



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

Dear Councillors

Your attendance is hereby requested at the General Meeting of Council to be held via Video-Link in the Council Chambers, Southern Downs Regional Council, 64 Fitzroy Street, Warwick and 61 Marsh Street, Stanthorpe on **Wednesday, 25 March 2020 at 9:00AM**.

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

**David Keenan**

**CHIEF EXECUTIVE OFFICER**

18 March 2020

### **Attendance**

10:00am Presentation of Casual for a Cause donation to Warwick and Stanthorpe SES Groups



## ORDER OF BUSINESS:

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## **ACKNOWLEDGEMENT TO COUNTRY**

- 1. PRAYER & CONDOLENCES**
- 2. ATTENDANCE**
- 3. APOLOGIES**
- 4. READING AND CONFIRMATION OF MINUTES**
- 4.1 General Council Meeting - 19 February 2020**


### **Recommendation**

THAT the minutes of the General Council Meeting held on Wednesday 19 February 2020 be adopted.

## 5. ACTIONS FROM COUNCIL MEETINGS

### 5.1 Actions from Previous Council Meetings

#### Document Information

 <b>Southern Downs</b> REGIONAL COUNCIL	<b>Report To: General Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 25 March 2020
	Chief Executive Officer	<b>ECM Function No/s:</b> 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 General Council Meeting held 19 February 2020. A copy of the Actions Report is attached.

#### Attachments

1. Actions from February General Meeting [↓](#)



## ACTIONS FROM PREVIOUS GENERAL COUNCIL MEETING

**Date From:** 19/02/2020

**Date To:** 19/02/2020

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
19/02/2020	5.1	Actions from Previous Council Meetings	Keenan, David	27 Feb 2020 - 1:21 PM - David Keenan Action completed by: Seymour, Marion Noted.	27/02/2020
19/02/2020	7.1	Mayoral Minute	Dobie, Tracy	27 Feb 2020 - 1:21 PM - Tracy Dobie Action completed by: Seymour, Marion Noted.	27/02/2020
19/02/2020	8.1	Correspondence	Keenan, David	27 Feb 2020 - 1:22 PM - David Keenan Action completed by: Seymour, Marion Noted.	27/02/2020
19/02/2020	9.1	Joint Letter re Legal Security and Conduct of Patrons and Persons Attending the Warwick Rodeo	Seymour, Marion	27 Feb 2020 - 1:22 PM - Marion Seymour Action completed by: Seymour, Marion Letter sent to the main signatory of the Joint Letter to advise of Council resolution.	27/02/2020
19/02/2020	11.1	Financial Report as at 31 January 2020	Gross, Helen	27 Feb 2020 - 1:26 PM - Marion Seymour Noted.	27/02/2020
19/02/2020	11.2	Asset Management	Pembroke, Elle	27 Feb 2020 - 11:18 AM - Elle Pembroke Action completed by: Pembroke, Elle Completed	27/02/2020
19/02/2020	11.3	Southern Downs Aerodromes Industrial Development Project	Collins, Jody	9 Mar 2020 - 11:16 PM - Jody Collins Currently liaising with the SDRC Communications team to draft a media release re finalisation of the project. Finalising acquittal for submission to funding body. Implementation Plan not yet drafted. 9 Mar 2020 - 11:20 PM - Jody Collins Revised Target Date changed by: Collins, Jody From: 4 Mar 2020 To: 10 Apr 2020 Reason: Other work is higher priority at present.	
19/02/2020	11.6	Relocation of Rose City FM	Duell, Kate	12 Mar 2020 - 12:10 PM - Kate Duell Action completed by: Duell, Kate Budget has been allocated and undertaking tender, planning and building requirements currently.	12/03/2020



## ACTIONS FROM PREVIOUS GENERAL COUNCIL MEETING

Date From: 19/02/2020

Date To: 19/02/2020

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
19/02/2020	11.4	2019-21 Works for Queensland Program Funding Variation	Schultz, Angie	9 Mar 2020 - 3:42 PM - Angie Schultz Action completed by: Schultz, Angie Variation request submitted 28 February 2020. Response to request due 13 March 2020. ECM # 3198986	9/03/2020
19/02/2020	11.5	Bushfire Recovery Exceptional Assistance Immediate Support Package	Gribbin, Peter	12 Mar 2020 - 12:07 PM - Peter Gribbin Action completed by: Collins, Jody Funding applications have been submitted to the Qld Reconstruction Authority.	12/03/2020
19/02/2020	12.1	Infrastructure Services Directorate Monthly Report	McKenzie, Seren	27 Feb 2020 - 3:57 PM - Seren McKenzie Action completed by: Fagan, Barb Noted	27/02/2020
19/02/2020	12.2	Water Contingency Plan	McKenzie, Seren	27 Feb 2020 - 3:57 PM - Seren McKenzie Action completed by: Fagan, Barb Noted	27/02/2020
19/02/2020	12.3	Water Restrictions	Rathod, Lalji	10 Mar 2020 - 9:36 AM - Lalji Rathod Action completed by: Fagan, Barb Critical water restriction signage immediately replace emergency restrictions signage on the website. A number of businesses were notified by phone of the water restriction amendment. all exemption requests were reviewed to ensure businesses were operating at capacity. Emergency water restrictions corflute signage was removed from roadsides. VMS boards signage was adjusted to reflect the new restrictions.	10/03/2020
19/02/2020	13.1	Consideration of Change Representations – Gary Hayes & Partners Pty Ltd, 50 Wallace Street, Warwick	Schramm, Georgina	3 Mar 2020 - 10:11 AM - Georgina Schramm Action completed by: Bilbrough, Allison Letter sent to applicant and submitters advised	3/03/2020
19/02/2020	13.2	Submission to the Consultation Draft of the Queensland Wild Dog Management Strategy	Warren, Mat	3 Mar 2020 - 10:12 AM - Mat Warren Action completed by: Bilbrough, Allison Noted	3/03/2020
19/02/2020	13.3	Tourism and Visitor Numbers Quarterly Update	Long, Vivien	3 Mar 2020 - 10:12 AM - Vivien Long Action completed by: Bilbrough, Allison Noted	3/03/2020
19/02/2020	13.4	Updated Recovery and Resilience Plan: Stanthorpe	Stroud, Jane	3 Mar 2020 - 10:12 AM - Jane Stroud	3/03/2020



## ACTIONS FROM PREVIOUS GENERAL COUNCIL MEETING

**Date From:** 19/02/2020

**Date To:** 19/02/2020

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
		Bushfires		Action completed by: Bilbrough, Allison Resolution noted.	
19/02/2020	15.1	Notice of Motion - Maintenance Program for Storm King Dam	Keenan, David	27 Feb 2020 - 1:28 PM - David Keenan Action completed by: Seymour, Marion Referred to Director Infrastructure Services to review/	27/02/2020
19/02/2020	17.1	19_183 - Concrete PSA	Wyvill, Elise	27 Feb 2020 - 11:20 AM - Elise Wyvill Action completed by: Wyvill, Elise Hanson have been notified that they are now included on the PSA.	27/02/2020
19/02/2020	17.2	20_016 - Wet/Dry Plant Hire	Wyvill, Elise	27 Feb 2020 - 11:26 AM - Elise Wyvill Revised Target Date changed by: Wyvill, Elise From: 4 Mar 2020 To: 11 Mar 2020 Reason: There are 75 letters to complete to send to suppliers (some of which have departures to still negotiate). 17 Mar 2020 - 2:52 PM - Elise Wyvill Action completed by: Seymour, Marion Under negotiation with the contractors	17/03/2020
19/02/2020	17.3	Waive Water Consumption Charges - PID 20475	Page, Andrew	17 Mar 2020 - 2:50 PM - Andrew Page Action completed by: Seymour, Marion Applicant has been notified of the waiver of water consumption charges.	17/03/2020
19/02/2020	17.4	Darling Downs Moreton Rabbit Board Proposed Budget and Operational Plan 2020/2021	Magnussen, Craig	3 Mar 2020 - 10:14 AM - Craig Magnussen Action completed by: Bilbrough, Allison Resolution noted	3/03/2020
19/02/2020	17.5	Request for Building Fees Waiver	Magnussen, Craig	3 Mar 2020 - 12:38 PM - Craig Magnussen Action completed by: Bilbrough, Allison Letter posted to applicant advising of Council Resolution.	3/03/2020
19/02/2020	17.6	YMCA Monthly Report - January 2020 - Warwick Indoor Recreation and Aquatic Centre	Gribbin, Peter	12 Mar 2020 - 12:00 PM - Peter Gribbin Action completed by: Keir, Dianna Council resolution noted.	12/03/2020

**6. DECLARATIONS OF CONFLICTS OF INTEREST**


**7. MAYORAL MINUTE**

Nil

## 8. READING AND CONSIDERATION OF CORRESPONDENCE

### 8.1 Correspondence

#### Document Information

 <b>Southern Downs</b> REGIONAL COUNCIL	<b>Report To: General Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 25 March 2020
	Chief Executive Officer	<b>ECM Function No/s:</b>

#### Recommendation

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

#### Report

1. **Premier of Queensland** thanking Council for hosting the recent Great Australian Bites event in Warwick as part of the 2020 Australia Day celebrations (copy attached).

**Action:** Noted.

2. **Minister for State Development, Manufacturing, Infrastructure and Planning** regarding proposed amendments to the Planning Act 2016 and the Economic Development Act 2012 that will provide relief to local government to help address the current circumstances arising as a result of COVID-19 (copy attached)

**Action:** Referred to Director Sustainable Development

#### Attachments

1. Letter Premier of Queensland [↓](#)
2. Letter from Minister for State Development [↓](#)

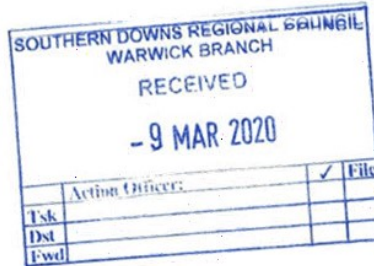


Premier of Queensland  
Minister for Trade

For reply please quote: E&E/CL – TF/19/7307 – DOC/19/143706

- 4 MAR 2020

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



1 William Street Brisbane  
PO Box 15185 City East  
Queensland 4002 Australia  
Telephone +61 7 3719 7000  
Email [ThePremier@premiers.qld.gov.au](mailto:ThePremier@premiers.qld.gov.au)  
Website [www.thepremier.qld.gov.au](http://www.thepremier.qld.gov.au)

Dear Councillor Dobie

Thank you for hosting Great Australian Bites in Warwick in 2020.

Great Australian Bites showcases quality Queensland produce and provides an opportunity for local musical talent to perform, as communities come together on Australia Day.

This year, the Great Australian Bites program was again entirely focussed on the Queensland regions, with events held in Bargara, Cairns, Lockhart River, Rockhampton, Townsville, Warwick and Winton.

I am so pleased your Great Australian Bites event was a success, with great attendance by the local community. It is through partnerships with councils where we can provide an opportunity for the residents and visitors of the community to enjoy Australia Day together.

I would like to thank Mr Jonno Colfs from your council for his contribution in making Great Australian Bites in Warwick a successful event.

If you have any feedback about Great Australian Bites, please contact Ms Chloe Lindsay, Project Coordinator, Events and Engagement from within my department by email at [australiaday@premiers.qld.gov.au](mailto:australiaday@premiers.qld.gov.au) or on telephone (07) 3003 9200.

Again, thank you for your support of the 2020 Great Australian Bites program.

Yours sincerely

ANNASTACIA PALASZCZUK MP  
PREMIER OF QUEENSLAND  
MINISTER FOR TRADE





The Hon. Cameron Dick MP  
Minister for State Development, Manufacturing,  
Infrastructure and Planning

1 William Street  
Brisbane QLD 4000  
PO Box 15009 City East  
Queensland 4002 Australia  
**Telephone +61 7 3719 7200**  
**Email** [statedevelopment@ministerial.qld.gov.au](mailto:statedevelopment@ministerial.qld.gov.au)  
[www.dsdmp.qld.gov.au](http://www.dsdmp.qld.gov.au)

Our ref: MBN20/420

17 March 2020

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

Email: [tracy.dobie@sdrc.qld.gov.au](mailto:tracy.dobie@sdrc.qld.gov.au)

Dear Councillor Dobie

As you are aware, COVID-19 is causing significant disruption to our communities across the State.

The Queensland Government has listened to local government about concerns regarding the ability to meet the community's expectations and essential needs as a result of COVID-19, as well as continue to meet statutory timeframes in the planning framework.

I am therefore proposing urgent amendments to the *Planning Act 2016* (the Planning Act) and the *Economic Development Act 2012* (the ED Act) that will provide relief to local government to help address the current circumstances arising as a result of COVID-19. These amendments will also be available to use in other future events.

These amendments will provide for me to make a blanket declaration to provide for relief from development approval conditions for essential businesses, such as supermarkets and chemists, to restock 24 hours per day, seven days per week, during an event such as the COVID-19 public health emergency, or other future disasters.

The amendments will also provide the opportunity for any person to seek relief from development approval conditions or other operating constraints through a simple application to the state. These amendments relate to planning conditions only and do not impact retail trading hours governed under the *Trading (Allowable Hours) Act 1990*.

The amendments will also introduce the flexibility to suspend or extend any of the statutory timeframes across the planning framework during a notified event. This will ensure that development approval timeframes can be managed by state and local governments and do not default to a deemed approval under the current arrangements.

Officers of the Department of State Development, Manufacturing, Infrastructure and Planning will be directly contacting officers of your council concerning the urgent amendments to the Planning Act and the ED Act. I am seeking your support in implementing these amendments to ensure Queensland communities can continue to have their essential needs met until the threat of COVID-19 has passed.

If you have any questions about my advice to you, please contact my office on (07) 3719 7200 or email [statedevelopment@ministerial.qld.gov.au](mailto:statedevelopment@ministerial.qld.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Cameron Dick', followed by a horizontal line.

**CAMERON DICK MP**  
**Minister for State Development, Manufacturing,**  
**Infrastructure and Planning**


**9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**

Nil

## 10. EXECUTIVE SERVICES REPORTS

### 10.1 Change of Date: April 2020 General Council Meeting

#### Document Information

 <b>Southern Downs</b> REGIONAL COUNCIL	<b>Report To: General Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 25 March 2020
	Chief Executive Officer	<b>ECM Function No/s:</b>

#### Recommendation

THAT Council resolve to change the date of the April 2020 General Council Meeting to Wednesday, 29 April 2020.

#### Report

At the November 2019 General Meeting, Council adopted dates for Council Meetings and Briefing Sessions for 2020.

Currently the April 2020 General Meeting is scheduled for Wednesday, 22 April 2020. However, with the quadrennial Local Government Elections scheduled for 28 March 2020 and the return of postal ballots closing on 7 April 2020 at 5:00pm, the date for the Declaration of Poll by the Electoral Commission Queensland is uncertain.

It is also proposed that the date for the April General Meeting be changed to Wednesday, 29 April 2020 to allow time for the Declaration of Poll and the scheduling of the post-election statutory meeting in accordance with Section 175 of the *Local Government Act 2009*.

#### Budget Implications

Nil

#### Policy Consideration

Council's Code of Meeting Practice Policy

#### Community Engagement

Nil

#### Legislation/Local Law

*Local Government Act 2009*

*Local Government Regulation 2012*

## **Options**

Council:

1. Resolve to change the date of the April 2020 General Council Meeting to Wednesday, 29 April 2020.
2. Resolve not to change the date of the April 2020 General Council Meeting.


## **Attachments**

Nil

## 11. CORPORATE SERVICES REPORTS

### 11.1 Financial Report as at 29 February 2020

#### Document Information

 <b>Southern Downs</b> REGIONAL COUNCIL	<b>Report To: General Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 25 March 2020
	Financial Services Coordinator	<b>ECM Function No/s:</b>

#### Recommendation

THAT Council receive and note the Financial Report as at 29 February 2020

#### Report

Council's operating performance against forecast shows that the operating surplus before capital items is \$9.6m. All of the general rates for 2019/20 have been raised in July; they were due for payment on 13 October 2019. The second water consumption and utility notices will be issued on 13 April 2020 and will be due for payment by 12 June 2020.

#### Income Statement

Total operating revenue of \$57.1m has been recognised for the financial year and capital revenue of \$9.0m has been received for the year.

Overall operating expenditure of \$47.5m is \$5.0m under the year to date estimate of \$52.5m. Materials and services are currently reporting at \$5.6m under the year to date budget.

#### Balance Sheet

As at 29 February 2020 Council had \$54.3m in cash at bank and investments. Total loans owing (including the current and non-current portions) amount to \$20.1m.

#### Capital Works in Progress

Capital works expenditure to 29 February 2020 is \$14.5m which is 35.3% of the adopted capital works budget of \$40.9m. There are committed costs of \$8.3m meaning \$22.8m has been spent and committed; this represents 55.7% of the budget.

Year to date capital expenditure by area is as follows:

	Annual Approved Budget	Carryover and Amendments	Total Budget	YTD Expenditure	% Spent	Committed	Spent and Committed	% Spent and Committed
Land and Land Improvements	189,000	225,000	414,000	340,152	82.2%	9,786	349,938	84.5%
Buildings	3,680,000	1,471,313	2,208,687	309,011	14.0%	488,304	797,315	36.1%
Plant and Equipment	3,234,000	241,500	3,475,500	1,652,042	47.5%	385,967	2,038,009	58.6%
Road, Drains and Bridges	14,542,442	1,305,553	15,847,995	6,334,475	40.0%	2,604,305	8,938,780	56.4%
Water	4,226,375	3,205,284	7,431,659	4,816,174	64.8%	540,370	5,356,544	72.1%
Sewerage	6,940,670	735,000	7,675,670	203,392	2.6%	3,740,552	3,943,944	51.4%
Other Assets	2,577,500	1,303,110	3,880,610	812,367	20.9%	554,366	1,366,733	35.2%
<b>Total</b>	<b>35,389,987</b>	<b>5,544,134</b>	<b>40,934,121</b>	<b>14,467,613</b>	<b>35.3%</b>	<b>8,323,650</b>	<b>22,791,263</b>	<b>55.7%</b>

## **Budget Implications**

The third quarter budget review will begin in March 2020 and will be presented to Council at the April general meeting.

## **Policy Consideration**

Operational Plan 2019/20

Undertake best value review of Council's Services

## **Community Engagement**

Nil

## **Legislation/Local Law**

Local Government Act 2009 and Local Government Regulation 2012

## **Options**

Council

1. Receive and note the Financial Report as at 29 February 2020
2. Do not receive and note the Financial Report as at 29 February 2020

## **Attachments**

1. Performance Report as at 29 February 2020 [↓](#)



## **Performance Report**

**February 2020**



## Southern Downs Regional Council Income Statement

February 2020

Audited 2019 Actual \$		Annual 2020 Budget \$	Phased 2020 YTD Budget \$	Phased 2020 YTD Actual \$
	<b>Revenue from ordinary activities</b>			
31,537,432	General Rates	31,790,550	32,082,867	31,595,827
287,480	Rural fire brigade levy	275,000	275,000	273,853
25,956,703	Utility Rates and Charges	25,737,120	16,992,781	15,170,616
(1,813,029)	Less Discounts	(1,912,169)	(1,913,613)	(1,913,611)
(649,044)	Rates on Council properties	(666,555)	(359,625)	(327,319)
<b>55,319,542</b>		<b>55,223,946</b>	<b>47,077,410</b>	<b>44,799,367</b>
5,230,591	Fees and Charges	5,507,585	3,671,713	3,724,062
1,796,409	Interest	1,397,650	929,825	841,853
3,206,055	Contract & Sales Revenue	2,441,813	677,000	824,379
1,241,088	Rent and Other Income	1,395,545	936,532	939,995
9,961,621	Government Grants and Subsidies	13,989,887	7,944,925	6,008,580
<b>76,755,305</b>	<b>Total Operating Revenue</b>	<b>79,956,425</b>	<b>61,237,405</b>	<b>57,138,234</b>
	<b>Expenses from ordinary activities</b>			
23,912,608	Employee Costs	24,529,467	16,941,246	17,253,642
30,357,733	Materials and Services	37,756,015	24,088,030	18,534,158
16,127,926	Depreciation and Amortisation	16,092,561	10,719,994	11,036,996
1,656,609	Finance Costs	1,475,983	742,987	702,600
<b>72,054,875</b>	<b>Total Operating Expenses</b>	<b>79,854,026</b>	<b>52,492,257</b>	<b>47,527,396</b>
<b>4,700,430</b>	<b>Operating Surplus/(Deficit) before capital items</b>	<b>102,400</b>	<b>8,745,148</b>	<b>9,610,839</b>
	<b>Other Capital Amounts</b>			
11,656,176	Capital Grants, Contributions and Donations	671,782	-	8,993,301
(1,861,655)	Other capital income and (expenses)	(120,000)	(80,000)	(2,836,048)
<b>14,494,951</b>	<b>Net Result Surplus/(Deficit)</b>	<b>654,182</b>	<b>8,665,148</b>	<b>15,768,092</b>

### 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

February 2020

Audited 2019 Actual \$		Annual 2020 Budget \$	Phased 2020 YTD Actual \$
<b>Current Assets</b>			
50,270,960	Cash assets & Investments	39,229,185	54,339,135
7,781,732	Receivables (includes Rates & Utilities receivable)	6,712,733	11,557,854
10,500	Assets held for sale	639,100	323,500
890,778	Inventories	264,982	572,481
<u>58,953,970</u>		<u>46,846,000</u>	<u>66,792,970</u>
<b>Non-Current Assets</b>			
742,000	Investment Property	742,000	742,000
718,855,107	Property, plant and equipment	837,659,002	783,132,513
147,690	Other Financial Assets	94,999	47,860
30,414,390	Capital works in progress	-	28,405,331
1,124,884	Intangible Assets	991,000	1,262,317
<u>751,284,071</u>		<u>839,487,001</u>	<u>813,590,021</u>
<u>810,238,041</u>	<b>TOTAL ASSETS</b>	<u>886,333,001</u>	<u>880,382,991</u>
<b>Current Liabilities</b>			
8,643,857	Creditors and other payables	8,662,001	4,092,860
6,474,969	Provisions	4,215,000	6,039,781
1,469,729	Interest bearing liabilities	1,594,999	1,505,627
<u>16,588,555</u>		<u>14,472,000</u>	<u>11,638,268</u>
<b>Non-Current Liabilities</b>			
20,782,859	Interest bearing liabilities	17,739,000	18,585,628
4,566,373	Provisions	3,953,000	4,713,090
<u>25,349,232</u>		<u>21,692,000</u>	<u>23,298,718</u>
<u>41,937,787</u>	<b>TOTAL LIABILITIES</b>	<u>36,164,000</u>	<u>34,936,986</u>
<u>768,300,254</u>	<b>NET COMMUNITY ASSETS</b>	<u>850,169,001</u>	<u>845,446,006</u>
<b>Community Equity</b>			
183,477,525	Asset Revaluation Reserve	233,811,000	233,872,137
584,822,729	Retained surplus	616,358,001	611,573,868
<u>768,300,254</u>	<b>TOTAL COMMUNITY EQUITY</b>	<u>850,169,001</u>	<u>845,446,006</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?
<b>Working Capital Ratio</b> (Current Assets / Current Liabilities)	3.24 : 1	5.74 : 1	✓	<b>Interest Coverage Ratio</b> (Net Interest Expense / Total Operating Revenue) (%)	0.10%	-0.244%	✓
Target Ratio	> 1:1			Target Ratio Upper Limit (%)	10.0%		
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.				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.			
<b>Operating Surplus Ratio</b> (Net Operating Surplus / Total Operating Revenue) (%)	0.8%	27.6%	✗	<b>Asset Sustainability Ratio</b> (Capital Expenditure on the Replacement of Assets (renewals) / Depreciation Expense)	254.4%	206.5%	✓
Target Ratio	> 0.0% to < 10.0%			Target Ratio Lower Limit (%)	> 90%		
This is an indicator of the extent to which revenues raised cover operational expenses only or are available for capital funding purposes.				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.			
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.							
<b>Net Financial Liabilities Ratio</b> ((Total Liabilities - Current Assets) / Total Operating Revenue)	-18.7%	-55.8%	✓	<b>Comments on Ratio Results.</b>			
Target Ratio Upper Limit (%)	<=60%			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.			
This is an indicator of the extent to which the net financial liabilities of a Council can be serviced by its operating revenues.				Whilst changes to the legislation have amended the required ratios, the ratios listed will continue to be reported on.			
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.				An operating surplus ratio that is higher than target shows that while expecting to generate substantial revenues can assist in offsetting past or future operating deficits, and fund proposed capital expenditure and/or debt repayments it can also indicate that a local government is providing levels of service below that expected by ratepayers.			
A ratio less than zero (negative) indicates that current assets exceed total liabilities and; therefore, Council has the capacity to increase its loan borrowings.				However these ratios represent Council's position at a single point in time and should not be considered in isolation. Ratios should be considered over the long term.			



