



## **SOUTHERN DOWNS REGIONAL COUNCIL SPECIAL MEETING OF COUNCIL**

Dear Councillors

Your attendance is hereby requested at the Special Meeting of Council to be held in the Council Chambers, Southern Downs Regional Council, 64 Fitzroy Street, Warwick on **Monday, 3 September 2018** at **9:00AM**.

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

**David Keenan**

**CHIEF EXECUTIVE OFFICER**

30 August 2018



**ORDER OF BUSINESS:**

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1. **ATTENDANCE**
2. **APOLOGIES**
3. **DECLARATIONS OF CONFLICTS OF INTEREST**

#### 4. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

##### 4.1 Consideration of Change Representations - Lucas Riley, 14135 Cunningham Highway, Rosenthal Heights

###### Document Information

 <b>Southern Downs</b> REGIONAL COUNCIL	<b>Report To: Special Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 3 September 2018
	Planning Technical Officer	<b>ECM Function No/s:</b> MCU\01934

<b>APPLICANT:</b>	Lucas J Riley
<b>OWNER:</b>	Lucas J Riley
<b>ADDRESS:</b>	14135 Cunningham Highway, Rosenthal Heights
<b>RPD:</b>	Lot 640 ML68, Parish of Rosenthal, County of Merivale
<b>ZONE:</b>	Rural (Sandstone rises and traprock hills precinct)
<b>PROPOSAL:</b>	Low impact industry (Motor vehicle workshop and Chiller boxes for storage of game meat)
<b>LEVEL OF ASSESSMENT:</b>	Impact
<b>SUBMITTERS:</b>	Four (4) plus one (1) not properly made
<b>REFERRALS:</b>	Department of State Development, Manufacturing, Infrastructure and Planning

###### Recommendation Summary

THAT Council agree in part with the change representations made in relation to the application for a Material Change of Use for Low impact industry on land at 14135 Cunningham Highway, Rosenthal Heights, described as Lot 640 on ML68, Parish of Rosenthal, and the conditions of approval be amended accordingly.

###### Report

A Decision Notice was issued on 26 July 2018 approving a Low impact Industry (Motor vehicle workshop and Chiller boxes for storage of game meat) on land at 14135 Cunningham Highway, Rosenthal Heights.



The applicant has requested change representations in regards to the use of the site, hours of operation, activities undertaken within the shed, on-site sales, vehicles accessing the site, storage of goods, equipment and materials, existing trees, landscaped buffer, driveway, carparking and associated operational works, water supply and infrastructure charges. The applicant has requested a review of Conditions 3, 4, 5, 6, 7, 19, 22, 23, 24, 25, 26, 27, 29, 32, 33 and 34.

Conditions 3 and 6.

3. *This approval allows for the use of the building for the following uses only:*

- *Motor vehicle workshop*
- *Chiller boxes for storage of game meat*

**Note: This does not allow the site to be used as a wrecking yard or scrap metal recovery. There are to be no vehicle sales from the property or display of vehicles on the subject land. There is to be no processing of game meat on site.**

6. *On-site sales are prohibited from the site. There are to be no customers attend the site and all sales are to be finalised at another location.*

The applicant's consultant provided the following comments:

*It is currently conditioned that there are to be no sales from the site. Our client understands that vehicles cannot be displayed on the site, however still intended to allow potential customers to attend the site if required.*

*In the majority of circumstances our client would meet interested parties at an agreed destination, off the subject site, to arrange checking and purchase of a vehicle, however in some circumstances there will be a need to meet customers on the subject site. This aspect was part of the original application submitted by the landowner.*

*As indicated in the original application, most often customers will be met elsewhere and the gates to the property are locked if our client is not on site. Therefore customers cannot access the site all of the time. Our client notes that this aspect of the business is only part time, as he is also a part time shooter.*

*There is still no intention to display vehicles for sale from the site.*

The consultant has requested that Condition 3 be amended as shown below, and Condition 6 be deleted.

3. *This approval allows for the use of the building for the following uses only*

- *Motor vehicle workshop **and associated sales***
- *Chiller boxes for storage of game meat*

**Note: This does not allow the site to be used as a wrecking yard or scrap metal recovery. There are is to be no ~~vehicle sales from the property or~~ display of vehicles on the subject land. There is to be no processing of game meat on site.**

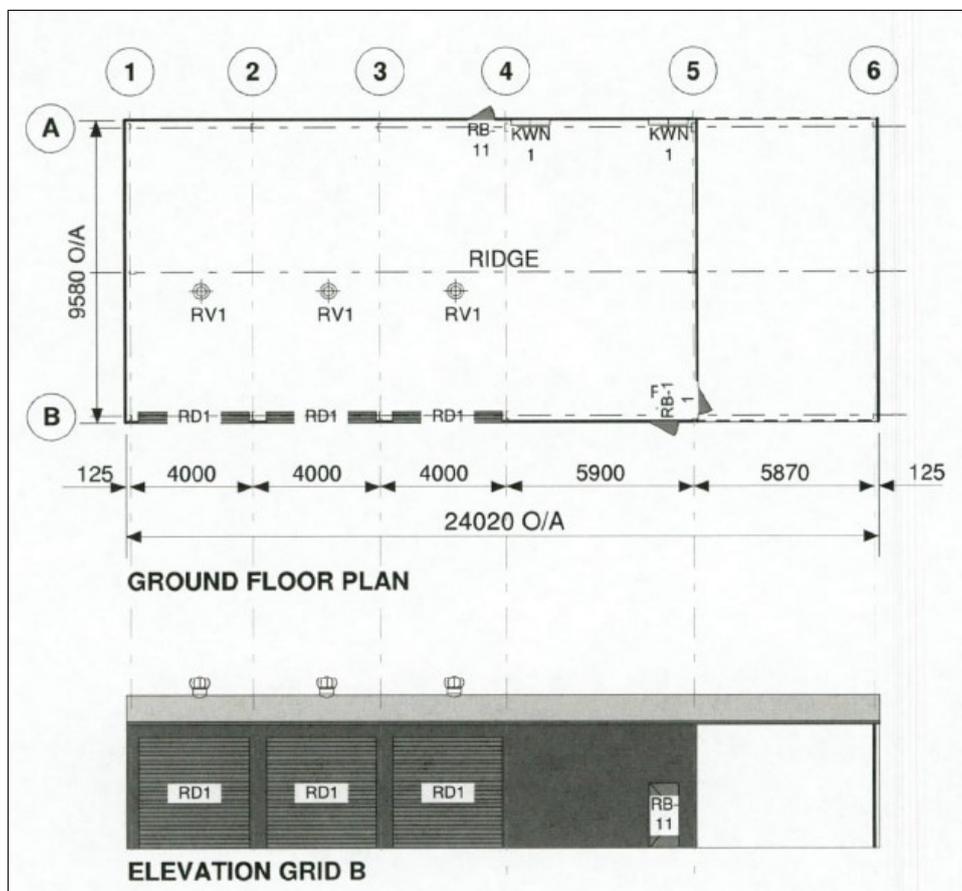
The original submission from the applicant stated that he usually meets customers elsewhere, at a location such as a public carpark or fast food restaurant.

