



**SOUTHERN DOWNS
REGIONAL COUNCIL
ORDINARY COUNCIL MEETING**

LATE AGENDA ITEMS
Wednesday, 23 August 2023


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11. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS

11.7 Warwick Saleyards Redevelopment - Detailed Designs

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 23 August 2023
	Manager Corporate Services	ECM Function No/s:

Recommendation

THAT Council:

1. Endorse the detailed designs for the Redevelopment of the Warwick Saleyards as prepared by EnviroAg Australia Pty Ltd and reviewed by the Design Review Panel;
2. Invite tenders for the construction phase of the Warwick Saleyards Redevelopment based on the detailed construction plans and bill of quantities.

REPORT

Background

The Warwick Saleyards has operated for approximately sixty (60) years without any major updates to infrastructure in that time. Council has resolved to proceed with a brown field redevelopment of the existing Saleyards site.

Council applied for and successfully secured a grant from the Federal Government through the Black Summer Bushfire Recovery Program to redevelop the Warwick Saleyards, which requires critical improvements around safety and infrastructure in order to remain a viable regional livestock selling centre.

Report

Timeline of key events to get to this point are as follows:

2022.

- 14 December - Council accepts the quotation of EnviroAg for detailed design work based on the earlier adopted concept plans.

2023

- 16 February - Onsite meeting held with EnviroAg to commence the project
- Various dates - meetings held on site/Teams with EnviroAg
- 21 July - Final Draft plans received from EnviroAg

- 24 July - Information session held with Councillors providing available detailed design plans and inviting Councillors to be part of Design Review Panel
- 7 August – Design Review Panel met to consider proposed Detailed Design plans (all selling agents, interested Councillors, relevant officers attended)
- 18 August – Final Design Review Panel meeting considered amended plans provided by EnviroAg based on feedback from meeting of 7 August

Council has accepted preliminary designs for the Saleyards redevelopment and accepting the detailed designs as part of this report will allow the Request for Tender for the construction phase of the project to be released.

The detailed designs, prepared by EnviroAg Australia Pty Ltd, have been through several iterations, having been presented in a Council Information Session and to the Design Panel via a briefing on site at the Warwick Saleyards on 7th August 2023; and in a second session to the Panel on 18th August 2023. Following discussions and minor amendments made at this meeting, the final proposed detailed plans for Council endorsement will be supplied by EnviroAg on Tuesday afternoon and will be forwarded to Councillors upon receipt.

The final detailed plans form the basis of the construction plans and bill of quantities to be prepared by EnviroAg. A two (2) week period has been indicated as being required by EnviroAg to prepare these documents, as per their quotation.

A proposed Tender timetable is set out below:

30 August - RFT released

2 October - Close of tender

Special Meeting – during week of 9 October

FINANCIAL IMPLICATIONS

The Warwick Saleyards Redevelopment has been funded through a co-contribution of Council and Federal Government funds to the total value of \$7.5M. The detailed design phase of the project is regarded as eligible expenditure under the grant and there are no additional financial implications in relation to design acceptance.

RISK AND OPPORTUNITY

Risk

If Council does not accept the detailed designs contained in the report at this point, further delays will ensue. Delays will also be realized through increased cost of materials, potential issues with procurement and the potential to not have the project completed by the final date stipulated by the federal government grant.

Opportunity

Should Council resolve to accept plans, the tender for construction can be released almost immediately with the accompanying detailed design pack. Officers are currently working in the background to have documents ready for release in a very short time.

COMMUNITY ENGAGEMENT

Internal Consultation

Elected Members; Executive; Manager, Sustainability and Strategy; Procurement

External Consultation

Chairman Warwick Livestock Selling Agents; wider Livestock Agents Group; previous public consultation during preliminary design phase.

LEGAL / POLICY

Legislation / Local Law

Local Government Act 2009; Local Government Regulation 2012;

Corporate Plan

Theme: Prosperity

Focus Area: Population Growth

Deliverable: 29. Continue to provide quality core services / functions to the community while ensuring that Council's legislative obligations are met (Saleyards).

Theme: Performance

Focus Area: Financial Sustainability

Deliverable: 50. Undertake Council's commercial activities in order to maximise revenue streams

Policy / Strategy

PL-FS010 Procurement Policy


ATTACHMENTS

Nil

12. INFRASTRUCTURE SERVICES REPORTS

12.3 Condamine River Road - Response to Killarney Community Meeting

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 23 August 2023
	Manager Works	ECM Function No/s: 28.14, 28.10

Recommendation

THAT Council:

1. Acknowledge the sentiments of the community members who submitted concerns regarding the Condamine River Road crossings;
2. Proceed with the Condamine River Road crossings project as planned based on the engineering responses provided in the report and Attachment 2;
3. Continue to maintain the Condamine River Road in accordance with Council policies;
4. Monitor traffic volumes on Condamine River Road on a regular basis;
5. Cease to provide the monthly update to Council regarding the Condamine River Road as these matters have now been closed.

REPORT

Background

Condamine River Road provides access to scenic Cambanoora Gorge from Killarney to The Head and provides access to a number of properties that often become isolated during heavy rainfall events as the road includes 14 crossings of the Condamine River.

Measured from Killarney, the first 4.72km of the road is classified as a Sealed Rural Access road; with the following 15.92km classified as Gravel Rural Access road.

Condamine River Road sustained significant damage during the February 2020, March 2021, November 2021, February/March 2022 and May 2022 flood events. The Queensland Reconstruction Authority has provided Emergency Works funding for each of these events plus Restoration of Essential Public Assets (REPA) and Betterment funding to replace four crossings with durable concrete structures. During 2022-23 Council provided co-funding with the Department of Transport and Main Roads through the Transport Infrastructure Development Scheme (TIDS) towards this project.

Report

Council representatives were invited to attend a community meeting on 2 August 2023 at Killarney. Twenty-one persons attended the meeting; but Council officers and Councillors were unavailable to attend.

Council released a fact sheet and media release on 7 August 2023 (Attachment 3).

A community delegation attended the Council Information Session on 16 August 2023 and presented the attached list of 'Comments and concerns raised at the community meeting about the design of the concrete crossings on Condamine River Road – Killarney Senior Citizens Hall – 4:30 pm 2 August 2023' (Attachment 1). It was agreed that an engineering response would be provided at the Ordinary Meeting of Council on 23 August 2023 by way of this Late Report (responses provided in Attachment 2).

The below brief response has been provided by a Registered Professional Engineer of Queensland (RPEQ) in *italics* addition to Attachment 2:

Condamine River Road bed level crossings have been constructed according to the resolution of Council dated 15 December 2021 and the subsequent project approvals from our State and Federal stakeholders.

Thorough investigations were undertaken over a number of years to ensure that the crossings adhered to all State and Federal laws. Environmental consultants concluded the work undertaken by the civil consultants in ensuring the environmental impact of the crossings were minimal.

The traffic on the Condamine River Road is approximately 120 vehicles per day. This is not a high volume of traffic. The traffic volume of 20,000 vehicles suggested by the community member is unlikely. The Average Annual Daily Traffic on the Cunningham Highway is 4,382 vehicles per day. It will increase in holiday periods.

As minuted in the meeting of the Condamine River Road Working Group in July 2021, the decision was made to allow the local residents to decide when flow was normal and take that level as the benchmark for construction. The water level was measured against a peg set in the ground. There is no definition of normal water height, especially with perennial rivers. The height of the water at any given time is dependent on the volume of rain, the frequency of rain and duration since the last rain event. Water level is only required to be 200mm or more above the concrete surface for some periods to allow larger fish to migrate upstream.

The four crossings chosen were as per the Council resolution of December 2021.

Prior to construction, Council honoured a stop-work request to further investigate First Nations land and cultural heritage concerns and works are now back on track. Council did engage with the Githabul People and have come to a sound working understanding on this project and is setting a base for future projects.

The most suitable option for the crossings is a bed level crossing as per the Department of Agriculture and Fisheries (DAF) guidelines. Bed level crossings are common in Queensland and concrete floodway crossings can be seen in many rivers that flow for significant periods of the year.

Concrete crossings are safer than natural crossings especially where the river has large boulders continuously being washed downstream. A concrete surface provides a known depth to the motorist and a sound decision can be made whether to cross or not. A natural river bed has an unknown depth. The motorist has no knowledge of the depth for the entire length of the floodway or whether there are large bed level holes or rocks in the way. The motorist cannot make sound judgement. A vehicle is swept away when the depth of water is sufficient to provide buoyancy of the vehicle causing it to float. Concrete crossings are considered a safer option than natural crossings and that is the reason why so many are constructed.

By law signage is required at any floodway to warn motorist of the danger. The general rule is that speed signs are not erected on rural gravel roads. They are erected on some urban gravel roads. A gravel road is a "drive to conditions" speed. In some circumstances speed signs are erected where hazards exist.

Council has a current procedure to manage temporary road closures of Condamine River Road. Council was successful to implement a road closure mechanism by measuring the river height of the crossing as per the Item 4 of the "Progress Tracking on Recommendations from Council Report 15 December 2021" (Attachment 4). The certainty provided by concrete crossings for depth of water assists road users and Council to manage road safety along this road.

All documentation concerning the planning and construction of the crossings is available on Council's website. The information on the website answers most of the questions put to Council by Melanie Caldwell and Barbara and Peter George. The answers to many of the questions have been answered a number of times in the various communications.

