



# **SOUTHERN DOWNS REGIONAL COUNCIL ORDINARY COUNCIL MEETING**

Dear Councillors

Your attendance is requested at the Ordinary Council Meeting to be held in the Council Chambers, Southern Downs Regional Council, 61 Marsh Street, Stanthorpe on **Wednesday, 16 April 2025 at 9:00AM.**

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

**Rachel Brophy**

**CHIEF EXECUTIVE OFFICER**

11 April 2025

**ORDER OF BUSINESS:**

<b>1.</b>	<b>ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>1</b>
<b>2.</b>	<b>PRAYER &amp; CONDOLENCES .....</b>	<b>1</b>
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	Nil	
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**WEDNESDAY, 16 APRIL 2025 Ordinary Council Meeting**

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	Nil	
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	Nil	
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1. **ACKNOWLEDGEMENT OF COUNTRY**
2. **PRAYER & CONDOLENCES**
3. **ATTENDANCE AND APOLOGIES**
4. **READING AND CONFIRMATION OF MINUTES**
- 4.1 **Ordinary Council Meeting - 19 March 2025**


**Recommendation**

THAT the minutes of the Ordinary Council Meeting held on Wednesday 19 March 2025 be adopted.

## 5. ACTIONS FROM COUNCIL MEETINGS

### 5.1 Actions from Ordinary Council Meeting 19 March 2025

#### Document Information

 Southern Downs REGIONAL COUNCIL	<b>Report To: Ordinary Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 16 April 2025
	Chief Executive Officer	<b>ECM Function No/s:</b>

#### Recommendation

THAT Council receive the report and note the contents.

#### REPORT

The purpose of this report is to provide a summary of Actions resulting from resolutions from the Ordinary Council Meeting held 19 March 2025.

A copy of the Actions Report is attached.

#### ATTACHMENTS

1. Actions from Ordinary Council Meeting 19 March 2025 [↓](#)



**ACTIONS FROM PREVIOUS GENERAL COUNCIL MEETING 19 MARCH 2025**

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
19/03/2025	5.1	Actions from Ordinary Council Meeting 19 February 2025	Brophy, Rachel	<b>02 Apr 2025 3:46pm Seymour, Marion - Completion</b> Completed by Seymour, Marion on behalf of Brophy, Rachel (action officer) on 02 April 2025 at 3:46:31 PM - Noted.	2/04/2025
19/03/2025	7.1	Procedural Motion - Late Agenda Item	Brophy, Rachel	<b>02 Apr 2025 3:46pm Seymour, Marion - Completion</b> Completed by Seymour, Marion on behalf of Brophy, Rachel (action officer) on 02 April 2025 at 3:46:40 PM - Noted.	2/04/2025
19/03/2025	9.1	Correspondence	Brophy, Rachel	<b>02 Apr 2025 3:46pm Seymour, Marion - Completion</b> Completed by Seymour, Marion on behalf of Brophy, Rachel (action officer) on 02 April 2025 at 3:46:53 PM - Noted.	2/04/2025
19/03/2025	12.1	Chief Executive Officer - Status Report	Brophy, Rachel	<b>02 Apr 2025 3:47pm Seymour, Marion - Completion</b> Completed by Seymour, Marion on behalf of Brophy, Rachel (action officer) on 02 April 2025 at 3:47:07 PM - Noted.	2/04/2025
19/03/2025	12.2	Review of Councillor Portfolios	Brophy, Rachel	<b>02 Apr 2025 3:47pm Seymour, Marion - Completion</b> Completed by Seymour, Marion on behalf of Brophy, Rachel (action officer) on 02 April 2025 at 3:47:31 PM - Noted - referred to a Council Information Session	2/04/2025
19/03/2025	12.2.1	Procedural Motion - Review of Councillor Portfolios	Brophy, Rachel	<b>02 Apr 2025 3:47pm Seymour, Marion - Completion</b> Completed by Seymour, Marion on behalf of Brophy, Rachel (action officer) on 02 April 2025 at 3:47:48 PM - Referred to Council Information Session held 2 April 2025.	2/04/2025
19/03/2025	13.1	Financial Services - Financial Report as at 28 February 2025	Betts, Melissa	<b>27 Mar 2025 8:33am Betts, Melissa - Completion</b> Completed by Betts, Melissa (action officer) on 27 March 2025 at 8:33:19 AM - February Finance Report Noted	27/03/2025
19/03/2025	13.2	Adoption of Amended Fees and Charges 2024-25	Gross, Helen	<b>27 Mar 2025 9:51am Gross, Helen - Completion</b> Completed by Gross, Helen (action officer) on 27 March 2025 at 9:51:45 AM - Updated fees and charges schedule uploaded to internet and sent to customer service staff	27/03/2025



**ACTIONS FROM PREVIOUS GENERAL COUNCIL MEETING 19 MARCH 2025**

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
19/03/2025	13.3	Procurement Policy	Fletcher, David	<b>07 Apr 2025 10:22am Seymour, Marion - Completion</b> Completed by Seymour, Marion on behalf of Fletcher, David (action officer) on 07 April 2025 at 10:22:25 AM - Procurement Policy updated on the Website and staff advised of the changes.	7/04/2025
19/03/2025	13.4	Amiens Historical Association Letter of Support for Hall Relocation	Bell, Michael	<b>27 Mar 2025 4:13pm Bell, Michael - Completion</b> Completed by Bell, Michael (action officer) on 27 March 2025 at 4:13:04 PM - Letter of support provided.	27/03/2025
19/03/2025	13.5	Southern Downs Youth Council Induction 2025	Organ, Sue	<b>01 Apr 2025 9:51am Organ, Sue - Completion</b> Completed by Organ, Sue (action officer) on 01 April 2025 at 9:51:50 AM - Council resolution noted	1/04/2025
19/03/2025	14.1	25_053 Unsealed Road Maintenance for Flood Rectification Contract Approval Request	Varughese, James	<b>27 Mar 2025 2:56pm Varughese, James - Completion</b> Completed by Varughese, James (action officer) on 27 March 2025 at 2:56:40 PM - The team is working towards generating a purchase order and contract documents as per the adopting of this council report.	27/03/2025
19/03/2025	14.2	Project Management of January 2024 Flood Event - Contract 25_075	Varughese, James	<b>27 Mar 2025 2:57pm Varughese, James - Completion</b> Completed by Varughese, James (action officer) on 27 March 2025 at 2:57:25 PM - The team is working to establish a purchase order for GenEng solutions as per the adoption of this council report.	27/03/2025
19/03/2025	14.3	2024-28 LGGSP Stage 2 Application - Relining Sewers	Sweetlove, Graham	<b>01 Apr 2025 8:54am Sweetlove, Graham - Completion</b> Completed by Sweetlove, Graham (action officer) on 01 April 2025 at 8:54:51 AM - A copy of this resolution will be attached to our funding application.	1/04/2025
19/03/2025	14.4	RFT EV Charger Installations 25_008B	Charles, Jon	<b>04 Apr 2025 9:46am Charles, Jon - Completion</b> Completed by Charles, Jon (action officer) on 04 April 2025 at 9:46:31 AM - The Public Consultation is currently open and will close 7 April 2025. The successful tender proponents have been advised of the conditional approval.	4/04/2025



**ACTIONS FROM PREVIOUS GENERAL COUNCIL MEETING 19 MARCH 2025**

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
19/03/2025	15.1	Material Change of Use – Paula & Damian Giuffrida: 104 Hale Haven Drive, Stanthorpe	O'Mara, Angela	<b>27 Mar 2025 1:15pm O'Mara, Angela - Completion</b> Completed by O'Mara, Angela (action officer) on 27 March 2025 at 1:15:47 PM - Decision Notice issued 26 March 2025.	27/03/2025
19/03/2025	15.2	Reconfiguring a Lot: Gary Hayes & Partners Pty Ltd – 11412 Cunningham Highway and Freestone Road, Clintonvale	Hay, Mitchell	<b>02 Apr 2025 10:48am Watt, Jenny - Completion</b> Completed by Watt, Jenny on behalf of Hay, Mitchell (action officer) on 02 April 2025 at 10:48:09 AM - Motion to "Lay on the table moved by Cr Bartley"	2/04/2025
19/03/2025	15.2.1	Procedural Motion - Reconfiguring a Lot: Gary Hayes & Partners Pty Ltd - 11412 Cunningham Highway and Freestone Road, Clintonvale	Collier, Tonya	<b>02 Apr 2025 10:47am Watt, Jenny - Completion</b> Completed by Watt, Jenny on behalf of Collier, Tonya (action officer) on 02 April 2025 at 10:47:29 AM - Agenda item to "lay on the table"	2/04/2025
19/03/2025	15.3	Pest Management Advisory Committee Meeting	Collett, Nicole	<b>31 Mar 2025 6:03am Collett, Nicole - Completion</b> Completed by Collett, Nicole (action officer) on 31 March 2025 at 6:03:29 AM - Noted for minutes of next PMAC.	31/03/2025
19/03/2025	15.4	Darling Downs-Moreton Rabbit Board Proposed Budget and Operational Plan 2025/2026	Collett, Nicole	<b>31 Mar 2025 6:03am Collett, Nicole - Completion</b> Completed by Collett, Nicole (action officer) on 31 March 2025 at 6:03:06 AM - Noted, letter prepared for DDMRB advising of outcome.	31/03/2025
19/03/2025	15.5	Review of the Animal Impoundment Boxes	Collett, Nicole	<b>31 Mar 2025 6:02am Collett, Nicole - Completion</b> Completed by Collett, Nicole (action officer) on 31 March 2025 at 6:02:35 AM - Noted, decision implemented at animal pounds.	31/03/2025
19/03/2025	15.6	Biodiversity Assets and Corridor Strategy	Hunter, Sandy	<b>31 Mar 2025 6:06am Collett, Nicole - Completion</b> Completed by Collett, Nicole on behalf of Hunter, Sandy (action officer) on 31 March 2025 at 6:06:12 AM - See note under Procedural motion.	31/03/2025
19/03/2025	15.6.1	Procedural Motion - Biodiversity Assets and Corridor Strategy	Hunter, Sandy	<b>31 Mar 2025 6:05am Collett, Nicole - Completion</b> Completed by Collett, Nicole on behalf of Hunter, Sandy (action officer) on 31 March 2025 at 6:05:52 AM - CIS session completed on 26 March. Draft strategy to be reviewed, and plan to present to April CIS for a May Council meeting report to consider for public consultation.	31/03/2025





**ACTIONS FROM PREVIOUS GENERAL COUNCIL MEETING 19 MARCH 2025**

MEETING DATE	ITEM NUMBER	AGENDA ITEM	ACTION OFFICER	ACTION TO DATE	COMPLETED
19/03/2025	17.1	PID: 93770 - Rate Concession	Reid, Nellie	<b>03 Apr 2025 6:19pm Reid, Nellie - Completion</b> Completed by Reid, Nellie (action officer) on 03 April 2025 at 6:19:19 PM - Correspondence sent via email and post reflecting Council decision on 02/04/2025.	3/04/2025
19/03/2025	17.2	Functional Realignment	Brophy, Rachel	<b>02 Apr 2025 4:10pm Seymour, Marion - Completion</b> Completed by Seymour, Marion on behalf of Brophy, Rachel (action officer) on 02 April 2025 at 4:10:44 PM - Meetings held with staff to advise of the proposed realignment, staff and unions provided with formal notification to staff impacted by the proposed realignment and encouraging staff feedback.	2/04/2025

**6. DECLARATIONS OF CONFLICTS OF INTEREST**

**7. MAYORAL MINUTE**

Nil

**8. NOTICES OF MOTION**

Nil

**9. READING AND CONSIDERATION OF CORRESPONDENCE**

Nil


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

Nil

## 11. PORTFOLIO REPORTS

### 11.1 Portfolio Report - Mayor Hamilton - Vibrant Communities

#### Document Information

 Southern Downs REGIONAL COUNCIL	<b>Report To: Ordinary Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 16 April 2025
	Chief Executive Officer	<b>ECM Function No/s:</b>

#### Recommendation

THAT Council's Vibrant Communities Portfolio Report be received.

#### REPORT

Mayor Hamilton has submitted a Portfolio Report providing an update on her Vibrant Communities Portfolio, including Economic Development, Governance, Regional Advocacy and Intergovernmental Relations.

Attached is a copy of the Portfolio Report.

#### ATTACHMENTS

1. Portfolio Report - Vibrant Communities [↓](#)



## PORTFOLIO REPORT UPDATE – 16 APRIL 2025

### ECONOMIC DEVELOPMENT

- The strategic focus for Economic Development has been on advocacy to the former and new Queensland Governments around the Protein Hub and the Saleyards upgrades.
- Economic Development in the region is also closely linked to our planning scheme, and the finalisation of the new planning scheme remains a priority.
- Reviewing and updating the current Economic Development Strategy 2022-2026 will be a focus for this year.

### GOVERNANCE

- The focus in 2024 was to ensure that the large list of policies which were outdated were brought before Council. We achieved our goal of ensuring all existing policies were up to date by year end.
- This year's focus will be on improvements in governance, with elected members working closely with the Executive Leadership Team.

### REGIONAL ADVOCACY

- I have attended 4 Border Regional Organisation of Council meetings. The next meeting was scheduled for Friday 11 April in Thargomindah but has been postponed due to the floods.

BROC meetings assist the border councils in Queensland and NSW from Southern Downs westwards in developing shared advocacy goals. Presenters at the meetings include many departmental representatives from state and federal governments, as well as the two Cross Border Commissioners.




The appointment of Ian Leavers as Queensland's Cross Border Commissioner has assisted in raising issues that need to be resolved, whether they be harmonising requirements to allow qualifications to be recognised across borders or for businesses to use their state approvals to operate over the border.

- I have attended two Darling Downs South West Council of Mayor meetings. The next meeting is in May in Roma. This covers 10 council areas with 25% of Queensland's area and cattle, and 75% of its grain and pulse crops. Again these meetings assist the member councils in developing shared advocacy goals and the meetings include many departmental representatives from state and federal governments.
- A group of Queensland councils affected by the dam safety upgrade requirements have formed a group through LGAQ to jointly advocate to the state government for funding assistance with any substantial capital upgrades.

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## 11.2 Portfolio Report - Cr Windle - Liveable Communities

### Document Information

 <b>Southern Downs</b> REGIONAL COUNCIL	<b>Report To: Ordinary Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 16 April 2025
	Chief Executive Officer	<b>ECM Function No/s:</b>

### Recommendation

THAT Council's Liveable Communities Portfolio Report be received.

### REPORT

The Deputy Mayor has submitted a Portfolio Report providing an update on aspects of her Liveable Communities Portfolio, including Visitor Information Centres, Parks and Gardens (including Cemeteries), and external Committees WillowTree 37 Women's Support Centre and Warwick Women's Work Camp.

Attached is a copy of the Portfolio Report.

### ATTACHMENTS

1. Portfolio Report - Liveable Communities [↓](#)



## LIVEABLE COMMUNITIES

### VISITOR INFORMATION CENTRE

I attended the monthly meeting of the Warwick Visitor Information Centre on Tuesday 25<sup>th</sup> March and on Thursday 27<sup>th</sup> March Cr Harslett and Cr Richters attended the Stanthorpe Visitor Information Centre meeting. The meetings were well attended by a large number of volunteers.

Volunteers were given valuable updates and an opportunity to provide input and feedback as well. The volunteers are the face of our region and it is important that they have first-hand knowledge of what visitors look for when calling into our Visitor Centres.

As part of the requirements for accreditation, Council provides regular volunteer meetings and conducts regional familiarisation trips to ensure volunteers have all the information required to keep them up to date with any changes or new developments within the organisation and/or the region. The volunteers find this to be of great value in assisting them to confidently provide visitors with updated information to ensure their visit is a memorable and rewarding experience.

These meetings provide a valuable opportunity for our volunteers to remain well informed, but also for them to have input into how we can continue to improve the Visitor Centres and maintain the service to the highest standard possible.

The volunteers were very pleased to have Councillors in attendance at their meetings and they look forward to continuing the relationship.

### PARKS AND GARDENS (INCLUDING CEMETERIES)

I was recently invited to attend a meeting with SDRC staff and volunteers of the Warwick Peace Garden. The Peace Garden is situated in Victoria Park opposite the Warwick Hospital. The garden provides a tranquil space for quiet meditation and is frequently used by hospital staff, patients and visitors. It promotes mental health and well-being while providing an opportunity for those seeking relaxation, mindfulness and social connection.

Unfortunately, the volunteer numbers of the Warwick Peace Garden have diminished over time and it has become increasingly difficult for members to continue to maintain the garden. They have made the very difficult decision to disband the association and hand over care of the garden to SDRC. Although this has increased the workload of our staff, I am confident that our Parks and Gardens team will do everything possible to maintain this well utilised space into the future, to ensure it can continue to be used for the purpose it was built for.

## **CEMETERIES**

I have been receiving a lot of positive feedback about our cemeteries over the past few months. The contractors have been providing a high standard of mowing and care to all areas within the cemeteries. They show compassion and a sense of pride in their valued workmanship. This is greatly appreciated by our community.

## **COMMITTEES**

### **WILLOWTREE 37 WOMEN'S SUPPORT CENTRE**

As a committee member of the newly formed WillowTree 37 Women's Support Centre I was honoured to attend the Sponsors Thank you Event and Open Day on Saturday 29<sup>th</sup> March. The event was well attended by a large number of people, including fellow committee member Cr Wantling, along with Mayor Hamilton and Cr Richters.

The centre provides Southern Downs women in need with essentials such as showers, laundry, meals, clothing, toiletries and friendship. They also connect women with referrals to housing, health and domestic violence support.

I feel very humbled to be included within this amazing organisation. While it is disappointing and alarming that the statistics show a vital need within our region for an organisation such as this, it is also reassuring that we are able to offer the services of WillowTree 37 Women's Support Centre here in Warwick. It is important for our women to know that they can reach out and will be welcomed through the door at WillowTree 37 by a friendly and welcoming face.

### **WARWICK WOMEN'S WORK CAMP**

I recently attended the Warwick Women's Work Camp Meeting along with representatives of Numinbah Prison, Supervisors of the Work Camp, representatives of the Warwick Show & Rodeo Society, St Vincent de Paul, Corrective Services and other committee members – Susan Tyrrell, Diane Lawler and Vince Hemmings. The women have been supporting many organisations throughout the region with a variety of services. While they spend many hours mowing, whipper snipping and catering they also have opportunities to learn new skills i.e. furniture restoration and/or repairs. One of the women was recently able to use her talents and cleverly decorated several 44 gallon drums for the Warwick Show & Rodeo Society (see Attachment 1). If you attended the recent Warwick Show you may have used one of the decorated bins which were placed around the grounds.

This year marks 30 years of the Warwick Women's Work Camp. A celebration is currently being planned to recognise the successes of the valued contribution that the women make to our region and the ongoing support from SDRC and the community.



# ATTACHMENT 1

## WILLOWTREE 37 COMMITTEE



## WARWICK WOMEN'S WORK CAMP ARTWORK



## ATTACHMENT 1 (CONT.)


### WARWICK WOMEN'S WORK CAMP ARTWORK (CONT.)



## 12. EXECUTIVE SERVICES REPORTS

### 12.1 Review of Councillor Portfolios

#### Document Information

 Southern Downs REGIONAL COUNCIL	<b>Report To: Ordinary Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 16 April 2025
	Chief Executive Officer	<b>ECM Function No/s:</b>

#### Recommendation

THAT Council adopt the amendments to Councillor Portfolios included as Appendix A to the Councillor Portfolio Policy PL-136.

## REPORT

### Background

At its Ordinary Meeting held on 16 October 2024 Council adopted a revised Appendix A to the Councillor Portfolio Policy PL-136.

A subsequent review of Councillor Portfolios was considered by Council at its Ordinary Meeting held 19 March 2025. It was resolved that the matter lay on the table and be referred to a future Council Information Session. This was further discussed at the Council Information Session held 2 April 2025.

### Report

Councillors have undertaken a review of those Portfolio allocations to:

- (a) achieve better alignment with similar areas of responsibility and with Council's Executive Leadership Team; and
- (b) reflect that all Councillors are engaged in those topics that are core Council business such as the budget, planning and governance. This will ensure the good management of Council business.

A copy of the revised Appendix A is provided as **Attachment 1**.

## FINANCIAL IMPLICATIONS

Nil.

## RISK AND OPPORTUNITY

### Risk

Nil.

### Opportunity

These appointments provide an opportunity for elected members to support inclusive teamwork and co-operation between elected members and the Executive Leadership Team. It provides a valuable link to the community on specific matters and strategic issues.

Governance and Budgeting are core responsibilities for both Councillors and the Executive Leadership Team. Both ensure that Council delivers services to the community in accordance with its legislative requirements. Town Planning was identified during the election campaign as one of the key issues for the Southern Downs community. Council is embarking on a large piece of work during 2025 to undertake amendments to the Planning Scheme. Moving Planning from a portfolio item will give better oversight from all Councillors.

## COMMUNITY ENGAGEMENT

### Internal Consultation

Elected members.

### External Consultation

Nil.

## LEGAL / POLICY

### Legislation / Local Law

*Local Government Act 2009*

*Local Government Regulation 2012*

### Corporate Plan

#### Goal 1      Our People

**Outcome:** 1.1      Communities trust us to engage with them and advocate on their behalf.

**Objective:** 1.1.2      Implement effective and genuine community consultation processes that enable participation, engagement and collaboration.

1.1.3      Build confidence in our communities by being visible, empathetic and by actively listening.

### Policy / Strategy

Councillor Portfolio Policy PL-136

### Legal

There appears to be no legal issues associated with this report.

## HUMAN RIGHTS

A Human Rights assessment has been undertaken.

## ATTACHMENTS

1. Appendix A - Councillor Portfolio Policy [↓](#)

**Appendix A: Councillor Portfolio Policy Schedule**


Councillor Portfolios as adopted on [date]

<b>Portfolio Name</b>	<b>Councillor</b>	<b>Community Point of Contact - Lead Councillor</b>
Prosperous communities	Mayor Melissa Hamilton	<ul style="list-style-type: none"> <li>• Economic Development</li> <li>• Regional Advocacy</li> <li>• Intergovernmental Relations</li> </ul>
Liveable communities	Sheryl Windle	<ul style="list-style-type: none"> <li>• Housing</li> <li>• Tourism and Visitor Information Centres</li> <li>• Parks, gardens and active recreation areas</li> </ul>
Active communities	Russell Wantling	<ul style="list-style-type: none"> <li>• Community halls and progress associations</li> <li>• Sporting groups and associated facilities</li> <li>• Camping facilities</li> </ul>
Connected communities	Ross Bartley	<ul style="list-style-type: none"> <li>• Roads and transport</li> <li>• Footpaths, cycleways</li> </ul>
Healthy communities	Sarah Deane	<ul style="list-style-type: none"> <li>• Wastewater</li> <li>• Resource Recovery and waste management</li> <li>• Circular economy</li> <li>• Natural environment, climate and sustainability</li> <li>• DFV awareness</li> <li>• Mental health</li> <li>• Disability community</li> </ul>
Inspired communities	Morwenna Harslett	<ul style="list-style-type: none"> <li>• Youth projects</li> <li>• Education</li> <li>• Art Galleries, Libraries and Museums</li> <li>• Aboriginal and Torres Strait Islander communities</li> <li>• Civic Events</li> </ul>
Productive communities	Carla Pidgeon	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Water</li> <li>• Saleyards</li> <li>• Biosecurity and pest management</li> </ul>
Resilient communities	Cynthia McDonald	<ul style="list-style-type: none"> <li>• Disaster preparedness</li> <li>• Drought preparedness</li> </ul>
Vibrant communities	Joel Richters	<ul style="list-style-type: none"> <li>• Major events</li> </ul>

## 13. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS

### 13.1 Financial Services - Financial Report as at 31 March 2025

#### Document Information

 Southern Downs REGIONAL COUNCIL	<b>Report To: Ordinary Council Meeting</b>	
	<b>Reporting Officer:</b> Management Accountant	<b>Meeting Date:</b> 16 April 2025
		<b>ECM Function No/s:</b>

#### Recommendation

THAT Council receive and note the Financial Performance Report as at 31 March 2025.

## REPORT

### Background

The Finance Team have prepared the Financial Performance Report for March 2025.

### Report

#### Income Statement

##### Revenue

Operational revenue of \$109.7M is \$2.95M over budget compared to YTD budget of \$106.7M with the main variations being:

- Fees and Charges received YTD are \$995K over budget due to higher than anticipated water sales, cattle and sheep sales and waste disposal fees.
- Interest received is \$348K higher than expected due to current cash balance and minor change in Reserve Bank cash rates for this financial year.

##### Expenses

Operational expenditure of \$81M is \$2.9M under budget compared to YTD budget of \$83.95M with the main variations being:

- Employee costs are under budget by \$954K, this is mainly associated with vacant positions and labour cost charges to capital projects.
- Materials and Services are under budget by \$1.8M. Staff continue to review project phasing to ensure alignment with work schedules.

##### Capital Grants

Revenue from capital grants is over budget by \$3.4M. The timing of the receipt of capital grants can vary and dependent on the progress of projects. In this instance, Council has received partial funding associated with the W4Q 24-27 program upfront, and RTR 24-25 related funding.

## **Balance Sheet**

As at 31 March 2025, Council had \$83.6M in cash at bank and investments. The total of outstanding loans, both the current and non-current portions is \$10.9M.

## **Capital Works in Progress**

Capital works expenditure at 31 March 2025 was \$25.3M which is 38.2% of the adopted capital works budget of \$66.1M. There were committed costs of \$9.5M meaning \$34.8M has been spent or committed, representing 52.6% of the adopted budget.

## **FINANCIAL IMPLICATIONS**

The Second Quarter budget review has been adopted by Council at the 22 January 2025 Ordinary Meeting.