The use of the land for retail purposes would contribute to ribbon development which is contrary to the Planning Scheme. Sales could only be allowed if conducted on a very small scale.

It is not practicable to condition the number of customers that could attend the site, therefore it is recommended that if sales are to be allowed, conditions of approval limit the number of vehicles being stored in the workshop and the number of employees.

The applicant states that he is the only employee, and it is considered reasonable that a condition be imposed limiting the number of employees to one.

The applicant's consultant has stated that half of the shed is used for the motor vehicle workshop and that all vehicles will be parked in the shed outside of approved hours. The plans for the building, and the photographs taken during an inspection by Council officers, demonstrate that eight vehicles could not be parked in the three bays of the shed that are to be used for the motor vehicle workshop. Therefore, a condition can be imposed limiting the number of vehicles in the motor vehicle workshop to four.



The recommended changes are as follows:

3. This approval allows for the use of the building for the following uses only:
  - Motor vehicle workshop **and ancillary sales**
  - Chiller boxes for storage of game meat

**Note: This does not allow the site to be used as a wrecking yard or scrap metal recovery. There are is to be no ~~vehicle sales from the property or~~ display of vehicles on the subject land. There is to be no processing of game meat on site.**

6. ~~The operator of the motor vehicle workshop is to be the only employee associated with the motor vehicle workshop. On-site sales are prohibited from the site. There are to be no customers attend the site and all sales are to be finalised at another location.~~
- 6A. The number of vehicles associated with the motor vehicle workshop kept on the land at any one time must not exceed four.

Condition 4.

4. The development shall generally operate only between the hours of 8.00am to 6.00pm, Mondays to Saturdays, and not at all on Sundays and public holidays. 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, Monday to Saturday. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.

The applicant's consultant provided the following comments:

*In relation to the chiller boxes, kangaroo shooting is undertaken at night time, particularly on a Saturday night. Therefore a shooter may leave home after 6.00pm and return in the early hours of the next morning. The Safe Food requirements are that the kangaroo carcasses are to be in the chillers as soon as possible, however no later than two hours after daylight. All shooters are required to sign a statutory declaration detailing this timeframe as part of Safe Food. Therefore attending the site between 8.00am and 6.00pm to place the kangaroo carcasses in the chillers is not possible to ensure compliance with Safe Food requirements, and if shooters go out on a Saturday night, which is common practice, this condition will not allow for any drop-off until Monday morning.*

*In addition, if the hours are restricted for the kangaroo carcass drop-off, the result will be that shooters will return to their own residential property with a ute load of kangaroo carcasses, to await drop-off time. This will cause concerns with the community in that area. It would be desirable to allow for the drop off of the kangaroos carcasses before entering the residential areas. Our client purchased a property that is on the western side of town, so he didn't need to traverse the township with kangaroo carcasses.*

*The unloading of kangaroo carcasses would only take 30 to 60 minutes. During this time the vehicle is switched off and the vehicle's lights are also turned off. The shooters are not on-site for extended periods of time.*

*Our client is willing to construct a colorbond screen fence for a length of 80 metres, as shown on plan W5345-02. The erection of the screen fence will ensure that when the vehicles accessing the chiller boxes are turning, there will be no light nuisance to the adjoining property. Our client is also willing to notify the shooters that would utilise the chiller boxes, to adjust their lights to low beam once entering the site from the Cunningham Highway.*

*The contractor that picks up the kangaroo carcasses arrives at the site as part of a "run" to all other contracted chiller boxes in the area before returning to the processing plant. The arrival of the contractor can be at any time, depending on how long the "run" has taken for the day and any issues which have occurred. The contractors "run" can include chiller boxes out to Millmerran through to the Gold Coast. It is out of our client's control when the contractor arrives on site. Whilst every endeavour is made for the pick up to be prior to 6.00pm, sometimes the contractor may not arrive until later, i.e. 9.00pm. The pick-up takes approximately 0.5 to 2 hours, and occurs once a fortnight, however depending on required kangaroo numbers at the processing plant, could be weekly during peak demands. Safe Food requires kangaroo carcasses to be transported to a processing plant within 14 days. Whilst loading, the truck is also turned off and the lights are switched off.*

*The erection of a screen fence and use of low beam headlights will mitigate any nuisance which may be experienced by the adjoining residents as a result of the kangaroo carcass drop-off and pick-up. Therefore it is suggested that the operating hours stipulated in the condition only relate to the motor vehicle workshop and there be no restrictive hours on the*

chiller boxes drop-offs. The kangaroo carcass pick-up could be restricted to between 6.00am and 11.00pm.

This condition should be amended as follows:

4. **A. The ~~development~~ motor vehicle workshop shall generally operate only between the hours of 8.00am to 6.00pm, Mondays to Saturdays, and not at all on Sundays and public holidays, including the loading and/or unloading and other service vehicles (excluding general waste collection vehicles) is limited between the hours of 8.00am and 6.00pm, Monday to Saturday. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.**
- B. The loading of the delivery vehicle associated with the pick-up of kangaroo carcasses from the chiller boxes is limited to between the hours of 6.00am and 11.00pm, Monday to Saturday. No heavy vehicles must enter the development site outside these times to wait for unloading loading**

The submissions received in relation to the development raised concerns of the site operating 24 hours per day either with the workshop or the chiller boxes. In consideration that the adjoining uses have experienced impacts associated with the unlawful use of the site, the conditioning of hours of operation is necessary to mitigate the impacts such as light, and noise associated with the development.

The change representation proposes that the site operates from 6.00am to 11.00pm. Within the Industry zone it is usual that restrictions are placed on the hours of operation, however, the land is located within the Rural zone and there are nearby residents who have been experience adverse impacts from the development. The use of the site for these extended hours is not considered to be suitable and it is recommended that the condition is amended to allow for delivery and pick-up of kangaroo carcasses between the hours of 6.00am and 7.00pm only. It is recommended that Condition 4 is amended as follows:

4. **(a) ~~The development motor vehicle workshop shall generally operate only between the hours of 8.00am to 6.00pm, Mondays to Saturdays, and not at all on Sundays and public holidays. No vehicles associated with this use (excluding general waste collection vehicles) are to enter or exit the land outside these times. 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, Monday to Saturday. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.~~**
- (b) The unloading and loading of vehicles associated with the chiller boxes is limited to between the hours of 6.00am and 7.00pm. No vehicles associated with this use are to enter the land outside these times to wait for unloading/loading.**

#### Conditions 5 and 19.

5. *All activities related to the motor vehicle workshop must be carried out within the confines of the workshop.*
19. *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.*