At the Council Information Session on 16 August 2023, the following motion was tabled by a community member for Council's consideration:

1. To have DAF inspect and assess constructed bedlevel crossings on Condamine River Road against design plans and requirements for fish passage immediately.
2. Not to construct any further concrete bedlevel crossings on Condamine River Road until the first few constructed crossings have gone through several major floods (>5m) and also dry periods.
3. Ensure water depth over Long Crossing is measured continuously (and data made available to the public) and the effectiveness of the concrete crossings in reducing sediment is properly assessed after a few busy weekends by collecting water quality samples above and below concrete crossings versus compared to natural river crossings.
4. Traffic numbers on Condamine River Road are monitored regularly over the next few years, particularly on busy weekends.
5. That council will resume maintenance on the natural crossings using the DAF approved method.

RPEQ recommended responses shown in *italics* to the Motion tabled by the community member:

1. To have DAF inspect and assess constructed bedlevel crossings on Condamine River Road against design plans and requirements for fish passage immediately.

NOT RECOMMENDED

DAF does not generally inspect crossings on request. They will ask for as-built data and photographic evidence. DAF will visit site if there is incorrect information. The as-builts are sent to them as a matter of course.

2. Not to construct any further concrete bedlevel crossings on Condamine River Road until the first few constructed crossings have gone through several major floods (>5m) and also dry periods.

NOT RECOMMENDED

Council has undertaken to review the crossings 12 months after the last crossing is complete. There is no technical reason to wait for a number of greater than 5m river level floods. This could take many years.

3. Ensure water depth over Long Crossing is measured continuously (and data made available to the public) and the effectiveness of the concrete crossings in reducing sediment is properly assessed after a few busy weekends by collecting water quality samples above and below concrete crossings versus compared to natural river crossings.

NOT RECOMMENDED in full

Council has plans to install a number of water level meters in the future. Long Crossing already has a water level meter in place. The data could be placed on the website. Council cannot afford the time and expense to undertake these tests that will provide almost no insight. The concrete crossing will not have any effect on the water quality.

4. Traffic numbers on Condamine River Road are monitored regularly over the next few years, particularly on busy weekends.

RECOMMENDED

This has already been discussed and counts will be undertaken at regular intervals.

5. That council will resume maintenance on the natural crossings using the DAF approved method.

RECOMMENDED

Regular routine maintenance will continue once flood recovery works are complete.

Conclusion/Summary

Based on the responses provided above and attached, the Condamine River Road crossings project should proceed as planned.

FINANCIAL IMPLICATIONS

Sufficient budget has been identified through various funding sources to complete the Condamine River Road crossings project.

RISK AND OPPORTUNITY

Risk

Any suspension of work at the Condamine River Road crossings project instigated by Council will again entitle the contractor to claim compensation from Council for the duration of the suspension.

Opportunity

This report presents Council with an opportunity to discontinue the ongoing dialogue regarding Condamine River Road.

COMMUNITY ENGAGEMENT

Internal Consultation

Councillors, Chief Executive Officer, Director Infrastructure Services, Manager Works, Principal Engineer Capital Delivery, Principal Maintenance Engineering Coordinator.

External Consultation

As outlined in this report.

LEGAL / POLICY

Legislation / Local Law

Local Government Act 2009

Corporate Plan

Theme: Prosperity

Focus Area: Communications and Development Infrastructure

Encourage technology providers to improve services that attract and retain businesses and advocate to other levels of government for nation building infrastructure.

29. Continue to provide quality core services/functions to the community in the following areas, whilst ensuring that Council's legislative obligations are met:

- roads and drainage

Operational Plan Action

Define Service Levels and implement continuous improvement to the system of recording and rectifying road/drainage defects within agreed service levels, including communicating with customers.

Policy / Strategy

Provision of Transport Network Policy

Unsealed Roads Asset and Service Management Plan

ATTACHMENTS

1. Community Meeting 2 August 2023 [↓](#)
2. RPEQ Responses to Questions from the Community [↓](#)
3. Condamine River Road Project Fact Sheet - 7 August 2023 [↓](#)
4. Progress Tracking on Recommendations from Council Report of 15 December 2021 [↓](#)

Attachment 1

Comments and concerns raised at the community meeting about the design of the concrete crossings on Condamine River Road

– Killarney Senior Citizens Hall – 4.30 pm 2 August 2023

Summary:

In the absence of any representatives from Southern Downs Regional Council, all community concerns were heard and noted to be presented to council at a later date. Each participant was invited to voice their main concerns.

21 people attended the meeting (17 present in the room and three online, one person provided comments prior to the meeting). Of the 21 people, only three people believed that concrete crossings were unfortunately, the only way the crossings on Condamine River Road could be maintained cost-effectively and safely. The overwhelming majority of the people attending were not happy with what was unfolding at Long Crossing and didn't believe the constructed concrete crossings would solve the issues SDRC tried to address and may even make things worse. Particularly in light of the fact that bed level crossings were rarely used as a solution in rivers with continuous flows and heavy traffic.

Detailed concerns:

1. During times of a high river, vehicles will be more likely to get swept off smooth concrete crossing due to lack of grip.
2. Once a vehicle is swept off, it will be harder to get out as it will get caught in water whirls on down-stream side of crossing.
3. Due to the erosion that always happens on the downstream side of concrete crossings, the river will eventually have a drop-off at each crossing, resulting in 14 different river heights at each crossing which will add to the difficulty for fish to migrate up the river. This has already happened at Watson's Crossing.
4. The concrete crossings destroy the natural appeal of the area which will diminish its value as a destination. It is not only the concrete slabs, but also the visual pollution from the increased signage that will be put up at every crossing.
5. The natural environment is what people come to the area for and the ugly concrete crossings are a step backwards rather than forwards from a tourism point of view.
6. Council used to bring in rocks to fill the holes in the crossings, which then wash down and fill the waterholes downstream. Concrete crossings are the only way to prevent that and sadly they are necessary due to the increasing number of people using the road.
7. River used to run brown for two days after a weekend of heavy 4WD traffic which is not good for platypus. Concrete crossings will reduce that sediment churn.
8. Crossings used to be much shallower years ago. After installation of concrete crossings, it is important to have very large rocks in river on downstream side of each crossing to prevent riverbed erosion and undermining of concrete slab.
9. You can't fight mother nature, particularly not with the force of water we are talking about in the Gorge. Participant knows of a concrete crossing that over 20 years was totally undermined and not safe to pass anymore.

10. Safety of people is highest concern and if concrete crossings provide safety even just for 20 years, then that is better than nothing.
11. Has there been a proper assessment done to show that concrete crossings actually will be safer, or is that just a presumption by council?
12. Currently sitting on the fence. Can see a lot of pros, but equally as many cons of concrete crossings.
13. Moved to the area recently and thought the crossings and the Gorge were so beautiful and was totally shocked to see how awful Long Crossing looks now. Why were bridges not considered as a sure way to give access and keep the water running naturally underneath.
14. Concerned about the ugliness and the impact on fauna and flora of the concrete.
15. Kehoe-Myers report has indicated that further assessments would have to be undertaken before construction of any engineering solutions. Have these assessments been undertaken? i.e. Properly made Protected Plant Survey (*Nature Conservation Act 1992*); High Risk Species Management Program for Platypus, *Adelotus brevis* (Tusked frog), *Litoria pearsoniana* (Cascade treefrog), *Mixophyes fleayi* (Fleay's barred frog); Low Risk Species Management Program for least concern fauna; Riverine protection permit exemption requirements; Significant Impacts Assessment (Self-assessment) as per the Matters of National Environmental Significance – *Environmental Protection and Biodiversity Conservation Act 1999*.
16. Many studies show that concrete bedlevel crossings should never be constructed in situations of continuous waterflow, or high vehicle traffic and certainly not on a meandering bend as they will not last. Second Crossing and Mills Crossing are on a meandering bend, continuously under water and have very heavy traffic going over them (20,000 vehicle passes were counted in 2018 on a busy Easter weekend!).
17. Seeing Condamine River Road now has such crossings which will be very prone to damage during flood events, residents are very fearful of being locked in the Gorge for months without access to assistance.
18. Who has decided which crossings to prioritise. Is this based on sound technical advice? It seems no logic has been applied and if anything, crossings should have been installed at the bottom end to at least give some people decent access and also to see how they stand up to major flood events, which was also recommended in the detailed Kehoe-Myers report. Council is ignoring advice of experts that has been provided using ratepayers' money.
19. Long Crossing now only has less than 100 mm of water flowing over it. What is going on? Was it actually constructed to specifications?
20. If you are really serious about providing public safety, all-weather access for residents and the protection of the river, you would have to look at shifting the road. This option was not thoroughly explored, no landholders were asked whether they would be willing to sell some land to provide access.
21. Long Crossing does not seem to be compliant with regulations for fish passage. It needs to be ripped out and rebuilt to comply and Watson's crossing also needs to be replaced with a proper bedlevel crossing as it does not make sense to have to comply with fish passage for all other 13 crossings upstream of Watson's crossing when fish cannot get passed the very bottom crossing anyway.
22. Don't believe that it is that time consuming, difficult or expensive for council to maintain natural river crossings, even if they have to ask DAF for approval every time. That is a matter of filling in a form and is council's job. Council has not maintained CRR for last three years or so, claiming issues with access, but residents feel they have been deliberately ignored to push the concrete solution.

