



**MINUTES OF THE
ORDINARY COUNCIL MEETING
16 APRIL 2025**

ORDER OF BUSINESS:

1.	ACKNOWLEDGEMENT OF COUNTRY	1
2.	PRAYERS & CONDOLENCES.....	1
3.	ATTENDANCE AND APOLOGIES	1
4.	READING AND CONFIRMATION OF MINUTES.....	1
4.1	Ordinary Council Meeting - 19 March 2025.....	1
5.	ACTIONS FROM COUNCIL MEETINGS	1
5.1	Actions from Ordinary Council Meeting 19 March 2025	1
6.	DECLARATIONS OF CONFLICTS OF INTEREST	2
7.	MAYORAL MINUTE	2
	Nil	
8.	NOTICES OF MOTION	2
	Nil	
9.	READING AND CONSIDERATION OF CORRESPONDENCE	2
	Nil	
10.	RECEPTION AND READING OF PETITIONS AND JOINT LETTERS.....	2
	Nil	
11.	PORTFOLIO REPORTS	2
11.1	Portfolio Report - Mayor Hamilton - Vibrant Communities	2
11.2	Portfolio Report - Cr Windle - Liveable Communities	2
12.	EXECUTIVE SERVICES REPORTS.....	3
12.1	Review of Councillor Portfolios	3
13.	CUSTOMER AND ORGANISATIONAL SERVICES REPORTS	4
13.1	Financial Services - Financial Report as at 31 March 2025.....	4
13.2	Operational Plan 2024-2025 Quarterly Review - January 2025 to March 2025	4
13.3	WIRAC Filtration Replacement & Upgrade Project	4
14.	INFRASTRUCTURE SERVICES REPORTS	5
	Nil	
15.	PLANNING AND ENVIRONMENTAL SERVICES REPORTS	5
15.1	Reconfiguring a Lot: Gary Hayes & Partners Pty Ltd – 11412 Cunningham Highway and Freestone Road, Clintonvale	5

15.2	Material Change of Use – Alexander G Kuhl & Belinda J Hackney C/- NSPIRE Planning & Design, 214 Kerrick Road, Dalveen	10
15.3	Other Change to Material Change of Use: Christian Community Ministries Ltd, 106 Glengallan Road, Warwick	26
16.	REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES	37
	Nil	
	Nil	
18.	GENERAL BUSINESS	37
	Meeting Closure	37

**MINUTES OF THE ORDINARY COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 16 APRIL 2025
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9:00AM**

1. ACKNOWLEDGEMENT OF COUNTRY

2. PRAYERS & CONDOLENCES

Father Nathan Webb from St Joseph's Catholic Church, Stanthorpe offered a prayer for the meeting and Councillors acknowledged condolences.

3. ATTENDANCE AND APOLOGIES

Present: Crs Hamilton (Chair), Bartley, Deane, Harslett, McDonald, Pidgeon, Richters, Wantling and Windle

Officers: Rachel Brophy (Chief Executive Officer), Susie Glasson (Acting General Manager Customer and Organisational Services), Nick Wellwood (General Manager Infrastructure, Assets & Projects), Dyan Currie (Acting General Manager Planning and Environmental Services), Gurbindar Singh (Chief Financial Officer), Angela O'Mara (Manager Planning and Development) and Marion Seymour (Minute Secretary)

4. READING AND CONFIRMATION OF MINUTES

4.1 Ordinary Council Meeting - 19 March 2025

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

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

Carried Unanimously

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Ordinary Council Meeting 19 March 2025

Resolution

Moved Cr S Deane

Seconded Cr M Harslett

THAT Council receive the report and note the contents.

Carried Unanimously

6. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

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
Resolution**

Moved Cr C McDonald

Seconded Cr S Deane

THAT Council's Vibrant Communities Portfolio Report be received.

Carried Unanimously

**11.2 Portfolio Report - Cr Windle - Liveable Communities
Resolution**

Moved Cr S Windle

Seconded Cr C Pidgeon

THAT Council's Liveable Communities Portfolio Report be received.