The applicant's consultant provided the following comments:

*It is conditioned that all activities associated with the motor vehicle workshop are undertaken within the confines of the shed. If there are a number of vehicles on site associated with the motor vehicle workshop, then when our client is working on other vehicles, there will be a need to park a couple outside of the shed during the day, to enable the shed to be used for the business. The vehicles would only be parked outside and at the end of the day, returned to inside the shed. The vehicles would be parked outside on the existing bitumen sealed apron, on the northern side of the shed. We seek clarification to confirm that this practice would be acceptable.*

*This area will be screened from the adjoining property by the proposed screen fence and the future dwelling will screen the vehicles from the Cunningham Highway.*

The consultant has requested that Conditions 5 and 19 be amended as follows:

5. *All activities related to the motor vehicle workshop must be carried out within the confines of the workshop, with the exception of parking vehicles. Vehicles may be parked on the apron on the northern side of the shed during the operating hours All vehicles associated with the motor vehicle workshop are to be parked within the shed out of hours.*
19. *All equipment, goods and materials associated with the use 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. This does not include the parking of vehicles associated with the motor vehicle workshop being parked on the apron on the northern side of the shed.*

Subject to the provision of adequate screening, the parking of vehicles along the northern side of the shed is considered acceptable. It is recommended that Condition 5 be amended as requested and Condition 19 be amended as follows:

19. *All equipment, goods and materials associated with the use 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.*

#### Condition 7.

7. *The only trucks that are to access the land for purposes associated with either the Motor vehicle workshop or the Chiller boxes are to be rigid vehicles only. No semi-trailers or B-doubles are to access the land for purposes associated with these uses.*

The applicant's consultant provided the following comments:

*Our client has again spoken to the contractor, since the July Council Meeting to confirm the pick-up details. The contractor has advised that in recent times there has been a significant increase in the number of kangaroo carcasses and therefore their business has expanded. As a result, a larger truck is sometimes being used to collect the kangaroo carcasses on each of the runs. The contractor has now indicated that a semi-trailer is currently the likely vehicle, even though a body truck was previously detailed to our client, as it is not viable to do part of the "run" with just a body truck. For the contractor, the current number of kangaroo carcasses warrants the use of a semi-trailer the majority of the time. If there is rain and the drought ends, or there is a downturn in the number of kangaroo carcasses, then a body truck will be used for this "run". Similar to the pick-up times, our client cannot control the size of truck which the contractor uses. Our client attempted to get the best information available at the time of lodgement from the contractor, 7 to 8 months ago; this has now changed given the current weather conditions.*

*Our client attended the July General Council Meeting and understood there was discussion in relation to the restriction on the kangaroo carcass pick-up vehicle and it was discussed that no restriction should be imposed. This condition clearly restricts the vehicle to exclude semi-trailers.*

*The vehicles associated with the development are less than that associated with a rural use, which may have feed or produce deliveries conducted in semi-trailers on a regular basis. It is to be noted that the kangaroo carcass pick-up will generally only occur once a fortnight, maybe once a week in peak times.*

*There is no intention to ever need a B-Double associated with the business operations.*

*This condition should be amended as follows:*

7. *The only trucks that are to access the land for purposes associated with either the Motor vehicle workshop or the Chiller boxes are to be rigid vehicles or semi-trailers only. No ~~semi-trailers or~~ B-doubles are to access the land for purposes associated with these uses.*

The submission from the applicant's consultant dated 23 July 2018 stated:

*It was advised by the contractor has a range of truck sizes, however, it would likely be a body truck. Since this once-off collection, the contractor has been advised that should approval be gained, a body truck is the only size truck permitted to complete collections. There would be no semi-trailers attending the site in relation to the use of the chiller boxes or the motor vehicle workshop.*

*Our client acknowledges that semi-trailers accessed the site once in relation to pick up of chilled meat, which was used to ascertain data for the Safe Food licence, and on occasion to deliver buildings and building materials, which are not in relation to the proposed development. As detailed, the meat collection contractor has been advised, that if approval, they can only utilise a body truck to access the site.*

Contradictory advice has been provided by the applicant's consultant regarding the use of semi-trailers to collect carcasses. Council's consideration of the application at the July meeting was based on the advice that there would not be semi-trailers used for the collection of carcasses.

The applicant's consultant has also requested that Council allow the collection of carcasses via semi-trailer until 11.00pm at night.

Council has received various complaints regarding the use of the land, including that semi-trailers arrive and leave the site at all times of the night. Conditioning the approval to prohibit the use of semi-trailers and B-doubles, and restricting the hours of operation, provided some mitigation of impacts on nearby residents. It is recommended the Condition 7 is retained unchanged.

#### Condition 22.

22. *The existing trees along the Cunningham Highway frontage are to be retained. These trees are to be protected during construction of the driveway and vehicle access. If any tree dies, the dead tree must be replaced with an advanced tree of the same species and height.*

The applicant's consultant provided the following comments:

*It has been conditioned that the existing trees along the Cunningham Highway frontage are to be protected and if any tree dies, then it must be replaced with an advanced tree of the same species and height. Our client is happy to replace the trees, if ever needed, with the same species, however as some of the trees are in excess of 20 metres in height, it would be impossible to replace with a similar height tree.*

*This condition should be amended as follows:*

22. *The existing trees along the Cunningham Highway frontage are to be retained. These trees are to be protected during construction of the driveway and vehicle access. If any tree dies, the dead tree must be replaced with an advanced tree of the same species **and height.***

The consultant's request is reasonable and Condition 22 can be amended accordingly.

#### Conditions 23, 24 and 25.

23. *By 30 October 2018, a 20.0 metre wide landscaped buffer, including mounding of 1.0 metre above ground level **and irrigation**, is to be provided around the workshop and chiller boxes area so as to provide a visual buffer. This area is to be densely planted with advanced trees and shrubs, 1.5 metres in height, suitable to grow to heights of between 3.0 to 20.0 metres at maturity. Within the 20 metres of this buffer area, random plantings of a variety of native trees and shrubs of differing growth habits are to be provided at spacings of 4-5 metres i.e. 5 row of trees, 5.0 metres apart. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The vegetated buffers are to be maintained so they form an effective buffer.*



Condition 24 required the submission of a landscaping plan for the treed buffer, and Condition 25 required the payment of a bond of \$15,000 for the maintenance of the buffer.