Executive Services Operating Statement			
	FY Budget	YTD Budget	YTD Actual
	\$	\$	\$
<b>Operating Revenue</b>			
Operating Grants and Subsidies	450,000	300,000	1,565,090
Sundry Revenue	34,000	22,667	40,913
<b>Total Operating Revenue</b>	<b>484,000</b>	<b>322,667</b>	<b>1,606,003</b>
<b>Operating Expenditure</b>			
Employee Costs	2,299,111	1,571,955	1,451,482
Materials	320,364	213,576	230,466
Contracts and Services	416,337	277,559	165,279
Finance Costs	5,700	3,800	-
Depreciation and Amortisation	7,607	5,064	5,095
Plant Hire	95,400	63,600	146,650
Other Expenses	789,818	526,545	545,660
Rates on Council Properties	-	-	148
<b>Total Operating Expenses</b>	<b>3,934,337</b>	<b>2,662,099</b>	<b>2,544,780</b>
<b>Operating Surplus/(Deficit)</b>	<b>(3,450,337)</b>	<b>(2,339,432)</b>	<b>(938,777)</b>

Corporate and Community Services Operating Statement			
	FY Budget	YTD Budget	YTD Actual
	\$	\$	\$
<b>Operating Revenue</b>			
Rates and Utility Charges	31,022,950	31,024,633	31,043,798
Fees and Charges	1,194,424	796,273	880,294
Operating Grants and Subsidies	5,005,162	3,355,108	1,936,423
Interest Received	1,397,650	929,825	855,447
Leasing and Rent	492,843	334,411	393,026
Recoverable Works	2,500	1,667	14,903
Sundry Revenue	409,087	273,045	167,193
<b>Total Operating Revenue</b>	<b>39,524,616</b>	<b>36,714,962</b>	<b>35,291,084</b>
<b>Operating Expenditure</b>			
Employee Costs	5,715,448	3,639,194	4,379,927
Materials	3,662,164	2,398,478	2,153,598
Contracts and Services	3,055,479	1,782,363	927,490
Finance Costs	287,520	75,598	93,852
Depreciation and Amortisation	580,770	343,711	424,323
Plant Hire	310,626	174,199	191,740
Other Expenses	1,137,181	777,939	913,049
Rates on Council Properties	168,367	98,211	72,155
<b>Total Operating Expenses</b>	<b>14,917,555</b>	<b>9,289,693</b>	<b>9,156,134</b>
<b>Operating Surplus/(Deficit)</b>	<b>24,607,061</b>	<b>27,425,269</b>	<b>26,134,950</b>

Infrastructure Services Operating Statement			
(Excludes Water and Wastewater)			
	FY Budget \$	YTD Budget \$	YTD Actual \$
<b>Operating Revenue</b>			
Fees and Charges	772,761	515,174	457,179
Operating Grants and Subsidies	6,712,297	3,074,865	987,797
Leasing and Rent	10,680	7,118	11,965
Recoverable Works	2,439,313	675,333	809,475
Sundry Revenue	26,164	17,443	26,098
<b>Total Operating Revenue</b>	<b>9,961,215</b>	<b>4,289,933</b>	<b>2,292,514</b>
<b>Operating Expenditure</b>			
Employee Costs	9,108,383	6,284,212	5,751,872
Materials	6,184,469	4,206,697	3,468,645
Contracts and Services	6,928,621	3,222,572	2,315,835
Finance Costs	375,163	189,977	191,005
Depreciation and Amortisation	9,784,444	6,518,780	6,724,925
Plant Hire	(3,434,472)	(2,296,049)	(2,330,207)
Other Expenses	163,750	109,167	49,999
Rates on Council Properties	444,406	234,780	228,803
<b>Total Operating Expenses</b>	<b>29,554,764</b>	<b>18,470,136</b>	<b>16,400,877</b>
<b>Operating Surplus/(Deficit)</b>	<b>(19,593,549)</b>	<b>(14,180,203)</b>	<b>(14,108,363)</b>

Sustainable Development Operating Statement			
(Excludes Waste)			
	FY Budget \$	YTD Budget \$	YTD Actual \$
<b>Operating Revenue</b>			
Rates and Utility Charges	200,000	133,333	199,496
Fees and Charges	1,384,000	922,666	742,884
Operating Grants and Subsidies	495,088	330,059	191,930
Sundry Revenue	47,846	31,898	45,884
<b>Total Operating Revenue</b>	<b>2,126,934</b>	<b>1,417,956</b>	<b>1,180,194</b>
<b>Operating Expenditure</b>			
Employee Costs	4,279,922	2,885,391	2,436,927
Materials	899,979	589,662	606,236
Contracts and Services	1,251,317	831,380	544,843
Depreciation and Amortisation	8,004	5,329	5,335
Plant Hire	425,060	283,373	328,155
Other Expenses	152,500	100,000	96,730
Rates on Council Properties	5,671	2,327	2,130
<b>Total Operating Expenses</b>	<b>7,022,453</b>	<b>4,697,462</b>	<b>4,020,356</b>
<b>Operating Surplus/(Deficit)</b>	<b>(4,895,519)</b>	<b>(3,279,506)</b>	<b>(2,840,162)</b>

<b>Water Services Operating Statement</b>			
	<b>FY Budget</b>	<b>YTD Budget</b>	<b>YTD Actual</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Operating Revenue</b>			
Rates and Utility Charges	10,821,548	5,510,407	4,567,530
Fees and Charges	688,200	458,801	401,446
Operating Grants and Subsidies	24,834	16,556	24,834
Sundry Revenue	15,000	10,000	10,093
<b>Total Operating Revenue</b>	<b>11,549,582</b>	<b>5,995,764</b>	<b>5,003,903</b>
<b>Operating Expenditure</b>			
Employee Costs	1,383,651	935,373	1,696,119
Materials	2,562,690	1,708,454	1,638,817
Contracts and Services	1,842,831	1,228,554	939,718
Finance Costs	282,100	188,067	143,030
Depreciation and Amortisation	3,085,584	2,054,330	2,063,250
Plant Hire	298,226	198,817	298,003
Other Expenses	-	-	6,155
Rates on Council Properties	8,665	5,962	5,986
<b>Total Operating Expenses</b>	<b>9,463,747</b>	<b>6,319,557</b>	<b>6,791,078</b>
<b>Operating Surplus/(Deficit)</b>	<b>2,085,835</b>	<b>(323,793)</b>	<b>(1,787,175)</b>

<b>Sewerage Services Operating Statement</b>			
	<b>FY Budget</b>	<b>YTD Budget</b>	<b>YTD Actual</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Operating Revenue</b>			
Rates and Utility Charges	9,232,027	6,154,685	4,701,313
Fees and Charges	305,000	203,333	157,170
<b>Total Operating Revenue</b>	<b>9,537,027</b>	<b>6,358,018</b>	<b>4,858,483</b>
<b>Operating Expenditure</b>			
Employee Costs	1,124,817	792,903	782,131
Materials	916,077	615,332	536,964
Contracts and Services	1,213,486	808,991	687,276
Finance Costs	403,340	268,893	206,537
Depreciation and Amortisation	2,534,238	1,687,318	1,690,767
Plant Hire	240,946	160,638	200,794
Rates on Council Properties	29,459	12,717	10,535
<b>Total Operating Expenses</b>	<b>6,462,363</b>	<b>4,346,792</b>	<b>4,115,004</b>
<b>Operating Surplus/(Deficit)</b>	<b>3,074,664</b>	<b>2,011,226</b>	<b>743,479</b>

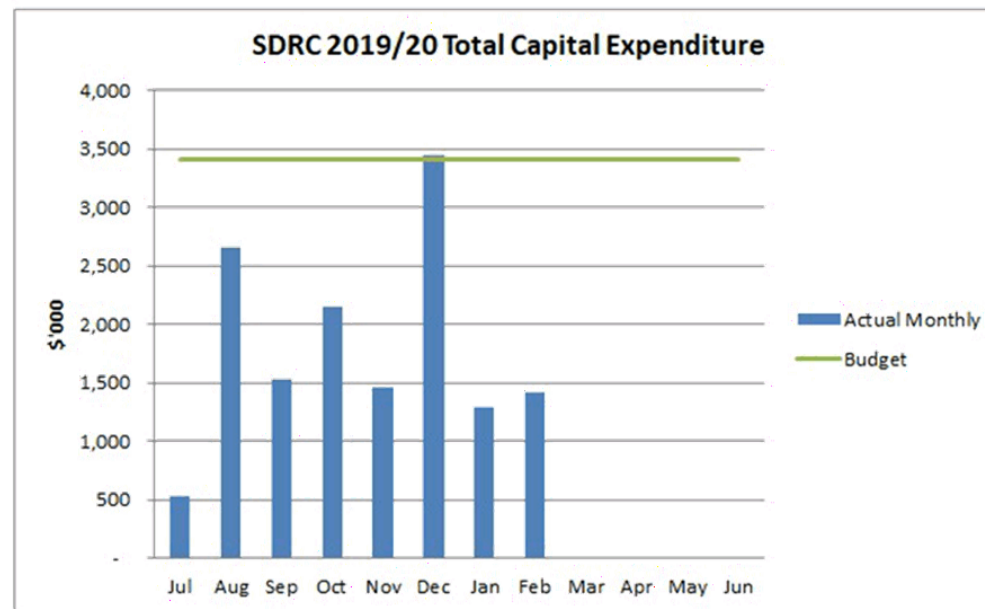
<b>Waste Services Operating Statement</b>			
	<b>FY Budget</b>	<b>YTD Budget</b>	<b>YTD Actual</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Operating Revenue</b>			
Rates and Utility Charges	4,613,976	4,613,976	4,614,549
Fees and Charges	1,163,200	775,467	1,085,089
Operating Grants and Subsidies	1,302,506	868,337	1,302,506
Sundry Revenue	359,925	239,950	244,822
<b>Total Operating Revenue</b>	<b>7,439,607</b>	<b>6,497,730</b>	<b>7,246,966</b>
<b>Operating Expenditure</b>			
Employee Costs	618,135	421,564	394,661
Materials	1,932,631	1,288,422	950,388
Contracts and Services	6,219,000	4,146,004	2,392,008
Finance Costs	122,160	67,682	62,271
Depreciation and Amortisation	91,914	61,196	55,004
Plant Hire	171,535	114,357	99,101
Rates on Council Properties	9,989	5,629	7,563
<b>Total Operating Expenses</b>	<b>9,165,364</b>	<b>6,104,854</b>	<b>3,960,996</b>
<b>Operating Surplus/(Deficit)</b>	<b>(1,725,757)</b>	<b>392,876</b>	<b>3,285,970</b>

**Southern Downs Regional Council  
Capital Works Projects by Asset Class  
As At 29 February 2020**

	<b>Annual Approved Budget</b>	<b>Carryover and Amendments</b>	<b>Total Budget</b>	<b>YTD Expenditure</b>	<b>% Spent</b>	<b>Committed</b>	<b>Spent and Committed</b>	<b>% Spent and Committed</b>
Land and Land Improvements	189,000	225,000	414,000	340,152	82.2%	9,786	349,938	84.5%
Buildings	3,680,000	- 1,471,313	2,208,687	309,011	14.0%	488,304	797,315	36.1%
Plant and Equipment	3,234,000	241,500	3,475,500	1,652,042	47.5%	385,967	2,038,009	58.6%
Road, Drains and Bridges	14,542,442	1,305,553	15,847,995	6,334,475	40.0%	2,604,305	8,938,780	56.4%
Water	4,226,375	3,205,284	7,431,659	4,816,174	64.8%	540,370	5,356,544	72.1%
Sewerage	6,940,670	735,000	7,675,670	203,392	2.6%	3,740,552	3,943,944	51.4%
Other Assets	2,577,500	1,303,110	3,880,610	812,367	20.9%	554,366	1,366,733	35.2%
<b>Total</b>	<b>35,389,987</b>	<b>5,544,134</b>	<b>40,934,121</b>	<b>14,467,613</b>	<b>35.3%</b>	<b>8,323,650</b>	<b>22,791,263</b>	<b>55.7%</b>

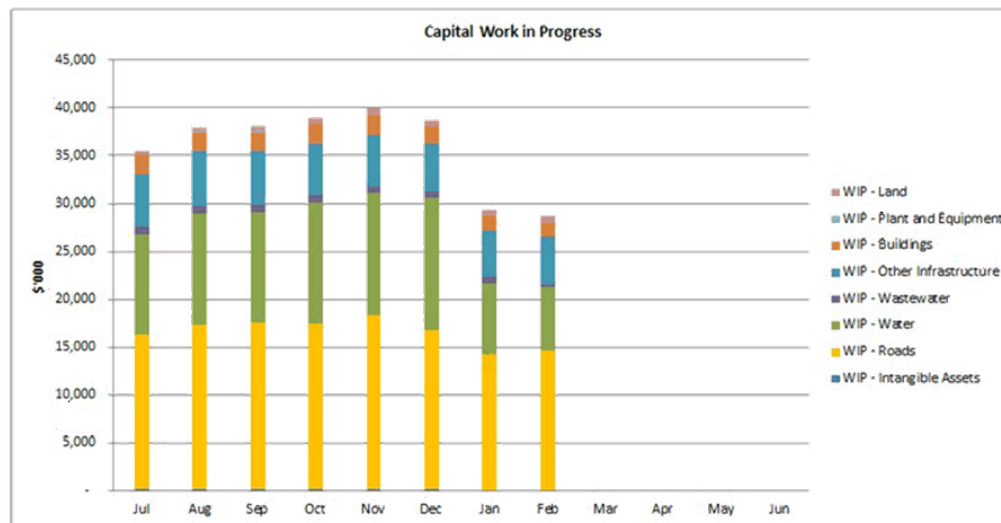


**Southern Downs Regional Council  
Capital Expenditure  
As At 29 February 2020**



Capital committed costs as at 29 February is \$8.3 Million

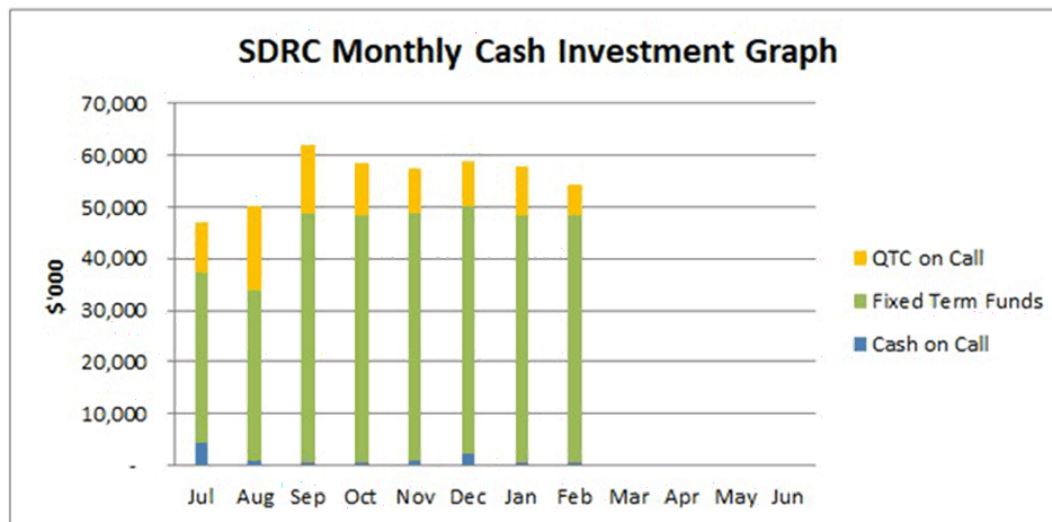
Southern Downs Regional Council  
Total Work in Progress (WIP) Report  
As At 29 February 2020



	Jul-19 \$'000	Aug-19 \$'000	Sep-19 \$'000	Oct-19 \$'000	Nov-19 \$'000	Dec-19 \$'000	Jan-20 \$'000	Feb-20 \$'000	Mar-20 \$'000	Apr-20 \$'000	May-20 \$'000	Jun-20 \$'000
Intangible Assets	250	250	250	250	250	251	-	-	-	-	-	-
Roads	16,033	17,139	17,397	17,220	18,060	16,565	14,225	14,649	-	-	-	-
Water	10,564	11,562	11,501	12,672	12,885	13,802	7,445	6,709	-	-	-	-
Wastewater	736	758	773	786	654	668	623	267	-	-	-	-
Other Infrastructure	5,492	5,743	5,522	5,298	5,333	5,016	4,854	4,894	-	-	-	-
Buildings	2,022	2,027	2,033	2,058	2,048	1,701	1,564	1,484	-	-	-	-
Plant and Equipment	21	21	21	21	21	21	1	1	-	-	-	-
Land	374	376	512	704	697	702	702	708	-	-	-	-
	35,492	37,876	38,009	39,009	39,948	38,726	29,414	28,712	-	-	-	-

WIP projects of \$2 million have been capitalised in February 2020

**Southern Downs Regional Council  
Total Monthly Cash Investment Register  
As At 29 February 2020**



**Southern Downs Regional Council  
Borrowings Report  
As At 29 February 2020**


**QTC Loan Account Balances:**

	\$
<b>Fund Name: Southern Downs Regional Council</b>	
CBD Redevelopment Stage 2	850,435
Market Square Pump Station	396,870
General	2,871,871
General 2009	1,359,891
General 2009/10	206,659
General 2010/11	3,123,231
General 2011/12	3,929,698
General 2012/13	2,224,498
Warwick Sewerage Treatment Plant	800,071
Allora Water Main	4,012,639
Stanthorpe Sewerage	315,393
<b>Total Loan Balance</b>	<b><u>20,091,255</u></b>

## 12. INFRASTRUCTURE SERVICES REPORTS

### 12.1 Infrastructure Services Directorate Monthly Report

#### Document Information

 <b>Southern Downs</b> REGIONAL COUNCIL	<b>Report To: General Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 25 March 2020
	Director Infrastructure Services	<b>ECM Function No/s:</b> 04.15.01

#### Recommendation

THAT Council receive the Infrastructure Services Monthly Report.

#### Report

The following is provided for the information of Councillors.

#### 2019/20 CAPITAL PROJECT STATUS

Refer Attachment for details

#### OPERATIONAL

#### WORKS

- Theo Canter Park - Men's Shed and Woodworkers – Internal fit out is well advanced and the site is fully fenced. Concreting and roadworks is expected to be completed in March.
- Orders have been placed for the two pedestrian bridges in Stanthorpe on the cycle network. Works on the associated footpaths have commenced.
- Upper Forest Springs and Bourkes Road bridges – the contracts have been awarded and designs are progressing.
- Works have commenced on Connolly Dam Road to seal the remaining section to the dam.
- Depot/Ogilvie/East Street upgrade – Council have received advice that the amended scope has been accepted.
- The design of the sealing of Link Road to Brunckhorst Avenue is at approximately 95%. Council has been working with Queensland Rail and Main Roads on the solution.
- The Learn to Ride park concept design has been completed and community consultation will commence following the end of the caretaker period.
- At Wallangarra the sealing of Border Road has been completed and works will commence on Margetts, Folkstone, and Barawell streets in April.
- Following the recent flood event, Council staff have met with Qld Reconstruction Authority (QRA) to commence the Recovery process and have evaluated approximately 25% of the damaged network. Emergent works will be progressed while the longer term works are assessed and submitted to QRA as per funding requirements.
- The recent rainfall has caused an excessive amount of grass growth and Council staff are working towards slashing this as quickly as possible. Extra resources are being recruited to deal with this peak demand.

## **PARKS AND OPERATIONS**

### **Cemeteries**

#### **Interments:**

Cemeteries facilitated twenty-one (21) services for the month of February. Breakdown below:

#### **Burials**

	<b>Lawn</b>	<b>The Grove</b>	<b>Monumental</b>	<b>Below Ground Vault</b>
<b>Warwick</b>	3	1		
<b>Stanthorpe</b>	2		1	
<b>Eden Gardens</b>	5			
<b>Killarney</b>	4		1	

#### **Ashes**

	<b>Columbarium</b>	<b>Laurel Grove</b>	<b>Grave</b>
<b>Warwick</b>	1	1	
<b>Eden Gardens</b>	1		
<b>Wallangarra</b>			1

#### **Capital Work:**

- Stanthorpe Burial Wall – Construction is progressing well.
- Beams/Tree Surrounds – Warwick War Graves and Lawn No.3 beams have been completed. The tree surrounds for The Grove are to be delivered and installed early March.
- Mitchner Memorial – Undergoing procurement processes.
- Warwick Burial Wall – Block work and garden preparation has commenced.
- Stanthorpe Baby Section - Contractor for has been engaged with work to commence mid-March.

### **Parks**

#### **Southern:**

- Preparation around Stanthorpe and surrounding areas for the Apple and Grape Festival.

#### **Northern:**

- Maintenance of the Crepe Myrtles in Warwick.
- Partnership with the SDIEA (Land Management Scheme) for twelve (12) participants to learn and assist the Parks team with general duties.
- The Leslie Park annual flowers have been planted to be ready for Anzac Day.
- Clean up of flood affected areas.

#### **General:**

- With the increased amount of vegetation growth that has been experienced from the recent heavy rain and warm weather, the Parks team has been undertaking additional mowing, slashing, herbicide spraying across the region resulting in service levels being difficult to maintain during this time. The majority of these challenges will be addressed during March and service levels should return to normal once the climate settles.

- Playground repairs are being undertaken across the region.

## **Facilities**

- Preparations for Apple and Grape Festival.
- Procurement processes undertaken for the renewal of the Stanthorpe Band Shell as well as general maintenance of council facilities.
- Pool covers for the Allora Pool were installed.

## **Workshops and Fleet**

- Emergency Water Carting is continuing and project is going well with a few minor operational changes based on water demand and public events.

## **WATER**

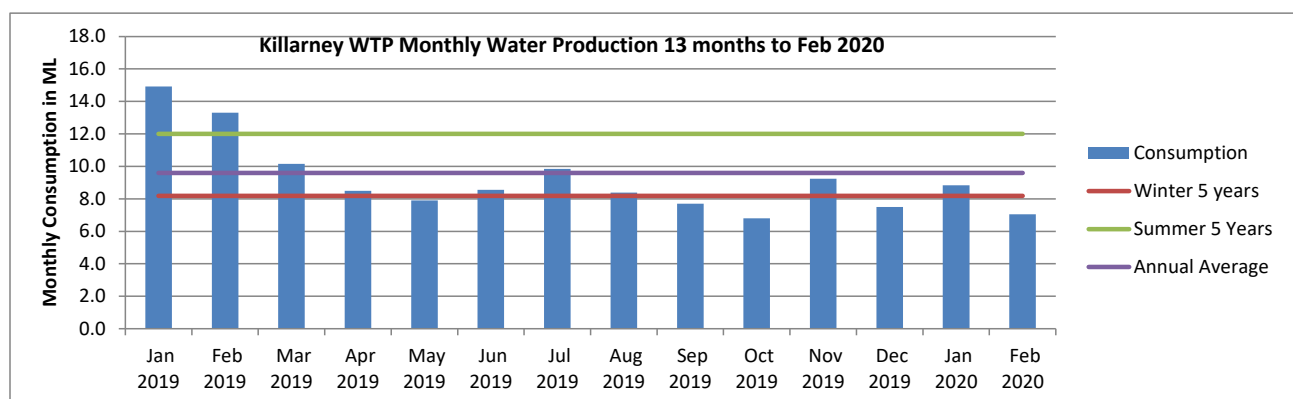
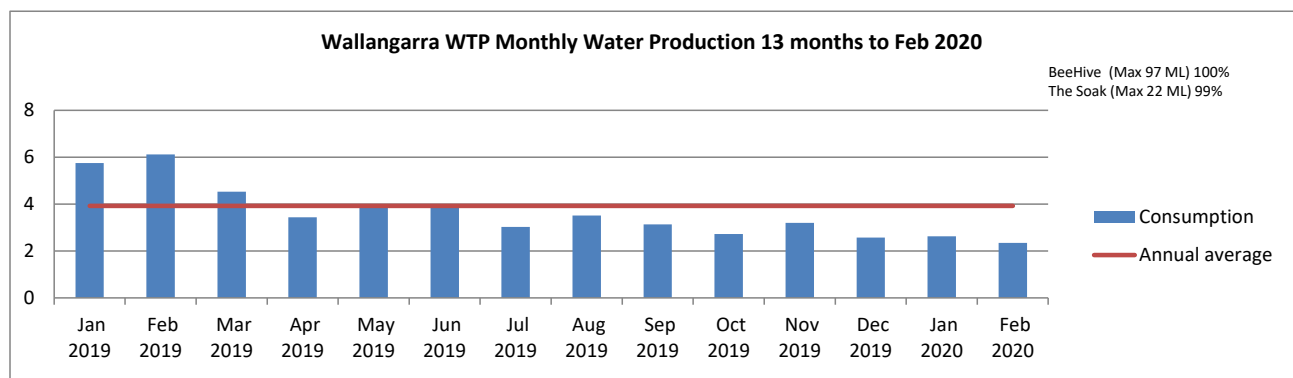
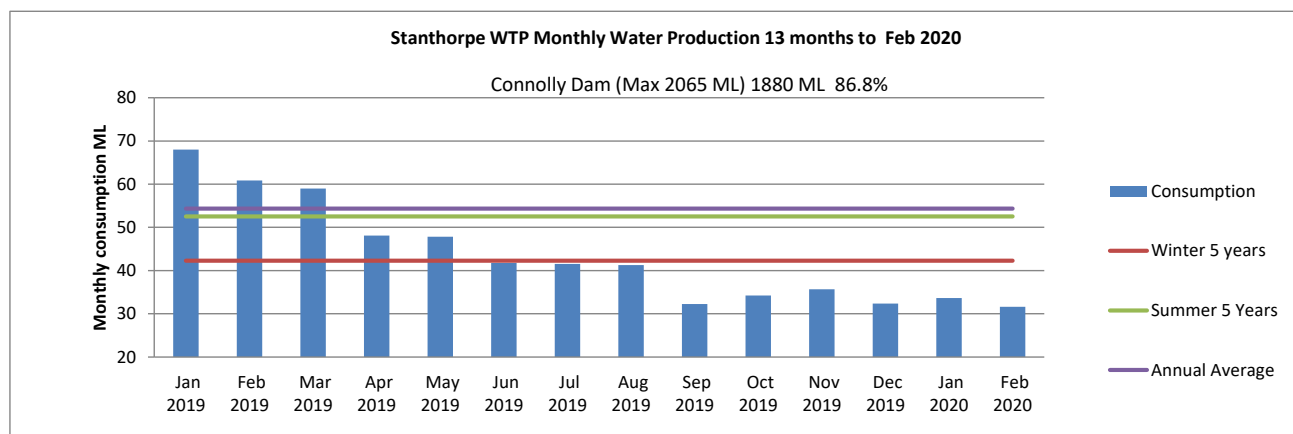
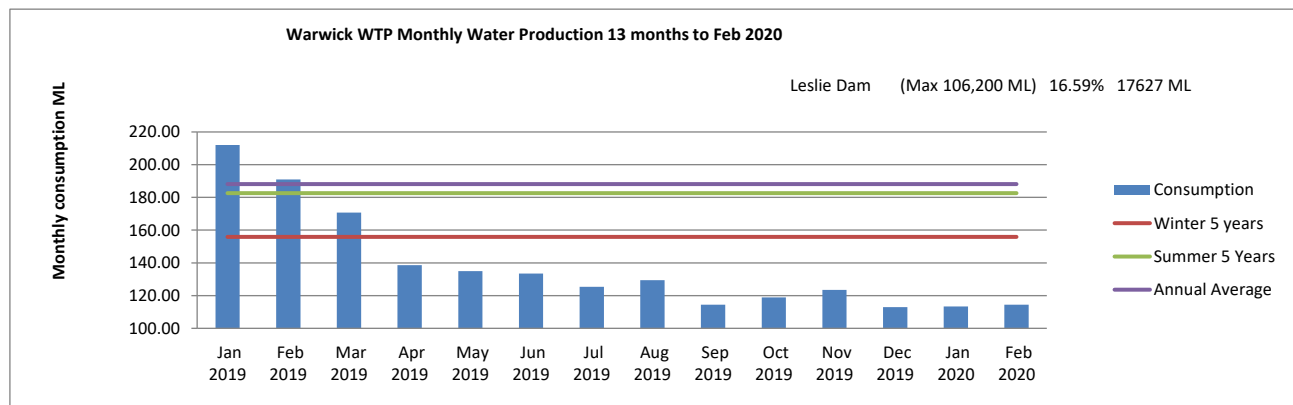
- Contract for Storm King Dam desilting has been awarded with finalisation of contract and works to commence in early to mid March.
- Installation of donated tank at Morgan Park was delayed due to wet weather however weather permitting, will proceed in mid March.
- Wallangarra emergency bore water supply pumps to be commissioned early March.

