event where environmental harm has been caused or may be threatened.
20. The operator must investigate and address all environmental nuisance and/or environmental harm complaints. The following details must be recorded and provided to Council upon request:
 - a) time, date, name and contact details of the complainant;
 - b) reasons for the complaint; any investigations undertaken;
 - c) conclusions formed; and
 - d) any actions taken.

When requested by Council, an assessment, including monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance and/or environmental harm (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief). Upon completion of the assessment, the results must be submitted to Council within 10 business days. This must be undertaken in accordance with any direction given by Council at the time. If the results of the assessment indicate, or where it is determined by an authorised person, that environmental nuisance and/or environmental harm is being caused, abatement or control measures must be implemented as recommended by a suitably qualified person and/or Council.

21. The cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths. There must be no release that has been in contact with any contaminants at the site to any waters, watercourse, roadside gutter, storm water drain or land.

Wash down of the forecourt, work shop and any other area or item that generate contaminated water, is not permitted unless the contaminated water is directed to an approved separator or treatment system.

22. Advertising Devices relating to the Service Station may **only** be erected on the subject land. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
23. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 8 lux at the property boundary.

Fencing, Landscaping and Buffers

24. A screen fence 1.8 metres high shall be erected along the sites eastern boundary, from the Cleary Street frontage to the edge of the overland flow channel, to provide visual screening. This screen fencing is to be provided at the developer's cost. This fencing shall reduce in height to be no more than 1.2 metres high within 6.0 metres of the road boundary. The fence shall be of acoustic materials, so as to minimise noise impacts upon adjoining lots.
25. **Details of the proposed fencing are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of a Development Permit for Building Work.** Fencing is to be provided and maintained in accordance with the approved details.
26. All earthworks, including batters must be fully contained within the site.
27. The street trees within the road reserve of Wallace Street are to be retained. These trees are to be protected during construction. If it is not possible to design the development to preserve all the trees in their current locations, the tree/s must be relocated at the developer's cost. The relocation of the tree/s is to be carried out by a suitably qualified and experienced person. If the tree/s die within 12 months of the relocation, the dead tree must be replaced with an advanced tree of the same species.
28. Landscaped areas are to be provided on the site in accordance with Plan No. SK-0001 REV 7 dated 21 November 2017 prepared by Mode Design.
29. **A new Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The Landscaping Plan is to be prepared by an appropriately qualified person, and must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

30. A concrete industrial crossing is to be constructed at the Cleary Street and Wallace Street crossovers to the site in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)
31. Car parking shall be provided on site in accordance Plan No SK-0001 REV 7 dated 21 November 2017 prepared by Mode Design. All car parking, driveway and loading areas shall

be constructed sealed, line marked, drained, laid out and regularly maintained.

32. All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
33. Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
34. Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
35. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system or footpath be permitted.

Roadworks

36. A 2.0 metre wide concrete pedestrian footpath is to be constructed along the Wallace Street and Cleary Street frontages of the site, in a location suitable to the Director Engineering Services.

Any part of the Wallace Street and Cleary Street road reserves (between the property boundary and the kerb) that are not used for the vehicle crossover or footpath must be returned to a grassed verge. Operational Work approval is required for the works to the road reserve.
37. Mountable kerbing and channelling and stormwater drainage, is to be constructed along the Cleary Street and Wallace Street frontages of the site. Operational Works approval will be required from Council for the road works.
38. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.

Stormwater Drainage

39. The location of the proposed building and associated fuel bowzers are to be flood free. Any filling within the identified Flood Hazard Overlay Area is to be certified by a Registered Professional Engineer in Queensland (RPEQ). Operational works approval is required for any filling in the flood hazard area. Any works cannot change the existing design flood levels and effects. Particular attention is required regarding drainage impacts on the adjoining properties and the New England Highway.
40. A stormwater drainage system serving the development is to be constructed in accordance with the *Site Based Stormwater Management Plan and Code Compliance Report (Revision D)*, and the stormwater disposed of to a lawful point of discharge, in accordance with the Queensland Urban Drainage Manual (QUDM). All drainage works should meet the requirements of the Queensland Urban Drainage Manual (QUDM). Operational Works approval will be required from Council for the stormwater drainage system.

Water Supply and Waste water

41. A reticulated water supply system, up to and including water meters, is to be provided to service the building. This system is to be connected to Council's water supply system.

The connection to Council's reticulated water supply must be a combined fire and domestic metered connection located at a point nominated by Council.
42. A sewerage reticulation system is to be provided to service the building. This system is to be connected to Council's wastewater sewerage system.
43. The development is to comply with Council's policy *Works Near Water Supply and/or Sewerage Infrastructure Policy*, which requires an application to be submitted to Council for

approval, prior to the commencement of the works. It is not desirable to build over the infrastructure; alternative arrangements should be sought.

Electricity, Street Lighting and Telecommunications

44. Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

Operational Works

45. All operational works are to be accepted on-maintenance prior to the use of the land commencing. (See advisory note below.)

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Sustainable Planning Act 2009* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.
- (v) The operator must at all times comply with the Environmental Protection Act 1994. The General Environmental Duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (vi) Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*. All other activities relevant to this Standard, including but not limited to fuel dispensing must also comply with the provisions of this Standard.
- (vii) Activities relevant to AS 4897-2008 *The design, installation and operation of underground petroleum storage systems*, must comply with the provisions of this Standard.
- (viii) Applications for licence under the *Food Act 2006* are to be submitted to Council prior to the commencement of the kitchen within the new service station.
- (ix) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (x) **Building Approval is to be obtained** in accordance with the *Planning Act 2016* for the demolition of the existing service station building. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application.
- (xi) **Building Approval is to be obtained** for a Class 6 building in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the

commencement of the use. A **Form 11 (Certificate of Classification)** must be issued for the building works prior to the use commencing.

- (xii) The disposal of waste classified as Trade Waste under the *Plumbing and Drainage Act 2002* is to be in accordance with Council's Trade Waste Policy.
- (xiii) The supply of water for human consumption, food preparation, food utensil washing or personal hygiene, including the supply of water for drinking water, showers, baths, hand basin and kitchen sinks, must be connected to a drinking water supply, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.
- (xiv) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event and therefore doesn't guarantee flood immunity.
- (xv) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Sustainable Planning Act 2009*. This application must be submitted with the following:
 - Relevant IDAS Forms;
 - The relevant fee in accordance with Council's Schedule of General Fees and Charges;
 - Detailed design drawings, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
 - A car parking plan showing the location and dimension of all parking areas, details of the proposed pavement treatment, and full engineering specifications of layout, construction, sealing, drainage and line marking;
 - A plan showing ingress and egress wheel and swept turning paths;
 - A Stormwater Management Plan;
 - A geotechnical report addressing the filling of the site and make recommendations as to how it will be possible for such filling to achieve compliance with AS3798-2007 (as amended) "*Guidelines on Earthworks for Commercial and Residential Developments*".

Operational Works shall be subject to a 12 months Defect Liability Period commencing from the day the works are accepted on-maintenance. A bond will be held by Council as security, and refunded following a defect-free inspection at the end of the Defect Liability Period.

- (xvi) An Erosion and Sediment Control Plan (ESCP) must be submitted for approval with the application for Operational Works. The ESCP must demonstrate that release of sediment-laden stormwater is avoided for the nominated design storm, and minimised when the nominated design storm is exceeded, by addressing the objectives in Table A (Construction phase - stormwater management design objectives) in Appendix 3 of the State Planning Policy for drainage control, erosion control, sediment control and water quality outcomes.
- (xvii) Site works must be constructed such that they do not, at any time, in any way restrict or impair the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (xviii) All Development Permits for Operational Works and Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (xix) All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

Aboriginal Cultural Heritage

- (xx) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the

duty of care guidelines and cultural heritage search forms, may be obtained from www.datsima.qld.gov.au

Schedule 2 - Department of Infrastructure, Local Government and Planning conditions as a Concurrence agency

Attachment 1—Amended conditions to be imposed

No.	Conditions	Condition timing
Development Permit – Material Change of Use (Service Station)		
7.3.1 —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
In accordance with approved plans		
1.	<p>The development must be carried out generally in accordance with the following plans:</p> <p>— Proposed Site Plan prepared by Mode Design dated 27 February 2017, reference 16039BNE and revision 6, as amended in red to include ‘No Entry’ signs and access removal.</p> <p>Replace with</p> <p>The development must be carried out generally in accordance with the following plans:</p> <p>- Proposed Site Plan prepared by Mode Design dated 27 February 2017, reference 16039BNE and revision 6, as amended in red to include ‘No Entry’ signs.</p>	Prior to the commencement of use and to be maintained at all times.
Roadworks on a state-controlled road		
2.	<p>(a) Road works comprising Channelised Right Turn Treatment with a short turn slot (CHR(S)) must be provided at Wallace Street/Cleary Street intersection.</p> <p>(b) The road works must be designed and constructed in accordance with Transport and Main Roads’ Road Planning and Design Manual, Manual of Uniform Traffic Control Devices and any other relevant manuals/standards/technical publications referenced therein.</p> <p>Replace with</p> <p>(a) Road works comprising a northbound Channelised Right Turn Treatment with a short turn slot (CHR(S)) must be provided at Wallace Street/Cleary Street intersection.</p> <p>(b) The road works must be designed and constructed in accordance with Transport and Main Roads’ Road Planning and Design Manual, Manual of Uniform Traffic Control Devices and any other relevant</p>	Prior to the commencement of use.

No.	Conditions	Condition timing
	<p>manuals/standards/technical publications referenced therein.</p> <p>(c) Linemarking to the New England Highway is to be carried out generally in accordance with the attached concept plan "Linemarking Plan – New England Highway", in accordance with the relevant DTMR provisions/standards.</p>	
Vehicular access to the state-controlled road		
3.	<p>(a) The road access location, is to be located generally in accordance with Proposed Site Plan prepared by Mode Design dated 27 February 2017, reference 16039BNE and revision 6, as amended in red to include 'No Entry' signs and access removal.</p> <p>(b) Road access works comprising the installation of 'No Entry' signage, (at the road access location) must be provided generally in accordance with Proposed Site Plan prepared by Mode Design dated 27 February 2017, reference 16039BNE and revision 6, as amended in red to include 'No Entry' signs and access removal.</p> <p>(c) The road access works must be designed and constructed in accordance with Transport and Main Roads' Road Planning and Design Manual, Manual of Uniform Traffic Control Devices and any other relevant manuals/standards/technical publications referenced therein.</p> <p>Replace with</p> <p>(a) The road access locations are to be located generally in accordance with proposed Site Plan prepared by Mode Design dated 27 February 2017, reference 16039BNE and revision 6, as amended in red to include 'No Entry' signs.</p> <p>(b) Road access works comprising the installation of 'No Entry' signage, (at the road access location) must be provided generally in accordance with Proposed Site Plan prepared by Mode Design dated 27 February 2017, reference 16039BNE and revision 6, as amended in red to include 'No Entry' signs.</p> <p>(c) The road access works must be designed and constructed in accordance with Transport and Main Roads' Road Planning and Design Manual, Manual of Uniform Traffic Control Devices and any other relevant</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use and to be maintained at all times.</p>

No.	Conditions	Condition timing
	manuals/standards/technical publications referenced therein.	
Removal of redundant road access works		
4.	<p>(a) The existing northern vehicular property access located between Lot 1RP75570 and New England Highway must be permanently closed and removed.</p> <p>(b) The kerbing and channelling between the pavement edge and the property boundary must be reinstated in accordance with Transport and Main Roads' Road Planning and Design Manual.</p>	Prior to the commencement of use.

Attachment 2—Amended reasons for decision to impose conditions

The reasons for this decision are:

Condition 1 is to ensure the development is carried out generally in accordance with the plans of development submitted with the application.

Condition 2 is to ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road direct access to the state-controlled road is prohibited were not required.

Condition 3(a) is to ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.

Condition 3(b) is to ensure the design of any road access maintains the safety and efficiency of the state-controlled road.

Further development permits, compliance permits or compliance certificates
State-controlled Roads
<p>Road access works approval: Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on 07 4639 0828 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>
<p>Road corridor permit: An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i>. Please contact the Department of Transport and Main Roads to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.</p>

Copy of Linemarking Plan (referred to in Condition 1 (c))



Attachments

1. Submission [View](#)

14th April 2017

98 Wallace St

Warwick.Qld.4370

The Assessment Manager

Southern Downs Regional Council

PO Box 26

Warwick.Qld.4370

Dear Sir,

Re: Proposed Redevelopment: United Service Station Wallace St Warwick.