The applicant's consultant provided the following comments:

*The condition currently requires a 20 metre buffer, including mounding of 1.0 metre above ground level and irrigation, around all sides of the chiller boxes and shed. The existing chiller boxes and shed are only 20 metres from the side boundary and an all-weather driveway has been constructed within this area. The conditions relating to the landscaped buffer and a \$15,000 bond are excessive, particularly given the majority of the screening will be in relation to a shed, which Council officers acknowledge is not out of character in the rural area.*

*Since the approval has been granted, our client has painted the containers the same colour as the existing shed, which was not included as a condition of the approval. This alone has significantly reduced the visual impact of the chiller boxes; see the following images.*

*The chiller boxes are only visible from the east, as shown in the following images. These images are taken from the most open stretch of roadway, where there is no vegetation. The location of the shed and existing vegetation, on both the subject and adjoining property, result in the chiller boxes being adequately screened from the north and west. There would be no need for a vegetation strip along the western side of the shed and chiller boxes, as the visibility is minimal, particularly since the chiller boxes have been painted the same colour as the shed.*



*Views from the eastern side of the site, before and after the chiller boxes have been painted*

*It has been indicated that all work associated with the motor vehicle workshop will be conducted within the shed, except that some vehicles may be parked outside during business hours, to enable the other vehicles to be worked on. The proposed dwelling will be constructed to the north of the existing shed. Given Council officers acknowledged in the reports to Council that the shed is not out of character, this buffer is excessive to screen a shed which is no different to other rural sheds.*

*The chiller boxes are located behind the shed, to help reduce any visual impact. The buildings associated with the motor vehicle workshop and game meat storage occupy approximately 288 square metres, which equates to 0.36% of the site. The buildings do not dominate the landscape, as shown in the images previously included. The topography is such that the land slopes up toward the railway line.*

*It would be unreasonable and unnecessary to establish a landscaped buffer along the northern, western and southern sides.*

*The 20 metre vegetated buffer around all four sides of the shed and chiller boxes, on a one metre high mound, will stand out and not be in character with the existing landscape in this area. This vegetated buffer will dominate the landscape more than the existing buildings.*

*Instead of landscaping, our client proposes to erect a 1.8 metre high screen fence from the front of the shed, to past the chiller boxes, as shown on plan W5345-02. The screen fence will be easy to maintain, won't deteriorate in periods of drought and will provide a screen immediately. This screen fence will ensure that when the vehicles accessing the chiller boxes are turning, there will be no light nuisance to the adjoining property. Given the current weather situation, our client is reluctant to establish a landscaped buffer.*

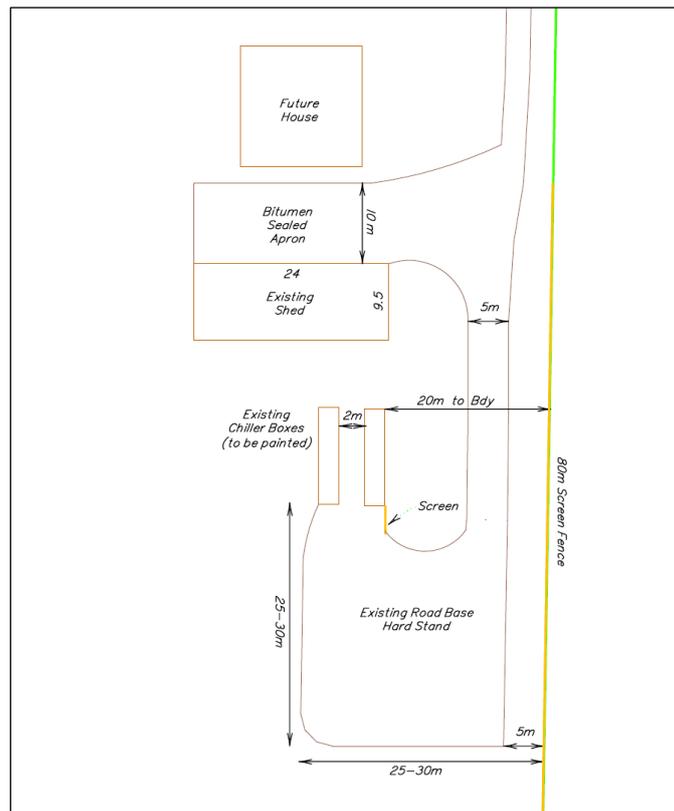
*In addition, the bond of \$15,000 is excessive for a small scale development and makes the development unviable, particularly when teamed with all of the other requirements currently imposed.*

The consultant has requested that Conditions 24 and 25 are deleted, and Condition 23 is amended as follows:

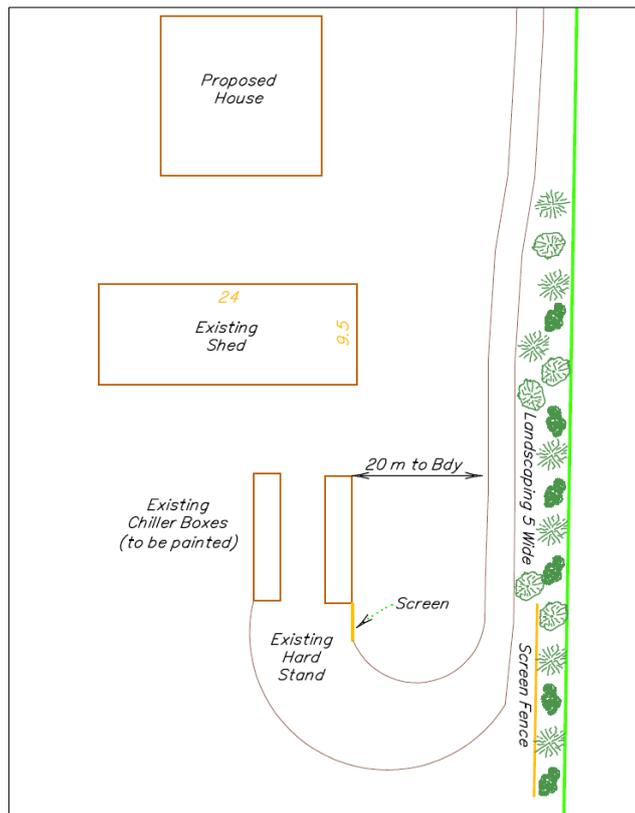
23. *By 30 October 2018, a 1.8 metre high screen fence is to be erected as shown on W5345-02. The screen fence is to be maintained. ~~200-metre wide landscaped buffer, including mounding of 1.0 metre above ground level and Irrigation, is to be provided~~*

~~around the workshop and chiller boxes area so as to provide a visual buffer. This area is to be densely planted with advanced trees and shrubs, 15 metres in height, suitable to grow to heights of between 30 to 20.0 metres at maturity. Within the 20 metres of this buffer area, random plantings of a variety of native trees and shrubs of differing growth habits are to be provided at spacings of 4.5 metres i. e. 5 row of trees, 50 metres apart. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The vegetated buffers are to be maintained so they form an effective buffer.~~

The plan referred to above shows an 80 metre long screen fence commencing approximately 10 metres forward of the shed.



The consultant had previously advised that the applicant wished to provide landscaping along the eastern boundary, and two smaller sections of screen fencing as shown in the plan below.