## **RISK AND OPPORTUNITY**

### **Risk**

Finance Team is monitoring movement in interest rates closely as changes can impact Council's interest revenue going forward. Similarly, staff are currently undertaking asset revaluation and indexation which could have an impact asset on replacement cost and depreciation. These items can impact Council's financial position at year end.

### **Opportunity**

With the current year results tracking below budget for expenditure there is an opportunity for staff to review project timelines and align budget to improve cash flow forecasting and monthly reporting. The budget phasing will be reviewed as part of FY25/26 budget development as well.

## **COMMUNITY ENGAGEMENT**

### **Internal Consultation**

Nil.

### **External Consultation**

Nil

## **LEGAL / POLICY**

### **Legislation / Local Law**

*Local Government Act 2009 and Local Government Regulation 2012*

### **Corporate Plan**

#### **Goal 4      Our Performance**

**Outcome:**    4.4    Council has embedded risk management, good governance, transparency and accountability into what we do.



- Objective:** 4.4.2 Ensure our long-term financial sustainability is a pillar of our decision making.  
4.4.3 Our asset management is smart, effective and efficient with robust project selection pathways.

**Policy / Strategy**

Operational Plan 2024/25

**Legal**

There appears to be no legal issues associated with this report.

**HUMAN RIGHTS**

A Human Rights assessment has been undertaken.

**ATTACHMENTS**

1. SDRC Monthly Finance Report March 2025 [↓](#)



**Southern Downs**  
REGIONAL COUNCIL

## **Performance Report**

**March 2025**

## Southern Downs Regional Council Income Statement March 2025

	Phased 2025 YTD Actual \$	Phased 2025 YTD Budget \$	YTD Variance \$	YTD Variance %	Annual 2025 Budget \$	Annual 2025 Forecast \$
<b>Revenue from ordinary activities</b>						
General Rates	41,717,874	41,487,812	230,061	0.6%	41,486,562	41,486,562
Rural fire brigade levy	283,449	278,700	4,749	1.7%	278,700	278,700
Utility Rates and Charges	34,321,183	34,290,451	30,732	0.1%	34,290,451	34,290,451
Less Discounts	(1,891,973)	(2,478,856)	586,883	(23.7%)	(2,478,856)	(2,478,856)
Rates on Council properties	(409,972)	(698,769)	288,798	(41.3%)	(816,599)	(816,599)
	<b>74,020,561</b>	<b>72,879,338</b>	<b>1,141,223</b>	<b>1.57%</b>	<b>72,760,258</b>	<b>72,760,258</b>
Fees and Charges	7,185,065	6,190,411	994,654	16.1%	8,180,688	8,180,688
Interest	2,990,395	2,642,818	347,577	13.2%	3,531,824	3,531,824
Contract & Sales Revenue	3,088,098	2,861,172	226,926	7.9%	3,543,351	3,543,351
Rent and Other Income	1,211,622	1,111,049	100,573	9.1%	1,508,266	1,508,266
Government Grants and Subsidies	11,885,687	11,844,149	41,538	0.4%	13,421,754	13,421,754
Internal Revenue	9,297,823	9,197,789	100,034	1.1%	12,263,718	12,263,718
<b>Total Operating Revenue</b>	<b>109,679,250</b>	<b>106,726,726</b>	<b>2,952,524</b>	<b>2.8%</b>	<b>115,209,859</b>	<b>115,209,859</b>
<b>Expenses from ordinary activities</b>						
Employee Costs	23,049,656	24,003,984	(954,328)	(4.0%)	31,258,734	31,258,734
Materials and Services	30,408,443	32,255,254	(1,846,811)	(5.7%)	47,283,211	47,283,211
Depreciation and Amortisation	18,929,626	19,008,310	(78,684)	(0.4%)	24,975,100	24,975,100
Plant Hire	4,082,124	4,149,241	(67,117)	(1.6%)	5,411,754	5,411,754
Finance Costs	591,796	590,649	1,147	0.2%	942,531	942,531
Internal Charges	3,946,476	3,946,476	0	0.0%	5,261,968	5,261,968
<b>Total Operating Expenses</b>	<b>81,008,121</b>	<b>83,953,914</b>	<b>(2,945,793)</b>	<b>(3.5%)</b>	<b>115,133,298</b>	<b>115,133,298</b>
<b>Operating Surplus/(Deficit) before capital items</b>	<b>28,671,129</b>	<b>22,772,812</b>	<b>5,898,317</b>	<b>25.90%</b>	<b>76,561</b>	<b>76,561</b>
<b>Other Capital Amounts</b>						
Capital Grants, Contributions and Donations	19,646,865	16,249,061	3,397,804	20.9%	27,099,844	27,099,844
Other capital income and (expenses)	(117,425)	310,000	(427,425)	(137.9%)	(4,628,000)	(4,628,000)
<b>Net Result Surplus/(Deficit)</b>	<b>48,200,569</b>	<b>39,331,873</b>	<b>8,868,696</b>	<b>22.5%</b>	<b>22,548,405</b>	<b>22,548,405</b>

## Southern Downs Regional Council Balance Sheet

March 2025

	Phased 2025 YTD Actual \$	Annual 2025 Budget \$	YTD Variance \$	YTD Variance %
<b>Current Assets</b>				
Cash assets & Investments	83,556,639	55,471,000	28,085,639	50.6%
Receivables	32,935,706	15,782,000	17,153,706	108.7%
Assets held for sale	518,000	590,000	(72,000)	(12.2%)
Inventories	1,185,987	1,334,000	(148,013)	(11.1%)
	<b>118,196,332</b>	<b>73,177,000</b>	<b>45,019,332</b>	<b>61.5%</b>
<b>Non-Current Assets</b>				
Investment Property	324,000	205,000	119,000	58.0%
Property, plant and equipment	995,768,976	1,040,348,001	(44,579,025)	(4.3%)
Other Financial Assets	140,241	154,000	(13,759)	(8.9%)
Capital works in progress	29,704,739	15,000,000	14,704,739	98.0%
Intangible Assets	128,660	153,999	(25,339)	(16.5%)
	<b>1,026,066,615</b>	<b>1,055,861,000</b>	<b>(29,794,385)</b>	<b>(2.8%)</b>
<b>TOTAL ASSETS</b>	<b>1,144,262,947</b>	<b>1,129,038,000</b>	<b>15,224,948</b>	<b>1.3%</b>
<b>Current Liabilities</b>				
Creditors and other payables	15,098,487	16,788,000	(1,689,513)	(10.1%)
Provisions	8,420,475	8,850,000	(429,525)	(4.9%)
Interest bearing liabilities	1,979,456	2,229,000	(249,544)	(11.2%)
	<b>25,498,417</b>	<b>27,867,000</b>	<b>(2,368,582)</b>	<b>(8.5%)</b>
<b>Non-Current Liabilities</b>				
Interest bearing liabilities	8,883,601	14,209,000	(5,325,399)	(37.5%)
Provisions	8,616,868	8,767,000	(150,132)	(1.7%)
Other Payables	1,738,577	3,227,000	(1,488,423)	(46.1%)
	<b>19,239,046</b>	<b>26,203,000</b>	<b>(6,963,954)</b>	<b>(26.6%)</b>
<b>TOTAL LIABILITIES</b>	<b>44,737,464</b>	<b>54,070,000</b>	<b>(9,332,536)</b>	<b>(17.3%)</b>
<b>NET COMMUNITY ASSETS</b>	<b>1,099,525,484</b>	<b>1,074,968,000</b>	<b>24,557,484</b>	<b>2.3%</b>
<b>Community Equity</b>				
Asset Revaluation Reserve	378,214,930	947,124,573	(568,909,643)	(60.1%)
Retained surplus	721,310,554	127,843,427	593,467,127	464.2%
<b>TOTAL COMMUNITY EQUITY</b>	<b>1,099,525,484</b>	<b>1,074,968,000</b>	<b>24,557,484</b>	<b>2.3%</b>

## Southern Downs Regional Council Cash Flow Statement

March 2025

	Phased 2025 YTD Actual \$	Phased 2025 YTD Budget \$	YTD Variance \$	YTD Variance %	Annual 2025 Budget \$
<b>Cashflows from operating activities</b>					
Receipts from customers	86,441,584	82,236,573	4,205,010	5.1%	87,304,988
Payments to suppliers and employees	(91,965,634)	(59,068,890)	(32,896,744)	55.7%	(84,727,192)
Investment and interest revenue received	2,411,038	2,642,818	(231,780)	(8.8%)	3,532,230
Rental Income	1,211,622	1,111,049	100,573	9.1%	645,375
Non-capital grants and contributions	11,885,687	11,844,149	41,538	0.4%	13,598,472
Borrowing costs	-	-	-	0.0%	(643,982)
Other cashflows from operating activities	698,026	-	698,026	0.0%	-
<b>Net Cash Operating Activities</b>	<b>10,682,323</b>	<b>38,765,699</b>	<b>(28,083,376)</b>	<b>61.4%</b>	<b>19,709,891</b>
<b>Cashflows from Investing Activities</b>					
Sale of property, plant and equipment	(117,425)	-	(117,425)	0.0%	1,079,000
Grants, subsidies, contributions and donations	19,646,865	16,249,061	3,397,804	20.9%	27,099,846
Net investment maturities	10,022,291	-	10,022,291	0.0%	-
Purchase of property, plant and equipment	(25,272,277)	(11,783,000)	(13,489,277)	114.5%	(66,060,580)
Payments for intangible assets	-	-	-	0.0%	(33,000)
<b>Net Cash Investing Activities</b>	<b>4,279,454</b>	<b>4,466,061</b>	<b>(186,607)</b>	<b>135.4%</b>	<b>(37,914,734)</b>
<b>Cash Flows from Financing Activities</b>					
Proceeds from/repayment of borrowings and advances	(960,582)	960,582	(1,921,164)	(200.0%)	4,120,601
<b>Net Cash Financing Activities</b>	<b>(960,582)</b>	<b>960,582</b>	<b>(1,921,164)</b>	<b>(200.0%)</b>	<b>4,120,601</b>
<b>Net increase in cash and cash and equivalent held</b>	<b>14,001,195</b>	<b>44,192,342</b>	<b>(30,191,147)</b>	<b>(68.3%)</b>	<b>(14,084,242)</b>
<b>Cash at beginning of period</b>	<b>69,555,444</b>	<b>63,816,000</b>	<b>5,739,444</b>	<b>9.0%</b>	<b>69,555,000</b>
<b>Cash at end of period</b>	<b>83,556,639</b>	<b>108,008,342</b>	<b>(24,451,703)</b>	<b>(22.6%)</b>	<b>55,470,758</b>

**Southern Downs Regional Council  
 Sustainability Ratios  
 March 2025**

	Key Ratios	Calculation	Annual Budget	YTD Actual	Target Ratio	On Target?	Overview
Financial Capacity	Council Controlled Revenue Ratio	$(\text{Net Rates, Levies and Charges} + \text{Fees and Charges}) / \text{Total Operating Revenue}$ (%)	79.42%	81.31%	N/A	✓	Council-controlled revenue is an indicator of a Council's financial flexibility, ability to influence its operating income, and capacity to respond to unexpected financial shocks.
	Population Growth Ratio	$(\text{Prior year estimated population} / \text{previous year estimated population}) - 1$	0.28%	0.28%	N/A	✓	Population growth is a key driver to a Council's operating income, service needs, and infrastructure requirements into the future.
Operating Performance	Operating Surplus Ratio	$(\text{Net Operating Surplus} / \text{Total Operating Revenue})$ (%)	0.07%	25.7%	> 0.0% to < 10.0%	✗	The operating surplus ratio is an indicator of the extent to which operating revenue raised cover operational expenses only or are available for capital funding purposes.
	Operating Cash Ratio	$(\text{Net Operating Surplus} + \text{Depreciation} + \text{Finance Costs}) / \text{Total Operating Revenue}$ (%)	22.56%	43.48%	> 0%	✓	The operating cash ratio indicates that a Council is generating surplus cash from its core operations, which suggests that Council has the ability to self-fund its capital expenditure requirements.
Liquidity	Unrestricted Cash Expense Cover Ratio	$(\text{Total Cash and Equivalents} + \text{Current Investments} + \text{Available Ongoing QTC Working Capital Facility Limit} - \text{Externally Restricted Operating Expenditure} - \text{Depreciation and Amortisation} - \text{Finance Costs}) \times 12$	7	14	Greater than 4 months	✓	The unrestricted cash expense cover ratio is an indicator of the uncommitted liquidity available to a Council to meet ongoing and emergent financial demands, which is a key component to solvency. It represents the number of months a Council can continue operating based on currently monthly expenses.
	Asset Sustainability Ratio	$(\text{Capital Expenditure on the Replacement of Assets (Renewals)} / \text{Depreciation Expense})$	118.2%	54.4%	> 90%	✗	This is an approximation of the extent to which the infrastructure assets managed by the Council are being replaced as these reach the end of their useful lives.
Asset Management	Asset Consumption Ratio	$(\text{Written Down Replacement Cost of Depreciable Infrastructure Assets} / \text{Current Replacement Cost of Depreciable Infrastructure Assets})$	64.4%	63.9%	> 60%	✓	The asset consumption ratio approximates the extent to which Council's infrastructure assets have been consumed compared to what it would cost to build a new asset with the same benefit to the community.
	Asset Renewal Funding Ratio	$(\text{Total or Planned Capital Expenditure on Infrastructure Assets} / \text{Total Required Capital Expenditure on Infrastructure Asset Renewals over 10 Years})$			Commencing 2025/26		This is an indicator of the extent to which the Council funds its projected infrastructure asset renewal/replacement in the future.
Debt Servicing Capacity	Debt Leverage Ratio	$(\text{Book Value of Debt} / \text{Total Operating Revenue} - \text{Total Operating Expenditure} + \text{Depreciation and Amortisation})$	0.66	0.23	Tier 4 = 0 - 3 times	✓	This is an indicator of Council's ability to repay its existing debt. However, the size of the Council's debt to its operating performance.
	Working Capital Ratio	$(\text{Current Assets} / \text{Current Liabilities})$	2.63:1	4.64 : 1	> 1:1	✓	This is an indicator of the management of working capital (short term financial capital). Measures the extent to which a Council has liquid assets available to meet short term financial obligations.
Other	Net Financial Liabilities Ratio	$(\text{Total Liabilities} - \text{Current Assets}) / \text{Total Operating Revenue}$	(16.6%)	(67.0%)	<=60%	✓	This is an indicator of the extent to which the net financial liabilities of a Council can be serviced by its operating revenues.

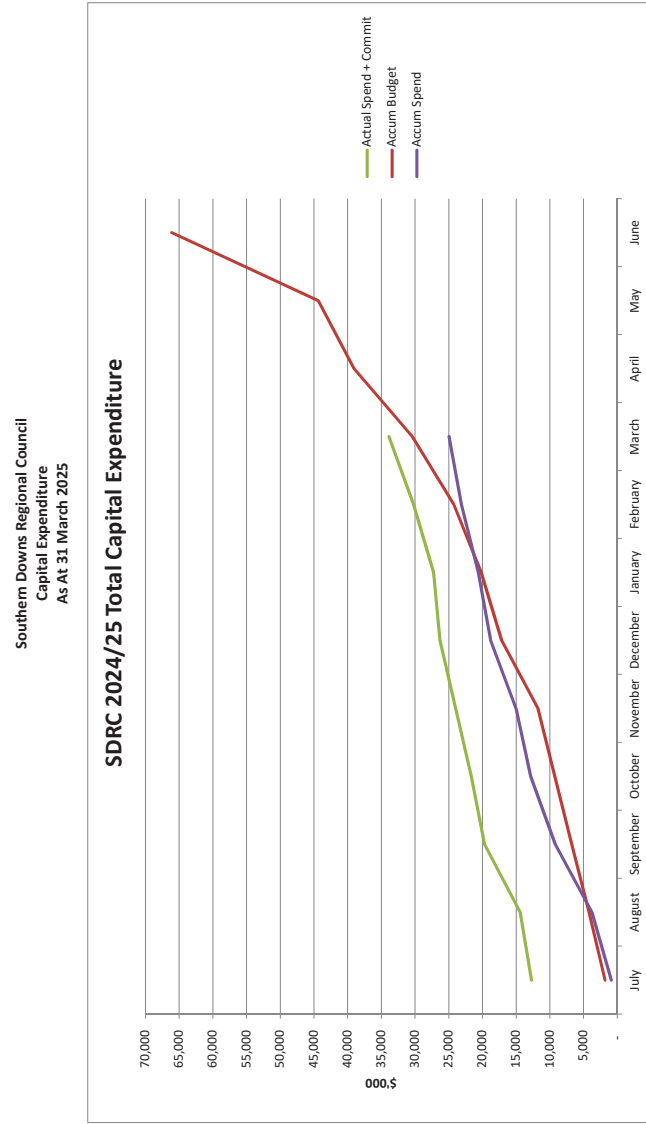
**Comments on Ratio Results.**

The reported ratios are taken from the Department of Local Government guidelines on sustainable financial management. When looking at ratios it is important to acknowledge that they represent a snapshot in time and that anomalies in the reported results are not taken in isolation. The targets are those provided by the Department as a preferred range and results outside those ranges will require further consideration.

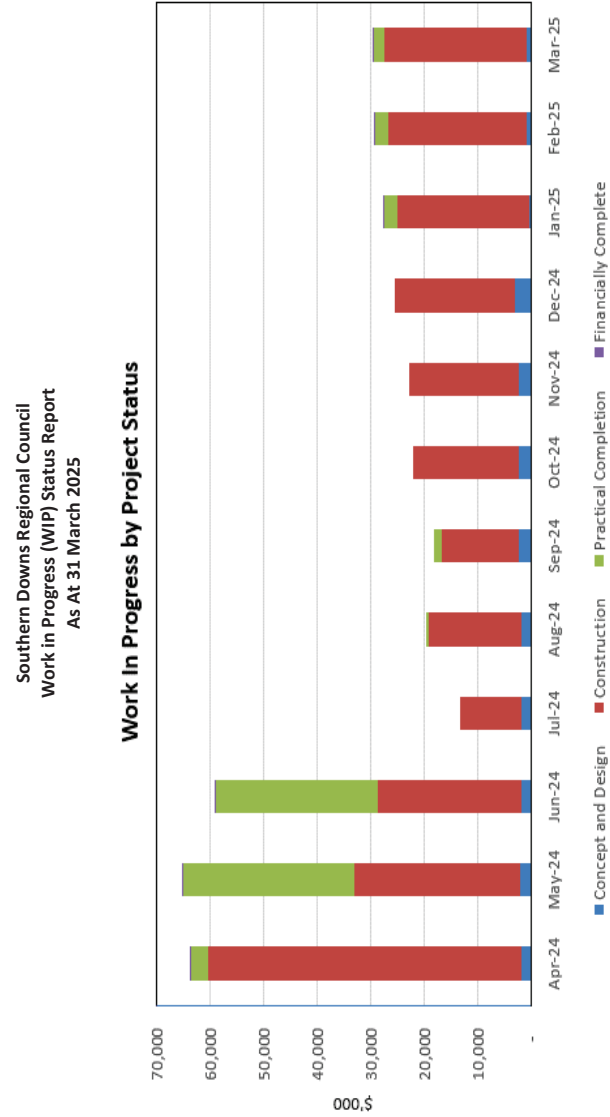
However these ratios represent Council's position at a single point in time and should not be considered in isolation. Ratios should be considered over the long term.

Southern Downs Regional Council  
 Capital Works Projects by Asset Class  
 As At 31 March 2025

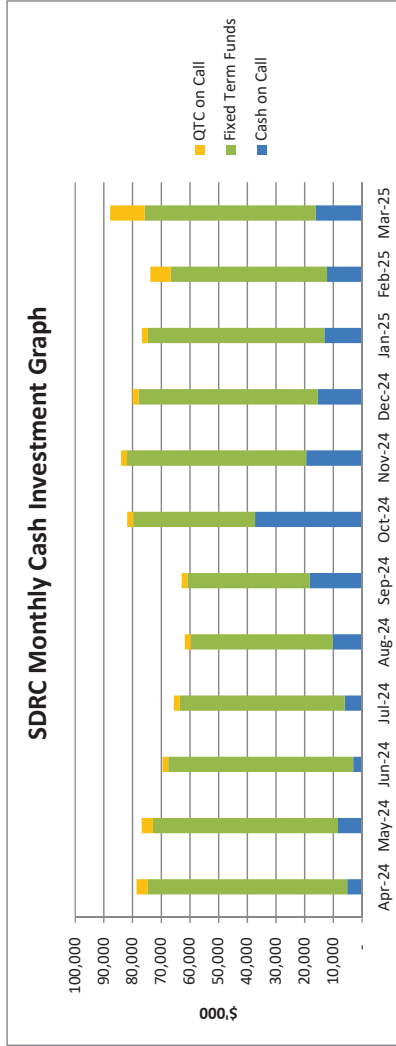
	Budget	YTD Expenditure	% Spent	Committed	Spent and Committed	% Spent and Committed
Land	-	11,979	-	13,175	25,154	-
Buildings	2,985,870	1,136,389	38.1%	1,927,122	3,063,511	102.6%
Plant & Equipment	6,828,710	2,446,780	35.8%	272,305	2,719,085	39.8%
Roads, Drains & Bridges	16,845,062	6,796,211	40.3%	2,396,615	9,192,827	54.6%
Water	14,976,376	6,831,057	45.6%	2,533,200	9,364,257	62.5%
Sewerage	9,467,673	4,587,124	48.5%	1,474,818	6,061,942	64.0%
Other Assets	14,989,892	3,462,737	23.1%	899,948	4,362,685	29.1%
<b>Total</b>	<b>66,093,583</b>	<b>25,272,277</b>	<b>38.2%</b>	<b>9,517,183</b>	<b>34,789,461</b>	<b>52.6%</b>







Southern Downs Regional Council  
 Total Monthly Cash Investment Register  
 As At 31 March 2025




**Southern Downs Regional Council  
Borrowings Report  
As At 31 March 2025**

<b>QTC Loan Account</b>	<b>Balance</b>	<b>Payout Date</b>
CBD Redevelopment Stage 2	366,749	Mar-28
Market Square Pump Station	171,149	Mar-28
General	1,238,490	Mar-28
General 2009	586,451	Mar-28
General 2009/10	89,121	Mar-28
General 2010/11	1,345,856	Mar-28
General 2011/12	2,570,361	Jun-32
General 2012/13	1,486,788	Dec-32
Warwick Sewerage Treatment Plant	183,529	Jun-26
Allora Water Main	2,824,563	Mar-34
<b>Total Loan Balance</b>	<b><u>10,863,057</u></b>	

## 13.2 Operational Plan 2024-2025 Quarterly Review - January 2025 to March 2025

### Document Information

 <b>Southern Downs</b> REGIONAL COUNCIL	<b>Report To: Ordinary Council Meeting</b>	
	<b>Reporting Officer:</b> Governance Officer	<b>Meeting Date:</b> 16 April 2025
	<b>ECM Function No/s:</b>	

### Recommendation

THAT Council receive and note the contents of the Operational Plan Quarterly Review – January 2025 to March 2025

### REPORT

#### Report

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

All service areas across Council have continued to work hard in this quarter to implement actions under the Operational Plan.

### FINANCIAL IMPLICATIONS

Nil.

### RISK AND OPPORTUNITY

#### Risk

Nil.

#### Opportunity

Nil.

### COMMUNITY ENGAGEMENT

#### Internal Consultation

Council's Senior Leadership Team are responsible for various actions within the 2024-2025 Operational Plan and consult with their respective staff to complete and report on progress of the actions.

#### External Consultation

Nil

## LEGAL / POLICY

### Legislation / Local Law

*Local Government Act 2009 (Qld) s. 104*

*Local Regulation 2012 (Qld) ss. 174-175*

### Corporate Plan

#### Goal 4      Our Performance

**Outcome:**    4.4      Council has embedded risk management, good governance, transparency and accountability into what we do.

**Objective:**    4.4.1    Provide assurance through effective governance, audit and risk management practices.

### Policy / Strategy

Nil

### Legal

Provisions relating to *Local Government Act 2009* and *Local Government Regulation 2012* requiring assessment of Operational Plan at regular intervals have been considered.

## HUMAN RIGHTS


A Human Rights assessment has been undertaken.

## ATTACHMENTS

1. Operational Plan 2024/25 Quarter 3 (Excluded from agenda - Provided under separate cover)⇒

### 13.3 WIRAC Filtration Replacement & Upgrade Project

#### Document Information

 Southern Downs REGIONAL COUNCIL	<b>Report To: Ordinary Council Meeting</b>	
	<b>Reporting Officer:</b> Project Officer	<b>Meeting Date:</b> 16 April 2025
		<b>ECM Function No/s:</b>

#### Recommendation

THAT Council:

1. Resolve, in accordance with the *Local Government Regulation 2012* and *Procurement Policy PL – FS010*, to identify and directly engage suitably qualified and experienced contractor/s to complete the WIRAC Filtration Replacement and Upgrade Project (“the required work”).
2. Delegate authority to the Chief Executive Officer (“CEO”) under s. 257 (b) of the *Local Government Act 2009* to exercise s. 238 of the *Local Government Regulation 2012* to directly engage with contractor/s to negotiate and execute suitable contract/s that deliver a value for money outcome to complete the required works within the approved budget allocation.
3. Delegate authority to the Chief Executive Officer to negotiate variation/s to any contract/s made under item four (4) above.

#### REPORT

##### Background

The WIRAC Filtration System is at the end of its useful life, and currently failing, and immediate remedial action is necessary to maintain the operation of the pool. The filtration system is at risk of imminent failure, particularly in the Learn to Swim pool, which has already experienced system failure and is now operating with a temporary domestic filtration system. The current situation presents significant risks to water quality, public safety, and the facility’s reputation.

The WIRAC facility is the only indoor, all-season pool in the area, making it a critical asset for the community.