Carried Unanimously

12. EXECUTIVE SERVICES REPORTS

12.1 Review of Councillor Portfolios

Recommendation

Moved Cr S Windle

Seconded Cr C McDonald

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

Amendment

Cr Wantling proposed the following amendment to Agenda Item 12.1:

THAT Council adopt the amendments to Councillor Portfolios included as Appendix A to the Councillor Portfolio Policy PL-136, with the inclusion of Cr Windle and Cr Wantling as joint Portfolio Councillors for Tourism.

Resolution

Moved Cr R Wantling

Seconded Cr R Bartley

Lost

The following votes were recorded:

For: Crs R Bartley and R Wantling (2)

Against: Crs S Deane, M Hamilton, M Harslett, C McDonald, C Pidgeon, J Richters and S Windle (7)

In accordance with Section 21 of Council Meetings Policy PL-CS036 Cr McDonald moved the following Procedural Motion:

THAT the recommendation for Agenda Item 12.1 be put.

Resolution

Moved Cr C McDonald

Carried

The following votes were recorded:

For: Crs R Bartley, S Deane, M Hamilton, M Harslett, C McDonald, C Pidgeon, R Wantling and S Windle (8)

Against: Cr J Richters (1)

Resolution

Moved Cr S Windle

Seconded Cr C McDonald

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

Carried

The Mayor accepted a call for a division on the motion from the floor and the following votes were recorded:

For: Crs S Deane, M Hamilton, M Harslett, C McDonald, C Pidgeon and S Windle (6)

Against: Crs R Bartley, J Richters and R Wantling (3)

Accordingly the Mayor declared the motion carried.

13. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS

13.1 Financial Services - Financial Report as at 31 March 2025

Resolution

Moved Cr M Harslett

Seconded Cr C Pidgeon

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

Carried Unanimously

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

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

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

Carried Unanimously

13.3 WIRAC Filtration Replacement & Upgrade Project

Resolution

Moved Cr S Deane

Seconded Cr M Harslett

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 two (2) above.

Carried

The following votes were recorded:

For: Crs S Deane, M Hamilton, M Harslett, C McDonald, C Pidgeon, J Richters, R Wantling and S Windle (8)

Against: Cr R Bartley (1)

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

Recommendation

Moved Cr J Richters

Seconded Cr S Deane

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

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

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.

Amendment

Mayor Hamilton proposed the following amendment:

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 and eastern (Freestone) 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

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

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.

Resolution

Moved Mayor M Hamilton

Seconded Cr R Bartley

Carried Unanimously

Resolution

Moved Cr J Richters

Seconded Cr S Deane

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 and eastern (Freestone) 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

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

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.

Carried Unanimously

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

Recommendation

Moved Cr S Deane

Seconded Cr J Richters

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

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

Plan Name	Plan No.	Date
Site Plan	DWG – 02	02/07/2024
Floor Plan	DWG – 03	02/07/2024

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

Land Use and Planning Controls

3. This approval allows for the boarding of up to twenty-eight (28) dogs, including dogs registered at the subject property under the property owner's names.
4. At least one (1) person who is responsible for the supervision of the Animal Keeping is to be accommodated on the site.
5. 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.
6. 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
7. 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.
8. 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.

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

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

Nil

Amendment

Mayor Hamilton proposed the following amendment:

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

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

Plan Name	Plan No.	Date
Site Plan	DWG – 02	02/07/2024
Floor Plan	DWG – 03	02/07/2024

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

Land Use and Planning Controls

3. This approval allows for the boarding of up to twenty-eight (28) dogs, including dogs registered at the subject property under the property owner’s names.
4. At least one (1) person who is responsible for the supervision of the Animal Keeping is to be accommodated on the site.
5. 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.
6. 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
7. 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.

8. 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 can 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.
36. The applicant is to have an annual audit prepared by a suitably qualified person/auditor, to the satisfaction of the General Manager Planning and Environmental Services. The audit must demonstrate compliance with the conditions of this development permit on an annual basis. **The results of each audit are to be submitted to Council Officers no later than 1 November each year.**
37. The use can lawfully continue to operate until 30 June 2027, in accordance with the *Planning Act 2016*, section 65(2)(a)(i).

Note: Prior to this date, the applicant may lodge with Council, free of charge, a Change application, in accordance with Planning Act 2016, Part 5, Division 2. In deciding this request and reviewing conditions of approval, Council will consider the level of compliance with the conditions of this approval and the scale and nature of any complaints received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief).