## **Water Performance Data Report as at 29 February 2020**

### **Dam Levels**

Water Supply Levels and monthly raw water inflow to the treatment plants at the end of February 2020										
Remaining Supply is based on no rain & current monthly abstraction for dams.										
	Water Scheme	Supply Source/s	Supply Capacity (ML/Yr) unless specified otherwise				Demand (ML)			Remaining Supply Mths*
			Maximum	Dam % Full	Quantity	Available	Annual	Monthly	Daily	
1	Warwick	Leslie Dam (SunWater)	106,250	16.59%	17,627	15,747	1387.02	115.59	3.99	34 (inc evap)
2	Stanthorpe	Storm King Dam (SKD)	2,065	19.30%	398	218		0.00	0.00	4 mths (if SKD re-commenced supply at current monthly demand)
		Connolly Dam	2,157	86.80%	1,880	1,850	427.32	35.61	1.23	26 mths
3	Killarney	Spring Creek Weir & OSS	70	100.00%	300	300	97.46	8.12	0.28	7mths OSS or 18 mths from weir
4	Wallangarra	Beehive Dam	97	100.00%	47	69	41.88	3.49	0.12	18 mths (estimate)
		The Soak	22	99.00%	22					
6	Dalveen	Bore/s	30	N/A	30	30	4.63	0.39	0.01	77.7
7	Leyburn	Bore/s	30	N/A	30	30	12.04	1.00	0.03	29.9
8	Pratten	Bore/s	30	N/A	30	30	6.41	0.53	0.02	56.2
Leslie Dam (SunWater) Agreement to hold bottom 15% (15,930) for SDRC. Contract for supply of 3,207 ML/yr										
Note! *Wallangarra Dam supplies do not account for evaporation. No modelling available for dams										

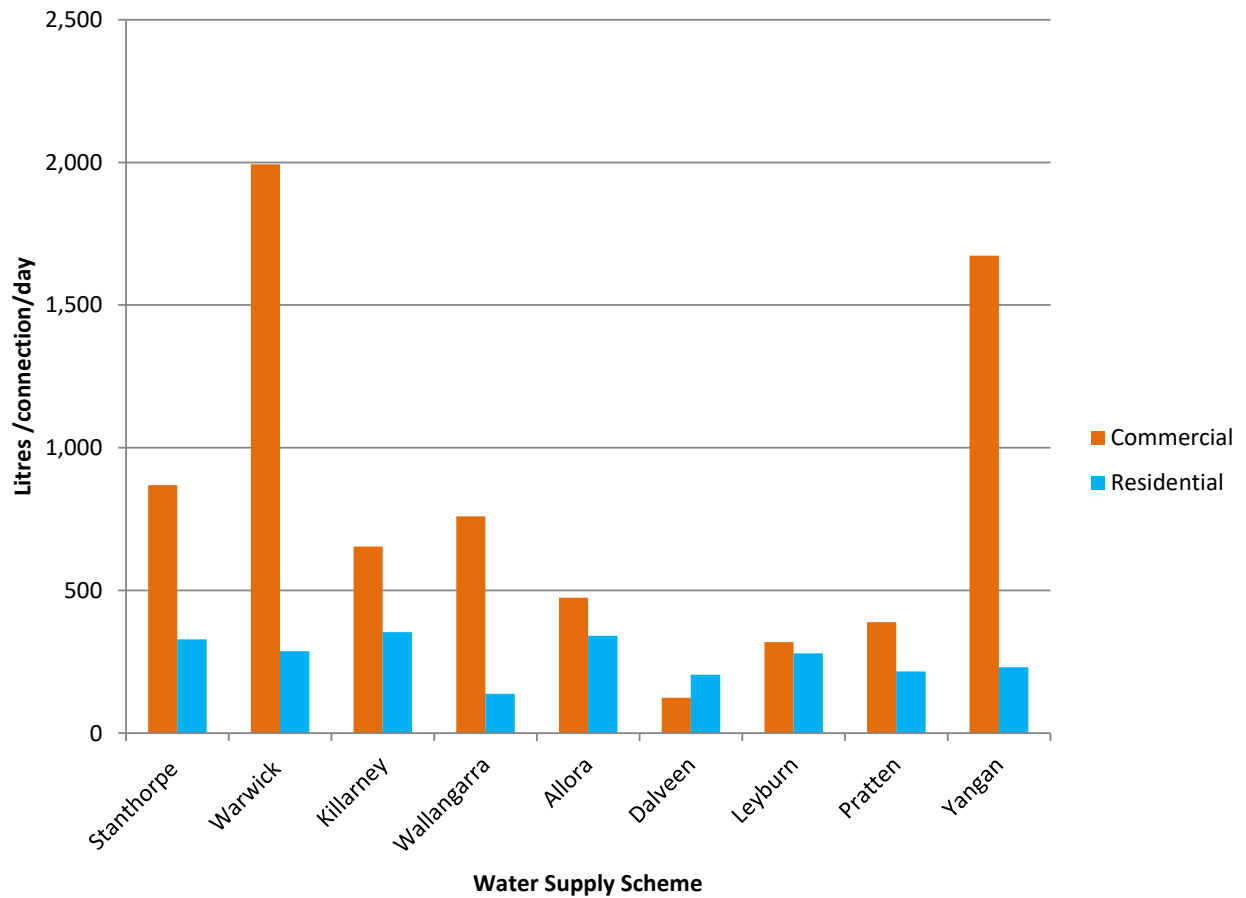
## Monthly Water Consumption Graphs





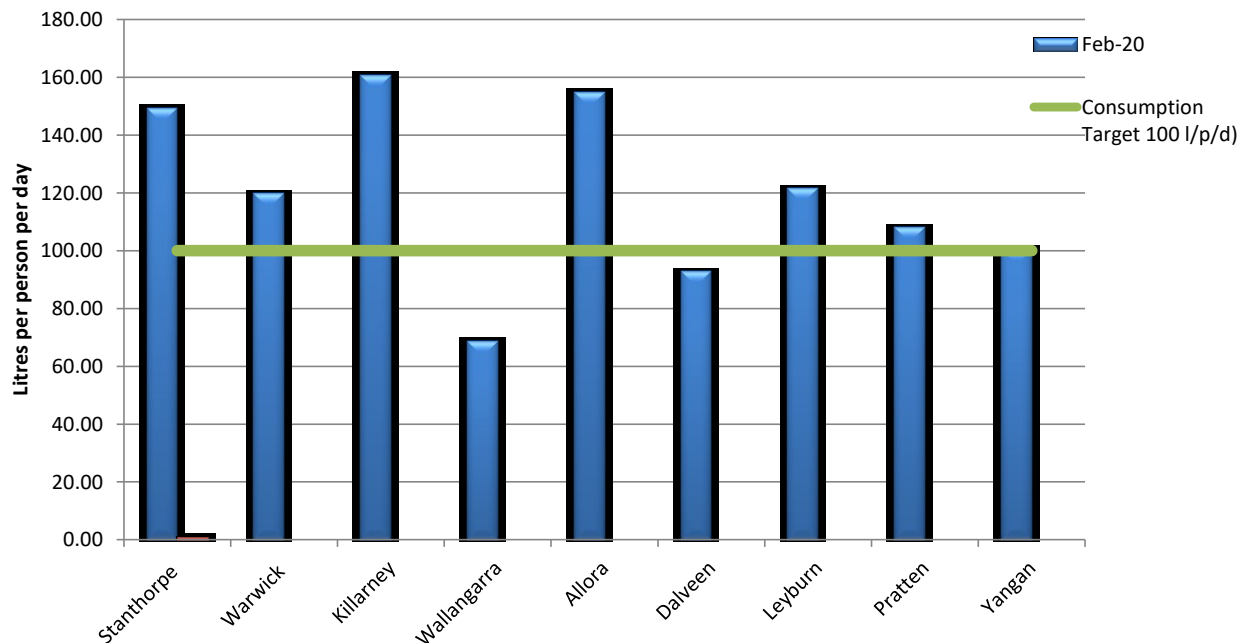
### Avg Daily Consumption per Connection February 2020

(based on Sept 2019 meter readings)



### Residential Water Consumption Comparison

(Sept 2019 meter readings)



**Budget Implications**

Nil

**Policy Consideration**

Nil

**Community Engagement**

Nil

**Legislation/Local Law**

Water Supply and Reliability Act 2008

**Options**

Council:

1. Resolve to receive the Infrastructure Services Directorate Monthly Report;
2. Resolve not to receive the Infrastructure Services Directorate Monthly Report.

**Attachments**

1. Capital Works Project Status - Works [↓](#)



## Capital Works

### Program 19/20 - Capital Works Report Feb 20200306

HVSP - Heavy Vehicle Safety And Productivity Program	
BRP - Bridge Renewal Programme (50%)	
BS - Blackspot (50%)	
CNLGGP - Cycle Network/Local Government Grants Program (50%)	
RTR - Roads to Recovery (100)	
TIDS - Transport Infrastructure Scheme (50%)	
W4Q - Works for Queensland (100)	
NOT STARTED	
Construction	
Planning and Design	
Completed	
Warning	
Critical	

Project Name	Original Total Budget	Revised Total Budget	Current Annual Budget	Act Expend	Commit	Original Estimate	Revised Estimate	Funding	Progress	Project Officer	Est Start	Start	Est Finish	Finish	Status/Comment
<b>CAPITAL WORKS - CONSTRUCTION</b>	<b>22,114,192</b>	<b>22,744,801</b>	<b>15,020,876</b>	<b>7,339,241</b>	<b>2,579,254</b>		<b>2,827,790</b>								
<i>Previous Year</i>	<i>7,321,040</i>	<i>7,325,348</i>	<i>1,029,627</i>	<i>333,130</i>	<i>217,375</i>		<i>1,641,222</i>								
CP800157 Rangers Rd/Oxenham St Intersection	350,000	441,584	25,321	25,390	0	0	0	RTR	100%	Andrew Mapes	19/08/2016	30/04/2019	28/06/2019	27/06/2019	Project Completed
CP800418 Condamine River Crossings - MPP FY18/19	100,000	129,136	2,040	2,040	555	0	0		100%	Andrew Mapes	11/02/2019	11/02/2019	28/06/2019	31/07/2019	Project Completed, Report completed
CP800438 Off-Leash Dog Park	0	79,138	37,705	37,705	0	0	0		100%	Carly McMonagle	30/06/2019	30/06/2019	14/06/2019	30/06/2019	Project Completed
CP800367 Sthpe Indst Dev W4Q Rd & Electrical	625,968	530,644	7,000	6,765	0	421,021	579,864	TIDS	100%	Health Tomkins	1/10/2018	4/02/2019	26/04/2019	25/06/2019	Project Completed
CP800360 TIDS Amens Rd (18/19)	883,846	988,305	2,307	2,307	0	0	0	TIDS	100%	Health Tomkins	30/06/2018	31/10/2018	21/12/2018	14/06/2019	Project Completed
CP800361 Invermay Rd (TIDS) 18-19	300,000	789,279	631	530	0	0	0	TIDS	100%	Mark Cochran	18/05/2018	11/02/2019	30/03/2019	31/05/2019	Project Completed
CP800320 Eassey Street (S&C) (LGP)	200,000	230,695	110,000	61,255	33,773	20,000	20,000		75%	James Valsghe	1/12/2018	10/05/2019	30/06/2021		Project in progress
CP800454 Gravel Resheeting 18-19	1,420,000	1,900,647	37,946	87,345	0	878,515	1,041,356		100%	Michael Bell	12/11/2018	21/10/2019	26/07/2019	30/08/2019	Project Completed
CP800434 Multi Purpose Fit Out - PM Costs	75,000	36,772	2,593	2,592	0	0	0	W4Q	100%	Mark Cochran	4/03/2018	4/02/2019	17/06/2019	14/06/2019	Project Completed
CP800392 TIDS Freedom Rd Rehab 18-19	525,000	466,861	2,593	2,592	0	0	0	TIDS	100%	Peter Crisp	3/08/2018	3/08/2018	11/06/2019	31/05/2019	Project Completed
CP800359 Reseal 18-19	1,000,000	1,023,313	13,600	4,517	0	0	0		100%	Health Tomkins	1/06/2018	26/11/2018	28/06/2018	23/12/2018	Project Completed
CP800325 Glen Alpine Shared Path Upgrade 17/18	425,000	381,562	170,694	0	0	0	0	CNLGGP	100%	Mark Cochran	5/11/2018	4/02/2019	30/10/2019		Based on Stanthorpe Cycleway Community feedback, redesign works in progress
CP800415 Guy, Pratten, Parker St Cycleway Design	340,000	338,229	280,000	43,470	143,247	0	0	CNLGGP	45%	Mark Cochran	1/11/2021	25/02/2019	30/11/2021	7/06/2019	Project Completed
CP800363 Condamine River Walk stage 2 (W4Q)	100,000	326,643	225,000	2,692	0	0	0	CNLGGP	100%	Mark Cochran	1/11/2021	25/02/2019	30/11/2021	7/06/2019	Project Completed
CP800428 B Double Road	150,000	146,256	872	871	0	0	0	HVSP	100%	Mike Holeszko	20/7/2018	12/11/2018	31/05/2019	28/06/2019	Project Completed
CP800370 Jimmy Mann Rd Floodway (18-19 RTR)	158,000	162,548	7,452	7,452	0	0	0	RTR	100%	Peter Crisp	18/03/2019	20/11/2019	21/06/2019	25/06/2019	Project Completed
CP800372 Design of Sthpe CBD Cycle & Ped Bridge	20,326	20,326	3,500	2,432	0	0	0		100%	Mark Cochran	25/06/2018	13/08/2018	30/11/2018	20/10/2019	Project Completed
<i>Current Year</i>	<i>14,741,112</i>	<i>14,301,452</i>	<i>14,000,249</i>	<i>7,806,111</i>	<i>2,341,629</i>		<i>1,156,528</i>								
CP800342 Palmer Bridge Freedom (BRP) year 2	1,400,000	2,592,295	2,200,000	1,966,425	101,774	0	0	BRP	95%	Mark Cochran	4/06/2018	16/07/2018	30/06/2020		Construction COMPLETE removal of the old bridge remaining
CP800446 Jack Smith Gully Rehab (TIDS)	430,000	385,000	385,000	380,655	5,488	225,187	245,187	TIDS	100%	Andrew Mapes	1/10/2018	26/08/2019	22/12/2019	29/11/2019	Project Completed
CP800450 Village Amenities Sealing (RTR)	220,000	211,565	211,565	213,736	0	0	0	RTR	100%	Health Tomkins	1/11/2019	3/09/2019	30/11/2019	28/10/2019	Project Completed
CP800482 Broukes Road Bridge (BRP4)	652,300	552,300	552,300	24,368	460,750	0	0	BRP	15%	Mark Cochran	7/10/2019		30/06/2020		Contract awarded, design underway
CP800483 Upper Forest Springs Bridge (BRP4)	602,800	502,800	502,800	22,516	513,686	0	0	BRP	15%	Mark Cochran	20/01/2020		13/03/2020		Contract awarded - prestart meeting completed
CP800475 Depot/Ogle East St upgrade (HVSP)	790,000	790,000	790,000	9,593	135	0	0	HVSP	10%	Mark Cochran	29/07/2019	3/08/2019	20/09/2019		Planning in progress; submission for tender exemption in progress
CP800444 Resheet Gravel Roads (excl RRS)	1,000,000	1,000,000	1,000,000	885,887	13,200	905,672	906,341		90%	Malcolm Beattie	1/07/2019	1/07/2019	30/06/2020		Construction in progress
CP800449 Forde Street Allora Rehab	207,200	306,855	307,000	210,978	0	0	0		100%	Mark Cochran	5/06/2019	26/08/2019	31/08/2019	23/09/2019	Project Completed, financial completion in progress
CP800464 Guy Street Footpath LGP	80,000	30,000	30,000	229	0	0	0	CNLGGP	3%	Andrew Mapes	1/12/2019		25/01/2020		Planning and design in progress
CP800465 Condamine River Walk stage 2 (W4Q)	300,000	300,000	300,000	220,827	10,491	0	0	W4Q	80%	Mark Cochran	1/11/2019	3/10/2019	30/11/2020		Project almost completed, interlocking and financial completion in progress
CP800486 Donnelly's Castle Road Rehab (RTR)	350,000	350,000	350,000	8,510	0	0	0	RTR	3%	Health Tomkins	22/07/2019		29/08/2019		Planning and Design in progress
CP800513 Sealing Darcy Street, Stanthorpe (W4Q)	90,000	101,072	101,072	80,192	0	0	0	W4Q	100%	Health Tomkins	3/08/2019	28/08/2019	30/06/2020	30/11/2019	Project almost complete, financial completion in progress
CP800467 McGee Street Cycleway (CNLGGP)	645,000	545,000	545,000	125,355	460,833	0	0	CNLGGP	25%	Health Tomkins	10/09/2019	3/08/2019	10/11/2019		Footpath construction works commenced, bridge tender awarded - bridge designs in progress
CP800488 Park Road Crossover (CNLGGP)	75,000	75,000	75,000	4,344	23,466	0	0	CNLGGP	10%	Mark Cochran	10/10/2019		10/11/2019		Planning and Design in progress - agreement signed
CP800489 Quat Plot CR Cycle way (CNLGGP)	833,000	833,000	833,000	13,028	132,388	0	0	CNLGGP	3%	Health Tomkins	10/01/2020	3/08/2019	15/03/2020		Footpath Construction works commenced
CP800490 Upper Wheelvale Rd Widening (RTR)	450,000	460,000	460,000	415,302	1,348	0	0	RTR	95%	Mark Cochran	21/10/2019	3/10/2019	29/11/2019		Project Completed, financial completion in progress
CP800472 Reseal Program	1,000,000	1,000,000	1,000,000	906,577	75,017	0	0		95%	Peter Crisp	1/07/2019	20/08/2019	30/06/2020	20/12/2019	Major Program of works completed, minor works for TMR to be completed by early FEB
CP800473 Connally Dam Rd Sealing TT GP2	350,000	350,000	350,000	47,067	172,714	0	0	RTR	15%	Peter Crisp	12/08/2019	3/08/2020	29/11/2019		Construction in progress
CP800482 Upper Forest Springs Rd Widening/Rehab (RTR)	300,000	300,000	300,000	9,472	532	0	0	RTR	3%	Peter Crisp	20/03/2020		1/06/2020		Planning and Design in progress
CP800536 Leslie Dam Boat Ramp	60,000	130,000	130,000	65,679	2,443	0	0		3%	Andrew Mapes	1/10/2019		30/06/2020		Works almost completed, awaiting signage
CP800536 Storm King Dam Boat Ramp	30,000	25,500	25,500	25,526	450	0	0		95%	Health Tomkins	1/10/2019	24/10/2019	30/06/2020		Project Completed
CP800532 Roadworks - Emergency Water Supply	0	0	0	902,250	0	0	0		95%	Health Tomkins	24/09/2019	25/09/2019	1/11/2019		Storm King Dam Road Completed, Northern Pds: Works Completed
CP800489 Streetlights upgrade to Streetlights	750,000	750,000	750,000	0	0	0	0		0%	Caroline Ben	1/07/2019		30/06/2020		Palmer St project, design completed, awaiting appointment of PM (Contractor) to deliver
CP800491 Lock St Kerb & Channel and Car Parking	155,000	155,000	155,000	5,151	0	0	0		3%	Health Tomkins	5/06/2019	16/02/2020	3/12/2019		Planning and Design in progress
CP800514 Seal Link Beachfront Avon/Vallangurga Rd	250,000	250,000	250,000	27,801	20,726	0	0		3%	Peter Crisp	3/08/2019		30/06/2020		Design in good progress to get concept approved by TMR and GR
CP800572 Forde St Allora Rehab (RTR) CH056-079	128,000	128,000	128,000	2,140	20,189	0	0	RTR	3%	Mark Cochran	3/02/2020		29/05/2020		Not started
CP800573 Freedom Road Rehab (TIDS)	0	350,000	350,000	712	3,365	0	0	TIDS	3%	Mark Cochran	3/02/2020		30/05/2020		Planning and design phase
CP800474 Resheet Gravel Roads (TIDS)	1,409,742	1,409,742	1,409,742	0	0	0	0	TIDS	3%	Health Tomkins	1/01/2019		12/04/2019		Project for budgetary information only - refer CP800473, CP800472, CP800480
CP800478 Resheet Pkadele Rd - Warwick (TIDS)	0	0	0	6,328	10,520	0	0	TIDS	3%	Health Tomkins	1/01/2019		12/04/2019		Works Commenced
CP800479 Resheet Giffards Rd - Stanthorpe (TIDS)	0	0	0	888,725	201,048	35,000	35,000	TIDS	30%	Health Tomkins	1/01/2019	16/01/2020	12/04/2019		Works Commenced
CP800480 Resheet Invermay Rd - Stanthorpe (TIDS)	0	0	0	2,787	3,045	0	0	TIDS	3%	Health Tomkins	1/01/2019		12/04/2019		Assessing estimates to redirect project funds else where - planning in progress
CP800567 Forest Plain Road Rehab RTR 20/21	563,670	563,670	563,670	89,377	79,756	0	0	RTR	10%	Peter Crisp	1/01/2019	17/02/2020	25/06/2021		Works in progress
<b>Yangan Road Intersection works - OPERATIONAL</b>		<b>249,003</b>		<b>175,363</b>	<b>17,126</b>			<b>OP</b>	<b>100%</b>	<b>MCOCHRANE</b>	<b>28/10/2019</b>	<b>15/10/2019</b>	<b>20/12/2019</b>	<b>13/12/2019</b>	<b>Project Completed</b>



## Capital Works


### Program 19/20 - Capital Works Report Feb 20200306

HVSP - Heavy Vehicle Safety And Productivity Program	
BRP - Bridge Renewal Programme (5050)	NOT STARTED
BS - Blackspot (5050)	Construction
CNLOGP - Cycle Network Local Government Grants Program (5050)	Planning and Design
RTR - Roads to Recovery (100)	Completed
TIDS - Transport Infrastructure Scheme (5050)	Warning
W4Q - Works for Queensland (100)	Only 1/2019/20