Given the urgency of the situation, the WIRAC Filtration Replacement and Upgrade Project aims to design and install an efficient and effective pool filtration system that will maintain water quality and meet environmental and health regulations. This project will also include improvements to the asset maintenance of the facility to ensure its long-term viability.

The WIRAC facility is operated by a third-party contractor, namely the Brisbane YMCA.

##### Report

The existing filtration system at WIRAC has been assessed and is deemed insufficient for the facility’s needs due to it being at the end of its useful life and starting to fail. The failure of the Learn to Swim pool’s filtration system underscores the need for immediate action. The proposed

replacement system will improve water quality management, reduce the risk of further system failures, and contribute to more effective asset maintenance across the facility.

The project will be funded through the Works for Queensland 2025-2027 program, with an approved budget of \$2 million. It is expected that the works will be completed by June 2027, aligning with the project delivery timeline.

Under the *Local Government Regulation 2012, Section 224(1)*, the Council is required to follow specific procedures before entering into contractual arrangements, including inviting tenders for contracts valued over \$200,000. Council has met the requirements of the Regulation, as follows:

- April 2024 (24\_089) for the design of the filtration system – 1 response received, which was not suitable;
- July 2024 (25\_007) for the design of the filtration system – no responses received;
- August 2024 (25\_007a) for the design of the filtration system - 1 response received, which was not suitable; and
- February 2025 (25\_085) for the design & construction of a replacement filtration system – no responses received,

As Council has now completed an open tender process Council has met its obligation under the Regulation, which now allows it to directly engage. Throughout this process, Council has continued to work closely with the operator of the WIRAC facility, the Brisbane YMCA. With the lack of success through the four (4) procurement processes undertaken by Council, the Brisbane YMCA has identified specific contractors who may meet the Council's needs.

*Newport Consulting Engineers* has been identified as a potential solution for an aquatic engineer for the design of a new filtration system, however, at the time of report writing, costs/offers had not yet been confirmed.

Council has also spoken to a supplier of a filtration system, *Brauer Industries* who has provided a quote. While this provides the equipment, it does not install the item, meaning the Council is still working to identify a contractor to install the system following an approved design. In addition, the approximate cost does not consider potential contingencies, meaning the cost for the system alone would be estimated at circa. \$550k.

Finally, through the direct engagement of contractors, Council will now be required to provide a more hands-on approach to the project management oversight, meaning a shift in costs from the contractor directly to Council as it manages multiple contractors across both the design, asset acquisition and construction phases.

## **Conclusion/Summary**

The WIRAC Filtration Replacement & Upgrade Project is a critical intervention to prevent further system failure, maintain water quality, and ensure the continued operation of the WIRAC facility. The proposed design and installation of a new filtration system will help improve the facility's long-term maintenance and sustainability, benefitting Council, the operator and the broader community. The project is aligned with the Council's strategic priorities and legislative requirements, and the phased approach is recommended for timely and effective delivery.

## FINANCIAL IMPLICATIONS

The total cost of the project is \$2 million, funded through the Works for Queensland 2025-2027 program. This amount will cover all aspects of the filtration system replacement, including design, procurement, installation, and contingency planning. The financial allocation will ensure that the project meets budget expectations while delivering the required outcomes.

## RISK AND OPPORTUNITY

### Risk

There are several risks associated with the WIRAC Filtration Replacement and Upgrade Project, including potential delays due to procurement issues or unexpected complications during the installation phase. There is also a risk of temporary disruption to the WIRAC facility's operations, which may affect the service delivery to the community.

Other risks associated with the project, include:

- **Asset Failure:** The existing filtration system is at risk of imminent failure, which could lead to the closure of the pool or compromise water quality, affecting public health and safety.
- **Reputation:** The WIRAC facility is a vital community resource, and any disruptions due to filtration system failure could damage the Council's reputation.
- **Costs:** There is a potential for contractor claims related to lost revenue due to delays or service disruptions.

To mitigate these risks, immediate remedial action and the proposed phased approach is recommended.

### Opportunity

The successful completion of the project presents several opportunities:

- **Improved Asset Maintenance:** The new filtration system will enhance the long-term maintenance and sustainability of the facility.
- **Community Benefit:** Ensuring the continued operation of the WIRAC facility supports community health and well-being, especially for those who rely on the facility's services year-round.

## COMMUNITY ENGAGEMENT

### Internal Consultation

Internal consultation has occurred with relevant departments to ensure alignment with Council priorities and financial considerations.

Councillor Information Session 2 April 2025.

Procurement Coordinator



## External Consultation

External consultation with specialised aquatic designers and contractors has been conducted, ensuring that any proposed filtration system meets industry standards and regulatory requirements.

## LEGAL / POLICY

### Legislation / Local Law

*Local Government Act 2009*

*Local Government Regulation 2012*

The project complies with all relevant local laws and regulations, including the *Local Government Regulation 2012*. Section 224 outlines the procedures for entering into contractual arrangements for contracts, and the project will follow these procedures.

### Corporate Plan

**Outcome:** 2.1 Public places and open spaces are safe, well maintained and liveable.

**Objective:** 2.1.2 Identify, facilitate and promote community-led place making, activation of public places and opportunities to enhance and activate the urban environment.

#### Goal 1 Our People

**Outcome:** 1.2 Communities have the opportunities to grow and develop.

**Objective:** 1.2.1 Plan and provide community facilities and programs to meet the needs of our diverse community and enable community growth.

### Policy / Strategy

Procurement Policy PL – FS010

This project aligns with Council's capital works strategy and asset management policies, contributing to the long-term improvement and sustainability of community infrastructure.

### Legal

There appear to be no legal issues associated with this report. The procurement process will follow the necessary legislative requirements.

## HUMAN RIGHTS

A Human Rights assessment has been undertaken.

## ATTACHMENTS

Nil


## **14. INFRASTRUCTURE SERVICES REPORTS**

Nil

## 15. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

### 15.1 Reconfiguring a Lot: Gary Hayes & Partners Pty Ltd – 11412 Cunningham Highway and Freestone Road, Clintonvale

#### Document Information

 <b>Southern Downs</b> REGIONAL COUNCIL	<b>Report To: Ordinary Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 16 April 2025
	Planning Officer	<b>ECM Function No/s:</b> RC\02052

<b>APPLICANT:</b>	Gary Hayes & Partners Pty Ltd
<b>OWNER:</b>	Nicholas J & Mary C Nolan
<b>ADDRESS:</b>	11412 Cunningham Highway and Freestone Road, Clintonvale
<b>RPD:</b>	Lot 1 ML2118 and Lot 2 ML477
<b>LAND USE AREA:</b>	Rural (Alluvial Plains and Basalt Uplands precincts)
<b>PROPOSAL:</b>	Realignment of boundaries (Two (2) lots into two (2) lots)
<b>LEVEL OF ASSESSMENT:</b>	Impact
<b>SUBMITTERS:</b>	One (1)
<b>REFERRALS:</b>	Nil
<b>FILE NUMBER:</b>	RC\02052

#### RECOMMENDATION SUMMARY

THAT the application for Realignment of boundaries (Two (2) lots into two (2) lots), on land at 11412 Cunningham Highway and Freestone Road, Clintonvale, described as Lot 1 ML2118 and Lot 2 ML477, be approved subject to conditions.

#### REPORT

##### Background

A report in relation to the application for Realignment of boundaries (Two (2) lots into two (2) lots), was presented to the Ordinary Council Meeting on 19 March 2025.

On 19 March 2025, Council made a procedural motion to lay the application on the table until the April 2025 Ordinary Council Meeting. Subsequent to further discussions surrounding the potential access to proposed Lot 6, resulting from the boundary realignment, it is recommended Condition 2, which related to the imposition of a residential building covenant, is amended as follows:

##### Easements and Covenants

2. A statutory covenant to prohibit the construction of buildings for a residential use is to be provided over proposed Lot 6 along the full length of the southern boundary. The covenant is also to restrict the construction of any internal driveway or access from Freestone Road within the covenant area. The covenant is to have a width of 60.0 metres. The covenant documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision.

Note: A residential use refers to a Dwelling which is defined in Schedule - 1 Definitions of the Southern Downs Planning Scheme v5.

The imposition of this condition as amended, will ensure any vehicle crossover from Freestone Road will be located at least 60.0 metres from the north-eastern corner of the adjoining lot, being Lot 1 RP21319. This will allow for an adequate distance from the point on Freestone Road which livestock cross, as a result of the operational dairy farm on the adjoining and adjacent lots.

To assist with the livestock crossing in proximity to proposed Lot 6, Council officers have discussed with the applicant and adjoining landowner the following condition, which is proposed to be included:

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

3. The existing fence along the common boundary of proposed Lot 6 and Lot 1 RP21319, and along the Freestone Road frontage of proposed Lot 6 for at least the width of the covenant required in Condition 2, is to be retained and maintained.

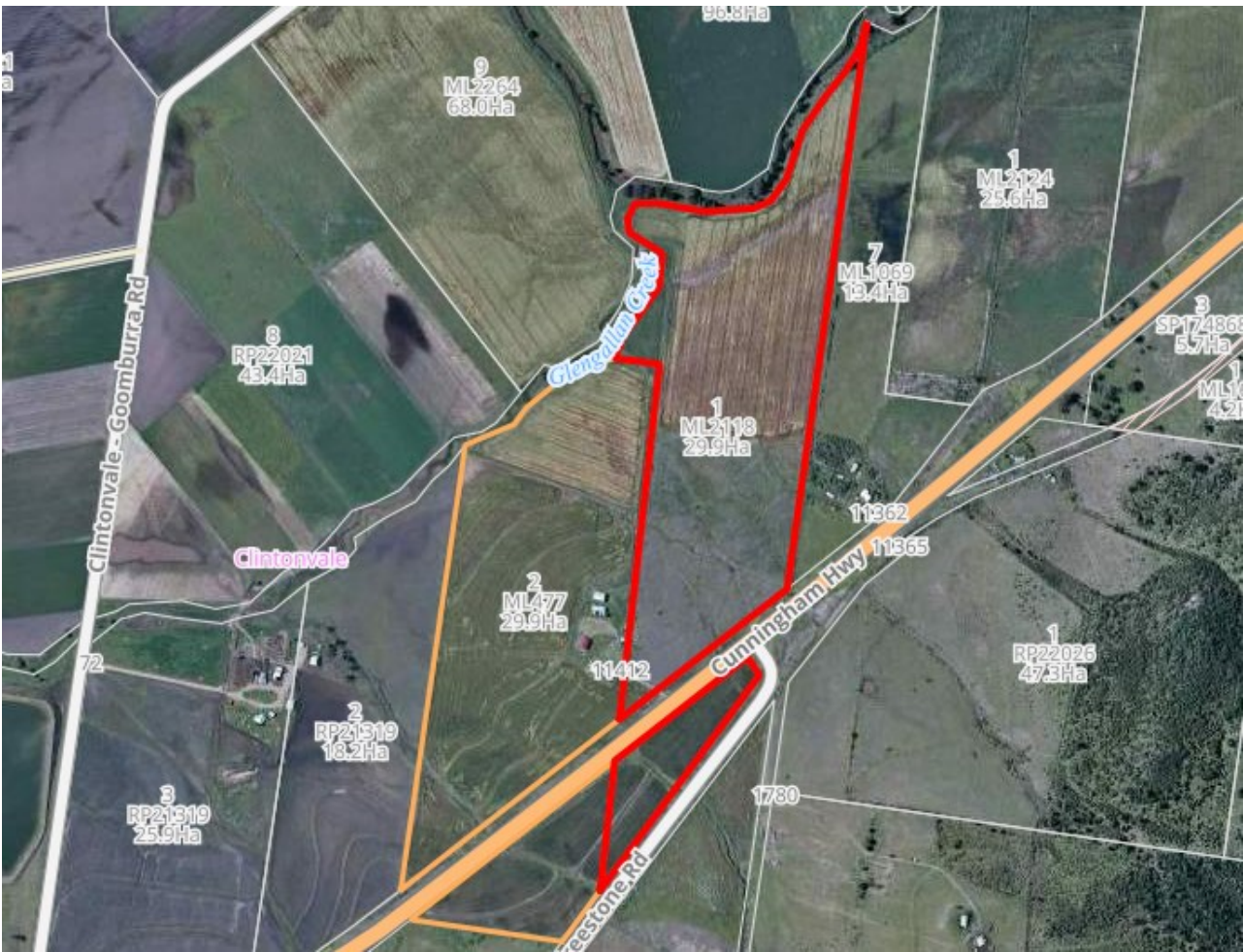
Where there is no fencing in these locations, standard rural wire fencing is to be provided at the applicants cost.

In addition, an advisory note will also be included which states that a notifiable notation may be included on Council's rates system for proposed Lot 6, which states the land is a rural property and that any commencement of a residential use may be potentially impacted by emissions from nearby lawful non-residential uses.

Upon consideration of the stormwater management condition and the nature of the proposal, the condition relating to stormwater management has been removed.

This report seeks to table the initial application with the recommendation remaining unchanged and the conditions of approval being amended.

### **Report**



**Figure 1: Aerial of subject site**

The subject land is comprised of two (2) lots and is situated within the locality of Clintonvale. The land is comprised of Lot 1 ML2118 which has an area of 29.9 hectares and Lot 2 ML477 which has an area of 29.9 hectares. Both lots maintain frontage to Freestone Road which is a bitumen sealed road without kerb and channel and are traversed by the Cunningham Highway, which is a bitumen sealed, State-controlled road without kerb and channel.

Lot 2 ML477 contains a Dwelling house and associated outbuildings within the south-eastern corner of the land to the north of the Cunningham Highway. While the existing Dwelling house is situated on Lot 2 ML477, the existing all-weather driveway and approved access onto the Cunningham Highway is sited within Lot 1 ML2118. There is no approved road access for Lot 2 ML477.

The majority of Lot 1 ML2118 and Lot 2 ML477 is used for cultivation and agricultural activities. Cultivated fields exist on Lot 1 ML2118 and Lot 2 ML477 within both portions of land to the north and south of the Cunningham Highway. Lot 1 ML2118 also contains a field that is not cultivated within the portion of land to the north of the Cunningham Highway.

Two (2) biodiversity drainage lines also traverse the subject land and the Cunningham highway. Culverts exist underneath both the Cunningham Highway and Freestone Road to manage the drainage lines within the road reserve. The land abuts Glengallan Creek to the north.

The applicant has proposed to realign the boundaries of Lot 1 ML2118 and Lot 2 ML477 to create proposed Lots 5 and 6. Proposed Lot 5 will have an area of 51.2 hectares and will maintain access and frontage to the Cunningham Highway. Proposed Lot 6 will have an area of 8.5 hectares and will maintain dual road frontage to the Cunningham Highway and Freestone Road. The realignment will result in the consolidation of land to the north of the Cunningham Highway into proposed Lot 5 and the consolidation of land to the south of the Cunningham Highway into proposed Lot 6. Proposed Lot 5 will contain the existing Dwelling house and associated

outbuildings, and will maintain the approved access onto the Cunningham Highway. The applicant has proposed to take access from Freestone Road for proposed Lot 6.

The applicant has stated the purpose of the realignment is to rectify a building encroachment (eastern-most building on Lot 2 ML477) and rectify the encroachment of the access and internal driveway to the structures contains on Lot 2 ML477 (access to the structures from the Cunningham Highway is obtained from Lot 1 ML2118).

The proposal plan is as follows:

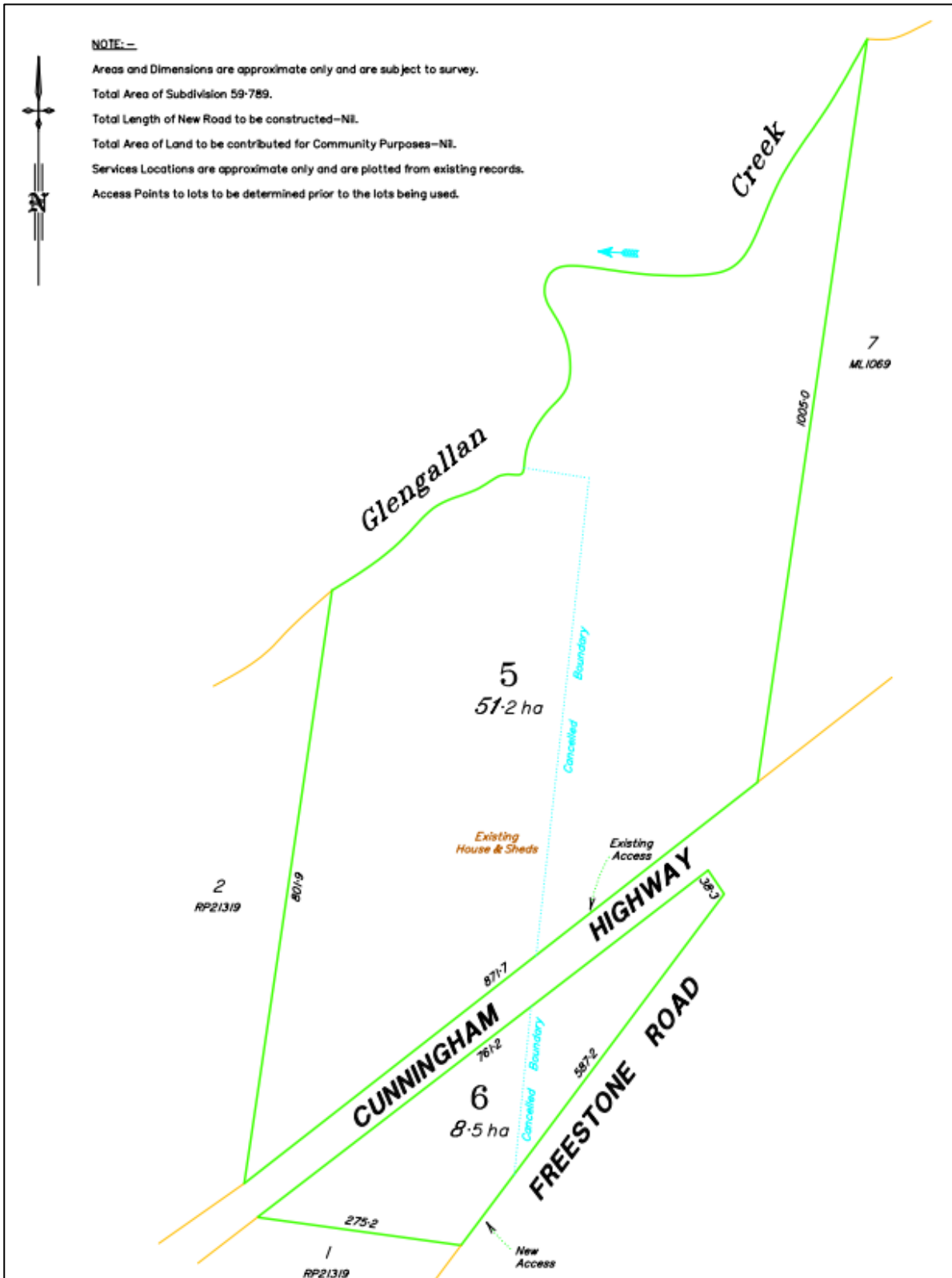


Figure 2: Proposed Site Plan

## Public Notification

Public Notification for the proposed development was undertaken between 20 January 2025 to the 11 February 2025.

The Notice to Commence Public Notification was submitted to Council on 14 January 2025. A notice was published in the Town and Country Journal on 16 January 2025. A notice was placed on each property frontage on 18 January 2025. The adjoining land owners were notified by a letter of the proposed development on 15 January 2025.

The Public Notification sign stated the submission period was between 20 January 2025 to the 11 February 2025.

The Notice of Compliance was submitted to Council on 13 February 2025. The Public Notification period complies with the Development Assessment Rules.

## Submissions

One (1) properly-made submission was received in response to the application. The submission was received by Council on 11 February 2025. The submission was not in support of the proposed development.

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

Matters raised in submissions	Response
<p><b>Proximity to dairy</b></p> <p>“I have major concerns that this boundary realignment will have severe impacts on my business due to the creation of a lifestyle block adjoining 2 of my properties.</p> <p>My concerns are:</p> <ul style="list-style-type: none"><li>- Close proximity to dairy and feed pod</li><li>- Close proximity to silage pits and feed storage area</li><li>- Possible and probable complaints about dust, noise + odour from dairy operation”</li></ul>	<p>The applicant has stated there is an operational dairy farm which is located adjacent to the subject site, being Lot 1 RP22098. The land adjoining the southern boundary, being Lot 1 RP21319, is also used as part of the dairy farm operations. The applicant’s concerns relate to the creation of proposed Lot 6 and the use of the lot for a residential purpose which will be located in close proximity to the operational dairy farm.</p> <p>The proposed development is not for the purpose of a Dwelling house or a residential use. Under the Southern Downs Planning Scheme (v.5), a planning application is required to construct a Dwelling house on the subject land when the building is setback within 60 metres of the side boundaries. To ensure there are no future adverse impacts to proposed Lot 6, regardless of whether it is used for agricultural or residential purposes, a condition will be imposed requiring a 60 metre covenant to be located along the southern boundary. The covenant will restrict the construction of residential buildings within 60 metres of the lot containing an operational dairy farm, being Lot 1 RP21319.</p> <p>The implementation of the covenant will not restrict the use of the land for agricultural purposes, which is the Overall outcome of land within the Rural zone.</p> <p>The implementation of conditions will ensure the impacts identified by the submitter are appropriately mitigated.</p>

Matters raised in submissions	Response
<p><b>Access</b>  “Proposed entrance adjoining existing stock crossing where cattle are moved up to twice daily across road”</p>	<p>The submitter has claimed there is an existing approved stock crossing along Freestone Road, in proximity to the proposed access point for Lot 1 RP21319 identified on the site plan. A review of Council’s and the Department of Resources’ records do not indicate the existing crossing is an approved crossing for stock.</p> <p>In addition, neither the Cunningham Highway nor Freestone Road are shown as stock routes on the Certified Stock Route map, under the <i>Stock Route Management Act 2002</i>.</p> <p>A travelling stock permit is required to travel stock on stock routes and other roads within the region. It is an offence to travel stock on stock routes and other roads without a permit. Exemptions to the above do apply when moving stock between properties, subject to certain criteria. Should the criteria not be met, a permit is required. The responsibility, however, remains with the landowner or stock traveller and not with the adjoining or nearby property owners.</p>



Matters raised in submissions	Response
<p><b>Loss of agricultural land</b>            “Taking prime agricultural land away from agricultural production”</p>	<p>The proposed realignment is not reducing the land used for agricultural purposes. The realignment consolidates the agricultural and cultivated land north of the Cunningham Highway into one parcel (proposed Lot 5) and consolidates the cultivated land south of the Cunningham Highway into the second parcel (proposed Lot 6). Ensuring the lots are not separated by vincula across the Cunningham Highway ensures the agricultural activities are wholly contained within lots which abut roads, clearly outlining the confines of the lot boundaries.</p> <p>Furthermore, with the current lot layout, up to an additional three (3) Dwelling houses can be constructed on land to the south of the Cunningham Highway, subject to a development approval (if required due to setbacks). One (1) additional Dwelling house can be constructed on Lot 2 ML477 resulting in a Dual occupancy (existing Dwelling house north of the highway), and a Dual occupancy (two (2) Dwelling houses) can be constructed on Lot 1 ML2118 (subject to a development approval if the setback/s are insufficient).</p> <p>The proposed realignment will reduce the number of Dwelling houses that could be constructed on the land to the south of the Cunningham Highway to one (1) without a development approval. A Dual occupancy would require a planning approval as proposed Lot 6 is less than 10 hectares.</p> <p>It is therefore considered the development does not reduce land used for agricultural activities, and results in a more usable parcel of land for cultivation.</p>

**Assessment against the Planning Scheme**

Benchmarks applying to the development
<p>The following codes of the Southern Downs Planning Scheme are benchmarks applying to the development:</p> <ul style="list-style-type: none"> <li>- 8.2.5 Flood hazard overlay code</li> <li>- 9.4.7 Reconfiguring a lot code</li> </ul>

Flood hazard overlay code



**Figure 3: Flood hazard overlay**

**AO6.1** New lots are:

- (a) Located outside the overlay area; or
- (b) All new lots have an area at natural ground level measuring 17 m x 17m that is located outside the overlay area; and
- (c) Are provided with legal, clear and direct pedestrian and vehicle evacuation routes that are not within the flood hazard overlay area.

*Note: If part of the site is outside the overlay area, this is the preferred location for all lots (excluding park or other relevant open space and recreation lots).*

*Note: Buildings subsequently developed on the lots created will need to comply with the relevant building assessment provisions under the Building Act 1975.*

The subject land is impacted by the Flood hazard overlay to the north. The proposed realignment will result in each lot maintaining an area at natural ground level measuring 17.0 metres x 17.0 metres that is located outside the Flood hazard overlay. Furthermore, flood free access to each lot a can be achieved. The development can comply with the Acceptable outcome.

**Reconfiguring a lot code**

**AO1.2** All new lots contain an area of at least 17 m x17 m located at natural ground level which is flood free.

**AO1.3** All lots have practical, legal, flood free access to an area on a site where a building can be constructed.

Both proposed Lots 5 and 6 contain an area of at least 17.0 metres x 17.0 metres located at natural ground level which is flood free. Both proposed lots will maintain practical and legal, access that is wholly outside of the Flood hazard overlay. Compliance with the Acceptable outcomes is achieved.

**PO23** *The impacts of development on the natural environment are mitigated appropriately and there are no significant adverse effects on biodiversity, native vegetation, habitat or landscape quality including those related to*

- *changes to natural drainage;*
- *disturbance to a wetland;*
- *mitigation of natural hazards including bushfire risk and flood;*
- *erosion and transport of sediments off site;*
- *waste water disposal.*

The subject land contains two (2) biodiversity drainage lines which traverse the site from the south-east to the north-west. The northern-most drainage line traverses the portion of land to the north of the Cunningham Highway. The majority of the southern-most drainage line is contained within Lot ML477 and traverses the Cunningham Highway through the existing culvert.