As the operator of a major tourism facility whose guests have endured environmental issues with dust, noise, a general lack of who cares and damage to fencing from the users of the United Service Station and operators we ask that the Southern Downs Regional Council ensures that the following are included in the conditions that are applied to the Redevelopment of the Existing United Service Station.

- **All Driveways are sealed.**
- **Screen Fencing and Landscaping side and rear of the property are included and SDRC ensures that it is maintained at no cost to the neighbouring properties.**
- **Storm water and all other run off are directed away from our property.**
- **The watercourse has no further fill added to it.**

Regards

Tony & Majella Kahler

Kahlers Oasis Caravan Park

12.13 Negotiated Decision Notice - Louise Binnion, 214 Caves Road, Stanthorpe

Document Information

 Southern Downs REGIONAL COUNCIL	Report To: General Council Meeting	
	Reporting Officer:	Meeting Date: 31 January 2018
	Planning Officer	ECM Function No/s: MCU\01866

APPLICANT:	Louise Binnion
OWNER:	Robert B Binnion
ADDRESS:	214 Caves Road, Stanthorpe
RPD:	Lot 2 RP153743, Parish of Stanthorpe, County of Bentinck
ZONE:	Rural (Granite belt precinct)
LAND USE AREA:	48290 square metres
PROPOSAL:	Tourist park, Educational establishment, and Short-term accommodation, Over 3 stages
LEVEL OF ASSESSMENT:	Impact
SUBMITTERS:	Three (3)
REFERRALS:	Nil
FILE NUMBER:	MCU\01866

Recommendation Summary

THAT the application for a Request for a Negotiated Decision for the Material change of use for Tourist park, Educational establishment, and Short-term accommodation, Over 3 stages on land at 214 Caves Road, Stanthorpe, described as Lot 2 RP153743, Parish of Stanthorpe, County of Bentinck, be approved in part.

Report

Background information

At the General Meeting of Council on 25 October 2017, Council approved a development application for a Tourist park, Educational establishment, and Short-term accommodation, Over 3 stages on land at 214 Caves Road, Stanthorpe.



Report

The applicant has made representations about Conditions 5, 6, 10, 13, 26, 45, 48. The applicant has also provided an amended site plan to support their representation about Condition 48.

Condition 5

5. *This approval allows for the use of the site for the following uses only:*
- *Educational establishment (Lectures, support groups, and workshops)*
 - *Tourist Park (Up to 10 sites for people attending the Educational establishment)*
 - *Short-term accommodation (Up to 5 cabins for people attending the Educational establishment)*

The applicant has provided the following reasons to amend the condition:

1:1 Consultations were not included in the approval.

Approval to rent out the 5 cabins to persons not attending the educational establishment are relevant to the tourism aspect of the application.

It has been explained to me about councillors' concerns regarding camping in the Tourist Park. Although I do not intend to run it as a public caravan park, provisions need to be put in place by the SDRC to protect the neighbours and the area should we sell the property in the future. A condition that all guests in the Tourist Park must attend the Educational Establishment is reasonable. However, I would appreciate if this condition was removed from the 5 cabins.

The applicant has requested that Condition 5 be amended to read:

5. *This approval allows for the use of the site for the following uses only:*
- *Educational establishment (1:1 Consultations, Lectures, support groups, and workshops)*
 - *Tourist Park (Up to 10 sites for people attending the Educational establishment)*
 - *Short-term accommodation (Up to 5 cabins)*

Individual consultations are an activity that is associated with the operation of the Educational establishment aspect of the proposed development. This aspect has minimal impacts, and was not included in the original condition in error. It is considered appropriate that Individual consultations be included in the Education establishment aspect of the proposed development.

The applicant had originally intended to allow guests to stay at the Tourist Park or Short-term accommodation separate to the Educational establishment, although the Tourist park would not be advertised as a public caravan park. In response to concerns raised by Councillors and submitters about the potential scale of the operation at the site and road safety, a condition was included to require guests of either the Tourist park or Short-term accommodation to be attending the educational establishment.

The applicant has expressed that *“The main purpose of the Tourist Park is to provide cheap or free accommodation for those who need to travel to Stanthorpe for my professional help. I anticipate that my clients may, at times, need to stay for a week or two, and many of these people will not be able to afford to stay in the accommodation that is currently available in Stanthorpe”*. The applicant has stated that they are happy for only people who are attending the Educational establishment to be able to stay at the Tourist Park, however would like to be able to have other guests stay at the Short-term accommodation.

The applicant has not requested to remove Condition 25, which states *“There is to be no signage displayed on-site for the Short Term Accommodation or the Tourist Park use.”*

In relation to the initial application, which included the Tourist park and Short-term accommodation being able to operate independently of the Educational establishment, Councils Maintenance Engineer stated *“There are no significant road issues. The access for 214 is in the most suitable location for visibility. The access is sealed and should be retained sealed at a minimum. The access looks wide enough to accommodate for a vehicle entering and exiting the road.”* It is considered that allowing the guests that are not attending the Educational establishment to stay in the five short-term accommodation cabins would not create any significant impact on road safety at the site.

The Planning Officer’s original assessment of the proposed use was undertaken as if the Short-term accommodation could operate independently of the Educational establishment, and appropriate conditions were included to reflect this. It is not considered that the operation of 5 Short-term accommodation cabins (up to two guests each), independent of the Educational establishment, will create any additional impact on the amenity of the site and surrounding areas. As such, it is considered appropriate that Condition 5 be amended as follows:

5. *This approval allows for the use of the site for the following uses only:*
- *Educational establishment (**Individual consultations, lectures, support groups, and workshops**)*
 - *Tourist Park (Up to 10 sites for people attending the Educational establishment)*
 - *Short-term accommodation (Up to 5 cabins ~~for people attending the Educational establishment~~)*

Condition 6

6. *All people accommodated in the Tourist Park or Short term accommodation must be attending the Educational establishment.*

The applicant has made the following representation:

Approval to rent out the 5 cabins to 10 people not attending the educational establishment are relevant to the tourism aspect of the application.

The applicant has requested that Condition 6 be amended to read:

6. *All people accommodated in the Tourist Park must be attending the Educational Establishment.*

As discussed in the applicant's request to amend Condition 5 above, the Planning Officer's original assessment of the proposed use was undertaken as if the Short-term accommodation could operate independently of the Educational establishment, and appropriate conditions were included to reflect this.

It is not considered that the operation of 5 Short-term accommodation cabins (up to two guests each), independent of the Educational establishment, will create any additional impact on the amenity of the site and surrounding areas. As such, it is considered appropriate that Condition 6 be amended as follows:

6. *All people accommodated in the Tourist Park ~~or Short term accommodation~~ must be attending the Educational establishment.*

Condition 10

10. *Workshops and support groups operated at the site must not exceed 12 guests, and shall operate no more than once per week.*

The applicant has made the following representation:

The following phrases are a quote from my D.A.:

- *Weekly support groups*
- *Workshops and support groups (weekly)*

These phrases could be interpreted 2 ways.

Interpretation #1 - Several groups run every week – up to 12 people in each.

Interpretation #2 - One group every week – up to 12 people

#1 is the way I expected it to be understood but it was interpreted as #2 by officers in the planning department.

I am a professional who works with individuals and groups. The Educational Establishment aspect of the development relates mostly to weekly support groups and workshops. At times I will need to run 3 – 4 groups each week. Each group operates one day per week for 1-2 hours over an 8-10 week period.

I also need to work with groups larger than 6 people, because in my experience, I have found that a group of 10-12 works best to start with, as usually some people drop out. When this happens, the numbers get too low for group dynamics to work if I only start with 6 people.

For this reason, I have applied to have up to 12 people for 2 times per week and 6 or less at other times.*

Which is in line with the requirements for a Home Based Business in the SDRC Planning Scheme? **AO4.5 The maximum number of business clients on the site at any one time is 6.*

The initial application, which underwent Public Notification, included the following table to show the maximum frequency and attendance numbers for the proposed activities that formed the Educational Establishment.

Possible Number of Clients		
SERVICE	Attendants (maximum)	Frequency per year
Support		
Workshops and support groups (weekly)	12	10 weeks x 4 p.a.
Weekend retreats	12	4 – 6 p.a.
Public lectures	Up to 30	4 – 6 p.a.

This was interpreted by all of the staff that viewed the report as one weekly workshop and support group. The applicant has since stated that it was intended to denote that there would be a number of workshops and support groups held each week. Given that it was interpreted this way by the Council Officers, it could be expected that a member of the public viewing the application could have also thought that it referred to one workshop and support group per week. This may have adversely affected the awareness of the public of the nature of the application, and meant that a potential submitter did not make a submission about the workshops and support groups being held more than once per week.

As such, if Council agrees that increasing the number of days where 12 guests may attend the workshops could be considered a 'Substantially different development' under Schedule 1 of the *DA Rules*, the condition could not be changed to allow multiple weekly workshops and support groups. In order to change this, the applicant would be required to lodge an application for an 'other change' under the *Planning Act 2016* and undertake Public Notification again to allow the community to comment on the change. It is recommended that the approval continues to restrict the number of days where a workshop or support group can have up to 12 guests to one day per week.

The applicant notes that if the number of guests attending the workshops remains as 6 or less, the use would be a Home-based business. A Home-based business where the maximum number of clients on the site at one time is six (6) is accepted development under the Planning Scheme, as this number of guests is considered to have minimal potential impacts on amenity and functionality of the area, and would not require any Public Notification or planning approval.

Intrinsically, it can be considered that having up to six guests attend the workshops and support groups each day does not constitute any development that would be subject to public notification, and would not impact any potential submitters ability to make a submission about the proposed development.

It is considered reasonable that Condition 10 be amended so that up to six guests may attend the workshops and support groups on any day, and up to 12 guests may be permitted up to one day per week.

10. *Daily workshops and support groups operated at the site must not exceed ~~12~~ six (6) guests. and shall operate no more than once per week. One session of up to 12 guests is permitted each week.*

Condition 13

13. *No recreational use of the dammed area of Funkers Gap Creek is permitted unless written approval from the Department of Natural Resources and Mines (DNRM) is provided to Council stating that the dammed area of Funkers Gap Creek, including the section mapped as being part of Lot 2 RP164506, is able to be used for commercial recreational use.*

The applicant has made the following representation:

Guests will sign a legal document before entering the water advising them:

- *that they do so at their own risk.*
- *not to trespass on Lot 2 RP164506 because it makes them liable to prosecution for trespassing.*

There will only be a very small number of people on the water at any one time.

Our insurance will cover any incidents that may occur on the water.

The applicant also provided a copy of an email received from the Department of Natural Resources and Mines (DNRM) in relation to the use of Funkers Gap Creek for guest kayaking:

Louise

The Department of Natural Resources and Mines has no requirements that would restrict any guests to your property kayaking or undertaking any other water activities on that part of the watercourse which is aligned outside of any freehold boundaries.

However, you should be aware that part of the watercourse you have identified lies within the boundary of Lot 2 on RP164506 and if your guests kayak or swim into that area, they will be trespassing onto freehold property.

Any allegations of trespass are a civil matter and it is not the responsibility of the department to monitor or resolve trespass complaints.

Your guests should also be made aware that if they alight onto any of the banks along the extent of the watercourse (other than the bank which forms the boundary with your Lot 2 RP153743) they are also trespassing onto the adjoining freehold land and may be liable for prosecution by the owner of that land.

The applicant has requested that Condition 13 be amended to read:

Recreational use of the dammed area of Funkers Gap Creek be restricted to the public area and limited to 4 kayaks (or equivalent) at any one time. Kayaks are not permitted on the part of the watercourse belonging to Lot 2 RP164506 without written permission from the owner being submitted to SDRC.

Council had originally included Condition 13 in response to a submission received from the owner of Lot 2 RP164506 about liability for use of the part of the watercourse that is part of Lot 2 RP164506.

The email from the Department of Natural Resources and Mines states that there are no requirements for using the part of the creek that is not located within any freehold properties, and that accessing the part of the creek that is located within the boundaries of adjoining freehold properties is trespassing. It is not reasonable to include a condition prohibiting the use of the entire waterway because a portion of it is owned as freehold land, but any condition should ensure that adequate steps are taken to ensure that guests do not trespass on freehold property.