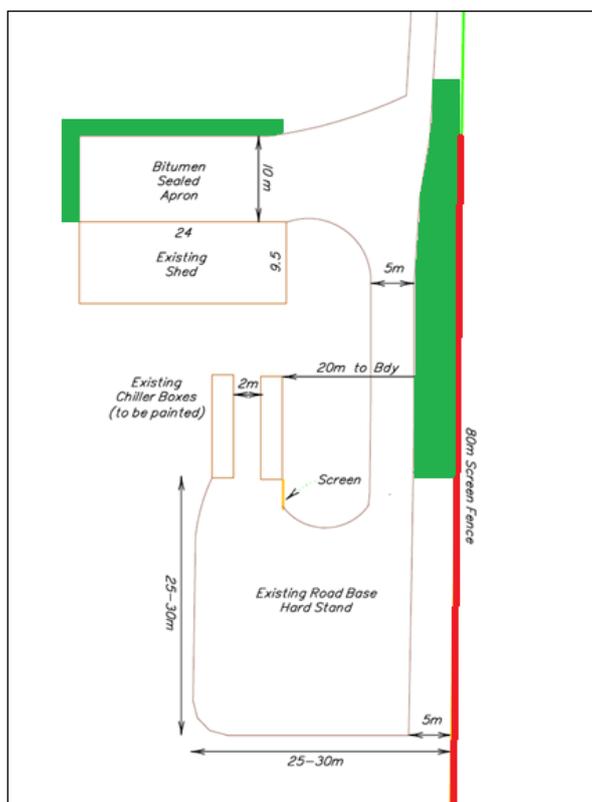
The provision of a screen fence for a minimum length of 80.0 metres along the eastern boundary as proposed by the applicant is considered reasonable and will reduce the impacts associated with the proposed development. A condition is to be included to require the provision of a screened fence in accordance with the applicant's plan.

The applicant has painted parts of the shipping containers. The eastern elevation has been painted in a colour similar to the shed, which has significantly reduced the visual impacts associated with these structures when viewed from the east. However, the western side of the containers remain a bright orange which does not allow the structures to blend into the surrounds.



The removal of all landscaping requirements is not supported. Recommendations have been made to allow the parking of vehicles on the northern side of the shed and to allow an increase in the hours of operation for the chiller boxes, and these changes can only be justified if the area is suitably landscaped and screened to mitigate impacts.

It is recommended that landscaping of the site is required in accordance with the plan below.



The provision of a screen fence along part of the eastern boundary will mitigate some impacts on the adjoining neighbour, however, a 1.8 metre high fence will not provide adequate mitigation of noise and light nuisance. Landscaping is to be provided between the driveway and property boundary extending approximately 15 metres north of the shed, to the rear of the shipping containers.

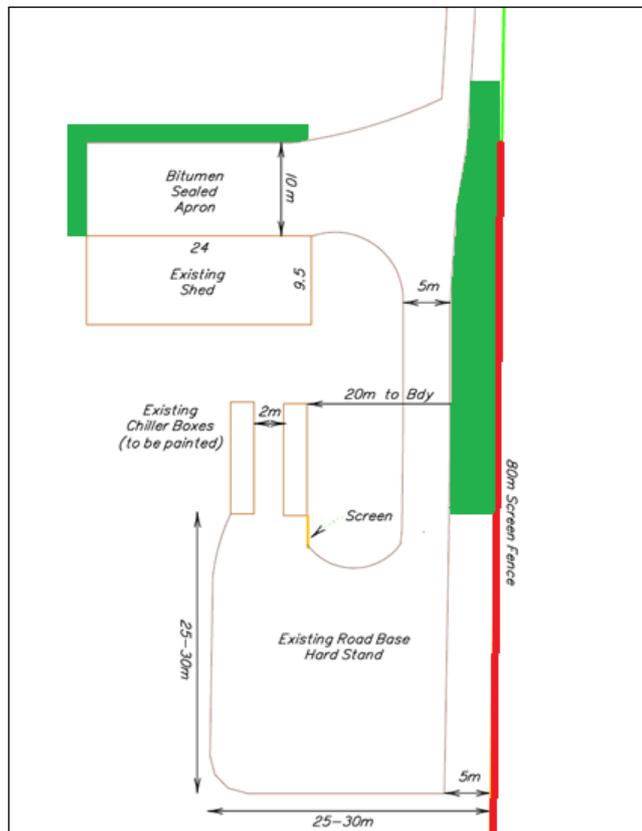
Subject to the shipping containers being painted the same colour as the shed, it is not necessary to provide landscaping to the south or west of the containers.

Landscaping to the north of the shed will provide screening of the parking area.

The requirement for a bond to be provided is a standard requirement to ensure the satisfactory establishment of vegetation buffers. As the amount of landscaping required has been reduced, it is recommended that the bond be reduced from \$15,000 to \$5000.

It is recommended that Conditions 23, 24 and 25 are amended and Conditions 22A and 22B are included, as follows:

- 22A. *By 30 October 2018, a 1.8 metre high screen fence is to be erected as shown on Plan W5345-02. This screen fence is to be maintained.*
- 22B. *By 30 October 2018, all external walls of the shipping containers are to be painted in a similar colour to the existing shed.*
- 23. *By 30 October 2018, ~~a 20.0 metre wide landscaped buffers, including mounding of 1.0 metre above ground level and irrigation, is are to be provided around the workshop and chiller boxes area so as to provide a visual buffer as shown on the plan below. Dense landscaping is to be provided between the driveway and property boundary extending from 15 metres north of the shed to the rear of the chiller boxes. Dense landscaping is also to be provided around the sealed apron north of the shed. This area is~~ These areas are to be densely planted with advanced trees and shrubs, 1.5 metres in height, suitable to grow to heights of between 3.0 to 20.0 metres at maturity. Within the ~~20 metres of this~~ buffer area, random plantings of a variety of native trees and shrubs of differing growth habits are to be provided at spacings of 4-5 metres ~~i.e. 5 row of trees, 5.0 metres apart.~~ The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The vegetated buffers are to be maintained so they form an effective buffer.*



24. **A Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the planting of the treed buffers.** The Landscaping Plan is to be prepared by an appropriately qualified person, and must include details of the location and species of plants, ~~and the irrigation system, and details of mounding.~~ 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.
25. Prior to 30 October 2018, a bond for the amount of ~~\$15,000~~ \$5000 shall be submitted to Council for the maintenance of the landscaped buffer. The bond must be in the form of cash, bank cheque or irrevocable bank guarantee. The bond shall be returned 12 months after the landscaped buffer is provided, subject to it having been satisfactorily established and maintained. Should the buffer not be provided, or the buffer is not maintained in accordance with the conditions of this approval, Council may call up the bond to undertake planting to satisfy the requirements of this approval. The terms and conditions of the bond will include details of its purpose and intended use. Council or its agents must be allowed access to the site to undertake any works required in accordance with this condition.

Conditions 26, 27, 29 and 33.

