

# Agenda

## Ordinary Meeting

**Wednesday, 23 July 2025**

**Time:** 9:00 am  
**Location:** Council Chambers  
82 Brisbane Street  
BEAUDESERT QLD 4285



**Scenic Rim Regional Council**  
**Ordinary Meeting**  
**Wednesday, 23 July 2025**  
**Agenda**

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- 1      Opening of Meeting**
- 2      Attendance and requests for leave of absence**
- 3      Apologies**
- 4      Prayers**
- 5      Public Question Time**
- 6      Declarations of Prescribed or Declarable Conflict of Interest by Members**
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- 8      Reception of Deputations by Appointment / Presentation of Petitions**
- 9      Confirmation of Minutes**  
Ordinary Meeting - 25 June 2025  
Special Meeting - 9 July 2025
- 10     Business Arising from Previous Minutes**

**11 Consideration of Business of Meeting****Executive****11.1 Local Government Association of Queensland's 129<sup>th</sup> Annual Conference 2025****Executive Officer:** Chief Executive Officer**Item Author:** Senior Executive Assistant -  
Office of the Mayor and Chief Executive Officer**Attachments:** Nil

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**Councillor Portfolio / Representation**

Not applicable.

**Local Government Area Division**

This report relates to the whole Scenic Rim region.

**Executive Summary**

Registrations are now open for the Local Government Association of Queensland's 129<sup>th</sup> Annual Conference (the Conference), which will be held at the Gold Coast, on 20 - 22 October 2025.

**Recommendation**

That:

1. Council note that the Local Government Association of Queensland's 129<sup>th</sup> Annual Conference will be held at the Gold Coast from 20 to 22 October 2025;
2. The Mayor and Deputy Mayor be nominated as Council's delegates at the Conference, and Councillors be endorsed as observers; and
3. Council authorise payment of all reasonable costs incurred by the attendee/s in relation to attendance at this event, including travel, accommodation and incidentals, noting the estimated cost of attendance per person is \$2,345.00 (GST inclusive).

**Previous Council Considerations / Resolutions**

At the Ordinary Meeting held on 24 July 2024, it was resolved that:

1. Council note that the Local Government Association of Queensland's 128th Annual Conference 2024 will be held in Brisbane on 21-23 October 2024;
2. The Mayor and Deputy Mayor be nominated as Council's delegates at the Conference, and Councillors be endorsed as observers; and
3. Council authorise payment of all reasonable costs incurred by the attendee/s in relation to attendance at this event, including travel, accommodation and incidentals, noting the estimated cost of attendance per person is \$2,295.00 (gst inclusive).

**Report / Background**

The theme of the Conference is " Pathways to Liveability", with the program including the following:

- Annual General Meeting, including debate of motions;
- Council Showcases;
- Australian Local Government Association (ALGA) update;
- Gala Dinner and networking opportunities.

A copy of the preliminary Conference Program is attached for reference.

**Budget / Financial Implications**

In accordance with Council Policy CM03.05CP - Councillor Expenses and Reimbursement, provision has been made in Council's 2025-2026 Budget (Mayor and Councillor Expenses - Ordinary Business) for expenses associated with the Conference.

An estimate of the expenses that would be incurred is provided below:

Estimated Expenses Per Person (GST inclusive)	
Early Bird Conference Registration (Mayor and Deputy Mayor do not pay as delegates) (Registration increases to \$1,800.00 after 3 October 2025)	\$1,550.00
Conference Dinner	\$195.00
Accommodation (if required) - two nights	\$600.00
<b>TOTAL</b>	<b>\$2,345.00</b>

**Strategic Implications***Operational Plan*

Theme: 2. Sustainable and Prosperous Economy

Key Area of Focus: Strengthened relationships with other levels of government and statutory organisations to secure their commitment to a shared community vision

*Legal / Statutory Implications*

Not applicable.

**Risks**Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR54 Ineffectively managing the political and government departmental relationships/partnerships, resulting in Council not achieving its major strategic objectives.

Risk Summary

Category	Explanation
Political  Opportunity to progress Council's interests	Attending and participating in local government conferences provides the opportunity to represent Council's interests.

**Human Rights Implications**

No human rights have been impacted by any actions recommended in this report.

**Consultation**

Not applicable.

**Conclusion**

Endorsement is sought for interested Councillors to attend the Local Government Association of Queensland's 129<sup>th</sup> Annual Conference 2025, which will be held in Brisbane on 21-23 October 2024.

**Options**Option 1

That:

1. Council note that the Local Government Association of Queensland's 129<sup>th</sup> Annual Conference will be held at the Gold Coast from 20 to 22 October 2025;
2. The Mayor and Deputy Mayor be nominated as Council's delegates at the Conference, and Councillors be endorsed as observers; and
3. Council authorise payment of all reasonable costs incurred by the attendee/s in relation to attendance at this event, including travel, accommodation and incidentals, noting the estimated cost of attendance per person is \$2,345.00 (GST inclusive).

Option 2

That Council not authorise any Councillors to attend the Local Government Association of Queensland's 129th Annual Conference, which will be held at the Gold Coast from 20 to 22 October 2025.





## Customer & Regional Prosperity

### 11.2 MCU24/043 Development Permit for Material Change of Use for a Dual Occupancy and Reconfiguring a Lot - Access Easement located at 36 Bartle Road and 62 Bartle Road, Tamborine Mountain, described as Lot 1 RP178303 and Lot 23 RP40985

**Executive Officer:** Acting General Manager Customer and Regional Prosperity

**Item Author:** Team Leader Development Assessment

**Attachments:**

1. Proposal Plan - Access Easement  
2. Proposal Plans - Dual Occupancy  

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## Councillor Portfolio / Representation

Not applicable.

## Local Government Area Division

This report relates to Division 1.

## Executive Summary

Council is in receipt of a development application for a Development Permit for Material Change of Use for a Dual occupancy and Reconfiguring a Lot – Access easement (through Lot 23 RP40985), over the property located at 36 Bartle Road and 62 Bartle Road, Tamborine Mountain, formally described as Lot 1 RP178303 and Lot 23 RP40985.

The subject site is located within the Rural Residential Zone – Rural Residential A Precinct under the Scenic Rim Planning Scheme 2020 (as amended 30 June 2023) (“Planning Scheme”). In accordance with Table 5.5.16.2 of the Planning Scheme, the application is categorised as impact assessable with the assessment benchmark being the entire Planning Scheme.

The subject site is also located within the following Overlays:

- Overlay 3 – Bushfire Hazard (Bushfire Hazard Area: Very High and Potential Impact Buffer)
- Overlay 4F – Environmental Significance – Vegetation Management Area – (Vegetation Management Area)
- Overlay 7A – Landslide Hazard and Steep Slope – Steep Slope (Steep Slope Area – Slope Hazard 15.1% – 20%, Slope Hazard 20.1% – 25% and Slope Hazard over 25%)
- Overlay 7B – Landslide Hazard and Steep Slope – Landslide Hazard (Landslide Hazard Area (High))
- Overlay 12 – Transport Noise Corridor – Mandatory Area (Mandatory Area: Category 1, Category 2, Category 3 and Category 4)
- Overlay 14 – Higher Order Roads (Higher Order Road)
- Overlay 15 – Road Hierarchy (State Controlled Roads and Access).

The proposed development has demonstrated compliance with the relevant Codes of the Planning Scheme through the submitted material within the application. As such, it is recommended that the proposed development is approved, subject to reasonable and relevant conditions.

### Recommendation

That:

1. Council receive and note the report titled "Development Application MCU24/043 Development Permit for Material Change of Use for a Dual occupancy and Reconfiguring a Lot – Access easement located at 36 Bartle Road, Tamborine Mountain and 62 Bartle Road, Tamborine Mountain, formally described as Lot 1 RP178303, and Lot 23 RP40985;
2. Council approve development application MCU24/043 and grant a development permit for development application Material Change of Use for a Dual occupancy and Reconfiguring a Lot – Access easement, subject to the conditions contained in section 'Recommended Conditions of Approval' below; and
3. Council note that any subsequent requests for a negotiated decision notice and/or further change applications to the approval (MCU24/043) will be proceed via delegated authority where the change would not significantly alter the original decision.

### Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 26 February 2025 (Item 11.4), the development application was tabled for consideration of Council. Council deferred the decision to allow further assessment to occur:

*"That:*

1. *Council receive and note the report titled "Development Application MCU24/043 for a Development Permit for Material Change of Use for a Dual occupancy and Reconfiguring a Lot – Access easement (through Lot 23 RP40985)", over the property located at 36 Bartle Road and 62 Bartle Road, Tamborine Mountain, formally described as Lot 1 RP178303 and Lot 23 RP40985;*
2. *Council defer the decision of development application MCU24/043, due to concerns regarding the proposed access to The Shelf Road, noting the following as relevant matters warranting further consideration under section 45(5)(b) of the Planning Act 2016:*
  - a) the development's proximity to Overlay 7B - Landslide Hazard Area - High; and*
  - b) the proposed reconstruction works to occur on The Shield Road; and*
3. *Council's development assessment team issue a Further Advice notice requiring response from the applicant to address an alternative access to Bartle Road in lieu of The Shelf Road."*

### Report / Background

Real Property Description	Lot 1 RP178303 Lot 23 RP40985
Address of Property	36 Bartle Road and 62 Bartle Road, Tamborine Mountain
Site Area	20,360m <sup>2</sup>
Proposal	Development Permit for Material Change of Use for a Dual occupancy and Reconfiguring a Lot - Access easement.

1) *Recommended Conditions of Approval*

A Development Permit is given for Material Change of Use for a Dual occupancy and Reconfiguring a Lot – Access easement, subject to the following conditions:

**A) CONDITION FOR RECONFIGURING A LOT - ACCESS EASEMENT**

No	Condition	Timing												
1.	<p><b>Approved Plans</b></p> <p>Undertake development generally in accordance with the Approved Plans and accompanying documentation, except as altered by other conditions of this development approval including any amendments wherever made in red on the approved plan(s).</p> <p>The Approved Plans are limited to the following drawing:</p> <table><tr><th>Plan Name</th><th>Drawing No.</th><th>Prepared By</th><th>Date</th></tr><tr><td>Proposed New Access Easement</td><td>14971-11D</td><td>Andrews &amp; Hansen Consulting Surveyors Pty Ltd</td><td>10/05/2022</td></tr><tr><td>VXO &amp; Driveway Plan</td><td>LC25003-C000 Rev. A</td><td>Legend Consultants</td><td>21/02/2025</td></tr></table>	Plan Name	Drawing No.	Prepared By	Date	Proposed New Access Easement	14971-11D	Andrews & Hansen Consulting Surveyors Pty Ltd	10/05/2022	VXO & Driveway Plan	LC25003-C000 Rev. A	Legend Consultants	21/02/2025	At all times
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2.	<p><b>Final Plan Of Survey</b></p> <p>The Reconfiguring a Lot (access easement) occurs generally in accordance with the plan with Reference No. 14971-11D prepared by Andrews &amp; Hansen Consulting Surveyors Pty Ltd dated 10/05/2022.</p> <p>The easement width is to be increased to a minimum width of 10 metres. A final plan of survey that conforms with the approved plan is to be submitted for Council's endorsement.</p>	As per condition.												
3.	<p><b>Slope Stability</b></p> <p>The development must implement the recommendations included in the Report of Site - Specific Landslide Susceptibility Risk Assessment and Slope Stability Analysis prepared by SAM Geotechnics Pty Ltd dated 3 September 2024 with Reference No. SGT220079-R2.</p>	At all times.												
4.	<p><b>Minimise Erosion</b></p> <p>The development must implement erosion control measures designed to minimise soil movement and to minimise silt loads entering drainage lines and watercourses as a result of either the development works / building works.</p>	At all times.												
5.	<p><b>Access Driveway - Gravel</b></p> <p>The development must provide an all-weather internal access driveway. The internal access driveway must be designed and constructed to a minimum gravel standard or approved equivalent standard no less than three (3) metres wide.</p> <p>The driveway must be trafficable in all weather conditions and maintained in good condition for its lifetime. Due regard must be held with the recommendations of the geotechnical advice procured for the development.</p> <p>The driveway must extend for the full length of the access easement facilitating access to the development.</p>	Prior to plan sealing and before commencement of use.												



No	Condition	Timing
6.	<b>Allotment Earthworks</b> All allotment earthworks will be undertaken in accordance with the <i>Earthworks, Construction and Water Quality Code</i> of the <i>Scenic Rim Regional Councils Planning Scheme 2020</i> .	At all times.
7.	<b>Easement Arrangement</b> All necessary documentation for the implementation or amendments to any easements arising from this reconfiguration will be at no cost to Council. The easement must be registered with the Titles office.	Prior to the commencement of the use.
8.	<b>Payment of Rates and Charges</b> Payment of all rates, charges or expenses which are in arrears or remain a charge over the land under the provisions of the Local Government Act 2009, the Planning Act 2016 or any other relevant Act.	Prior to lodging plan of survey with Queensland Government.

## B) CONDITION FOR MATERIAL CHANGE OF USE - DUAL OCCUPANCY

No	Condition	Timing																																								
1.	<p><b>Approved Plans</b></p> <p>Undertake development generally in accordance with the Approved Plans and accompanying documentation, except as altered by other conditions of this development approval including any amendments wherever made in red on the approved plan(s).</p> <p>The Approved Plans are limited to the following drawing:</p> <table><tr><th>Plan Name</th><th>Drawing No.</th><th>Prepared By</th><th>Date</th></tr><tr><td>Coversheet</td><td>C00.00 Rev. N</td><td>Cameron Design Logic</td><td>09/11/2024</td></tr><tr><td>Location Plan</td><td>C01.00 Rev. N</td><td>Cameron Design Logic</td><td>09/11/2024</td></tr><tr><td>Site Plan</td><td>C01.01 Rev. N</td><td>Cameron Design Logic</td><td>09/11/2024</td></tr><tr><td>Proposed Basement (Unit 2)</td><td>C04.00 Rev. N</td><td>Cameron Design Logic</td><td>09/11/2024</td></tr><tr><td>Proposed Ground Floor Plan (Unit 2)</td><td>C04.01 Rev. N</td><td>Cameron Design Logic</td><td>09/11/2024</td></tr><tr><td>Proposed Elevations (Unit 2)</td><td>C05.01 Rev. N</td><td>Cameron Design Logic</td><td>09/11/2024</td></tr><tr><td>Proposed Sections (Unit 2)</td><td>C06.01 Rev. N</td><td>Cameron Design Logic</td><td>09/11/2024</td></tr><tr><td colspan="4"><b>Specialist Reports</b></td></tr><tr><td>Specific Landslide Susceptibility Risk Assessment and Slope Stability Analysis</td><td>SGT220079-R2</td><td>SAM Geotechnics Pty Ltd</td><td>3/09/2024</td></tr></table>	Plan Name	Drawing No.	Prepared By	Date	Coversheet	C00.00 Rev. N	Cameron Design Logic	09/11/2024	Location Plan	C01.00 Rev. N	Cameron Design Logic	09/11/2024	Site Plan	C01.01 Rev. N	Cameron Design Logic	09/11/2024	Proposed Basement (Unit 2)	C04.00 Rev. N	Cameron Design Logic	09/11/2024	Proposed Ground Floor Plan (Unit 2)	C04.01 Rev. N	Cameron Design Logic	09/11/2024	Proposed Elevations (Unit 2)	C05.01 Rev. N	Cameron Design Logic	09/11/2024	Proposed Sections (Unit 2)	C06.01 Rev. N	Cameron Design Logic	09/11/2024	<b>Specialist Reports</b>				Specific Landslide Susceptibility Risk Assessment and Slope Stability Analysis	SGT220079-R2	SAM Geotechnics Pty Ltd	3/09/2024	At all times
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No	Condition	Timing
2.	<b>Final Plan Of Survey</b> The Reconfiguring a Lot (access easement) occurs generally in accordance with the plan with Reference No. 14971-11D prepared by Andrews & Hansen Consulting Surveyors Pty Ltd dated 10/05/2022. A final plan of survey that conforms with the approved plan is to be submitted for Council's endorsement.	Prior to Plan Sealing.
3.	<b>Development Timing</b> All conditions of the Reconfiguring a Lot conditions schedule of this Development Permit must be complied with prior to the commencement of the use.	Prior to the commencement of the use.
4.	<b>Definition Compliance and Exclusion</b> The approved use and associated ancillary activities must at all times comply with the definition of <b>Dual occupancy</b> as identified under Schedule 1 of the <i>Scenic Rim Planning Scheme 2020 (as amended 30 June 2023)</i> .	At all times.
5.	<b>Slope Stability</b> The development must implement the recommendations included in the Report of Site - Specific Landslide Susceptibility Risk Assessment and Slope Stability Analysis prepared by SAM Geotechnics Pty Ltd dated 3/09/2024 with Reference No. SGT220079-R2.	At all times.
6.	<b>Adverse Drainage Impact - General</b> Drainage from the development is not to adversely impact upon upstream and downstream owners. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.	At all times.
7.	<b>Stormwater Discharge and Disposal</b> The development must make provision for the discharge of stormwater drainage flows to a legal point of discharge. The Developer shall provide all necessary stormwater drainage; such drainage works shall be designed and constructed in accordance with the <i>Queensland Urban Drainage Manual</i> (QUDM).	Prior to the commencement of the use.
8.	<b>Minimise Erosion</b> The development must implement erosion control measures designed to minimise soil movement and to minimise silt loads entering drainage lines and watercourses as a result of either the development works / building works.	At all times.
9.	<b>Access Driveway - Gravel</b> The development must provide an all-weather internal access driveway. The internal access driveway must be designed and constructed to a minimum gravel standard or approved equivalent standard no less than three (3) metres wide.  The driveway must be trafficable in all weather conditions and maintained in good condition for its lifetime. Due regard must be held with the recommendations of the geotechnical advice procured for the development.  The driveway must extend for the full length of the access easement facilitating access to the development.	Prior to the commencement of the use.
10.	<b>Minimum Water Storage</b> The development must provide a minimum of 45,000 litres of on-site water storage for domestic purposes.	Prior to the commencement of the use.