The removal of the common boundary between Lot 1 ML2118 and Lot 2 ML477, and the consolidation of the land to the north of the Cunningham Highway into proposed Lot 5 ensures the northern-most drainage line will not flow into additional lots as a result of the realignment. The realignment will reduce the number of lots the northern-most drainage line will traverse. Furthermore, the removal of the common boundary to the north of the Cunningham Highway will ensure that any fencing infrastructure is no longer required along the boundary and thus, may reduce obstructions of the drainage line if removed. The realignment will not alter the southern-most drainage line.

With consideration given to the above, the development will not impact the natural environment and there are no significant adverse effects on biodiversity, native vegetation, habitat or landscape quality. The development complies with the Performance outcome.

### **AO37**

- (d) Except where use of a lot is prevented by (c) above, the newly created lots are generally the same size as the existing lots, or the rearrangement will result in lots that are more suited to the rural use of the land (see note below).*

*Note: Rearrangement of boundaries that results in lots more suited to the rural use of the land include the following:*

- (i) Agricultural land is consolidated into larger lots.*
- (ii) Smaller lots are not created in highly productive areas where the potential for conflict between agricultural uses and potential new residential uses is increased.*
- (iii) The new boundaries of the land have consideration of existing soil conservation works, the topography of the land and infrastructure.*

**PO37** *Rearrangement of the boundaries of existing lots:*

- (a) results in new lots that are generally the same size as the existing lots, or the rearrangement results in a more sustainable rural land resource;*
- (b) involves only lots that are adjoining lots, or lots adjacent to each other (i.e. on the opposite side of a road);*
- (c) does not lead to increased fragmentation of rural land;*
- (d) does not increase the potential for conflict between rural and non-rural land uses;*
- (e) allows for coordinated land management (e.g. ensuring water resources and the land to be irrigated are on the same lot);*

(f) avoids hazards (such as bushfire prone areas); and

(g) results in improved environmental outcomes.

The applicant has provided the following response:

*Complies with PO37 – the proposed rearrangement of the boundaries of the existing lots complies as the design directly responds to the on site characteristics of the property, the Cunningham Highway corridor which currently separates the land holding, the current use of the property, the impact of the [Glengallan] Creek (Flood Hazard Overlay) on the property and the current and future intended agricultural activities on the property.*

*The proposal also rectifies the previous fragmentation of the land and will be reconfigured to a more common-sense arrangement and allows for coordinated land management and will result in improved environmental outcome over the longer term.*

The realignment will result in a 51.2 hectare lot (proposed Lot 5) and an 8.5 hectare lot (proposed Lot 6). Though the realignment will not result in lots that are generally the same size (existing lot sizes being 29.9 hectares and 29.9 hectares), it will result in lots that are more suited to the rural use of the land as the agricultural land is being consolidated into the larger proposed Lot 5, thus, reducing fragmentation. Proposed Lot 5 will also contain all of the existing infrastructure associated with the cultivation and agricultural activities conducted on the land.

Along with containing the majority of the agricultural land, proposed Lot 5 will also contain the northern-most drainage line. Containing the northern-most drainage line within proposed Lot 5 allows for the coordinated land management of the agricultural land by ensuring the water resources are within the same lot.

Both proposed Lots 5 and 6 will be used for agricultural purposes due to the existing cultivation occurring on-site. Proposed Lot 5 will be used for cultivation purposes as the realignment will consolidate all of the cultivated land to the north of the Cunningham Highway into one lot. Proposed Lot 6 will contain all of the cultivated land located to the south of the Cunningham Highway. There is an existing operational dairy farm which adjoins and is adjacent to proposed Lot 6 (to the west and south, respectively). While the application is for the purpose of a boundary realignment only and does not involve any material change of use (i.e. the construction of a Dwelling house), due to the size of the land there is a potential for proposed Lot 6 to be used for a residential purpose, either in-addition to or instead-of the existing agricultural use on-site. As proposed Lot 6 adjoins and is adjacent to an operational dairy farm on Lot 1 RP21319 and Lot 1 RP22098, and the subject site could be used for residential purposes, it is considered reasonable to require a covenant is to be provided along the southern boundary of proposed Lot 6. The covenant is to have a width of 60.0 metres and is to restrict the construction of any residential building. Ensuring that any potential future Dwelling house is constructed at least 60.0 metres from the common boundary of Lot 1 RP21319, which contains the operational dairy farm, will ensure the development does not increase the potential for conflict between rural and non-rural land uses. The implementation of the covenant will not restrict the use of proposed Lot 6 for agricultural purposes, which is the Overall outcome of land within the Rural zone.

The imposition of this condition is considered to be a permitted development condition under s65(1)(b) of the *Planning Act 2016*, as although there is not a relevant assessment benchmark requiring a covenant to be imposed, it is reasonably required as a consequence of the development.

Regardless of the above, the construction of a Dwelling house should comply with AO7 of the Residential uses code, which states that the Dwelling house must be located at least 200 metres from a dairy farm. If compliance cannot be achieved with the Acceptable outcome, a planning approval is required and compliance must be achieved against PO7 which states that regard must be given to the dwelling's location, design, orientation and construction measures that mitigate the effects of noise, dust, odour, and other impacts arising from the dairy.

The realignment will contain all of the Flood hazard overlay within proposed Lot 5, therefore reducing the flood hazard for proposed Lot 6 to nil. Due to the size of proposed Lot 5, there is

significant area outside of the flood impacted land where buildings can be constructed and the safety of people and property is not compromised.

The realignment will also cancel the boundary that traverses the northern-most drainage line within the northern portion of the land. The cancellation of the common boundary of Lot 1 ML2118 and Lot 2 ML477 within the land to the north of the Cunningham Highway will ensure fence lines are no longer required along the boundary which traverses the drainage line, and if removed, will therefore improve the environmental outcomes.

While the realignment will result in the creation of proposed Lot 6 which is wholly impacted by Mandatory Categories 0-4 of the Transport Noise Corridor, a Dwelling house can be sited in the Mandatory Categories 0-1 along Freestone Road, which is the lowest noise category.

Therefore, it is considered the development can comply with the Performance outcome.

### **Infrastructure Charges**

There are no Infrastructure Charges associated with the proposed boundary realignment.

### **Recommendation**

THAT the application for Realignment of boundaries (Two (2) lots into two (2) lots), on land at 11412 Cunningham Highway and Freestone Road, Clintonvale, described as Lot 1 ML2118 and Lot 2 ML477, be approved subject to the following conditions:

#### **Schedule 1 - Southern Downs Regional Council Conditions**

##### **Approved Plans**

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

Plan Name	Plan No.	Date
Boundary Realignment Proposed Lots 5 & 6 Cancelling Lot 1 on ML2118 and Lot 2 on ML477 – prepared by Gary Hayes and Partners Pty. Ltd.	W6298-02 Sheet 1/1	26 November 2024

##### **Easements and Covenants**

2. A statutory covenant to prohibit the construction of buildings for a residential use is to be provided over proposed Lot 6 along the full length of the southern boundary. The covenant is also to restrict the construction of any internal driveway or access from Freestone Road within the covenant area. The covenant is to have a width of 60.0 metres. The covenant documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision.

*Note: A residential use refers to a Dwelling which is defined in Schedule - 1 Definitions of the Southern Downs Planning Scheme v5.*

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

3. The existing fence along the common boundary of proposed Lot 6 and Lot 1 RP21319, and along the Freestone Road frontage of proposed Lot 6 for at least the width of the covenant required in Condition 2, is to be retained and maintained.

Where there is no fencing in these locations, standard rural wire fencing is to be provided at the applicants cost.

##### **Electricity, Street Lighting and Telecommunications**

4. Prior to Council signing the Plan of Subdivision, written advice must be provided from Ergon Energy confirming that it has been made aware of the proposed development.

## **Advisory Notes**

- (i) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (ii) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event. An event of this size may occur, on average, once every 100 years, however it may occur more frequently. Flood events may also be larger than the 1% AEP and therefore areas located outside of the overlay are not guaranteed of flood immunity.
- (iii) A notifiable notation may be placed on proposed Lot 6 within Council's rates systems which states the following:

This area is expressly identified as being potentially impacted by lawful non-residential uses. In commencing a residential use, the owner(s) acknowledges and accepts that the use may be potentially impacted by emissions from the lawful non-residential use. It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate odour, dust and noise impacts from the surrounding lawful non-residential use. These measures must be undertaken at the expense of the property owner(s).
- (iv) 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.

## **Telecommunications in New Developments**

- (v) For information for developers and owner builders, on important Commonwealth telecommunication rules that need to be complied with, visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind)

## **Aboriginal Cultural Heritage**

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

## **Approval Times**


- (vii) In accordance with the *Planning Act 2016*, this approval will lapse four years from the day the approval takes effect, unless the Plan of Subdivision is submitted to Council within the currency period. **Council will NOT approve the plan unless all conditions of this approval have been complied with to the satisfaction of Council and within the currency period of the approval.**
- (viii) The approved Plan of Subdivision must be lodged for registration in the Office of the Registrar of Titles within six months of the date of Council's Compliance Certificate and approval of the Plan of Subdivision. If the Plan of Subdivision is not registered within this timeframe, Council's approval of the Plan of Subdivision will lapse. Council may reapprove the Plan of Subdivision subject to payment of the applicable fee.

## **ATTACHMENTS**

Nil

**15.2 Material Change of Use – Alexander G Kuhl & Belinda J Hackney C/- NSPIRE Planning & Design, 214 Kerrick Road, Dalveen**

**Document Information**

	<b>Report To: Ordinary Council Meeting</b>	
	<b>Reporting Officer:</b> Planning Services Coordinator	<b>Meeting Date:</b> 16 April 2025
	<b>ECM Function No/s:</b> MCU\02600	

<b>APPLICANT:</b>	Alexander G Kuhl & Belinda J Hackney C/- NSPIRE Planning & Design
<b>OWNER:</b>	Alexander G Kuhl & Belinda J Hackney
<b>ADDRESS:</b>	214 Kerrick Road, Dalveen
<b>RPD:</b>	Lot 7 on SP274061
<b>ZONE:</b>	Rural (Granite Plains Precinct)
<b>PROPOSAL:</b>	Animal keeping (dog boarding kennel and rescue facility – up to 28 dogs)
<b>LEVEL OF ASSESSMENT:</b>	Impact
<b>SUBMITTERS:</b>	20 submissions (Two submissions are not properly made)
<b>REFERRALS:</b>	Department of Housing, Local Government, Planning and Public Works
<b>FILE NUMBER:</b>	MCU\02600

**RECOMMENDATION SUMMARY**

THAT the application for Material Change of Use for the purpose of Animal keeping (dog boarding kennel and rescue facility – up to 28 dogs) on land at 214 Kerrick Road, Dalveen, described as Lot 7 SP274061, be approved subject to conditions.

**REPORT**

A report in relation to the application for Animal keeping (dog boarding kennel and rescue facility – up to 28 dogs), was presented to the Ordinary Council Meeting on 20 November 2024.

On 20 November 2024, Council resolved to lay the item on the table, pending receipt of a Noise Impact Assessment from the Applicant.

The DA Noise Impact Assessment was submitted to Council on 4 March 2025, with subsequent information being provided to Council on 9 and 10 April 2025.

This report has been amended to reflect the additional information received, with the recommendation remaining unchanged and the conditions of approval being amended.



The applicant proposes an Impact Assessable Development Application for Animal Keeping (dog boarding kennel and rescue facility – up to 28 dogs) at 214 Kerrick Road, Dalveen, formally described as Lot 7 on SP274061.

The subject property is located on Kerrick Road which is an unsealed road. The lot is partially within the Biodiversity areas, Bushfire hazard and Water resource catchments overlays. The site is not connected to Council's underground infrastructure.

### *Background*

The site has not been subject to a Show Cause or Enforcement Notice; however, Council has received complaints regarding the use of the site. The below provides a summary of interactions between the landowner and Council to date:

- 29 May 2024 – A landowner within proximity of the site was required to complete a Barking Dogs Nuisance diary for a period of 10 consecutive days and submit the diary to Council.
- 10 June 2024 – Council Compliance Officer and Local Laws Officer visited the subject site after receiving a complaint.
- 23 June 2024 – Landowner advised Council of the following regarding the use of the site:
  - three dogs of their own require registration;
  - three of their other dogs are classified as working dogs and do not require registration; and
  - 10 dogs are rescue dogs.

The landowner also advised that they had engaged a planning consultant to prepare a development application for Animal Keeping.

- 31 July 2024 – Development application submitted to Council.
- Council has received Barking Dog Nuisance diaries for the months of June, August and September from landowners within proximity of the development.
- It is noted that the number of dogs being kept on site has been reduced pending the outcome of the development application.

### *Proposal*



The applicant intends to build a new structure for use as a dog boarding kennel and rescue facility. The structure will board a maximum of 20 dogs, in addition to the existing eight (8) dog kennels attached to the existing shed built by the previous landowners. The structure is to be located to the east of the existing shed.

The applicant has outlined the following information in relation to how the development will operate:

*This development is to provide for much needed boarding facilities in the area as well as providing for the temporary housing of rescue dogs.*

*The business will be run by family members and may include one casual employee in the future. The public will normally have access to the site in business hours to drop off and pick up dogs from the boarding kennels. Rescue dogs will be brought in and distributed by the site owners.*

The structure involves 18 self-contained dog kennels, with two (2) kennels large enough to board two (2) dogs each. The structure will also involve a water closet, storage room, entry/admin room, awning and a fenced outdoor run area for each kennel.

Each kennel will have an outdoor run area with a minimum area of 7.22 square metres whilst the two larger kennels will have an outdoor area of 10.754 square metres. Each outdoor run area will have a 1.8 metre high fence.

The proposal does not involve the breeding of dogs. The operation will employ a minimum of two (2) staff who will reside on site.

The following times are proposed for drop off and pick up of dogs:

- Monday – Friday      7:00am – 10:00am and 3:30pm – 5:30pm
- Saturday              7:00am – 10:00am
- Sunday                 3:00pm – 5:00pm
- Public Holidays      Closed

Access to the site is via an existing crossover from Kerrick Road.

The applicant has provided the following supporting information:

*We will be keeping the noise levels down by keeping the dogs inside their enclosures within their designated sleeping quarters between 6pm and 7am. The dogs will be exercised daily as well as various activities depending on the day and time of year. These might include walks on lead around the property, play with toys, socialisation as appropriate. All dogs will have free time and can play within the hours of 7am and 6pm.*

*The dogs will have an internal and external dog run area assigned to them during their stay. The internal space will have their bedding and be a secure area for feeding. The external runs will be astro turfed and have appropriate barriers to prevent fighting or fence running. Each run will be a minimum of 1.8 metres high and there will be appropriate ventilation and also draught protection for each enclosure. There will be a dedicated food preparation space for all meals and medications as appropriate. There will be a large storage room onsite to allow all items for the dog boarding facility to be close at hand. The full structure will be on a concrete slab and will prevent any dogs from being able to dig or climb (with the enclosures fully closed in). Chance of escape will be minimised by the proposed layout and set up of the facility.*

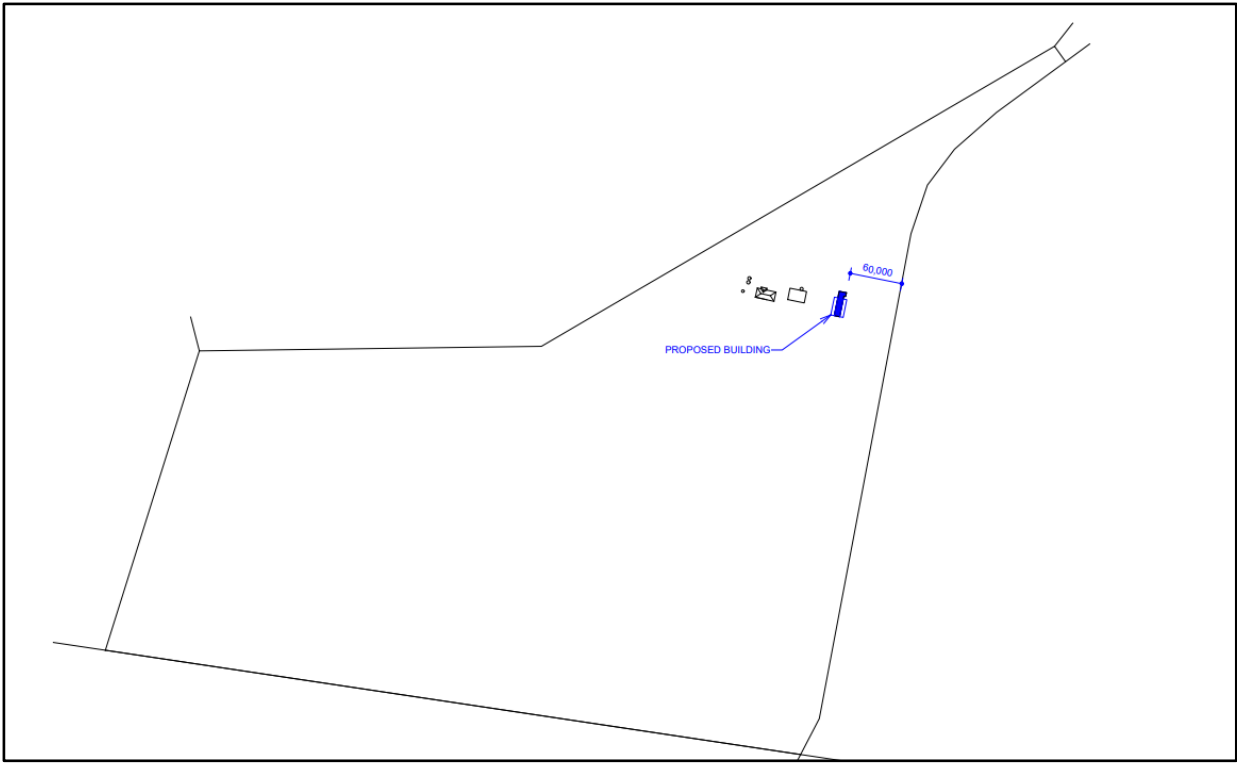


Figure 1: Proposed Site Plan

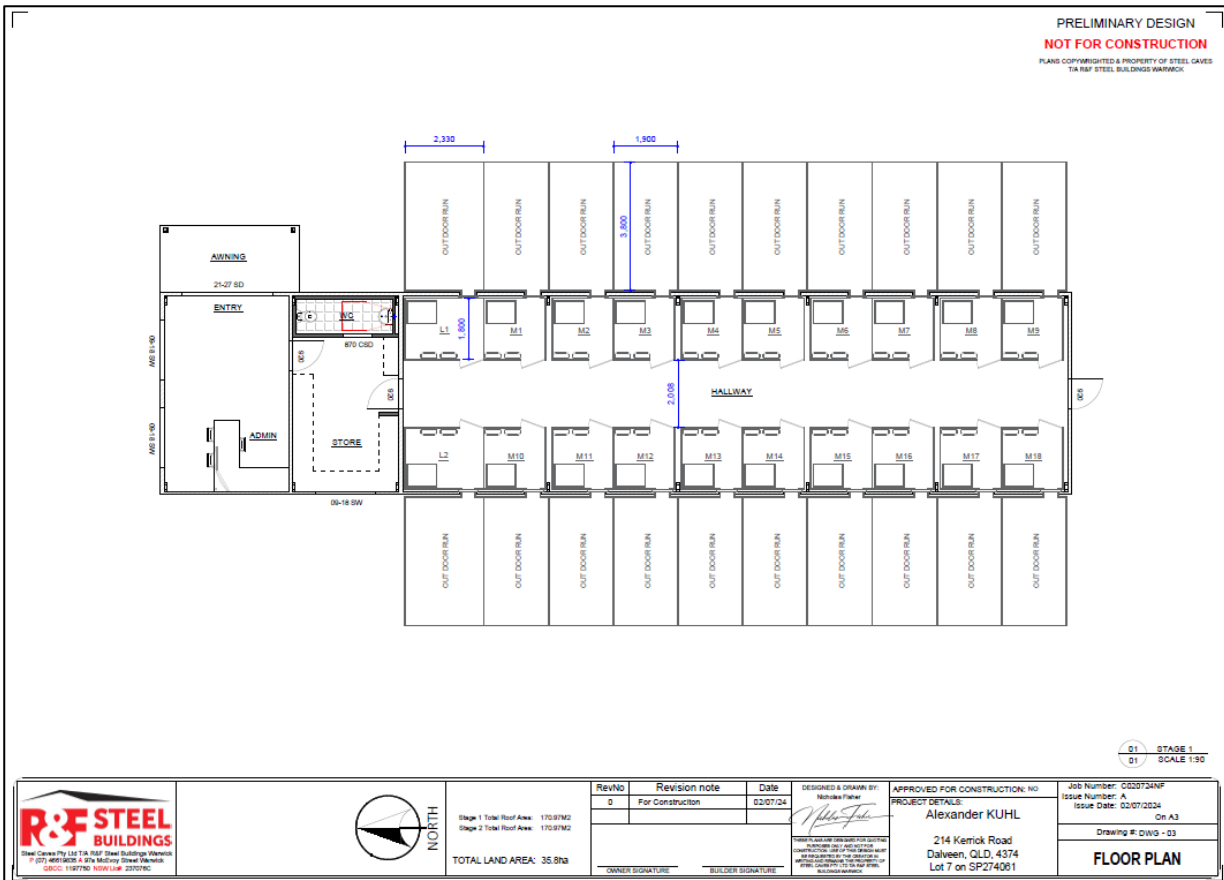


Figure 2: Proposed Floor Plan



**Figure 3: Proposed Perspective**

### **Surrounding Context**

The site is located in an established rural setting characterised by large Dwelling houses on large land parcels. The location of the kennel is setback from surrounding properties, in particular:

- the closest Dwelling house to the north is approximately 350 metres away with a large expanse of mature vegetation in between the kennel and the dwelling;
- the closest Dwelling house the south east is approximately 400 metres away with an extensively vegetated lot between the kennel and the Dwelling house;
- the closest Dwelling house to the south is approximately 650 metres away; and
- the closest Dwelling house to west is approximately 1.1 kilometres away.



**Figure 4: Sensitive receptors**

**Referral**

The application required referral to the Department of Housing, Local Government, Planning and Public Works (DHLGPPW) as the site is within 25 metres of a railway corridor. The DHLGPPW issued their referral agency response with no requirements on 10 September 2024.

It is noted that the site is mapped as containing native vegetation, however as vegetation clearing is not proposed there was not a referral for this matter.

**Submissions**

Public notification was carried out in accordance with the requirements of the DA Rules. During the public notification period twenty (20) submissions were received, eighteen (18) of which were properly made and two (2) which were not properly made. The applicant provided a response to the submissions raised. The following table provides a summary of the matters raised and Council’s assessment response to those matters.

Attached to this report are the responses to the submissions provided by the applicant and landowner.