26. A sealed driveway at least 3.0 metres in width is to be constructed from the Cunningham Highway to the workshop and chiller boxes. The driveway is to connect from the road.
27. All car parking, driveway and loading areas shall be constructed, sealed, line marked, drained, laid out and regularly maintained.
29. By 30 September 2018, a plan showing the proposed construction standard and design of the carparking area, driveway and loading areas is to be submitted to Council for approval by the Director Planning, Environment and Corporate Services. All car parking, driveway and loading areas shall be constructed in accordance with the approved plan.

33. All operational works are to be accepted on-maintenance prior to the use of the land commencing. (See advisory note below.)

The applicant's consultant provided the following comments:

*The number of vehicles associated with the proposed development is less than that associated with a rural use, which may see feed deliveries or produce deliveries. There are only three shooters that would be associated with the chiller boxes, therefore restricting the number of vehicles coming to the site. The motor vehicle workshop would only be operated by the landowner and would involve getting vehicles ready for sale. It is not a standard motor vehicle workshop where customers drop-off and pick-up vehicles regularly, it is more a dealer. This will also result in minimal traffic generation.*

*Council's policy is that for a residential use in the rural area, a setback of 60 metres is required to a gravel road. These gravel roads could be used frequently. The nearest dwelling to the driveway is in excess of 240 metres to the east, which is also not the prevailing breeze in this area.*

*As the traffic generation with both the motor vehicle workshop and the game meat storage is minimal, and the adjoining residence is located in excess of 240 metres from the driveway and 300 metres from the buildings to the east, it is not reasonable to require a sealed driveway, carpark and loading area. An all-weather, well maintained driveway, carpark and loading area is considered reasonable and sufficient.*

*There are a number of industry uses located within the Rural zone throughout the region with all-weather gravel driveway and hardstand areas, that operate with minimal to no impact on the rural amenity and the adjoining residents. Such uses include engineering and fabrication works, transport depots and motor vehicle workshops. The majority of these uses generate far greater traffic than the proposed development.*

*As our client intends to meet the majority of customers off-site, there are minimal and infrequent customers attending the site in relation to the motor vehicle workshop. The chiller boxes don't operate daily and there won't be motor vehicle customers attending the site daily. The traffic generated from the site is minimal and will have no impact on the operation of the Cunningham Highway. In addition, access to the chiller boxes by the shooters is generally not during the peak traffic periods for the Cunningham Highway.*

*Our client has provided a 24 metre wide bitumen sealed constructed apron along the northern side of the shed. On the rare occasion that a customer would attend the site, there is adequate designated parking along the northern side of the shed.*

*The road base area has also been provided where any vehicle manoeuvring would occur for the chiller boxes. The extent of this area has been shown on W5345-02. Given the nature of the businesses and the frequency of the vehicles attending this site, there is no need to require the car park, driveway and loading areas to be sealed. These conditions are unreasonable and far in excess of what is relevant for the development.*

*The access construction will not result in queuing on the highway, as the gateway will be setback 20-30 metres from the front property boundary. There is no ability for our client to take access from a side road.*

The consultant has requested Condition 33 be deleted, and Conditions 26, 27 and 29 be amended as shown below.

26. ~~An all-weather sealed~~ driveway at least 3.0 metres in width is to be constructed from the Cunningham Highway to the workshop and chiller boxes. The driveway is to connect from the road.
27. All car parking, driveway and loading areas shall be constructed ~~In all-weather gravel, sealed-line-marked~~ drained, laid out and regularly maintained.
29. ~~The car parking, driveway and loading areas are to be in accordance with plan W5345-02 By 30 September 2018, a plan showing the proposed construction standard and design of the carparking area, driveway and loading areas is to be submitted to Council for approval~~

~~by the Director Planning, Environment and Corporate Services. All car parking, driveway and loading areas shall be constructed in accordance with the approved plan~~

The parking area on the north side of the shed has been sealed by the applicant. This sealed apron area will be utilised with the workshop and vehicles will be parked within this area during operating hours. This sealed area will be required to be maintained to a sealed standard.

The applicant's request to reduce the standard of the driveway to an all-weather standard is supported, however, if the driveway is not suitably maintained, the driveway will be required to be sealed.

It is recommended that Conditions 26 and 27 are amended as follows:

26. ~~The driveway and loading areas are to be generally in accordance with plan W5345-02. An all-weather sealed driveway at least 3.0 metres in width is to be constructed from the Cunningham Highway to the workshop and chiller boxes. The driveway is to connect from the road.~~

~~The internal driveway may remain an all-weather standard, provided it is appropriately maintained and does not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person are 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 internal driveway must be sealed to Council's standards.~~

27. ~~The sealed apron to the north of the shed is to be maintained. All car parking, driveway and loading areas shall be constructed, sealed, line marked, drained, laid out and regularly maintained.~~

It is recommended that Conditions 29 and 33 which relate to the construction and design of the car parking area, driveway and loading area, are deleted. The advisory conditions are to be amended to remove the Operational Works notes.

Condition 32.

32. ~~Prior to the commencement of the use, a report demonstrating that adequate provision has been made for the supply of water, 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, Mines and Energy that water may be lawfully supplied from that source. A water supply is to be provided in accordance with the approved report.~~

The applicant's consultant provided the following comments:

*As previously detailed to Council, water is supplied by collecting rain water. There are currently two 24,500 litre tanks on site, with potentially additional being provided at a later date.*

*There is minimal water used on site. It is unclear the purpose of providing a report demonstrating the adequate supply of water, given the nature of the businesses.*

*Until the proposed dwelling is constructed on the site, it is likely that our client will continue to bring bottled water to the site for drinking. As there are no permanent employees based on the site, and any other persons visiting the site are only there for a short period of time, it is considered unnecessary that additional information is required by Council in relation to the water supply.*

*Condition 32 should be deleted.*

The provision of an adequate water supply for the purpose of the development is the applicant's responsibility. The applicant believes that the existing supply is sufficient to support the development and therefore, it is recommended that Condition 32 is deleted.

### Condition 34.

*34. Payment of \$3,591.15 is to be made to Council in accordance with the Infrastructure Charges Notice attached to the decision notice. 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.*

The applicant's consultant provided the following comments:

*The infrastructure charges calculated are based on 100% of the shed being used for business purposes. As was evident during Council's site inspection, only approximately 50% of the shed is used for business purposes.*

*The infrastructure charges should be based on 174 square metres; being a maximum of 114 square metres of use area associated with the shed and the two chiller boxes. This equates to \$2,175 being payable for infrastructure charges.*

*This condition should be amended as follows:*

*34. Payment of ~~\$2,175~~—~~\$3591.15~~ is to be made to Council in accordance with the Infrastructure Charges Notice attached to the decision notice. 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.*

The request is considered reasonable and Condition 34 can be amended as requested. A Negotiated Infrastructure Charges Notice will also need to be issued.