Project Name	Original Total Budget	Revised Total Budget	Current Annual Budget	Act Expend	Commit	Original Estimate	Revised Estimate	Funding	Progress	Project Officer	Est Start	Start	Est Finish	Finish	Status/Comment
<b>CAPITAL WORKS - COMMUNITY</b>	<b>2,041,997</b>	<b>2,257,231</b>	<b>988,942</b>	<b>307,099</b>	<b>438,775</b>	<b>0</b>									
<i>Previous Year</i>	<i>944,497</i>	<i>928,879</i>	<i>14,062</i>	<i>8,927</i>	<i>5,827</i>	<i>0</i>									
CP800364 Old Allora Offices - Raise and Redump	459,497	447,849	1,255	1,255	0	0	0	W4Q	100%	Anneke Jacobson	11/07/2018	1/03/2019	28/06/2019	28/06/2019	Project Completed
CP800337 Rest Area & Entrance Sign Wallangarra	150,000	141,881	340	340	0	0	0		100%	Mike Holeszko	30/7/2018	30/05/2018	20/06/2019	25/06/2019	Project Completed
CP800268 Recreation Areas Small Villages	150,000	149,999	2,005	0	2,005	0	0		86%	Zoe Dunlop	12/03/2018	28/03/2018	29/03/2019	30/01/2019	Project Completed
CP800386 Stanthorpe Admin Building Under-Pinning	35,000	27,848	5,432	5,432	0	0	0		100%	Zoe Dunlop	20/7/2018	12/09/2018	26/06/2019	25/06/2019	Project Completed
CP800402 Equitable Access - Stanthorpe Admin	150,000	157,891	5,000	1600	3,592	0	0		100%	Zoe Dunlop	20/7/2018	28/09/2018	28/06/2019	28/06/2019	Project Completed
<i>Current Year</i>	<i>1,097,500</i>	<i>1,328,352</i>	<i>974,880</i>	<i>298,072</i>	<i>432,948</i>	<i>0</i>									
CP800289 Methuen Shelter Restoration	316,000	233,892	155,000	63,670	2,794	0	0		50%	Tony Butler	1/07/2018	1/07/2018	30/06/2021		Project to be delivered in two stages: 1. Backwork painting - Works Completed 2. Shelter components rehab - RTR released again
CP800447 Buildings Fire Systems Upgrades 2619-20	62,500	52,500	52,500	0	0	0	0		10%	Anneke Jacobson	20/9/2019	1/07/2019	29/06/2020		Project not feasible to be delivered due to presence of asbestos
CP800464 Learn To Ride Park (W4Q)	300,000	300,000	300,000	32,491	261,763	0	0	W4Q	45%	James Vaugeois	4/11/2018	1/07/2019	7/02/2020		Detailed design almost complete, working on final construction contract estimate
CP800277 Two-Carlor Shed Compliance Upgrade(W4Q)	420,000	738,160	457,000	202,911	226,596	0	0	W4Q	35%	Anneke Jacobson	5/06/2019	5/08/2019	29/06/2020		Works Commenced 1. Service relocation 100% Completed 2. Carpark and works completed except bitumen sealing and concrete works 3. Internal floor works in progress
<b>CAPITAL WORKS - Maintenance</b>	<b>8,952,265</b>	<b>4,099,942</b>	<b>1,304,894</b>	<b>141,704</b>	<b>115,106</b>	<b>23,000</b>									
<i>Previous Year</i>	<i>4,235,385</i>	<i>2,757,734</i>	<i>6,463</i>	<i>(3,179)</i>	<i>0</i>	<i>0</i>									
CP800296 Extension of Lighting - Quatt Pt Ck	121,017	119,951	463	463	0	0	0		0%	Carneke Ben	15/02/2018	15/02/2018	30/06/2018	11/10/2019	Light poles received, awaiting completion of footpath project to install lighting
CP800211 Cydore Debbie - Project Management	2,018,168	849,145	8,000	461	0	0	0		0%	Mike Holeszko	20/06/2017		25/06/2018		Project Completed
CP800258 Cydore Debbie Comp. Works- Package 5	164,403	11,190	(153,214)	0	0	0	0		0%	Chris Whitaker	3/10/2017		30/12/2017	14/08/2019	Project Completed
CP800235 Cydore Debbie - Betterment - Mervale St	2,406,422	375,456	153,214	0	0	0	0		100%	Chris Whitaker	16/03/2018		31/12/2018	26/06/2019	Project Completed
CP800331 Cydore Debbie - Betterment Depot Rd	24,255	802,093	0	(4,105)	0	0	0		100%	Chris Whitaker	16/03/2018		31/12/2018	30/09/2019	Project Completed
<i>Current Year</i>	<i>3,817,500</i>	<i>1,341,828</i>	<i>1,308,893</i>	<i>144,382</i>	<i>218,106</i>	<i>23,000</i>									
CP800448 Stanthorpe Cemetery Bunal Wall	270,000	270,000	270,000	83,343	111,452	0	0		60%	Anneke Jacobson	1/11/2018	1/07/2019	30/06/2020		Construction in progress
CP800423 Masterplan for Cydoreways	45,000	44,828	3,390	3,390	0	0	0		100%	Carneke Ben	1/02/2019	3/02/2019	30/06/2019	28/06/2019	Part of last FY master plan project, Council briefing session completed
CP800489 Footpath Replacement	50,000	50,000	50,000	31,962	0	13,000	23,000		0%	Carneke Ben	1/07/2019		30/06/2020		Works in progress
CP800500 Replacement of damaged kerb & Channel	750,000	75,000	75,000	0	0	0	0		0%	Carneke Ben	1/07/2019		30/06/2020		Not started
CP800498 Seal High Maintenance gravel sections	200,000	200,000	200,000	0	0	0	0		0%	Carneke Ben	1/07/2019		30/06/2020		Not started - project funds to be redirected, awaiting confirmation
CP800497 Seal Gravel Roads	2,000,000	200,000	200,000	12,210	604	0	0		0%	Carneke Ben	1/07/2019		30/06/2020		Works in progress, project funds to be redirected, awaiting confirmation
CP800537 Wallangarra Village Sealing (RTR)	125,000	125,000	125,000	0	0	0	0	RTR	0%	James Vaugeois	3/02/2020		27/03/2020		Design and Planning in progress
CP800558 Mt Colliery Village Sealing (RTR)	145,000	145,000	145,000	0	0	0	0	RTR	0%	Mike Holeszko	10/02/2020		30/03/2020		Not started
CP800556 Border St Wallangarra Widening RTR 20/21	24,000	24,000	24,000	13,964	4,050	0	0		56%	Peter Crisp	1/01/2020	3/02/2020	30/06/2020	2/03/2020	Works Completed
CP800495 Homestead Rd Widening	40,000	40,000	40,000	0	0	0	0		0%	Carneke Ben	2/06/2019		30/06/2019		Design and Planning in progress
CP800546 Oak Ave improve road and drainage issues	45,000	45,000	45,000	0	0	0	0		0%	Mike Holeszko	4/11/2018		15/11/2019		Not started
CP800486 Replace damaged light poles	120,000	120,000	120,000	0	0	0	0		0%	Carneke Ben	5/08/2019		18/06/2019		Not started
<b>CAPITAL WORKS - COMBINED TOTAL</b>	<b>32,788,414</b>	<b>29,123,893</b>	<b>17,314,294</b>	<b>7,788,044</b>	<b>3,132,139</b>	<b>2,399,295</b>	<b>2,850,750</b>								
				<b>45%</b>	<b>18%</b>										

## 12.2 Water Contingency Plan

### Document Information

 <b>Southern Downs</b> REGIONAL COUNCIL	<b>Report To: General Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 25 March 2020
	Manager Water	<b>ECM Function No/s:</b> 31.112

### Recommendation

THAT Council receive the Southern Downs Water Contingency Plan.

### Report

Southern Downs Regional Council is continuing to explore all opportunities to ensure that there is a supply of drinking water to its residents and businesses. Whilst Warwick received rainfall in January and February extending the supply in Leslie Dam to 30 months remaining, Storm King Dam did not receive notable inflow, and the full carting of water from Connolly Dam which commenced mid-January will continue until at least 6 months' supply of water is available in Storm King Dam. Connolly Dam also received good inflow with enough water in the dam for carting to Stanthorpe for 28 months, based on supplying 40 ML per month to Stanthorpe

Council is working with key stakeholders from the State Government, other local government authorities, the community and businesses to undertake actions that ensure that drinking water remains available.

The State Government announced the water pipeline from Toowoomba to Warwick to connect Warwick into the South East Queensland Water Grid may be built by December 2020. The State Government remains the lead agency on this project and will oversee the whole project with input from both Toowoomba Regional Council and Southern Downs Regional Council.

The attached Water Contingency Plan provides an overview of the contingency actions that are being considered and implemented at present.

### Budget Implications

Budget implications will be assessed on a monthly and quarterly basis.

### Policy Consideration

Water and Wastewater Customer Service Standards 2014

### Community Engagement

Nil

### Legislation/Local Law

Water Supply (Safety and Reliability) Act 2008

## **Options**

Council:

1. Resolve to receive the Southern Downs Water Contingency Plan.
2. Resolve to receive the Southern Downs Water Contingency Plan with changes.
3. Resolve not to receive the Southern Downs Water Contingency Plan.

## **Attachments**

1. Southern Downs Water Contingency Plan [↓](#)

#### Southern Downs Water Contingency Plan

Southern Downs Regional Council is exploring all opportunities to ensure that there is a supply of drinking water to its residents and businesses. At the end of February, due to rainfall and reasonable runoff into the dam, the run out date for Leslie Dam was extended out to 30 months remaining supply of water for Warwick. Connolly Dam also received inflow with enough water in the dam for carting to Stanthorpe for 28 months. Storm King Dam received minimal inflow and as such remains on water supply from Connolly Dam. Trucking commenced full time for water supply to Stanthorpe in mid-January.

Southern Downs Regional Council continues to work with key stakeholders from the State Government, other local government authorities, the community and businesses to undertake actions that ensure that drinking water remains available.

The following is an overview of the contingency actions that are being considered and implemented at present.

## **Stanthorpe**

### **Short term**

- Water restrictions were relaxed from 80 l/p/d to 100 l/p/d following the General Council Meeting on 15<sup>th</sup> February 2020.
- Use of the water supply in Storm King Dam for the supply of water in Stanthorpe ceased on 13 January 2020. From this date, raw water has been carted from Connolly Dam and treated at the Mount Marlay water treatment plant to supply Stanthorpe area.
- The February 2020 consumption level detailed that Stanthorpe is using 1.09 ML per day, 31.64 ML per month.
- The average resident in Stanthorpe is using 149 litres per person per day; the current restrictions have a target of 100 litres per person per day.
- Raw water is being transported to the tanks at Storm King Dam from Connolly Dam via standpipes at Rosenthal Road near the raw water pipeline. No water is being used from Storm King Dam.
- Water restrictions are currently at critical level, 100 litres per person per day.
- Critical level water restrictions will be strictly enforced with additional meter readings and enforcement.
- At this stage, Council does not intend to cart water from Coolmunda or Glenlyon Dams which are both at low levels and therefore have limited availability of water for Southern Downs. These options may be re-opened in the future should these dams receive rain events that recharge their dam levels.
- Leak detection repairs have been completed and all detected leaks on public infrastructure continue to be repaired throughout the Stanthorpe reticulated network.
- De-silting of Storm King Dam has commenced.
- Council officers will continue to work with local businesses to improve water conservation.
- Council officers will continue to provide community and school education sessions.
- Council officers will continue to work with accommodation providers in relation to water conservation.
- Officers will continue to identify other potential sources of water.
- Water for road construction and other works continues to be brought into Stanthorpe from other sources.
- The dams at Wallangarra (The Soak and Beehive) are both at full supply level. A bore at Wallangarra and associated pipework is currently being upgraded to supplement supply and will be operational if required should the water supply in the dams deplete.
- The new raw water line from Storm King Dam to the water treatment plant was completed in August 2019.
- Council is seeking to make water tanks or bladders mandatory for all new houses, commercial and industrial developments.

### **Medium Term**

- Issues associated with recycled water that is currently supplied to the effluent users to be finalised, so as water can be used for other purposes.



- Increase the quality of the recycled water to allow other applications (road construction, etc.).
- Desilting is underway to remove silt and increase storage capacity of Storm King Dam.
- Planning (feasibility analysis) has commenced on increasing the capacity of Storm King Dam, and a funding submission has been applied for.
- Planning and investigations to commence in relation to establishing a pipeline from Connolly Dam and Storm King Dam in the long term.
- Planning and investigations to commence in relation the upgrade or relocation of the Stanthorpe Sewerage Treatment facility in the medium term to deliver high quality of recycled water.
- Permanent water conservation measures to be mandated, including water tank rebates where applicable.
- Additional water allocations to be identified and further investigated, such as Bookookoorara Creek.
- Option of water from Mole Creek in NSW is currently being further investigated with the State government.

#### Long term

- Subject to the planning and investigations seek funding for;
  - Increasing the capacity of Storm King Dam
  - Relocating or upgrading the Stanthorpe Sewerage Treatment Plant
  - Establishing a connection between Storm King Dam and Connolly Dam
  - Upgrading of the recycled water facility to improve standard of the recycled water.
- Support the establishment of Emu Swamp Dam as an irrigation project.
- Further investigate the opportunities for sourcing water from the Clarence River in a consortium with Toowoomba Regional Council, Western Downs Regional Council and Tenterfield Shire Council.
- Retain permanent water conservation measures.

## Warwick

### Short Term

- With rain received in February, and based on current consumption levels, the water supplies in Leslie and Connolly Dam are forecasted to be exhausted by December 2022 and June 2021 respectively, depending on the water quality as the dam levels reduce.
- Warwick, Allora and Yangan are all currently serviced by the Warwick Water Treatment Plant.
- Warwick's consumption in February 2020 was 3.69 ML per day and 106.99 ML per month.
- Allora's consumption in February 2020 was 0.2 ML per day and 5.84 ML per month.
- Yangan's consumption in February 2020 was 0.053 ML per day and 1.54 ML per month.
- The average resident in Warwick is using 119 litres per person per day, Allora is 155 litres per person per day and Yangan is 101 litres per person per day, the current restrictions have a target of 100 litres per person per day.
- The testing on the Allora bores is now complete. There is a current allocation at Allora of around 670ML as there is carry over from the previous year allocation.
- Testing of all Council bores in the region has been undertaken with Allora bores likely to be the only bores which will yield adequate water.
- There may also be an opportunity to use Allora bore water to supplement the Warwick supply by sending it back through the existing pipeline to the Warwick Water Treatment Plant.
- Seek endorsement from the Dalrymple Water Committee Meeting (This has occurred and endorsement has been provided).
- Establish the necessary infrastructure to provide drinking water from the bores to Allora. Design of this is currently underway.
- Separate Allora from the Warwick system thereby saving up to 5 ML per month that can be put back into the Warwick system.
- Leak detection has been completed in the Warwick reticulated system.
- Water Restrictions were relaxed to critical level, 100 litres per person per day on 15<sup>th</sup> February 2020.
- Critical Water Restrictions will be strictly enforced with additional meter readings and enforcement
- Quantify the cost of the water and the cost of the transportation of the water to Leslie Dam.
- Determine the most effective delivery point for the delivery of water.
- Deliver the new infrastructure identified in the funding applications in regard to recycled water in the industrial estate and saleyards – this contract has been awarded and design commenced.
- The State Government announced a feasibility study into the piping of water from Toowoomba to Warwick. This study is being led by Seqwater with both Toowoomba Regional Council and Southern Downs Regional Council working closely with Seqwater.

- The State Government in January 2020 announced the pipeline from Toowoomba to Warwick may be constructed by December 2020. This project will be managed and delivered by the State Government with input from both Toowoomba Regional Council and Southern Downs Regional Council.
- Commence discussions with the Great Artesian Basin Authority in relation to accessing the basin.
- Seek endorsement from DNRME for additional bores to provide stock water.
- Dead storage level established for Connolly Dam to allow consideration of de-silting or dredging once Connolly Dam water is not in use.
- Works at Connolly Dam intake tower and tunnel have been reviewed and a more efficient and cost effective option identified.
- Considering the viability of additional allocation of water being purchased from SunWater at Leslie Dam.
- State Government Departments to review the application of recycled water or the quality of recycled water to be increased through additional processes.
- Council officers will continue to work with local businesses to improve water conservation.
- Council officers will continue to provide community and school education sessions.
- Council officers will work with accommodation providers in relation to water conservation.
- Council is seeking to make water tanks or bladders mandatory for all new houses, commercial and industrial developments.
- Council to exit water agreements with landholders around Leslie Dam in relation to expired water agreements.

#### Medium Term

- Desilting to be potentially undertaken based on reports and survey of dead storage levels at Connolly Dam
- Planning and investigations to commence in relation to establishing a pipeline from Connolly Dam and Storm King Dam in the long term.
- Complete renewal works at Connolly Dam.
- Permanent water conservation measures to be mandated, including water tank rebates where applicable.
- Continue to provide community education in relation to water conservation.
- Assess the capacity of the Killarney Water resources to supplement Warwick, potentially via Yangan.
- Planning and investigations to be commenced in relation to accessing water from the Great Artesian Basin.

#### Long Term

- Create a grid system to distribute water across the municipality.
- Source a connection into the South East Queensland Water Grid or a connection to Clifton should Toowoomba proceed with a pipeline south.
- Establish production bores that have the capacity to drought proof Warwick.
- Increase the quality of and distribution network for the improved use of recycled water for industrial and farming purposes.

- Consider planning for an additional dam in the Elbow Valley region.

### **The Southern Downs Region**

#### **Short Term**

- Continue to identify accessible water resources from outside the region for emergency supply.
- Ascertain the capacity of the Soak and the Beehive.
- Testing of the bore around the Soak and the Beehive has been undertaken, although it only yields a small supply it will be adequate for Wallangarra supply. This project is very near completion; final telemetry installation to be completed but water can be extracted from the bore and delivered to the Wallangarra treatment plant if required.
- Provide education to businesses and the broader community in relation to water conservation.
- Identify if possible options for the limited supply of water for livestock.
- Consider incentives for the installation of water tanks on rural properties.
- Validate the capacity of bores in areas outside the urban centres (bores managed by Council with a relevant allocation have been tested).
- Explore options in relation to augmented water supplies from Killarney.
- Make water tanks or bladders mandatory for all new houses, commercial and industrial developments.
- Manage the expectations of people living in rural areas seeking water for livestock.

#### **Medium Term**

- Formalise a network of bores based on the review of the allocations to Southern Downs Regional Council.
- Ensure all bores are being used effectively.
- Develop a long term strategy for water management in the rural areas.
- Provide incentives to residents and businesses to conserve water.
- Seek additional water allocations for Killarney.
- Develop a cross border project with Tenterfield Shire Council to ensure water security.
- Work with the State Government to ensure water permits are available for emergency water requirements including a new borefield.


#### **Long Term**

- Review the strategies that have been developed.
- Work with the rural sector to aim for the highest levels of water efficiency.
- Ensure the sustainability of the water supply for small towns across the region.

### 13. SUSTAINABLE DEVELOPMENT REPORTS

#### 13.1 Material Change of Use - Ian and Christine Robins, 19 Church Road, The Summit

##### Document Information

 Southern Downs REGIONAL COUNCIL	<b>Report To: General Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 25 March 2020
	Planning Officer	<b>ECM Function No/s:</b> MCU\02114

<b>APPLICANT:</b>	Ian & Christine Robins
<b>OWNER:</b>	Ian & Christine Robins
<b>ADDRESS:</b>	19 Church Road, The Summit
<b>RPD:</b>	Lot 1 RP157889, Parish of Stanthorpe, County of Bentinck
<b>LAND USE AREA:</b>	1.2 (Ha)
<b>PROPOSAL:</b>	Shop, Community care centre, Roadside Stall
<b>LEVEL OF ASSESSMENT:</b>	Impact
<b>SUBMITTERS:</b>	Six (6)
<b>REFERRALS:</b>	Department of State Development Manufacturing Infrastructure and Planning
<b>FILE NUMBER:</b>	MCU\02114

##### Recommendation Summary

THAT the application for Material Change of Use, Roadside stall, Community care centre and Shop on land at 19 Church Road, The Summit, described as Lot 1 RP157889, Parish of Stanthorpe, County of Bentinck, be approved in part only, subject to conditions.

## Report



The applicant seeks a Material Change of Use for the purpose of a Shop, Community care centre and Roadside stall at 19 Church Road, The Summit, described as Lot 1 RP157889, Parish of Stanthorpe, County of Bentick.

The subject property is located in the Rural zone of the Granite Belt precinct and has frontage to Church Road which is a bitumen sealed road network. The allotment is hatchet shaped, 1.2 hectares in size and has an existing residential dwelling to the south of the lot.

### Proposal

The land owners operate a business onsite, *Purple Dove Awareness Group Inc.*, which is a not-for-profit community organisation. *Purple Dove Awareness Group* operates from a residential property on rural land, providing services to people of low socioeconomic status in the region.

The applicant seeks planning approval for the operation for the non for profit business, providing those who are financially struggling, homeless and/or less fortunate with food, clothing and household items. The business has several volunteers and conducts working bees throughout the year to assist with the operation of the charity.

The applicant has detailed *that generally their work comprises the following activities:*

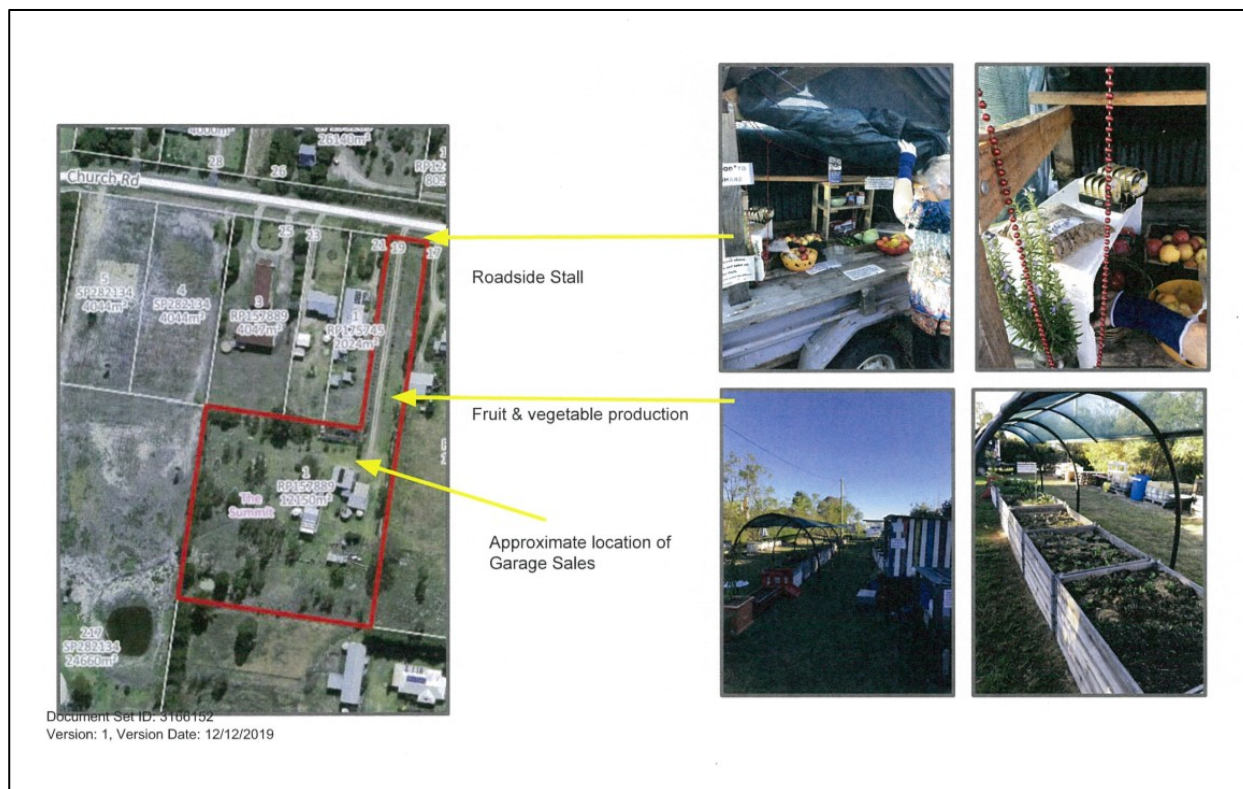
- *Operating a 'Food is Free' roadside stall, with free produce grown onsite and donated non-perishable packaged goods;*
- *Distribution of free emergency donated non-perishable food items;*
- *Drop off , storage and collection of household items, clothing and non-perishable food which are distributed to those in need;*
- *Community support through arts and craft, for instance weaving sleeping mats for the homeless;*
- *Preparing toiletry bags for the homeless; and*
- *On-site garage sales (max. 6-8 per year).*

It is proposed that the drop off of goods will be between the hours of 9.00am to 5.00pm Monday to Saturday, excluding public holidays. Visitors volunteering their time to assist in maintaining the site i.e. gardening, working bees etc. will not exceed six people at any point in time. The roadside stall



itself is located at the front of the lot, setback from the road, and is proposed to be accessible throughout the week during daylight hours.

Currently, produce is grown both on and offsite and is offered for sale at the Roadside stall, similar in nature to a community garden, located within the access handle of the property. A caravan located near the planter boxes is open for members of the public to peruse for free clothing. In addition to the caravan there is a bookshelf offering books to the public. A Shop (referred to as “garage sales” by operators) operates 6-8 times per year for the sale of donated goods, located west to the residential dwelling.



## Compliance matters

A series of complaints have been received from the public in relation to the operations having commenced without a Development Permit. Council officers carried out an onsite inspection following the complaints received in February 2019.

Following a series of face to face meetings with Council staff and the operators a non-compliance letter was later issued on 8 March 2019, followed by a Show Cause Notice issued on 20 March 2019. This was due to the property continuing to operate a Roadside stall, Community care centre and Shop without planning approval.

Council's Schedule of General Fees and Charges 2019/2020 details that any planning application made for a not-for-profit organisation is eligible for a 50% discount of fees and charges. On 6 November 2019 Council officers attended the site to meet with representatives of the organisation and to discuss the process for lodging a development application for the existing use of the land. The operators later requested the waiving of the all fees associated with the development including the cost of the public notification sign. On 27 November 2019 Council approved the waiving of the application fee, in accordance with Section 109 of the *Planning Act 2016*, which permits the assessment manager to waive all or part of a required fee.

The subject application was submitted on 11 December 2019. As part of the application the applicant opted to waive the ability of Council to issue an Information request. During the Public Notification stage of the development application it is to be noted that an inappropriate post was made by Purple Dove on social media which made reference to Council fully supporting the unlawful operations and asserting that making a submission would be of no consequence. Once

this facebook post was brought to Council's attention the Facebook administrator of the site was contacted and correction sought. As this information is against Queensland planning legislation and not in accordance with Council's handling of the matter. The post was later changed, to remove all misleading and incorrect planning and Council related text.

At a later date more complaints, brought to Council's attention that there was a large portion of goods having been stored on the patio of the Dwelling house. Upon later inspection the storage of goods has been relocated indoors to void amenity concerns in regard to the open storage.

#### Discussion on use definition

<b>Home based business</b>	A dwelling used for a business activity where subordinate to the residential use.
<b>Market</b>	Premises used for the sale of goods to the public on a regular basis, where goods are primarily sold from temporary structures such as stalls, booths or trestle tables.  The use may include entertainment provided for the enjoyment of customers.
<b>Roadside stall</b>	Premises used for the roadside display and sale of goods in rural areas.
<b>Community care centre</b>	Premises used to provide social support where no accommodation is provided. Medical care may be provided but is ancillary to the primary use.
<b>Shop</b>	Premises used for the display, sale or hire of goods or the provision of personal services or betting to the public.