Matters raised in submissions	Response
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Matters raised in submissions	Response
<p><b>Noise impacts</b></p> <p>There are already eight dog kennels on the property where noise complaints have already been issued. Residents are concerned that an increase of another 20 dogs will only exacerbate the noise disruption. The noise affects sleep of adjoining neighbours and encourages the noise of other nearby dogs.</p> <p>The proposal does not include adequate sound buffering currently or proposed. No acoustic report confirms that the potential noise will be effectively buffered through the proposed setbacks to adjoining properties.</p>	<p>Council is aware of noise complaints relating to the existing use of the site. A Council Development Compliance Officer and Local Laws Officer have visited the site to ensure that they had sufficient context to the proposed development, and a greater understanding of the current facilities and matters raised in the submissions.</p> <p>Council has also required a land owner within proximity to the site to complete Barking Dogs Nuisance diaries to gain a better understanding of potential noise impacts.</p> <p>Council's Environmental Health Officers have also reviewed the information provided to ensure that reasonable and relevant conditions can be imposed on the development to assist in mitigating noise. Conditions relating to building design, fencing, landscaping and hours of operation have been imposed to assist with mitigating noise impacts.</p> <p>The closest Dwelling house to the kennels is approximately 350 metres to the north, all other Dwelling houses are setback between 400 metres to 1.2 kilometres. There are large expanses of vegetation to the east, west and north of the site that will act as a buffer between the site and those properties.</p>
<p><b>Impacts on livestock/humans and wildlife</b></p> <p>Dog attacks on neighbouring livestock (sheep/cattle) have recently occurred in the last 12 months. The loss of livestock will impact on the incomes of local neighbours.</p> <p>Stray dogs have also threatened lives of residents and increased stress of landowners.</p> <p>Dogs will scare wildlife and native animals.</p>	<p>The paddock where the facility will be located is fully enclosed with fencing and the outdoor run areas include 1.8 metre high fencing to prevent dogs escaping.</p> <p>The applicant has advised that a minimum two (2) staff will be present onsite. This will assist with reducing the risk of dogs escaping. The operators of the facility will have a duty of care to ensure that appropriate monitoring is carried out to also reduce the potential of escaping dogs.</p> <p>Local laws officers have not received any complaints or investigated any domestic dog attacks in or around this area since January 2024.</p>

Matters raised in submissions	Response
<p><b>Traffic/unsealed vehicular access</b></p> <p>Kerrick Road is as an unsealed dirt road and the potential increase of traffic to the site will worsen the road's condition and generate dust to nearby neighbours.</p> <p>More traffic along Kerrick Road may lead to more vehicular accidents.</p>	<p>Although Kerrick Road is not a sealed road it is considered to be of a standard that can cater for the traffic expected to be generated by the use.</p> <p>Drop off and pick up times have been limited to ensure there is a reduction in the timeframe where there would be an increase in traffic to and from the site. The rescue dogs will be distributed by the landowners, thus reducing the number of vehicle movements associated with the property.</p> <p>The subject site has one existing access point from Kerrick Road. The existing driveway is setback approximately 157 metres from the nearest adjoining Dwelling house and is buffered by existing vegetation which will assist with managing any noise and dust generated by the use.</p> <p>There is approximately 2 kilometres of gravel constructed road to the entrance of the subject property. There is a gate located on the rail crossing that will limit patrons from travelling past the subject property and there is one Dwelling house that may be affected by dust from the gravel road, from the additional traffic but the Dwelling house (No. 163) is setback over 90 metres from the road frontage.</p> <p>The condition of the road is in good repair and based on the surroundings does require a low speed in order to avoid wildlife, but in its current form does allow for passing opportunity and is considered suitable for the use subject to conditions being imposed for way finding, wildlife in the locality and restricting the time in which patrons are able to visit the site.</p> <p>Additional commentary in relation to the Kerrick Road is included later in this report.</p>
<p><b>Waste management</b></p> <p>An increase of dog kennels would lead to more waste. Dogs may also attract disease which could impact on surrounding wildlife/livestock/working dogs.</p> <p>Composting through a worm farm will not work.</p>	<p>The applicant originally proposed the utilisation of a worm farm to manage waste, however this is no longer proposed.</p> <p>Any approval will be conditioned to ensure that all waste and waste water generated from the kennel is appropriately managed and treated.</p>
<p><b>Water management/contamination</b></p> <p>Residents are concerned with the large demand of water for cleaning despite little rainwater collection.</p> <p>The site is also within the Connolly Dam Water Resource Catchment and may cause contamination in the catchment area and Rosenthal Creek.</p>	<p>The applicant has proposed the addition of two, 22,000 litre water tanks for the facility, which will provide adequate water for the facility.</p> <p>Conditions should be imposed to ensure the facility is provided with an on-site waste management system sufficient to serve the needs of the proposed development and to ensure that no effluent drained from the site into any watercourse.</p>

<b>Matters raised in submissions</b>	<b>Response</b>
<p><b>Welfare of animals</b></p> <p>The applicant cannot afford/responsibly control the rescue dogs currently and likely into the future with the 20 additional dogs.</p>	<p>The Queensland Government has a document which outlines Animal Welfare Standard and Guidelines for Breeding Dogs and their Progeny which has been incorporated into the assessment of the application and reasonable and relevant conditions should be imposed to also assist with the overall welfare of the dogs</p>
<p><b>Need</b></p> <p>There is a recent increase of rescue centres in the local area and there no need for additional facilities.</p>	<p>Council has assessed the application against the relevant assessment benchmarks, of which need is not a relevant provision.</p>
<p><b>Property values</b></p> <p>The proposed development may negatively impact on property prices of neighbouring properties.</p>	<p>Impact on property prices is not a matter which can be considered in the assessment of a planning application, this is not a planning matter.</p>
<p><b>Amenity</b></p> <p>The proposed use does not meet the desired amenity of the local rural area, where peace and quiet is valued.</p>	<p>The appearance of the site is in character with the local amenity and the proposed kennel will be within a purpose-built structure that will be of a similar appearance to sheds in the locality.</p> <p>There are large expanses of native vegetation to the east, west and northern boundaries that will provide screening and ensures there is no conflict with the natural, scenic and community values of the area. The proposed facility is to be setback approximately 400 metres from the road frontage, and the eastern boundary of the property is adjoined by a heavily vegetated lot which ensures that the facility is not highly visible from the road or adjoining properties and does not dominate the landscape.</p>
<p><b>Inappropriate Use</b></p> <p>The land use does not relate to or protect the productive capacity of the land, despite being within Agricultural Land Classification (ALC) Class A and Class B. The proposed use may conflict with surrounding rural uses</p>	<p>The purpose of the Rural zone code is to provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities.</p> <p>The use of the site for a kennel will not compromise the future use of the land for rural activities. The proposed development does not impact on the stock route network and is located in close proximity to the existing dwelling and pool to reduce any potential impact on adjoining rural uses.</p> <p>The proposal will not adversely impact the future use for agricultural land as it is located on the least productive part of the site.</p>
<p><b>Bushfire hazard and evacuation process</b></p> <p>The proposal does not specify the evacuation process during a bushfire event.</p>	<p>Council should impose a condition that requires the submission of a Bushfire Management Plan. The Bushfire Management Plan is to address management of the bushfire risk to the property and kennel and must include evacuation procedures for dogs in the event of a bushfire emergency. A copy of the approved Bushfire Management Plan is to be displayed in a prominent location within the kennel.</p>

## **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:

- 6.2.10 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.9 Water resource catchments overlay code
- 9.3.1 Animal keeping 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 outcomes

Darling Downs Regional Plan

State Planning Policy

Local Government Infrastructure Plan

*Environmental Protection Act 1994*

### **Strategic Framework**

#### **3.6.2 Element Rural land and production areas**

##### **3.6.2.1 Specific outcomes:**

*(5) The potential for conflict between rural uses and other land use activities is minimised by location, design and management of potentially conflicting uses.*

##### **3.6.2.2 Land use strategies:**

*(5) The character and social cohesion and scenic amenity of rural production areas are protected from development that may impact negatively on these values.*

The Dwelling houses within proximity of the subject site, are setback in excess of 60 metres from the property boundaries. The nearest Dwelling house is 350 metres from the subject site.

The proposed structures are located near to the existing Dwelling house to enable monitoring and adjoining the railway line. There is also large expanses of native vegetation to the east, west and northern boundaries that will provide screening and ensures there is no conflict with the character and scenic values of the area.

### **Rural zone code**

The purpose of the Rural zone code is to provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities. The appearance of the site is in character with the local amenity and the proposed kennel will be within a purpose-built structure that will be of a similar appearance to sheds in the locality.

There are large expanses of native vegetation to the east, west and northern boundaries that will provide screening and ensures there is no conflict with the natural, scenic and community values of the area. The proposed facility is to be setback approximately 400 metres from the road frontage and the eastern boundary of the property is adjoined by a heavily treed lot which ensures that the facility is not highly visible from the road or adjoining properties and does not dominate the landscape.

The use of the site for a kennel will not compromise the future use of the land for rural activities. The proposed development does not impact on the stock route network and is located in close proximity to the existing Dwelling house and pool to reduce any potential impact on adjoining rural uses.



**PO1** *The rural or natural environment character of the land is retained. Uses established in the Rural zone do not conflict with rural land uses or the natural, scenic and community values of the area. No development is to proceed within the area defined as the proposed Emu Swamp Dam.*

The proposed Animal Keeping land use is not intensive and is contained within a purpose-built building sited near the existing Dwelling house on-site. The proposed building is located approximately 350 metres from the nearest adjoining Dwelling house and will not be highly visible from Kerrick Road. The proposed development is also located on previously cleared land and does not involve further vegetation clearing. The proposal will not conflict with adjoining rural land uses, subject to the imposition of reasonable and relevant conditions to manage the operation of the facility. The proposal will not adversely impact the future use for agricultural land as it is located on the least productive part of the site.

**AO4.2** *Uses other than Dual occupancy, a Home based business or Short-term accommodation (not exceeding 12 guests) have access to the Region's road network via fully constructed sealed roads from the property boundary.*

The site has a narrow frontage to Kerrick Road, which is a gravel constructed road, and therefore cannot achieve compliance with A04.2, therefore assessment against PO4 is required.

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

Kerrick Road is a gravel constructed road of approximately 3 kilometres in length and adjoins Old Stanthorpe Road, a bitumen sealed road, to the north.

The subject site has one existing access point from Kerrick Road. The existing driveway is setback approximately 157 metres from the nearest adjoining Dwelling house and is buffered by existing vegetation which will assist with managing any noise and dust generated by the use.

Drop off and pick up times have been limited to ensure there is a reduction in the timeframe where there would be an increase in traffic to and from the site. The rescue dogs will be distributed by the landowners, thus reducing the number of vehicle movements associated with the property.

Although Kerrick Road is not a sealed road, it is considered to be of a standard that can cater for the traffic expected to be generated by the use. The development is considered to comply with the Performance outcome of the Code.

Council's Development Engineer has provided the following commentary in relation to the road:

- *Google sends people via tunnel road – suggest conditioning that customers are advised to access Kerrick Rd via Old Stanthorpe Rd to minimise gravel road distance and avoid the gated section.*
- *Current AADT is 4 (estimate from intramaps). Assuming 20 dogs with a stay of 1 week, all brought to and from site via owners; annual traffic = 20 x 2 x 52 = 2080. /365 days = additional AADT ~6. No additional H.V's.*
- *Based on the traffic estimate above, the use will not change the road hierarchy; it will remain a rural minor access with less than 50 AADT.*
- *There is only one piece of crash data nearby, and it's not related to Kerrick Rd.*
- *I haven't driven the road, but the aerial imagery and contour mapping do not suggest any abnormally dangerous geometry or sight distances issues.*
- *In accordance with Council's TAMP, roads are not generally sealed without Council resolution unless traffic exceeds 200 AADT.*

*From the above, I would suggest that sealing of the road is not required from a safety or maintenance perspective.*

**PO5** *There are no significant adverse impacts on public health and safety with regard to:*

- (a) the siting scale and design of buildings or other works;*
- (b) waste water disposal;*
- (c) the permanent or temporary occupation of or access to areas subject to natural hazards.*

The proposed building has an internal gross floor area (GFA) of 162.696 square metres and involves a low-rise design. The building is sited a significant distance away from adjoining properties to assist with noise attenuation.

The site contains an existing on-site waste management system for the existing use of the land, the addition of the facility may require an upgraded or additional on-site waste management system. Conditions have been imposed to ensure the facility is provided with an on-site waste management system sufficient to serve the needs of the proposed development and that no effluent is permitted to be drained from the site into any watercourse.

The proposed building is located within the Potential Impact Buffer of the Bushfire hazard overlay. The provision of a 5,000 Litre water tank for on-site for firefighting purposes has been conditioned.

The development is considered to comply with the Performance outcome of the Code.

**PO6** *All uses are located, designed, oriented and constructed to minimise noise, dust, odour or other nuisance from existing lawful uses including rural and industry uses.*

The proposed facility is purpose-built building that will be located in an enclosed paddock in close vicinity to the existing Dwelling house. The proposed facility is to be setback approximately 400 metres from the Kerrick Road access and the eastern boundary of the property is adjoined by a heavily vegetated lot which ensures that the facility is not highly visible from the road or adjoining properties and does not dominate the landscape.

The closest Dwelling house to the facility is approximately 350m to the north, all other Dwelling houses are setback between 400 metres to 1.2 kilometres. There are large expanses of native vegetation to the east, west and northern boundaries that will provide screening and buffers to Dwelling houses in the surrounding locality.

The dogs will be permitted outside during the hours of 7am – 6pm and required to be inside during the hours of 6pm – 7am. The applicant has advised that a minimum two (2) staff will be present onsite which will assist with the management of barking dogs. The operator has advised that dogs will have appropriate stimulation, interaction and exercise to ensure they are not bored or causing a disturbance by barking continuously

The building is sited a significant distance away from adjoining properties to assist with noise attenuation. It has been indicated that Thermal Break 7 insulation is being used to assist with noise mitigation. It should be noted that whilst Thermal Break 7 is used to reduce the thermal qualities of a building is not considered insulation to be used to mitigate noise. While it will assist in some noise mitigation, additional noise measures will need to occur. This is reflective within the recommended conditions.

Conditions have been imposed to ensure the facility is provided with an on-site waste management system sufficient to serve the needs of the proposed development and to ensure that no effluent is permitted to be drained from the site into any watercourse.

The development is considered to comply with the Performance outcome of the Code.

**PO23** *Uses are limited to uses that do not conflict with or reduce the productive capacity, or scenic values of the land. In particular –*

- (a) The use is located, constructed and operated so it is not likely to cause conflict with agricultural practices;*
- (b) The use has low visual impact particularly where located on highways, main roads or tourist routes;*
- (c) The development is located on cleared land and there is no proposed clearing of remnant vegetation;*
- (d) Development is sited on the least productive, lower agricultural quality parts of the site.*

The subject property is 35.8 hectares in size with only a small portion of the site being used for the facility. The facility will be in close proximity to the existing Dwelling house and pool. The areas proposed to be used for Animal keeping are clear of grazing paddocks and is located on land near

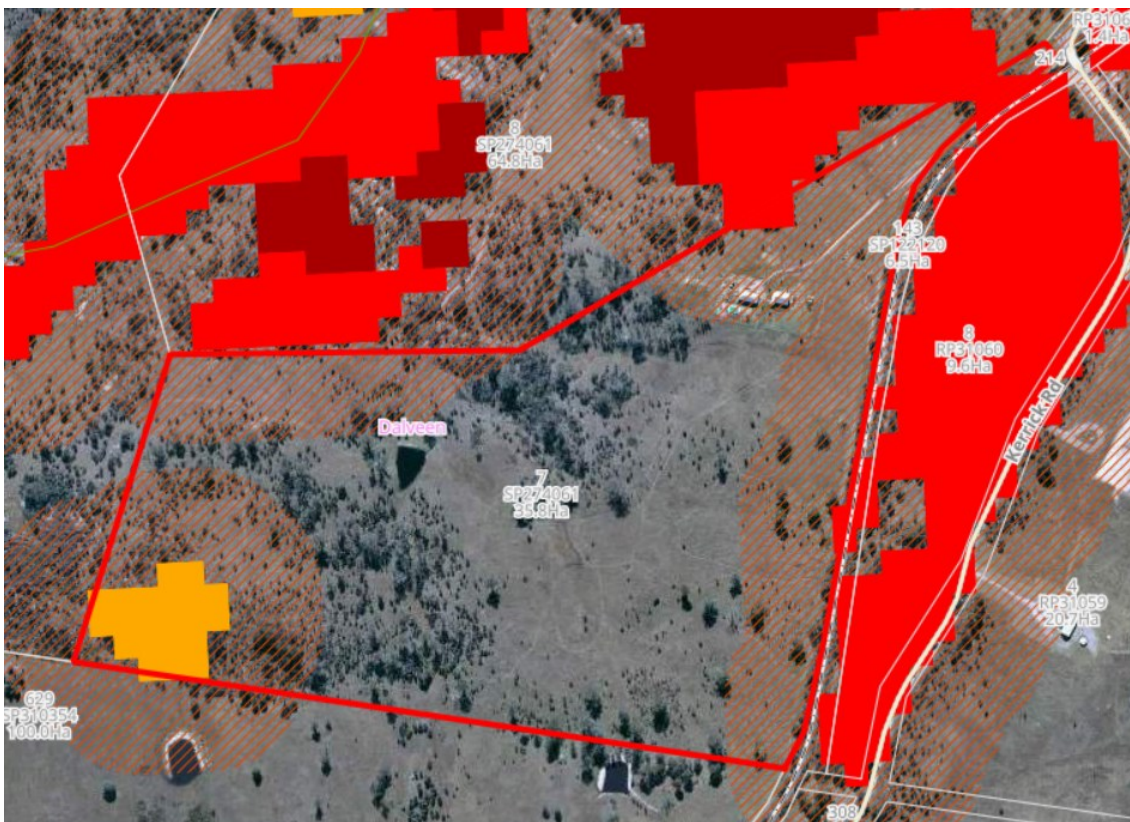
existing buildings and structures. The dog areas and runs are not visible from the roadside. The development is located on land clear of vegetation, any condition of approval incurring works will not be located in areas of regulated and, or remnant vegetation. The location of the kennels and associated infrastructure are unlikely to compromise the productivity of the site. The development complies with the Performance outcome.

The proposed Animal Keeping involves adequate setbacks to reduce noise emissions to nearby rural land uses and will not impact on the streetscape amenity. The proposed land use is located on previously cleared land and no further vegetation clearing is proposed. The proposed development is not an intensive land use and will not reduce the productive capacity of the land.

The development is considered to comply with the Performance outcome of the Code.

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

The facility is located within the Potential Impact Buffer of the Bushfire hazard overlay code. There is a large portion of the property which is not included in the Bushfire hazard overlay, as indicated in Figure 5.



**Figure 5: Bushfire hazard overlay**

**PO3** Any proposed use does not compromise the safety of people or property from bushfire.

The applicant is locating the kennels and dog run areas within cleared areas, in close proximity to the existing Dwelling house. The operators of the facility also reside on the property. The development is not considered to further compromise the safety of people or property on-site. The development can be conditioned to comply with the overlay code. Conditions requiring a minimum 5,000 litre water tank for fire fighting purposes and the submission of a Bushfire Management Plan have been imposed.

### ***Water resource catchments overlay code***

The subject property is wholly located within the Water resource catchment overlay, in relation to Connolly Dam.

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

- (a) No development occurs within 400 metres of the full supply level of the dam.

*(b) No use is established within 100 m of the high bank of any waterway within the overlay area and the riparian vegetation is maintained.*

**PO1** *Development does not have adverse effects on the quality or quantity of water entering Beehive Dam, Connolly Dam, Glenlyon Dam, Leslie Dam or Storm King Dam.*

The proposed development is not within 400 metres of the full supply level of Connolly Dam, nor within 100 metres of a high bank of any waterway.

Conditions have been imposed to ensure the facility is provided with an on-site waste management system sufficient to serve the needs of the proposed development and to ensure that no effluent is permitted to be drained from the site into any watercourse.

The development is considered to comply with the Performance outcome of the Code.

**PO2** *Development within the catchment does not include uses that could impact on the water quality including intensive animal industries and industrial uses.*

The proposal does not involve intensive animal industries or industrial uses. Conditions have been imposed to ensure the facility is provided with an on-site waste management system sufficient to serve the needs of the proposed development and to ensure that no effluent is permitted to be drained from the site into any watercourse.

The development is considered to comply with the Performance outcome of the Code.

### ***Animal keeping code***

**AO1.2** *The part of the land proposed to be used for the use and all associated infrastructure is not in an area of bushfire hazard identified on the Bushfire hazard overlay maps.*

**PO1** *The physical characteristics of the land are suitable for use.*

The facility is located within the Potential Impact Buffer of the Bushfire hazard overlay code. There is a large portion of the property which is not included in the Bushfire hazard overlay, as indicated in Figure 5. The existing Dwelling house and proposed development are located near the edge of the Potential Impact Buffer. The development will be conditioned to comply with the Bushfire hazard overlay code. This will be inclusive of water for bushfire fighting purposes, clear safe access and egress to the site and the preparation of a Bushfire Management Plan. The development will be conditioned to comply with the Bushfire hazard overlay code and will comply with the Performance outcome. It should be noted that the structure could be located further from the Dwelling house to be located outside of the potential impact buffer area, however for the purpose of monitoring and managing the facility, it is considered more appropriate to be located near the main Dwelling houses, resulting in the structure being located within the buffer, with conditions imposed.

**PO2** *The lot has an appropriate area and dimensions for the siting of:*

- *Buildings and structures;*
- *Vehicular parking, manoeuvring and circulation;*
- *Waste disposal areas;*
- *Landscaping and buffering ; and*
- *Separation distances between the use and sensitive receptors.*

The site is 35.8 hectares and is adequately sized to accommodate the proposed building and associated infrastructure, there is sufficient separation between existing Dwelling houses. The nearest sensitive receptor to the proposed use is approximately 350 metres north with all other sensitive receptors being setback between 400 metres and 1.2 kilometres. Due to the setback from the Kerrick Road and surrounding vegetation, the facility will not be highly visible from Kerrick Road. The proposed development is considered to comply with the Performance outcome.

**AO3** *In partial fulfilment of the PO –*

*Boarding kennels and catteries have access to the Region's road network that is via fully constructed sealed roads from the property boundary.*

**PO3** *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.*

Kerrick Road is a gravel constructed road of approximately 3.0 kilometres in length and adjoins Old Stanthorpe Road, a bitumen sealed road, to the north.

The subject site has one existing access point from Kerrick Road. The existing driveway is setback approximately 157 metres from the nearest adjoining Dwelling house and is buffered by existing vegetation which will assist with managing any noise and dust generated by the use.

Drop off and pick up times have been limited to ensure there is a reduction in the timeframe where there would be an increase in traffic to and from the site. The rescue dogs will be distributed by the landowners, thus reducing the number of vehicle movements associated with the property.

It should be noted that when putting in the address of 214 Kerrick Road the GPS actually comes up with two routes to visit the subject property from Dalveen. One route being via Old Stanthorpe Road and the other route being via Tunnel Road. The route via Tunnel Road contains over 7.5 kilometres of gravel road to the subject property and does contain road gates, whereas the route via Old Stanthorpe Road is mainly bitumen with the turn off to Kerrick Roads being the start of the gravel road to the subject property, being approximately 2.2 kilometres from the intersection.

Although Kerrick Road is not a sealed road it is considered to be of a standard that can cater for the traffic expected to be generated by the use and conditions should be imposed to ensure correct wayfinding, notification of wildlife in the locality and restricting the time in which patrons are able to visit the site. With conditions the development is considered to comply with the Performance outcome of the Code.

Commentary in relation to the Kerrick Road, has been previously provided in this report. Kerrick Road is considered of suitable gravel construction for the proposed development.

**AO4.1** *For kennels and catteries:*

- (a) animals are kept in enclosures at all times, and between the hours of 6.00 pm and 7.00 am are kept inside buildings.*
- (b) Animal runs are fenced to a minimum height of 1.8 m and are designed to prevent escape of animals by climbing, jumping or digging.*
- (c) Exterior walls and ceilings of buildings are constructed of sound absorbent material, e.g. brick, concrete, masonry or other approved sound attenuating materials.*
- (d) A person who is responsible for the supervision of the kennel/cattery is accommodated on the site.*

**AO4.2** *Any enclosure in which an animal is kept is maintained in a clean and sanitary condition.*

**AO4.3** *The area in which an animal is kept is appropriately sized so that the animal is comfortably kept.*

**AO4.4** *The keeping of animals does not cause a noise nuisance.*

In consideration of A04.1 – AO4.4 compliance is achieved through the following:

- The applicant has advised that dogs will be kept in their kennels between the hours of 6.00 pm and 7.00 am, a condition has been imposed to reinforce this requirement.
- The applicant has advised that dogs will be exercised daily as well as various activities depending on the day and time of year. These might include walks on lead around the property, play with toys, socialisation as appropriate.
- The application materials indicates that outdoor animal runs will include 1.8m high fence and will be designed to prevent escape of animals by climbing, jumping or digging, a condition has been imposed to reinforce this requirement.

- The construction of the building will involve Thermal Break 7 Insulation to assist with noise attenuation; additional conditions regarding noise attenuation will be imposed.
- The applicant has advised that a minimum two (2) staff will be present onsite which will assist with the management of barking dogs.
- All necessary measures are being taken to ensure the animal health and welfare is maintained which includes heating and cooling of the kennels.
- Internal drainage within the kennel will be incorporated and will direct all wash down and waste water from the kennels to an on-site sewerage treatment facility installed for the exclusive use of the kennel, conditions relating to waste water management will be imposed.

Several submissions have been received regarding the operation of the use and potential impacts it may generate, therefore consideration has been given to the following Performance outcome:

**PO4** *The use does not have unacceptable impacts on people or properties not associated with the use.*

Following a request for further information, a noise assessment report has been provided as part of application. In addition, the applicant has provided a number of noise mitigation measures to ensure noise is appropriately addressed.

The modelling undertaken and submitted by the applicant indicated noise generated from the development will comply with the requirements that will be conditioned, being a maximum of 5dB(A) above background. The conditions of approval cover noise limits, the construction of the facility, operational hours, and monitoring of complaints.

The proposed location, design and construction of the kennel have incorporated sufficient measures to reduce the impact of noise and the proposed development can be conditioned to reduce any potential nuisances.

The conditions proposed generally align with the conditions imposed on a Planning & Environment Court decision in 2022, relating to a Breeding kennel – keeping up to 20 dogs. In this circumstance, the sensitive receptors were located in closer proximity to the proposed development, with the proposed development being located toward the top of a rise. The conditions were agreed upon during a court mediation involving noise experts.

The topography of the area is hilly in nature and the subject property has the access location at a high point with the Dwelling house and structures located further downhill from the access.

**AO6** *In partial fulfilment of the PO –*

*For kennels and catteries, buildings are constructed with impervious concrete floors, gravity drained to an effluent collection/treatment point.*

The Acceptable outcome requires in partial fulfilment of the Performance outcome for kennels to be constructed with impervious concrete floors, gravity drained to an effluent collection/treatment point. The Performance outcome requires that:

**PO6** *Impacts on the environment are minimised. A management plan is established that identifies and manages potential for health and amenity hazards such as vermin and other pests, animal waste, waste water and other odour sources.*

The applicant has advised that each dog enclosure will have appropriate drainage to allow frequent cleaning of all enclosures and removal of animal waste. The boarding facility areas will be mopped daily and hosed at least weekly, all water will be collected into the appropriate septic tank.

Food will be appropriately stored onsite to ensure it does not attract vermin.

Conditions can be imposed regarding the management of the facility. With conditions imposed, the development is considered to comply with the Performance outcome of the Code.

**PO7** *The use is serviced with appropriate infrastructure. Waste disposal facilities are of adequate size to provide for the amount of waste generated on the site, and situated only where there is no risk of contaminating ground water or surface water.*

The applicant will install an on-site sewerage facility for the exclusive use of the kennel and the size of the subject land is adequately sized to cater for an additional treatment system for the development. It is located within an area of the subject property that provides suitable separation distances from common boundaries to reduce impacts on adjoining properties. Although details have been provided by the applicant, conditions can be imposed to reduce the risk of contaminated grey water leaving the site

### **Carparking and loading code**

The Code does not specify a car parking rate and therefore it is to be determined by Council.