### **Options**

Council:

1. Agrees with the change representations as recommended.
2. Agrees with the change representation other than as recommended.
3. Refuses the change representation and gives reasons for the refusal.

## Recommendation

1. THAT Council agree in part with the change representations made in relation to the application for a Material Change of Use for Low impact industry on land at 14135 Cunningham Highway, Rosenthal Heights, described as Lot 640 on ML68, Parish of Rosenthal, for the following reasons:

### Conditions 3 and 6.

The use of the land for retail purposes would contribute to ribbon development which is contrary to the Planning Scheme. Sales could only be allowed if conducted on a very small scale.

It is not practicable to condition the number of customers that could attend the site, therefore it is recommended that if sales are to be allowed, conditions of approval limit the number of vehicles being stored in the workshop and the number of employees.

The applicant states that he is the only employee, and Condition 6 has been amended to limit the number of employees to one.

The applicant's consultant has stated that half of the shed is used for the motor vehicle workshop and that all vehicles will be parked inside the shed outside of approved hours. The plans for the building, and the photographs taken during an inspection by Council officers, demonstrate that eight vehicles could not be parked in the three bays of the shed that are to be used for the motor vehicle workshop. Therefore, Condition 6A has been included to limit the number of vehicles in the motor vehicle workshop to four.

### Condition 4.

The submissions received in relation to the development raised concerns of the site operating 24 hours. In consideration that the adjoining uses have experienced impacts associated with the unlawful use of the site, the conditioning of hours of operation is necessary to mitigate the impacts such as light and noise associated with the development.

The change representation proposes that the site operates from 6.00am to 11.00pm. Within the Industry zone it is usual that restrictions are placed on the hours of operation, however, the land is located within the Rural zone and there are nearby residents who have been experiencing adverse impacts from the development. The use of the site for extended hours is not suitable and Condition 4 has been amended to allow for delivery and pick-up of kangaroo carcasses between the hours of 6.00am and 7.00pm only.

### Condition 7.

Contradictory advice has been provided by the applicant's consultant regarding the use of semi-trailers to collect carcasses. Council's consideration of the application at the July meeting was based on the advice that there would not be semi-trailers used for the collection of carcasses.

Council has received various complaints regarding the use of the land, including that semi-trailers arrive and leave the site at all times of the night. Conditioning the approval to prohibit the use of semi-trailers and B-doubles, and restricting the hours of operation, provided some mitigation of impacts on nearby residents. Condition 7 remains unchanged.

### Conditions 23, 24 and 25.

The removal of all landscaping requirements is not supported. Recommendations have been made to allow the parking of vehicles on the northern side of the shed and to allow an increase in the hours of operation for the chiller boxes, and these changes can only be justified if the area is suitably landscaped and screened to mitigate impacts.

The provision of a screen fence along part of the eastern boundary will mitigate some impacts on the adjoining neighbour, however, a 1.8 metre high fence will not provide

adequate mitigation of noise and light nuisance. Landscaping is to be provided between the driveway and property boundary extending approximately 15 metres north of the shed, to the rear of the shipping containers.

Subject to the shipping containers being painted the same colour as the shed, it is not necessary to provide landscaping to the south or west of the containers.

Landscaping to the north of the shed will provide screening of the parking area.

As the amount of landscaping required has been reduced, the bond has been reduced from \$15,000 to \$5000.

2. THAT the conditions of approval be 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.

Plan Name	Plan No.	Date
Site Plan (Sheet 1 of 2)	W5345-02	8 August 2018
Site Plan (Sheet 2 of 2)	W5345-02	8 August 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 building for the following uses only:

- Motor vehicle workshop and ancillary sales
- Chiller boxes for storage of game meat

**Note: This does not allow the site to be used as a wrecking yard or scrap metal recovery. There are to be no vehicle sales from the property or display of vehicles on the subject land. There is to be no processing of game meat on site.**

4. (a) The development motor vehicle workshop shall generally operate only between the hours of 8.00am to 6.00pm, Mondays to Saturdays, and not at all on Sundays and public holidays. No vehicles associated with this use (excluding general waste collection vehicles) are to enter or exit the land outside these times. ~~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, Monday to Saturday. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.~~
- (b) The unloading and loading of vehicles associated with the chiller boxes is limited to between the hours of 6.00am and 7.00pm. No vehicles associated with this use are to enter the land outside these times to wait for unloading/loading.
5. All activities related to the motor vehicle workshop must be carried out within the confines of the workshop, with the exception of the parking of vehicles. Vehicles may be parked on the apron on the northern side of the shed during operating hours only. All vehicles associated with the motor vehicle workshop are to be parked within the shed out of operating hours.
6. The operator of the motor vehicle workshop is to be the only employee associated with the motor vehicle workshop. ~~On-site sales are prohibited from the site. There are to be no customers attend the site and all sales are to be finalised at another location.~~
- 6A. The number of vehicles associated with the motor vehicle workshop kept on the land at any one time must not exceed four.

7. The only trucks that are to access the land for purposes associated with either the Motor vehicle workshop or the Chiller boxes are to be rigid vehicles only. No semi-trailers or B-doubles are to access the land for purposes associated with these uses.

### **Building and Site Design**

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 11s (Certificates of Classification) issued for the Change of Classification for the existing class 10 shed to a workshop, and for the chiller boxes, are to be provided to Council prior to the use commencing. (See advisory note below.)

### **Amenity and Environmental Controls**

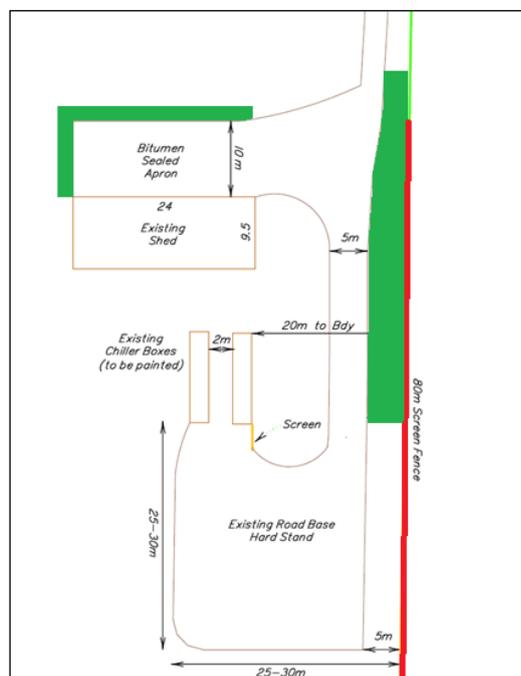
10. Any fixed noise emitting device (e.g. air conditioning unit, refrigeration unit, compressor, generator, etc.) located outside the workshop or chiller boxes must be placed within an appropriate acoustic enclosure.
11. Noise levels emitted from the premises must not exceed 5dB(A) above the background noise levels in the locality when measured at the boundary of an affected residential dwelling and must not exceed 10dB(A) above the background noise levels in the locality when measured at the boundary of a commercial premises. This may include the need to use noise attenuating materials in the building.
12. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) in relation to noise impacts associated with the proposed motor vehicle workshop or chiller boxes, a report prepared by a suitably qualified person(s) on noise emissions and sound attenuation measures required to achieve a noise level no greater than 5 dBA above background when measured at the boundary of the property of an affected residential dwelling, is to be submitted to and approved by the Manager Environmental Services. Any measures recommended in the approved report to overcome potential noise impacts associated with the development are to be implemented in accordance with the approved report.
13. 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.
14. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
15. 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.
16. No materials or goods associated with the development are to be displayed or stored outside of the shed/chiller boxes. There is to be no materials or goods associated with the development displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.
17. 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.
18. There are to be no advertising devices relating to the Motor vehicle workshop and/or Chiller boxes erected on the subject land, i.e. Lot 640 ML68. 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. All equipment, goods and materials **associated with the use** 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.
20. 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.
21. All trade waste as defined in AS/NZS 3500.0:2015 that is generated from the Workshop and Chiller boxes must be contained, treated and disposed of through an approved on-site wastewater management system. The trade waste disposal must comply with advisory note (viii).