On 28 August 2019 a report was presented to a Council Meeting regarding the use classification of the activities undertaken on the land and whether it was assessable development. A submission was received by Council regarding the use of the land having been defined by the Planning Scheme as a Home based business, Community use and Roadside stall.

To be a Home based business, and subsequently Accepted development subject to requirements, a use must be subordinate to the residential use. Given that a number of land uses to describe the activity, and that buildings have been installed on the property specifically for these activities, the use of the land is not subordinate to the residential use, and therefore is not a Home based business. Furthermore, the level of impact being experienced by neighbours also suggests that this use is not subordinate to the residential use and therefore does not fall under the use classification as a Home based business.

It is important to note that even if the development was a Home based business and therefore Accepted development subject to requirements, the Acceptable outcomes of the Home based business code could not be satisfied, and development approval would still be required to conduct the activities.

The use definition of a Market does not accurately portray the activities on the land, as the structures associated with the "garage sales" are not temporary structures. The "garage sales" do not achieve compliance with the use definition as a Market.

The use classification of a *Roadside stall* is in reference to the produce available within the access handle on the lot. This has triggered Code assessment due to not all produce being grown on the same land as a portion of produce is donated to the stall.

The use classification of a *Community care centre* is in reference to craft activities and frequency of working bees undertaken by volunteers in support of the uses. This includes the sorting of goods associated with the Shop, supply of items for use, i.e. making woven mats to be used as a mattress base. The use of a Community care centre has triggered Code assessment, no medical care has been proposed to be carried out onsite.



The use classification of a *Shop* is in reference to the sale or display of goods or the provision of personal services on the premise in a permanent building. Purple Dove Pty Ltd has approximately 6-8 weekend events a year where they sell donated items to the public, generally held in a shed to the west of the residential dwelling. There is the availability of books, non-perishable items, clothing (from a caravan) and/or bathroom amenities to be taken by members of the public throughout the year, located within the access handle of the lot. This has triggered Impact assessment.

Council resolved in August 2019 that the use of the land at 19 Church Road is best defined as a Shop and Community care centre, and will require development approval from Council.

#### Entrance to the premise travelling west along Church Road



#### Roadside stall, Shop as follows













Car parking associated with the Shop





Shop - place of sale events



### Products – non-perishables



Sleeping Mat - woven from plastic bags



Toiletry Bag - donated to homeless

## Submissions

The application underwent public notification from 17 January 2020 to 10 February 2020. Six (6) submissions were received during the public notification period.

Upon the lodgement of the development application 16 letters and a petition with 29 signatures in support of the development was received. The petition and letters of support not having been received within the public notification period.

Matters raised in submissions	Response
<b>General matters</b>	
Economic inability does not demonstrate any reason for approving departure from prescribed land use plan regulation. <ul style="list-style-type: none"> <li>Section 25(5)(b) of the <i>Planning Act 2016</i></li> </ul>	This was not taken into consideration in the assessment of the application. Application fees were waived in accordance with Section 109 of the <i>Planning Act 2016</i> .
There is availability of commercial space available for lease within close proximity to the site and multiple facilities in the CBD.	Whether there is overriding need in the area for the proposed uses is assessed in the Strategic Intent of the report.
Significant lack of detail included in the development application.	The applicant did not agree to receive an Information Request under Part 3 of the Development Assessment Rules. Therefore, Council, the assessment manager did not have the opportunity to seek further information through an Information Request. Should the proposed development be approved, conditions will be imposed restricting operations.
There has not been any assessment against the Strategic Framework or all of the relevant assessment benchmarks.	
The Roadside stall code is in relation to produce grown onsite whereas, the applicant has included the supply of non-perishable food which has not been grown or prepared onsite.	The definition of a Roadside stall is as follows: <i>Premises used for the roadside display and sale of goods in rural areas</i> . This includes produce grown on and offsite; this is what has triggered the application to incur Code assessment in accordance with the Tables of Assessment. The display and sale of goods on the premise, such as non-perishable goods also is covered by the use definition of a <i>Shop</i> .
The applicants have not proposed a traffic impact assessment in relation to the suitability of the 4 metre road width.	The applicants have provided limited information in relation to the road network and the potential impact on the road. Council was not able to seek further information from the applicant due to the applicant not agreeing to an Information Request as per Part 6 of DA Form 1. Several site inspections were undertaken by Council staff in assessment of the site and network and how they interact with the combination of the uses.

Matters raised in submissions	Response
Public notification was not completed in compliance with section 53(5) of the <i>Planning Act 2016</i> . The standard postage from the applicant (consultant) to adjoining landowner's location would take 3-4 business days. The applicant posted the letters notifying the adjoining landowners on the day before public notification commencing not leaving adequate time for the letter to be received.	In accordance with the <i>Planning Act 2016</i> section 53, Council, the assessment manager has concluded that the notification to neighbouring residents via a letter having been delayed has not conflicted with section 53 (3).
The Summit is a residential area.	The subject site is zoned Rural in accordance with the Planning Scheme whilst, the uses on the land within The Summit are generally residential.
If approved it will set precedence for charity organisations to operate in residential areas.	Any proposals to commence operations within a zone not supported by the Planning Scheme will become assessable development.
Rates will increase if the development application is approved.	Should rates increase, this will not be as a result of the development.
<i>Future accommodation of homeless/desperate</i> persons raise security concerns.	Should the development application be approved, this will not permit for any accommodation onsite. If the operators wish to expand the use this will trigger a secondary application to be reassessed.
Will result in over population of the area.	There is going to be no increase of population to the area, no accommodation will be provided onsite as result of the subject application.
<b>Incompatibility with the area</b>	
Development is not complementary and compatible with the dominant agricultural land uses.	Any nuisances such as the amenity and noise which the development would place on the surrounding area have been taken into consideration in the report.
A 'Shop' use is not supported outside of the Principal Centre and District Centre zones.	This is why the Shop has triggered Impact assessment, requiring the development to be open for public notification. Additionally, the
There is existing access to social, economic support on Sundays with recently established drought relief water and food support facilities on the Highway at the Industrial Estate to which Purple Dove could link up with.	Due to the application trigger Impact assessment, the application is assessed against the entire Planning Scheme rather than just singular codes. This allows for the assessment of the Strategic Intent as well, commentary has been made as whether there is overriding need in the area for the proposed uses and their services.
The proposed uses are located outside of the nearest commercial node, there is no clear planning need for expansion.	



Matters raised in submissions	Response
The proposed development is unplanned and piecemeal expansion of the commercial areas, causing ribbon development.	
<b>Access and parking</b>	
There is no on-street parking available for safe vehicular movements.	Concerns regarding the limitations of the lot and driver/customer behavior in relation to parking and movability matters have been taken into account throughout the assessment of the application.
Singular vehicular access to the site.	
There is a steep table drain along Church Road not permitting for safe parking.	
Church Road is narrow in width, with poor road shoulders.	
Visitors to the site generally park in the driveway and reverse out onto Church Road.	
Alternative parking and manoeuvring onsite is not considered by the Planning Scheme and should not be considered as a practical outcome.	
When there are onsite <i>garage sales</i> there is not enough room for circulation on the site as the driveway is one-way.	
Parking on the shoulders of Church Road has been causing the condition of the road to degrade.	Alternative solutions have been further explored by Council, which includes the provision of on-site parking.
Works to road kerbing and footpath is required.	
The location of the development is discriminating against people, who do not have vehicle access, Stanthorpe CBD would be more appropriate.	Accessibility to the site for all patrons or potential patrons is a matter for the business operators to consider. Council's role is to assess the use of the site.
<b>Public health and safety</b>	
There are no proposal plans submitted with the application i.e. detailing parking areas, ablution facilities, pedestrian paths, or plans of retail shop building is presented.	As outlined previously, as the applicant opted to not receive an Information Request, as per Part 6 of DA Form 1, there was no ability for Council to request this information. Council is required to assess and decide the application with the information supplied. .
No information has been provided in relation to whether the existing onsite water supply nor has effluent disposal infrastructure meet the demands of the development.	

Matters raised in submissions	Response
There have been several police incidents due to the behaviours of customers to the site. If the development was located in the central business district there would be adequate surveillance not requiring police to visit a rural property.	Due to the Roadside stall and aspects of the Shop use not being visible from the residential dwelling, this does raise security and privacy concerns, as the operators are not always aware when there are customers onsite.  The risk associated with the safety and privacy of the uses is discussed later in this report.
Concerns have been raised regarding the safety of people and property adjoining the premise.	
Amenity, built form, streetscape	
A roadside stall is not able to 'visually and functionally' integrate with the surrounding area due to the 20 metre access handle, as it dominates the street frontage.	There is some hedging along the frontage of the site. The limitations of the uses having been located within the access handle has been further assessed in the report.
The Roadside stall is not setback the required 6 metres from property boundaries.	The inability to meet compliance with a series of Acceptable outcomes specified in the Planning Scheme has been further assessed later in the report.
Due to the shape of the block there is the inability to meet compliance with landscaping requirements when a retail use adjoins the Rural zone.	
No landscaping plans have been supplied to ensure, that if approved, how noise, odour or emissions would be managed.	Conditions of any approval would require the implementation of mitigation measures, such as fencing, landscaping and operating hours, to ensure impacts to adjoining residents is reduced.
The development has not been designed to minimise, visual noise, odour or lighting impacts on the adjoining properties.	Conditions of any approval would require the implementation of greater buffers, fencing and landscaping.
In favour of the development	
No issue with garden.	
Matters raised in submissions	Response
General matters	
Economic inability does not demonstrate any reason for approving departure from prescribed land use plan regulation. <ul style="list-style-type: none"><li>Section 25(5)(b) of the <i>Planning Act 2016</i></li></ul>	This was not taken into consideration in the assessment of the application. Application fees were waived in accordance with Section 109 of the <i>Planning Act 2016</i> .
There is availability of commercial space available for lease within close proximity to the site and multiple facilities in the CBD.	Whether there is overriding need in the area for the proposed uses is assessed in the Strategic Intent of the report.
Significant lack of detail included in the development application.	The applicant did not agree to receive an Information Request under Part 3 of the

Matters raised in submissions	Response
There has not been any assessment against the Strategic Framework or all of the relevant assessment benchmarks.	Development Assessment Rules. Therefore, Council, the assessment manager did not have the opportunity to seek further information through an Information Request. Should the proposed development be approved, conditions will be imposed restricting operations.
The Roadside stall code is in relation to produce grown onsite whereas; the applicant has included the supply of non-perishable food which has not been grown or prepared onsite.	The definition of a Roadside stall is as follows: <i>Premises used for the roadside display and sale of goods in rural areas.</i> This includes produce grown on and offsite; this is what has triggered the application to incur Code assessment in accordance with the Tables of Assessment. The display and sale of goods on the premise, such as non-perishable goods also is covered by the use definition of a <i>Shop</i> .
The applicants have not proposed a traffic impact assessment in relation to the suitability of the 4 metre road width.	The applicants have provided limited information in relation to the road network and the potential impact on the road. Council was not able to seek further information from the applicant due to the applicant not agreeing to an Information Request as per Part 6 of DA Form 1. Several site inspections were undertaken by Council staff in assessment of the site and network and how they interact with the combination of the uses.
Public notification was not completed in compliance with section 53(5) of the <i>Planning Act 2016</i> . The standard postage from the applicant (consultant) to adjoining landowner's location would take 3-4 business days. The applicant posted the letters notifying the adjoining landowners on the day before public notification commencing not leaving adequate time for the letter to be received.	In accordance with the <i>Planning Act 2016</i> section 53, Council, the assessment manager has concluded that the notification to neighbouring residents via a letter having been delayed has not conflicted with section 53 (3).
The Summit is a residential area.	The subject site is zoned Rural in accordance with the Planning Scheme whilst, the uses on the land within The Summit are generally residential.
If approved it will set precedence for charity organisations to operate in residential areas.	Any proposals to commence operations within a zone not supported by the Planning Scheme will become assessable development.
Rates will increase if the development application is approved.	Should rates increase, this will not be as a result of the development.

Matters raised in submissions	Response
<i>Future accommodation of homeless/desperate</i> persons raise security concerns.	Should the development application be approved, this will not permit for any accommodation onsite. If the operators wish to expand the use this will trigger a secondary application to be reassessed.
Will result in over population of the area.	There is going to be no increase of population to the area, no accommodation will be provided onsite as result of the subject application.
Incompatibility with the area	
Development is not complementary and compatible with the dominant agricultural land uses.	Any nuisances such as the amenity and noise which the development would place on the surrounding area have been taken into consideration in the report.
A ‘Shop’ use is not supported outside of the Principal Centre and District Centre zones.	This is why the Shop has triggered Impact assessment, requiring the development to be open for public notification.
There is existing access to social, economic support on Sundays with recently established drought relief water and food support facilities on the Highway at the Industrial Estate to which Purple Dove could link up with.	Due to the application trigger Impact assessment, the application is assessed against the entire Planning Scheme rather just singular codes. This allows for the assessment of the Strategic Intent as well, commentary has been made as whether there is overriding need in the area for the proposed uses and their services.
The proposed uses are located outside of the nearest commercial node; there is no clear planning need for expansion.	
The proposed development is unplanned and piecemeal expansion of the commercial areas, causing ribbon development.	
Access and parking	
There is no on-street parking available for safe vehicular movements.	Concerns regarding the limitations of the lot and driver/customer behaviour in relation to parking and movability matters have been taken into account throughout the assessment of the application.
Singular vehicular access to the site.	
There is a steep table drain along Church Road not permitting for safe parking.	
Church Road is narrow in width, with poor road shoulders.	
Visitors to the site generally park in the driveway and reverse out onto Church Road.	
Alterative parking and manoeuvring onsite is not considered by the Planning Scheme and should not be considered as a practical outcome.	

Matters raised in submissions	Response
When there are onsite <i>garage sales</i> there is not enough room for circulation on the site as the driveway is one-way.	
Parking on the shoulders of Church Road has been causing the condition of the road to degrade.	Alternative solutions have been further explored by Council, which includes the provision of on-site parking.
Works to road kerbing and footpath is required.	
The location of the development is discriminating against people, who do not have vehicle access, Stanthorpe CBD would be more appropriate.	Accessibility to the site for all patrons or potential patrons is a matter for the business operators to consider. Council's role is to assess the use of the site.
Public health and safety	
There are no proposal plans submitted with the application i.e. detailing parking areas, ablution facilities, pedestrian paths, or plans of retail shop building is presented.	As outlined previously, as the applicant opted to not receive an Information Request, as per Part 6 of DA Form 1, there was no ability for Council to request this information. Council is required to assess and decide the application with the information supplied. .
No information has been provided in relation to whether the existing onsite water supply nor has effluent disposal infrastructure meet the demands of the development.	
There have been several police incidents due to the behaviours of customers to the site. If the development was located in the central business district there would be adequate surveillance not requiring police to visit a rural property.	Due to the Roadside stall and aspects of the Shop use not being visible from the residential dwelling, this does arise security and privacy concerns, as the operators are not always aware when there are customers onsite.  The risk associated with the safety and privacy of the uses is discussed later in this report.
Concerns have been raised regarding the safety of people and property adjoining the premise.	
Amenity, built form, streetscape	
A roadside stall is not able to 'visually and functionally' integrate with the surrounding area due to the 20 metre access handle, as it dominates the street frontage.	There is some hedging along the frontage of the site. The limitations of the uses having been located within the access handle has been further assessed in the report.
The Roadside stall is not setback the required 6 metres from property boundaries.	The inability to meet compliance with a series of Acceptable outcomes specified in the Planning Scheme has been further assessed later in the report.  Conditions of any approval would require the implementation of mitigation measures, such
Due to the shape of the block there is the inability to meet compliance with landscaping requirements when a retail use adjoins the Rural zone.	

Matters raised in submissions	Response
No landscaping plans have been supplied to ensure, that if approved, how noise, odour or emissions would be managed.	as fencing, landscaping and operating hours, to ensure impacts to adjoining residents is reduced.
The development has not been designed to minimise, visual noise, odour or lighting impacts on the adjoining properties.	Conditions of any approval would require the implementation of greater buffers, fencing and landscaping.
<b>In favour of the development</b>	
No issue with garden.	

### **Assessment against the Planning Scheme**

The proposed development is required to be assessed against the entirety of the planning scheme, not limited to the specified to the Assessment Benchmarks listed in the Tables of Assessment, allowing for the strategic framework behind the implementation of the planning scheme to be taken into consideration in the assessment of the development.

### **Part 3 Strategic Framework**

*The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme.*

#### **3.2 Strategic intent**

*Comprehensive, identifiable communities*

*The Southern Downs Region has a unique role in early settlement and history of Queensland, it has a strong multicultural society and a climate and topography which sets it apart from the rest of the State. It is recognised that a sense of place is valuable because it contributes to an understanding of who we are and where we come from, and also contributes to our sense of identity as individuals and our sense of belonging to a community. This plan provides for recognition, celebration and protection of the heritage and of the diversity in the urban areas in the Southern Downs and establishes Warwick, Stanthorpe, Allora and Killarney and the existing villages as places to live, work and do business. Each centre has a distinct identity and together they provide a wide variety of lifestyles and community character. These existing centres will contain all new urban and rural residential development.*

#### **3.3 Settlement pattern**

##### **3.3.1 Strategic outcomes**

*(9) The existing towns and villages are the product of their history, locality and function and as a result are identifiably different and provide for various lifestyle opportunities. The diversity of the towns and villages is retained by building on the strengths provided by the individual history, locality, built form and function of the settlement and by ensuring that new development respects the existing character of the area.*

*(10) There is an effective, convenient network of centres providing business, commercial and retail services for the region. The central business districts of Warwick and Stanthorpe are the location for all higher order business, commercial and retail activity including large supermarkets, department stores and other commercial uses with a regional focus. The centres of Killarney and Allora support retail, office and community functions with a district focus. Local retail and business services are provided in the villages and in some suburban locations.*

### **3.3.2 Element – Towns and Villages**

*Warwick, Stanthorpe, Allora and Killarney and the existing villages are identifiable communities with a strong sense of place. These towns and villages play an important role in providing a focus for community facilities and services, business and employment and residential development. Each centre has a distinct identity and together they provide a rich variety of lifestyles and community character.*

#### **3.3.2.1 Specific outcomes**

*(2) The small towns and villages provide alternative lifestyle opportunities, provide an opportunity for tourist development and service the surrounding rural locality.*

*(3) The towns are strengthened by consolidating future population growth within defined growth boundaries which reinforces community identity and maintains the integrity of the non-urban areas between centres.*

*(4) The preferred character of the towns and villages is dependent on a harmonious mix of residential and other uses and development protects the sense of community.*

*(5) Projected population growth is supported by the provision of commercial infrastructure and community services provided at appropriate intensities for the needs of both urban centres and rural towns.*

#### **3.3.2.2 Land use strategies**

*(2) The diverse role of the towns and villages as service centres as well as tourist and employment and accommodation hubs is recognised in the zone codes and adequate land is appropriately zoned to allow for predicted growth.*

*3) Expansion of other small town and village areas will occur only if there is a clearly identified community planning need for the expansion, the land proposed for the expansion is contiguous with the existing zoned village area and the proposed area for extension is not constrained by potential for conflict with existing or planned agricultural uses, physical, engineering or environmental constraints. Village expansion will not extend onto land that is identified as Agricultural Land Classification (ALC) Class A and Class B.*

*(5) Uses in the small towns and villages are located, designed and operated to minimise the potential for adverse impacts and to enhance and maintain the character of the small town or village.*

### **3.5 Community identity and diversity**

#### **3.5.1 Strategic outcomes**

*(9) Development is sensitive to local character and environment and communities enjoy a high level of amenity and service created by a compatible mixing of land uses and activities.*

#### **3.5.2 Element – Communities**

##### **3.5.2.1 Specific outcomes**

*(1) The communities in the Southern Downs enjoy a high level of amenity created by vibrant city and town centres, compatible mixing of land uses, activities and building forms, access to appropriate housing and community services and facilities, effective buffering of incompatible uses and building forms and good quality urban design in all areas.*

##### **3.5.2.2 Land use strategies**

*(4) The small villages serve as a community focus, service and resource centre for the residents of the surrounding rural areas. Development that strengthens the role of the villages as a centre for community services and complements the character of the village is supported.*

The proposed uses are located on a lot in the Rural zone of The Summit, outside of the defined growth boundaries of the region and not located in an existing centre or village. The village of The Summit is located further north, which contains some historic commercial properties and shop fronts, recognised as the identity of The Summit.

Council officers have concerns regarding the ability of all of the proposed uses to operate on the site without placing significant impact on the adjoining properties and the amenity of the area. These concerns derive from the size and shape of the lot, that the majority of the uses are conducted within a 20 metre wide access handle, hours of operation, the proximity of the uses to the adjoining properties and the nature in which the uses entail. Such a use would be more appropriately located within an existing commercial building within a village or in the Stanthorpe district centre. Council officer's concerns and suggestions for alternative locations have been previously discussed with the landowners.

Based on the frequency the operators of the premise are required to 'restock' the Roadside stall (Food is free), it is evident that greater support services are required within Stanthorpe and surrounds. However, if the development should be approved this is likely to escalate conflict with existing agricultural and residential uses, and in particular arise issues regarding vehicle circulation, as the current road condition and size of the site is not to a satisfactory level to meet the needs of the development.

The proposed development will result in the mixing of non-compatible uses in the Rural zone, where there is no great need for more services outside of the district centres and villages to warrant for the development to override the strategic framework of the planning scheme.

#### **Benchmarks applying to the development**

The following codes of the Southern Downs Planning Scheme are benchmarks applying to the development:

- 6.2.10 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 9.3.8 Retail and commercial uses code
- 9.3.9 Roadside stall code
- 9.4.2 Carparking and loading code
- 9.4.4 Landscaping code
- 9.4.5 Outdoor lighting code
- 9.4.6 Physical infrastructure code

#### **Rural zone code**

The purpose of the Rural zone code is to:

- *provide opportunities for non-rural uses that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes*

The overall outcomes sought the zone code are as follows:

- (v) *The productive capacity of all rural land is protected for rural use and associated value adding activities. The productive and potentially productive areas of land are protected for ongoing agricultural use. This land is not built on unless there is an overriding need for development and incompatible uses are not located in a manner that inhibits normal farming practice.*
- (xv) *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 agricultural 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; and*

*g. are located so that they do not contribute to urban sprawl or ribbon development along roads or contribute to piecemeal or unplanned development of areas.*

**Granite Belt precinct outcomes**

- (iv) The scenic values of the land are maintained and new development involving substantial built development is screened and set back from road frontages.*
- (v) Farm diversification activities may be located in this precinct where they are associated with rural activities and are not likely to cause conflict with agricultural practices.*

The proposed uses are located on rural land, adjacent to the Township zone. The Summit is largely comprised of lots varying in size, typically not exceeding eight hectares in size. As demonstrated by the variance in zoning and smaller lifestyles lots, each lot has varying capabilities to undertake rural activities; there is little evidence of surrounding properties having been utilised for intensive agricultural operations, likely as a result of the sandy topsoil in the area.

In response to the sandy soil type, produce is grown onsite in large, raised planter boxes along the access handle of the lot, further endorsing that there is reduced opportunity for rural operations (i.e. cropping) on the site and surrounding properties. Therefore, it is unlikely that the proposed development will be causing conflict with any agricultural practices abutting the proposed use, as the area is more so directed for large residential lots.

There are several opportunity stores and community organisations located within Stanthorpe, 12 minutes by vehicle from Church Road, which provides support to the community where required. Purple Dove Awareness Group Pty Ltd (Purple Dove) receives significant donations from the public in the form of clothing, furniture, food, money, all similar in nature to opportunity stores and community organisations. The defining differences between Purple Dove and other support services are the location and greater anonymity when individuals seek support and/or supplies which Purple Dove provides.

Whilst there will be minimal environmental impact as a result of the proposed uses the road is not of an adequate standard to cater for the traffic generated as a result of the development. The parking along the roadside and use of the road has resulted in the road deteriorating in condition and comprises the safety of users. It should be a condition of any approval that all parking associated with the use be on-site within the designated spaces.

As previously stated, it is clear that greater support services are required in Stanthorpe however, given the location of the subject site in the Rural zone and the non-rural aspects of the development i.e. Shop, Community care centre, the uses are not in cohesion with tourist uses and/or industries to value add to rural enterprises. The development cannot meet compliance with the Rural zone code purpose and outcomes.

***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. No development is to proceed within the area defined as the proposed Emu Swamp Dam.***

The subject site is located on rural land and is 1.2 hectares in size. The land surrounding the lot is generally smaller lifestyle lots, with reduced rural capacity. The proposed use of a Roadside stall itself is considered to be in support with the rural zoning of the land and can be conditioned to comply with the Planning Scheme. However, conducting all three uses in conjunction, the Roadside stall, Community care centre and Shop, creates poor vehicle and pedestrian circulation, impacting on the safety of neighbours and customers of the site. There is insufficient area on the site for the proposed uses to function without conflict with the values of either the area or the surrounding environment.

Conditions could be imposed on any approval to ensure screening of the site from adjoining properties.

***PO4 The safe and efficient operation of roads and access is maintained having regard to the nature of vehicles using the road, the location of uses that may be adversely affected by noise or dust generated by the use of the road and the location and design of access.***

Church Road is sealed and approximately 4.1 to 4.6 metres in width and is located west of the New England Highway. There has been no clear indication of the number of visitors to the site each day to assist in determining whether the condition of the road is suitable for the increased demand on the network. Based on Council officers having visited the site on multiple occasions and the number of complaints raised regarding parking on the roadside and vehicles reversing onto the road, the development does not have the ability to ensure safe and efficient operation of the networks without imposing unreasonable conditioning of road works to be completed.