No	Condition	Timing
11.	<b>On-Site Sewage Treatment Facility</b> The wastewater disposal system is to conform with the provisions of the “Queensland Development Code”, the “ <i>Queensland Plumbing and Wastewater (QPW) Code</i> ” and AS1547-2012 On-Site Domestic Wastewater Management. Details on the proposed method of treatment and disposal of wastewater are to be submitted as part of a Development Application for Plumbing and Drainage Works.	Prior to the commencement of the use.
12.	<b>Allotment Earthworks</b> All allotment earthworks will be undertaken in accordance with the <i>Earthworks, Construction and Water Quality Code</i> of the <i>Scenic Rim Regional Councils Planning Scheme 2020</i> .	At all times.
13.	<b>Retaining Wall</b> The design and construction of any retaining wall greater than <u>1.0 metre</u> in height is to be structurally certified by a Registered Professional Engineer Queensland. Any retaining wall higher than 1.0 metre will require approval under a Building Application.	Prior to the commencement of the use.
14.	<b>Electricity</b> The development must be connected to electricity supply from the State electricity grid through the State authorised supplier (Energex) to the proposed dwelling units, or production of evidence of satisfactory arrangements for such supply having been made, such supply to be on normal supply tariffs.	Prior to the commencement of the use.
15.	<b>Refuse Storage Areas</b> Provide a waste storage area for each dwelling unit to accommodate the permanent storage of waste and recyclable items in standard waste containers. The waste storage areas must be: <ul style="list-style-type: none"> <li>Designed and located to not cause nuisance to neighbouring properties; and</li> <li>Screened from any road frontage or adjoining property.</li> </ul>	Prior to the commencement of the use and at all times thereafter .
16.	<b>Landscaping</b> The development must maintain a minimum two (2) metre wide aesthetic landscape strip within the western and southern site boundaries adjacent to the proposed dwelling (Unit 2). The proposed landscape design must be generally in accordance with SC 6.2.2.2.1 and SC 6.2.2.2.3 of Planning Scheme Policy 2 - Landscape Design. Such trees and shrubs will be native Australian varieties, where possible, species to complied with the preferred species under SC6.2.2.4.1. Existing landscaping within the vicinity of Unit 1 is to be maintained in accordance with the timing prescribed to this condition.	Prior to the commencement of the use and at all times thereafter.

## 2) Referral Agency Conditions

Not applicable.

### 3) Advisory Notes

- a. **Advertising Signs** – Advertising signs may require an approval in accordance with Council's Local Laws. Further information and the relevant application forms can be obtained by contacting Council's Health & Environment area on 07 5540 5444.
- b. **Vegetation Management Act 1999 and the Cultural Heritage Act** - This approval in no way restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.
- c. **Development Approval Conditions Attach to Land** - Development Approvals which include conditions and any modifications attach to the land and are binding on the owner, the owner's successors in title and any occupier of the land pursuant to Section 73 of the *Planning Act 2016*.
- d. **When Development Approval Takes Effect** - Pursuant to the *Planning Act 2016*, this Development Approval takes effect:
  - i. From the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
  - ii. From the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
  - iii. Subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- e. **Approval Lapses at Completion of Currency Period** - This Development Approval will lapse if the development does not happen before the end of the currency period. The currency period is six (6) years from the date the approval takes effect (reconfiguring a lot and material change of use). The currency period may be extended at the discretion of Council under Section 85 of the *Planning Act 2016*. Before the Development Approval lapses, a written request to extend the currency period may be made to Council under Section 86 of the *Planning Act 2016*. Please note that Council will not automatically remind Applicants/Occupiers when the currency period is about to lapse.
- f. **Fire Ants** - The developer and all related construction companies and subcontractors engaged by developers, must fulfill their biosecurity obligation to take all reasonable and practical measures to prevent the spread of fire ants. Refer to the General Biosecurity Obligation National Fire Ant Eradication Program (<https://www.fireants.org.au/stop/gbo>). The *Biosecurity Regulation 2016* includes specific requirements for producing, storing and moving materials that can carry fire ants, known as fire ant carriers, from within the Queensland Fire Ant Biosecurity Zones. Refer to the Soil Movement Guideline on the Queensland Government website.

It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on phone number 132 ANT (13 22 68). If you are unsure of your legal obligations or have any questions relating to the movement of fire ant carriers, you can contact the National Fire Ant Eradication Program compliance team on 13 25 23.

- g. **Compliance With Conditions** - The land owner/developer, is required to ensure the development and any associated conditions within the development approval are complied with prior to the commencement of the approved land use or prior to endorsement of survey plans for subdivision approvals. Failure to comply with the conditions of approval are deemed to be a breach of Section 164 the *Planning Act 2016* and as such Council may undertake formal enforcement action/s such as statute notices or prescribed infringement notices.

**4) Further approvals are required for:**

- a) A Building Works approval for a Class 1a is required for all building works associated with the proposed development, prior to undertaking any building work on the subject property.
- b) A Plumbing and Drainage Works approval is required for all plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.
- c) A Property Access Permit and Road Corridor Use Permit must be obtained from Council prior to undertaking any access/road construction works.
- d) An application for Operational Works is required prior to undertaking any filling/excavating and drainage works.

- 5) That the Submitter/s be advised of the following: Submitter advice - approval** - Council has considered all matters relevant to this application, including your submission, and has resolved to approve the application subject to the listed conditions. Council is of the view that the development is competent and takes a satisfactory approach in its layout and design commensurate with the stated conditions of approval.

**6) Administrative Action:**

That Decision Notice be issued in accordance with s63 of the *Planning Act 2016* to the Applicant, submitter/s and referral agencies.

Application Details

<b>Applicable Planning Scheme</b>	Scenic Rim Planning Scheme 2020 (as amended 30 June 2023)
<b>Applicant</b>	Eric & Pasqualina Roth C/- Ultimate Planning Solutions (Chris Selten)
<b>Owner(s)</b>	Mr Eric Ludwig Roth, Ms Pasqualina Anne Roth  Peter Rea Design Marketing Pty Ltd ATF The Rea Family Investment Trust
<b>Site Address</b>	36 Bartle Road, Tamborine Mountain 62 Bartle Road, Tamborine Mountain
<b>Real Property Description</b>	Lot 1 RP178303 Lot 23 RP40985
<b>Site Area</b>	20,360m <sup>2</sup>
<b>Relevant Zone and Precinct</b>	Rural Residential Zone (Rural Residential A Precinct)
<b>Proposal</b>	Dual occupancy and Access easement
<b>Assessment Level</b>	Impact (potential consistent)
<b>Development type</b>	Development permit for Material Change of Use and Reconfiguring a Lot

<b>Public Notification</b>	15 business days (between 13 September 2024 and 4 October 2024)
<b>Submissions Received</b>	Five properly made submissions and one not properly made
<b>Date Application Deemed Accepted</b>	12 June 2024

### Development History

Council records indicate the following Development Approvals exist on the subject land and have not lapsed:

Reference	Approval Details	Date Approved
Established Use Rights	Dwelling house built in 1982	Commenced under 1985 Beaudesert Shire Planning Scheme
Building Permit No. BA15/00038	Class 1a - Additions - Extension to dwelling	28 September 2015

The existing land uses include a Dwelling house and ancillary domestic outbuildings. The existing residence is shown in Figure 1 below.



*Figure 1: Existing Dwelling house and domestic outbuildings*

### Proposal

The proposed Dual occupancy seeks to retain the existing dwelling on the subject site and construct a new dwelling. The existing access via Bartle Road will be maintained to the existing dwelling (Unit 1). Access to the proposed new dwelling (Unit 2) will be via Shelf Road, facilitated by the proposed access easement through Lot 23 RP40985.

The proposed Dual occupancy involves a combined total Gross Floor Area ("GFA") of 766m<sup>2</sup>. The existing dwelling (Unit 1) contains four bedrooms, and maintains a total floor area of 476m<sup>2</sup> metres including:

- Residence 300m<sup>2</sup>
- Garage 128m<sup>2</sup>
- Shed 48m<sup>2</sup>

The proposed new dwelling (Unit 2) includes a basement floor for the purpose of storage/workshop, with the living area at the Ground Floor and contains two bedrooms, maintaining a total floor area 290m<sup>2</sup>:

- Ground floor plan 116m<sup>2</sup>
- Basement floor plan 141m<sup>2</sup>
- Verandah/deck 33m<sup>2</sup>

The proposed new dwelling (Unit 2) maintains a building height of one storey when viewed from land to the west, with the Basement Floor being a maximum height of 3.235 metres and built into the contour of the land. The Ground floor has a maximum height of 3.995 metres above the Basement Floor. The dwelling is 3.995 metres above natural ground level when viewed from the west and 7.23 metres above natural ground level when viewed from the east.

The proposed Dual occupancy (Unit 2) maintains an overall height of 7.23 metres.

Figures 2 to 7 depict the site plan, floor plan, elevations and the proposed section for the development.

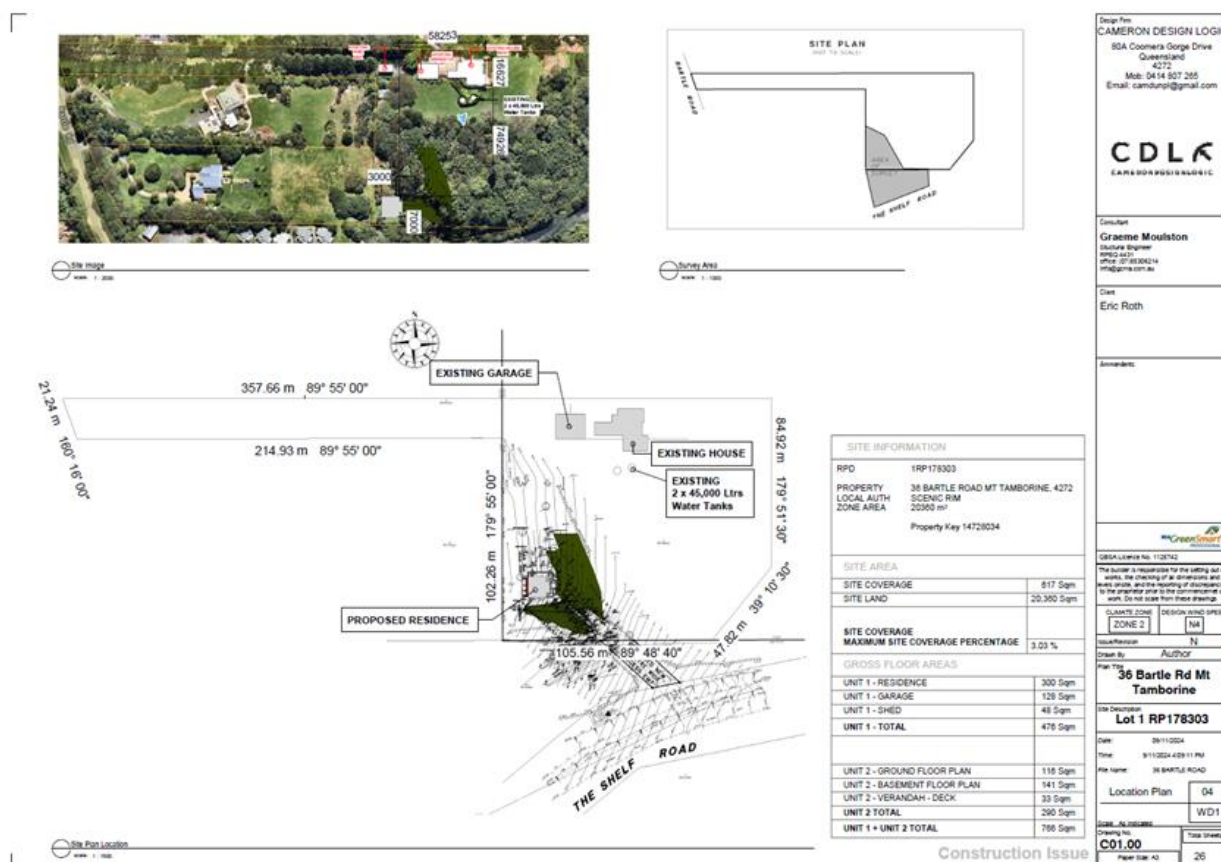
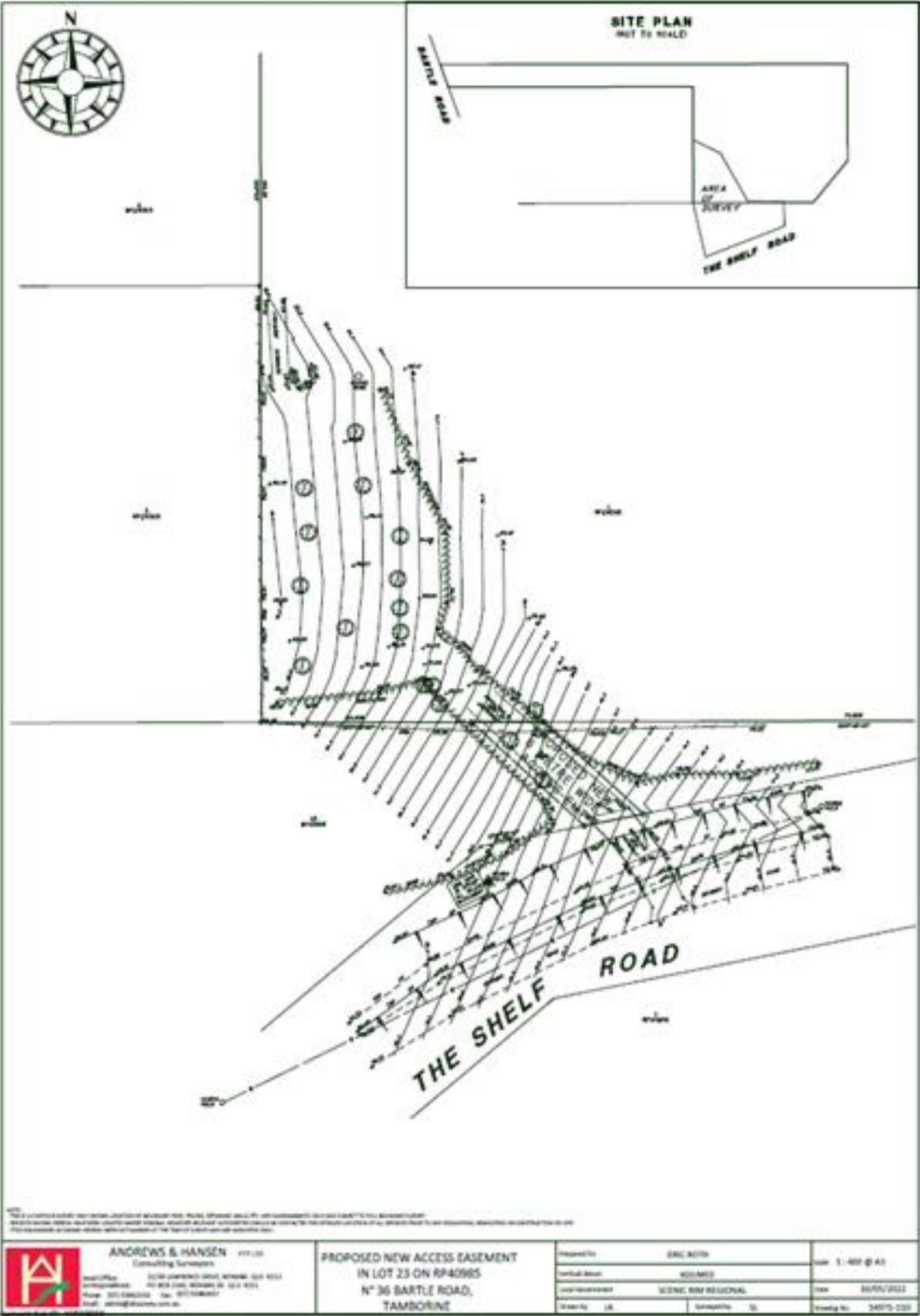