Attachment 2

Registered Professional Engineer of Queensland (RPEQ)'s responses to **Comments and concerns raised at the community meeting about the design of the concrete crossings on Condamine River Road**

The bed level crossings have been constructed in accordance with the council decision of December 2021. This decision was a result of the community consultation with the Condamine River Road Working Group (CRRWG). As minuted in the meeting in July 2021, the decision was made to allow the local residents to decide when flow was normal and take that level as the benchmark for construction. The water level was measured against a peg set in the ground. There is no definition of normal water height specially with perennial rivers. The height of the water at any given time is dependent on the volume of rain, the frequency of rain and duration since the last rain event. The four crossings chosen have been identified by the maintenance frequency and effort of the crossings. The crossings requiring more frequent and high effort maintenance were the ones selected.

Summary

The statement *"Particularly in light of the fact that bed level crossings were rarely used as a solution in rivers with continuous flows and heavy traffic"* should be backed up with some evidence. Each crossing will require a solution that fits with the parameters of that crossing. There can be no generalisation. The factors affecting a crossing are numerous and complex. In Brisbane there are a number of low crossings that flow for a long time. The daily traffic volumes on these roads exceed the annual volumes on the Condamine River Road.

Items 1, 2 and 16

Cars get swept away due to water depth. Once the water level is high enough to provide buoyancy of the vehicle it gets swept away. With a concrete causeway the level is constant and provides certainty, and an estimate can be made by the driver of the vehicle. With a natural bed-level crossing, the level is not known and the driver cannot make a sound judgement. Swirling water effects downstream are more prominent with a natural crossing than with a concrete crossing.

The traffic estimate of 20,000 does not seem feasible. The AADT on the Cunningham Highway is 4382 vehicles per day. This would indicate that the traffic on Condamine River Road exceeded that of the Cunningham highway and this is highly unlikely.

Item 3

The downstream and upstream side of the causeway will be filled with various sized sharp rock as per design. This is required to be maintained. A traversing river is expected to follow the natural topography which is undulating and water flows downstream. During low flows, the fish do not migrate.

Items 4, 5 and 13

This is a subjective view. There are many national parks and scenic drives that have sealed roads and constructed river crossings, and this does not detract from the beauty of the area. Visitors still frequent these places. The type of crossing (and not bridges) was as per Council decision of December 2021.

Signage is a legal requirement. The design of these crossings requires additional road signs for road safety for all road users. As for speed signs, the general rule is that speed signs are not erected on rural gravel roads. They are erected on some urban gravel roads. A gravel road is a "drive to conditions" speed. In some circumstances speed signs are erected where hazards exist.

Item 6

The action of the river in moving material downstream will not be withheld by the concrete floodways. There should be no expectation of this.

Item 7

Agreed and noted.

Item 8

This is covered in the design.

Item 9

The floodway mentioned is not identified in the document. However, it was mentioned during the Council Information Session that it was a private crossing. There is too little detail about this to comment. Council has crossings that have withstood many flood events and are in excess of 30 years old.

Items 10 and 11

Concrete crossings are inherently safer by providing a known crossing depth. Natural crossings are extremely hazardous as uneven depth and river bed holes cannot be seen.

Item 12

Noted.

Items 14 and 15

Council has undertaken all the necessary investigation through environmental engineers. These professional officers are experts in their field and have a duty of care obligation to ensure they comply with relevant State and Federal legislative instruments and follow strict guidelines.

Item 17

This is only an improvement on the existing situation. Access will be equal if not better than before.

Item 18

The chosen crossings were as per the Council resolution of December 2021.

Item 19

The understanding is that a river level will vary according to the rainfall received and the natural topography. There will be many occasions during dry periods that the water level is very low or stops flowing altogether. The large fish only require the depth over the floodway to be at least 200mm deep for some periods to enable their upstream migration. During low flows the fish do not migrate.

Item 20

Shifting the road was not an option as per the Council Resolution of December 2021 and such an expense would be cost prohibitive and the traffic volumes do not warrant this option.

Item 21

Approved design drawings, as constructed information and DAF approvals for Longs crossing are on Council's website. During low flows, the fish do not migrate.

Item 22

It is a very expensive exercise to continuously redo the same work. It is required by legislation that assets must be constructed to provide a minimum overall cost of ownership. Council has endeavoured to maintain the crossings including many other locations throughout the region during the continuous flooding and wet periods experienced through the recent years.

FACT SHEET



Condamine River Road

Community Q&A Update

1. At what height are the bed level crossings set?

Representatives from the Department of Agriculture and Fisheries (DAF) in the minutes of the Condamine River Road Working Group (CRRWG) on 22 June 2021 recommended a water depth of 200mm to allow large fish to move upstream.

Our crossings have been designed at 200mm below the assessed normal flow level which sets the level of the concrete slab at the centreline of the river and road and is well within the DAF accepted Development Requirements.

2. What is the normal flow level of the Condamine River at crossings?

There is currently no record of measurement for normal flow level other than local experience. The normal flow level used as the basis for the design and construction of the bed level crossings was set according to the experience of local residents and agreed upon in the minutes of the July 2021 Condamine River Road Working Group (CRRWG) meeting.

In September 2021, a survey was undertaken to record the depth of the water level at each crossing.

As the water traversing the crossings is turbulent due to the bed rock, the depth of the top of the water level is the best estimate of the surveyor at the time, allowing for the 200mm desired water depth and following the DAF guidelines. All the designs have been reviewed and approved by DAF.

3. What is the normal bed level depth at these crossings?

The natural bed level is difficult to establish as each of the crossings show impacts of historical alterations to the riverbed from a variety of factors. Following each flood or scour event, subsequent repair of the crossings by both landowners and Council has included the placement of items intended to stabilise the depth of the crossings such as concrete piles or rocks. The cross-sectional area of water also changes over time as the bed is widened and constricted by both natural events and maintenance required after each flow event.

4. Will the bed level crossings block the migration of fish?

The bed level crossings will not block the migration of fish any differently than the existing natural barriers and the previous crossings (especially following repair after scour events). Large fish require a water depth of 200mm over a floodway to enable their upstream migration as advised by DAF. Historical data has shown that there will be many occasions during dry periods when the water level of the river is very low or stops flowing. During low flow periods,

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there are many other natural barriers to fish migration which result in fish not migrating at all times of the year and there would be minimal impact should the crossings be flowing under 200mm. Migratory fish will continue to follow their natural patterns to and from spawning grounds within the ecosystem.

5. Does the completed bed level crossing at Longs Crossing comply with the design?

A post-construction survey undertaken by a registered surveyor on behalf of the contractor on 28 July 2023 showed that the bed level crossing at Long Crossing was constructed to the approved design published on Council's website within acceptable construction tolerance. This survey confirmed that the bed level crossing has a maximum of 21mm variation (higher) from the design for the bed level section.

6. Does the construction process include deep excavation?

Commentary regarding the slab height of the bed level crossings being too high and images of deep excavation and thick concrete have been circulating in the community, however it is important to understand the construction method in order to correctly interpret these visuals.

Each of the crossings need to have concrete cut off walls installed under the edges of each bed level concrete slab to minimise the potential water to scour under the slabs and undermine the structure.

The contractor's methodology is to excavate all loose material for the concrete cut off walls and blinding slab and connect the cut off walls into the bedrock by installing dowel joints at each crossing where the cut off wall depth is not achievable. The blinding slab creates a firm base for the reinforcement of the slab.

7. Will construction impact trees or other flora?

Vegetation removal undertaken to date has been under the strict supervision of the appointed environmental consultants and fauna spotters. Removal of any mature trees necessitated by the approved design of the crossings and approaches has been completed and no further tree removal is required. At the advice from the environmental consultants, tree trunks and limbs remain onsite for fauna habitat. Approval was only required for vegetation removal at Second Crossing.

8. What's next?

With the project now progressing according to plan, concrete works have been completed at Long Crossing and that part of the road has been opened to local traffic. However, road works are still to be completed at the site including installing approximately 40m of sealed pavement at either side of Long Crossing.

At Black Fellows Gully, all works on the culvert and wingwalls have been completed with the crossing slab to be installed and surrounding road works expected to be completed in early August.

Mills Crossing and Second Crossing are scheduled to be constructed during August and September.

Council will complete additional funded work on the road pavement following the construction of each bed level crossing.

Contractors and Council crews will continue to progress the actions arising from the December 2021 resolution of Council until the project is complete. Council has reinforced with its contractors the need to ensure construction is in accordance with design as well as ensure all environmental protocols are strictly adhered too.

9. Is this project still within budget?

The overall financial forecast for the project indicates that it is tracking within budget. The original estimates allowed for contingencies and to date there have been limited variations. Aspects that are impacting financial forecasts include delays in commencing works leading to increased project management costs and additional costs in progressing due diligence responsibilities in relation to the *Native Title and Cultural Heritage Act*.

It is anticipated that the project will be completed within the overall approved budget of \$1,984,173, with the current forecast at \$1,885,405 including the aforementioned variations to date.

If the project is not completed by end of September 2023, an extension to the expenditure timeframe for grant funding may be required.