As such, it is recommended that Condition 13 be amended as follows:

13. ~~*No recreational use of the dammed area of Funkers Gap Creek is permitted unless written approval from the Department of Natural Resources and Mines (DNRM) is provided to Council stating that the dammed area of Funkers Gap Creek, including the section mapped as being part of Lot 2 RP164506, is able to be used for commercial recreational use.*~~

Recreational use of the dammed area of Funkers Gap Creek is to be limited to 4 kayaks at any one time. No guests or kayaks are permitted on any part of the watercourse that is part of a freehold land parcel without written permission from the owner being submitted to the Director Planning, Environment and Corporate Services. Any guests using Funkers Gap Creek must be provided with a map showing the part of the watercourse that can be accessed publically.

Condition 26 and 45

26. *An adequate supply of potable water, compliant with the National Health and Medical Research Council's Australian Drinking Water Guidelines 2011, must be made available on site. A Drinking Water Management Plan is to be prepared and provided to Council's Environmental Services Department. Council can provide a template to use for the plan.*
45. *The restricted flow water supply is not suitable for a commercial connection. The development is not to use Council's restricted reticulated water supply as the potable water source for the use.*

The applicant has made the following representation:

None of the options researched would supply a reliable source of potable water. After exploring the possibility of acquiring bore water for our development, we were informed by [the Technical Officer Water Services] in the Department of Natural Resources and Mines at Warwick that there were no working bores in our vicinity and that the closest one was 1.3km away. There is also a large quantity of huge granite rocks onsite making bore digging very difficult, therefore we concluded that the likelihood of finding potable water on our property via a bore is minimal.

The roof area of the cabins is not large enough to provide adequate water storage for the use of the occupants or for fire fighting due to the fact that we live in a low rainfall area which does not provide a reliable rainfall.

The water from the creek contains a lot of algae and is not suitable for personal use.

The cabins are located between very large granite boulders and space for tanks is very limited. A lot of native vegetation would need to be cleared to install 5 tanks.

The installation of rainwater tanks for each cabin will detract from the beautiful visual aspects of the natural environment.

The noise of 6 pressure pumps for the 6 tanks in a relatively small area would not be conducive to the rest and relaxation that our guests are seeking.

It had been wrongly ascertained from council records that our current water supply was very low pressure and therefore required a low-flow trickle tank with a pressure pump to supply our water but we were able to advise [Director Engineering Services] that this is NOT the case. We actually have good pressure at the present time from council's reticulated supply without the need for a pressure pump.

The applicant references discussions with the Director Engineering Services and Manager Water and Wastewater on 17 November 2017.

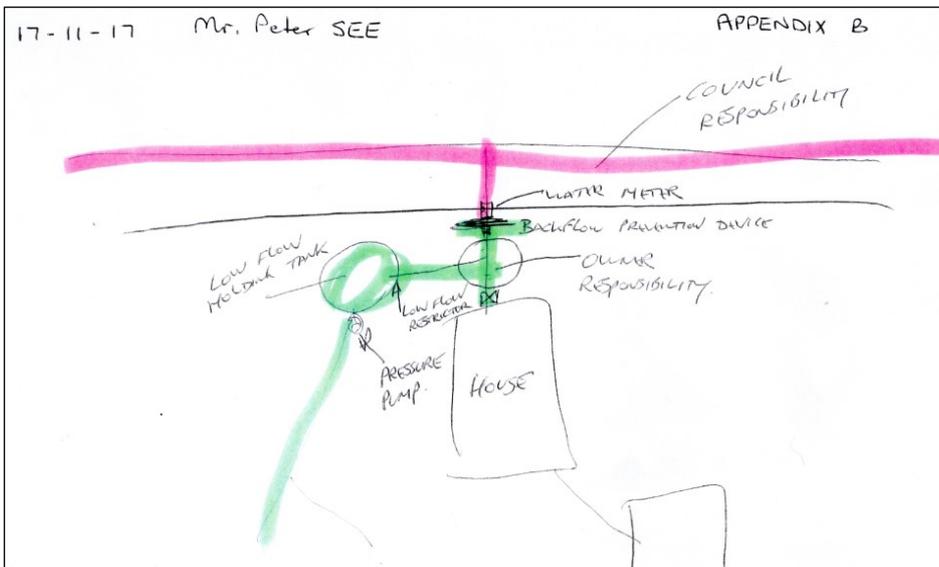
In our discussion the following facts were discussed:-

- There is sufficient quantity of reticulated water for the development available to the property currently.*
- Reticulated water for the development would only be used for personal use by the guests or caretaker.*
- All water used for personal use will be re-used for gardens after going through the approved treatment system.*
- NO reticulated water would be used for landscaping or gardening purposes.*
- A low-flow holding tank system could be used without negatively effecting any neighbour's water supply in regard to quantity or pressure.*

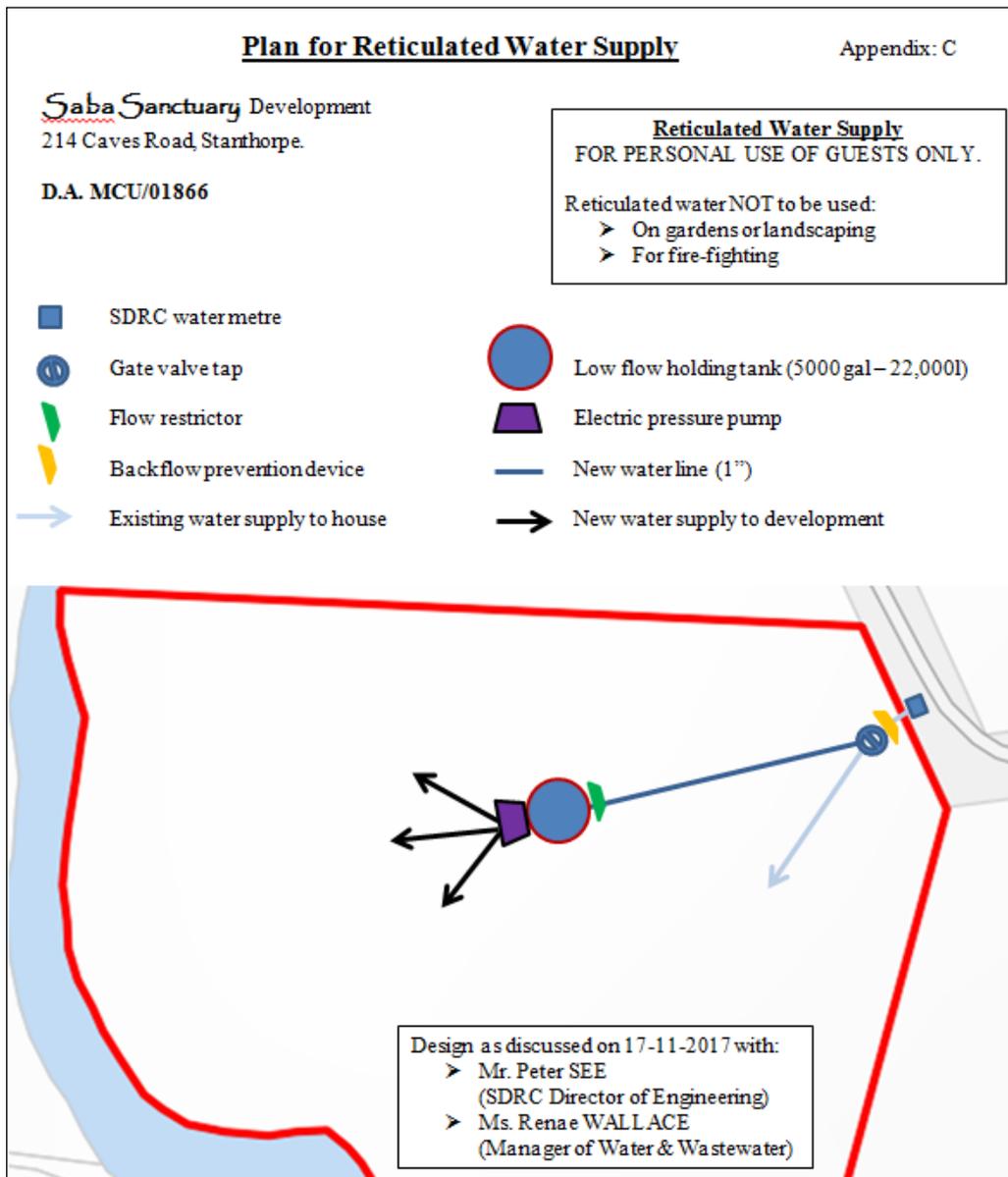
[The Director Engineering Services] drew us a rough plan (See attached Appendix B) of how a low-flow system could work from the existing reticulated water supply for our development. It requires the following installations by a licenced plumber:

- 1. a back-flow prevention device*
- 2. a low-flow restrictor*
- 3. a holding tank*
- 4. a suitable pressure pump*
- 5. piping for water delivery to dwellings as required*

A mud map drawn by Director Engineering Services for a low flow system feeding into a holding tank:



The applicant supplied the following plan for a connection to the restricted reticulated water supply at the property:



The applicant has requested that Conditions 26 and 45 be removed and replaced with the following:

26/45. A 5000 gal tank be installed onsite by a licenced plumber, for the purpose of providing a reservoir for a low-flow water supply from the existing reticulated water supply for guest's personal use only e.g. to the cabins, the caretaker residence, the amenities block and the commercial kitchen, according to the Plan (Appendix C) and council regulations.

The Manager Water and Wastewater provided the following advice in regards to the applicants request:

Option for water is a low flow storage tank with restriction plus pump - owned and maintained by property owner.

Council will be able to guarantee water quality to the meter however by the owner storing this water in a tank Council cannot ensure water quality standards are maintained within this tank eg Chlorine residual; vermin and foliage entering/leaching and degrading in the tank.

The applicant can only connect to the restricted water supply via a trickle feed top up tank and pressure pump. The design must meet the requirements of AS3500 and be approved by the local government plumbing compliance team.

The plan provided by the applicant (Appendix: C) shows the flow restrictor being located after the water supply to the existing house diverts from the line going to the holding tank. Council's Engineering Department agrees that the applicant could be permitted to connect to the reticulated water supply, provided that the water supply for the entire property is restricted flow. This means that both the existing dwelling and new buildings would need to be fed through the flow restrictor. As such, it is recommended that Condition 45 is amended as follows:

~~45. The restricted flow water supply is not suitable for a commercial connection. The development is not to use Council's restricted reticulated water supply as the potable water source for the use.~~

~~The site can only connect to the restricted water supply via a trickle feed top up tank and pressure pump. The design must meet the requirements of AS3500 and be approved by the local government plumbing compliance team.~~

Council can only guarantee the quality of the water to the water meter. Once the water is in the holding tank, Council has no way to monitor and control the water quality to ensure that it is suitable for use as potable water. The applicant will be required to provide information to Council demonstrating what techniques are being used to ensure the water leaving the holding tank is compliant with the National Health and Medical Research Council's Australian Drinking Water Guidelines 2011. As such, it is recommended that Condition 26 be retained.

Condition 48

48. *The site must be provided with a water storage reservoir having a minimum of 5000 litres of water for emergency fire fighting purposes for each Short Term Accommodation building. Such storage must be provided in addition to the water supply capacity required for the use and must be provided in the form of either an accessible dam, swimming pool or rainwater tank. If storage is to be provided in a rainwater tank, water storage for fire fighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:*

(a) the domestic take off from the tank is at or above the 5000 litre point; and

(b) standard rural fire brigade fittings are fitted to the tank outlet for access by rural fire services vehicles.

The applicant has made the following representation:

The roof area of the cabins is not large enough to provide adequate water storage for the use of the occupants or for fire fighting due to the fact that we live in a low rainfall area which does not provide a reliable rainfall.

The cabins are located between very large granite boulders and space for tanks is very limited.

A lot of native vegetation would need to be cleared to install 5 tanks.

The installation of rainwater tanks for each cabin will detract from the beautiful visual aspects of the natural environment.