***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 produce associated with the Roadside stall and the stall itself is located within the access handle of the lot, alongside the caravan which houses clothing and books. The Shop is in relation to the sale events held 6-8 times per year in the shed. The Community care centre is in relation to the working bees held onsite to assist in preparation of the Shop and maintaining the produce for the sale events.

There are six rural properties, used for primarily residential purposes that adjoin the subject lot, two are directly impacted by the operations, as they adjoin the access handle, where the majority of the activity occurs. Whilst there is vegetation along the boundaries of the access handle it does not wholly mitigate the impacts of the uses from neighbouring properties. Gravel material was laid along the front portion of the driveway to assist in mitigating any dust associated with the vehicles movements from the site. Despite the reduction of dust, the locations of the uses continue to be of nuisance to the surrounding area. Any approval could be conditioned to require a 1.8 metre high solid screen fence to be constructed along the property boundary, in particular along the access handle where the majority of activity occurs. The construction of the fence would allow for clear separation between the properties, increased privacy, dust and any odour from obtruding neighbouring residences. The sources of odour could be the ruining of food and vegetables. It should be a condition of any approval that an inspection of the quality of food and vegetables is to be undertaken daily and disposed of appropriately when it has expired.

***AO8 In partial fulfilment of this PO -***

***(a) All new industrial buildings are set back at least 100 m from the Cunningham Highway and New England Highway and 60 m from all other roads.***

***(b) All other buildings are located at least 20 metres from any sealed road and at least 60 metres from any gravel road.***

***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, particularly when viewed from roads. The development is sensitive to the design of any nearby structures and is respectful and sympathetic to any Local heritage place.***

The operations are not highly visible from the roadside due to hedging, with the exception of signage located along the frontage of the property. Despite there being no permanent structures visible from the roadside, effects of the development overflow beyond the properties boundary impacting the functionality and amenity of the area. These impacts include cars parking along the roadside impairing vision and traffic movements, and persons utilising the services offered using the incorrect driveway. Furthermore, the Roadside stall is not setback 20 metres from Church Road, compliance cannot be achieved with AO8.

***PO19 Uses are limited to uses that do not conflict with or reduce the productive capacity, or scenic values of the land. In particular –***

***(a) The use is located, constructed and operated so it is not likely to cause conflict with agricultural practices;***

***(b) The use has low visual impact particularly where located on highways, main roads or tourist routes;***

*(c) The development is located on cleared land and there is no proposed clearing of remnant vegetation;*

*(d) Development is sited on the least productive, lower agricultural quality parts of the site.*

As reflected by the reduced lot sizes within the locality and sandy soil type, the lot has limited productive capacity and are there intensive agricultural practices occurring which may cause nuisance to adjoining properties. No clearing of vegetation is proposed as the use has already commenced operations. As previously raised there are impacts associated with the combination of uses on the allotment which will result in impacting the amenity of the site, development cannot wholly satisfy PO19.

### ***Bushfire hazard overlay code***

The subject land is minimally located in the Bushfire hazard overlay, the development is not considered to compromise the safety of people or property in the event of a Bushfire. A small portion of the Shop will operate within the area mapped as potential impact buffer.

### ***Retail and commercial uses code***

#### ***9.3.8.2 Purpose***

*(1) The purpose of the Retail and commercial uses code is to ensure that business activities are located, designed and operated in a manner that contributes to:*

- The retail hierarchy and the primacy of the Principal centre zone and the District centre zone;*
- The character of the locality including safety, convenience and built form character; and*
- The maintenance or improvement of the physical conditions of the locality including noise levels, air quality and vehicle and pedestrian generation and flow.*

*(2) The purpose of the code will be achieved through the following overall outcomes.*

*All uses:*

*(a) Are centrally and conveniently located with good access to the area which they are servicing;*

*(b) Are located, designed and operated in a manner that prevents unacceptable environmental and amenity impacts on adjoining land uses;*

*(c) Are sited and designed in a manner that is appropriate to the character, including heritage character and environmental values of the locality in which they are situated;*

*(e) Have adequate and safe vehicle and pedestrian access;*

*(f) 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 proposed Shop is not centrally or conveniently located for customers. The proposed business activity is located in the Rural zone, outside of existing village centres or district centres. Development is not compatible with the surrounding environment nor is the site of a capacity to meet the demands of the proposed Shop.

Typically customers park vehicles along the shoulder of the road or within the driveway reiterating the unsuitability of the site given the location and characteristics of the property. The proposed Shop does not meet compliance with the Retail and commercial uses code.

***PO1 Uses are centrally and conveniently located to service a particular catchment.***

*Uses with a regional focus or which would be more appropriately located in the Principal centre, District centre, Specialised centre, Mixed use or Township zone are not established outside the these zones.*

The proposed uses are located in the Rural zone within the locality of The Summit, west of the New England Highway. The development is not located central or convenient to the catchment. Operations of a similar nature such as an opportunity store and services offering support to the community, are generally located within a town centre. As the development is not appropriately located nor is the development located in any of the zones detailed in the PO1, compliance with PO1 has not been achieved.

**PO2** *The use does not contribute to ribbon development along major roads and highways or contribute to unplanned or piecemeal development of centres.*

Development is proposed approximately 500 metres west of the New England Highway and is not visible from the Highway. Given the location of the proposed uses, scale of the operations and predominant residential uses surrounding the site, it is likely that it would result in ribbon development.

**AO3.2** *The land is not in an area identified as bush fire hazard on the Bushfire hazard overlay maps.*

**PO3** *The physical characteristics of the land are suitable for the use.*

A small portion of the land is recognised in the Bushfire hazard overlay, as part of the potential hazard buffer. Bushfire hazard associated with the lot is considered to be suitable for the proposed uses.

**AO5.1**

*...(b) Where the site adjoins land in the Rural residential or Rural zone a landscaped setback at least 20 m wide is provided along the primary street frontage of the site (apart from vehicle access points) and 10 m wide along any secondary street frontage, to allow for landscaping in accordance with the Landscaping code.*

**AO5.4** *Where the site adjoins land in the Rural residential or Rural zone a landscaped buffer strip at least 10 m wide is provided adjoining side and rear boundaries.*

**PO5** *Retail and commercial buildings and other structures are designed and constructed in a manner that complements the existing built form in the immediate area.*

The proposed Shop is predominately located west of the residential dwelling on the lot with aspects of the uses within the access handle, i.e. clothing in the caravan and books and goods in structures nearing the front of the site. Given the location of the uses on the lot and the restrictions of the shape of the lot, the uses are not able to complement the existing built form in the immediate area. As previously outlined, should the development be approved a 1.8 metre high screen fence is to be constructed along the property boundaries.

**AO6.2** *The visual impact of buildings, structures or land used for commercial or retail activities is minimised when viewed from any dwelling, other than a dwelling on the same site, through the use of methods such as mounding, landscaping and screen fencing.*

**PO6** *Uses are located and designed that*

- *An adequate buffer is provided between the use and adjoining uses;*
- *Noise, odour and lighting impacts are minimised; and*
- *The visual impact of the use is minimised.*

There are some existing vegetation buffers between the use and neighbouring properties. The buffer in place is not considered to be of an adequate standard to mitigate any amenity issues with adjoining landowners. A 1.8 metre high screen fence would be required to be constructed to mitigate any visual impact of the land being utilised for retail and commercial purposes.

**Roadside stall code**

**AO1.1** *The roadside stall has a total area of no more than 9 m<sup>2</sup> and is fully located within the site.*

There are several structures within the access handle which are utilised for the display and sale of produce grown on and off-site, as well as the availability of non-perishable goods, such as books. Due to there not being a designated space for the stall, the total use area is for the Roadside stall. Conditions can be imposed to ensure a limitation of the area utilised.

**AO1.3** *The roadside stall is setback a minimum of 6 metres from side boundaries.*

**PO1** *The roadside stall is a small structure that is visually and functionally integrated with the surrounding area.*

The Roadside stall is not setback 6 metres from the eastern side boundary. The structures and activities associated with the Roadside stall are not considered to be adequately buffered by the

existing vegetation between adjoining landowners. Should the use be approved, a 1.8 metre high screen fence should be constructed along the access handle of the property alternatively, landscaping is to be provided as a visual buffer to ensure integration with the surrounding area.

### **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. Where the calculation of applicable parking rates results in a fraction, the number required will be the next highest whole number. Council may accept an alternative to providing the required spaces on the development site in accordance with Planning Scheme Policy – Off Street Carparking.*

There is the availability of informal parking north of the residential dwelling, south of the access handle for approximately five vehicles. This is generally used by guests to the site in association with the Community care centre, as they undergo working bees and organisation of the Shop.

The Shop is approximately 175 metres squared in area, not including the use of the caravan. In accordance with Table 9.4.2.4 this will equate to the need of five car parking spaces.

The Community care centre, in accordance with the Code requires one space per 50m<sup>2</sup> of gross floor area, requiring four parking spaces.

The Code does not specify a car parking rate for a Roadside stall.

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;*
- (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.*

Given that the Shop is only operational 6-8 times a year and that the Community care centre is in association with working bees to maintain the Roadside stall, shop works, and sorting of goods for sale at the sale events, it would be considered unreasonable to request for an additional four permanent car parking spaces for the purpose of the single use.

Therefore the existing five car parking spaces are considered acceptable and achieve compliance with PO1.

### **Landscaping code**

**AO1** *In partial fulfilment of the PO –*

*Landscaping is carried out in accordance with a planting plan prepared by a suitably qualified landscape designer that:*

- (a) incorporates all proposed planting, paving, fences, recreational facilities and other landscape elements necessary to meet the performance outcomes; and*
- (b) incorporates the following information:*
  - (i) Location and species of existing trees, including street trees;*
  - (ii) Location and species of proposed plants and a schedule of plants and plant size;*
  - (iii) Soil type;*
  - (iv) Location of drainage, sewerage and other underground services and overhead power lines;*
  - (v) Irrigation details;*
  - (vi) Proposed surfaces;*
  - (vii) Fence height and material;*
  - (viii) Location of doorways and windows of buildings on the site;*
  - (ix) Location of any existing or proposed solar collectors on the site;*

- (x) *Contours or spot levels as required;*  
(xi) *Scale and north point.*

**PO1** *Development is landscaped in a manner which:*

- *Makes a positive contribution to the streetscape and enhances the appearance of the facility;*
- *Integrates natural landscape features such as rock outcrops and existing large trees and existing native vegetation;*
- *Enhances buffer areas around property boundaries;*
- *Compliments the relative size and nature of the development;*
- *Screens the view of service, carparking and loading areas;*
- *Enhances the appearance of screens and acoustic fences; and*
- *Ensures the functionality of outdoor space.*

The uses are not highly visible from the street due to the hedging along the frontage with minimal tree plantings along the adjoining property boundaries. Upon an onsite inspection it was evident that the screening along the western boundary required further buffering. It should be a condition of any approval that greater landscaping and screening is required in order to satisfy code.

**PO4** *Landscaping is designed and located to maximise the safety and security of public and private areas by:*

- *Promoting casual surveillance of buildings and public areas from the street and other public areas;*
- *Maintaining safe sight distances to and from road and building corners, carpark entrances and driveways;*
- *Protecting solid fences from graffiti by incorporating elements such as landscaping, creepers or vandal proof surfaces;*
- *Separating and defining pedestrian and vehicle circulation routes.*

Due to the location of the proposed development within the Rural zone, yet being surrounded by properties used mainly for residential purposes, there is limited availability for the uses to meet compliance with the Performance outcome whilst maintaining levels of privacy and security with adjoining landowners. Matters which were raised in submissions and on inspection of the site include concerns regarding privacy and security of neighbouring residents as the location of the Roadside stall is out of sight from the residential dwelling, which is located at the rear of the property. This creates difficulties in mitigating hours of use and operation as the landowners are not aware of when the stall is visited or when people arrive on the property. Compliance with the Performance outcome cannot be achieved.

**PO9** *Where a buffer is required to separate agricultural and residential land uses, or buffer any use in the Rural zone the buffer is to:*

- (a) *Contain random plantings of a variety of native, preferably, endemic tree and shrub species of differing growth habits, at spacings of 4-5 m for a minimum width of 20 m (unless a lesser width is permitted by a use code or an approval);*  
(b) *Provide foliage from the base to the crown;*  
(c) *Include species which are fast growing and hardy;*  
(d) *Have a mature tree height at least 3 m; and*  
(e) *Include an area at least 10 m clear of vegetation or other flammable material to either side of the vegetated area.*

Compliance with the Performance outcome regarding rural buffering is not physically possible given the access handle is only 20 metres in width.

**Outdoor lighting code**

**AO1.1**

- (a) *No outdoor lighting is proposed as part of the development; or*  
(b) *All outdoor lighting complies with AS 4282 Control of obstructive effects of outdoor lighting.*

**AO1.2** *The level of illumination 1.5 m outside the boundary of the site from any source, direct or reflected, shall not exceed 8 lux measured at any level upwards from the ground exclusive for the road frontage.*

The use is to operate during daylight hours only, no outdoor lighting is proposed.

**Physical infrastructure code**

**PO8** *Development is designed and constructed to enhance personal and property safety and minimise the potential for crime and anti-social behaviour.*

The nature of the uses on the land allows for customers to visit the site without the knowledge of the operators, as the location of the residential dwelling and the rise of the land inhibits the ability to clearly view the Roadside stall and Shop from the residence. This raises great concern regarding the safety and security of people and property, bringing into question how the development would be able to coexist alongside the already established uses whilst maintaining compliance with any conditions imposed.

Public Notification

Matters were raised in submissions regarding the public notification not being carried out in accordance with the Development Assessment Rules, as the letters notifying the adjoining property owners were received after the notification period commenced. In accordance with Section 53 of the *Planning Act 2016*, Council:

*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.*

Council officers are satisfied that the delay in the postal notification to adjoining residents has not adversely impacted their awareness of the application and has not restricted their ability to make a properly made submission. Therefore the public notification is considered acceptable.

**Options**

Council:

1. Approve part of the application subject to conditions as recommended.
2. Approve the application subject to conditions other than as recommended.
3. Refuse part of the application giving reasons for the refusal.
4. Refuse part of the application for the reasons outlined in the recommendation.
5. Refuse the application for reasons other than as outlined in the recommendation.
6. Approve the entire application subject to conditions giving reasons for the approval despite the conflict with the assessment benchmarks.
- 7.

## Recommendation

- A. THAT the application for Material Change of Use for a Community care centre, Shop and Roadside stall on land at 19 Church Road, The Summit, Lot 1 RP157889, Parish of Stanthorpe, County of Bentick, be approved in part only, for the follow reasons:

The combination of the uses functioning on the lot will result in a development unable to operate without arising great concern to residents in close proximity and conflict with the Planning Scheme. The proposed uses of a Shop and Community care centre generate activity, behaviour and amenity concerns not compatible with the area; the lot is not of a size or built form to meet the demand of the proposed development. Conditions cannot be applied which will adequately mitigate the potential impacts associated with the Shop and a Community care centre. The proposed Shop and Community care centre uses cannot achieve compliance with following sections of the Southern Downs Planning Scheme:

- Section 3.3 Settlement patterns, 3.3.1 (9) Strategic outcomes

*The existing towns and villages are the product of their history, locality and function and as a result are identifiably different and provide for various lifestyle opportunities. The diversity of the towns and villages is retained by building on the strengths provided by the individual history, locality, built form and function of the settlement and by ensuring that new development respects the existing character of the area.*
- Section 3.3 Settlement patterns, 3.3.2.1 (4), (5) Specific outcomes

*(4) The preferred character of the towns and villages is dependent on a harmonious mix of residential and other uses and development protects the sense of community.*

*(5) Projected population growth is supported by the provision of commercial infrastructure and community services provided at appropriate intensities for the needs of both urban centres and rural towns.*
- Section 3.5 Community identity and diversity, 3.5.1 (9) Strategic outcomes

*(9) Development is sensitive to local character and environment and communities enjoy a high level of amenity and service created by a compatible mixing of land uses and activities.*
- Section 6.2.10 of the Rural zone code

*(2) provide opportunities for non-rural uses that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes*
- Section 6.2.10 (2) of the Rural zone code, PO8, PO19

**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, particularly when viewed from roads. The development is sensitive to the design of any nearby structures and is respectful and sympathetic to any Local heritage place.*

**PO19** *Uses are limited to uses that do not conflict with or reduce the productive capacity, or scenic values of the land. In particular –*

*(a) The use is located, constructed and operated so it is not likely to cause conflict with agricultural practices;*

*(b) The use has low visual impact particularly where located on highways, main roads or tourist routes;*

*(c) The development is located on cleared land and there is no proposed clearing of*



*remnant vegetation;*

*(d) Development is sited on the least productive, lower agricultural quality parts of the site.*

- Section 9.3.8 of the Retail and commercial uses code, PO5, PO6

***PO5*** Retail and commercial buildings and other structures are designed and constructed in a manner that complements the existing built form in the immediate area.

***PO6*** Uses are located and designed that

- *An adequate buffer is provided between the use and adjoining uses;*
- *Noise, odour and lighting impacts are minimised; and*
- *The visual impact of the use is minimised.*

- Section 9.3.8 of the Retail and commercial uses code, PO2

***PO2*** The use does not contribute to ribbon development along major roads and highways or contribute to unplanned or piecemeal development of centres.

Access to and from the property whether by pedestrian or vehicle is not clear, safe or effective. Drivers generally park on the roadside of Church Road to access uses available within the access handle, which compromises the functionality of the road, as the road is not of a capacity nor does it permit for parking on the shoulders due to steep table drains. Despite the availability parking space further south in the access handle, customers continue to place undue impact on the network. Therefore, the proposed Shop and a Community care centre cannot achieve compliance with following section of the Southern Downs Planning Scheme:

- Section 3.3 Settlement pattern, 3.3.1 (10) Strategic outcomes

*(10) There is an effective, convenient network of centres providing business, commercial and retail services for the region. The central business districts of Warwick and Stanthorpe are the location for all higher order business, commercial and retail activity including large supermarkets, department stores and other commercial uses with a regional focus. The centres of Killarney and Allora support retail, office and community functions with a district focus. Local retail and business services are provided in the villages and in some suburban locations.*

- Section 6.2.10 (2) (f) of the Rural zone code

*(f) are accessed by roads that are of an adequate standard for the traffic generated by the use; and*

- Section 9.3.8.2 (2) (e) (f) of the Retail and commercial uses code

*(e) Have adequate and safe vehicle and pedestrian access;*

*(f) 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.*

There is no overriding need for the proposed uses of a Shop and Community care centre within the Rural zone and there are amenity concerns on neighbouring properties. The uses would be more appropriately located within a town or village centre. Therefore, the proposed Shop and Community care centre use cannot achieve compliance with following section of the Southern Downs Planning Scheme:

- Section 3.3 Settlement pattern, 3.3.2 Element – Towns and Villages, 3.3.2.1 (2) (3) Specific outcomes

*(2) The small towns and villages provide alternative lifestyle opportunities, provide an opportunity for tourist development and service the surrounding rural locality.*

*(3) The towns are strengthened by consolidating future population growth within*

*defined growth boundaries which reinforces community identity and maintains the integrity of the non-urban areas between centres.*

- Section 3.3 Settlement pattern, 3.3.2 Element – Towns and Villages, 3.3.2.2 (2) (3) (5) Land use strategies
  - (2) The diverse role of the towns and villages as service centres as well as tourist and employment and accommodation hubs is recognised in the zone codes and adequate land is appropriately zoned to allow for predicted growth.*
  - (3) Expansion of other small town and village areas will occur only if there is a clearly identified community planning need for the expansion, the land proposed for the expansion is contiguous with the existing zoned village area and the proposed area for extension is not constrained by potential for conflict with existing or planned agricultural uses, physical, engineering or environmental constraints. Village expansion will not extend onto land that is identified as Agricultural Land Classification (ALC) Class A and Class B.*
  - (5) Uses in the small towns and villages are located, designed and operated to minimise the potential for adverse impacts and to enhance and maintain the character of the small town or village.*
- Section 3.5 Community identity and diversity, 3.5.1 (9)
  - Development is sensitive to local character and environment and communities enjoy a high level of amenity and service created by a compatible mixing of land uses and activities.*
- Section 3.5 Community identity and diversity, 3.5.2 Element – Communities, 3.5.2.1 Specific outcomes
  - The communities in the Southern Downs enjoy a high level of amenity created by vibrant city and town centres, compatible mixing of land uses, activities and building forms, access to appropriate housing and community services and facilities, effective buffering of incompatible uses and building forms and good quality urban design in all areas.*
- Section 3.5 Community identity and diversity, 3.5.2 Element – Communities, 3.5.2.2 (4) Land use strategies
  - The small villages serve as a community focus, service and resource centre for the residents of the surrounding rural areas. Development that strengthens the role of the villages as a centre for community services and complements the character of the village is supported.*
- Section 6.2.10.2 (e) of the Rural zone code
  - (iv) The scenic values of the land are maintained and new development involving substantial built development is screened and set back from road frontages.*
- Section 6.2.10.2 (2)(v) of the Rural zone code
  - (v) The productive capacity of all rural land is protected for rural use and associated value adding activities. The productive and potentially productive areas of land are protected for ongoing agricultural use. This land is not built on unless there is an overriding need for development and incompatible uses are not located in a manner that inhibits normal farming practice.*
- Section 6.2.10.2 (2) (xv) (g) of the Rural zone code
  - g. are located so that they do not contribute to urban sprawl or ribbon development along roads or contribute to piecemeal or unplanned development of areas.*
- Section 9.3.8.2 (1) of the Retail and commercial uses code
  - (1) The purpose of the Retail and commercial uses code is to ensure that business activities are located, designed and operated in a manner that contributes to:*

- *The retail hierarchy and the primacy of the Principal centre zone and the District centre zone;*
- *The character of the locality including safety, convenience and built form character; and*
- *The maintenance or improvement of the physical conditions of the locality including noise levels, air quality and vehicle and pedestrian generation and flow.*
- Section 9.3.8.2 (2) (a) (b) (c) of the Retail and commercial uses code
  - (a) Are centrally and conveniently located with good access to the area which they are servicing.*
  - (b) Are located, designed and operated in a manner that prevents unacceptable environmental and amenity impacts on adjoining land uses;*
  - (c) Are sited and designed in a manner that is appropriate to the character, including heritage character and environmental values of the locality in which they are situated*
- Section 9.3.8 of the Retail and commercial uses code, PO1, PO2
  - PO1** *Uses are centrally and conveniently located to service a particular catchment. Uses with a regional focus or which would be more appropriately located in the Principal centre, District centre, Specialised centre, Mixed use or Township zone are not established outside these zones.*
  - PO2** *The use does not contribute to ribbon development along major roads and highways or contribute to unplanned or piecemeal development of centres.*

Given the nature of the proposed uses and the location of the uses within the access handle of Lot 1 RP157889, direct impact is placed on the two neighbouring properties, which are not subject to any surveillance of customers coming to and from the land. This raises great concern for the safety and security of people and property, concluding that the proposed uses are unable to co-exist alongside the established uses and reasonable conditions could not be imposed to mitigate the concerns. Therefore, the proposed Shop and Community care centre cannot achieve compliance with following section of the Southern Downs Planning Scheme:

- Section 6.2.10.2 (e) (v) of the Rural zone code
  - Farm diversification activities may be located in this precinct where they are associated with rural activities and are not likely to cause conflict with agricultural practices.*
- Section 6.2.10 of the Rural zone code, 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.*
- Section 9.4.4 of the Landscaping code, PO4
  - PO4** *Landscaping is designed and located to maximise the safety and security of public and private areas by:*
    - *Promoting casual surveillance of buildings and public areas from the street and other public areas;*
    - *Maintaining safe sight distances to and from road and building corners, carpark entrances and driveways;*
    - *Protecting solid fences from graffiti by incorporating elements such as landscaping, creepers or vandal proof surfaces;*
  - Separating and defining pedestrian and vehicle circulation routes.*
- Section 9.4.6 of the Landscaping code, PO4

***PO8 Development is designed and constructed to enhance personal and property safety and minimise the potential for crime and anti-social behaviour.***

The approval of all three uses, being a Roadside stall, Shop and Community care centre, will generate an environment that is not able to be undertaken on the lot. The proposed uses of Shop and Community care centre should be refused.

- B. THAT the application for Material Change of Use for a Roadside stall on land at 19 Church Road, The Summit, Lot 1 RP157889, Parish of Stanthorpe, County of Bentick, be approved in part only, 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.
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:
  - Roadside stall; produce grown on and off-site only.
4. All structures in association with the uses of the Shop and/or Community care centre are to be removed or the associated use of the structures is to cease.

#### **Building and Site Design**

5. The Roadside stall shall not exceed 9m<sup>2</sup> in total area.

#### **Amenity and Environmental Controls**

6. Advertising Devices relating to the Roadside stall may **only** be erected on the subject land, i.e. Lot 1 RP148790. 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.
7. A daily inspection is to be conducted of all perishable items within the Roadside stall. Any expired goods are to be disposed of appropriately so as to not create an odour nuisance.
8. 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.
9. 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**

10. There is to be clear signage on-site to direct customers along the driveway to onsite car parking.

#### **Fencing, Landscaping and Buffers**

11. The side boundaries of the access handle of Lot 1 RP157889 are to be densely planted with trees and shrubs suitable to grow to heights of between half a metre and two metres at maturity and are to be maintained to form an effective visual buffer. The existing vegetation can be utilised as part of the buffer, but additional plantings may be required to ensure an appropriate buffer.

ALTERNATIVELY,

A screen fence of 1.8 metres high shall be erected along the side boundaries of the access handle of Lot 1 RP157889, 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.