Fencing, Landscaping and Buffers

38. 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.
39. Landscaping is to be provided around the perimeter of the Animal Keeping to further assist with mitigating noise.
40. **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.

Parking and Vehicle Access

41. A 3.0 metre wide all-weather driveway is to be maintained from Kerrick Road to the proposed kennel building and carparking area.
42. 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.
43. 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

44. 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

45. The proposed development is to be provided with on-site water storage sufficient to serve the needs of the proposed development.
46. 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*.
47. 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

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

Resolution

Moved Mayor M Hamilton

Seconded Cr S Windle

Carried Unanimously

Resolution

Moved Cr S Deane

Seconded Cr J Richters

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

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

Plan Name	Plan No.	Date
Site Plan	DWG – 02	02/07/2024
Floor Plan	DWG – 03	02/07/2024

2. Where there is any conflict between the conditions of this approval and the details shown on

the approved plans and documents, the conditions of approval prevail.

Land Use and Planning Controls

3. This approval allows for the boarding of up to twenty-eight (28) dogs, including dogs registered at the subject property under the property owner's names.
4. At least one (1) person who is responsible for the supervision of the Animal Keeping is to be accommodated on the site.
5. 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.
6. 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
7. 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.
8. 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 can 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.
36. The applicant is to have an annual audit prepared by a suitably qualified person/auditor, to the satisfaction of the General Manager Planning and Environmental Services. The audit must demonstrate compliance with the conditions of this development permit on an annual basis. **The results of each audit are to be submitted to Council Officers no later than 1 November each year.**
37. The use can lawfully continue to operate until 30 June 2027, in accordance with the *Planning Act 2016*, section 65(2)(a)(i).

Note: Prior to this date, the applicant may lodge with Council, free of charge, a Change application, in accordance with Planning Act 2016, Part 5, Division 2. In deciding this request and reviewing conditions of approval, Council will consider the level of compliance with the conditions of this approval and the scale and nature of any complaints received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief).

Fencing, Landscaping and Buffers

38. 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.
39. Landscaping is to be provided around the perimeter of the Animal Keeping to further assist with mitigating noise.
40. **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.

Parking and Vehicle Access

41. A 3.0 metre wide all-weather driveway is to be maintained from Kerrick Road to the proposed kennel building and carparking area.
42. 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.

43. 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

44. 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

45. The proposed development is to be provided with on-site water storage sufficient to serve the needs of the proposed development.
46. 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*.
47. 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

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

Lost

The following votes were recorded:

For: Crs S Deane and J Richters (2)

Against: Crs R Bartley, M Hamilton, M Harslett, C McDonald, C Pidgeon, R Wantling and S Windle (7)

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

Resolution

Moved Cr S Windle

Seconded Cr M Harslett

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:

- (i) Stage One – Kindergarten room and outside of school hours care
- (ii) 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

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

Schedule 2 – Ergon Energy conditions as an Advice Agency



420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810
ergon.com.au

14 January 2025

Chief Executive Officer
Southern Downs Regional Council
Attention: Tonya Collier
Via email: mail@sdrc.qld.gov.au

cc Christian Community Ministries Ltd
Attention: Andrew Lennox
Via email: 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))	<p>The works do not conflict with:</p> <ul style="list-style-type: none">the objectives set out within Part 2, Section 3 of the <i>Electricity Act 1994</i>the purpose of the <i>Electricity Safety Act 2002</i> as set out within Part 1 Division 2 Section 4 & 5. <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

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*.

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

Table 2			
Condition	Timing	Purpose/Reason	
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	

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

Ergon Energy Corporation Limited ABN 50 087 646 062

Page 2

	<p>within Table 1 of the approval and the following:</p> <ul style="list-style-type: none"> The specifications, facts and circumstances as set out in the development application submitted to Ergon; and Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions prevail 		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.

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency

Ergon Energy Corporation Limited ABN 50 087 646 062

Page 3

- 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.

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

Carried Unanimously

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

Nil

MEETING CLOSURE

In accordance with Section 21 of Council Meetings Policy PL-CS036 Mayor Hamilton moved the following Procedural Motion:

Meeting Closure

Resolution

Moved Mayor M Hamilton

THAT the meeting be closed at 10:10am.

Carried