**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.*

The applicant has advised that there will be six (6) dedicated car parks near the dog boarding facility along the main driveway. Due to the nature of the use, it is considered that the car spaces will be high turnover spaces and visitors to the site will be either dropping off or picking up dogs. The applicant has nominated drop off and pick up times to limit vehicles movements to and from the site. In consideration of the nature of the use, the high turnover nature of the spaces and the staggered drop off/pick up times that six (6) car spaces are sufficient to accommodate the number and type of vehicles likely to be generated by the development.

The development is considered to comply with the Performance outcome of the Code.

### **Landscaping code**

The proposed building will be in keeping with the rural character of the locality. The site contains existing vegetation around the perimeter of the property, existing Dwelling house and driveways. There are large expanses of vegetation to the east, west and north of the site that will act as a buffer between the site and those properties. Some additional landscaping around the proposed kennel will be a condition to provide additional screening of the development. There is no proposal to remove any vegetation. The proposed development can be conditioned to comply with the requirements of the Code

### **Outdoor lighting code**

The proposed facility can be conditioned to ensure that outdoor lighting does not provide any impacts on adjoining properties. With conditions, the proposed development complies with the requirements of the Code.

### **Physical infrastructure code**

The subject site has existing on-site water storage tanks. The applicant has proposed the addition of two, 22,000 litre water tanks for the facility which will provide adequate water for the facility. There is adequate area for an additional on-site sewerage system which will collect and treat the water runoff from the facility. The site is connected to reticulated electricity. The site has frontage to a constructed road and the internal access is constructed to an all-weather standard. The proposed facility can comply with the requirement of the Code.

### **Infrastructure Charges**

The use of Animal Keeping (dog boarding kennel and rescue facility – up to 28 dogs) is identified under the Specialised uses category, as per the Charges Resolution (No. 4.2) 2023. The charge associated with the charge category outlines that a boarding kennel is levied the same as Essential services.

Charges Resolution (No. 4.2) 2023 commenced 13 December 2023.

Development Type	Network	Charge Rate	Proposed	Credit	Charge
Specialised uses	Stormwater	\$8/impervious m <sup>2</sup>	162.696m <sup>2</sup>	Nil	\$1,301.57
	Roads	\$107.50/m <sup>2</sup> GFA @30%			\$5,246.95
<b>TOTAL:</b>					\$6,548.52

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

### Recommendation

THAT the application for Material Change of Use for the purpose of Animal keeping (dog boarding kennel and rescue facility – up to 28 dogs) on land at 214 Kerrick Road, Dalveen, described as Lot 7 SP274061, be approved subject to the following conditions:

### Schedule 1 - Southern Downs Regional Council Conditions

#### Approved Plans

- 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	DWG – 02	02/07/2024
Floor Plan	DWG – 03	02/07/2024

- 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

- This approval allows for the boarding of up to twenty-eight (28) dogs, including dogs registered at the subject property under the property owner's names.
- At least one (1) person who is responsible for the supervision of the Animal Keeping is to be accommodated on the site.
- The existing eight (8) dog kennels attached to the existing shed are to be mainly used for the landowner's private dogs. These existing dog kennels are only to be used for boarding purposes, including for rescue dogs, if the new kennels are at full capacity.
- Drop off and pick up of boarding dogs is limited to the following times:
  - Monday – Friday                      7:00am – 10:00am and 3:30pm – 5:30pm
  - Saturday                                      7:00am – 10:00am
  - Sunday                                        3:00pm – 5:00pm
  - Public Holidays                              Not permitted
- This approval does not allow for customers associated with rescue dogs to come to the site, including to view or pick up puppies/dogs. An alternative location is to be arranged for pick up or drop off.
- This approval does not allow for the site to be used as a breeding kennel.



9. Between the hours of 6:00pm and 7:00am all dogs associated with the Animal Keeping must be housed within kennel buildings with external façade elements closed.
10. All patrons visiting the subject property are to be advised of the following:
  - (i) all vehicle movements are to be via Old Stanthorpe Road and Kerrick Road only; and
  - (ii) the area has a high prevalence of wildlife along the roads and to be vigilant.
11. A register must be kept of all dogs residing at the premises. The register is to outline the length of stay, type of breed, which kennels the dog was located, and the purpose of stay i.e. rescue stay or boarding stay. The register must outline details if a dog escapes the kennel or the dog run area.

### **Building and Site Design**

12. The design, colours and materials of the building are to be in accordance with the Rural character of the area. The final design and construction of the buildings must provide further details of the noise attenuating materials than that shown in the plans submitted with the application. **Details of the design and materials of the building and pavement are to be submitted to and approved by Council's Planning Department prior to the issue of any Development Permit for Building Work.** The building is to be constructed in the approved design, colours and materials.
13. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
14. A copy of the Form 21 (Final Inspection Certificate) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

### **Amenity and Environmental Controls**

15. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Warwick waste facility.
16. Noise levels emitted from the premises must not exceed 5dB(A) above the background noise levels in the locality when measured at the boundary of an affected residential dwelling and must not exceed 10dB(A) above the background noise levels in the locality when measured at the boundary of a commercial premises. This may include the need to use noise attenuating materials in the building.
17. Use of the outdoor run areas is limited to the time period 7am to 5pm, and for one dog in each outdoor area at a time. Whilst dogs are in the outdoor run areas they must be supervised at all times to minimise/prevent barking.
18. If complaints are received about dogs barking whilst located in the runs, and it is determined this part of the activity is creating a noise nuisance, structural changes must be made to the design of the runs. The structural changes must be acoustically designed, by a suitably qualified and experienced acoustic engineer or equivalent, so that the noise level required can be achieved. The design changes may also incorporate the installation of a noise barrier, of solid and continuous construction with negligible holes and/or gaps, for the perimeter of the facility. The design must be submitted to the Council for approval prior to construction.
19. In the event an Authorised Council Officer determines the animal noise associated with the Animal Keeping is intrusive and causing unreasonable interference, Council may require the operator of the kennels to engage a suitably qualified and experienced acoustic engineer or equivalent to provide an acoustic assessment report on noise emissions from the activity and any necessary sound attenuation measures required to prevent surrounding sensitive receptors from being adversely impacted. The recommended sound attenuation measures are to be implemented as required by an Authorised Council Officer.
20. If barking collars or similar devices are used to control barking, the devices are to be regularly maintained and kept in working order (i.e. batteries charged).

21. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
22. All buildings, enclosures and other structures and areas used in the Animal keeping use must be constructed, maintained and operated in such a manner as to provide for the effective control of flies, rodents, pests, weeds and odour, or other deleterious matter or thing.
23. Animal housing areas must be provided with ventilation which is sufficient to maintain the health of animals, whilst minimising undue draughts, odours and moisture condensation.
24. All kennels are to provide protection from rain and wind, direct sunlight, extreme temperatures or other adverse weather conditions, and must be provided with a clean and dry dedicated sleeping area appropriate to the breed.
25. All dogs must have access to a continuous clean water supply, adequate to meet the daily requirements of each dog.
26. No effluent is to drain from the site or into any watercourse.
27. There is to be no interference with the amenity of the surrounding area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
28. Food preparation and storage areas, food and water containers, and utensils and equipment used in the preparation and provision of food, must be maintained to a hygienic standard. Dog food is to be stored in a vermin proof receptacle.
29. All faecal waste, including any bio-degradable absorbent material in the kennels, is to be collected daily and disposed of in the manure pit on-site, provided the manure pit is appropriately maintained and does not cause an odour issue. If odour complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) alternative disposal methods will need to be submitted and approved by Council's Planning Services Team.
30. Manure pits must have sufficient capacity to compost all faecal matter produced onsite. The manure pit must be constructed so that it has a 0.5 metre high bund wall to prevent stormwater entering and leaving the area. The manure pit must be covered to ensure no infiltrations of stormwater enters the area which may require the roof area to extend past the manure pit area.
31. Composted faecal matter must not be used or sold for use as a fertiliser, soil improver, compost matter or other similar product, unless the relevant Australian Standard/s for such use is complied with.
32. The cleaning of kennels must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
33. Advertising Devices relating to the breeding kennel may only be erected on the subject land, i.e. Lot 7 SP274061. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the rural character of the surrounding area. No advertising signs or devices are to be located on any other land or the road reserve, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws.
34. 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.
35. **Bushfire Management Plan is to be submitted to Council's Planning Services Team for approval relating to the areas located in Bushfire hazard overlay.** The Bushfire Management Plan is to address management of the bushfire risk to the property and kennel and must include evacuation procedures for dogs in the event of a bushfire emergency. Actions identified in the Bushfire Management Plan are to be implemented at the operators cost. A copy of the approved Bushfire Management Plan is to be displayed in a prominent location within the kennel.

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

36. A screen fence 1.8 metres high shall be erected along perimeters of the animal runs to assist in reducing noise from the premises and to prevent escape of animals.
37. Landscaping is to be provided around the perimeter of the Animal Keeping to further assist with mitigating noise.
38. **A Landscaping Plan is to be submitted to and approved by Council's Planning Department prior to the issue of any Development Permit for Building Work.** The Landscaping Plan must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

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

39. A 3.0 metre wide all-weather driveway is to be maintained from Kerrick Road to the proposed kennel building and carparking area.
40. At least six (6) car parking spaces are to be provided on site. The carpark may remain grass, provided it is appropriately maintained, clearly defined and does not cause a dust nuisance.

If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the carparking area becomes eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the carpark shall be constructed in gravel to Council's standards.

41. The loading and/or unloading of delivery vehicles for goods associated with the development are not to occur outside the boundaries of the site. The delivery box must be wholly located within the property boundary and not within the road reserve.

### **Stormwater Drainage**

42. Stormwater from within the fenced dog run enclosures is to be managed to ensure that no contaminants enter adjoining properties and to not cause environmental nuisance or environmental harm.

### **Water Supply and Waste water**

43. The proposed development is to be provided with on-site water storage sufficient to serve the needs of the proposed development.
44. All sewage generated from this property must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2003*.
45. The site must be provided with a water storage reservoir having a minimum of 5,000 litres of water for emergency fire fighting purposes. Such storage must be provided in addition to the water supply capacity required for the use and must be provided in the form of either an accessible dam, swimming pool or rainwater tank. If storage is to be provided in a rainwater tank, water storage for fire fighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:
  - (a) the domestic take off from the tank is at or above the 5,000 litre point; and
  - (b) standard rural fire brigade fittings are fitted to the tank outlet for access by rural fire services vehicles.

All fire fighting connections are to be carried out in accordance with the *Plumbing and Drainage Act 2018*.

## **Advisory Notes**

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the General Manager Planning and Environmental Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) No more than the number of dogs permitted to be kept in accordance with Local Law No. 2 (Animal Management) 2011 and Subordinate Local Law No. 2 (Animal Management) 2011 is to be kept on the site up until the conditions of approval are fulfilled. It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) (The development is to comply with the Council's Local Laws regarding Animal Management being the subordinate Local Law No.2 (Animal Management) 2011.
- (v) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (vi) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2018* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms, plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.
- (vii) **Building Approval is to be obtained** for a Class 10 in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 21 (Final Inspection Certificate) must be issued for the building works prior to the use commencing.**
- (viii) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
- (ix) The disposal of waste classified as Trade Waste under the *Plumbing and Drainage Act 2018* is to be in accordance with Council's Trade Waste Policy.
- (x) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.
- (xi) Council will not be sealing Kerrick Road as a result of any dust complaints received.
- (xii) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure. (xi) All Development Permits for Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.

## **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](http://www.datsip.qld.gov.au)

**Schedule 2 – Department of Housing, Local Government, Planning and Public Works’ conditions as a Concurrence agency**


Nil

**ATTACHMENTS**

Nil

**15.3 Other Change to Material Change of Use: Christian Community Ministries Ltd, 106  
Glengallan Road, Warwick**

**Document Information**

	<b>Report To: Ordinary Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 16 April 2025
	Planning Officer	<b>ECM Function No/s:</b> MCU/00366.01

<b>APPLICANT:</b>	Christian Community Ministries Ltd
<b>OWNER:</b>	Christian Community Ministries Property Ltd
<b>ADDRESS:</b>	106 Glengallan Road, Warwick
<b>RPD:</b>	Lot 3 RP868367
<b>ZONE:</b>	Low density residential
<b>PROPOSAL:</b>	Child care centre (Kindergarten and Outside of School hours care in an existing building, over two (2) stages)
<b>LEVEL OF ASSESSMENT:</b>	Impact
<b>SUBMITTERS:</b>	9 total – 8 properly made and 1 not properly made submission
<b>REFERRALS:</b>	Ergon Energy (Advice Agency)
<b>FILE NUMBER:</b>	MCU\00366.01

**RECOMMENDATION SUMMARY**

THAT the Change application for Material Change of Use for the purpose of Child care centre (Kindergarten and Outside of School hours care in an existing building, over two (2) stages) on land at 106 Glengallan Road, Warwick, described as Lot 3 RP868367, be approved subject to conditions.

**REPORT**

**Background**

On 28 April 1994 a Town Planning Consent Permit was issued, approving the use of Place of Public Worship. On 26 August 1994, Warwick Shire Council modified the original approval amending conditions which related to the location of the building, landscaping and access (Council reference: 5A.5.1.31). This was previously on a separate lot, being Lot 3 RP36374.

On 30 January 2002, Warwick Shire Council approved, subject to conditions, an application for Community Use – Education Facility (Stage One – Secondary School Classroom, Stage Two – Primary School Classroom) (Council reference: 5A.5.1.366 or MCU\00366).

On 11 July 2007, a request to modify conditions of approval was approved, subject to conditions. The conditions modified related to the design and location of the proposed Primary Classroom which related to stage two of the development. Stage Two was completed, however approval for the building associated with Stage 2 to be removed from the site was issued in 2013.

**Report**

The subject land is located within the urban area of Warwick and has an area of 9,779 square metres. The lot is irregular in shape and has frontage to Glengallan Road which is a sealed road

with kerb and channel. The land is impacted by an easement which is for the purpose of electricity supply.

The land is improved by two structures – an existing building used as a place of worship toward the south-eastern corner and another building previously used as an Educational facility, centrally located on the site. There is existing sealed car parking on the site associated with the two uses. The subject land is illustrated in Figure 1.



**Figure 1: Subject land**

A Change application was received relating to application MCU\00366. The applicant seeks to remove the approved use of Education Facility and replace it with a Child care centre (Kindergarten and Outside of School Hours Care). The Place of Public Worship would continue to operate on the site and does not form part of this application.

The development seeks to repurpose the existing school building, converting the internal layout to two activity rooms and associated support areas over two stages, as follows:

- Stage 1 – Kindergarten room and outside of school hours care
- Stage 2 – Addition of second Kindergarten room and increased outside of school hours care capacity.

Key features of the development:

- **Number of children:** Each activity room will have a maximum number of 22 children aged between 3 years and 6 years. Outside of school hours care will accommodate children between the ages of 3 years and 12 years. The maximum number of children on site at any one time will be 44.
- **Hours of operation:** 7.00am to 6.00pm on weekdays with staff including cleaning and maintenance contractors permitted to arrive from 6:30am and depart by 6:30pm. Outdoor play will not occur before 7am.
- **Outdoor play areas:** will be located to the south of the structure and the design will be in accordance with licencing provisions.
- **Access:** Use of the existing access is proposed. A condition will be applied to confirm that the existing access is suitable for the proposed use.
- **Building design:** Increased gross floor area (GFA) of 10 square metres per stage for the purpose of storage. Existing building elevations remain generally the same.

- **Car parking:** The proposed development will share the car parking with the Place of Public Worship by local arrangement. In total there are 45 car parking spaces associated with the site.
- **Waste collection:** onsite waste collection is proposed to occur between 7.00am and 6.00pm.

The applicant has indicated:

*The applicant, Christian Community Ministries Ltd, is the not-for-profit owner and operator of Warwick Christian College at 70 Horsman Road and this proposed service at 106 Glengallan Road is an extension of the school service. The intention behind the repurposing of the Glengallan Road site, is to complement and enhance the overall educational offering of the College extending to kindergarten and outside of school hours care, which will better meet the needs of parents/caregivers in the community.*

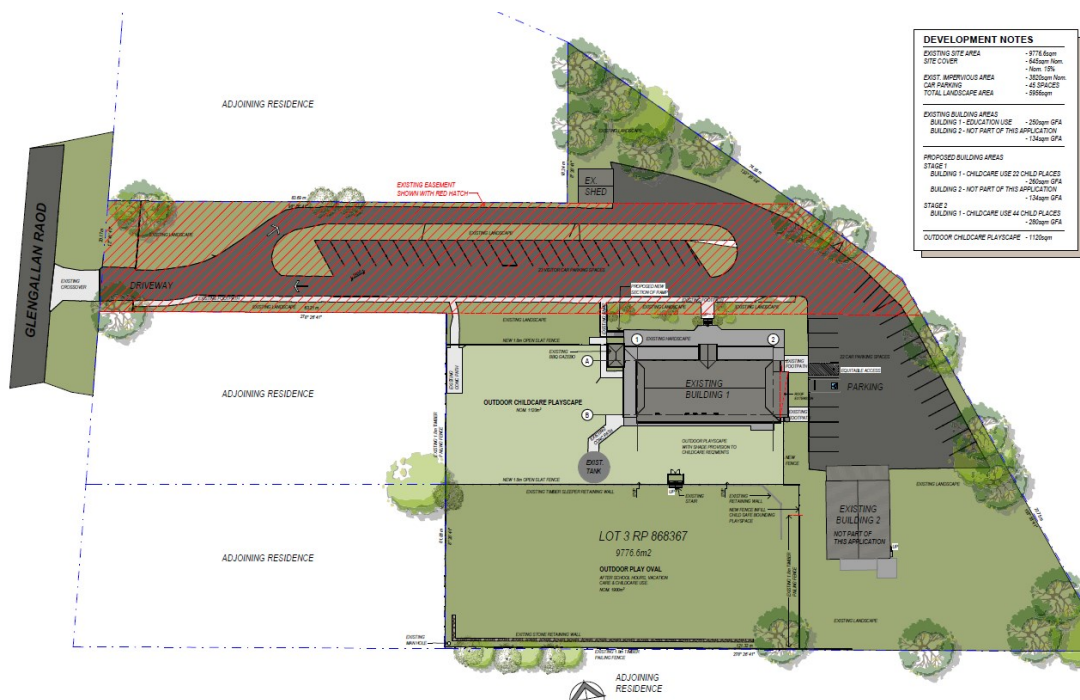
The proposed development will work cooperatively with the existing Place of Public Worship located on the site. The applicant states:

*The Child Care Centre will operate from 6:00am to 6:00pm Monday to Friday and has the potential to operate year-round.*

*Most of the Place of Worship use will occur outside of these hours on weekends and after 6:00pm on weekdays. Any use of the Place of Worship while the Childcare Centre is operational would only be very small-scale and occasional such as a small group of half a dozen or so meeting on a weekday morning for a couple of hours. Where this is proposed by the Place of Worship, the prior agreement of the Childcare Centre operator would be required.*

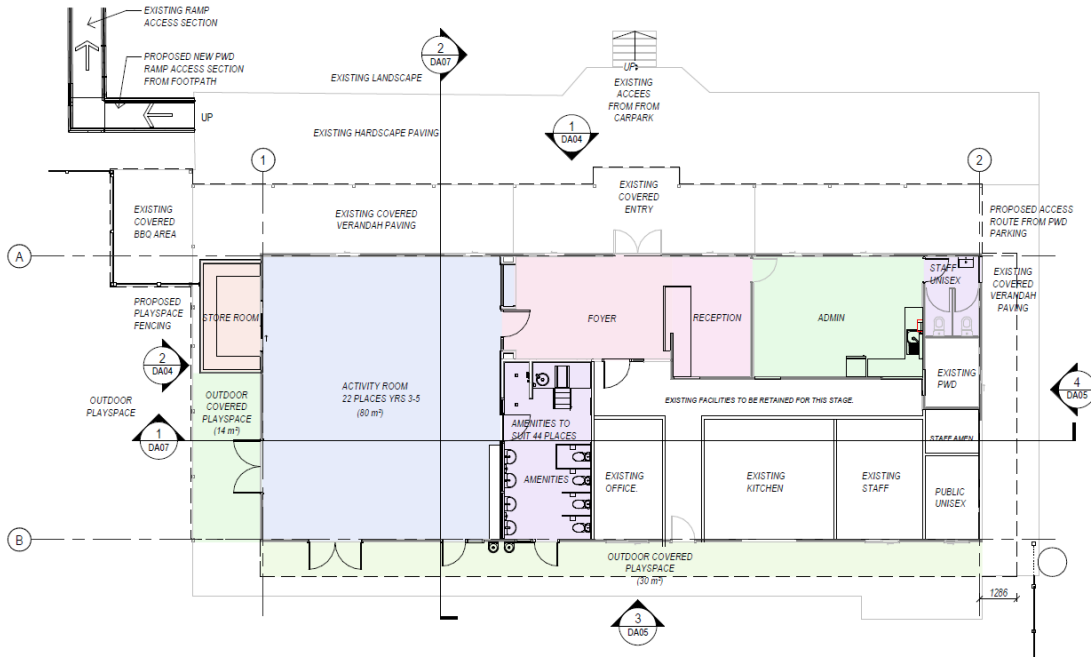
*With the availability of 45 car spaces on site, there is ample parking provided to accommodate the Childcare Centre and these occasional small activities at the Place of Worship without any impact on either use. Of course, outside of the Childcare Centre operating hours, the whole of the carpark is available for the Place of Worship, which is when their larger activities occur such as the Sunday worship service.*

The following images provide details of the site layout, proposed floor plan and elevations.

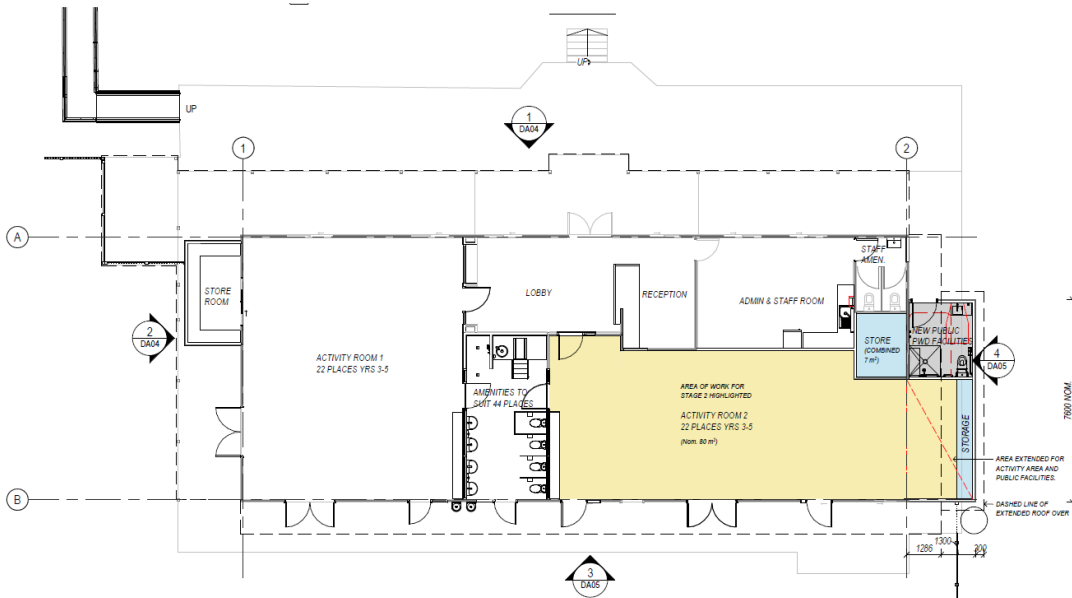


**Figure 2: Proposed site plan**





**Figure 3: Proposed floor plan – stage 1**



**Figure 4: Proposed floor plan – stage 2**



**Figure 5: North elevation**



**Figure 6: West elevation**



**Figure 7: South elevation**



**Figure 8: East elevation**

## Referral

The application required referral to Ergon Energy as an Advice Agency due to the location of an Electricity easement and the development was on land subject to an electricity easement for a transmission grid or supply network, and any structure or work associated with the use will be located completely or partly within the easement.

Ergon Energy requires conditions to be attached to any approval and these can be found in Schedule 2.

## Public Notification and Submissions

Public notification was undertaken for a period of 15 business days from 31 January 2025 to 21 February 2025.

- The notice was published in the Warwick Today newspaper on 30 January 2025
- A notice was placed on the premises on 30 January 2025
- Adjoining land owners were notified on the 28 January 2025.

Compliance with the notification process has been achieved. A total of nine (9) submissions were received. Eight (8) submissions were received during the public notification period and one (1) submission was received after the completion of the public notification period.