Figure 2: Proposed Site Plan





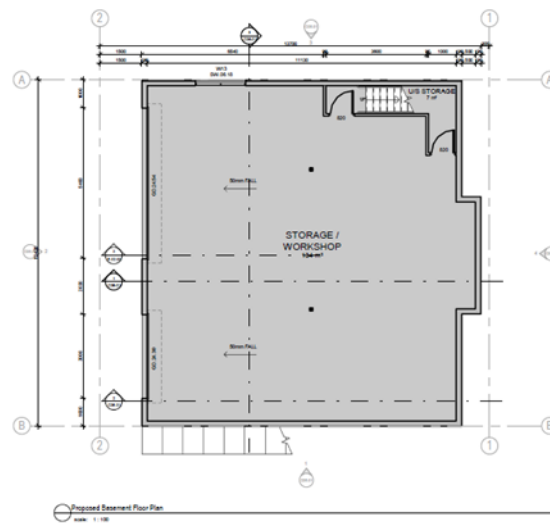


Figure 4: Proposed Basement Floor Plan (New Dwelling - Unit 2)

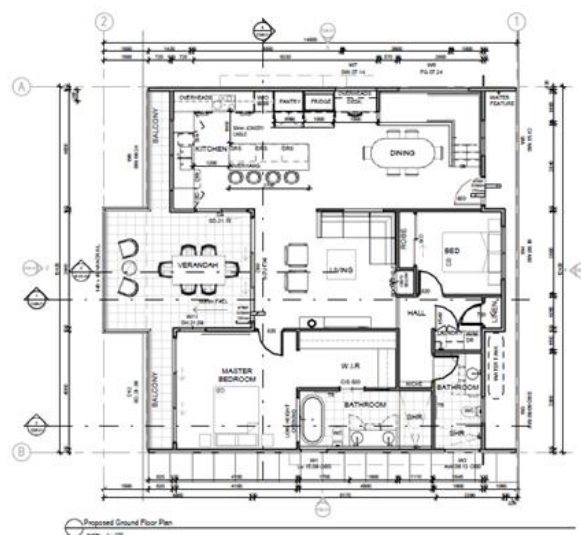


Figure 5: Proposed Ground Floor Plan (New Dwelling - Unit 2)



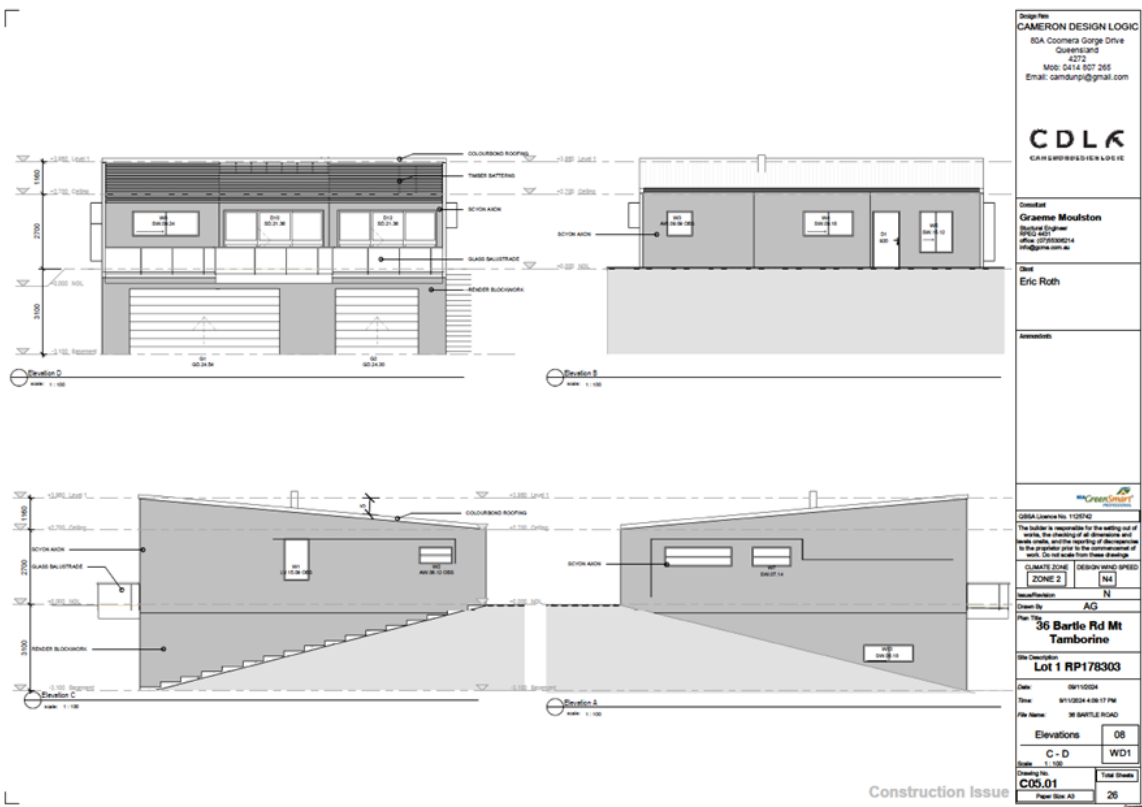


Figure 6: Proposed Elevations Plan (New Dwelling - Unit 2)



Figure 7: Proposed Sections Plan (New Dwelling - Unit 2)

### Site Evaluation

The subject site (Lot 1 RP178303) is a rear lot with long access handle of 220 metres (approx.) and a site area of 20,360 square metres (2.036 hectares). It obtains access from Bartle Road and maintains a road frontage of 22.22 metres (approx.). The site is located within the Rural Residential Zone – Rural Residential A Precinct and is currently improved with a Dwelling house and associated domestic outbuildings.

Surrounding the subject site are rural residential style developments, consisting of Dwelling houses and associated domestic outbuildings on large lots.

The following table details the adjoining land uses:

Orientation	Adjacent Development
North	Adjoining the northern boundary is a 3.48 hectare rural residential property improved by a Dwelling house and associated outbuildings.
East	Adjoining the eastern boundary is a 2.44 hectare rural residential property improved with a Dwelling house and associated outbuildings.
South	The land adjoining the southern boundary is used for a winery business, trading as Hampton Estate Wines. This land will contain the proposed access easement.
West	Immediate west are two (2) rural residential properties, both a hectare in size. Lot 2 contains a Dwelling house, a secondary dwelling and associated outbuildings and Lot 3 contains a Dwelling house.

In terms of vegetation, there is Core Koala Habitat on the site. Vegetation is concentrated in the southern and eastern areas and along the proposed frontage to The Shelf Road.



Figure 8: Aerial Imagery of the subject site (Source: NearMap)

Framework for AssessmentCategorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

Assessment Benchmarks Pertaining to the *Planning Regulation 2017*

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

PLANNING REGULATION 2017 DETAILS		
Assessment Benchmarks:	<p><b>DAMS Mapping Layers:</b></p> <ul style="list-style-type: none"> <li>• SEQ Regional Plan Triggers               <ul style="list-style-type: none"> <li>◦ Rural Living Area</li> </ul> </li> <li>• Water Resources               <ul style="list-style-type: none"> <li>◦ Water Resource Planning Area Boundaries</li> </ul> </li> <li>• Koala Habitat Area               <ul style="list-style-type: none"> <li>◦ Core Koala Habitat Area</li> </ul> </li> <li>• State Transport Corridor               <ul style="list-style-type: none"> <li>◦ State-controlled Road</li> </ul> </li> <li>• Areas Within 25m of a State Transport Corridor               <ul style="list-style-type: none"> <li>◦ Area within 25m of a State-controlled Road</li> </ul> </li> </ul> <p><b>SPP Mapping Layers:</b></p> <ul style="list-style-type: none"> <li>• Biodiversity               <ul style="list-style-type: none"> <li>◦ MSES – Wildlife Habitat (Koala Habitat Areas - Core)</li> <li>◦ MSES – Wildlife Habitat (Endangered or Vulnerable)</li> </ul> </li> <li>• Natural Hazards Risk and Resilience               <ul style="list-style-type: none"> <li>◦ Flood hazard area - Local Government flood mapping area</li> <li>◦ Bushfire prone area</li> </ul> </li> <li>• Transport Infrastructure               <ul style="list-style-type: none"> <li>◦ State-controlled Road</li> </ul> </li> </ul>	
ShapingSEQ South East Queensland Regional Plan 2023 Designation:	Rural Living Area	

### State Planning Policy

The State Planning Policy identifies the following aspects as applicable to the subject site:

- Biodiversity
  - MSES – Wildlife Habitat (Koala Habitat Areas - Core)
  - MSES – Wildlife Habitat (Endangered or Vulnerable)
- Natural Hazards Risk and Resilience
  - Flood hazard area - Local Government flood mapping area
  - Bushfire prone area
- Transport Infrastructure
  - State-controlled Road

The State Planning Policy (SPP) came into effect on 3 July 2017 and must be considered for development assessment to the extent the SPP is inconsistent with the Planning Scheme. As the SPP has been appropriately integrated for all matters that would relate to this proposal, no further consideration is required for the assessment of this application.

### ShapingSEQ South East Queensland Regional Plan 2023

The subject site has been identified within the Rural Living Area (RLA) of the ShapingSEQ South East Queensland Regional Plan 2023. The intent of the RLA is to protect rural landscapes to foster rural productivity, rural industry and conserve natural areas; and prevent urban sprawl, however, the RLA does allow for a range of activities that are essential for strong rural economic growth and diversification.

The proposed development is of a small scale nature consistent with the principles and policies of the Regional Plan.

### Local Government Infrastructure Plan (LGIP)

The subject land is located outside the Priority Infrastructure Area boundary.

### Confirmation of Land Use Description

The subject application seeks for the development to reflect the following land use definition as extracted from the Planning Scheme (as amended 30 June 2023):

#### ***"Dual occupancy***

- a) *means a residential use of premises involving—*
  - i. *2 dwellings (whether attached or detached) on a single lot or 2 dwellings (whether attached or detached) on separate lots that share a common property; and*
  - ii. *any domestic outbuilding associated with the dwellings; but*
- b) *does not include a residential use of premises that involves a secondary dwelling.*

*Examples of Dual occupancy:*

*Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single community title scheme under the Body Corporate and Community Management Act 1997, two dwellings within the one body corporate to which the Building Units and Group Title Act 1980 continues to apply."*

Assessment Benchmarks Pertaining to the Planning Scheme

Planning Scheme:	Scenic Rim Planning Scheme 2020 (as amended 30 June 2023)
Zone:	Rural Residential Zone (Rural Residential A Precinct)
Consistent/Inconsistent Use:	Dual occupancy (located in the Tamborine Mountain Community) is outlined as a 'Potentially Consistent Use' within the Rural Residential Zone – Rural Residential A Precinct under Table 6.2.16.2.2 of the Planning Scheme
Assessment Benchmarks:	<u>Strategic Framework</u>  <u>Zone Code</u> Rural Residential Zone Code - Rural Residential A Precinct  <u>Overlay Codes</u> <ul style="list-style-type: none"> <li>• Bushfire Hazard Overlay Code</li> <li>• Environmental Significance Overlay Code</li> <li>• Landslide Hazard and Steep Slope Overlay Code</li> </ul> <u>Development Codes</u> <ul style="list-style-type: none"> <li>• Dual Occupancy Code</li> <li>• Reconfiguring a Lot Code</li> <li>• Earthworks, Construction and Water Quality Code</li> <li>• Infrastructure Design Code</li> </ul>

Strategic Framework

The Strategic Framework considers the following matters:

- Settlement Pattern
- Economic Development
- Transport
- Infrastructure and Services
- Natural Environment
- Community Identity, Character and Social Inclusion
- Natural Resources
- Natural Hazards

The following elements of the strategic framework have been identified as being relevant to the consideration of the presented development application.

The subject site is mapped within the Tamborine Mountain Community identified on Strategic Framework Map SFM-01: Communities and Character.

Development in these areas will recognise, respect and integrate with the existing character, rural and natural landscapes, heritage and ecological values of the region. Development in the region's towns and villages will protect and enhance the unique elements that contribute to their individual identity and character, which are outlined in Section 3.3 Strategic Vision for certain localities. The development intent and the level of amenity reasonably expected in zones (and variations in precincts) are not compromised by development of an inappropriate type, scale, intensity or impact.

The Tamborine Mountain Community Strategic Outcomes contained in section 3.4.1 and 3.4.2 of the Planning Scheme relevant to the proposed development are examined below:

### 3.4 Communities and Character - Tamborine Mountain Community

#### 3.4.1 Strategic Intent - Tamborine Mountain Community

*Tamborine Mountain Community is the Tamborine Mountain plateau and its surrounding escarpment areas. It supports a residential development pattern of unique villages characterised by a high level of amenity and distinctive character, and rural residential areas set amongst a semi-rural landscape. The centres of the Tamborine Mountain plateau provide for the range of uses and services to meet the needs of the local community and includes retail, commercial, industrial (of a low impact and service nature), community and recreational activities.*

The proposed development for a Dual occupancy will contribute to the residential development pattern of the surrounding area. As outlined in the strategic intent, residential development must maintain a high level of amenity. The subject land is double the size of adjoining lot sizes to the west and two dwellings on a lot of this size will maintain a low density built form consistent with its surrounds. To ensure the amenity of surrounding residences is maintained, it is considered reasonable for landscaping to be provided along the western, southern and eastern extents of the proposed dwelling. The existing dwelling is surrounded by extensive landscaping and this will be required to be maintained. With conditions imposed, the development is considered to comply with the strategic intent for the Tamborine Mountain Community.