In the event of a building fire or a bushfire, water will be accessed from:

- a) 3000 gallon (12,000 litre) tank kept full and placed central to the cabins and caretaker's residence. The water in this tank will be used only for the purpose of fire fighting. Water is accessed via a standard coupling on the tank and will be not greater than 60 metres from any cabin or residence.*
- b) Backup: Water can also be accessed via a Rural Fire Brigade coupling on the 2" underground poly pipeline in 2 locations. Existing electric pump (3 phase) supplies water for 2" polypipe from the dam/creek. The distance to any residence or cabin will be not greater than 60 metres.*
- c) Water can also be accessed directly from Funkers Gap Creek. The distance to any residence or cabin will be not greater than 120 metres from the creek dam.*

The applicant has provided the following amended site plan to include the location of the water tank and Rural Fire Brigade couplings:

STAGE 1

- Amenities block
- 40' Storage shipping container
- Unsewered site (6)
- Sewered site (4)
- Carport (7.3x3m)
- HSTP
- Postoon (3x3m)
- Composting toilet
- Car park space

STAGE 2

- Possible Cabin Sites (5x6m)
- Gazebo (6x6m metal carport)
- Shed (games room) extension
- Caretaker Residence
- Steel shelter shed (12x8m)

STAGE 3

- Activities Centre
- Unsealed road

Scale 1: (approx)

- | Existing Buildings | |
|--------------------|-----------------|
| 1 | House |
| 2 | Granny flat |
| 3 | Garage |
| 4 | Pergola |
| 5 | Games room shed |
| 6 | Pump house |
- Existing building
 - Existing water tank
 - Existing power poles
 - Walking track

FOR FIRE FIGHTING

- 3000 gallon Tank – water reservoir for fire fighting ONLY. Storm coupling (68mm) for Rural Fire Brigade hose on 2" poly pipe underground.
- Existing electric pump (3 phase) supplies water for 2" poly pipe for Fire Brigade couplings.



The applicant has provided sufficient reasons why it is impractical and unnecessary to require 5000 litre water storage for each short-term accommodation building. It is expected that the roof space for each cabin will be relatively small and it will be unlikely to capture enough rain to fill the tanks. The applicant has proposed to install a 12,000 litre water tank exclusively for firefighting in a location that is central to all of the proposed short-term accommodation buildings. The applicant also states that an electric pump from Funkers Gap Creek feeds two inch pipes through the property, and these can be fitted with Rural Fire Brigade fittings. This proposal is suitable to address the Bushfire hazard of the site.

It is recommended that Condition 48 be amended as follows:

48. *The site must be provided with a water storage reservoir having a minimum of 5000-12,000 litres of water for emergency fire fighting purposes ~~for each Short Term Accommodation~~*

~~building~~. Such storage must be provided in addition to the water supply capacity required for the use and must be ~~provided in the form of either an accessible dam, swimming pool or rainwater tank~~ located within 60 metres of any Short-term accommodation building. ~~If storage is to be provided in a rainwater tank, water storage for fire fighting purposes~~ The storage must be provided either in a separate ~~rainwater~~ tank or a reserve section in the main water supply tank on which:

- (a) the domestic take off from the tank is at or above the ~~5000~~ 12,000 litre point; and
- (b) standard rural fire brigade fittings are fitted to the tank outlet for access by rural fire services vehicles.

Condition 1 must also be amended to reflect the amended Site Plan provided by the applicant in relation to Condition 48. As such, it is recommended that Condition 1 be amended as follows:

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Site Plan (Map) Amended site Plan	MCU\01866-1 MCU\01866-1 Rev B	Received 29 June 2017 Received 18 December 2017
Site Plan (Legend)	MCU\01866-2	Received 29 June 2017

Conclusion

An application was received to negotiate Conditions 5, 6, 10, 13, 26, 45, 48. The applicant also provided an amended Site Plan.

It is not expected that guests staying at the five proposed Short-term accommodation cabin will result in any additional impacts on the surrounding area. It is recommended that Conditions 5 and 6 are amended as requested so that people may stay at the Short-term accommodation cabins on the site without attending the Educational establishment at the site. Any guests staying at the Tourist park will still be required to be attending the Educational establishment.

The applicant requests to amend Condition 10 to allow up to 12 people two times per week and six or less people at other times at the workshops and support groups. The applicant has stated that it was intended that there would be a number of workshops and support groups held each week, all having up to 12 guests. It has been explained to the applicant that the wording used in the application did not make this clear, and that it could be expected that a member of the public viewing the application could have interpreted it as one workshop and support group per week. This may have impacted the awareness of the public of the nature of the application, and meant that a potential submitter did not make a submission about the workshops and support groups being held more than once per week. If Council agrees that increasing the number of days where 12 guests may attend the workshops could be considered a 'Substantially different development' under Schedule 1 of the *DA Rules*, the condition could not be changed to allow multiple weekly workshops and support groups. In order to change this, the applicant would be required to lodge an application for an 'other change' under the Planning Act 2016 and undertake Public Notification again to allow the community to comment on the change. It is recommended that the approval continues to restrict the number of days where a workshop or support group can have up to 12 guests to one day per week.

As a 'Home based business' can operate as Accepted development with up to six guests, and no planning approval would be required, it is considered that up to six guests attending the workshops and support groups each day does not constitute any development that would be subject to public

notification, and would not impact any potential submitters ability to make a submission about the proposed development. It is recommended that Condition 10 be amended so that up to six guests may attend the workshops and support groups on any day, however up to 12 guests may be only permitted one day per week.

Condition 13 was included to ensure that guests do not trespass onto freehold parcels including part of the dammed are of Funkers Gap Creek. It is recommended that Condition 13 be amended to allow kayaking, but state that no guests or kayaks are permitted on any part of the watercourse that is part of a freehold land parcel without written permission from the owner.

The applicant proposes to change Conditions 26 and 45 to allow connection to the restricted flow reticulated water supply on Caves Road. They propose to use the reticulated water supply to fill the low flow holding tank on the site. This holding tank will be used to supply water to the proposed development. Advice from the Manager Water and Wastewater states that an option for water is a low flow storage tank with restriction plus pump - owned and maintained by property owner.

Council will be able to guarantee water quality to the meter however by the owner storing this water in a tank Council cannot ensure water quality standards are maintained within this tank eg Chlorine residual; vermin and foliage entering/leaching and degrading in the tank.

The applicant can only connect to the restricted water supply via a trickle feed top up tank and pressure pump. The design must meet the requirements of AS3500 and be approved by the local government plumbing compliance team.

Council can only guarantee the quality of the water to the water meter. Once the water is in the holding tank, Council has no way to monitor and control the water quality to ensure that it is suitable for use as potable water. It is recommended that Condition 26 is retained.

It is considered that it is impractical to require 5000 litres of water storage for firefighting purposes for each of the proposed cabin. Instead, the applicant proposes to use a 12,000 litre tank exclusively for firefighting water storage in a location that is central to all of the short-term accommodation cabins. This is a suitable alternative, and it is recommended that Condition 48 be amended to reflect this solution.

Options

Council:

1. Adopt the officer's recommendation.
2. Adopt an alternative recommendation.
3. Refuse the application with reasons.

Recommendation

- A. THAT the application for a Request for a Negotiated Decision for the Material change of use for Tourist park, Educational establishment, and Short-term accommodation, Over 3 stages on land at 214 Caves Road, Stanthorpe, described as Lot 2 RP153743, Parish of Stanthorpe, County of Bentinck, be approved in part only for the following reasons:

The wording used in the application did not make it clear that the applicant was applying for more than one workshop and support group per week, and it could be expected that a member of the public viewing the application could have interpreted it as one workshop and support group per week. This may have impacted the awareness of the public of the nature of the application, and meant that a potential submitter did not make a submission about the workshops and support groups being held more than once per week. Council is not able to change the condition to allow multiple weekly workshops and support groups unless the applicant lodges an application for an 'other change' and undergoes Public Notification again to allow the community to comment on the change.

Council can only guarantee the quality of the water to the water meter. Once the water is in the holding tank, Council has no way to monitor and control the water quality to ensure that it is suitable for use as potable water. It is recommended that Condition 26 is retained.

- B. THAT the conditions of approval are amended as follows:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

<i>Plan Name</i>	<i>Plan No.</i>	<i>Date</i>
<i>Site Plan (Map) Amended site Plan</i>	<i>MCUA01866-1 MCUA01866-1 Rev B</i>	<i>Received 29 June 2017 Received 18 December 2017</i>
<i>Site Plan (Legend)</i>	<i>MCUA01866-2</i>	<i>Received 29 June 2017</i>

2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

Staging

3. The development may proceed in stages, provided that any driveway access and infrastructure services required to service a particular stage are constructed with that stage. Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4. The stages are approved as follows:

Stage 1

- 10 Camp sites
- Amenities block - 4 ensuite bathrooms and laundry
- 3m wide carport on the existing shed
- 40' shipping container for storage
- Pontoon on creek (3m x 3m max) (provided that approval is obtained from DNRM)

- HSTP - as per engineers specifications

Stage 2

- Shelter shed - 12m x 8m - constructed over amenities block
- Extension of existing shed - games room - by 12m
- 5 cabins (1 bedroom - 5m x 6m)
- Gazebo (6m x 6m metal carport)
- Caretaker residence
- Roof over sewer sites (3m x 8m steel carport)
- Shed (games room) extension (12m)
- Bird hide (9m²)

Stage 3

- Activities centre 12 x 15 m with a commercial kitchen

Stages are not required to be undertaken in any chronological order.

Land Use and Planning Controls

- This approval allows for the use of the site for the following uses only:
 - Educational establishment (**Individual consultations**, lectures, support groups, and workshops)
 - Tourist Park (Up to 10 sites for people attending the Educational establishment)
 - Short-term accommodation (Up to 5 cabins ~~for people attending the Educational establishment~~)
- All people accommodated in the Tourist Park ~~or Short term accommodation~~ must be attending the Educational establishment.
- The maximum number of guests accommodated in the 10 camp sites at any one time must not exceed 20 persons, excluding children.
- The maximum number of guests accommodated in the short-term accommodation cabins at any one time must not exceed 10 persons with a maximum of two people per cabin.
- No person is to reside in any building identified for short term accommodation or campsite for more than 45 days consecutively, or more than 90 days in any 12 month period.
The approved accommodation must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager's residence for the premises.
- Daily workshops and support groups operated at the site must not exceed 12 six (6) guests. and shall operate no more than once per week. One session of up to 12 guests is permitted each week.**
- Public lectures at the site must not exceed 30 guests, and shall occur no more than 8 times per year.
- A Disaster Management Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services. The Disaster Management Plan is to address prevention and evacuating procedures for bushfire and flood and to ensure guests are adequately sheltered during emergency situations such as fierce storms.
- ~~No recreational use of the dammed area of Funkers Gap Creek is permitted unless written approval from the Department of Natural Resources and Mines (DNRM) is provided to Council stating that the dammed area of Funkers Gap Creek, including the section mapped as being part of Lot 2 RP164506, is able to be used for commercial recreational use.~~

Recreational use of the dammed area of Funkers Gap Creek is to be limited to 4 kayaks at any one time. No guests or kayaks are permitted on any part of the watercourse that is part of a freehold land parcel without written permission from the owner being submitted to the Director Planning, Environment and Corporate Services. Any guests using Funkers Gap Creek must be provided with a map showing the part of the watercourse that can be accessed publically.

Building and Site Design

14. The Caretakers residence building is to be set back at least 15 metres from the northern property boundary.

The design, colours and materials of the building are to be in accordance with the rural character of the area. **Details of the design, colours and materials, including floor plans and elevations, of the building are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.

15. The Short-term accommodation cabins are to be set back at least 20 metres from the northern property boundary.

The design, colours and materials of the building are to be in accordance with the rural character of the area. **Details of the design, colours and materials, including floor plans and elevations, of the building are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.

16. The Activities centre building is to be set back at least 20 metres from the eastern property boundary.

The design, colours and materials of the building are to be in accordance with the rural character of the area. **Details of the design, colours and materials, including floor plans and elevations, of the building are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.

17. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)

18. Copies of the Form 21 (Final Inspection Certificate)/ Form 11 (Certificate of Classification) issued for the building works for all buildings are to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

19. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Stanthorpe Waste Facility.

20. Noise levels emitted from the premises must not exceed 5dB(A) above the background noise levels in the locality when measured at the boundary of an affected residential dwelling.

21. Amplified music shall not be permitted in the Educational Establishment.

22. Any fixed noise emitting device (e.g. air conditioning unit, refrigeration unit, compressor, generator etc.) located outside the Educational Establishment must be placed within an appropriate acoustic enclosure.

23. A sufficient number of suitable waste and recycling receptacles must be provided on site at all times. Waste and recycling receptacles must be regularly serviced to prevent unsightly accumulations of waste being caused. Where collection is not possible, waste must be removed with the same regularity and disposed of at the Stanthorpe or Northern Granite Belt

Waste Management Facility.