IMAGES OF COMPLETED WORKS



Image 1 and 2: Recently completed works at Long Crossing as at 31 July 2023



Image 3 and 4: Recently completed works at Black Fellows Crossing as at 31 July 2023

Cambanoora Gorge / Condamine River Road


Progress Tracking on Recommendations from Council Report 15/12/2021

No.	Recommendation	Progress Report 9 Aug 2023
1	No longer pursues a permit system as there is no legal mechanism to do so	Action closed (Feb 2023).
2	Implements the interim (revised) Condamine River Road Temporary Closure Procedure (CRRTCP) until the installation of 2 x CCTV cameras and electronic road closure signs is complete	Equipment installed and operational. Condamine River Road Temporary Closure Procedure being reviewed (Nov 2022).
3	Maintain the road and river crossings as per the items b), c) and d) within section 3 of the report	Council is maintaining the crossings in accordance with DAF requirements when safe to do so (Feb 2023).
4	Continue to deliver the project to install two CCTV cameras and water level monitoring equipment	Equipment installed and operational. Operational Team troubleshooting with service provider for intermittent road closure anomalies with existing river levels. An operational budget request included for the ongoing annual maintenance of the CCTV system (Apr 2023).
5	Undertake a road safety review of the Condamine River Road	RFQ drafted, awaiting finalisation and release to market (Dec 2022).
6	Continue to promote behaviours such as: take your rubbish home with you, where possible bring appliances that allow you to capture and remove any toileting impacts, avoid stirring up sediment in wet crossings and reduce speed to minimise dust so as to keep the amenity of the Cambanoora Gorge pleasant for all	Ongoing.
7	Continue to work with community groups on suitable wording for any materials that promote use of the Cambanoora Gorge and environs	Promotional materials were all updated to position CRR as part of the Cambanoora Gorge and not a 4WD track. This includes printed as well as on line (Jan 2022).
8	Continue to exercise its legislative responsibilities while working with the Condamine River working group relating to environmental issues	Working Group was provided copies of December 2021 report and closure procedure. Staff have recently undertaken a meeting with native title claimants with regards to the project and communication and stakeholder engagement. Matters raised are being investigated (Feb 2023).
9	Proceed with the design of a bed level crossing for Long, Mill and 2nd Crossings in a bid to obtain external funding such as Betterment funding under QRA arrangements	Betterment funding received for 4 crossings, Long, Black Fellows Gully, Mill and Second crossings. All crossings approved by Fisheries. Environmental assessments are being undertaken and site inspections will be carried out as part of these assessments. Long Crossing completed , Black Fellows Gully culvert completed , Mill Crossing commenced (Aug 2023).
10	Maintain the other crossings "as is" until they can be reviewed by the working group twelve months after the last crossing listed in 9 above has been constructed	Ongoing and dependent on weather conditions (Jul 2022).
11	Proceed with a design for a bed level crossing at the upstream side of Blackfellow Gully and apply for external funding such as Betterment under QRA	Funding obtained. See item 9 above. Culvert construction completed (Aug 2023).
12	Continue to meet with local groups as appropriate to obtain community feedback	Ongoing.
13	Seek external funding to fence off the road corridor at MaWhirts, Mill's, Reis, Heywood, Billy John Daggs, Andrew Evans, Long and Watson Crossings	No applications have been made recently and focus is concentrated to expedite the funding received to upgrade the first four crossings (Jun 2022).
14	Continue to provide road closure information to the existing mailing list and provide a copy of the SDRC road closure policy	No further update. Road closure information is available on Council's disaster dashboard website (Feb 2023).
15	Reinforce the legislative requirement to obtain approval (such as minor works or operational works permits) from Council for any activities within the road corridor and remove items such as trees, rocks, signs or barriers that have been placed without a permit, if deemed to be a safety issue	Council staff are cognisant of requirements (Feb 2023).
16	Be provided with updates on a regular basis:	This report forms the current method of update on a monthly basis.
	Design and Environmental Approval of bed level crossings	The designs have been completed. All four crossings have approval from DAF (Jun 2023).
	Consultation with the Githabul People on Cultural Heritage	A full site inspection has been carried out to gather any artefacts that may be present. Two confirmed artefacts were found (Mar 2023).
	Cultural Heritage Induction And Unanticipated Finds Procedure	Completed (Jun 2023)
	Monitoring of soil disturbance	Githabul People observers are on site (Jun 2023).
	Monitoring of river bed preparation	Githabul People observers are on site (Jun 2023).
	Monitoring of preparation of lay down areas	Githabul People observers are on site (Jun 2023).
	Renaming of Blackfellows Crossing	Githabul People to provide a new name and then due process of name changing to be followed (Mar 2023).
	(Not specific to CRR) Create a memorandum of understanding for any future works that affect the Githabul People.	This is for Communities to develop (Mar 2023).
Legend:		
Green is completed		
Orange is yet to be done		

13. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

13.7 Material Change of Use – Belinda Hohenhaus & James Charles C/- Precinct Urban Planning: 29 Homestead Road, Rosenthal Heights

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 23 August 2023
	Manager Planning and Development	ECM Function No/s: MCU\02437

APPLICANT:	Belinda Hohenhaus & James Charles C/-Precinct Urban Planning
OWNER:	Jamie S Charles & Belinda J Hohenhaus
ADDRESS:	29 Homestead Road, Rosenthal Heights
RPD:	Lot 3 RP184516
ZONE:	Low density residential
PROPOSAL:	Warehouse (Two (2) Sheds)
LEVEL OF ASSESSMENT:	Impact
SUBMITTERS:	Four (4)
REFERRALS:	Not Applicable
FILE NUMBER:	MCU\02437

RECOMMENDATION SUMMARY

THAT the application for Material Change of Use for the purpose of a Warehouse (Two (2) Sheds) on Lot 3 RP184516, located at 29 Homestead Road, Rosenthal Heights, be approved subject to conditions.

REPORT

Council has received a Development Application for a Material Change of use to establish a Warehouse (Two (2) Sheds) on land at 29 Homestead Road, Rosenthal Heights, described as Lot 3 on RP184516.

The subject site has frontage to Homestead Road along the eastern boundary of the site. The development application seeks to formalise an existing unlawful use of two sheds located along the Homestead Road frontage of the property for Warehouse purposes.

The subject site is located in the Low density residential zone and is surrounded by similarly zoned properties. Land to the south and south-west contains established residential developments, generally 1,500 square metres to 2,000 square metres in size. Land to the north, west and east contains larger residential zoned lots generally containing single dwelling houses. An existing Child care centre has been developed to the north of the site at the intersection of Bracker Road and Homestead Road. The site and immediate surrounding uses are shown in Figure 1.



Figure 1: Subject land

In the broader locality, the site is located approximately 3.0 kilometres south of the Warwick Central Business District.

The site is located in a residential locality and is serviced by Council's reticulated water network. The site is not currently serviced by the reticulated sewerage network.

Proposed Development

The proposed development is for the formalisation of an unlawful use. The two sheds have been constructed and are currently being used for Warehouse purposes. The purpose of the Warehouse is to store surplus furniture stock that is unable to be stored at the applicant's furniture business, operated from Palmerin Street, Warwick.

Each of the proposed sheds has a gross floor area of 188.05 square metres and they are located approximately 6.0 metres from the road frontage. A concrete apron has been constructed in front of the sheds and extends to the road reserve. The sheds are constructed of metal wall cladding and include two rollers doors, per shed, fronting the road frontage, with personal access doors located at the rear of each shed.

The application states that the applicant resides in the existing dwelling on site and travels to their business at Palmerin Street in a Small Rigid Vehicle (SRV). Trips from the site are stated to be limited to standard daily workplace trips. One delivery truck will attend the site each week to deliver stock. No customers will attend the site. Operating hours, including loading and unloading, are limited to 7:00am to 5:00pm.

The site layout is shown in Figure 2.



Figure 2: Proposed Layout Plan

Upon raising concerns with the applicant, a meeting was held on 18 July 2023 with the applicant and landowners to discuss some of the concerns and identify potential solutions. Based on the outcomes of this meeting, the following further information was submitted by the applicant:

Frontage Landscaping and access

Council had suggested some landscaping be provided along the frontage to soften the appearance of the storage sheds and to demarcate a point of entry and exit for vehicles accessing the concrete apron adjacent to the sheds. As we discussed with you, to provide landscaping the conventional way in this area is difficult to achieve and would involve retrospectively excavating the concrete apron which we want to avoid for cost and functionality reasons. We discussed the idea of using moveable planter boxes as a viable alternative. These would be on wheels but could also be locked into place. They would be 2.0 metres long, 500mm high and 500mm wide. They would provide more substantial landscaping at a visible height but are also able to be moved should works be undertaken in the road reserve or to temporarily widen access to the apron. My clients have had plans prepared showing indicatively where these planters would be positioned. Please remember that the present application seeks approval to use only two of the three sheds. The third (southernmost) shed is a domestic garage. Please refer to the enclosed plans of the planter boxes proposed [plans following]. My client is agreeable to these plans being referenced in any development approval subsequently issued. The positioning of the planter boxes would also allow a defined entry (south) and exit (north) for any delivery vehicle accessing the two storage sheds.