#### 3.4.2 Strategic Outcomes - Tamborine Mountain Community

- 1. The Tamborine Mountain Community only accommodates those land uses identified in the 'Table of Consistent Uses and Potentially Consistent Uses' for each zone unless it is demonstrated that the development complies with the Strategic Framework.*
- 2. Development is consistent with the predominant built form, scale and intensity, streetscape, landscape character and natural environment values that contribute to the setting, character and identity of the Tamborine Mountain plateau and escarpment, which provides the locality with a strong sense of place.*
- 3. Additional lots are not created in the Rural Residential Zone, Mountain Residential Precinct of the Low-Density Residential Zone, or Rural Escarpment Protection and Tamborine Mountain Rural Precincts of the Rural Zone.*
- 4. Dual occupancies are supported in the Mountain Residential Precinct of the Low Density Residential Zone, Rural Residential Zone, Rural Escarpment Protection Precinct and Tamborine Mountain Rural Precinct of the Rural Zone where located on large lots to maintain the low density residential character and high level of amenity of the Tamborine Mountain plateau and escarpment and where designed to give the appearance of a single dwelling when viewed from the street.*

The strategic framework articulates that the development intent and the level of amenity reasonably expected in zones are not compromised by development of an inappropriate type, scale, intensity or impact. It is noted that the proposed development for a Dual occupancy, is supported in the Rural Residential Zone - Rural Residential A Precinct, where located on large lots and with the appearance of a single dwelling when viewed from the street. Given the separation distance between dwellings, available vistas from the two (2) road frontages and slope of the land, it is considered that the proposed development is consistent with reasonable community expectations. Landscaping will be imposed to contribute towards visual amenity outcomes sought for the area.

Overall, it is considered that the presented development application is compliant with the Strategic Framework of the Planning Scheme (as amended 30 June 2023).



### Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply. The pertinent issues arising out of assessment against the codes are discussed below:

It is noted that the proposed development is subject to impact assessment and is identified to be a 'Potentially Consistent Use' in the Rural Residential Zone - Rural Residential A Precinct.

### *Assessment against Accepted and Assessable Development for Rural Residential Zone (Where no precinct applies) and Rural Residential Zone — Rural Residential A Precinct*

The purpose of the Rural Residential Zone Code - Rural Residential A Precinct will be achieved through developments that protects the high level of residential amenity and privacy expected in the precinct.

Setbacks			
<b>PO1</b> Setbacks: 1. assist in the protection of the low density residential character of the zone and precinct; 2. contribute to streetscape character; 3. assist in the protection of residential amenity and privacy to adjoining premises; 4. allow for access and landscaping around the building; 5. provide a sense of space and openness between buildings and from the street; and 6. allow for on-site car parking between the front boundary and buildings.  <b>Note - Where setbacks are required in this code or other codes, the higher numerical standard prevails.</b>	<b>AO1</b> Setbacks are as follows:		
	<b>Setback</b>	<b>Minimum Distances Measured in Metres (m)</b>	
	Street frontage for all other uses	6m	
	Side and rear boundary	<b>Building Height</b>	<b>Setback</b>
		Up to 4.5m	3m
		For that part between 4.5m - 7.5m	5m
		For that part exceeding 7.5m	5m plus an extra 0.5m is added for every 3m in height or part thereof over 7.5m
	<b>Note - Where setbacks are required in this code or other codes, the higher numerical standard prevails.</b>  <b>Editor's Note - For setbacks relating to a Dwelling house or Dual occupancy, refer to the relevant use code</b>		

### **Officer's Assessment:**

- The proposed Dual occupancy (Unit 2) has the following setbacks:
  - 112.38 metres (approx.) from the northern/rear boundary;
  - 96.85 metres (approx.) from the eastern/side boundary;
  - 7.0 metres (approx.) from the southern/front boundary;
  - 3.0 metres (approx.) from the western/side boundary;
- The overall building height of the proposed Dual occupancy (Unit 2) is 7.23 metres and therefore requires a 5.0 metre setback. However, the proposed Dual occupancy (Unit 2) seeks a 3.0 metre setback from the western/side boundary in lieu of 5.0 metres.



- The applicant confirms the relaxation is required to minimise clearing of vegetation mapped as core koala habitat on state government mapping.
- The proposed Dual occupancy complies with the prescribed boundary setback for the street frontage and rear setbacks and eastern/side boundary setback.
- Whilst the proposed dwelling will be 7.23 metres in height, the dwelling when viewed from the west will maintain a height of 3.995 metres, due to the slope of the land. With consideration to the perceived height from this viewpoint and with the imposition of landscaping surrounding the proposed dwelling, the development is not considered to offend the achievement of Performance Outcome 1.

Height	
<b>PO2</b> Development is of a height that: <ol style="list-style-type: none"> <li>1. is low-rise;</li> <li>2. does not detract from the amenity of adjoining premises; and;</li> <li>3. is compatible with the height of nearby residential activities.</li> </ol>	<b>AO2</b> Development does not exceed two storeys and a maximum height of 8.5m.

Officer's Assessment:

- The proposed Dual occupancy maintains a maximum building height of one storey.
- The proposed Dual occupancy (New Dwelling house) maintains a maximum building height of one storey with overall height of 7.23 metres and a maximum ceiling height of 2.70 metres.
- The proposed Dual occupancy therefore achieves the maximum height requirements and PO2.

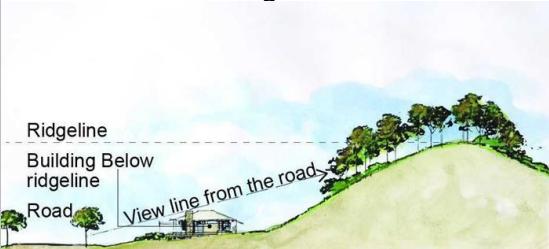
Dual Occupancy	
<b>PO3</b> Where involving a Dual occupancy, development: <ol style="list-style-type: none"> <li>1. has low site cover to maintain the low density residential character of the zone and precinct; and;</li> <li>2. has the appearance of a single dwelling when viewed from the street.</li> </ol>	<b>AO3.1</b> The site cover of a Dual occupancy does not exceed 20% of the total site area or 700m <sup>2</sup> GFA, whichever is the lesser.  <b>AO3.2</b> A Dual occupancy is sited and designed to give the appearance of a single dwelling when viewed from the street.

Officer's Assessment:

- The proposal plans confirm site coverage at 3.03% of the total site area.
- Due to existing vegetation and the contour of the land, viewpoints of The Shelf Road to the proposed new dwelling will be largely obstructed.
- Neither the existing dwelling or proposed dwelling are visible from the access handle along Bartle Road. Therefore, both dwellings will be unable to be seen when viewed from the street.
- The proposed Dual occupancy achieves PO3.

*Assessment against Assessable Development — Rural Residential Zone — Rural Residential A Precinct*

Amenity	
<b>PO2</b> Development involving non-residential activities maintains and is subordinate to the natural land form and natural landscape features of the site such as waterways and vegetated areas.	<b>AO2</b> No Acceptable Outcome is prescribed.

Amenity	
<p><b>PO3</b> Development maintains and protects important views to significant landscape features, including ridgelines.</p>	<p><b>AO3</b> Development:</p> <ol style="list-style-type: none"> <li>1. protects the views of significant landscapes features where viewed from the street and public spaces;</li> <li>2. avoids building on a ridgeline; and</li> <li>3. does not obstruct the views to a ridgeline from a road. Refer to Figure 1.</li> </ol>  <p>Figure 1</p>

Officer's Assessment:

- The proposed Dual occupancy is a low density residential use and maintains and protects important views to significant landscape features, including ridgelines. The proposed development therefore achieves PO3.

Land Uses	
<p><b>PO5</b> Dual occupancies are located on large lots to maintain the low density residential character of the precinct.</p>	<p><b>AO5</b> A Dual occupancy is located on a lot:</p> <ol style="list-style-type: none"> <li>1. 1ha or greater and where not located in the Tamborine Mountain Community; or</li> <li>2. 2ha or greater where located in the Tamborine Mountain Community.</li> </ol>

Officer's Assessment:

- The proposed Dual occupancy is located on 2.03ha lot. The subject site is identified in the Tamborine Mountain Community. The proposed development therefore achieves PO5.

Reconfiguring of a Lot	
<p><b>PO6</b> Reconfiguring a lot:</p> <ol style="list-style-type: none"> <li>1. creates lots of an appropriate size, dimension and configuration to accommodate land uses consistent with the purpose and overall outcomes of the precinct;</li> <li>2. facilitates very low density residential living on large lots that maintain the semi-rural or natural landscape setting;</li> <li>3. where outside a wastewater service connection area, provides sufficient site area for onsite wastewater disposal; and</li> <li>4. complies with the requirements of Table 9.4.6.3.2 - Minimum Lot Size and Design.</li> </ol>	<p><b>AO6</b> No Acceptable Outcome is prescribed.</p>

Officer's Assessment:

- No new lot is created.
- The proposed Reconfiguring a Lot component is for the creation of an access easement only.

*Assessment against the Reconfiguring a Lot Code*

<b>Reconfiguring of a Lot involving the Creation of an Access Easement Only</b>	
<b>PO10</b> Development which involves the creation of an access easement: <ol style="list-style-type: none"> <li>1. does not result in existing development contravening the Planning Scheme;</li> <li>2. does not impact on infrastructure and essential services;</li> <li>3. does not impact upon any existing approvals attached to the land; and</li> <li>4. provides for a safe and efficient access point for vehicles and pedestrians.</li> </ol>	<b>AO10.1</b> Access easements are positioned to allow any associated driveway access and crossover to be constructed in accordance with Local Laws or Planning Scheme Policy 1 - Infrastructure Design.
	<b>AO10.2</b> Access easements are designed and located to avoid existing infrastructure and essential services, including sewerage, water, electricity and communication services.
	<b>AO10.3</b> Access easements do not: <ol style="list-style-type: none"> <li>1. contravene any development approval applying to the site; and</li> <li>2. result in existing development contravening the Planning Scheme.</li> </ol>
	<b>AO10.4</b> Minimum widths for access easements are in accordance with Table 9.4.6.3.2 - Minimum Lot Size and Design.

Officer's Assessment:

- The proposed development seeks an access easement width of 6.0 metres in lieu of the required minimum width of 10 metres as prescribed within Table 9.4.6.3.2 – Minimum Lot Size and Design.
- A relaxation is sought in regard to the 10 metres minimum width requirement for access easement.
- To ensure adequate servicing of the site, it is considered reasonable for the 10 metre width to be maintained. With conditions imposed, the development will comply with the Acceptable Outcome.

*Assessment against Accepted and Assessable Development — Dual Occupancy Code*

The purpose of the Dual Occupancy Code will be achieved through a Dual occupancy that is designed and sited to protect the amenity of adjoining premises and the streetscape.

<b>Access and Parking</b>	
<b>PO1</b> A Dual occupancy allows for safe and convenient vehicular access to the site, provides for on-site car parking and makes a positive contribution to the amenity and character of the surrounding area.	<b>AO1.1</b> The Dual occupancy obtains access from a constructed road.
	<b>AO1.2</b> The lot has a minimum frontage width of 20m.
	<b>AO1.3</b> A minimum of 1 covered car parking space per dwelling of the Dual occupancy is provided on-site.
	<b>AO1.4</b> The covered car parking spaces are set back a minimum of 1m from the front building façade of the Dual occupancy.

### Access and Parking

#### AO1.5

The Dual occupancy provides:

- a shared driveway; or
- a separate driveway to each dwelling where the Dual occupancy is located on a lot with two street frontages.

#### Officer's Assessment:

- The existing Dwelling house (Unit 1) obtains access from a constructed road via Bartle Road with a frontage of 22.22 metres. The current access will be retained.
- A new access is proposed for the new dwelling (Unit 2) from The Shelf Road facilitated via an access easement (through Lot 23 RP40985).
- The Dual occupancy will be serviced by separate driveways.
- A minimum of one covered car parking space per dwelling of the Dual occupancy is provided on-site.

### Design and Amenity

#### PO2

A Dual occupancy enhances the amenity and character of the zone by:

1. visually integrating with the streetscape and adjacent premises by having the appearance and bulk of a single house when viewed from the street; and
2. addressing the street frontage.

#### AO2.1

Where in the Low Density Residential Zone (Where no precinct applies) or Low-medium Density Residential Zone, the dwelling units of the Dual occupancy share a common wall.

#### AO2.2

Where located on a site having two street frontages, each dwelling of the Dual occupancy is oriented to address a separate street frontage.

#### PO3

A Dual occupancy is sited and designed to maintain the privacy of the residents of each dwelling and neighbouring premises.

#### AO3

The Dual occupancy prevents direct overlooking of the main internal living areas and private open space of nearby dwellings through measures such as:

1. offsetting the development from the adjacent dwellings by a distance sufficient to limit direct views into the adjacent windows; or
2. incorporating sill heights a minimum of 1.5m above floor level; or
3. utilising screening devices, such as fixed frosted or textured glazing, for any part of the window below 1.5m above floor level; or
4. providing fixed external screens.

#### Officer's Assessment:

- The proposed Dual occupancy will remain primarily screened from both road frontage due to the contour of the land. Bulk and appearance will not be greater than a single house.
- The proposed Dual occupancy maintains a significant separation distance between the two dwellings, ensuring no overlooking of the main internal living areas of both dwellings. The proposed Dual occupancy therefore achieves PO2 and PO3.

Private Open Space	
<b>PO4</b> Each dwelling of a Dual occupancy is provided with sufficiently sized and suitably located outdoor private open space to meet the recreational needs of residents.	<b>A04</b> The private open space for each dwelling of the Dual occupancy has: <ol style="list-style-type: none"> <li>1. minimum dimensions of 5m x 5m; and</li> <li>2. a maximum gradient not exceeding one in ten.</li> </ol>

## Officer's Assessment:

- The proposed Dual occupancy is located on an adequately sized and dimensioned rural residential allotment being 20,360 square metres (2.036 hectares). The subject site has capacity to provide a minimum dimensions of 5m x 5m outdoor private open space to meet the recreational needs of residents and therefore achieves PO4.

Casual Surveillance	
<b>PO5</b> Each dwelling of a Dual occupancy is sited and designed to provide opportunities for casual surveillance of the street and any adjoining public spaces.	<b>A05</b> The window of at least one habitable room of each dwelling of the Dual occupancy overlooks the street or adjoining public spaces.

## Officer's Assessment:

- The proposed Dual occupancy is on a rear lot and does not overlook the street.

On-site Waste Water Treatment and Water Supply	
<b>PO6</b> Where located outside of a wastewater connection area, a Dual occupancy has adequate land area for treatment and disposal of wastewater on-site.	<b>A06</b> Where located outside of a wastewater connection area, the Dual occupancy: <ol style="list-style-type: none"> <li>1. is established on lots greater than 8,000m<sup>2</sup>; and</li> <li>2. disposes of all wastewater on-site.</li> </ol> <p><b>Note</b> - A Site and Soil Evaluation for the design of the on-site wastewater management systems will be required to indicate compliance with this outcome.</p>
<b>PO7</b> Where located outside of the drinking water connection area, the Dual occupancy is provided with sufficient on-site water storage to meet the needs of the residents.	<b>A07</b> Where located outside of a drinking water connection area, each dwelling of the Dual occupancy is connected to an on-site water supply with a storage capacity of at least 45000L.

## Officer's Assessment:

- This has been conditioned to ensure compliance with the Performance Outcomes. The proposed Dual occupancy therefore achieves PO6 and PO7.

Domestic Outbuildings	
<b>P08</b> Domestic outbuildings in residential areas are of a scale and have a built form that: <ol style="list-style-type: none"> <li>1. is compatible with the dwellings of the Dual occupancy and adjoining dwellings having regard to height, mass and proportion;</li> <li>2. is subordinate to the dwellings of the Dual occupancy and adjoining dwellings; and</li> <li>3. maintains or contributes positively to the streetscape.</li> </ol>	<b>A08</b> Domestic outbuildings in a residential zone: <ol style="list-style-type: none"> <li>1. have a combined total gross floor area that does not exceed: <ol style="list-style-type: none"> <li>a. 55m<sup>2</sup> on a lot 600m<sup>2</sup> or smaller; or</li> <li>b. 110m<sup>2</sup> on a lot greater than 600m<sup>2</sup> and up to 2000m<sup>2</sup>; or</li> <li>c. 200m<sup>2</sup> on a lot greater than 2000m<sup>2</sup>; and</li> <li>d. does not exceed the gross floor area of any dwellings on the site; and</li> </ol> </li> <li>2. are a single storey structure; and</li> <li>3. have a building height that does not exceed the building height of any residence on the premises.</li> </ol>

Officer's Assessment:

- The proposed development does not include domestic outbuildings.