Matters raised in submissions	Response
<p><u>Issue:</u> Operating hours</p>	<p><b>Applicants response:</b>  In response, the applicant has decided to adjust the proposed hours of operation of the Centre to 7:00am to 6:00pm Monday to Friday, with staff including cleaning and maintenance contractors permitted to arrive from 6:30am and depart by 6:30pm. Some parents/caregivers may arrive just before 7:00am and leave just after 6:00pm with their children. The collection of waste onsite would occur between 7:00am to 6:00pm and be outside of the main drop-off and pick-up times. This reduced operating time will have a significant positive effect on reducing noise impact and any light intrusion during the acoustic night period (up to 7:00am) and evening period (from 6:00pm). (Between 7:00am to 6:00pm is the acoustic day period).</p> <p><b>Council response:</b>  The proposed development will operate year-round on weekdays only. Conditions have been applied restricting the operating hours.</p>
<p><u>Issue:</u> Total number of children in the Centre is unclear</p>	<p><b>Applicants response:</b>  With regards the number of children in the Centre, it is reiterated that this proposal is for a maximum of 44 children at any one time. The balance of children between the Kindergarten and Outside of School Hours Care program will adjust and change during a day and throughout a year but at no point will it exceed 44 children on site.</p> <p><b>Council response:</b>  Conditions have been applied to cap the number of children in care is limited to 44 at any one time.</p>

Matters raised in submissions	Response
<p><u>Issue:</u> Privacy and amenity of adjoining residents</p> <ul style="list-style-type: none"> <li>• noise (outside of school hours)</li> <li>• lighting from vehicles entering or leaving the property</li> <li>• number of vehicles attending the site</li> <li>• odours from waste generated on the site.</li> </ul>	<p><b>Applicants response:</b></p> <p>The children will be aged between 3 to 12 years and will be closely supervised by staff. Most outdoor play will occur in the fenced area labelled Outdoor Childcare Playscape on the Proposed Site Plan. This will assist significantly in maintaining the safety, privacy and amenity of adjoining residents.</p> <p>Overall, with the change to the morning operating hours of the Centre, it is considered that the amenity of adjoining residents will be maintained. This is a viable use for this non-residential site and is a critical aspect of ensuring the needs of the local residential community are met.</p> <p><b>Council response:</b></p> <p>Concerns raised relate to s440 Environmental Nuisance provisions of the <i>Environmental Protection Act 1994</i> and the general and noise emission criteria is outlined in s364 of the Act.</p> <p>A number of conditions have been imposed to protect privacy and amenity of adjoining residents. These conditions relate to:</p> <ul style="list-style-type: none"> <li>• restricting operating hours</li> <li>• capping the number of children in care</li> <li>• provision of solid screen fencing in proximity to neighbours located in close proximity to the south and south west</li> <li>• use of lighting on site</li> <li>• storage and collection of waste generated</li> </ul>

Matters raised in submissions	Response
<p><u>Issue:</u> Compatibility with the purpose of the Low density residential zone</p>	<p><b>Applicants response:</b></p> <p>It is noted that several submitters have referred to the proposed use as a business or commercial use, which they perceive as quite different to the existing educational use. The applicant, Christian Community Ministries Ltd, is the not-for-profit owner and operator of Warwick Christian College at 70 Horsman Road and this proposed service at 106 Glengallan Road is an extension of the school service. The intention behind the repurposing of the Glengallan Road site, is to complement and enhance the overall educational offering of the College extending to kindergarten and outside of school hours care, which will better meet the needs of parents/caregivers in the community.</p> <p>In this regard, it is considered that the use is consistent with the purpose of the Low density residential zone, which makes provision for the predominate dwelling houses to be “supported by community uses and small-scale services and facilities that cater for local residents” (6.2.6.2(1) Purpose statement of Low density residential zone code).</p> <p>Item 6.2.6.2(2)(g) of the Zone Code notes that community facilities which “directly supports the local community are facilitated” and further item 6.2.6.2(j) states that “small-scale non-residential uses are provided where they cater directly to the day to day needs of the immediate residential community, such as convenience stores and child care facilities, where the character and residential amenity is maintained.” From an urban design perspective, the facility is not dominant from the street and includes architecture that reflects the residential character of the surrounding area, which meets other applicable overall outcomes for the zone. As a site already established for an educational use and Place of Worship, the Glengallan Road site is an ideal site for a Child Care Centre (Kindergarten and Outside of School Hours Care) that is consistent with the purpose of the Low density residential zone and complements the community service provided by Warwick Christian College at 70 Horsman Road.</p> <p><b>Council response:</b></p> <p>The proposed development is repurposing an existing site which has approval for a non-residential use. The application has been assessed against the Planning Scheme and with conditions applied, can achieve compliance with the relevant benchmarks.</p>

Matters raised in submissions	Response
<p><u>Issue:</u> Traffic generated</p> <ul style="list-style-type: none"> <li>impacts on surrounding streets</li> <li>road safety (lack of roundabouts/giveway/stopsigns)</li> </ul>	<p><b>Applicants response:</b> The traffic generated by the proposed use will be commensurate with the traffic movements of the school use. There is ample onsite parking and a long internal driveway which means that vehicles can enter the site without queuing into Glengallan Road. The intersection has high visibility and is an approved and functioning driveway crossover with no upgrades required.</p> <p><b>Council response:</b> The existing access is in proximity to two intersections. Conditions will be imposed requiring a review of the access design to ensure safe ingress and egress for the site. It is considered that the existing road network has capacity to accommodate potential changes in traffic volumes as a result of this development.</p>
<p><u>Issue:</u> Change of use from School to Long Day Care and Function Centre</p> <ul style="list-style-type: none"> <li>use of microphone during extended hours (when used for functions)</li> </ul>	<p><b>Applicant response:</b> Nil</p> <p><b>Council response:</b> The application relates to a Child care centre. Amenity for residents has been addressed previously and within the assessment of the application. The proposed development is not for a Function facility.</p>
<p><u>Issue:</u> Facility used as a place of Worship</p>	<p><b>Applicant response:</b> Nil</p> <p><b>Council response:</b> There is an existing approval for a Place of Public Worship on the site. This use will remain and does not form part of the application.</p>
<p><u>Issue:</u> Facility used as a Function facility, not limited in numbers or hours of operation</p>	<p><b>Applicant response:</b> Nil</p> <p><b>Council response:</b> The application does not relate to a Function facility. The hours of operation and number of children in care for the proposed Child care centre is restricted by conditions.</p>
<p><u>Issue:</u> Different customers for Day Care to after school care</p>	<p><b>Applicant response:</b> Nil</p> <p><b>Council response:</b> Council is not required to limit the type of customers who can access a particular use.</p>
<p><u>Issue:</u> Stormwater impacts to adjoining lots</p>	<p><b>Applicant response:</b> Nil</p> <p><b>Council response:</b> Conditions have been applied requiring provision of a stormwater management plan for the site.</p>

## 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:

- 6.2.6 Low density residential zone code
- 9.3.2 Child care centre code
- 9.3.8 Retail and commercial 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
- 9.4.8 Stormwater management code

#### Low density residential zone code

##### **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 developed utilises an existing non-residential building that was previously used as an Educational facility. Whilst located within a residential area, the proposed use is considered to provide a service to residents by providing a Child care centre and after school hours care in a location where these services are not currently located. The use is set back from the frontage and will repurpose an existing building. The site previously operated during school hours however, the Child care centre seeks to extend those by operating between the hours of 7.00am and 6.00pm. These hours are generally consistent with a residential use and as such, are considered to be suitable for the location. By imposing conditions to restrict hours of operation, compliance with the Performance outcome is achieved.

##### **AO8** *In partial fulfilment of the PO –*

*(a) Where Short-term accommodation is in provided in the form of dwelling units or similar, the maximum number of units is as follows:*

- (i) One bedroom units with a maximum floor area of 60 m<sup>2</sup> - 1 unit per 400 m<sup>2</sup> of site area;*
- (ii) Units comprising more than one bedroom or with a floor area of greater than 60 m<sup>2</sup> - 1 unit per 500 m<sup>2</sup> of site area.*

*(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.*

*(d) Driveways are setback at least 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 subject land is an unusual shape whereby access to the proposed Child care centre is via a long driveway. There is limited visibility of the centre from the street. The entrance has existing landscaping in accordance with the previous approval and there is landscaping planted on one side of the driveway to soften the screen fencing separating the driveway from the adjoining residential lot. The proposed use does not seek to alter the existing streetscape which has been in place for many years. Compliance with the Performance outcome is achieved.

**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 proposed use will repurpose an existing building which had been approved for a non-residential use within the Low density residential zone. As such, it is considered that compliance with the Performance outcome has been achieved.

**AO12.2** *A minimum 1.8 m high solid fence is erected along the common boundary with any residential use, except within the front setback. Any fence erected along the front boundary or within the front building setback has a maximum height of 1.2 m unless it contains openings that make it at least 50% transparent.*

**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.*

There is existing 1.8 metre high timber paling fences located on the western boundary and part of the southern boundary which were required as part of the existing approval for the Education facility. A condition will be applied to ensure that this fencing is solid in nature and extends to fully enclose the outdoor play area associated with the proposed development. The existing fence on the southern side of the driveway is currently less than this and is screened by existing hedged landscaping. The remaining boundaries do not appear to be solid fencing as residential properties are larger in size with residences set back from boundaries.

Given the size of the site and the setbacks from adjoining properties to the north and north east, it is considered unreasonable for the entire boundary of the site to have a solid 1.8 metre high fence installed. The applicant has proposed to retain existing screen fencing to the west and south of the Outdoor Childcare Playscape area. Whilst there will be an open slat fence used to separate the outdoor play area from the internal driveway, it is considered that the existing buildings on the site provide additional screening of the Outdoor Childcare Playscape area from residences located to the north and east.

A number of conditions have been imposed to protect privacy and amenity of adjoining residents to comply with the Performance outcome. These conditions relate to:

- restricting operating hours
- capping the number of children in care
- provision of solid screen fencing in proximity to neighbours located in close proximity to the south and west of the proposed Child care centre and associated outside play areas
- use of lighting on site
- storage and collection of waste generated

**AO13** *No acceptable outcome identified.*

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

The proposal seeks to repurpose a building on the site from an Educational facility to a Child care centre. Whilst the operating hours will require extension they are not generally considered to be outside the hours where general noise is expected to be generated in a residential environment. As the structures and entrance already exist, the streetscape will not change, thereby the visual amenity of the site will not be altered.

The Child care centre will operate in association with an existing school located approximately 750 metres to the south west of the site. As such, it is considered to complement the needs of the immediate community and the existing uses in the locality. Compliance with the Performance outcome is achieved.



**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 proposed development will have a maximum of 44 children in care on the site and will operate in association with an existing school in the locality. The applicant provides the following comments regarding traffic generation:

*We haven't undertaken a Traffic Impact Assessment as no changes to the intersection or access are required or proposed and the site is an approved school, with issues of traffic demand, safety and access having already been considered and determined in the provision and arrangement of infrastructure for the existing school development.*

*The traffic demand of the Childcare Centre as a maximum 44-place facility (maximum number of children onsite at any one time) will be less intensive than the approved school use, which on 11 July 2007 was approved for two classroom buildings, with only one having been constructed, and therefore existing traffic and access arrangements are suitable.*

Concern has been raised regarding the proximity of the two very close intersections and a condition will be imposed requiring a review of the existing access by a Registered Professional Engineer of Queensland to ensure that entry and exiting of the site can be undertaken safely. It is considered that the existing road network has capacity to accommodate the proposed local traffic, as Glengallan Road is constructed to a width of 12 metres between the railway underpass and the Ogilvie Road intersection. With conditions imposed, compliance with the Performance outcome is achieved.

**AO19** *No acceptable outcome identified.*

**PO19** *Satisfactory servicing areas, circulation and parking arrangements are made for private, public transport, service and emergency vehicles.*

The entrance is a one-way circular driveway. A condition has been imposed to ensure that this is appropriately signed and is of a design which can cater for waste collection vehicles to ensure compliance with the Performance outcome.

Child care centre code

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

*(a) A landscaped setback is provided adjacent to all street frontages; and*

*(b) Outdoor activity areas and storage areas are screened from adjoining properties and from the street.*

**PO1** *Development complements the style, scale and character of existing uses in the street and neighbourhood and contributes positively to the streetscape.*

There is an existing landscaped strip along the frontage of the site adjacent to the access which appears to have been installed as part of the existing approval on the site. The proposed development will not alter the existing streetscape by retaining this landscaping.

In addition, conditions will be applied to ensure outdoor activity areas and storage areas are appropriately screened from adjoining properties. This will be achieved through the provision of a solid screen fence to the south and south west as well as the retention of landscaping on the site.

With conditions imposed, compliance with the Performance outcome can be achieved.

**AO3** *Parking spaces are located such that children are not required to cross the driveway or vehicular access to reach the building.*

**PO3** *Pedestrian access to and within the site is safe and convenient.*

The existing design of the carparking arrangement on site will result in some children needing to cross the driveway to access the Child care facility. The applicant states:

*The most convenient parking for parents/caregivers is the angled parking off the one-way driveway (23 spaces). This permits a car to park and children to be escorted by their parent/caregiver across one lane width of driveway, which in a low-speed environment is safe, to a footpath that takes them to the Centre Reception. Parents/caregivers will also be able to park on the eastern side of the Centre (9 spaces including 1 disabled), which will provide direct access to the Centre without having to cross a driveway. On the eastern boundary of the site there are 13 spaces, which will be used by Centre staff for longer-term parking, along with any overflow short-term parking by parents/caregivers or Place of Worship parking for the occasional small-scale activity when the Centre is operational.*

To improve pedestrian safety on site, the eight (8) car parking spaces located immediately to the east of the Child care centre, including one PWD space, will be required to be allocated for Child care patrons only during the opening hours of the centre, to provide a safe location for entry to the facility without needing to navigate potential vehicle movements. Conditions will be imposed requiring these parking spaces to be appropriately signed to achieve the Performance outcome.

**AO6** *No acceptable outcome identified*

**PO6** *Natural and built shade structures reduce exposure to ultra violet radiation and minimise requirements for artificial cooling and heating.*

It is anticipated that shade structures within the facility will be governed by best practice and guided by licencing requirements. Additional natural shade will be obtained through the provision of large shade trees to be provided in proximity to the car parking area to the north of the proposed Child care facility in line with the Landscaping code. Over time, these trees will provide shade to parked vehicles, improving comfort for users of the site. With conditions imposed, the development can comply with the Performance outcome.

**AO7** *Refuse is stored in a screened area and is removed from the site by an approved contractor.*

With conditions applied, compliance with the Acceptable outcome can be achieved.

#### Retail and commercial uses code

**AO5.4 (a)** *Where the site adjoins land in the Low density residential or Medium density residential zone a landscaped buffer strip at least 1.5 m wide is provided adjoining all side and rear boundaries.*

There is existing landscaping on the site and not all boundaries have solid screen fencing. To maintain amenity on the site and minimise impacts to adjoining residential development, a condition requiring provision of a landscaped buffer strip at least 1.5 metres in width is required where solid fencing does not exist. Compliance with the Acceptable outcome can be achieved with this condition applied.

#### 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.*

The peak parking demand for the child care centre will be early in the morning and then mid-late afternoon. The remainder of the time there will be limited parking required for the child care centre. During the peak times, people will only be parking for approximately 10 minutes, to enable drop off and pick up of children, therefore the turnover of carparking spaces is high.

The number of car parking spaces required for a Child care centre has not been separately defined in the Southern Downs Planning Scheme and as such it can be determined by Council on a case by case basis. Plans provided indicate the following provisions are accommodated on the site:

- 23 car parking spaces to the north of the centre (across the driveway)
- 8 car parking spaces to the east of the centre, including one PWD (immediately adjacent to the centre)
- 13 car parking spaces to the east of the centre (east of the driveway)

It is relevant to note that the car parking to the east of the site is also utilised by the Place of Public Worship. The applicant has confirmed that the use of the Place of Public Worship whilst the Child care centre was operational would be small-scale, occasional in nature and agreement with the Child care operator would be required. Therefore it is considered reasonable for designated parking spaces for the Child care centre patrons (not staff) be allocated and signed immediately adjacent to the facility on the eastern side. Given the short-term nature of parking required by patrons at the Child care centre the proposed number of parking spaces is considered to be adequate for the proposed uses on the site and would reduce the requirement for any parking to occur on the street. Compliance with the Performance outcome is achieved.

**AO1.2** *Car parks are kept and used exclusively for parking and maintained in a suitable condition for parking.*

**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.*

**AO3** *Except in the case of a dwelling house, parking areas including parking spaces, queuing areas, loading, set down and pickup areas and driveways are constructed in accordance with Planning Scheme Policy – Carpark Construction.*

No changes to the existing sealed area is proposed, however, line marking will be completed to reflect the proposed plans. It is unclear whether approval has been provided for the existing car parking area and as such conditions will be imposed to achieve compliance with the Acceptable outcomes.

**AO6** *(a) Vehicular access is located and designed in accordance with AUSTRROADS – Guide to Road Design Part 4: Intersections and Crossings - General requirements for sight distance and Section 3 of AS 2890.1 Parking Facilities.*

**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 access is in close proximity to two intersections where a change in traffic volumes may cause concern for road users. Whilst the access is existing, it is relevant to ensure that the design is appropriate to accommodate the proposed change in use. Therefore, a condition will be imposed requiring an assessment of the access to ensure the design is safe for all road users to ensure compliance with the Performance outcome is achieved.

**AO8** Where an on site refuse collection area is provided, access and manoeuvring areas are designed and provided to enable access by a refuse collection vehicle based on the Design Service Vehicle in AUSTRROADS/Standards Australia HB 72 – Design Vehicles and Turning Path Templates.

**PO8** Refuse collection vehicles are able to access on site refuse collection facilities.

**AO9(d)** Service vehicles enter and leave the site in a forward gear.

The proposed development is for a Child care centre. The applicant had indicated that storage of waste will be on-site and they would be seeking a kerbside collection. However, in response the submissions received the applicant indicated that:

*The collection of waste onsite would occur between 7:00am to 6:00pm.*

Council supports the on-site collection of waste. With conditions imposed, compliance with the Acceptable outcomes can be achieved.

#### Landscaping code

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

**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 applicant indicates that there is sufficient landscaping on site and there will be no change to the existing landscaped area at the front of the site.

As outlined earlier, Council will be seeking provision of a 1.5 metre wide landscaped buffer around the boundaries of the site which will not have solid screen fence. As such, it is considered reasonable for a condition to be imposed requiring review and approval of a Landscaping Plan prior to the use commencing to comply with the Performance outcome.

#### **AO8**

*(a) Where a carpark adjoins residential premises dense planting is provided between the carpark and the boundary.*

*(b) Runoff from carparking areas is directed to landscaped areas to minimise contaminated run off entering the stormwater system and water courses.*

*(c) Where the number of parking spaces in an off-street parking area exceeds 10:*

*(i) One advanced tree with a minimum canopy at maturity of 3 m in diameter is provided for every 10 carparking spaces (or part thereof). At least half of the required number of trees is to be located within the carpark area (not around the periphery).*

*(ii) The landscaping comprises trees with clear trunks to a minimum height at maturity of 2 m and open, lowgrowing shrubs and ground covers to a maximum height of 1.2 m.*

*(iii) A minimum mulched area of 3 m<sup>2</sup> is provided around each tree. This area is to be planted with low growing shrubs or ground covers. The trees are to be protected by tree guards, bollards or similar.*

*(d) The landscaped area is separated from any carparking area by a raised kerb that is designed to ensure that vehicles do not park on or over the landscaped area.*

It will be a condition of any approval that a landscaping plan be submitted to Council for approval which includes provision of shade trees for the car parking areas. With conditions applied, compliance with the Acceptable outcome can be achieved.

### Outdoor lighting code

With conditions imposed to ensure potential impact of lighting is minimised for adjoining lots, compliance with the code can be achieved.

### Physical infrastructure code

The proposed development has an existing connection to Council's reticulated water and sewer networks. The applicant has advised that the site is connected to reticulated electricity and access to Council infrastructure on the site is not altered by the proposed use.

### Stormwater management code

The applicant states that the site contains stormwater infrastructure and that there will be no change in the impervious area. However, investigations into Council records indicate that the impervious area of the site has been markedly increased which do not align with the existing approvals.

The applicant did not provide a response to the Stormwater management code, which is triggered as the premises is greater than 2,500 square metres and the impervious area is greater than 25 per cent of the net developable area.

To achieve compliance with the code, conditions will be imposed requiring a site based stormwater management plan to be submitted and approved by Council prior to the commencement of the use.

### **Infrastructure Charges**

Charges Resolution (No. 4.2) 2023 commenced 13 December 2023.

The applicant has provided the following details to assist with the calculation of infrastructure charges:

- The GFA of the existing building (Education facility) is 250m<sup>2</sup>.
- The GFA of the existing building (Place of Public Worship) is 134m<sup>2</sup>.
- 10m<sup>2</sup> GFA will be added to the building at each stage (Stage 1 and Stage 2) as a storage room under the existing verandah.
- Existing impervious area is 3,820m<sup>2</sup>.

### Background

**Existing Lot credit:** \$21,500.00 (maximum)

#### **Education Facility**

- Condition 15 of approval 5A.5.1.366 (MCU\00366) required a contribution of \$3782.00 for Stage 1 and \$758.00 for Stage 2, towards the cost of construction of a local catchment drainage scheme in accordance with Council's Planning Scheme Policy No. 4 (Stormwater Drainage Infrastructure Contributions). Payment of \$3782.00 was received by Council on 8 April 2002. No payment was received for Stage 2 of the approval.
- Council records indicate that the impervious areas (total: 1915m<sup>2</sup>) associated with the Education facility was comprised of:
  - Existing (Place of Public Worship): 1154m<sup>2</sup>
  - Secondary School: 261m<sup>2</sup>
  - Footpath: 10m<sup>2</sup>
  - Additional Roadway (internal): 490m<sup>2</sup>
- Council records indicate that a credit for the Place of Public Worship was provided when calculating charges associated with the Education facility.

## Place of Public Worship

- Condition 2 of Town Planning Consent Permit No.5A5.1.31 required a paved car parking area and a paved access driveway to be provided three metres wide from Glengallan Road except for the first 10 metres from the property boundary which would be six metres wide and drained to cause no nuisance to neighbours.
- Condition 5 required a contribution of \$12,000 to widen the western side of Glengallan Road and make necessary intersection improvements. Payment was received in full by Warwick Shire Council on 7 June 1995.
- Compliance with Conditions of approval checklist completed on 31 May 2000.
- Council records indicate that the impervious areas (total: 1154m<sup>2</sup>) of the site were calculated as:
  - Church: 144m<sup>2</sup>
  - Driveway: 570m<sup>2</sup>
  - Carpark: 440m<sup>2</sup>

Given the information above, the infrastructure charges have been calculated using figures from historical credit calculations and information provided from the applicant:

- Maximum Credit applicable \$21,500.00
- GFA: Education facility credit (\$14,094.00) + Place of Public Worship credit (\$7,776.00) = \$21,870.00 (uses the whole credit)
- Impervious: Payment received 8 April 2002 for Stormwater Drainage Infrastructure Contributions = \$3,782.00

Stage 1 – Child care centre					
Development Type	Network	Charge Rate	Proposed	Credit	Charge
Child care centre	Stormwater	\$8/impervious m <sup>2</sup>	3820m <sup>2</sup> x \$8/m <sup>2</sup> = \$30,560.00	1915m <sup>2</sup> x \$8/m <sup>2</sup> = \$15,320.00 (Paid: \$3782.00)	\$11,538.00
	Other	\$54/m <sup>2</sup> GFA	Child care centre: 260 m <sup>2</sup> x \$54 = \$14,040.00	Education Facility: 261 m <sup>2</sup> x \$54 = \$13,500.00 Place of Public Worship: 144m <sup>2</sup> x \$54 = \$7,776.00  (Total: \$21,870.00)	\$0.00
<b>TOTAL:</b>					\$11,538.00

Stage 2 – Child care centre					
Development Type	Network	Charge Rate	Proposed	Credit	Charge
Child care centre	Stormwater	\$8/impervious m <sup>2</sup>	-	-	-
	Other	\$54/m <sup>2</sup> GFA	Child care centre: 10 m <sup>2</sup> x \$54 = \$540.00	No further credit applies	\$540.00
<b>TOTAL:</b>					\$540.00

## Recommendation

THAT the application for Material Change of Use for the purpose of Child care centre (Kindergarten and Outside of School hours care in an existing building, over two (2) stages) on Lot 3 RP868367, located at 106 Glengallan Road, Warwick, be approved subject to the following conditions:

### Schedule 1 - Southern Downs Regional Council Conditions

#### Approved Plans

1. The development of the site is to be generally in accordance with the following proposal plans ~~(and elevations) submitted by the applicant with the application, as determined by the Director Planning and Development,~~ and subject to the final development being amended in accordance with the conditions of this approval.

- ~~• Drawing No. 30701 Sheet 3 dated 2 November 2001 prepared by Paul Earl (Elevations of Secondary Classroom)~~
- ~~• Plan dated 14 January 2002 prepared by E J Westerman (Floor Plan of Secondary Classroom)~~
- ~~• Drawing No. 05-37W TP-01 A dated 1 February 2007 prepared by Devecon (Site Plan)~~
- ~~• Drawing No. 05-37W TP-02 A dated 1 February 2007 prepared by Devecon (Floor Plans)~~
- ~~• Drawing No. 05-37W TP-03 A dated 1 February 2007 prepared by Devecon (Elevations of Primary Classroom)~~

Plan Name	Drawing No.	Date
Proposed site plan prepared by ceccato architects	DA02 Rev P3	21 January 2025
Proposed floor plan prepared by ceccato architects	DA03 Rev P3	21 January 2025
Proposed elevations prepared by ceccato architects	DA04 Rev P2	21 January 2025
Proposed elevations prepared by ceccato architects	DA05 Rev P2	21 January 2025

1A. ~~Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.~~

#### Staging

1B. ~~The development may proceed in stages, provided that any road access and infrastructure services required to service a particular stage are constructed with that stage. Unless otherwise expressly stated, the conditions must be read as being applicable to all stages. The approval stages are as follows:~~

- ~~Stage One – Kindergarten room and outside of school hours care~~
- ~~Stage Two – Addition of second Kindergarten room and increased outside of school hours care capacity.~~

~~Stage One must be completed prior to any other Stage. All other Stages are not required to be undertaken in any chronological order.~~

#### Land Use & Planning Controls

2. ~~The development Child care centre shall generally operate only during normal school hours between the hours of 7.00am and 6.00pm Mondays to Fridays only. Cleaning and waste collection can occur between 6.30am and 6.30pm Mondays to Fridays only.~~

- 2A. The maximum number of children being cared for as part of the Child care centre is not to exceed 44 at any one time.
- (i) Stage one – the maximum number of children being care for as part of the Child care centre is not to exceed 22.
- (ii) Stage two – the maximum number of children being care for as part of the Child care centre is not to exceed 44.
3. Deleted.
4. Any proposal to increase the size of the use on the subject land which is defined as assessable development under the ~~Warwick Shire Southern Downs~~ Planning Scheme would be subject to a separate application for assessment in accordance with the *Integrated Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
5. The design and materials of the building are to be to the satisfaction of the ~~Director General Manager~~ Planning and ~~Development Environmental Services~~ and are to be in accordance with the residential character of the area.