### **Advisory Notes**

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Sustainable Development, 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) **Building Approval may need to be obtained** for a Class 10 in accordance with the *Planning Act 2016* for the proposed building work. Once plans of the Roadside stall have been finalised, advice is to be sought from a qualified building certifier in relation to the requirement for Building Approval. If required, 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) must be issued for the building works prior to the use commencing.**

### **Aboriginal Cultural Heritage**

- (vi) 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.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

### **Attachments**

1. Submissions [↓](#)

Southern Downs Council

### Planning Scheme Submission Form

**NOTE: \*\* Mandatory information**

**NOTE:** Please be advised that information is not confidential and will be posted on the SDRC website

FULL NAME **	CARROL FORD		
ADDRESS**	18/19 POWER ST WEST TAMWORTH		
EMAIL**	carrol-ford@outlook.com		
PHONE NUMBER	0429692660		
PROPERTY DETAILS	If your submission relates to a specific property, please provide the following details		
ADDRESS	19 Church St The Summit QLD 4377		
DESCRIPTION	Lot 1 on RP 157889		
ATTACHMENTS	YES <input type="checkbox"/>	(Attach all relevant documents)	NO <input checked="" type="checkbox"/>
SIGNATURE	Carrol		

Please include relevant aspects of the SDRC Planning Scheme (with references), grounds and facts relating to the submission; all circumstance relied upon to support the submission and all other relevant information. \*\*

Please ensure all relevant documents are attached and submitted with this form.

The ~~planned~~ <sup>object to</sup> development is not appropriate for the area due to lack of parking and no road side parking as well as only one access point so I feel it is a dangerous scenario for children riding, walking in the area. I live in Tamworth but I visit my family who live at 21 Church St. This development will spoil the quietness and serenity of the area. The demountable is an eyesore to me and I have no problem with the garden at all but there again parking is a worry.



## INFORMATION SHEET: Submissions



### Properly Made Submission Form

**NOTE:** \*\* Mandatory information

**NOTE:** Please be advised that information is not confidential and will be posted on the SDRC website

FULL NAME **	Ross Stuart HEATLEY	
ADDRESS**	P.O. Box 205, Chirn Park 4215	
EMAIL**	ROSS@rossheatley.com	
PHONE NUMBER	0400 257 440	
DEVELOPMENT APPLICATIONS DETAILS		
APPLICATION REF.	MCU \ 02114	
ADDRESS	19 Church Road, The Summit	
DESCRIPTION	Shop, Community centre, Roadside Stall	
ATTACHMENTS	YES <input checked="" type="checkbox"/> (Attach all relevant documents) NO <input type="checkbox"/>	
SIGNATURE **		
Please include any grounds of the submission, and the facts and circumstances relied upon in support of these grounds.**		
Please ensure all relevant documents are attached and submitted with this form.		
<p>* Please see attached formal submission (objection) prepared by Ross Heatley town planning dated 5th February 2020</p> <p></p>		

Version No. 2: November 2019

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Document Set ID: 3189310  
Version: 1 Version Date: 05/02/2020



5<sup>th</sup> February 2020

Chief Executive Officer  
Southern Downs Regional Council

**Re: Submission (Objection) to Development Application  
Proposed Shop, Community Care centre and Roadside Stall  
19 Church Road, The Summit - being Lot 1 on RP 157889; Your ref: MCU\02114**

Please note in respect to the above mentioned development application the following submission is made in objection to the proposed development. The following form the grounds for that objection:

**ECONOMIC CONSIDERATION**

The submission made by planning consultants dated 11 December 2019 in support of the application notes that the proponents would not be able to economically undertake the proposed use(s) if required to operate from a site which was zoned to facilitate such use(s).

Such economic inability does not demonstrate any reason for approving radical departure from prescribed land use planning regulation as reflected in the well – considered provisions of the Regional Council planning scheme.

Rather it suggests that the not-for-profit undertakings proposed should instead seek to to be co-located with existing approved operations elsewhere in the community – and not on a heavily constrained Rural-zoned site.

**NON COMPLIANCE WITH ROADSIDE STALL CODE**

The roadside stall code forming part of the Regional Council planning scheme states as part of its purpose (at clause 9.3.9.2(a)) that the purpose of the code will be achieved so that:

*“Roadside stalls ..... are located so that passing traffic can safely access the premises”.*

The subject site does not have a wide street frontage which could be advantageous to the siting of a roadside stall. Instead it is a hatchet-shape lot with an access handle of width approximately 20 metres (to the street frontage) and approximately 80 metres to the body of the lot proper.

The condition of the road edges of Church Road are a typical deep channel for drainage purposes on both sides. This channel is continuous along all frontages – except for vehicular access points. The channel is of a depth and width to prevent vehicles crossing it. As such vehicles intending to park are constrained to using existing access points and to park between channel and property boundary – with road verges too narrow to utilise for safe parking.

Refer following site photos below:

Planning & Development Consultant	Mobile: 0400 257 440	Office: 143 Ferry Road, Southport, QLD 4215
Permits & Approvals	Email: ross@rossheatley.com	Postal: P.O. Box 205 Chim Park, QLD 4215
Masterplanning	Web: www.rossheatley.com	ABN: 72 046 734 740

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Site driveway at left. Deep channel and vegetation make parking impractical on verge between site and adjacent No 21



Site driveway at centre with driveway of No 17 at rear. Vehicles attempting to access frontage of site would need to use access point of No 17 for ingress

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It is clear from these photos that a roadside stall could not be located on the site such that: "passing traffic can safely access the premises".

Moreover the proposal is clearly inconsistent with Performance Outcome PO2 (Access and parking) to the Roadside Stall code which clearly states an acceptable, desirable outcome as:

*"The site is accessed via a road that is of a standard to adequately cater for the traffic generated by the use without causing **traffic hazards**, damage to the road or dust **nuisance to persons or property not connected with the use**" [ my highlights]*

As access from the eastern side of the property would necessarily cause nuisance to the occupants of 17 Church Road – by way of vehicles using its access point for ingress and possibly egress - clearly the proposal does not conform to Acceptable Outcome PO2 of the Roadside Stall code.

Access to the site from a western direction could not be obtained via the access point for No 21 Church Road and therefore any parking might only be afforded on the north side of Church Road. With the position of the channel parallel to the road on the north side of Church Road, such parking is considered to be unsafe and would constitute a traffic hazard.

The alternative of parking and manoeuvring onsite is not considered by the scheme provisions and should not be considered as a practical outcome as it would add to onsite traffic movements, create uncertainty of movement intentions, and add to impact on amenity of adjoining land occupants.

Performance Outcome PO1 to the Roadside Stall code within the Regional Council planning scheme also intends that the scale and visual impact of any roadside stall be integrated with the surrounding area.

It is considered that a rural site with a reasonably wide - and accessible – frontage may be appropriate for a roadside stall.

It is considered however that a roadside stall wedged into a narrow (20 metre) access handle of a hatchet-shaped lot is not able to 'visually and functionally' integrate with the surrounding area.

Rather it would dominate the frontage of this lot and therefore impact on the visual amenity of surrounding lands.

The width of the access handle makes it impractical for the aims of the Roadside stall code to be achieved in terms of amenity, visual integration and functional integration. The required minimum setback distances of 6 metres both sides cannot be achieved. With the access driveway being located near the centre of the access handle, there remains only approximately 10 metres of land for a stall, landscaping, fencing and safe sight-lines for vehicles ingressing and egressing the site.

Overall, the above analysis shows that the proposal is entirely incongruent with the Roadside Stall code provisions and should not therefore be approved.

#### NON – COMPLIANCE WITH RETAIL AND COMMERCIAL USES CODE

The Retail and Commercial Uses Code to the Regional Council planning scheme envisages business activities to be located, designed and operated in a manner that contributes to:

- *The retail hierarchy and the primacy of the principal centre zone and the district centre zone;*
- *The character of the locality including safety, convenience and built form character; and*

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- *The maintenance or improvement of the physical conditions of the locality including noise levels, air quality and vehicle and pedestrian generation and flow.* [extract clause 9.3.8.2 of code]

It can be easily pointed out that the proposed development is not consistent in any way with the above stated purpose elements of the planning scheme.

In terms of retail hierarchy, the nearest commercial node to the subject site appears to be on the junction of Mandelkew and Granite Belt Roads where several small scale local shops and services have co-located successfully in a 'township'. A quick google mapping survey indicates there is some commercial space available for lease here.

Again, a simple observation is that the reason for locating a shop on the proposed site is not articulated with any convincing economic grounds. In fact, to consider doing so would be entirely counter to the expressed planning scheme intent to urge for a retail hierarchy to be firmly established.

Additionally '**safety, convenience and built form character**' are stated intentions for the retail and commercial code.

The dearth of safe access to the site is identified in the foregoing. Equally convenience is aligned to safety – and the site is not convenient for physical access, nor is it convenient to any large market group or population centre.

As to 'built form character', there are no proposal plans submitted with the application. No Plan of Development showing parking areas, ablution facilities, pedestrian circulation paths or plans of retail 'shop' building is presented.

The proposal is indeed sufficiently vague in its potential physical dimensions as to warrant refusal due to lack of implementable detail.

The proposal is therefore vastly inconsistent with the stated purpose of the Retail and Commercial Uses code.

A quick perusal of the assessment benchmarks to the Retail and Commercial Uses code reveals further non-compliance with the code:

PO1 states retail / commercial uses are to be centrally and conveniently located to service a particular catchment. No such catchment has been identified in the application.

PO2 states a use must not contribute to unplanned or piecemeal development. Approval of this isolated retail development would surely attract other sundry similar development proposals - with Council in an invidious position in terms of a precedent for approval.

PO4 states road access is to adequately cater for traffic generated without causing hazard. Earlier discussion on non-compliance with the roadside stall code demonstrates that traffic hazard would be inevitable if approved.

PO5 states that retail/ commercial buildings are to be designed to complement existing built form. No substantive development plans are provided so as to ensure compliance with this provision.

Acceptable outcome AO5.4(b) provides that where a proposed site of retail adjoins land in the Rural zone (as is the case here) a landscaped buffer strip at least 10 metres wide is to be provided.

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No landscaping proposal is submitted with the proposal and given close proximity of the dwellings to the boundary noise emissions could not be eliminated or ameliorated in any way.

PO6, dealing with Amenity, states that uses are to be located so that an adequate buffer to adjoining uses is provided. It is noted that residential dwellings on both adjoining lots, nos 17 and 21 Church Road, are only a few metres from the side boundaries of the 80 metre long access handle of the subject site.

No landscaping proposal is submitted with the proposal and given close proximity of the dwellings to the boundary noise emissions could not be eliminated or ameliorated in any way.

Overall, the above analysis shows that the proposal is entirely incongruent with the Retail and Commercial Uses code provisions and should not therefore be approved.

#### NON – COMPLIANCE WITH INTENTIONS OF THE RURAL ZONE AND STRATEGIC FRAMEWORK

Clause 2 (xv) of the Rural Zone code of the Regional Council planning scheme makes provision for some non-rural uses to be considered within rural areas – with specific note to avoid non-complementary uses and to avoid negative environmental impact:

*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 agricultural 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; and*
- g. are located so that they do not contribute to urban sprawl or ribbon development along roads or contribute to piecemeal or unplanned development of areas.*

[Scheme extract]

While the surrounding lands are not considered to be of high agricultural value, they do constitute a valued element recognized within the Strategic Framework of the Regional Council planning scheme. See following extract of section 3.3.1(3) of Strategic Outcomes to Preferred Settlement Pattern:

*The Region includes extensive areas of land used for rural purposes. While the agricultural and grazing values of this land are recognised as a significant economic resource and employment generator of the region, **this land is also an important social and environmental resource. The areas that are not used for urban or rural residential purposes contribute to the rural landscape and scenic amenity values as well as cultural identity values** and are an important driver for tourism activities. These areas will maintain their economic, social and environmental values by remaining free of urban and rural residential development.*

[My highlights]

Clearly the site and surrounding lands contribute to the rural landscape and scenic amenity values of the region.

The scheme explicitly recognizes that value.

The scheme explicitly provides for any non-rural use to be complementary, non-invasive, safe and to not form piecemeal or unplanned development.

The proposed use is not complementary. It would be invasive. It would not be safe in terms of access. It would represent piecemeal, unplanned development.

As such, it is inconsistent with the stated preferred outcomes of the Strategic Framework of the planning scheme; and inconsistent with the detailed provisions of the Rural Zone code.

## CONCLUSION

It is considered the above grounds of objection comprise erudite, objective analysis of why the proposed development should not be approved.

It is further considered that the proposal is so inconsistent with the intentions and the values expressed within the planning scheme that no sufficient conditions to a development approval could be generated so as to ensure the development might be favoured if so restricted.

It is considered that Council should refuse the application.

Sincerely,



Ross Heatley

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## PLANNING SUBMISSION

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Pursuant to s53(6) – Planning Act 2016

# Shop, Community Care Centre & Roadside Stall

**Ian & Christine Robins c/- Adapt Planning Pty Ltd**  
19 Church Road, The Summit

**PREPARED FOR: MRS TEGAN FOSTER & MR MARCUS FOSTER**  
**FEBRUARY 2020**

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**TOOWOOMBA | IPSWICH**

**[www.precinctplan.com.au](http://www.precinctplan.com.au)**



## PLANNING SUBMISSION

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Pursuant to s53(6) – Planning Act 2016

# Shop, Community Care Centre & Roadside Stall

**Ian & Christine Robins c/- Adapt Planning Pty Ltd**

19 Church Road, The Summit

Lot 1 on RP157889

**PREPARED FOR: MRS TEGAN FOSTER & MR MARCUS FOSTER  
FEBRUARY 2020**

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## 1.0 INTRODUCTION

Precinct Urban Planning Pty Ltd has been commissioned by Mrs Tegan Foster and Mr Marcus Foster ("the submitters") to undertake the preparation of a planning submission on their behalf in respect of a development application for a Development Permit for Material Change of Use for "Shop", "Community Care Centre" and "Roadside Stall" on land at 19 Church Road, The Summit, being that land described as Lot 1 on RP157889 ("the subject site"). The application to Southern Downs Regional Council ("Council") seeks to facilitate the lawful operation of the proposed development and has been made by Ian and Christine Robins c/- Adapt Planning Pty Ltd ("the applicants").

The following report comprises part of a "properly made submission"<sup>1</sup> for the purposes of section 53(6) of the *Planning Act 2016*. It outlines the grounds upon which the submitters object to the proposed development, and the facts and circumstances relied upon in support of those grounds.

Relevant extracts of the application documentation and the *Southern Downs Planning Scheme 2012* have been referenced in the preparation of this submission.

The submitters can be contacted and/or further information or clarification provided in respect of the matters raised in the following submission by contacting James Williams – Planner (Precinct Urban Planning) on (07) 4632 2535 or email [james@precinctplan.com.au](mailto:james@precinctplan.com.au).

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<sup>1</sup> Schedule 2 of the *Planning Act 2016* defines a properly made submission as follows:

- "properly made submission"*** means a submission that –
- (a) is signed by each person (the ***submission-makers***) who made the submission; and
  - (b) is received –
    - (i) for a submission about an instrument under section 18, a State planning instrument, or a designation – on or before the last day for making the submission; or
    - (ii) otherwise – during the period fixed under this Act for making the submission; and
  - (c) states the name and residential or business address of all submission-makers; and
  - (d) states its grounds, and the facts and circumstances relied on to support the grounds; and
  - (e) states a postal or electronic address for service relating to the submission for all submission-makers; and
  - (f) is made to –
    - (i) for a submission made under chapter 2 – the person to whom the submission is required to be made under that chapter; or
    - (ii) for a submission about a development application – the assessment manager; or
    - (iii) for a submission about a change application – the responsible entity."



## 2.0 BACKGROUND

A brief summary of the background of the development application to which this properly made submission relates is as follows:

- A Show Cause Notice was issued by Council to the applicants alleging unlawful use of the subject site on 20 March 2019.
- The Council reference for the application subject of this submission is MCU\02114.
- The development application was prepared and lodged in response to the Show Cause Notice.
- The development application subject of this submission was "properly made" to Council on 17 December 2019.
- Pursuant to the relevant statutory requirements, Council issued a Confirmation Notice on 23 December 2019.
- The Confirmation Notice issued by Southern Downs Regional Council indicated that "There are no referral agencies for this application" and that the application does not "agree to accept an information request".
- The applicants commenced Statutory Public Notification on 17 January 2020, with the public notification period scheduled to conclude on 10 February 2020.

## 3.0 SITE & LOCALITY

- The subject site comprises a single title of "hatchet" configuration with sole access to Church Road, via an "access handle".
- The land subject of the development application ("the subject land") is described as Lot 1 on RP1 57889. The subject site is illustrated in **Figure 1 – Subject Site**.
- The subject site has an area of 1.215 hectares.
- The registered proprietors of the subject land are Mr Ian Robins and Mrs Christine Robins, who have provided landowners consent for the application.
- The submitters own land adjoining the northern boundary of the subject site and eastern boundary of the "access handle". This land is described as Lot 1 on RP175745 and has an area of 2,024m<sup>2</sup>. The submitters' land contains a dwelling house and ancillary structures and is utilised for rural residential living. The land ownership pattern in the immediate vicinity of the subject site is illustrated in **Figure 2 – Land Ownership**.



**FIGURE 1 - SUBJECT SITE**



**FIGURE 2 - LAND OWNERSHIP**





## 4.0 PROPOSED DEVELOPMENT

### 4.1 PROPOSAL DESCRIPTION

The application seeks a Development Permit for Material Change of use for a:

- “Shop”;
- “Community Care Centre”; and
- “Roadside Stall”.

The Town Planning Report prepared by Adapt Planning Pty Ltd on behalf of the applicants provides a description of the development proposal under the heading “Proposed Development” (Note: emphasis added):

*“This application seeks approval for a Material Change of Use for a Shop, Community Care Centre and a Roadside Stall. Ian and Christine Robins wish to continue to operate their charitable work under their registered Not for profit charity called the Purple Dove Awareness Group Inc. The activities performed by Purple Dove are multifaceted, **providing support in the way of food, clothing, household items to the less fortunate homeless and financially struggling locals.** Monies raised by Purple Dove are donated to a cancer wellness organisation Hope Horizons, who support the broader Southern Downs region.*

*Purple Dove perform a wide range of services, both onsite at the subject property at 19 Church Road The Summit, and off site at places such as parks in Stanthorpe.*

*The charitable work of Purple Dove Awareness Group continues to receive positive media coverage.*

*Certain aspects of their unique (and highly valued) charitable ‘uses’ are difficult to define under the Planning Scheme. This application is necessary largely due to this unique operation, and that the operation is not defined as a use consistent with the rural zone.*

*The very fact that the applicants are prepared to utilise their own property can not be underestimated. Their charitable work would be substantially diminished were they required to pay rent in a centre zone where a typical ‘Op Shop’ were to operate. It is also important to acknowledge that what Purple Dove undertake can’t be compared to such a typical ‘op shop’.*

*Generally their work comprises the following activities:*

- **Operating a ‘Food is Free’ roadside stall, with free produce grown onsite and donated non perishable packaged goods;**
- **Distribution of free emergency donated non-perishable food items;**
- **Drop off, storage and collection of household items, clothing and non-perishable food which are distributed to those in need;**
- **Community support through arts and craft, for instance weaving sleeping mats for the homeless;**
- **Preparing toiletry bags for the homeless;**



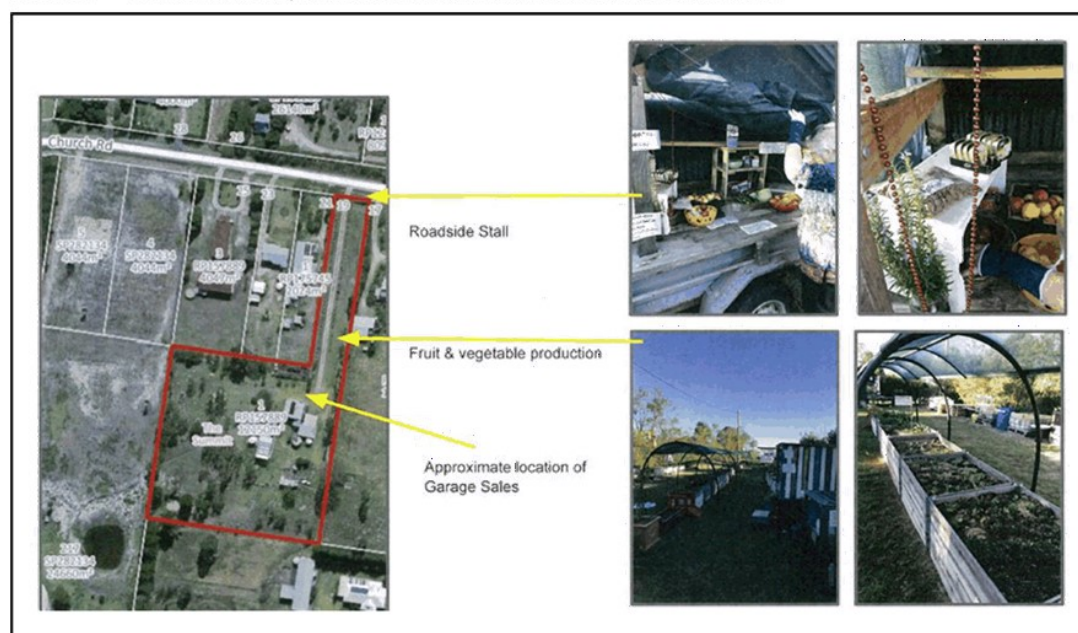


- **On-site garage sales (max. 6-8 per year).**

*Not all of these activities operate on site, whilst those that do can comply with reasonable conditions that are proposed in this application. A site plan has been prepared to illustrate the locations of the different aspects of their charitable work (ie location of sales, food production and roadside stall).*"

For illustrative purposes the Site Plan of the development is illustrated in **figure 3**.

**FIGURE 3 - PROPOSED SHOP, COMMUNITY CARE CENTRE AND ROADSIDE STALL**



Source: Adapt Planning Pty Ltd Development Application Report.

## 4.2 STATUTORY ASSESSMENT & REGULATORY FRAMEWORK

### 4.2.1 STATE PLANNING POLICY & STATE INTERESTS

The subject site is identified as containing areas within the Natural Risk and resilience overlay under the State Planning Policy. In particular, the subject site includes land identified as Bushfire Hazard Area – Potential Impact Buffer and Flood Hazard Area – Local Government Flood Mapping Area. The applicability of the Natural Risk and Resilience overlay is illustrated on **Figure 4 – Natural Risk and Resilience Mapping**.



**FIGURE 4 - NATURAL RISK AND RESILIENCE MAPPING**



#### 4.2.2 SOUTHERN DOWNS PLANNING SCHEME 2012

The proposed development is located within the Southern Downs Regional Council area and is assessable against the *Southern Downs Planning Scheme 2012*.

The subject site and surrounding land on the southern side of Church Road are identified within the “Rural Zone”, whilst land to the north of Church Road is located within the “Township Zone” under the *Southern Downs Planning Scheme 2012*. The zoning of the subject site and surrounding locality is illustrated in **Figure 5 – Zone Mapping**.





The proposed development is identified as a Shop, Community Care Centre and Roadside Stall. The levels of assessment for each use under the Tables of Assessment for the Rural Zone are as follows:

- Shop – Impact Assessable;
- Community Care Centre – Code Assessable; and
- Roadside Stall – Accepted Development subject to requirements.

Subsequently, the Development Application is subject to **Impact Assessment**.

Impact Assessable development must be assessed against the entire planning scheme, which in this case includes:

- The Strategic Framework;
- Relevant assessment benchmarks including the application zone, use and overlay codes, including:
  - Rural Zone Code;
  - Roadside Stall Code;
  - Retail and Commercial Uses Code;
  - Car Parking and Loading Code;
  - Landscaping Code;
  - Outdoor Lighting Code; and
  - Physical Infrastructure Code.

## 5.0 SUBMISSION ISSUES

### 5.1 INTRODUCTION

The submitters own and occupy a residential property to the west of the 'access handle' of the subject site. The site contains a dwelling house which is occupied by the submitters' family.

The grounds of this submission objecting to the proposed development and the facts and circumstances relied upon in support of those grounds are detailed individually below. For ease of comprehension, the submission ground is nominated and then followed by a summary of the facts and circumstances in support of that ground.





## 5.2 SUBMISSION GROUND 1

**The proposed development represents a clear and significant conflict with the provisions of the Southern Downs Planning Scheme 2012, and “other relevant matters” have not been nominated that would justify the approval of the proposed development notwithstanding those conflicts.**

### SUPPORTING FACTS & CIRCUMSTANCES

Section 45(5) of the *Planning Act 2016* states as follows with respect to development subject to Impact Assessment:

“ An **impact assessment** is an assessment that –

(a) must be carried out –

(i) against the assessment benchmarks in a categorising instrument for the development; and

(ii) having regard to any matters prescribed by regulation for this subparagraph; and

(b) may be carried out against, or having regard to, any other relevant matter, other than a person’s personal circumstances, financial or otherwise.

Examples of another relevant matter –

- a planning need
- the current relevance of the assessment benchmarks in the light of changed circumstances
- whether assessment benchmarks or other prescribed matters were based on material errors.

The practical implication of the referenced statutory provisions is that where faced with a development proposal that is not consistent with the provisions of a planning scheme, and there are no “other relevant matters” that mitigate the conflict with that instrument, the assessment manager should refuse or appropriately condition that application to resolve identified conflicts.

Within the context of development assessment, the concept of “other relevant matters” is best encapsulated as referring to matters or factors which result in positively improved planning outcomes in the public interest which would not have otherwise been achieved through the implementation of the Planning Scheme and which accordingly justify departure from it.

The applicants contend that the proposed development’s inconsistency with the Planning Scheme is warranted due to the financial status of the Purple Dove Awareness Group. We note that pursuant to section 25(5) (b) of the *Planning Act 2016*, a person’s financial circumstance cannot be grounds to justify a conflict with the Planning Scheme.

The submitters contend on a first principles approach that any decision by the assessment manager to approve the proposed development would represent a clear conflict with the key elements and provisions of the Planning Scheme. Furthermore, we note that the applicants have not nominated in a clear or appropriate manner any other relevant matters in the public interest that would justify approval of the proposal notwithstanding the evident conflicts with the provisions of the Planning Scheme.