*Assessment against the Overlay Codes*

Bushfire Hazard Overlay Code

The subject site is mapped within the Bushfire Hazard Overlay as being affected by both Very High and Potential Impact Buffer as shown below:



Figure 9: Overlay 3: Bushfire Hazard Area

Officer's Assessment:

The purpose of the Bushfire Hazard Overlay Code is to ensure that development in a bushfire hazard area is compatible with the risk of the bushfire hazard and protects life and operated in accordance with any Bushfire Management Plan prepared for the site.

It is noted that a Bushfire Risk Assessment and Mitigation Compliance Report prepared by Queensland Bushfire Risk Assessments, dated 26 May 2022 was provided within the application material to support the proposed Dual occupancy. The proposed development complies with all Acceptable Outcomes and Performance Outcomes within the Bushfire Hazard Overlay Code.

### Environmental Significance Overlay Code

The subject site is mapped within the Vegetation Management Area of the Environmental Significance Overlay as shown below:



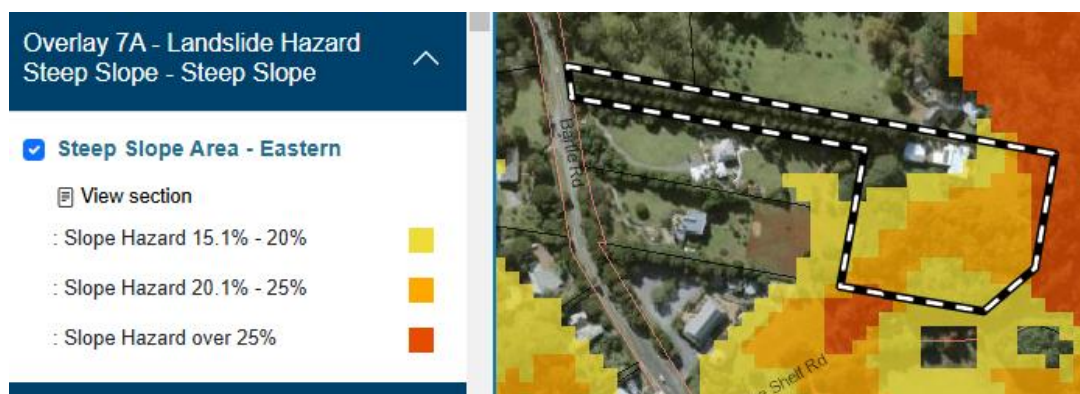
*Figure 10: Overlay 4F: Environmental Significance Overlay*

#### Officer's Assessment:

The proposed dwelling (Unit 2) involves a total Gross Floor Area of 290m<sup>2</sup> within the Vegetation Management Area and maximises the retention of significant trees to maintain and protect the visual amenity of the local area. The proposed development complies with all Acceptable Outcomes and Performance Outcomes within the Environmental Significance Overlay Code.

### Landslide Hazard and Steep Slope Overlay Code

The subject site is mapped within the Slope Hazard 20.1 - 25% of the Landslide Hazard and Steep Slope Overlay as shown below:



*Figure 11: Overlay 7A: Landslide Hazard and Steep Slope*

#### Officer's Assessment:

It is noted that a Report of Site - Specific Landslide Susceptibility Risk Assessment and Slope Stability Analysis prepared by SAM Geotechnics, Job No: SGT220079-R2, dated 3 September 2024 was provided within the application material to support the proposed Dual occupancy. The proposed development complies with all Acceptable Outcomes and Performance Outcomes within the Landslide Hazard and Steep Slope Overlay Code.

### Earthworks, Construction and Water Quality Code

The proposed development complies with all Acceptable Outcomes and Performance Outcomes within the Earthworks, Construction and Water Quality Code, subject to compliance with relevant and reasonable conditions provided by Council's Development Engineering Team.

Infrastructure Design Code

The proposed development complies with all Acceptable Outcomes and Performance Outcomes within the Infrastructure Design Code, subject to compliance with relevant and reasonable conditions provided by Council's Development Engineering Team.

Applicable Infrastructure Charges*Adopted Infrastructure Charges Resolution (Version No. 15 August 2024)*

In accordance with the Adopted Infrastructure Charges Resolution the adopted infrastructure charges below may apply to the Development Application if approved. The existing development (where applicable) are not the subject of this development application and do not result in a change upon demand.

Planning Scheme Use Type	Classes of Development to which Adopted Infrastructure charges schedule apply
Residential	Dual occupancy

Full details of the charges will be provided in a separate notice under Infrastructure Charges Notice to be issued to the applicant with the Decision Notice.

Public Notification

The applicant has submitted a written notice stating that public notice of the proposal has been completed in accordance with the requirements of the *Planning Act 2016*, with the public notification being undertaken for 15 business days between 13 September 2024 and 4 October 2024.

During this period, five 'properly made submission' and one 'not properly made submission' was received. The following table provides a description of the matters raised in submission received about the application, together with a statement of how those matters were dealt with in reaching a decision.

Issue	Comments
Privacy concern  The Dual occupancy non-compliance with minimum side boundary setback requirement and not using the existing access to Bartle Road and proposing an access easement unable to comply with minimum access width requirement infringe adjoining resident's right to safe use of The Shelf Road.	Reasonable and relevant conditions can address access easement concerns. Landscaping will be imposed to minimise potential impacts from reduced setbacks.



### Assessment of Relevant Matters

The decision maker under s60(3) of the *Planning Act 2016* is required to carry out an assessment against the assessment benchmarks in the relevant planning scheme and can take into account any other relevant matter under s45(5)(b). Compliance with the planning scheme is accorded the weight that is appropriate in the particular circumstances by virtue of it being the reflection of the public interest (and the extent of any non-compliance is also weighted according to the circumstances), in order to be considered and balanced by the decision maker with any other relevant factors.

The decision-maker may balance a number of factors to which consideration is permitted under s45(5) of the *Planning Act 2016* in making the decision under s60(3) of the *Planning Act 2016*, where the factors in favour of approval have to be balanced with the factors in favour of refusal of the application. The weight given to each of the factors is a matter for the decision-maker in the circumstances.

The extent of non-compliance with the planning scheme relates to the potential land use conflict for the proposed use within the Rural Residential Zone (Rural Residential A Precinct), where it is classed as an 'potentially consistent use'. In light of the above, an assessment is required about the proposed land use and a determination made on whether there are relevant matters that favour approval.

The proposed development is considered appropriate given the size of the subject land, land characteristics, material provided and proposed development conditions.

### Summary and Recommendation

In summary of the above, there are identified non-compliances with the relevant assessment benchmarks, however, in the assessment officer's opinion, these non-compliances will have little to no material impact on the surrounding through the imposition of relevant and reasonable conditions. In addition, the following matters have been identified:

1. The proposed development represents a logical extension to the existing approved residential use.
2. Subject to compliance with conditions, the proposed development is unlikely to cause any unacceptable amenity impacts on nearby sensitive receptors.
3. No adverse planning consequence are anticipated to arise from the identified non-compliance with the assessment benchmarks.

On balance, it is concluded that the application can be approved, subject to compliance with conditions.

### **Budget / Financial Implications**

Any appeal to the Planning and Environment Court by the applicant or the properly made submitter will result in financial implications not envisaged or captured as part of the application fee.

### **Strategic Implications**

#### *Operational Plan*

Theme: 4. Relaxed Living and Rural Lifestyle

Key Area of Focus: Advocacy for outcomes that are compatible with the clear and comprehensive vision for the region

*Legal / Statutory Implications*

Legal and statutory implications will be managed in line with Council's Risk Management framework and a separate report submitted if required.

**Risks**Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- SR43 Inadequate or ineffective planning, delivery and maintenance of infrastructure resulting in risk to public and staff safety and potential financial implications.
- SR50 Failure to manage Environmental Sustainability (including climate change) through inappropriate and/or inadequate planning and operational considerations of impacts to the natural environment.
- SR53 Inadequate sustainable economic growth plans in place to appropriately maximise opportunities, resulting in increased pressures on Council and State infrastructure and social environmental cohesiveness.

Risk Summary

Category	Explanation
Governance, Risk & Compliance  Failure to ensure applications is assessed in accordance with the DA process.	Risk has been appropriately managed through a documented assessment process, in accordance with the requirements of the Planning Act 2016.
Environmental  Environmental impacts on environment as a result of development activity.	Environmental impacts have been appropriately considered in accordance with the relevant assessment benchmarks, and conditioned accordingly.
Governance, Risk & Compliance  Opportunity for applicant or third party appeal against Council decision.	Ensure reasonable and relevant test applicable to assessment processes. Council ensure Model Litigant processes followed in court cases.
Reputation, Community & Civic Leadership  Negative perception from community or development proponents.	Transparency of all common material is available to the public and applicant through Council's DAP Online. Assessment report details considerations in relation to compliance with the relevant assessment benchmarks.

**Human Rights Implications**

No human rights have been impacted by any actions recommended in this report.

## Consultation

### Referral Agencies

SARA triggers:

*Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) - Material change of use near a state transport corridor.*

*Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 (Planning Regulation 2017) - Reconfiguring a lot near a state transport corridor.*

The Referral Confirmation notice (SARA reference: 2406-41004 SRA) for properly referred application was received by Council on 2 July 2024.

Council received SARA Response on 26 July 2024 SARA.

Referral agency response — No requirements.

The reason for SARA's decision is:

The development complies with SDAP State code 1: Development in a state-controlled road environment.

Specifically, the development will:

- *not adversely impact the structural integrity or physical condition of the state-controlled road or road transport infrastructure; or broader transport network*
- not adversely impact the function and efficiency of the state-controlled road.

### Internal Referral

#### *Development Assessment - Engineering*

Development Assessment (Engineering) reviewed the presented development proposal and provided conditions of approval.

### Public Notification

The development application was publicly notified by the applicant for a period of 15 business days in accordance with the requirements of the *Planning Act 2016*. Details of the issues raised, and Council's response, are provided in the report.

### Further Advice Letter

The Further Advice Letter issued on 25 March 2025 advised the Applicant of concerns with the access easement utilising The Shelf Road given recent issues with landslide in that area. As the site has an existing alternative access to Bartle Road, additional access to The Shelf Road was considered superfluous and of concern, prompting this suggested amendment that the Dual occupancy utilise the existing access to Bartle Road and the removal of the access easement component of the development application.

On 2 April 2025, Council received the Applicant's response to the Further Advice Letter stating that access to the proposed dwelling is most suitable via The Shelf Road, whilst the existing dwelling will continue to use Bartle Road. The applicant has engaged with an RPEQ Engineer to prepare a vehicle crossover and driveway plans with the intent to construct an access point which is considerate to the landslide hazard risk, and in accordance with engineering design requirements for such access. Council officer's consider this access to be appropriately designed and responsive to the landslide issues in that area. This plan has been included in the list of approved plans under Condition 1.

## Conclusion

The proposed development has demonstrated compliance with the relevant assessment benchmarks of the Planning Scheme and proposes a development outcome that is generally consistent with the relevant zoning and strategic framework applying to the site. On balance, it is concluded that the application can be approved, subject to compliance with relevant and reasonable conditions.

## Options

### Option 1

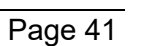
That:

1. Council receive and note the report titled "Development Application MCU24/043 Development Permit for Material Change of Use for a Dual occupancy and Reconfiguring a Lot – Access easement located at 36 Bartle Road, Tamborine Mountain and 62 Bartle Road, Tamborine Mountain, formally described as Lot 1 RP178303, and Lot 23 RP40985;
2. Council approve development application MCU24/043 and grant a development permit for development application Material Change of Use for a Dual occupancy and Reconfiguring a Lot – Access easement, subject to the conditions contained in section 'Recommended Conditions of Approval' below; and
3. Council note that any subsequent requests for a negotiated decision notice and/or further change applications to the approval (MCU24/043) will be proceed via delegated authority where the change would not significantly alter the original decision.

### Option 2

That:

1. Council receive and note the report titled "Development Application MCU24/043 for a Development Permit for Material Change of Use for a Dual occupancy and Reconfiguring a Lot – Access easement (through Lot 23 RP40985)", over the property located at 36 Bartle Road and 62 Bartle Road, Tamborine Mountain, formally described as Lot 1 RP178303 and Lot 23 RP40985; and
2. Council not approve development application MCU24/043, for the reasons presented.