24. Advertising Devices relating to the retreat may **only** be erected on the subject land, i.e. Lot 2 RP153743. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the rural character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
25. There is to be no signage displayed on-site for the Short Term Accommodation or the Tourist Park use.
26. An adequate supply of potable water, compliant with the National Health and Medical Research Council's Australian Drinking Water Guidelines 2011, must be made available on site. A Drinking Water Management Plan is to be prepared and provided to Council's Environmental Services Department. Council can provide a template to use for the plan.
27. Any water supply point which provides water not suitable for drinking is labelled '**UNSUITABLE FOR DRINKING**' and provided with a symbol which is easily recognisable by non-English speaking people.
28. Any external lighting is to be installed and maintain the lighting fixtures so that they do not emit glare or light above the levels stated in Australian Standard AS:4282-1997 Control of Obtrusive Effects of Outdoor Lighting.
29. Domestic animals, other than dogs, are not permitted to be brought onto the land by any person staying at the Tourist park. Any dog brought onto the site by a person staying at the Tourist park is to be kept under effective control. Any dogs kept on site by the operator/manager/caretaker must be kept in accordance with Council's Subordinate Local Law No. 2 (Animal Management) 2011, and must be kept under effective control at all times.
30. Any composting toilets must be located at least 50 metres from any waterway, and not within any part of the site mapped as being located in the Flood hazard overlay.
31. Firewood must be supplied for campers by the operator to minimise the potential destruction of native vegetation by patrons of the camping grounds.

Fencing, Landscaping and Buffers

32. Existing landscaping is to be retained and maintained.
33. Prior to the construction of any Short-term accommodation cabins, Caretakers residence, or Activity centre, tree planted buffer strips of five (5) metres width are to be provided adjacent to the northern and eastern property boundaries within in the location shown below as to minimise the visual impact of the development from adjoining properties. The buffer strips are to include a variety of plant species and heights.



34. **A Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the issue of any Development Permit for Building Work.** The Landscaping Plan must include details of the location and species of

plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

Car Parking and Vehicle Access

35. Access to the site for the Tourist park, Short-term accommodation, and Educational establishment is to be via the southern access only.
36. Vehicle access is to be maintained to a sealed standard in accordance with Council's standard. (Council's Engineering Services Department can provide details regarding Council's standard.)

If necessary, the property access gateway must be located within a setback such that all vehicles proposed to enter and/or exit the land are able to stand clear of the carriageway whilst the property gateway is being opened and/or closed.

37. A 3.0 metre wide all-weather gravel driveway is to be constructed from Caves Road to all buildings and camp sites.
38. Car parking shall be provided on site in accordance Plan No MCU\01866-1 received 29 June 2017 prepared by Louise Binnion. All car parking, driveway and loading areas shall be drained, laid out and regularly maintained.
39. The carpark may remain grass, provided it is appropriately maintained and does not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the carpark shall be constructed in gravel to Council's standards.

The car park area is to be defined by a low physical barrier along the edge of the car parking area and driveways.

Roadworks

40. Any kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Engineering Services.
41. Signage must be provided along the internal driveway so that it can be easily read when exiting the property via motor vehicle whether day or night. This signage is to clearly demonstrate, via images and text, the correct side of the road to drive on in Australia. (Council's Planning Department can provide details regarding Council's standard).

Stormwater Drainage

42. Site stormwater runoff must be collected, detained and discharged where appropriate in a manner that does not increase the quantity or concentration of stormwater flow in comparison to the pre-development condition. Where necessary, suitable easements to lawful points of discharge, which may include surrounding properties, shall be provided to Council, at the developer's cost.

Water Supply and Waste water

43. All sewage generated from this property must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2003*.
44. An Environmental Authority for Environmentally Relevant Activity No. 63 (Sewerage treatment) is to be obtained in accordance with the *Environmental Protection Act 1994* prior to the commencement of any Environmentally Relevant Activity, or written advice is provided by the Department of Environment and Heritage Protection that an ERA is not required.

45. ~~The restricted flow water supply is not suitable for a commercial connection. The development is not to use Council's restricted reticulated water supply as the potable water source for the use.~~

~~The site can only connect to the restricted water supply via a trickle feed top up tank and pressure pump. The design must meet the requirements of AS3500 and be approved by the local government plumbing compliance team.~~

46. Prior to the issue of any Building Approval associated with the development, a report demonstrating that adequate provision has been made for the supply of water, including a drinking water supply, is to be submitted to and approved by the Director Planning, Environment and Corporate Services. If water is to be supplied for the development from a spring/bore/dam on the site, written advice must be supplied from the Department of Natural Resources and Mines that water may be lawfully supplied from that source. A water supply is to be provided in accordance with the approved report.
47. The applicant is to ensure that water usage is minimised and that all water fixtures and fittings including landscape watering systems, are to be water efficient devices and the applicant is to implement water reduction strategies as part of the development.
48. The site must be provided with a water storage reservoir having a minimum of ~~5000-12,000~~ litres of water for emergency fire fighting purposes ~~for each Short Term Accommodation building~~. Such storage must be provided in addition to the water supply capacity required for the use and must be ~~provided in the form of either an accessible dam, swimming pool or rainwater tank located within 60 metres of any Short-term accommodation building. If storage is to be provided in a rainwater tank, water storage for fire fighting purposes~~ The storage must be provided either in a separate ~~rainwater~~ tank or a reserve section in the main water supply tank on which:
- the domestic take off from the tank is at or above the ~~5000 12,000~~ litre point; and
 - standard rural fire brigade fittings are fitted to the tank outlet for access by rural fire services vehicles.

Infrastructure Charges Notice

49. Payment of \$8750 is to be made to Council in accordance with the Infrastructure Charges Notice attached to the decision notice. If the development is staged, the payment of Infrastructure Charges may also be staged. If payment is made more than two years after the date of the Infrastructure Charges Notice, the charge will increase in line with the Road and Bridge Construction Index for Queensland.

Advisory Notes

- Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Sustainable Planning Act 2009* and would have to comply with the requirements of the Planning Scheme.
- It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- Applications for licence under the Food Act 2006 are to be submitted to Council prior to the construction of the commercial kitchen on site.
- An application must be submitted and approved by Council for an approval to operate under Council's Local Law No. 1. (Administration) 2011, in accordance with Council's Subordinate

Local Law No. 1.8 (Operation of Caravan Parks). Please consult with Council's Environmental Health section to ensure compliance with the Local Law requirements.

- (vi) An application must be submitted and approved by Council for a permit under Local Law for rental accommodation.
- (vii) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (viii) **Building Approval is to be obtained** for all buildings in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 21 (Final Inspection Certificate)/Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing.**
- (ix) The supply of water for human consumption, food preparation, food utensil washing or personal hygiene, including the supply of water for drinking water, showers, baths, hand basin and kitchen sinks, must be connected to a drinking water supply, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.
- (x) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 24 of the *Sustainable Planning Regulation 2009*.
- (xi) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event and therefore doesn't guarantee flood immunity.
- (xii) If making any alterations to the access to Caves Road, an application must be submitted and approved by Council for a permit under Southern Downs Regional Council's Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation).

Aboriginal Cultural Heritage

- (xiii) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsima.qld.gov.au

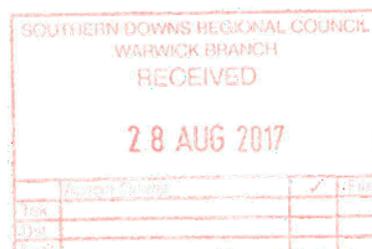
Attachments

1. Submissions [View](#)

216 Caves Road
STANTHORPE QLD 4380

28 August 2017

The Assessment Manager
Southern Downs Regional Council
PO Box 26
WARWICK QLD 4370



Dear Sir/Madam,

Submission to Material Change of Use – MCU\01866
214 Caves Road, Stanthorpe

In addition to my previous submission in relation to MCU\01866, please find below additional points for Council's consideration.

It is noted that the application includes the installation of a pontoon and canoeing on Funkers Gap Creek. Whilst on the aerial image the pontoon is shown on the applicant's land, it is noted that the bed and banks of Funkers Gap Creek is owned by the Crown, regardless of what a local governments mapping system shows. It is acknowledged that the DNRM have indicated that there are no requirements for the installation of the pontoon, however in relation to this development application, owners consent is required.

It is assumed that canoeing will occur on the "dam" on Funkers Gap Creek. A large portion of the dam is privately owned by the landowner located to the south-west (Lot 2 RP164506). Therefore for canoeing to occur on the dam as part of this application, owners consent is also required from the land owner of Lot 2 RP164506.

The applicant has indicated that the development is small in scale, however there will be 10 sites as part of stage 1, which could accommodate between 20 and 40 people, depending on the number of guests per site. Stage 2 will include five eco-cabins, each accommodating two guests. This equates to a total of 30 to 50 people. It is questioned as to why such extensive accommodation is required given the proposal indicates that the maximum number of attendees for weekend retreats is 12 people (page 2 of the application). Page 3 of the application then indicates that there will be a maximum of 10 campers in Stage 1 and a maximum of 8 people in the cabins for Stage 2. Unfortunately these numbers are inconsistent throughout the application and do not add up in terms of the extent of the number of sites. If Council were to approve the proposed development, it



would be desirable that restrictions are imposed on the number of sites and persons to be accommodated per site to ensure there is no more than 10 people camping at any one time.

The Southern Downs Planning Scheme requires a minimum of 15 hectares for such a development, unless it can be demonstrated that there is sufficient area to accommodate the building, associated land uses, necessary services and buffers. This property is only 4.8 hectares, which is significantly smaller than that required. In addition, the Planning Scheme requires a 100 metre setback to all boundaries for all infrastructure associated with the development. The proposed development quite clearly does not comply with either of these provisions and is not considered to be small scale. The proposed development will not be adequately screened from adjoining properties and has the potential to greatly impact on the amenity of the area. A development of this nature would be more appropriately located on a larger property, where suitable separation distances could be achieved.

In addition to point two of my first submission, which is in relation to water supply, according to Council's mapping system, the subject property is supplied with a 50 mm poly line, although this line is actually measured as a 30 mm line. It is considered that this reduced service would be insufficient to service the proposed development and could not be used for fire fighting purposes. The subject property is included within the Bushfire hazard overlay as well as being identified as a Medium bushfire risk as mapped by the State government.

The application does not include any elevations of the many proposed buildings and structures. It is noted that the mandatory information to be supplied as part of the application includes elevations of the buildings. It is necessary that this information be provided during the public notification process and to Council prior to any approval is considered, as the elevations of the many buildings could greatly impact on the amenity of the area. In addition to this point, there are no details in relation to the 40 foot shipping container and how the appearance of this structure is going to be improved, as it is proposed 15 metres from the side boundary. It is noted that Council has a strong stance on the appearance of shipping containers, particularly where they are visible from adjoining properties or roadways. Therefore details of its treatment should have been submitted as part of the application and be available for viewing as part of the public notification.

It would be appreciated if greater detail could be supplied in relation to waste water disposal for the proposed development. This information should include the identification of any on-site disposal/irrigation areas and greywater disposal.

It is considered that there has been insufficient information submitted as part of the application for a decision to be made by Council and for submitters to properly consider all aspects of the development. There is no information submitted for the building approval sought as part of the application.

We ask Council to refuse this application due to the lack of land owners consent, missing mandatory information, inconsistencies in the information provided, non compliance with the planning scheme and gross lack of information necessary for

Council and submitters to adequately assess the impacts this development might have.

Please don't hesitate to contact me if you wish to discuss this matter.

Yours sincerely,



Donald Russell



Shirlee Russell

TO: THE ASSESSMENT MANAGER
SOUTHERN DOWNS REGIONAL COUNCIL
WARWICK QLD

SOUTHERN DOWNS REGIONAL COUNCIL			
WARWICK BRANCH			
RECEIVED			
18 AUG 2017			
	Action		✓ File
Task			
Date			
From			

FROM: LAURENCE PATRICK SPILLER
135 CAVES RD (P.O. Box 78)
STANTHORPE QLD 4380

HAVING RECEIVED NOTIFICATION FROM LOUISE AND ROBERT BINNION OF 214 CAVES ROAD OF THEIR INTENTIONS TO DEVELOP THAT SITE INTO WHAT THEY DESCRIBE AS
FROM RESIDENTIAL
TO TOURIST PARK AND EDUCATIONAL ESTABLISHMENT

THEIR LETTER STATED (QUOTE) NOT A BIG COMMERCIAL ENTERPRISE, JUST A SMALL HOST FARM RETREAT (UNQUOTE). THE THREE STAGE STATEMENT HOWEVER PROMPTED MYSELF TO VIEW THE DOCUMENTS AT COUNCIL'S STANTHORPE OFFICE.