An Impact Assessable development must be assessed against the applicable sections of the entire planning scheme, which in this case includes:



- The Strategic Framework;
- Relevant assessment benchmarks including the application zone, use and overlay codes, including the:
  - o Rural Zone Code;
  - o Roadside Stall Code;
  - o Retail and Commercial Uses Code;
  - o Car Parking and Loading Code;
  - o Landscaping Code;
  - o Outdoor Lighting Code; and
  - o Physical Infrastructure Code.

It is noted that the Development Application does not provide detailed assessments against the Strategic Framework or the relevant assessment benchmarks.

#### (A) Strategic Framework

The proposal is inconsistent with the key principles, outcomes and land use strategies of the Strategic Framework detailed in the following table and accordingly warrants refusal. These include:

Strategic Framework Reference	Element(s) where conflict or inconsistency exists	Comment
<b>Element 3.3.2 Towns and Villages</b>	3.3.2.2 (3) & (5)	<ul style="list-style-type: none"> <li>• The development application does not identify clear planning need for the expansion of The Summit township outside of areas zone for urban purposes.</li> <li>• The development has not been designed or operated to minimise adverse impacts or to enhance and maintain the character of the surrounding locality.</li> </ul>
<b>Element 3.3.4 Commercial Development</b>	3.3.4.1 (3)	<ul style="list-style-type: none"> <li>• The "Shop" component of the proposed development can be identified as a "Centre Use" which is not supported outside the Principal Centre and District Centre zones.</li> </ul>
<b>Element 3.5.6 Community Facilities</b>	3.5.6.1 (1) & (5)	<ul style="list-style-type: none"> <li>• The proposed development is not located to consolidate the primacy of major towns whilst providing services to other centres.</li> <li>• The development is not safe, accessible or conveniently located in terms of residential development, public transport or employment.</li> </ul>
<b>Element 3.5.6 Community Facilities</b>	3.5.6.2 (1)	<ul style="list-style-type: none"> <li>• The proposed development is not located within a community focal point as encouraged by the Planning Scheme.</li> </ul>



<b>Element 3.6.2</b> <b>Rural land and production areas</b>	3.6.2.2 (3)	<ul style="list-style-type: none"> <li>The subject site is located within the Granite Belt Precinct of the Rural Zone. Development within that precinct is not supported unless the use is complementary and compatible with the dominant agricultural land uses.</li> <li>With exception of the "Roadside Stall" component, the proposed development includes uses which are not related to or which do not have a nexus with the use of the land for rural purposes.</li> </ul>
<b>Element 3.6.2</b> <b>Rural land and production areas</b>	3.6.2.2 (5)	<ul style="list-style-type: none"> <li>The submitters contend that the proposed development is inconsistent with and will negatively affect the character and scenic amenity of the surrounding locality.</li> </ul>
<b>Element 3.7.1</b> <b>Strategic Outcomes</b>	3.7.1 (8)	<ul style="list-style-type: none"> <li>The proposed development does not include on-site carparking areas and is located in an area where public transport is not provided. As a result, the development does not cater for the access, vehicle parking or circulation requirements of patrons. Additionally, the parking of vehicles along the shoulder of Church Road significantly detracts from the amenity of the area.</li> </ul>
<b>Element 3.8.2</b> <b>Urban Infrastructure</b>	3.8.2.2 (3)	<ul style="list-style-type: none"> <li>The development application does not address whether the existing on-site water supply and effluent disposal infrastructure can cater for the needs of the proposed use. It is noted that the proposed uses are likely to require a larger effluent disposal system than that typically required for a dwelling house.</li> </ul>

#### (B) Rural Zone Provisions

Under the provisions of the *Southern Downs Planning Scheme 2012*, the subject site is included in the Rural Zone (Granite Belt Precinct).

The purpose of the Rural Zone and Granite Belt Precinct is articulated via a series of Statements and Overall Outcomes under section 6.2.10.2 of the Planning Scheme. We contend, on behalf of the submitters, that the proposed development is in clear and significant conflict with the provisions of the Rural Zone and Granite Belt Precinct most notably with respect to the Purpose and Overall Outcomes.



We maintain the proposed development is contrary to the following Zone purpose statements:

- “(xv) 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 agricultural 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; and*
  - g. are located so that they do not contribute to urban sprawl or ribbon development along roads or contribute to piecemeal or unplanned development of areas.*
- (xxii) Advertising devices are not erected in locations where they detract from the scenic amenity of the Region.”*

We also contend that the proposed development is inconsistent with PO1, PO4 and PO8 of the Rural Zone Code as:

- the development conflicts with the natural, scenic and community values of the area; and
- the site is not accessed via a road which can adequately cater for the traffic generated by the development without causing traffic hazards, damage to the road or dust nuisance to persons or property.

#### **(C) Retail and Commercial Uses Code**

The **Retail and Commercial Uses Code** is the applicable code regulating the use of land for retail and commercial uses, including the use of a “shop”. The purpose and intent of the Retail and Commercial Uses Code is articulated via a series of Purpose Statements and Overall Outcomes under section 9.3.8.2 of the Planning Scheme. We contend on behalf of the submitters, that the proposed development is in clear and significant conflict with the provisions of the Retail and Commercial Uses Code, most notably with respect to the Purpose and Overall Outcomes.

We maintain the proposed development is contrary to the following Overall Outcomes:

- “(a) Are centrally and conveniently located with good access to the area which they are servicing;*
- (b) Are located, designed and operated in a manner that prevents unacceptable environmental and amenity impacts on adjoining land uses;*
- (c) Are sited and designed in a manner that is appropriate to the character, including heritage character and environmental values of the locality in which they are situated;”*
- “(e) Have adequate and safe vehicle and pedestrian access;*



- (f) 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;
- (g) Have adequate infrastructure for the use including water supply, waste water disposal, stormwater control, telecommunications and electricity;
- (h) Do not impact in a negative manner on the natural environment;
- (i) Are responsive to and contribute positively to the local streetscape character. In residential areas the built form reflects the scale and character of the domestic architecture."

Further, we contend that the proposed development is contrary to Performance Outcomes PO1, PO4 and PO6 of the code as:

- the subject site is not located within the Principal Centre, District Centre, Specialised Centre, Mixed Use or Township zones and is not centrally and conveniently located to service a particular catchment;
- the site is not accessed via a road which can adequately cater for the traffic generated by the development without causing traffic hazards, damage to the road or dust nuisance to persons or property; and
- the development has not been designed to minimise visual, noise, odour and lighting impacts on adjoining premises.

#### (D) Roadside Stall Code

The **Roadside Stall Code** is the applicable code regulating the use of land for a roadside stall. The purpose and intent of the Roadside Stall Code is articulated via a series of Purpose Statements and Overall Outcomes under section 9.3.9.2 of the Planning Scheme. We contend on behalf of the submitters, that the proposed development is in clear and significant conflict with the provisions of the Roadside Stall Code, most notably with respect to the Purpose and Overall Outcomes.

We maintain the proposed development is contrary to the following Purpose Statements:

- "(1) The purpose of the Roadside stall code is to ensure roadside stalls are established in a location with a safe vehicular access, have a small scale and are used for the sale of goods produced on the same premises.
- (2) The purpose of the code will be achieved through the following overall outcome:
  - (a) Roadside stalls are small scale uses that are integrated fully into the surrounding area and are located so that passing traffic can safely access the premises.

Further we contend that the proposed development is contrary to Performance Outcomes PO1 and PO2 of the code as:

- the roadside stall is not visually and functionally integrated with the surrounding area; and
- the site is not accessed via a road which can adequately cater for the traffic generated by the development without causing traffic hazards, damage to the road or dust nuisance to persons or property.





In accordance with the purpose of the Roadside Stall Code, roadside stalls are generally for the sale of goods produced on the same premises, however it is noted that the applicants propose to utilise the stall to supply non-perishable food which has not been grown or prepared on-site.

We contend that having regard to the key provisions outlined above relating to the Purpose and Overall Outcomes of the applicable zone and use codes, the proposed uses represent development in clear and significant conflict with the provisions of the *Southern Downs Planning Scheme 2012*. The applicants have failed to demonstrate that "other relevant matters" exist that would warrant the approval of the proposal notwithstanding the inherent conflicts and inconsistency with the stated intent of the Planning Scheme.

### 5.3 SUBMISSION GROUND 2

**The design of the proposed development is contrary to sound traffic and access principles and will contribute to traffic safety, efficiency and circulation problems within the locality.**

#### SUPPORTING FACTS & CIRCUMSTANCES

The location and design of the proposed development gives rise to a multitude of traffic access, circulation and safety issues. The development does not provide sufficient on-site parking for the existing or future operation of the development which results in overflow parking on the surrounding street network, in particular Church Road, generating traffic safety and circulation issues.

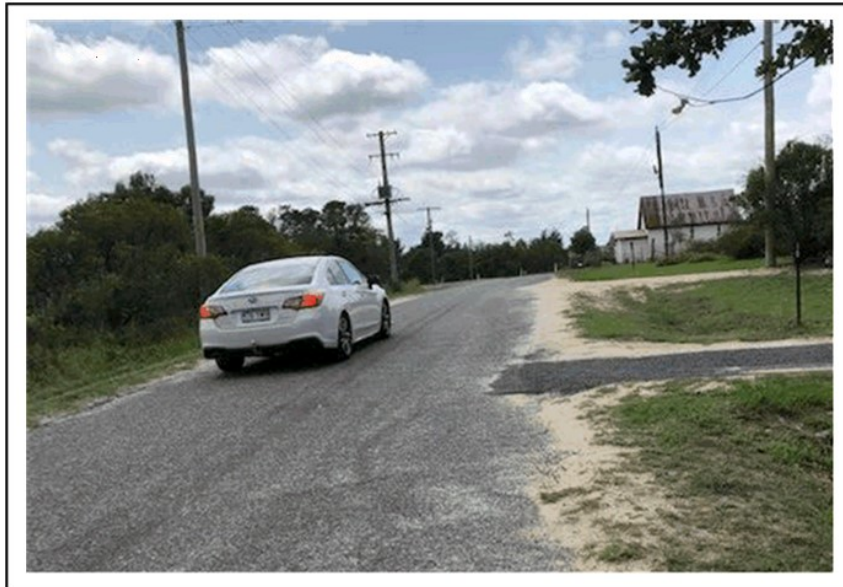
The proposed development takes access from Church Road, a bitumen sealed carriageway, with a width of approximately four (4) metres, and grass drainage swales on either side of the roadway.

The submitters contend that the existing roadway is not suitable for the current or future traffic demands generated by visitors to the subject site. In addition, the applicants do not provide a specialist traffic impact assessment to address the proposed development's impact on the surrounding road network.

The uses proposed are non-rural in nature and will result in the introduction of non-rural traffic.

The proposed development does not allocate on-site parking spaces for visitors to the site and is located in an area where most visitors are required to travel by motor vehicle to access the site. The lack of on-site parking means that a substantial number of vehicles park along Church Road, which is already a narrow carriageway. Additionally, due to the deep gullies on either side of the roadway, vehicles parking along the road are unable to park completely off the roadway.

Reference is made to **Photograph 2** which illustrates a vehicle stopping on the roadway in order to access the Roadside Stall component of the development.



**Photograph 2:** Vehicle parked on Church Road to access the roadside stall.

These conflicts arising from the development are considered unacceptable from a traffic management perspective which reinforces the recommendation for Council to refuse the application.

### 5.4 SUBMISSION GROUND 3

**The applicants have not demonstrated the presence of a sufficient economic or justifiable “planning need” for the proposed development**

#### SUPPORTING FACTS & CIRCUMSTANCES

Submission Ground 1 explains the applicability of section 45 (Categories of Assessment) of the *Planning Act 2016* which allows an applicant to nominate “other relevant matters” in the assessment of an application that might otherwise assist in overcoming a conflict or balancing an inability to comply with applicable planning requirements.

Section 45(5) (Categories of Assessment) of the *Planning Act 2016* states as follows with respect to development subject to impact assessment:

“An **impact assessment** is an assessment that –

(c) must be carried out –

- (i) against the assessment benchmarks in a categorising instrument for the development; and
- (ii) having regard to any matters prescribed by regulation for this subparagraph; and





(d) *may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.*

*Examples of another relevant matter –*

- *a planning need*
- *the current relevance of the assessment benchmarks in the light of changed circumstances*
- *whether assessment benchmarks or other prescribed matters were based on material errors.*

It is noted that, notwithstanding the inclusion of the subject land within the Rural Zone, and the fact that the use has no direct link or nexus with the use of the land for rural purposes, that the applicants have not sought to consider aspects of "planning need" insofar as they are relevant in establishing whether the proposed use is justified in light of its evident inconsistency with the intent of the Planning Scheme.

The fact remains that the use as proposed is relatively "footloose" in the sense that it could be established at a more suitable and appropriately serviced location, where its impacts on rural amenity and character could be reduced, and where the obvious land conflicts and reverse amenity impacts could be avoided or better ameliorated.

In demonstrating that a "planning need" for a particular use(s) exists, the second and equally important component of the test is the spatial dimension of being able to show that a demonstrated need should be met at the proposed location. Even in the circumstances that a planning need had been demonstrated in this case (which we do not concede), the nature of the facility suggests that meeting that need by locating the development on the subject site is unlikely to be in the public interest, given that it could equally be located in an area more suitably zoned.

## 5.5 SUBMISSION GROUND 4

**The applicants have not carried out the Public Notification Part of the Development Assessment Process in accordance with Planning Act 2016 and the Acts Interpretation Act 1954.**

### SUPPORTING FACTS & CIRCUMSTANCES

Section 53(2) of the Planning Act 2016 refers to the Development Assessment Rules with respect to the public notice requirements which must be undertaken during the Public Notification Part. Section 17.1 of the Development Assessment Rules states the following with respect to the notification methods which must be undertaken.

*"The applicant, or the assessment manager acting under section 53(10) of the Act, must give public notice by –*

- (a) Publishing a notice at least once in a newspaper circulating generally in the locality of the **premises** the subject of the application; and*
- (b) Placing notice on the premises the subject of the application that must remain on the premises for the period of time up to and including the **stated day**; and*
- (c) Giving notice to the **adjoining owners** of all lots adjoining the premises the subject of the application."*



Section 53(5) of the *Planning Act 2016* states the following:

“... if the development assessment rules require the notice to be given in more than 1 way, the period mentioned in subsection 4(b) starts on the day after the day when the last notice is given.”

Section 39A of the *Acts Interpretation Act 1954* states the following with respect to serving (i.e. giving) a document by post.

“(1) If an Act requires or permits a document to be served by post, service –

- (a) May be effected by properly addressing, prepaying and posting the document as a letter; and
- (b) Is taken to have been effected at the time at which the letter would be delivered in the ordinary course of post, unless the contrary is proved.”

In accordance with section 53(5) of the *Planning Act 2016* and section 39A of the *Acts Interpretation Act 1954*, the public notification period cannot commence until all three (3) methods of notification have been completed, including the giving of notice to adjoining owners.

The Australia Post website details the ordinary time a letter or parcel would take to be delivered from one location to another. Reference is made to **Figure 5 – General Delivery Time**

**FIGURE 5 - GENERAL DELIVERY TIME**

The screenshot shows the Australia Post website interface for calculating postage and delivery times. At the top, it says 'Calculate postage & delivery times' with a green checkmark and the text 'Got it! Delivering from SIPPY DOWNS QLD 4556 to THE SUMMIT QLD 4377' and a 'Change' link. Below this are tabs for 'Parcels' and 'Letters', with 'Letters' selected. A section titled 'Compare domestic letter services' contains a table with one row for 'Regular' service. The table columns are 'Delivery time estimate' (3-4 business days), 'Prices from\*' (\$1.10), and 'Features & options' (with a dropdown arrow). Above the table, there is a 'Delivery dates: Any' section with an 'Enter a date' link.

**Figure 5** confirms that the ordinary time for a letter to be delivered from the applicants’ postal address (i.e. Sippy Downs, QLD, 4556) to the submitters’ postal address as provided by Council (i.e. The Summit, QLD, 4377) would be **3-4 business days**.



On 13 January 2020, the applicants advised Council, in their Notice of Intention to Commence Public Notification, that Public Notification would commence on 17 January 2020. For this to occur, all methods of notification would have needed to be undertaken by 16 January 2020. Therefore, in accordance with the *Planning Act 2016*, *Acts Interpretation Act 1954* and the typical timeframes identified by Australia Post (refer to **Figure 5**), letters to the adjoining owners needed to have been posted on or before 13 January 2020.

In this instance, the applicants have advised Council that letters to adjoining owners were mailed on 16 January 2020 (one day prior to the commencement of the Public Notification). Therefore, the adjoining owners would have needed to receive the letter the same day on which they were mailed (16 January 2020) to ensure Public Notification was undertaken in accordance with the requirement of the *Planning Act 2016*.

It is noted that the submitters, being adjoining owners to the north of the subject site, did not receive the correspondence from the applicants until 22 January 2020, which is in accordance with Australia Post's typical timeframes. However, this means that the submitters were not correctly notified of the proposed development until four (4) business days following the commencement of the Public Notification.

Accordingly, in this instance, the Public Notification part has not been properly undertaken in accordance with the requirements of the *Planning Act 2016* and the application is required to be renotified by the applicants. Additionally, the submitters contend that the delay in receiving correspondence from the applicants has adversely affected their awareness of the existence and nature of the application.



## 6.0 CONCLUSION

On the basis of the issues raised in this submission, it is considered that sound town planning grounds exist to warrant the refusal of the development application for a Development Permit for Material Change of Use for Shop, Community Care Centre and Roadside Stall on land at 19 Church Road, The Summit. In summary, this submission has demonstrated that the proposed development is inappropriate as a result of the following considerations:

1. The proposed development represents a clear and significant conflict with the provisions of the *Southern Downs Planning Scheme 2012*, and "other relevant matters" that have been nominated are unable to be used as grounds to support those conflicts.
2. The design of the proposed development is contrary to sound traffic and access principles and will contribute to traffic safety, efficiency and circulation problems within the locality.
3. The applicants have not demonstrated the presence of a sufficient economic or justifiable "planning need" for the proposed development
4. The applicants have not carried out the Public Notification Stage of the Development Assessment in accordance with *Planning Act 2016* and the *Acts Interpretation Act 1954*, and accordingly, the application is required to be renotified.

On the basis of the preceding matters, the submitters respectfully request that Council refuses the proposed development.

A handwritten signature in black ink, appearing to read "James Williams".

**James Williams**

**Precinct Urban Planning**

6 February 2020



This report comprises a “properly made submission” and is made to the Assessment Manager – Southern Downs Regional Council pursuant to section 53(6) of the *Planning Act 2016* having been prepared for an on behalf of Mrs Tegan Foster and Mr Marcus Foster the submission-makers.

A handwritten signature in black ink, appearing to read "Tegan Foster".

**Mrs Tegan Foster (Submission Maker)**  
21 Church Road, The Summit, QLD, 4377  
6 February 2020

A handwritten signature in black ink, appearing to read "Marcus Foster".

**Mr Marcus Foster (Submission Maker)**  
21 Church Road, The Summit, QLD, 4377  
6 February 2020





## Planning Scheme Submission Form

**NOTE: \*\* Mandatory information**

**NOTE:** Please be advised that information is not confidential and will be posted on the SDRC website

FULL NAME **	Nathan Forbes		
ADDRESS**	83 Tea Tree Lane		
EMAIL**	natescapes2012@gmail.com		
PHONE NUMBER	0487618494		
PROPERTY DETAILS	<i>If your submission relates to a specific property, please provide the following details</i>		
ADDRESS	19 Church Road, The Summit		
DESCRIPTION	Purple Dove Charity - Shop and Community Centre and Roadside Stall - MCU\02114		
ATTACHMENTS	YES <input type="checkbox"/>	(Attach all relevant documents)	NO <input checked="" type="checkbox"/>
SIGNATURE			
Please include relevant aspects of the SDRC Planning Scheme (with references), grounds and facts relating to the submission; all circumstance relied upon to support the submission and all other relevant information. **			
Please ensure all relevant documents are attached and submitted with this form.			
<p>Regarding the SDRC Planning Scheme Application MCU\02114, I wish to express my concern regarding the establishment of a Shop and Community Centre and Roadside Stall in a residential area, 19 Church Rd, The Summit. I am making a request to have the SDRC Planning Scheme Application MCU\02114 denied based on my understanding that this is a residential area and the fact that there are multiple facilities in the Stanthorpe CBD, for the distribution of charitable goods and services, along with an unnecessary need to upgrade the easement and curbing at the front of this residential property.</p> <p>I believe that should this application be approved it creates a precedent for future potential Charity Organisations to set up in residential regions/areas which is an unnecessary alteration to residential living. There is also a real world economic concern that if people are allowed to establish this type of Charity Shop or distribution point in an area where private residences exist, then there will be an obvious drop in the property values of the surrounding residences, this is common sense. I moved to the property I reside at due to negative issues with previous neighbors who were anti-social and had no community understanding. I want to have privacy and should this application go ahead then I am very concerned about this precedent for anything goes development occurring next to my residence.</p> <p>It needs to be acknowledged that the Stanthorpe CBD already has, The Community Op Shop, Vinnies, Lifeline and The Salvation Army charity shops to which some are open half days on Saturday and some full days on Saturday. There is access to Church support on Sundays to facilitate any required assistance. We also have the recently established Drought Relief water and food support facilities on the Highway and at the Industrial Estate to which Purple Dove could potentially link up with. I have no issue with Purple Dove operating in the Stanthorpe CBD as I know from first hand experience there are a lot of people in need and the town CBD would be more suitable for people who don't drive, and who are currently being discriminated against regarding access, to be able to utilize the Purple Dove support with greater ease.</p> <p>My understanding is that the SDRC would need to do some work to upgrade the road curbing and footpath and possible different notification signs at 19 Church Road, The Summit. This is an expanse that Southern Downs Region does not need to spend money on, particularly given this above mentioned infrastructure already exists in the Stanthorpe CBD. The other point to make is people who do not have socially/community appropriate behaviour have already been causing trouble at 19 Church Road, The Summit, which can be verified via Police reports. As a member of the Stanthorpe Community I do not want our Police resources diverted to areas where anti-social behaviour occurs simply because it is in an out of town location, as appose to a location in the Stanthorpe CBD that already has monitoring infrastructure and given the higher density of people observing, less anti-social behaviour on percentage would occur.</p> <p>I would like to see the SDRC seriously consider the wider negative Community ramifications mentioned above when they consider this Planning Scheme Application.</p> <p>Nathan Forbes</p>			

INFORMATION SHEET:  
Submissions



Properly Made Submission Form

NOTE: \*\* Mandatory information

NOTE: Please be advised that information is not confidential and will be posted on the SDRC website

FULL NAME **	Jim Green	
ADDRESS**	27 M'CLURE LANE	
EMAIL**	jimgreenbuilding@bigpond.com	
PHONE NUMBER	0417641188	
DEVELOPMENT APPLICATIONS DETAILS		
APPLICATION REF.	MCU/02114	
ADDRESS	19 CHURCH RD THE SUMMIT	
DESCRIPTION	SHOP COMMUNITY CENTRE, ROADSIDE STALL.	
ATTACHMENTS	YES <input type="checkbox"/> (Attach all relevant documents) NO <input checked="" type="checkbox"/>	
SIGNATURE **		
Please include any grounds of the submission, and the facts and circumstances relied upon in support of these grounds.**		
Please ensure all relevant documents are attached and submitted with this form.		

- \* OUR CONCERNS WITH THE ABOVE D/A IS LIMITED SPACE FOR THROUGH TRAFFIC WHEN GARAGE SALES ARE HAPPENING (ONE CAR ONLY) THIS HAS BEEN OBSERVED
- \* DESPERATE PEOPLE ROAMING THE STREETS (SECURITY)
- \* PROPERTIES DE-VALUING
- \* RATES INCREASES
- \* FUTURE ACCOMMODATION OF HOMELESS/DESPERATE (SECURITY)
- \* UNSAVOURY TYPES OF PEOPLE ATTRACTED TO AREA.
- \* RUINATION OF NICE QUIET NEIGHBOURHOOD WITH OVER POPULATION
- \* SAFETY OF LOCAL + NEIGHBOURING CHILDREN.



**From:** Gen Wilson  
**Sent:** Fri, 7 Feb 2020 13:46:43 +1000  
**To:** mail@sdr.c.qld.gov.au  
**Subject:** Proposed development concerns

To Whom It May Concern,

I am writing to you in regards to a proposed development at 19 Church Road, The Summit, on Lot 1RP157889.

Whilst I believe helping the community is a great cause, I believe the location to be inappropriate, especially as it is a residential area.

As a regular visitor to the area, and as I have also looked after one of the neighbouring houses, and the animals, some of the concerns I have are as follows:

Some of the people attending the current facilities get quite abusive towards neighbours, their animals and their friends.

Whilst housesitting I have personally had abuse yelled at me and my children by people attending the current facility.

I have been told to just leave a neighbours gate open when I was leaving by a woman parked on the street, as I was "in her way."

The road itself is too narrow for the amount of vehicles which would be parking on the edges.

Most vehicles end up parking on the road.

As there would be no control over who would visit and when, I believe this would be better suited to a different location. Eg there are empty shops and sheds in The Summit, or even in Stanthorpe itself, where the people really needing the help would benefit more by not trying to find some way of getting so far out of town.

As this would proposed development would be a high traffic area and from what I have heard, available 24/7 I feel that it is not safe to run this from a residential area with children living right next door.

Sincerely,

Genevieve Wilson

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**14. REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES**

Nil

**15. NOTICES OF MOTION**

Nil

**16. GENERAL BUSINESS**

**17. 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:

**17.1 Write Off Sundry Debtor Charges - DN 5163**

**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.

**17.2 Audit and Risk Management Committee Meeting Minutes - 28 February 2020**

**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.

**17.3 YMCA Monthly Report - February 2020 - WIRAC**

**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.