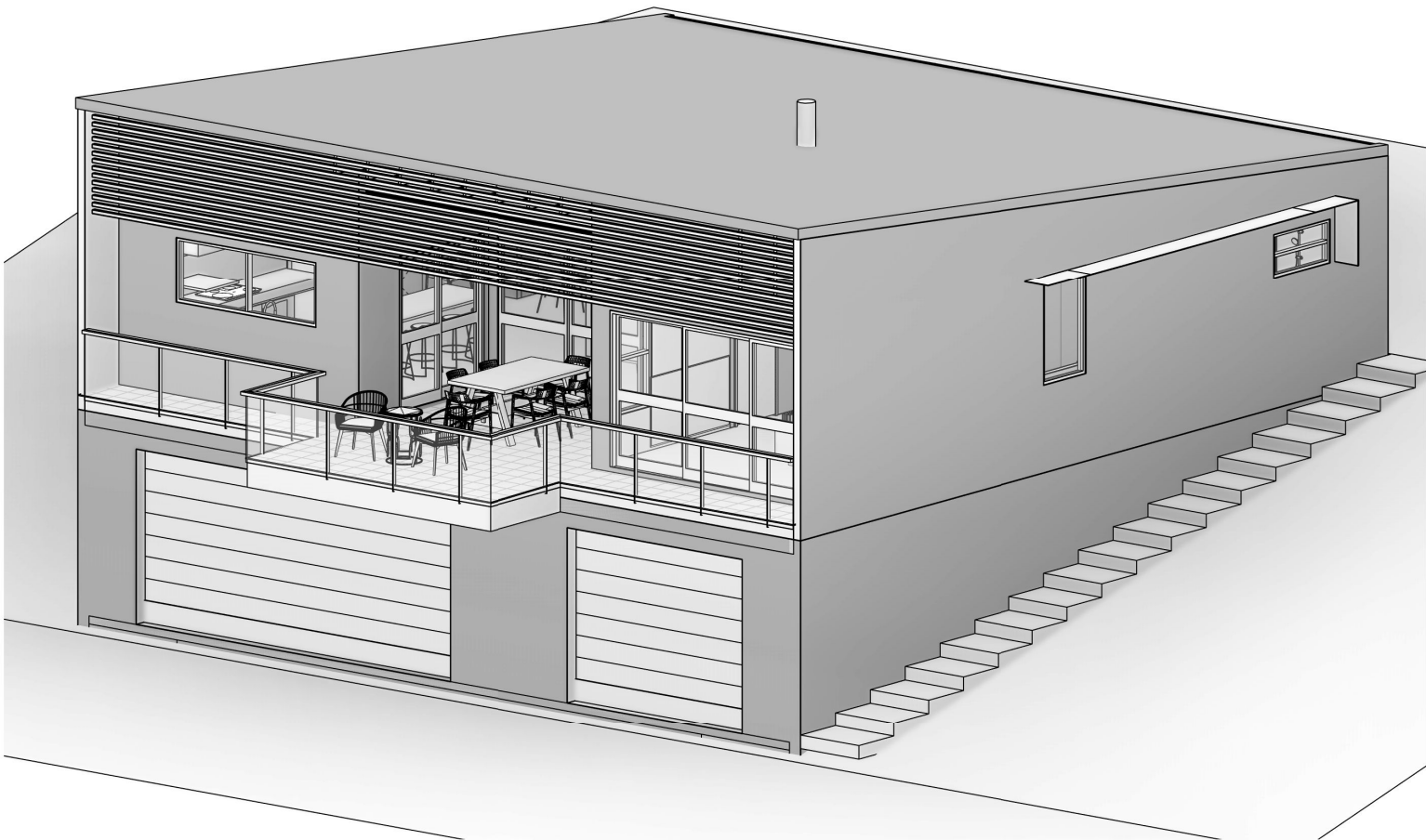


ADDRESS

Lot 23 on RP40985  
36 BARTLE ROAD MT TAMBORINE, 4272  
SCENIC RIM

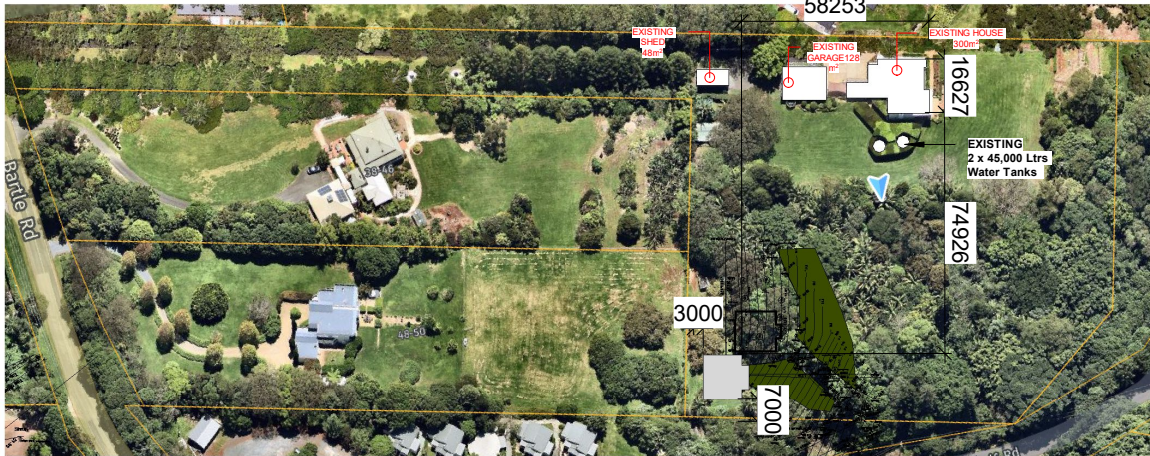
CLIENT

ERIC ROTH

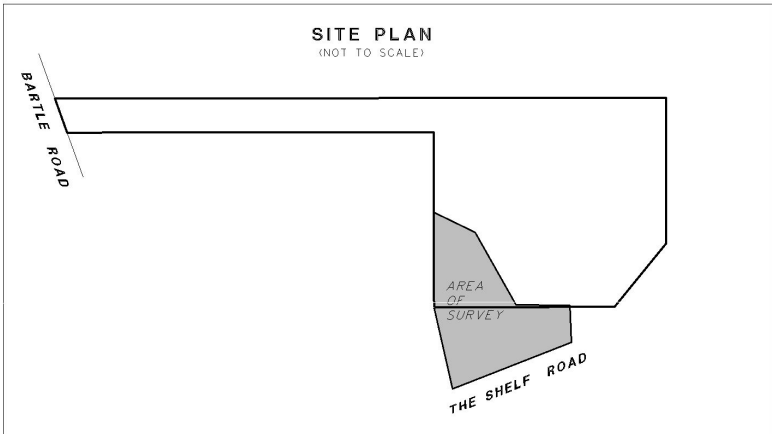


Construction Issue

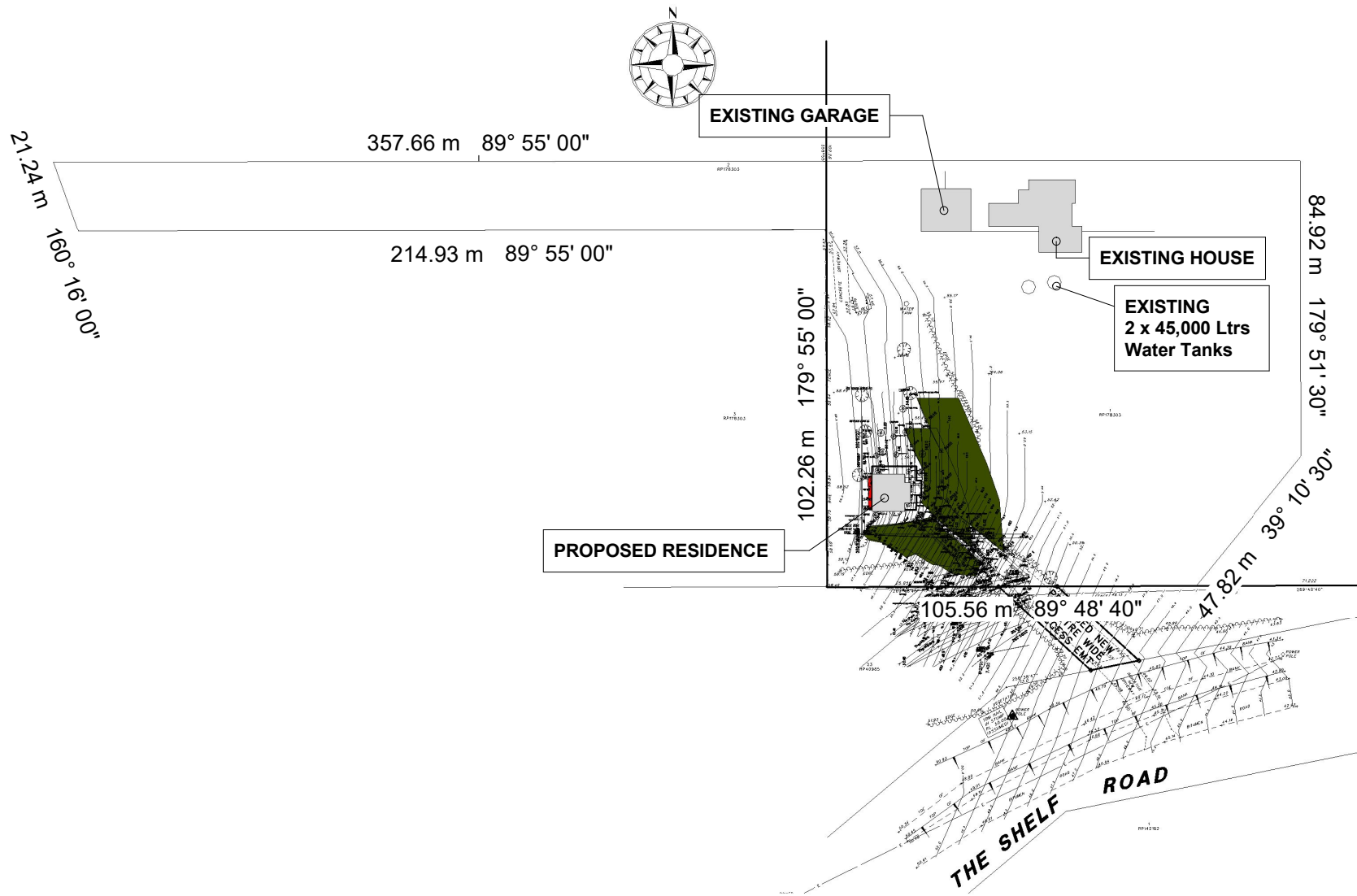




Site Image  
scale: 1 : 2000



Survey Area  
scale: 1 : 1000



Site Plan Location  
scale: 1 : 1500

SITE INFORMATION	
RPD	1RP178303
PROPERTY LOCAL AUTH	36 BARTLE ROAD MT TAMBORINE, 4272
ZONE AREA	SCENIC RIM 20360 m <sup>2</sup>
Property Key 14728034	
SITE AREA	
SITE COVERAGE	617 Sqm
SITE LAND	20,360 Sqm
SITE COVERAGE MAXIMUM SITE COVERAGE PERCENTAGE	3.03 %
GROSS FLOOR AREAS	
UNIT 1 - RESIDENCE	300 Sqm
UNIT 1 - GARAGE	128 Sqm
UNIT 1 - SHED	48 Sqm
UNIT 1 - TOTAL	476 Sqm
UNIT 2 - GROUND FLOOR PLAN	116 Sqm
UNIT 2 - BASEMENT FLOOR PLAN	141 Sqm
UNIT 2 - VERANDAH - DECK	33 Sqm
UNIT 2 TOTAL	290 Sqm
UNIT 1 + UNIT 2 TOTAL	766 Sqm

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Consultant  
**Graeme Moulston**  
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Client  
**Eric Roth**

Ammendents



QBSA Licence No. 1125742  
The builder is responsible for the setting out of works, the checking of all dimensions and levels onsite, and the reporting of discrepancies to the proprietor prior to the commencement of work. Do not scale from these drawings

CLIMATE ZONE	DESIGN WIND SPEED
ZONE 2	N4

Issue/Revision N  
Drawn By Author

Plan Title  
**36 Bartle Rd Mt Tamborine**

Site Description  
**Lot 1 RP178303**

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Time: 9/11/2024 4:09:11 PM  
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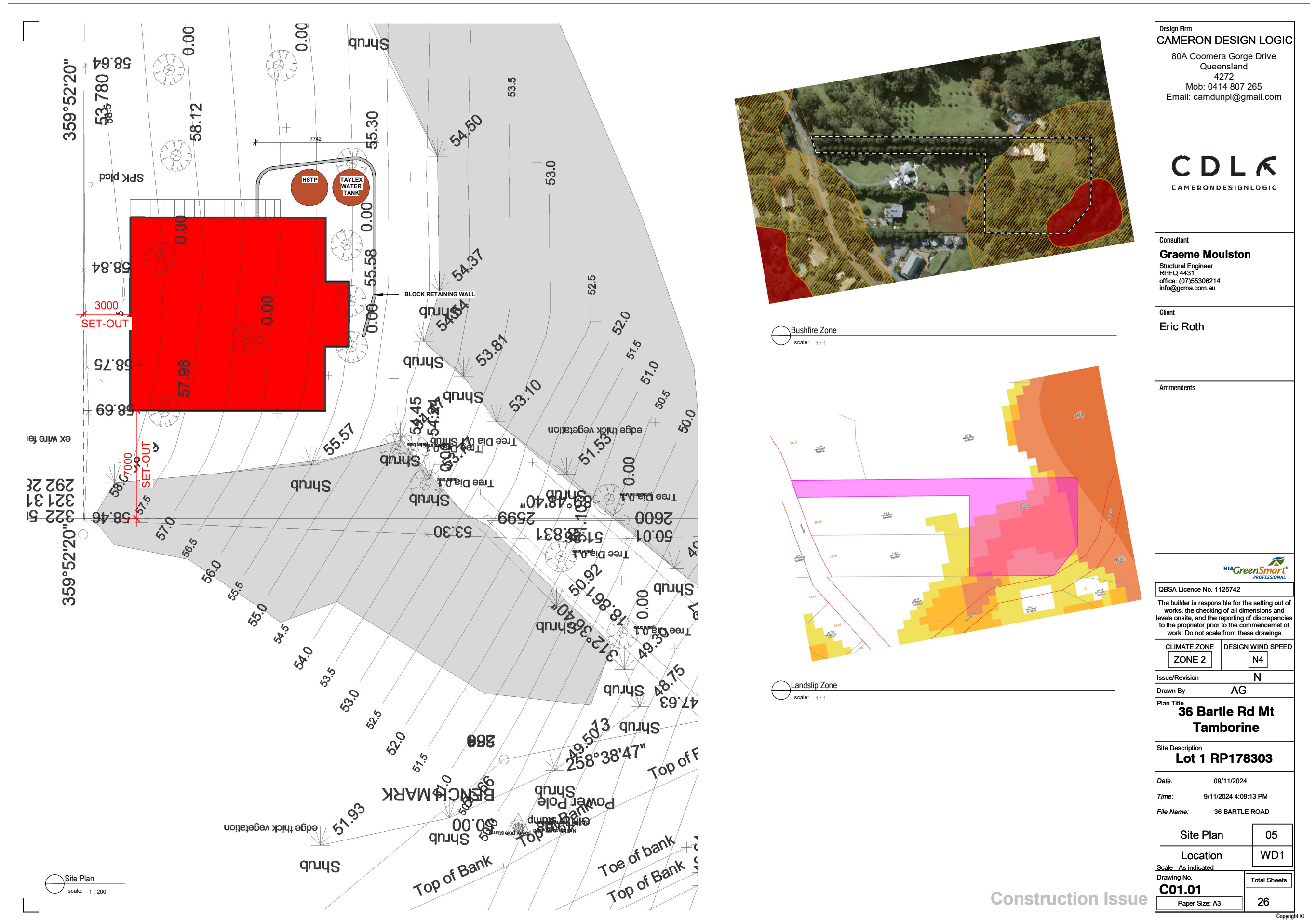
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	WD1

Scale As indicated  
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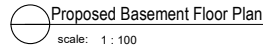
Construction Issue

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**CDL**   
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Client

Eric Roth

### Ammendments



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Issue/Revision	N
Drawn By	Author

Plan Title  
**36 Bartle Rd Mt  
Tamborine**

Site Description  
**Lot 1 RP178303**

Date: 09/11/2024

Time: 9/11/2024 4:09:14 PM

File Name: 36 BARTLE ROAD

Proposed Basement Plan	06 WD1
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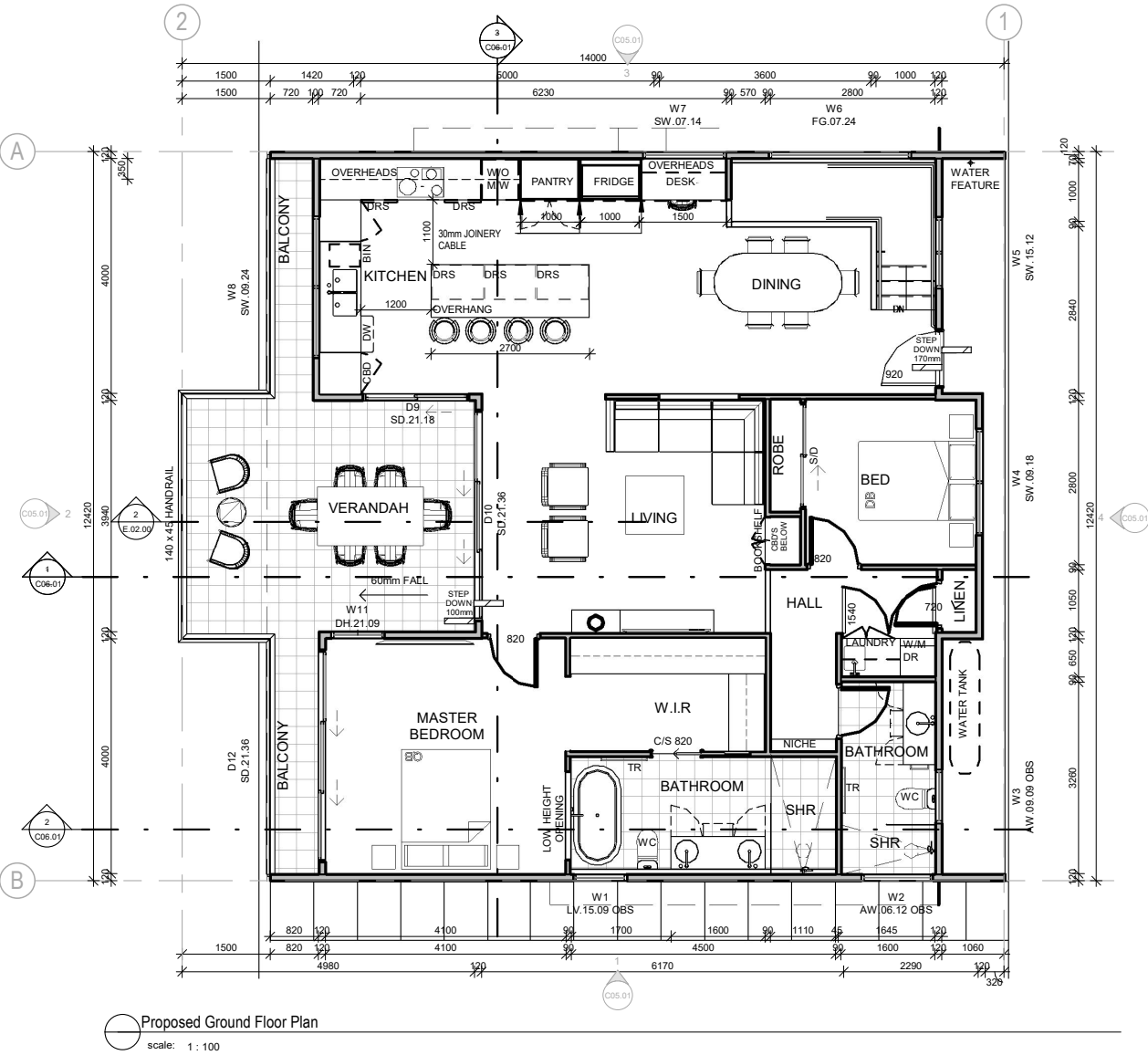
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**C04.00**