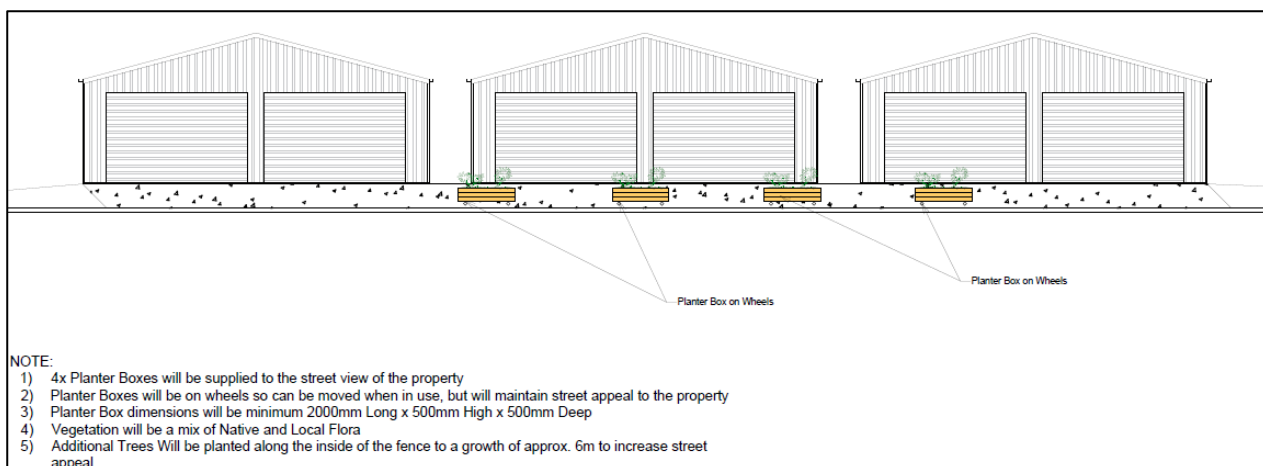


Figure 3: Proposed elevation of planter boxes



Figure 4: Proposed plan view of planter boxes

Water Main Upgrade

You indicated that Council may have plans to upgrade water mains in the future in Homestead Road. My client's clarified and confirmed that the water main alignment is clear of the concrete apron, so future upgrades could proceed without the need to excavate the concrete apron. As previously noted, there is no water connections to the sheds nor are such a connection required. Any upgrades therefore would not be necessitated by the development for which approval is sought.

Tree Buffer (northern shed wall)

You also requested some information on the type of planting used in the buffer on the northern side of the sheds. This area was planted in response to the suggestion by Council at the pre-lodgement stage. This area has been planted with Cherry blossoms that will grow to 6m in height

once matured providing a substantial visual screen. The garden in front of the fence (visible from Homestead Road) is planted with Buxus hedge with a cherry blossom tree in the middle.

Kerb and Channel

We understand at some time in the future Council has the intention to install kerb and channel along my client's property frontage, most likely when future road upgrades are completed. As the timing of such works are yet to be determined, and due to the difficulty of undertaking such works in stages, and/or attempting to tie these in with future works, we contend that it would be better for Council to secure a contribution from my clients towards the cost of kerb and channel in the vicinity of sheds along my client's frontage. We would like to propose on behalf of our clients, that Council could accept a monetary contribution secured under an infrastructure agreement, towards the cost of such works. My clients are agreeable to making a monetary contribution of \$10,000 towards such works. I would appreciate if you could confirm you are agreeable to that approach, and if so we can provide a letter confirming our agreement to enter into such an agreement. As you are aware, the Planning Act precludes a Council compelling an applicant to enter into an infrastructure agreement (IA), so a letter of the type proposed makes it unequivocally clear that we are prepared to voluntarily enter into an IA for this purpose.

In addition to the matters above, you will recall that my clients have previously undertaken to be bound by a range of self-imposed limitations on the storage use for which approval is sought to ensure it remains well within acceptable amenity expectations of the surrounding residential area these include:

- The resident owner travels to and from the site in a Small Rigid Vehicle (SRV) which will be used to transport any furniture needed at either store from the subject site. This will occur as part of the owner's normal trips to and from the workplace each day;
- The delivery of surplus furniture stock to the storage sheds will be limited to one (1) truck delivery per week;
- The weekly delivery truck visit will be limited to occur only between the hours of 7.00am and 5.00pm (normal business hours). Outside of the single delivery truck access the site no more than once per week, the site will not be directly accessed by retail customers or other commercial vehicles;
- Any loading or unloading of furniture will occur wholly on the site such that the delivery truck can always access and egress the site in a forward gear;
- No forklifts will be used for loading and unloading; and
- No dangerous goods will be stored on the premises.

Submissions

The application was Impact Assessable and the applicant undertook public notification in accordance with the requirements of the DA Rules. Four (4) submissions were received in response to the application. A copy of the submissions have been supplied to Councillors.

Two (2) of the submissions received were in support of the development application and two (2) were objections.

Submissions in support noted that the development is compatible with the mixed use locality, does not generate any noise or stormwater nuisance and does not generate excessive traffic movements. No further assessment of these submissions is considered to be required.

The matters raised in the two objections are outlined below, with Planning responses provided.

Matters raised in submissions	Response
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Matters raised in submissions	Response
<p>Pedestrian Safety “This is a residential area...someone walking down the road is going to get injured because when they load trucks the pedestrians must walk on Homestead Road...”</p>	<p>There are no footpaths constructed to the south of the site along Homestead Road. An existing footpath has been constructed north of the site between Bracker Road and Tanna Drive.</p> <p>The scale of the use, as outlined in the application documents, is not considered sufficient for construction of a footpath to be a reasonable requirement. Conditions can be applied to limit the scale of the activity.</p>
<p>Standard of Homestead Road “must widen Homestead Road to proper 2 lanes and provide concrete or level maintained foot path on the opposite side of the road” “road is not designed for large vehicles”</p>	<p>Immediately to the south of the site, Homestead Road is constructed to an 8.0 metre width, with kerb and channel.</p> <p>Conditions can be applied to widen Homestead Road along the frontage of the site to match the adjoining standard.</p>
<p>Drainage issues “The existing...sheds have messed up drainage in the area”</p>	<p>The applicant states that four (4) water tanks are provided to capture roofwater from the existing sheds. The scale of the sheds is not considered to adversely impact the natural flow paths across the site. As noted above, conditions will be applied requiring the extension of the kerb and channel network along the frontage of the site.</p>
<p>Use “Two warehouse sheds do not cater directly to the day to day needs of the local residents or surrounding community”</p>	<p>It is acknowledged that the proposed development is for an inconsistent use in the zone. The Planning Scheme does not regulate the size of domestic sheds permitted to be constructed on land in the Low density residential zone, therefore the scale of the sheds is able to be considered consistent with residential neighbourhoods. Further, the proposal incorporates design elements that are consistent with surrounding residential development. The use is proposed to store surplus stock to support an existing business and is not considered to undermine the viability of the Principal centre zone. It is considered that the proposed use can reasonably be conditioned to mitigate any potential impacts.</p>
<p>Landscaping and Aesthetics “screening plants will not be visible due to the construction of a colorbond fence”</p>	<p>The Planning Scheme does not regulate the size of domestic sheds permitted to be constructed on land in the Low density residential zone, therefore assessment can only consider the use of the sheds rather than the scale of the buildings. A landholder is entitled to fence their property as they see fit. It is considered that suitable landscaping conditions can be applied in relation to landscape screening of the activity irrespective of the fencing constructed.</p>
<p>Planning Scheme regulation “Council consider putting rules in place to prevent owners from building sheds of this size in the manner in which the applicant has done”</p>	<p>The submitters concerns are noted.</p>

The applicant has also provided the following responses to the concerns raised in the submissions:

Traffic and Pedestrian Safety

With respect, the submitter has misunderstood and misconstrued the attributes and impacts of the proposed development. At the outset we note the following:

- *The proposal involves seeking development approval to use two (2) of the existing three (3) sheds for incidental furniture storage. The third shed is a domestic shed used only for domestic purposes.*
- *The submitter seems to have incorrectly assumed that additional sheds beyond the three existing sheds are proposed to be constructed and used for such purposes. This is incorrect.*
- *The associated operational parameters for the use of two of the sheds which have been nominated by applicant, and which are inherent in the use applied for are as follows:*
 - *The resident owner travels to and from the site in a Small Rigid Vehicle (SRV) which will be used to transport any furniture needed at either store from the subject site. This will occur as part of the owner's normal trips to and from the workplace each day.*
 - *The delivery of surplus furniture stock to the storage sheds will be limited to one (1) truck delivery per week.*
 - *The weekly delivery truck visit will be limited to occurring only between the hours of 7.00am and 5.00pm (normal business hours). Outside of the single delivery truck access the site no more than once per week, the site will not be directly accessed by retail customers or other commercial vehicles.*
 - *Any loading or unloading of furniture will occur wholly on the site such that the delivery truck can always access and egress the site in a forward gear.*
 - *No forklifts will be used for loading and unloading; and*
 - *No dangerous goods will be stored on the premises.*
- *The applicant has noted both in the original application and in the subsequent response to Council information request that it is agreeable to the imposition of reasonable and relevant conditions requiring compliance with the proceeding limitations for the Warehouse use (2 sheds).*
- *Collectively the preceding operational limitations mean that in operational and traffic terms the use will operate in a manner highly compatible with a residential use. The key variation in this regard will be one (1) heavy vehicle delivery per week. This will occur within the time and frequency limitations identified above.*
- *The single heavy vehicle accessing the site each week will enter and leave the site in a forward gear and will be completely contained on-site when loading or unloading.*
- *The adjacent carriageway of Homestead Road is of sufficient width and design capacity to accommodate this marginal and inconsequential increase in overall traffic, and turning circles can be fully accommodated without compromising the traffic safety and efficiency of Homestead Road.*
- *The ability of the single heavy vehicle per week to access, be fully contained upon, and egress the site in a single circular forward manoeuvre, with good sightlines for pedestrians and vehicles in both directions suggests that pedestrian safety will certainly not be diminished, and in all likelihood it will be enhanced.*

Impact on Property Values

Property values are influenced by a diverse range of macro and micro economic considerations. These can include land supply, demand for land, location, the physical attributes of the land/locality, regulatory considerations, and micro-economic policy settings to name a few. Bearing that in mind, it has been long been accepted that a change in the value of property in a particular area cannot reasonably or plausibly be attributed solely to isolated or localised considerations (e.g., such as a change in the lawful use of nearby land). A causal link between isolated factors and the diminution in land values cannot be conclusively established or independently verified, and accordingly is not accepted as a valid town planning ground in opposing (or supporting) a particular

development proposal. This position is supported by an extensive body of case law in the Planning and Environment Court.