THE APPLICANTS CLAIM THEY HAVE NO WISH TO DISTURB THE (QUOTE) QUIET AND PRIVACY OF LIVING ON ACREAGE IN CAVES ROAD (UNQUOTE). HAVING VIEWED THE DOCUMENTS AND NOTING THE ULTIMATE AIM OF THE DEVELOPMENT (TO THE 3RD STAGE, THE DESCRIPTION OF "SMALL HOST FARM" IS A CONTRADICTION IN TERMS AND JUSTIFIES COUNCIL'S RESPONSE FOR "CHANGE OF USE" FOR LAND IN THIS VICINITY WHICH IN ITSELF IS UNDESIRABLE AND THE VARIOUS FACILITIES ETC., THE COMMERCIAL KITCHEN, THE SEWAGE WASTE FACILITY, THE CARETAKER'S ACCOMMODATION MEANS THIS DEVELOPMENT IS TO BE A FULL BLOWN COMMERCIAL OPERATION, PERHAPS AS A CARAVAN PARK. WHATEVER THE INTENTIONS, THE 1ST STAGE WILL REQUIRE A SUBSTANTIAL FINANCIAL INVESTMENT - THROUGH TO THE 3RD STAGE, A MASSIVE FINANCIAL INVESTMENT. SUCH INVESTMENTS ARE NOT MADE FOR (QUOTE) "FARM RETREATS". THE GRANITE BELT IS DOTTED WITH SUCH FACILITIES ALREADY, QUITE SIMPLE AND WITH MINIMAL INVESTMENT BUT MORE THAN ADEQUATE.

I HAVE NOTED THAT POTABLE WATER IS TO BE SUPPLIED FOR EACH SITE. I AM REMINDING THE COUNCIL AT THIS POINT THAT TOWN WATER HAS BEEN DENIED TO SOME PERMANENT RESIDENTS OF CAVES RD BECAUSE OF THE INADEQUATE SUPPLY MAIN WHICH IS ONLY A ONE(1) INCH POLY PIPE. IF THIS DEVELOPMENT IS ALLOWED (EVEN FOR THE 1ST STAGE), THEN THE COUNCIL WILL HAVE NO CHOICE BUT TO ALSO ALLOW THOSE PERMANENT RESIDENTS (15 OCCUPIED SITES ON CAVES RD, SPILLER LANE AND FERNVIEW LANE) THE SAME FACILITY/SERVICE. I HAVE NOT INCLUDED MY OWN TWO PROPERTIES ON CAVES ROAD IN THAT NUMBER.

CAVES ROAD IS BY AND LARGE THE QUINTESSENTIAL "QUIET COUNTRY LANE" AS ACKNOWLEDGED BY THE APPLICANTS, AND WHY THIS AREA IS QUITE UNIQUE. HOWEVER THE ONLY BLACK SPOTS ARE, AS IT HAPPENS, IN THE IMMEDIATE VICINITY OF THE PROPOSED DEVELOPMENT. CAVES RD AND OLD CAVES RD MERGE INTO ONE ACCESS/EXIT FROM/TO NEW ENGLAND HIGHWAY WITH ACCESS/EXIT TO HIGH STREET (TO/FROM STANTHORPE) DIRECTLY OPPOSITE WHICH MAKE IT

Southern Downs Regional Council



DIFFICULT TO NEGOTIATE (NEW ENGLAND HIGHWAY BEING A VER BUSY HIGHWAY). HOWEVER, AFTER ACCESSING CAVES RD AND HEADING WEST, TWO BLACK SPOTS ARE ENCOUNTERED, 1ST IS A BEND WITH A CREST IN THE MIDDLE, PROPERTY ACCESS TO THE RIGHT AND THEN LEFT AND A 2ND BLACK SPOT IS WHERE THE ENTRANCE/EXIT TO THIS DEVELOPMENT WILL BE. THERE HAS BEEN MANY INCIDENTS AT THIS SPOT AND I WOULD THINK THE VIGILANCE OF LOCALS HAS BEEN THE ONLY REASON THERE HAS NOT BEEN A FATALITY THERE, GIVEN THAT THE SECOND BLIND SPOT IMMEDIATELY FOLLOWS THE 1ST BLIND SPOT. IT GOES WITHOUT SAYING THAT THIS SECTION OF CAVES ROAD WOULD BE UNABLE TO CARRY THE TYPE OF TRAFFIC THIS DEVELOPMENT WOULD ATTRACT BEYOND STAGE 1.

I FEEL OBLIGED TO POINT OUT TO COUNCIL THAT A PREVIOUS APPLICATION TO SUBDIVIDE IN THIS AREA WAS DENIED ON ENVIRONMENTAL GROUNDS.

I ALSO FEEL OBLIGED TO MAKE FURTHER COMMENT REGARDING THE PROPOSED TREATMENT PLANT. THE SOIL ALONG THE LENGTH OF FUNKERS GAP CREEK UP TO THE RESIDENCE IN THE APPLICATION IS EXTREMELY PERMEABLE. FUNKERS GAP CREEK RUNS INTO QUART POT CREEK AND ON TO THE SEVERN RIVER. THEREFORE I WOULD EXPECT THAT COUNCIL WOULD SEND IN THERE OWN APPROPRIATE ENGINEERS TO ASSESS THE SUITABILITY, SOIL-WISE, FOR THE PROPOSED SEWERAGE TREATMENT PLANT AS I AM AWARE THAT THIS SOIL CAN BECOME A QUAGMIRE. IT IS A FEATURE OF OUR ENVIRONMENT HERE AND ALWAYS WILL BE. (I HAVE HAD MY TRACTOR ON THIS SITE TO REMOVE A VEHICLE FROM THIS SITUATION).

THE DEVELOPMENT SITE IS BEING WRAPPED IN TINSEL BUT THEN IF YOU HAVE SOMETHING TO SELL, IT IS JUST GOOD BUSINESS TO ENHANCE THE PRODUCT AS MUCH AS POSSIBLE.

I WOULD FURTHER POINT OUT TO COUNCIL THAT PREVIOUS OWNERS OF 214 CAVES RD, NAMELY PETER AND BARBARA POWER, DID NOT PARTICULARLY WANT TO LEAVE THERE AFTER ALMOST 40 YEARS DURING WHICH THEY BUILT-UP A VERY BEAUTIFUL GARDEN. SO AS ONE OPTION THEY ENDEAVOURED TO SUBDIVIDE THE BLOCK (SACRIFICING PART OF THEIR GARDEN). THEY WERE TOLD BLUNTLY, "IF IT INVOLVES A SUBDIVISION, DON'T WASTE YOUR TIME". IT WOULD HAVE BEEN A BETTER OUTCOME THAN THIS PROPOSED DEVELOPMENT BUT OF COURSE, THAT IS MY OPINION.

YOURS FAITHFULLY,

L. P. SPILLER.


18-8-17

P.O. Box 102,
Stanthorpe,
Queensland 4380.
23rd August, 2017.



To :The Assessment Manager,
Southern Downs Regional Council,
P.O. Box 26
Warwick
Q. 4370

From Guiseppe A Lancuba

I have been approached by Louise and Robert Binnion of 214 Caves Road on the subject of using the body of water that sits between my family property of 60 Caves Road, Stanthorpe and their property. They wish to put a pontoon on this dam which is in fact Funkers Gap Creek.

In the first instance I raised no objection because of the nature of their development which I believed to be maybe 2/3 cabins to operate as a 'farmstay' for weekend tourists or similar use.

The reason I am now looking at this development in a different light is due to the fact that I have become aware of the full nature of this development which would perhaps mean more than the casual use by kayakers on this dam. My family property has a large frontage to this dam and as such would make us liable to litigation because of the public liability should somebody come to grief while using this facility. If lifesavers are not safe from action by the people they save from the surf then nobody is safe .

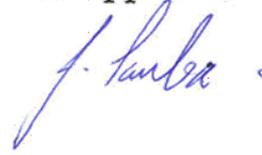
I have since spoken to the applicants to formally withdraw my previous 'no objection's' to the use of the dam in question for such purposes.

I note that at some stage the development is to have a commercial sewerage treatment plant on the site which does not sound compatible with that site for a number of reasons given the nature of the sandy/loamy soil in the area and the fact that Funkers Gap Creek often floods.

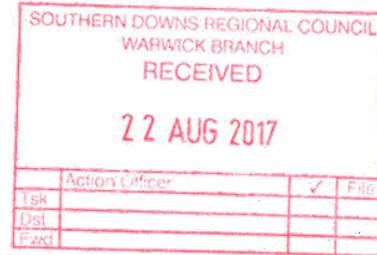
I would also like to add that I travel Caves Road itself constantly and would think that the road itself would need an upgrade to handle the

extra traffic at 214 Caves Road as there are many close calls at that corner.

Guiseppe A Lancuba



216 Caves Road
Stanthorpe
Qld 4380
20 August 2017



The Assessment Manager
Southern Downs Regional Council
PO Box 26
Warwick
Qld 4370

Dear Sir/Madam,

Re: HAVE YOU SAY -Development Permit Application MCU/01866 to
The Southern Downs Regional Council by Rob and Louise Binnion of 214
Caves Road, Stanthorpe.

My name is Donald Alfred Russell. I reside with my wife, Shirlee Margaret Russell at 216 Caves Road, Stanthorpe - next door to the applicants and the property in question. I am retired and have lived at this address for the past twenty-four years. At the time of my retirement I was a senior lecturer having been admitted to the Degree of Bachelor of Arts with a Double Major in Sociology at The Queensland University. I spent many years gaining practical and academic experience in the field in which I was engaged.

SUMMARY

I respectfully object to the proposed development at 214 Caves Road and its being zoned as a Tourist Park and Educational Establishment. In support of this objection, I wish to lodge the following comments -

The zoning of the land in question from Residential to Tourist Park, Educational Establishment (3 stages) on our western boundary is unacceptable to us. This is only a small residential area. On our eastern boundary and also on Caves Road we have the Adventist Church complex. Originally, the Lots 1, 2 and 3 formed their immediate neighbours and now another home has been built next to Lot 1. The impact of a Tourist Park and Education Centre would be out of proportion and adversely affect the value of our property substantially.

Southern Downs Regional Council



Handwritten signature/initials

TOURIST PARK

1. The proposed development frontage onto the narrow winding section of Caves Road is unsafe for traffic reasons and potential traffic issues involving caravan/car movement, stopping, parking on the street, associated visitors and the movement of normal through-traffic. It would endanger motorists generally including people negotiating vehicles in and out of the proposed development adjoining properties.

2. The scale and design cannot be justified as compatible with the surrounding neighbourhood because of the inadequate water supply and other environmental problems.

3. The commercial activity would appear to be an all hours operation (24/7).

4. The development has its own natural sloping surface drainage down to Funkers Gap Creek and the proposed effluent disposal for travellers would affect the underground water as well. I suggest that there is little control over what chemicals, pharmaceuticals etc., flow from such dumping of effluent from travellers' caravans and mobile homes.

5. The application concerning this development alludes to a number of educational and other areas where it is in accord with the objectives and values of the SDRC in terms of the Southern Downs Planning Scheme. These statements have the appearance being achievable and doing what is, as stated, fulfilling the objectives and aligning with the values of the SDRC but the promises lie unsupported without evidence of qualifications and ability. The Proposed Staff section is of little help their also e.g. 'Occasional guest speakers'.

Being a business venture the future ownership of the property is far from certain. Should the application be successful I suggest that now and in the future we would have to make compromises for someone else's financial gain. We have resided here for twenty-four years in retirement and the area has been virtually crime free in that period. We ask to live here peacefully in the neighbourhood environment we have and value - a life style we enjoy and have enjoyed for over two decades with our previous neighbours before the recent arrival of the applicants in this matter. I would never have chosen to live beside a Tourist Park/caravan park and if the proposal is approved, it would involve a shift for us or, unable to sell, having to remain living in the unwanted and changed environment. Our home and the subsequent improvements didn't come cheaply and at the moment it maintains a reasonable value in a residential market. So when the time comes, we stand a chance, with



the present zoning and that of our neighbours, of being able to move to something suitable for the octogenarians that we are now.

Re. 1. (above) For years now I have been concerned about the safety of the 'S' bend, incorporating a crest and narrow roadway at our front gates. On some occasions I have seen the tracks on the applicants' footpath area where a vehicle has failed to remain on the roadway taking the bend. I have assisted a motor cycle rider who failed to make it safely around the bend in front of the applicant's front gate and crash onto the roadway in front of our residence. He was okay but he was unable, alone, to right the heavy motor cycle he had been riding. I have been forced from the roadway to avoid an oncoming vehicle over the crest in front of our place. I have had our street number post and an adjacent guide post flattened by a motorist who was unable to make the bend in front of the applicants' place and who ended up in the table drain beside our front entrance.