### **Building, Health & Development Compliance**

6. The conditions of this approval are to be complied with prior to the use of the building or site commencing.
7. ~~Deleted. The applicant is to obtain Approval to Carry Out Building Work in accordance with the *Integrated Planning Act* for the proposed buildings and satisfactory building plans and specifications in accordance with the *Integrated Planning Act* and *Building Act* and the Warwick Shire Planning Scheme are to be submitted and approved by a Building Certifier. These building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the approved building plans prior to the commencement of the use.~~
- 7A. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council (see advisory note below).
- 7B. 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 & Environmental Controls**

8. The location, size, type and content of any advertising sign or device located on the subject land i.e. Lot 3 RP868367 ~~is to be to the satisfaction of the Director Planning and Development and~~ is to minimise impacts on the adjoining residential property.
- ~~The location, size, type and content of any advertising sign or device located on the land is to be compatible with the residential character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve~~
9. ~~Lighting is to be provided within the development including adjacent to the internal driveways. Any lighting device is to be so positioned and shielded so as not to cause any glare nuisance to any nearby residential property or passing motorist. External lighting must not exceed 8 lux at the property boundary.~~
- 9A. ~~During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at an approved Waste Management Facility.~~
- 9B. ~~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 6.00pm, Monday to Friday only. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.~~



- 9C. A sufficient number of suitable waste receptacles must be provided on site at all times. Waste receptacles must be regularly serviced to prevent unsightly accumulations of waste or environmental harm being caused. A waste collection contractor must be engaged to supply suitable waste and recycling receptacles and service waste and recycling receptacles.
- 9D. All commercial bins are to be stored within a bin enclosure that is screened. Except when waste is being disposed into, or collected from, the bins, the gates on the refuse enclosure are to be closed
- 9E. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
- 9F. 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.
- 9G. No materials or goods associated with the development are to be displayed or stored within the car park or landscaped areas, or outside the boundaries of the site.
- 9H. All service equipment and refrigeration units are to be positioned and housed so as to not cause nuisance or disturbance to persons or property not connected with the development.

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

- 10. The applicant is to provide a six (6) metre wide landscaped strip adjacent to the Glengallan Road frontage of the site.
- 11. A 3 metre wide landscape strip is to be provided adjacent to the western and southern property boundaries of the subject land.
- 12. The applicant shall seek to maintain the maximum number of existing trees on the subject land to the satisfaction of the ~~Director~~ **General Manager** Planning and ~~Development~~ **Environmental Services**.
- 13. A **solid** screen fence 1.8 metres high shall be erected on the **rear** boundaries with Lots 1 and 2 RP868367, and along the boundary with Lot 253 W303 from the western corner for a distance of approximately 65 metres, to the satisfaction of the ~~Director~~ **General Manager** Planning and ~~Development~~ **Environmental Services** at the full cost to the applicant. **All other fencing is to be provided and maintained in accordance with the approved details.**
- 13A. Five advanced tree plantings (i.e. minimum height of 1.5 metres at the time of planting) with a minimum canopy of 3.0 metres in diameter are to shade car parks and must be identified in the Landscaping Plan. At least two of these must be located in the car parking area north of the facility.  
  
Existing trees which provide shade can be included. All shade trees identified must be maintained and replaced for the life of the use.
- 13B. A 1.5 metre wide landscaping strip is to be located immediately adjacent to all boundaries where solid screen fencing is not required. Existing landscaping on the southern side of the driveway along the shared boundary with Lot 2 RP868367 is to be retained in its current form.
- 13C. **A Landscaping Plan is to be submitted to and approved by Council's Planning Department prior to the commencement of the use.** The Landscaping Plan is to be prepared by an appropriately qualified person, and must include details of the location and species of plants, the irrigation system and the height and material of fencing. Plants are to be generally frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan.

### **Carparking and Vehicle Access**

- 14. Car parking shall be provided on site in accordance with the plans submitted with the application, Drawing No ~~30704 DA02~~ dated ~~2 November 2004~~ 21 January 2025 prepared by ~~Paul Earl ceccato architects, except that the three additional car parks are to be relocated~~

~~and are to be indented into the grassed area inside the ring road. Such car parking spaces~~  
All car parking, driveway and loading areas shall be constructed, sealed, drained, line marked, laid out and regularly maintained ~~to the satisfaction of the Director Planning and Development.~~

- 14A. All car parks immediately to the east of the Child care centre are to be restricted for the use by Child care patrons only during operating hours of the centre. These spaces must be signed accordingly and are not to be used by staff. Provision is to be made for disabled parking.
- 14B. The internal driveways are to be designed and constructed to allow an 8.8 metre service vehicle to enter and leave the site in forward gear.
- 14C. The internal driveway must include directional signage.
- 14D. The existing access is to be reviewed by a Registered Professional Engineer of Queensland with regard to ingress and egress safety. The development is to comply with any recommendations of the review. **The review is to be submitted to and approved by Council prior to the commencement of the use.**
- 14E. All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 14F. 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"*.
- 14G. 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, Drainage and Stormwater**

- 15. ~~Deleted. The applicant is to contribute towards the cost of construction of a local catchment drainage scheme to a lawful point of discharge in accordance with Council's Planning Scheme Policy No. 4 (Stormwater Drainage Infrastructure Contributions). The amount of contribution has been assessed as \$3782.00 for Stage One, and \$758.00 for Stage Two. Such contribution is to be paid prior to the issue of a Building Approval.~~
- 15A. 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 General Manager Infrastructure, Assets & Projects.
- 15B. 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, must be required to demonstrate compliance with QUDM. The 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 & Sewerage**

- 16. The proposed buildings are to be connected to Council's reticulated water supply and sewerage system ~~to the satisfaction of the Director Technical Service.~~

## Electricity, Street Lighting and Telecommunications

- 16A. Reticulated electricity connections must be provided to the proposed development to the standards of the relevant authorities.
- 16B. In accordance with the Federal Government's National Broadband Network (NBN) initiatives, the Developer (at the Developer's expense) is to install telecommunications infrastructure, such as lead-in conduits (LIC) or a fibre ready pit and pipe network (including trenching and ducting, design and third party certification), to NBN Co's specifications, to allow for the installation of Fibre-to-the-Premises (FTTP) broadband services. Any fibre provider may be used, provided they meet NBN specifications and open access requirements. Ownership of the infrastructure is to be transferred to Telstra in exchange for the provision of fibre within that infrastructure network. Prior to commencement of the use, written advice is to be provided from Telstra that the telecommunications infrastructure network has been installed in accordance with NBN Co's specifications.

## Operational Works

- 16C. An operational works approval, including detailed stormwater design for the car parking layout, must be obtained prior to commencing the use. All operational works are to be accepted prior to the use of the land commencing (see advisory note below).

## Infrastructure Charges Notice

- 16D. Payment is to be made to Council in accordance with the Infrastructure Charges Notice attached to the decision notice. If the development is staged, the payment of Infrastructure Charges may also be staged. If payment is made more than two years after the date of the Infrastructure Charges Notice, the charge will increase in line with the Road and Bridge Construction Index for Queensland.

## Advisory Notes

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environmental Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is your responsibility to notify Council when a development, or part of, is nearing completion and ready for commencement of the use. The commencement of use is when the Infrastructure Charges associated with your development are to be paid, unless paid earlier.
- (iv) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (v) Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.
- (vi) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (vii) **Plumbing and Drainage Approval is to be obtained** in accordance with the *Plumbing and Drainage Act 2018* for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate **forms**,

**plans and fees** associated with this application. A **Certificate of Compliance must be issued** for the works prior to the use commencing.

- (viii) **Building Approval is to be obtained** for a Class 9b in accordance with the *Planning Act 2016* for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 11 (Certificate of Classification) must be issued for the building works prior to the use commencing.**
- (ix) 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.
- (x) The disposal of waste classified as Trade Waste under the *Plumbing and Drainage Act 2018* is to be in accordance with Council's Trade Waste Policy.
- (xi) 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.
- (xii) A Development Permit for Operational Works associated with the development must be obtained in accordance with the *Planning Act 2016*. This application must be submitted with the following:
  - DA Form 1;
  - The relevant fee in accordance with Council's Schedule of General Fees and Charges;
  - Detailed design drawings, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
  - A car parking plan showing the location and dimension of all parking areas, details of the proposed pavement treatment, and full engineering specifications of layout, construction, sealing, drainage and line marking;
  - A plan showing ingress and egress wheel and swept turning paths;
  - A Stormwater Management Plan.

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.

- (xiii) 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.
- (xiv) 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.
- (xv) A Development Permit/Compliance Certificate for Operational Works and Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (xvi) 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.

## **Telecommunications in New Developments**

(xvii) For information for developers and owner builders, on important Commonwealth telecommunication rules that need to be complied with, visit [www.infrastructure.gov.au\tind](http://www.infrastructure.gov.au/tind)

### **Aboriginal Cultural Heritage**

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

## Schedule 2 – Ergon Energy conditions as an Advice Agency



420 Flinders Street, Townsville QLD 4810  
PO Box 1090, Townsville QLD 4810  
[ergon.com.au](http://ergon.com.au)

14 January 2025

Chief Executive Officer  
Southern Downs Regional Council  
*Attention: Tonya Collier*  
*Via email: [mail@sdrq.qld.gov.au](mailto:mail@sdrq.qld.gov.au)*

cc Christian Community Ministries Ltd  
*Attention: Andrew Lennox*  
*Via email: [andrew.lennox@ccmschools.edu.au](mailto:andrew.lennox@ccmschools.edu.au)*

Dear Sir/Madam,

**Ergon Advice Agency Response – Change (Other)**  
**Our Ref: ECM 22610736**

This referral agency response is given under section 56 of the *Planning Act 2016*.

Response	
Outcome	Approve in full - subject to conditions
Referral assessment capacity	Advice
Matters referral assessment made against (S55(2))	The purpose of the <i>Electricity Act 1994</i> and <i>Electricity Safety Act 2002</i>
Reasons for decision (S56(7)(b))	The works do not conflict with: <ul style="list-style-type: none"><li>▪ the objectives set out within Part 2, Section 3 of the <i>Electricity Act 1994</i></li><li>▪ the purpose of the <i>Electricity Safety Act 2002</i> as set out within Part 1 Division 2 Section 4 &amp; 5.</li></ul> <p>The works do not adversely impact on the safe, efficient, and economically viable operation of the supply network.</p>

**Have you seen our fact sheets?**  
See the 'considerations when developing around electricity infrastructure' section of our website  
[www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)

Ergon Energy Corporation Limited ABN 50 087 646 062

Development Details	
Applicant	Christian Community Ministries Ltd
Assessment Manager	Southern Downs Regional Council
Council Application No.	MCU00366.01
Street Address	106 Glengallan Road, Warwick
RPD	Lot 3 RP868367
Development Type	Other Change to Material Change of Use - Child Care centre
Referral Trigger	<input checked="" type="checkbox"/> Schedule 10, Part 9, Division 2, Table 2, Item 1 (10.9.2.2.1) – Material Change of use of premises within 100m of a substation site or subject to an easement for the benefit of a distribution entity under the Electricity Act and the easement is for a supply network
Impacted Electrical Infrastructure	Easement ARP127234

Ergon provides the following response to the application in accordance with Section 56(1) of the *Planning Act 2016*:

Component of Development	Advice Agency direction
MCU/ROL/ OPW	<input checked="" type="checkbox"/> S56(1)(b)(i) – approval subject to stated development conditions

In accordance with Section 56(1) should the Assessment Manager decide to approve the proposed Change (other) application, as an Advice Agency, Ergon requires that the assessment manager impose the below conditions. These conditions have been imposed in response to the matters prescribed under Section 55 (2) of the *Planning Act 2016*.

<i>Table 1</i>			
Plans forming part of this Approval			
<i>Title</i>	<i>Plan No.</i>	<i>Issue</i>	<i>Date</i>
<i>Proposed Site Plan</i>	<i>DA02</i>	<i>P2</i>	<i>10/18/24</i>

<i>Table 2</i>			
<i>Condition</i>		<i>Timing</i>	<i>Purpose/Reason</i>
1	Carry out the approved development generally in accordance with the approved plans and documents outlined	At all times	To ensure the development is carried out generally in accordance with the plans of

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	<p>within Table 1 of the approval and the following:</p> <ul style="list-style-type: none"> <li>▪ The specifications, facts and circumstances as set out in the development application submitted to Ergon; and</li> <li>▪ Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions prevail</li> </ul>		development submitted within the application
2	Any alterations to the plans and document(s) identified within Table 1 of this response are to be resubmitted to Ergon for comment	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application
3	The conditions of any easements in favour of Ergon must be maintained at all times.	At all times	For the safety and efficiency of the electricity network

**General Advice:**

- Compliance with the Electrical Safety Act 2002, including any Code of Practice under the Act and the Electrical safety Regulation 2013 including any safety exclusion zones defined in the Regulation is mandatory.

Should any doubt exist in maintaining the prescribed clearance to the overhead conductors and electrical infrastructure then the applicant is obliged under the Act to seek advice from Ergon.

- Any costs incurred by Ergon as a result of the works on the easement are to be met by the property Developer / owner.
- This response does not constitute an approval to commence any works within the easement. Consent to commence works relevant to the conditions of the easement is required. All works on easement (including but not limited to earthworks, drainage and detention basins, road construction, underground and overhead services installation) require detailed submissions, assessment, and consent (or otherwise) by Ergon.

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See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)



- All works proposed to be undertaken in close proximity to overhead or underground electrical lines are to be undertaken in accordance with Ergon's Works Practice Manual WP1323. This document refers to various standards, guidelines, calculations, legal requirements, technical details, and other information relevant to working near high voltage infrastructure. A copy of WP1323 can be found online via Ergon's document library ([Document library | Ergon](#)).

Should you require any further information on the above matter, please contact the undersigned on 0428 943 997 or via email at [townplanning@ergon.com.au](mailto:townplanning@ergon.com.au).

Yours faithfully,



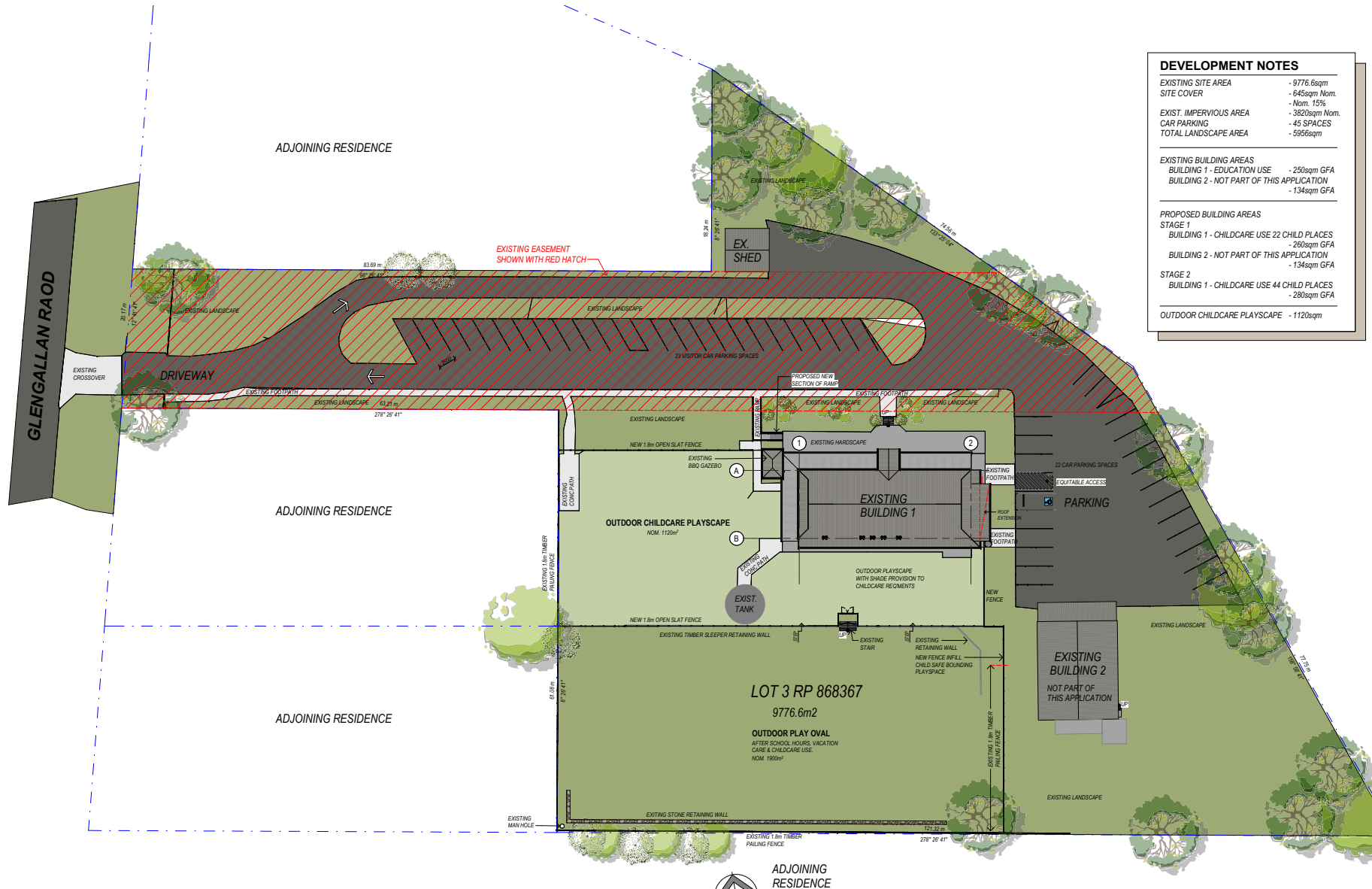
**Scott Pearson**  
Senior Town Planner

**Have you seen our fact sheets?**

See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/infrastructure](http://www.ergon.com.au/infrastructure).

## ATTACHMENTS

1. Proposal Plans [↓](#)



DEVELOPMENT NOTES	
EXISTING SITE AREA	- 9776.6sqm
SITE COVER	- 645sqm Nom.
	- Nom. 15%
EXIST. IMPERVIOUS AREA	- 3820sqm Nom.
CAR PARKING	- 45 SPACES
TOTAL LANDSCAPE AREA	- 5956sqm
EXISTING BUILDING AREAS	
BUILDING 1 - EDUCATION USE	- 250sqm GFA
BUILDING 2 - NOT PART OF THIS APPLICATION	- 134sqm GFA
PROPOSED BUILDING AREAS	
STAGE 1	
BUILDING 1 - CHILDCARE USE 22 CHILD PLACES	- 260sqm GFA
BUILDING 2 - NOT PART OF THIS APPLICATION	- 134sqm GFA
STAGE 2	
BUILDING 1 - CHILDCARE USE 44 CHILD PLACES	- 280sqm GFA
OUTDOOR CHILDCARE PLAYSCAPE	- 1120sqm

THESE DRAWINGS REPRESENT DESIGN CONCEPT & ARE SUBJECT TO AUTHORITY REQUIREMENT COPYRIGHT  
 CECCATO + ASSOCIATES, Architects Pty Ltd [ACN 639 861 206]  
 124 PETRIE TERRACE, PETRIE TERRACE, QLD, 4000  
 ph (07) 3369 1899 www.ceccato.com.au contact@ceccato.com.au

**PROPOSED LONG DAY CARE REDEVELOPMENT**  
 106 GLENGALLAN ROAD, WARWICK

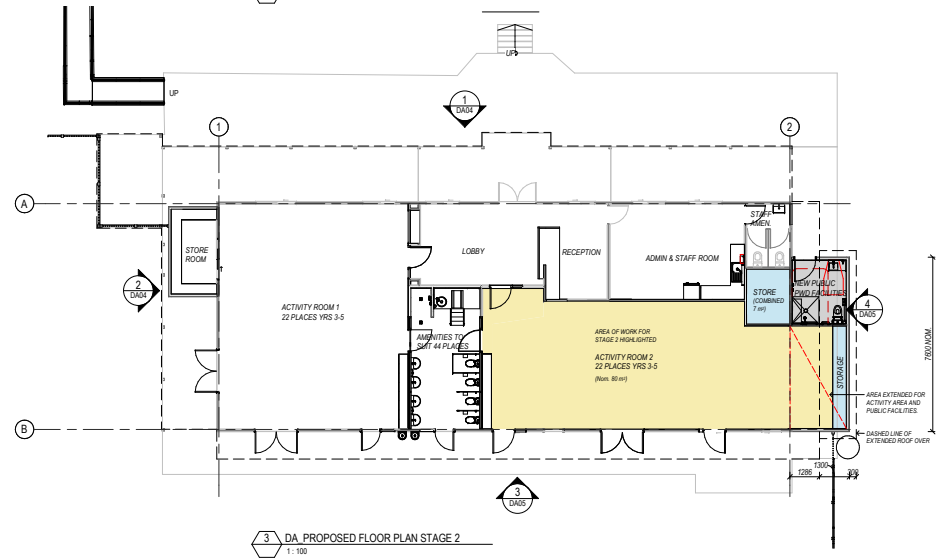
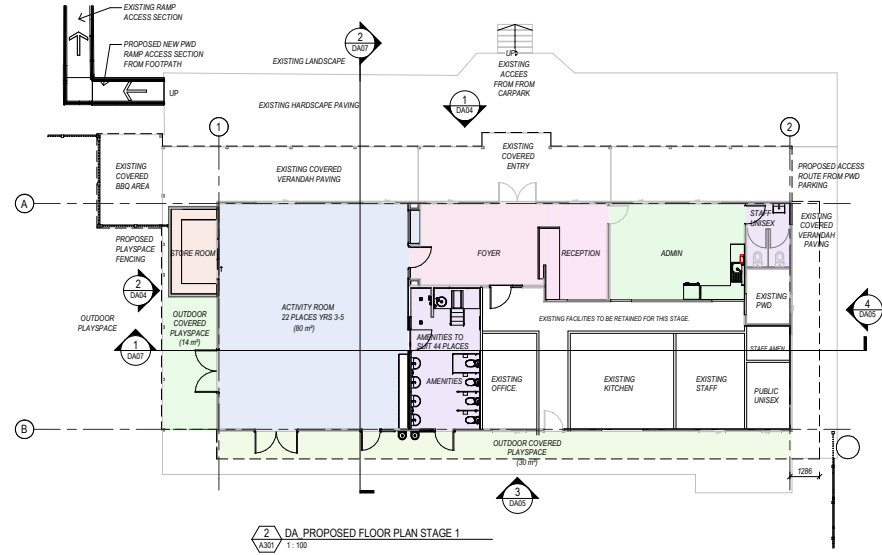
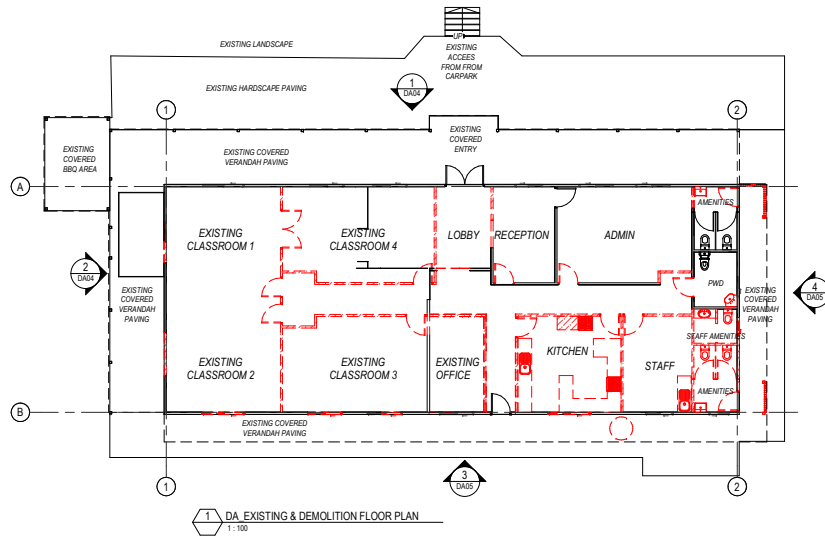


ADJOINING RESIDENCE

PROPOSED SITE PLAN

JOB No. 68802 DRAWING No. DA02 REV P3  
 DATE 21/01/25 SCALE 1 : 250 @A1





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**PROPOSED LONG DAY CARE REDEVELOPMENT**  
 106 GLENGALLAN ROAD, WARWICK



**PROPOSED FLOOR PLAN**  
 JOB No. 68802 DRAWING No. DA03 REV P3  
 DATE 21/01/25 SCALE 1 : 100 @A1





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**PROPOSED LONG DAY CARE REDEVELOPMENT**  
 106 GLENGALLAN ROAD, WARWICK

**PROPOSED ELEVATIONS - Page 01**

JOB No. **68802** DRAWING No. **DA04** REV **P2**  
 DATE **21/01/25** SCALE **1 : 50 @A1**

**ceccato**  
 architects+



3 SOUTH ELEVATION  
1:50



4 EAST ELEVATION  
1:50

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**PROPOSED LONG DAY CARE REDEVELOPMENT**  
 106 GLENGALLAN ROAD, WARWICK

**PROPOSED ELEVATIONS - Page 02**

JOB No. **68802** DRAWING No. **DA05** REV **P2**  
 DATE **21/01/25** SCALE **1 : 50 @A1**



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

Nil

**17. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS**

Nil

**18. GENERAL BUSINESS**