Paper Size: A3

Total Sheets

26

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Number	Name	Area	Level
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G.RM.17	ROBE	1 m²	NGL
G.RM.19	LAUNDRY	1 m²	NGL
G.RM.22	BOOKSHELF	1 m²	NGL
G.RM.05	SHR	2 m²	NGL
G.RM.08	BALCONY	2 m²	NGL
G.RM.18	SHR	2 m²	NGL
G.RM.21	HALL	2 m²	NGL
G.RM.20	HALL	3 m²	NGL
G.RM.12	BATHROOM	4 m²	NGL
G.RM.09	BALCONY	4 m²	NGL
G.RM.02	W.I.R	7 m²	NGL
G.RM.13	BATHROOM	7 m²	NGL
G.RM.06	BED	9 m²	NGL
G.RM.03	DINING	15 m²	NGL
G.RM.04	MASTER BEDROOM	17 m²	NGL
G.RM.07	LIVING	20 m²	NGL
G.RM.10	VERANDAH	22 m²	NGL
G.RM.01	KITCHEN	29 m²	NGL
		149 m²	

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Ammendents



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CLIMATE ZONE	DESIGN WIND SPEED
ZONE 2	N4

Issue/Revision  
N  
Drawn By  
AG

Plan Title  
**36 Bartle Rd Mt Tamborine**

Site Description  
**Lot 1 RP178303**

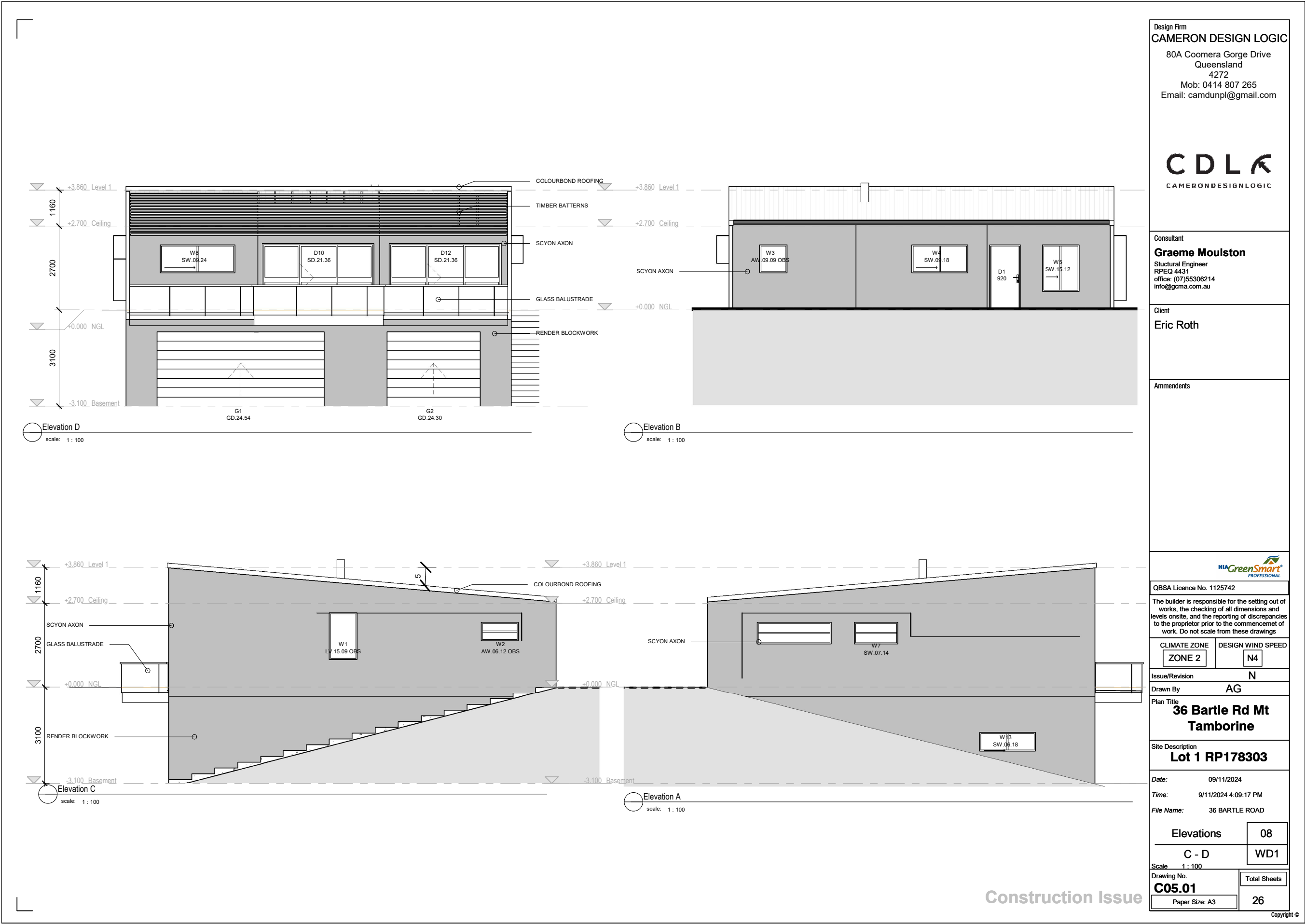
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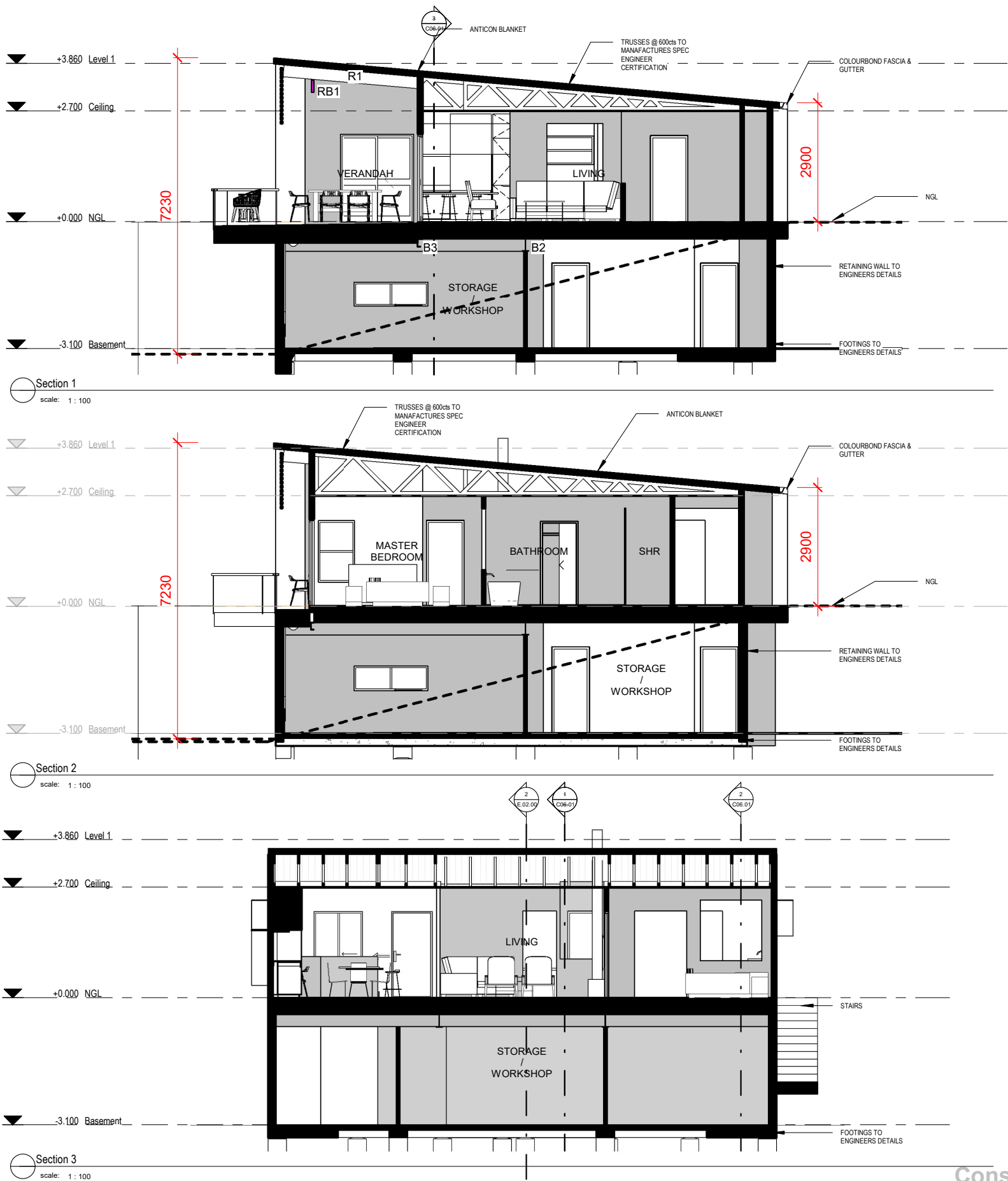
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Plan	WD1

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Construction Issue

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CLIMATE ZONE	DESIGN WIND SPEED
ZONE 2	N4

Issue/Revision N

Drawn By Author

Plan Title  
**36 Bartle Rd Mt  
Tamborine**

Site Description  
**Lot 1 RP178303**

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Time: 9/11/2024 4:09:18 PM  
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Paper Size: A3	26

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**11.3    MCU25/027 Minor Change to a Development Permit for Material Change of Use involving Extractive industry (including ancillary activities), on land at Unnamed Road and Leitch Road, Rosevale and 299 Hayes Road, Silverdale, described as Lots 2, 7, 8, 10 and 18 RP50377 and Lot 1 RP51909**

**Executive Officer:** Acting General Manager Customer and Regional Prosperity

**Item Author:**            Team Leader Development Assessment /  
                                 Acting Manager Regional Development Health and Biodiversity

**Attachments:**        Nil

---

**Councillor Portfolio / Representation**

Not applicable.

**Local Government Area Division**

This report relates to Division 6.

**Executive Summary**

Council is in receipt of a change application for a Minor Change and an extension application to a development approval ie. MCBn17/006. The subject site is located on land at Unnamed Road and Leitch Road, Rosevale and 299 Hayes Road, Silverdale, described as Lots 2, 7, 8, 10 and 18 RP50377 and Lot 1 RP51909.

Under Section 78 of the *Planning Act 2016*, the applicant seeks to amend Conditions 19, 24 and 49 and seek clarification surrounding Condition 3 of the Development Approval for Material Change of Use for Extractive industry (including ancillary activities). The amendments sought relate to the design and construction of the road and associated setbacks.

Under Section 86 of the *Planning Act 2016*, the applicant also seeks to extend the currency period for a further four years until 26 August 2029.

The proposed change complies with the requirements of the Schedule 2 definition of Minor Change and the assessment provisions of Section 81 of the *Planning Act 2016*. The proposed extension to the currency period complies with the assessment provisions of Section 87 of the *Planning Act 2016*. It is therefore recommended that Council under Delegated Authority resolve to approve the applicant's request for Minor Change and Extension to the Currency Period, subject to the amended conditions outlined in the report.

**Recommendation**

That:

1. Council receive and note the report titled "MCU25/027 Minor Change to a Development Permit for Material Change of Use involving Extractive industry (including ancillary activities), on land at Unnamed Road and Leitch Road, Rosevale and 299 Hayes Road, Silverdale, described as Lots 2, 7, 8, 10 and 18 RP50377 and Lot 1 RP51909";
2. Council resolve the following in relation to the change application:
  - (a) Council agrees with the applicant's request to amend Condition 49;
  - (b) Council refuses the applicant's request to amend Conditions 19 and 24;
  - (c) Council provides clarification that Condition 3 does not seek to limit the setbacks provided to the northern boundary of Lot 18 RP50377 for the ancillary operations area; and
  - (d) All other conditions remain unchanged; and
3. Council approve the extension application to extend the currency period for a further four years until 26 August 2029.

**Previous Council Considerations / Resolutions**

At the Ordinary Meeting held on 19 August 2019, Council approved the Development Permit for Extractive industry (including ancillary activities), on land at Unnamed Road and Leitch Road, Rosevale and 299 Hayes Road, Silverdale, described as Lots 2, 7, 8, 10 and 18 RP50377 and Lot 1 RP51909, subject to reasonable and relevant conditions.

**Report / Background**

It is recommended that Council resolve to approve the extension application and change application for a Minor Change to a development approval, for development in respect to the following property:

<b>Real Property Description:</b>	Lots 2, 7, 8, 10 and 18 RP50377 and Lot 1 RP51909
<b>Address of property:</b>	Unnamed Road and Leitch Road, Rosevale and 299 Hayes Road, Silverdale
<b>Site area:</b>	438.907 hectares
<b>Proposal:</b>	Minor Change to Approval and Extension Application

1. The following is resolved in relation to the change application:
  - a) Council agrees with the applicant's request to amend Condition 49;
  - b) Council refuses the applicant's request to amend Conditions 19 and 24;
  - c) Council provides clarification that Condition 3 does not seek to limit the setbacks provided to the northern boundary of Lot 18 RP50377 for the ancillary operations area; and
  - d) All other conditions remain unchanged.

2. The currency period for this development approval is extended for four years until 26 August 2029 starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)
3. Conditions of Approval:
  - a) A Development Permit is given for Material Change of Use for Extractive Industry and ancillary activities subject to the following conditions:
    - 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE** - Development being undertaken generally in accordance with plans identified in the table below and accompanying documentation, except insofar as it is modified by the conditions of this approval.

### Approved Plans

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Conceptual Overall Development Plan	Groundwork Plus	1361.DRG.058R3	01/08/2018
Conceptual East Pit Development Plan	Groundwork Plus	1361.DRG.062R3	01/08/2018
East Pit Operations Area Plan - Long Term Layout	Groundwork Plus	1361.DRG.060AR2	18/05/2017
Operations Area and Initial Quarry Development Plan	Groundwork Plus	1361.DRG.059R4	01/08/2018
West Pit Operations Area Plan - Long Term Layout	Groundwork Plus	1361.DRG.060BR2	01/08/2018
Interim Office, Amenities and Crib Floor Plans and Elevations	Groundwork Plus	1361.DRG.061B	03/05/2017
Workshop (igloo) Floor Plans and Elevations	Groundwork Plus	1361.DRG.061C	03/05/2017
Foreman's Office Floor Plans and Elevations	Groundwork Plus	1361.DRG.061D	03/05/2017
Longer Term Site Office and Amenities Building Floor Plans and Elevations	Groundwork Plus	1361.DRG.061E	03/05/2017
Longer Term Workshop and Storage Building Floor Plans and Elevations	Groundwork Plus	1361.DRG.061F	03/05/2017
Site and Weighbridge Office Floor Plans and Elevations	Groundwork Plus	1361.DRG.061A	03/05/2017
<b>Approved Reports</b>			
Noise Assessment Proposed Extractive Industry Warrill View Quarry	MWA Environmental	Warrill View 17-028	30/05/2017

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Warrill View Quarry Environmental Management Plan	Groundwork Plus	1361.610.001R1	August 2018
Warrill View Quarry Stormwater Management Plan	Groundwork Plus	1361.610.002	November 2018
Warrill View Quarry Traffic Impact Assessment Report	MRCagney	5955-TIA-001	18/05/2017

### General

- 2) **DEFINITION - COMPLIANCE AND EXCLUSIONS** - The approved use shall at all times comply with the definition of Extractive Industry of Schedule 1, Part 1 - Defined Uses and the relevant provisions of Part 6, Division 5 – Extractive Industry of the *Boonah Planning Scheme 2006*.
- 3) **SETBACKS FROM BOUNDARIES** – All processes of the extractive industry are not permitted to occur within 50 metres of any property boundary adjoining land that is not being used for extractive industries.
- 4) **COMMENCEMENT OF USE** - Prior to the use commencing, the Applicant shall advise Council in writing, of the proposed commencement date.
- 5) **WORKS APPLICANT'S EXPENSE** - All works, services, facilities, environmental performance monitoring and/or public utility alterations required by this approval, whether carried out by the Council or otherwise, must be at the Applicant's expense unless otherwise specified.
- 6) **SITE MAINTENANCE** - The site shall always be maintained in a clean and orderly state.
- 7) **AMENITIES BLOCK** – On-site amenities building must be provided for the purposes of providing both male and female toilets, potable water supply and hand basins and at least one (1) shower (unisex) cubicle for the use by staff and visitors alike prior to the use commencing.
- 8) **OPEN STORAGE - SCREENING** - Open storage area/s containing goods or materials associated with the approved use shall be screened from all adjoining allotments by the way of suitable screened landscaping and/or other suitable means.
- 9) **SIGNS - FORMAT AND OPERATION** - Advertising signs shall be of a format and appearance that is in accordance with the existing character of the built and natural environments. Signs shall have regard for local amenity and not be illuminated, flashing, moving or rotating.