Stormwater drainage

The assertions of the submitter with respect to the stormwater impacts of the proposed use are factually incorrectly and without foundation. My client, and for that matter any landholder is legally obliged to accept stormwater flows naturally received from upstream properties, and are required to deal with those flows without increasing or concentrating them on downstream properties. The existing natural flow of stormwater across the subject property is either absorbed on the property or regulated and diverted within the property by contour banks which have existed on the property for over 30 years, and well before the property and surrounding properties were developed for residential purposes.

The natural fall of the land is from the northwest towards the south and southeast sections of the land. That stormwater not collected in an existing water feature is largely taken by an existing piped drain along the southern side boundary before being discharged to an outlet in the kerb adjacent to the southeast corner of the property's frontage to Homestead Road.

The current development application seeks only to use two (2) of the existing three (3) sheds for incidental or surplus furniture storage. The only stormwater management considerations relevant in the assessment of current application relate to whether the use of those sheds for that purpose does or is likely to result in adverse stormwater drainage impacts on adjacent properties or the Homestead Road reserve. As has been previously noted, four (4) water tanks having a capacity of over 90,000 litres of water are used for rainwater harvesting from the roof of the sheds. In the absence of these tanks, the captured stormwater would otherwise be lawfully conveyed to a lawful point of discharge being the Homestead Road reserve. The capture and retention of some of this water lessens that which would otherwise be discharged to Homestead Road thereby reducing rather than increasing offsite stormwater impacts.

The concrete apron to the east of the two sheds to be used for storage purposes allows rainwater naturally landing on this part of the site to be directed in a non-concentrated manner to the Homestead Road reserve by sheet flow.

Rather than create or exacerbate a stormwater problem on adjacent properties or within the Homestead Road reserve, flows are reduced the first instance through rainwater harvesting and retention, and then to the extent that rain naturally falls on that part of the site to the east of the storage sheds, the concrete apron provides for it to be conveyed as unconcentrated sheet flow to the adjacent road reserve. Stormwater is not concentrated and does not result in environmental nuisance.

The requirement to provide kerb and channel adjacent to the two sheds subject of this application would necessitate unnecessary and costly remedial works, and even if installed would not form part of a coherent and connected stormwater drainage network. Such provision would be piecemeal, unnecessary and ultimately ineffective.

Assessment against the Planning Scheme

Benchmarks applying to the development

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

- Part 3 – Strategic Framework
- 6.2.6 Low density residential zone code
- 9.3.5 Industry uses 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

Strategic Framework

Theme	Response
Settlement Pattern	<p>The proposed development supports an existing business within the commercial area of Warwick. The use of the site for storage of surplus stock ensures the operation of the commercial centre is not impacted by surplus storage requirements. The use does not contribute to ribbon development.</p> <p>The design and scale of the use is considered to be consistent with the surrounding residential developments. It is considered that conditions can be applied to mitigate any potential land use conflict from the proposed Warehouse use.</p>
Natural Environment	The subject site is located in an urban area and is not mapped as containing any areas of environmental significance. No clearing of vegetation will be undertaken to facilitate the proposed development.
Community Identity and Diversity	<p>The proposed development is considered to achieve a compatible mix of land uses as the buildings have been constructed in a residential style and the scale of the use can be adequately limited through conditions of approval. Further, the proposal supports a strong retail focus within the Warwick CBD by providing off-site storage for an existing business.</p> <p>The site is not identified as containing any areas of cultural heritage significance.</p>
Natural Resources and Landscape	<p>The proposed development is located in an urban zone and will not impact rural land and production areas.</p> <p>The proposed development is not identified as containing significant landscape elements.</p>
Access and Mobility	The proposed development is not considered likely to impact the safety or efficiency of the transport network. Homestead Road is constructed to a bitumen standard which is considered acceptable for the scale of traffic accessing the site, subject to conditions of approval to extend the standard of Homestead Road north from the existing extent of kerb.
Infrastructure and Services	<p>The subject site is located in a residential area serviced by reticulated water, electricity and telecommunications. No reticulated sewerage is available to the site. The existing on-site wastewater disposal system is sufficient for the proposed use.</p> <p>Conditions can be applied to ensure stormwater and waste is managed on site to comply with the relevant standards.</p>
Economic Development	<p>The proposed development supports an existing retail business located in Warwick and is considered to contribute to a strong economy.</p> <p>The site is adequately serviced by transport infrastructure and any potential land use conflict with surrounding properties can be managed through conditions of approval.</p>

Low density residential zone code

AO4 All uses are served with infrastructure of reticulated water, stormwater drainage, electrical and telecommunications services and, except in Allora, sewerage.

PO4 A high standard of urban infrastructure is available to all lots.

The subject site is not currently serviced by the reticulated sewerage system. The existing Dwelling House is serviced by an on-site wastewater disposal system. The Warehouse sheds do

not contain any plumbing fixtures or amenities and will not be a staffed use. No changes to the existing wastewater system is considered to be required.

The site is otherwise serviced by a high standard of urban infrastructure.

AO5 *In partial fulfilment of the PO - The use is for short- term accommodation or the use utilises an existing non-residential building or the use provides a sympathetic and complementary use of a Local heritage place.*

PO5 *Uses, other than residential uses are either associated with or provide a service to residents of the surrounding residential area or have locational characteristics that can best be met within a residential area.*

The proposed development is not associated with nor provides a service to residents of the surrounding area. The proposal supports an existing furniture business in the Warwick CBD. The proposal uses two existing sheds, constructed as domestic outbuildings. The applicant submits that the use is similar in scale and appearance to other uses in a residential area. The characteristics of the use are considered small-scale and any potential can managed through conditions of approval.

AO8 (b) *Non-residential buildings are set back at least 6 m from the primary street frontage, 3 m from any secondary street frontage and 2 m from side and rear boundaries. (c) Car parks are set back at least 6 m from the primary street frontage, 3 m from any secondary street frontage and 1 m from side and rear boundaries. (e) The setbacks are landscaped in accordance with the Landscaping code.*

PO8 *The appearance and siting of buildings, other structures, car parking areas or signage is compatible with the local streetscape character, the style and design of nearby residential buildings and is respectful and sympathetic to any Local heritage place.*

The sheds are setback 6.0 metres from the Homestead Road frontage of the site and comply with all other setback requirements outlined in AO8(b). However, parking areas are located within the road frontage setback and no landscaping is proposed within the setbacks. The Planning Scheme does not regulate the size of domestic sheds permitted to be constructed on land in the Low density residential zone, therefore the scale of the sheds is able to be considered consistent with residential neighbourhoods. Further, the proposal incorporates design elements that are consistent with surrounding residential development.

AO9 *In partial fulfilment of the PO - (a) The roof form is a gabled or hipped roof with secondary skillions. For larger buildings, roofs will incorporate multiple gables or hips to ensure that the roof remains in proportion to the wall heights. (b) Building facades incorporate verandahs. (c) Buildings incorporate a minimum overhang (eaves) of 400 mm. (d) Buildings address the street by having their main entrance on the street elevation.*

PO9 *Non-residential buildings and structures reflect and display elements of domestic architecture including pitched roofs, variations in setbacks, architectural detailing and materials.*

The sheds were constructed as domestic outbuildings and incorporate design elements that are consistent with surrounding residential development.

AO12.3 *The use is not an industry activity.*

PO12 *Development for uses other than residential uses is located and designed to avoid significantly changing the conditions of privacy, safety, noise, odour and fumes, lighting and traffic generation experienced by occupants of nearby residential uses.*

The location and design of the sheds is such that the privacy of nearby residential uses is not expected to be impacted. Lighting will be limited to security lighting only, and can be conditioned to protect adjoining uses from nuisance.

The applicant submits that the use is small-scale and traffic movements are limited to standard residential movements in a Small Rigid Vehicle (SRV), plus one delivery truck per week. The limited scale of the use will be conditioned to ensure that surrounding uses are not impacted by noise or additional traffic generation.

PO13 Uses are compatible with and complementary to the dominant existing use and amenity of the area.

The Planning Scheme does not regulate the size of domestic sheds permitted to be constructed on land in the Low density residential zone, therefore assessment can only consider the use of the sheds rather than the scale of the buildings. The dominant existing use in the locality is low density residential development, however it is acknowledged that non-residential uses have been established in the locality. The applicant submits that the use is small-scale and it is considered that reasonable conditions can be applied to protect the amenity of the area.

AO17 In partial fulfilment of the PO - The number of on site car parking spaces required to be provided in conjunction with any use (other than Multiple dwellings) in accordance with Table 9.4.2.4 does not exceed 15.