### Fencing, Landscaping and Buffers

22. The existing trees along the Cunningham Highway frontage are to be retained. These trees are to be protected during construction of the driveway and vehicle access. If any tree dies, the dead tree must be replaced with an advanced tree of the same species **and height**.
- 22A. **By 30 October 2018, a 1.8 metre high screen fence is to be erected as shown on Plan W5345-02. This screen fence is to be maintained.**
- 22B. **By 30 October 2018, all external walls of the shipping containers are to be painted in a similar colour to the existing shed.**
23. **By 30 October 2018, a 20.0 metre wide landscaped buffers, including mounding of 1.0 metre above ground level and irrigation, is are to be provided around the workshop and chiller boxes area so as to provide a visual buffer as shown on the plan below. Dense landscaping is to be provided between the driveway and property boundary extending from 15 metres north of the shed to the rear of the chiller boxes. Dense landscaping is also to be provided around the sealed apron north of the shed. This area is These areas are to be densely planted with advanced trees and shrubs, 1.5 metres in height, suitable to grow to heights of between 3.0 to 20.0 metres at maturity. Within the 20 metres of this buffer area, random plantings of a variety of native trees and shrubs of differing growth habits are to be provided at spacings of 4-5 metres i.e. 5 row of trees, 5.0 metres apart.** The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The vegetated buffers are to be maintained so they form an effective buffer.



24. **A Landscaping Plan is to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to the planting of the treed buffers.** The Landscaping Plan is to be prepared by an appropriately qualified person, and must include details of the location and species of plants, ~~and the irrigation system, and details of mounding.~~ 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.
25. Prior to 30 October 2018, a bond for the amount of ~~\$15,000~~ \$5000 shall be submitted to Council for the maintenance of the landscaped buffer. The bond must be in the form of cash, bank cheque or irrevocable bank guarantee. The bond shall be returned 12 months after the landscaped buffer is provided, subject to it having been satisfactorily established and maintained. Should the buffer not be provided, or the buffer is not maintained in accordance with the conditions of this approval, Council may call up the bond to undertake planting to satisfy the requirements of this approval. The terms and conditions of the bond will include details of its purpose and intended use. Council or its agents must be allowed access to the site to undertake any works required in accordance with this condition.

### **Car Parking and Vehicle Access**

26. ~~The driveway and loading areas are to be generally in accordance with plan W5345-02. An all-weather sealed~~ driveway at least 3.0 metres in width is to be constructed from the Cunningham Highway to the workshop and chiller boxes. The driveway is to connect from the road.

~~The internal driveway may remain an all-weather standard, 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 internal driveway must be sealed to Council's standards.~~

27. ~~The sealed apron to the north of the shed is to be maintained. All car parking, driveway and loading areas shall be constructed, sealed, line marked, drained, laid out and regularly maintained.~~
28. 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.
29. ~~Deleted. By 30 September 2018, a plan showing the proposed construction standard and design of the carparking area, driveway and loading areas is to be submitted to Council for approval by the Director Planning, Environment and Corporate Services. All car parking, driveway and loading areas shall be constructed in accordance with the approved plan.~~

### **Stormwater Drainage**

30. 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**

31. All wastewater generated from this property, including washdown water from the chiller boxes, vehicles and workshop, 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.*

32. ~~Prior to the commencement of the use, a report demonstrating that adequate provision has been made for the supply of water, 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, Mines and Energy that water may be lawfully supplied from that source. A water supply is to be provided in accordance with the approved report.~~

### **Operational Works**

33. ~~All operational works are to be accepted on maintenance prior to the use of the land commencing. (See advisory note below.)~~

### **Negotiated Infrastructure Charges Notice**

34. Payment of ~~\$3,591.15~~ \$2175 is to be made to Council in accordance with the **Negotiated** Infrastructure Charges Notice attached to the decision notice. If payment is made more than two years after the date of the **Negotiated** Infrastructure Charges Notice, the charge will increase in line with the Road and Bridge Construction Index for Queensland.

### **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* 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) There must be no release that has been in contact with any contaminants at the site to any waters, watercourse, roadside gutter or stormwater drain.
- (vi) 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.
- (vii) 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*.
- (viii) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2002*, *Queensland Plumbing and Wastewater Code* and all relevant Australian Standards 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.
- (ix) **Building Approval is to be obtained** for a Class 7b building in accordance with the *Planning Act 2016* for the proposed Chiller boxes for storage of game meat. 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.**

- (x) **Building Approval is to be obtained** in accordance with the *Planning Act 2016* for a Change of Classification of Building from Class 10a to Class 8 (workshop), to allow the use of the existing building for Low impact industry (Motor vehicle workshop) purposes. The application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. **Building works and modification of the existing building may be required to be undertaken** as part of the approval so as to accord with the requirements of the *Building Act 1975*.

- (xi) ~~Deleted.—A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Planning Act 2016*. This application must be submitted with the following:~~

- ~~— DA Form 1;~~
- ~~— 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; and~~
- ~~— An Erosion and Sediment Control Plan.~~

~~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.~~

- (xii) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (xiii) ~~All permits for Operational Works and The Compliance Permit for Plumbing and Drainage Works~~ should be obtained prior to the issue of a Development Permit for Building Works.

#### **Aboriginal Cultural Heritage**

- (xiv) 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](http://www.datsima.qld.gov.au)

#### **Attachments**

Nil

## **5. 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:

#### **5.1 WIRAC - Brisbane YMCA Contract Extension Request**

##### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.

#### **5.2 Contract 19\_010 for the Management of the Allora and Killarney Pool**

##### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.