SOME OTHER HAZARDOUS ISSUES

In short, the 'S' bend in front of our residences is dangerous. The road is virtually a single lane road with no line markings - perhaps because of the narrowness. There is no street lighting and the lines of sight are inadequate when approaching or negotiating the 'S' bend which is adjacent to the proposed development. It appears that any car/caravan/mobile home merely travelling through the 'S' bend, stopping, parking etc., is at risk from some other oncoming driver, unfamiliar with the road, maintaining the speed limit. Similarly, any through-vehicle approaching or passing a stopping or parked vehicle in this section of roadway would be at risk. As the roadway stands now, newcomers would be at risk negotiating arrival and departure. Perhaps a reduced speed is incapable of eradicating the danger as the view of an approaching vehicle on both bends is restricted with little room for escape and unforgiving granite present in places. Vide attached images.

Re 3. (above) At night and/or in poor visibility periods such as storm or fog, the danger would be exacerbated. It is clear that the situation is an accident waiting to happen given the proposed circumstances. In the likely event of a serious accident, litigation is probable over failing to provide a safe approach to the property and the duty of care is an onus. I am aware of other people who have expressed similar views about the inherent danger in this section of the roadway on Caves Road. A serious upgrade of the existing roadway would be necessary to provide safe access/exit to/from the development.

In addition, there is a perilous crossing for slow moving vehicular traffic where Old Caves Road and Caves Road meet with the entry to the bypass



on The New England Highway. Travelling over this intersection is not to be taken lightly even with a single vehicle driven by a local person familiar with it. Recently on returning home, we were diverted away from that intersection by Police attending a multi-vehicle incident. We had to travel through Stanthorpe and enter the other end of Caves Road.

I refer to the Council's Good Design for Caravan Parks and relocatable Home Parks issued by the Queensland Department of LOCAL GOVERNMENT & PLANNING incorporating RURAL COMMUNITIES.

At 2.2 on Page 5, External Roads and Movement (in part) -

"OBJECTIVES :

- The establishment of residential parks does not compromise human safety or cause undue disruption to the flow of traffic.
- Pedestrian and bicycle access ensures the best possible integration of park residents with the surrounding community.

PERFORMANCE CRITERIA:

P1 The location of vehicular entrance/exit points provides adequate lines of sight to ensure safe access to and from the park.

P2 Residential Parks have convenient and safe access to the public road system.

P3 Residential parks are located on a road system which has the capacity to accommodate increases in traffic volumes generated by present and future development (this could mean the road system has to be upgraded).

ACCEPTABLE SOLUTIONS.....

A sealed road that accommodates anticipated traffic volumes and is consistent with existing road alignment and stopping distances, as specified in Section 2.14 of 'Queensland Streets' satisfies performance criteria P1 to P3.

Developers may be asked to upgrade roads where their development causes increased traffic volumes over and above the capacity of the present road system."

Re 2.(above) Over the years, people who have built family homes in our area have been refused water by the Council because of the small 1" (1.25" outside diameter) water main then and now supplying the earlier Caves Road residents with water. (Please see attached image of where the main surfaces at our front fence and goes on to service the proposed development at No. 214.) I understand that this policy has over-ridden new owners' offers to install the piping at their own expense. The Tourist Park which is described in the application as 'just a small host

farm retreat' would comprise multiple cabins, an amenities building with four en suite bathrooms and laundry, individual sites accommodating campers, caravans/mobile homes plus a caretakers residence and a commercial kitchen is akin to a not so small settlement and much more demanding than a residence with two people living there.

In the application, it is submitted,

"An adequate supply of potable water is provided through the town water supply that is suitable for drinking, cooking, kitchen sinks and personal hygiene (showers, baths, hand basins). Water supply standpipes will be provided within 10m of any site within the impervious paved area graded to a central drainage inlet which is connected to a sewerage or draining system."

How could this be just, if the applied for Tourist Park/Education Establishment permit was granted with access to town water via the meagre existing water main?

At 2.3 on Page 6 of the above mentioned Council's guidelines - OTHER ENGINEERING SERVICES OUTSIDE THE PARK OBJECTIVE

- Adequate capacity should exist in pedestrian/cycle ways and water supply and sewerage services to accommodate the needs of the residential park and surrounding community.

PERFORMANCE CRITERIA

P1 Developers bear the cost of upgrading footpaths, cycleways, water supply, sewerage and electrical systems, where increased usage generated from their development impacts on the existing network.

I suggest that the water supply would not be adequate and it is a matter for consideration as to how the demand would affect us and other residents in so far as water pressure is concerned. I believe a larger water main would have to be installed and others who have been without town water for so long should be treated equally.

Re 4. (above) We have only a small amount of wildlife in our paddocks and increased pressure by numbers of people within the area would hardly be in the interests of any resident animals. The bypass which is close to us, is not helpful with the road-kill and noise. I would be able to count on the fingers of one hand the kangaroos I have seen in the area in recent times. One was wounded with what I believed was a broken leg, probably from the bypass traffic when I unintentionally startled it near our boundary with Lancubas. It jumped into Lancuba's Dam and perished beneath the water. A Home Sewerage Treatment Plant to receive the dumping of accumulated waste/effluent from caravans etc., would not be in the interests of our environment. This is leaching country with

underground water, the contamination of which has to be affected and Funkers Gap Creek which subsequently flows into Quart Pot Creek is nearby. The increase in pressure on the drainage would be considerable. In times after rain and afterwards, the seepage is close to the surface. I am aware of an incident some years back, where a tree-loppers truck, sometime after a normal rain period and when the surface appeared dry, attempted to travel just outside the house fence line of the residence now owned by the applicants. The truck broke through the surface crust and became hopelessly bogged in the bottomless saturated sub-soil/decomposed granite. A tractor had to be employed to extricate the truck from the situation. Dumped waste from the visitors would be better deposited in the already available town sewerage system and treated accordingly. Also it appears that there could be an escalation in numbers of people residing in tents, caravans, mobile homes, cabins, relocatable homes over time in a Tourist Park and that would mean more pressure on the environment. Once a precedent is set, what limits do we have?

The Southern Downs planning Scheme in its Strategic Vision provides, "In the year 2040 the Southern Downs will be a great place to live - ".....The unique characteristics of each of our small towns and villages will be promoted....." Caves Road is noted for now being a unique characteristic of Stanthorpe. This uniqueness will not be promoted by the presence of a Tourist Park.

Re 5. (above) EDUCATIONAL ESTABLISHMENT

Definition : Column 2 - Premises used for training and instruction designed to impart knowledge and develop skills. The use may include outside hours school care for students or on-site student accommodation.

Examples include: Column 3 - Preparatory, preparatory primary school, secondary school, special education, college, university, technical institute, outdoor education.

It appears that the definition is aimed at formal schooling. I would submit that this and like applications need to be closely monitored and only highly qualified applicants should be considered where the credibility of a formal education system is attributed by attaining the title of Education Establishment. In this application there is no mention of control over what is being taught - no mention of accreditation with any formal accepted institution - no mention of quality assurance by such a body, say, as the QCCA (Queensland Curriculum & Assessment Authority). The proposed Education Establishment appears to have no such controls over quality and standards.

Qualifications of Applicant.

I would respectfully suggest that an applicant would have to provide evidence of where and how knowledge and developing of skills are to be implemented. Formal evidence of qualifications/expertise, training gained, background, teaching experience, curriculum development, published articles by the applicant and testimonials should be presented to assess whether or not an applicant is competent to conduct an Educational Establishment. Similarly, scrutiny should be given to guest speakers. Where sensitive areas are listed in an application, close scrutiny should be applied as these are areas one would associate with professionals - e.g. qualified educationalists, psychologists, doctors etc. In the light of the statements given, these are serious matters.

This proposal falls short of an acceptable education provider in the spirit of our educational system. Stanthorpe is not lacking in this regard. On the other side of our property we have the former Stanthorpe Adventist Primary School. The school is no longer operating but the church is. It is now principally functioning in its church role. Its large building is the subject of pride and the institution enjoys a fine reputation. I am sure it fills a role still as an educational establishment for its faithful congregation.

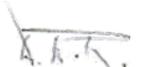
Also as information pertaining to this application, I submit that in the Council's 'Guidelines on Good Design for Caravan Parks.....' at 2 on Page 3 in Performance Criteria at P1 it provides 'Residential parks are not situated on land subject to flooding. I am attaching four images of photos (8 to 11) I took some years back of Funkers Gap Creek in flood affecting the property, the subject of this application. This occurred in wet weather causing dams to burst along the creek above our location. Another image (12) I took at the time is of the Funkers Gap creek crossing on Caves Road. In this photo one can see that the image was taken after the peak of the flooding by the debris on the roadway.

These are matters which I respectfully bring to the Council's attention in the hope that you will give my submissions favourable consideration regarding the application in question and not permit 214 Caves Road to be zoned a Tourist Park and Education Establishment.

Yours faithfully,


Donald Russell.


Shirlee Russell.