PO17 The traffic generated by a use other than a residential use does not significantly increase the traffic that could normally be expected in the locality.

The applicant submits that traffic movements are limited to standard residential movements in a Small Rigid Vehicle (SRV), plus one delivery truck per week. No formal car parking spaces are proposed to be provided on site as no customers or staff, other than the applicant/resident of the Dwelling house, will attend the site. Traffic generated by the development is proposed to be limited and conditions will be applied to ensure compliance with the application documents.

PO18 Adequate provision is made for pedestrian, disabled and cyclist movement, comfort and security to and from new developments and within new developments.

The proposal is not considered to be a new development that requires provision for pedestrian, disabled and cyclist movement. The existing footpath network ends at Tanna Drive, to the north of the subject site.

Industry uses code

AO2 In partial fulfilment of the PO – (a) Access to the site is via a fully constructed sealed road. (b) In all urban zones, except the Township zone, the frontage of the site is kerbed and channelled.

PO2 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.

Immediately to the south of the site, Homestead Road is constructed to an 8.0 metre width with kerb and channel. The construction of the road to the south would have been constructed as part of historical subdivisions which created Hermay Court and constructed residential lots on Homestead Road and Gibson Road, and later created Fairwill Drive.

The traffic estimate for Homestead Road is 600 Average Daily Traffic (ADT) movements, with 20% heavy vehicle (HV). The addition of one 8 tonne truck per week represents a 1.2% increase.

At present the concrete apron in front of the sheds extends over the property boundary, toward the road, as shown in Figure 5. The concrete does stop just short of the reticulated water main alignment, which runs parallel. There is a fire hydrant valve located in close to the concrete apron also.

The area between the road and the concrete apron is dirt/gravel, with an entry/exit point from Homestead Road located at the northern most end of the concrete apron.

At present the second entry/exit point from Homestead Road, is in front of the domestic shed, being the most southerly shed. This concrete crossover exists and is proposed to remain unchanged.

Advice sought from Council's Infrastructure Services Directorate has been consistently that road widening is to occur and extend from the southern boundary of Lot 3 RP184516 to the northern limit of the development footprint. The works are to include kerb and channel. It is considered unreasonable to require piped drainage in this circumstance.

The installation of kerb and channel will ensure that damage to the road edge is minimised by controlling the entry and exit points, providing stability to the road edge to ensure no further damage occurs and reduce vehicles driving over the water main. The reticulated water main in this area has only 600 millimetres of cover, as a verge is not generally a traffic area.

If this water main was to be compromised, it would affect in excess of 65 dwellings, through both the supply of water and fire fighting.

Given the scale and operations of the use, it is not considered reasonable to require the reconstruction of the roadway or for the submission of a pavement impact assessment.



Figure 5: Homestead Road frontage

It is considered reasonable that conditions can be applied to construct Homestead Road along the frontage of the site to match the adjoining standard.

AO3.3 (a) *Where the site adjoins land in the Low density residential or Medium density residential zone the maximum site coverage is 40%. A landscaped buffer strip at least 3 m wide is provided adjoining all side and rear boundaries.*

PO3 *Buildings and other structures are designed and constructed in a manner that complements the existing built form in the immediate area.*

The scale of the development does not exceed 40% site cover. Given the location of the use and the size of the subject site, it is not considered reasonable to require a 3.0 metre landscaping strip along all boundaries of the site. The scale of the sheds is able to be considered consistent with residential neighbourhoods and the design complements the surrounding residential built form.

The applicant proposes to provide landscaping along the northern edge of the development, and conditions will be applied to ensure this is provided to a suitable standard.

AO6.2 *The visual impact of buildings, structures or land used for industry 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 the visual impact of the use is minimised.*

The sheds are existing and are oriented towards Homestead Road and adjacent dwellings. However, due to the location of the sheds and the concrete apron, landscaping can only be provided within planter boxes to reduce any visual impact when viewed from the eastern side. The applicant proposes to provide landscaping along the eastern and northern edge of the development footprint to manage the visual impact of the use.

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.*

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.*

AO2 *Except in the case of a dwelling house, parking spaces, manoeuvring areas, queuing areas, loading, set down and pickup areas and driveways meet the design requirements of Australian Standard AS 2890.1 – Parking facilities - Off-street car parking and AS 2890.2 Parking facilities - Offstreet commercial vehicle facilities.*

PO2 *The layout of the development provides adequate, clearly defined and easily accessible on site vehicle parking and manoeuvring areas and loading and manoeuvring areas for delivery and service vehicles.*

The proposed use will not be attended by any customers or staff not residing at the premises. Therefore, formal car parking is not considered to be required for the proposed use. There is sufficient area on the existing concrete apron for service vehicles to enter in a forward gear, load and unload within the property boundary, then exit in a forward gear. Conditions will be applied to ensure the applicant's Small Rigid Vehicle is parked in a suitable location and that no vehicles associated with the use park or load/unload within the road reserve.

AO6 *(a) Vehicular access is located and designed in accordance with AUSTROADS – Guide to Road Design Part 4: Intersections and Crossings - General requirements for sight distance and Section 3 of AS 2890.1 Parking Facilities. (b) Only one footpath crossing is provided for each frontage to the site. Design of the driveway across the footpath is in accordance with IPWEAQ Standard Drawings for residential and commercial driveways. (c) In the Principal centre, District centre, and Specialised centre zones, wherever practical driveways are located so they abut existing driveways of adjoining development and reciprocal easements are created to reduce the sealed driveway width. (d) Footpath and kerb crossovers are located clear of existing stormwater inlet structures, water and sewerage infrastructure fittings, any other existing utility infrastructure and street trees.*

PO6 *Vehicular accesses: (a) are appropriate for: (i) the capacity of the carpark; (ii) the volume, frequency and type of vehicle usage; and (iii) the function and configuration of the access road; and (b) minimise any potentially adverse impact on: (i) the safety and efficiency of the road; (ii) the integrity of any infrastructure within the road reserve; and (iii) the safety of access to adjacent properties.*

The applicant has previously constructed a concrete apron from the front of the sheds toward the edge of the road. This apron is constructed in close proximity to Council's reticulated water network. As suitable cover has not been achieved, conditions will be applied to upgrade the water main to a ductile iron pipe in accordance with Council standards. Conditions will also ensure access to the fire hydrant meets all relevant standards.

AO9 *(a) The service bays provided and their access, can accommodate, at any one time, the types of service vehicles detailed in Table 9.4.2.4. (b) Service bays located wholly or partly within a building are physically separated from the rest of the building in a manner that makes it impractical to use them for storage or work areas. (c) Vehicles being unloaded or loaded with goods stand completely on site and do not impede vehicle access to more than 10 parking spaces. (d) Service vehicles enter and leave the site in a forward gear.*

PO9 Provision is made for the loading, unloading, manoeuvring and access by service vehicles and such provision: (a) is adequate to accommodate the design vehicle requirements; (b) protects the safety and efficiency of roads in the vicinity; and (c) does not unduly impede vehicular and pedestrian circulation within the site.

There is sufficient area on the existing concrete apron for service vehicles to enter in a forward gear, load and unload within the property boundary, then exit in a forward gear. Conditions will be applied to ensure the applicant's Small Rigid Vehicle is parked in a suitable location and that no vehicles associated with the use park or load/unload within the road reserve.

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 sheds and concrete apron to the property frontage are existing. Further, the applicant has constructed a colorbond fence along the boundary fronting Homestead Road. Therefore, landscaping proposed in the development will be conditioned to ensure that it still achieves a positive contribution to the streetscape.

Outdoor lighting code

With conditions imposed, compliance with the Code can be achieved.

Physical infrastructure code

AO2.1 Except in Allora, in the District centre, Low density residential, Industry, Medium density residential, Mixed use, Principal centre, and Specialised centre zones, development is connected to a sewerage system in accordance with the Sewerage Code of Australia.

PO2 All development has a safe, effective means of sewage treatment and disposal that meets acceptable public health and environmental standards.

The subject site is not currently serviced by the reticulated sewerage network. The sheds do not contain any amenities or plumbing fixtures and therefore the use will not generate any additional demand for sewerage connection. The existing on-site wastewater disposal system is considered adequate to service the proposed use.

PO6 Where buildings or other structures are in proximity to State or Council's sewerage, stormwater or water supply infrastructure, provision is made to protect the infrastructure from physical damage and allow ongoing maintenance by Council.

The applicant has previously constructed a concrete apron from the front of the sheds to the edge of the road. This apron is constructed over Council's reticulated water network. As suitable cover

has not been achieved, conditions will be applied to upgrade the water main to a ductile iron pipe in accordance with Council standards. Conditions will also ensure access to the fire hydrant meets all relevant standards.

AO10 Where a new building is developed in the District centre zone, Industry zone, Low density residential, Medium density residential, Mixed use zone, Principal centre zone, Rural residential zone, or Specialised centre zone, electricity is provided underground in a locality where underground electricity exists.

PO10 In urban areas infrastructure is provided in a manner that does not impact on the visual amenity of an area.

The proposal is to formalise an existing unlawful use within two existing sheds. The development does not include any new buildings. No changes to the existing electricity infrastructure in the locality are proposed.

Infrastructure Charges

Charges Resolution (No. 4.1) 2023 commenced 28 June 2023.

Development Type	Network	Charge Rate	Proposed	Credit	Charge
Industry - Warehouse	Stormwater	\$8/impervious m ²	589.5m ²	-	\$4,716.00
	Other	\$25.02/m ² GFA	376.11m ²	-	\$9,410.27
TOTAL:					\$14,126.27

Office use only			
Network	Proportion of Charge	Charge/Network	Receipt Code
Transport	46%	\$4,328.72	RC241
Water supply	54%	\$5,081.55	RC244
Stormwater	100%	\$4,716.00	RC242

In accordance with Section 122 of the *Planning Act 2016*, the infrastructure charge is payable when the change of use happens.

Officer's Check List (Internal use only & not to be included in the Infrastructure Charges Notice)		
Officer	IC Calculations Checked	Date
Assessing Officer	✓	May 2023
Coordinator		
Manager	✓	16 August 2023

Recommendation

THAT the application for Material Change of Use for the purpose of a Warehouse (Two (2) Sheds) on Lot 3 RP184516, located at 29 Homestead Road, Rosenthal Heights, be approved subject to the following conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Site Plan prepared by Nspire Planning & Design	101SP, Issue DA02	13 October 2022
Floor Plan prepared by Nspire Planning & Design	110FR, Issue DA01	25 August 2022
Elevations prepared by Nspire Planning & Design	201EL, Issue DA01	25 August 2022
Elevation by R&F Steel Buildings	DWG-01, Issue A	21 July 2023
Floor Plan by R&F Steel Buildings	DWG-01, Issue A	21 July 2023

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 two buildings only, for the following uses only:

Warehouse:

Premises used for the storage and distribution of goods, whether or not in a building, including self-storage facilities or storage yards.

The use may include sale of goods by wholesale where ancillary to storage.

The use does not include retail sales from the premises or industrial uses.

4. The development shall generally operate only between the hours of 7.00am to 5.00pm, Mondays to Fridays, and not at all on Saturdays, Sundays and public holidays.

Building and Site Design

5. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

Amenity and Environmental Controls

6. The loading and/or unloading of delivery and other service vehicles (excluding general waste collection vehicles) is limited between the hours of 7.00am and 5.00pm, Monday to Friday. No heavy vehicles must enter the development site outside these times.
7. Loading and unloading of delivery vehicles is limited to one (1) delivery to the site per week and must occur within the approved operating hours and within the confines of the property.
Note: Part of the concrete apron is not within the confines of the property.
8. No customers or other commercial vehicles associated with the Warehouse use are permitted to access the site.
9. No forklifts are permitted to load or unload goods on the site.
10. No dangerous goods associated with the Warehouse use are to be stored on site.
11. A sufficient number of suitable waste receptacles must be provided on site at all times.

Waste receptacles must be regularly serviced to prevent unsightly accumulations of waste or environmental harm being caused.

12. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
13. No advertising devices relating to the Warehouse may be erected on the subject land or within the road reserve.
14. 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.
15. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 8 lux at the property boundary.

Fencing, Landscaping and Buffers

16. A screen fence 1.8 metres high shall be erected along the Homestead Road frontage, from the outermost shed, to the northern boundary, to provide visual screening. This screen fencing is to be provided at the developer's cost. Fencing is to be provided and maintained in accordance with the approved details.
17. All earthworks, including batters must be fully contained within the site.
18. Four (4) planter boxes are to be provided in accordance with the following plans. The planter boxes are to be planted to achieve differing growth habits and heights, with species that are fast growing, frost resistant and drought hardy. The planter boxes, plantings and area under the planter boxes are to be continually maintained.

Elevation by R&F Steel Buildings	DWG-01, Issue A	21.07.2023
Floor Plan by R&F Steel Buildings	DWG-01, Issue A	21.07.2023

19. Landscaped areas are to be provided on the site in accordance with the approved Site Plan, Drawing No. 22 HOHE 101SP DA02, dated 13 October 2022, prepared by Nspire Planning & Design, along with the inclusion of the raised garden bed on the north-east corner of the outermost shed, on the Homestead Road frontage.

The screening landscaping along the northern side of the outermost shed is to achieve a mature tree height of at least 3.0 metres, to minimise the visual impact of the development from adjoining properties and roads. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy.

Car Parking and Vehicle Access

20. Two vehicle access points from Homestead Road are approved to service the development, to create one entry point and one exit point:
 - Vehicle access at the southern end of the apron is to be maintained to the site in accordance with Council's standard.
 - Vehicle access at the northern end of the apron is to be constructed in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.) Such entrance roadworks are to be sealed and are to include appropriate drainage works.
21. The area of the existing concrete apron, excluding the vehicle crossovers, which are within the road reserve are to be removed and the area reinstated to the pre-existing condition.

ALTERNATIVELY, measures are to be taken to ensure any vehicles associated with the property or the approved use are precluded from traversing or parking on this area of concrete.

Note: The concrete apron has been constructed within the area of influence for Council's reticulated water supply, therefore the use of this area by vehicles and the like, has the potential to impact on the integrity of the infrastructure.

22. Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
23. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system or footpath be permitted.

Roadworks

24. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Infrastructure Services.
25. Homestead Road shall be upgraded from the southern boundary of the site for the full frontage of the proposed development footprint.

The upgrade shall include construction of the half road on the eastern side of Homestead Road centreline to Council's standard. This will provide a 4.0 metre sealed width from the road centreline and kerb and channel to match the existing alignment located at the corner of Homestead Road and Bracker Road.

Stormwater Drainage

26. The proposed development must have a lawful point of discharge determined in accordance with the *Queensland Urban Drainage Manual* (QUDM). A stormwater management plan, including plans for any proposed stormwater infrastructure, may be required to demonstrate compliance with QUDM. Any required stormwater management plan must be prepared by a suitably qualified RPEQ and submitted for endorsement by Council prior to the commencement of the use.

For any proposed use where it cannot be satisfactorily demonstrated that storm-water associated with the use can be directed to the frontage kerb or alternative lawful point of discharge, an inter-allotment drainage system must be designed and constructed in accordance with QUDM.

Inter-allotment drainage systems and overland flow paths, including those affecting adjacent properties, must be wholly contained within easements. Easements are to have a minimum width of three (3) metres, and be provided to Council at no cost to Council.

Water Supply and Waste water

27. In the location of the new vehicle access from Homestead Road, the water main along the Homestead Street frontage must be upgraded to a ductile iron pipe for the full width of the new vehicle access.
28. All fire hydrant valves, isolation valves, hydrant markers and RPMs must be accessible in accordance with WSAA Codes and Council's standards.
29. The site is to be serviced by an on-site effluent disposal system, in accordance with Council's standards, AS1547 and the Queensland Plumbing and Waste Water Code.

Electricity, Street Lighting and Telecommunications

30. Electricity connections must be maintained to the proposed development to the standards of the relevant authorities.

Operational Works

31. An application for Operational Works must be submitted within three (3) months of this approval taking effect, unless otherwise agreed by Council.
32. All operational works are to be accepted on-maintenance within six (6) months of a Development Permit for Operational Works taking effect.

Infrastructure Charges Notice

33. Payment is to be made to Council in accordance with the Infrastructure Charges Notice

attached to the decision notice. If payment is made more than two years after the date of the Infrastructure Charges Notice, the charge will increase in line with the Road and Bridge Construction Index for Queensland.

Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environmental Services, within three months of this approval taking effect, 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. 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) **Building Approval is to be obtained** in accordance with the *Planning Act 2016* for a Change of Classification of Building from Class 10a to Class 7b, to allow the use of the existing building for Warehouse purposes. The application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. **Building works and modification of the existing building may be required to be undertaken** as part of the approval so as to accord with the requirements of the *Building Act 1975*.
- (v) From 1 July 2022 in Southern Downs Regional Council area Queensland Development Code MP4.3 will be applicable for any new commercial buildings (class 3 to 9). Commercial buildings will require tanks of 1,500 litres capacity per required pedestal, plumbed to service toilets and outdoor in accordance with the *Plumbing and Drainage Act 2018*. Appropriate area on the subject lot will be required to ensure compliance with these mandatory provisions.
- (vi) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (vii) Prior to constructing or upgrading an access, an application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011.
- (viii) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Planning Act 2016*. This application must be submitted with the following:
 - DA Form 1;
 - The relevant fee in accordance with Council's Schedule of General Fees and Charges;
 - Detailed design drawings, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);

Operational Works shall be subject to a 12 months Defect Liability Period commencing from the day the works are accepted on-maintenance. A bond will be held by Council as security, and refunded following a defect-free inspection at the end of the Defect Liability Period.

- (ix) An Erosion and Sediment Control Plan (ESCP) must be submitted for approval with the application for Operational Works. The ESCP must demonstrate that release of sediment-laden stormwater is avoided for the nominated design storm, and minimised when the

nominated design storm is exceeded, by addressing the objectives in Table A (Construction phase - stormwater management design objectives) in Appendix 2 of the State Planning Policy for drainage control, erosion control, sediment control and water quality outcomes.

- (x) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (xi) All Development Permits for Operational Works should be obtained prior to the issue of a Development Permit for Building Works.
- (xii) All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

Aboriginal Cultural Heritage

- (xiii) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the “cultural heritage duty of care”). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au

ATTACHMENTS

Nil

17. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

In accordance with the provisions of Section 254J(3) 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 254J(3) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following, as indicated:

17.2 Review of Rate Concessions Policy

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.