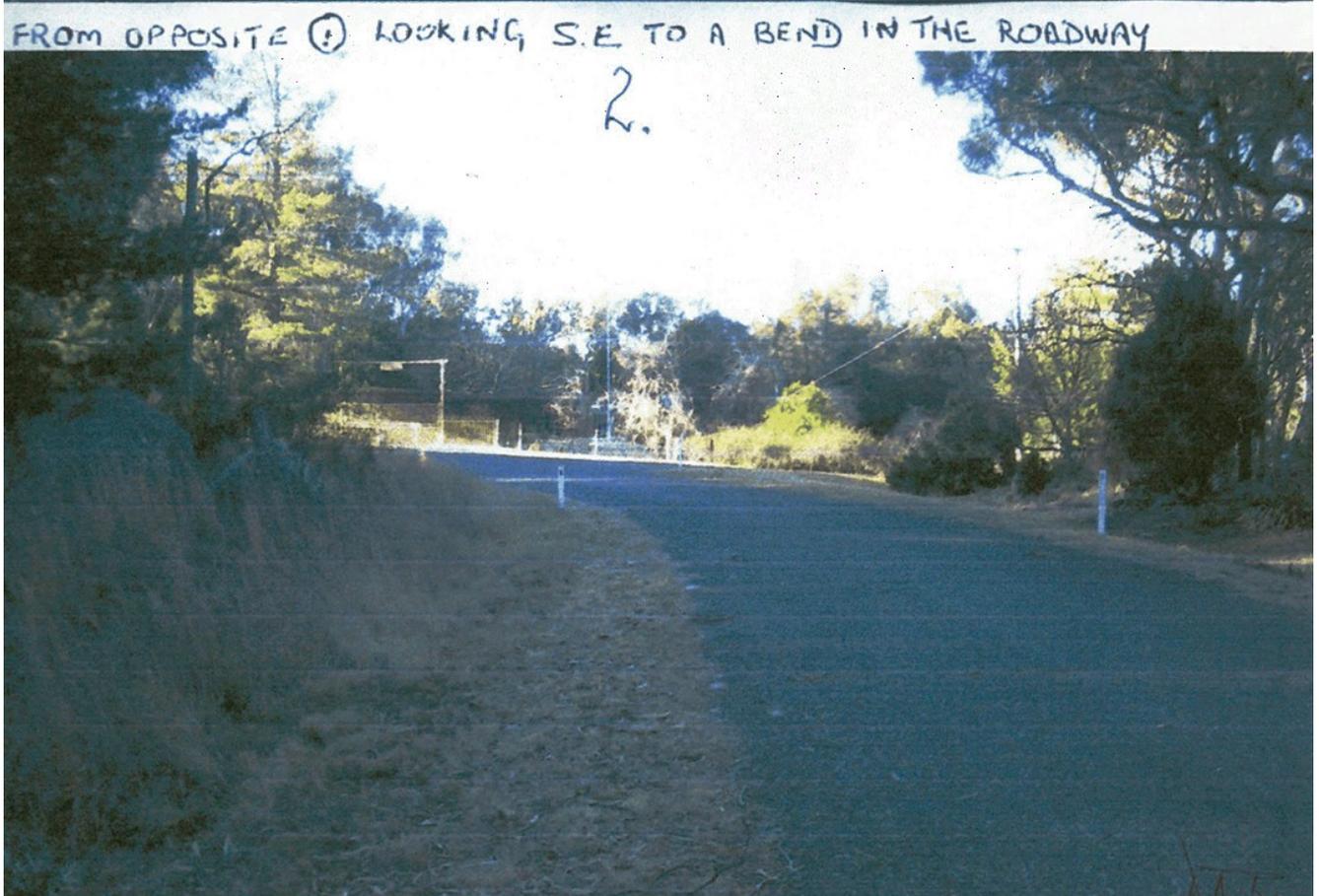
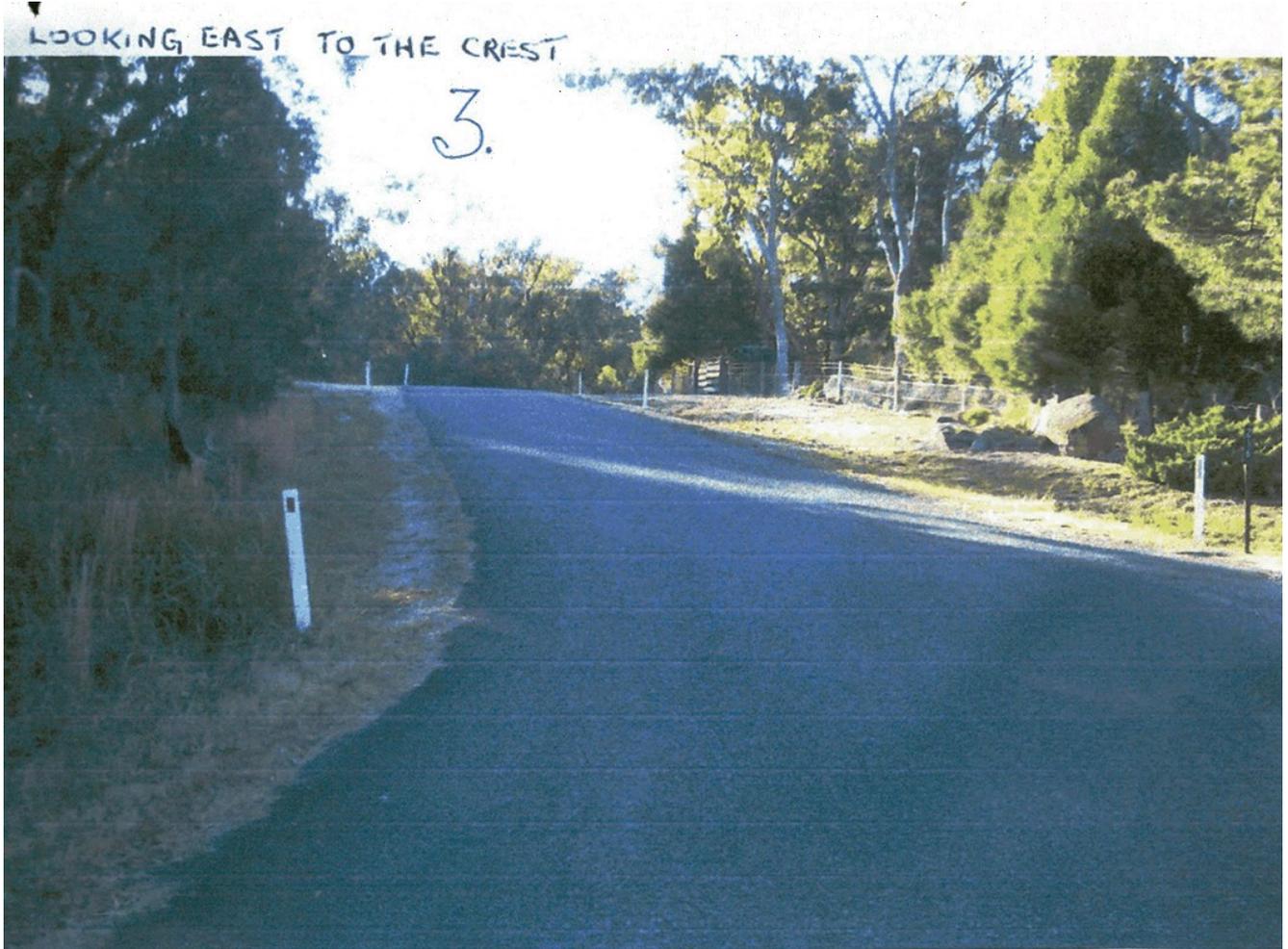


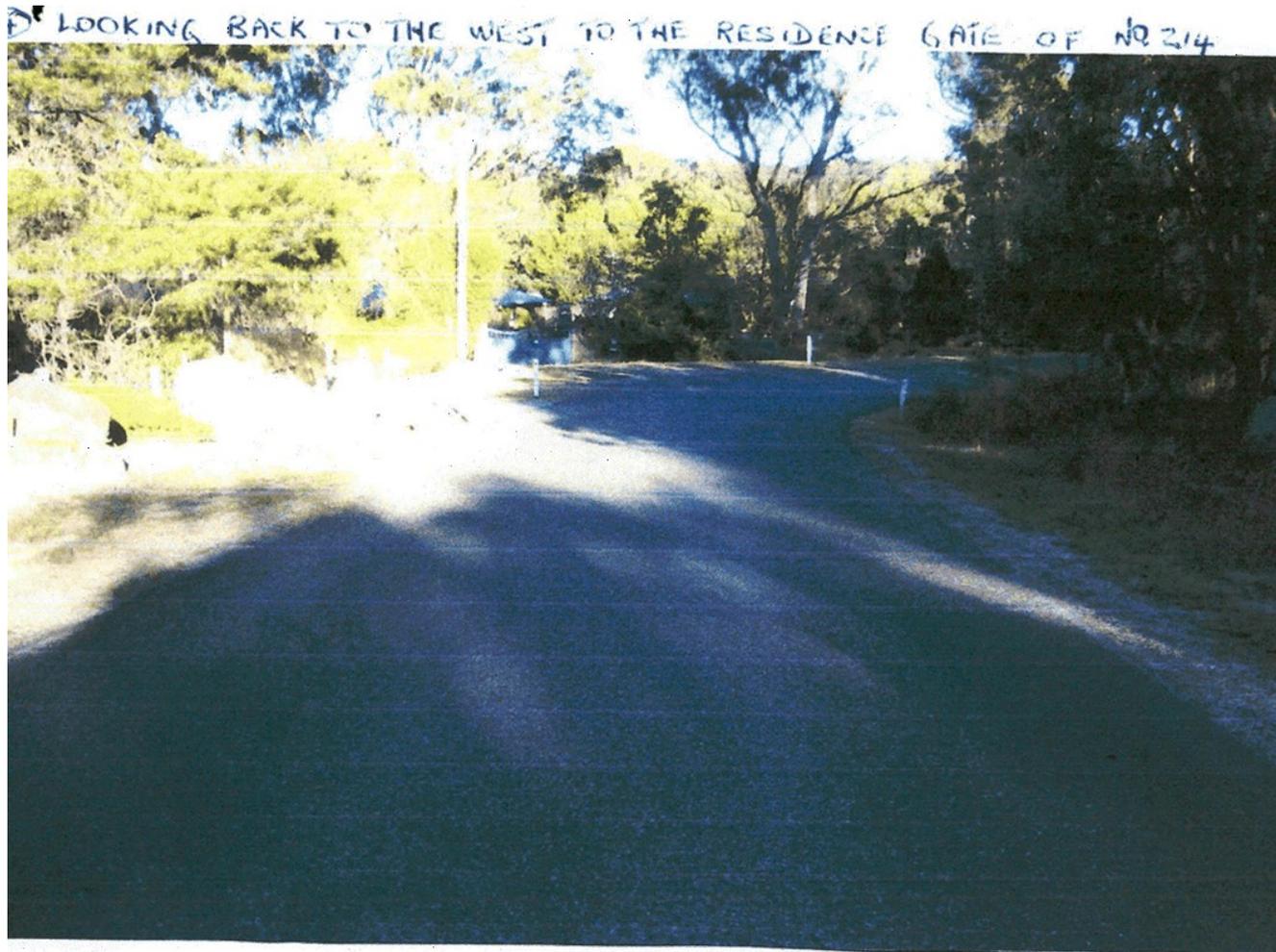
1. MOST NORTHERN GATE TO THE PROPOSED DEVELOPMENT

1.



A.A.A.





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MAIN WATER SUPPLY PIPE TO THE PROPOSED DEVELOPMENT



7.

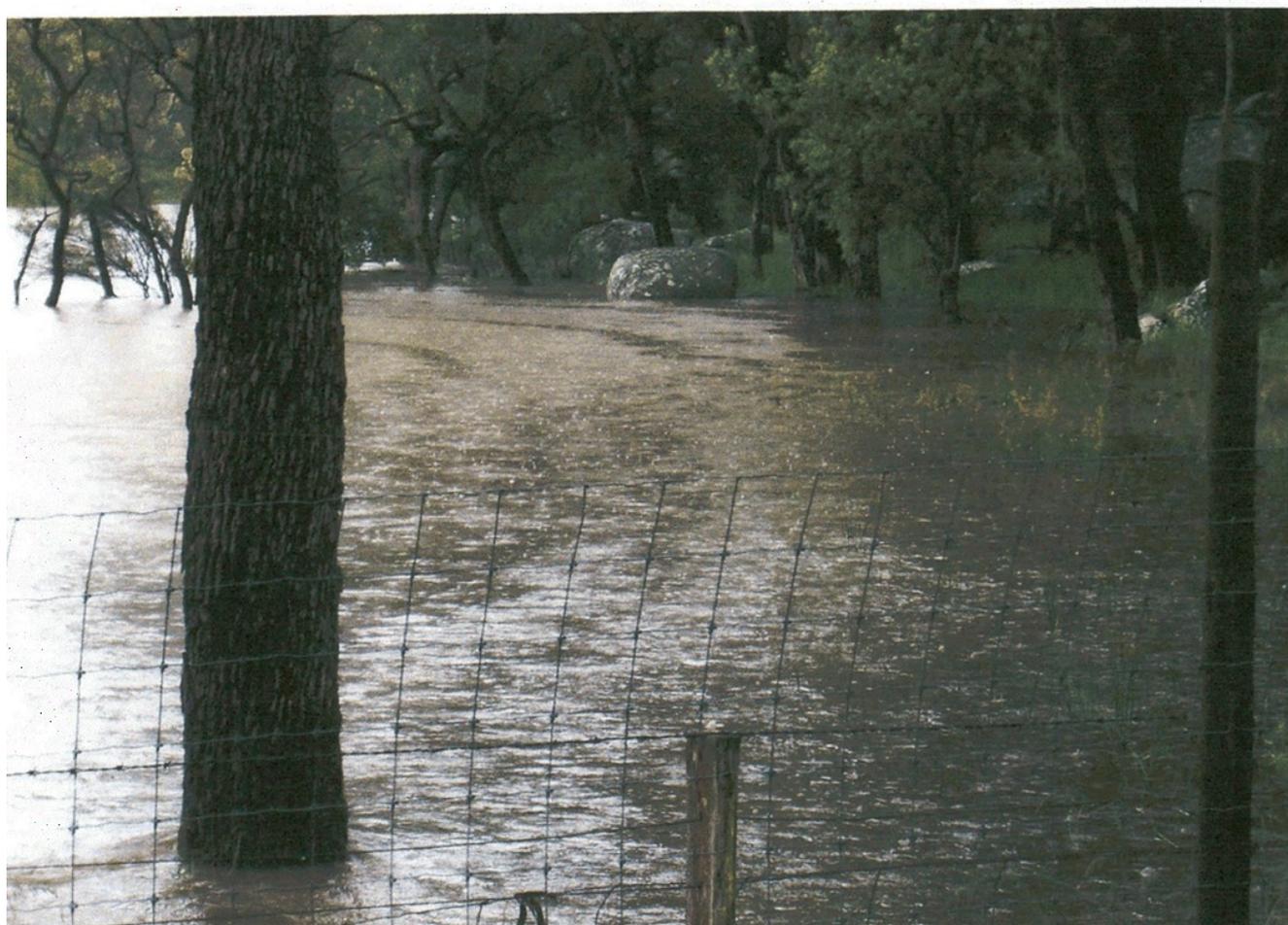
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kat

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A.A.A



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12.



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13. REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES

Nil

14. NOTICES OF MOTION

Nil

15. GENERAL BUSINESS

16. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

In accordance with the provisions of Section 275(1) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public and move 'into Committee' to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

Recommendation

THAT the meeting be closed to the public and move into committee to discuss the following items, which are considered confidential in accordance with Section 275(1) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following, as indicated:

16.1 PN68325 - Write-off Interest on Outstanding Rates

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

16.2 Regional Arts Development Fund Applications Round One 2017/2018

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.3 November 2017 Monthly Report from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane 26.52

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.4 Audit and Risk Management Committee Meeting Minutes - 8 December 2017

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.5 Mobile Library Service

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.