**Plant Operations**

- 10) **OPERATING HOURS** - The following limits are imposed to the operating hours:
  - a) 6:00am to 7:00am seven (7) days per week – extraction, processing, product sales and site/equipment maintenance. No blasting. No rock drilling operations;
  - b) 7:00am to 6:00pm seven (7) days per week – Generally full operation, including rock drill operation, extraction, processing, product sales and site/equipment maintenance;
  - c) 6:00pm to 10:00pm seven (7) days per week – extraction, processing, product sales and site/equipment maintenance. No rock drilling operations.
  - d) 10:00pm to 6:00am seven (7) days per week – product sales and site/equipment maintenance. No blasting or rock drilling operations. No extraction and/or processing.
- 11) **REVERSING ALARMS** - All mobile plant (e.g. front-end loaders, dozers, haul trucks, excavators) must be fitted with broadband reversing alarms to mitigate potential nuisance from tonal characteristics of traditional beeper alarms.
- 12) **EQUIPMENT** - The development must ensure that all equipment provided as part of the extractive industry facilities on site including the mobile plant required to transfer, extract and grade materials be maintained in good working condition to minimise noise emissions.
- 13) **BLASTING** – Blasting shall be planned and carried out by suitably experienced and qualified personal in accordance with an approved Blasting Management Plan, and the environmental controls required by the Department of Natural Resources, Mines and Energy.
- 14) **BLASTING** – Blasting is only permitted during the hours of 9:00am to 3:00pm Monday to Friday, and from 9:00am to 1:00pm on Saturdays. Blasting is not permitted at any time on Sundays or public holidays.
- 15) **NOTICE OF BLASTING** – Where blasting is to be carried out within 1000 metres (1km) of any occupied adjoining land, the operator must provide notification initially to all adjoining landowners (including those separated by road, or road reserve) and Council at least forty eight (48) hours prior to a blast occurring. Such notification is to provide details of the scheduled time and date of the proposed blast. Such notification is also to request confirmation from the landowner whether they wish to be placed on a blast notification register and if so, their preferred method of communication.

**Production Capacity**

- 16) **MAXIMUM EXTRACTION RATE** – The maximum quantity of material be extracted and hauled from the site must not exceed 3.8 million tonnes per annum.

**Haulage Routes, Access, Parking and Site Fencing**

- 17) **KEEPING OF RECORDS** - The development must maintain accurate records and books of account which record the quantity of material extracted from the site and transported by road, and shall keep such records and accounts for not less than five years. A copy of these records must be provided to Council annually at the end of each financial year.
- 18) **VEHICLE SHAKEDOWN** - Access from the private haul road to a new Council controlled road shall be via a shakedown device consisting of a shaker grid (metal bar cattle grid or crushed rock device) to minimise accumulation of materials on the road. The shakedown device shall be a minimum of three (3) metres wide and ten (10) metres long.

- 19) **ACCESS TO COUNCIL ROAD** - The access to the site must be designed in accordance with the Austroads *"Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections"*, to cater for the largest vehicle that is anticipated to use the access during its design life. The access must be located so that sight distances are achieved with B-Double turning templates used to design the exit. The location of the access point must also enable store capacity of one B-Double along *Unnamed Road* and adequate stopping sight distance for other road users. (*Unnamed Road* where used within these conditions is defined as the road reserve abutting Lot 5 RP32823 through to Lot 103 SP240188, and includes the service road within the Cunningham Highway.) The development must provide the design and construction of the access to be generally in accordance with Scenic Rim Regional Council Standard Drawing R-07/R-08 (where it doesn't conflict with the Austroads requirements mentioned above) and the specific requirements for the heavy vehicle use, i.e.: including but not limited to pavement depth to be designed by an RPEQ, surface to be sealed with asphalt to gate set back. The gate is to be set back to cater for largest design vehicle etc.

The works required by this condition are to be completed prior to the commencement of the use. Detailed design will be submitted as part of an application for Operational Works with Council.

- 20) **INTERNAL ROADWAY, CAR PARKING AND MANOEUVRING AREAS GRAVEL –** The development must provide a suitable internal roadway appropriate to facilitate two-way vehicle movements from the access point.

All vehicle access and car parking areas (excluding internal quarry haul roads) must be designed and constructed to a bottom course gravel minimum standard or approved equivalent standard.

All parking areas internal roadways and manoeuvring areas are to be designed and constructed in accordance with AS2890.1 - 2004, AS2890.2 – 2002. All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed to a gravel standard, from the property boundary.

The works required by this condition are to be completed prior to the commencement of the use. All internal roadways and car parking areas will be maintained in good condition for the lifetime of the proposed use.

The completed works will be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice and fit for purpose, and are to be completed prior to the commencement of the use.

- 21) **CAR PARKING NUMBERS –** The development must provide an adequate number of on-site car parking spaces necessary for the operation of the quarry. The car parking layout and light vehicle access road must be generally in accordance with the approved plans.
- 22) **CAR PARKING ON – SITE** - All vehicles under the control of the occupier of ancillary staff must be parked wholly within the curtilage of the site.
- 23) **FENCING –**The development must provide an adequate fencing necessary for the safe operation of the quarry and the associated plant and equipment.

- 24) **DESIGN AND CONSTRUCTION / UPGRADING OF ASSETS (UNNAMED ROAD)** – The section of *Unnamed Road* from its intersection, including the service road, with Cunningham Highway to provide access to the development site, must be designed and constructed to an asphalt seal standard in accordance with all parts of the Austroads "Guide to Road Design", and to a '4A' standard as shown on Scenic Rim Regional Council Standard Drawing R-10. The design and construction of the road works must include all necessary pavement works, drainage works, line-marking and any necessary traffic signage and guardrails as and where required. Signage is to comply with the Manual of Uniform Traffic Control Devices – MUTCD. A sealed turning area at the end of the road pavement construction is required to cater for the largest anticipated vehicle. The turning area must be fully contained within the road reserve. Provision is to be made to amend the road reserve in this area to extend over the full extents of the turning area and is to be for vehicular access purposes. The works required by this condition must be completed prior to the commencement of the use and at the development's expense. Detailed design will be submitted as part of an application for "Constructing or Interfering with a road or its operation" with Council.
- 25) **HAUL ROUTE** - Haulage of material from the subject site and return trips to the subject site shall be restricted to *Unnamed Road* connecting the site to Cunningham Highway and the connecting State-controlled road network. Heavy vehicle traffic associated with the operation is required to use the designated haul routes as indicated in this approval.
- 26) **HAUL ROUTE RESEAL** - The development must undertake a "Road Condition Report" (RCR) prepared by a suitably qualified RPEQ of *Unnamed Road* every ten (10) years from commencement of the use to determine what reseal works are required.

Council may also request within this timeframe that a RCR be prepared by a suitably qualified RPEQ, if Council believes on reasonable grounds that reseal works are required due to the Development's use of the Unnamed Road for the purpose of the approved use.

Should the requested "Road Condition Report" recommend that reseal works are required to all or part of *Unnamed Road*, the Development must carry out the reseal works within three (3) months of the "Road Condition Report" being completed at the Developer's expense.

### **Drainage and Water Management**

- 27) **EARTHWORKS OPERATIONS (CAR PARKING AREAS, ACCESS DRIVEWAY AND MANOEUVRING AREAS)** – All earthworks associated with the car-parking and manoeuvring areas and access driveway(s) will be undertaken in accordance with Council's Design and Construction Manual.
- 28) **ADVERSE DRAINAGE IMPACT - GENERAL** - Drainage from the development must not adversely impact upon adjoining and or downstream properties. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.
- 29) **STORMWATER DISCHARGE AND DISPOSAL** - The development must implement and monitor the recommendations included in the Stormwater Management Plan Issue 2 prepared by Groundwork Plus Pty Ltd, dated 6 February 2018, or amendments to this document provided to the Department of Environment and Science (copy to Council) or as amended and approved by Council, with all requirements of the approved stormwater management plan being complied with at all times.

### Water

- 30) **ADEQUATE WATER SUPPLY** - Provision must be made of an adequate water supply system to cater for the needs of the approved use. Water must not be sourced from Waroolaba Creek or groundwater through bore holes on the subject land. Details on the proposed method of providing an adequate water supply are to be submitted as part of a Development Application for *Plumbing and Drainage Works*. The works required by this condition are to be completed prior to the commencement of the approved use.
- 31) **POTABLE WATER SUPPLY** – All water provided for personal hygiene, human consumption must meet the standards of the National Health and Medical Research Council (NHMRC) Australian Drinking Water Quality Guidelines for both microbial and chemical potable water standards.

### Wastewater

- 32) **WASTEWATER DISPOSAL - GENERAL** - The wastewater disposal system must conform with the provisions of the “*Queensland Development Code*”, the “*Queensland Plumbing and Wastewater (QPW) Code*” and *AS1547-2012*. Details on the proposed method of treatment and disposal of wastewater are to be submitted as part of a Development Application for *Plumbing and Drainage Works*. The works required by this condition are to be completed prior to the commencement of the approved use.

### Waterways

- 33) **WATER QUALITY** - No water with a Total Suspended Solids (TSS) greater than 50 mg/l is to be discharged from the subject site into waterways, drains or roadways. The Applicant is to submit to Council for approval, a properly prepared comprehensive **Erosion and Sediment Control Plan**. The report is to comply with “*Best Practice Erosion and Sediment Control, International Erosion Control Association, (IECA), Australasia Chapter, 2008*”. This is to be submitted and approved prior to commencement of any works on the site.
- 34) **WATERWAYS** - Operations must not result in adverse impacts on properties located upstream and downstream of the property subject to approval. These impacts include reduction in water quality, loss of bank stability, erosion and head cuts associated with operations. Furthermore, Operators must take all reasonable steps to ensure impacts on water quality and bank stability in areas outside of the approval are prevented and if identified these impacts are monitored and remediated appropriately.

### Environment

- 35) **COMPLAINTS REGISTER** - A complaints register must be kept at the premises and all complaints received about the activity must be recorded in the register with the following details:
- a) Time, date and nature of complaint;
  - b) Type of communication (telephone, letter, personal, etc.);
  - c) Name, contact address and contact phone number of the complainant (if the complainant does not wish to be identified then ‘not identified’ is to be recorded);
  - d) Response and investigation undertaken in response to the complaint;
  - e) Name of the person responsible for investigating the complaint; and
  - f) Action taken as a result of the complaint and the investigation and the confirmation signature of operator or an authorised representative of the operator.

- 36) **DUST EMISSIONS MONITORING & RECORDING** - The operator must conduct regular checks to monitor dust emission and record relevant information including date, time, location and staff member.
- 37) **AIR CONTAMINANTS** - A noxious or offensive odour must not be emitted beyond the boundaries of the premises. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to cause nuisance at an identified sensitive receptor.
- 38) **LIGHT EMISSIONS** -- Light sources at the premises must be positioned and shielded to prevent direct light spillage outside the boundaries of the premises.
- 39) **NOISE EMISSION LIMITS**- The emission of noise from the premises must not exceed the levels prescribed by Table 1 (below) where measured at a sensitive use not located on the development site.

Table 1

Noise level measured in dBA	Monday to Saturday			Sunday and Public Holidays		
	7am–6pm	6pm–10pm	10pm–7am	7am–6pm	6pm–10pm	10pm–7am
	Noise measured at the nearest sensitive place* (dBA)					
LAeq adj, T 40 35	40	35	30	40	35	30
maxLpA,T	N/A	N/A	47	N/A	N/A	47

## Associated monitoring requirements

- i. All monitoring devices must be calibrated and maintained according to the manufacturer's instruction manual.
  - ii. Any monitoring must be in accordance with the most recent version of the administering authority's Noise Measurement Manual.
  - iii. Any monitoring of noise emissions from the activity must be undertaken when the activity is in operation.
- 40) **NOISE BARRIER** - The operations areas including processing plants for the east pit and west pit are to be shielded to the south and west by a minimum 10 metre high retained topographical rim, or otherwise supplemented in height by earth bunding at all times.
- 41) **EROSION & SEDIMENT CONTROL** - Appropriate erosion and sediment control measures must be installed and maintained as required to prevent or minimise the release of sand, silt or mud from the premises to any stormwater drainage system or any natural waterway.
- 42) **RELEASES TO WATER** - Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.

**Site Rehabilitation and Landscaping**

- 43) **VEGETATION** - No native trees are to be remove, damaged or poisoned within 50m on either side of Warroolaba Creek.
- 44) **WILDLIFE** - Vegetation clearing being undertaken by the development must have a wildlife spotter and/or catcher present.

*Note - Spotter catchers must be approved by the Department of Environment and Science*

- 45) **VISUAL AMENITY** - The applicant is to assist with screening the quarry operations by providing a vegetative buffer (incorporating existing vegetation) of a minimum 20m wide along the entire length of the northern boundary of the site and the western boundary of Lot 2 on RP50377. Such screening is to be planted prior to the commencement of any quarry operations occurring for the west pit. A landscaping plan shall be submitted and approved prior to the commencement of quarrying operations for the west pit. Quarry operations must comply with the approved landscaping plan.
- 46) **PLANT CLOSURE AND REHABILITATION** – Should the plant cease to operate for whatever reason during the period of this approval or the development application not be renewed, the operator will remove the plant and equipment and restore the site in accordance with the approved Environmental Management Plan. For the purpose of this clause “cease to operate” shall mean no commercial production and sale of material for a period of twelve (12) months. The removal of the plant and equipment and the final rehabilitation of the site are to be completed within a further 12 months.
- 47) **LANDSCAPING AND REHABILITATION** - Landscaping and rehabilitation (progressive and ultimate rehabilitation) shall be undertaken in accordance with the Environmental Management Plan contained in the Environmental Assessment Management Plan Assessment Report prepared by Groundwork Plus Pty Ltd dated August 2018. Prior to carrying out rehabilitation works, a Rehabilitation Plan and Specifications shall be submitted to Council for approval. The land must be rehabilitated and include suitable trees and shrubs together with grass or other ground cover. Such trees and shrubs shall be native Australian varieties particularly those indigenous to the locality, where possible, and be maintained in a sturdy and healthy condition with dead or diseased trees replaced as soon as practicable.
- 48) **ENVIRONMENTAL MANAGEMENT PLAN** - The development must implement and monitor on an on-going basis the recommendations included in the approved Environmental Management Plan, or amendments to this document provided to the Department of Environment and Science (copy to Council).

**Electrical Works**

- 49) **ELECTRICITY** - The development must provide electricity supply **to the buildings/structures associated with the approved use** from the State electricity grid through the State authorised supplier (Energex) **or, from other approved power sources (such as generators or renewable energy systems) that meet the operational requirements of the development. Evidence of satisfactory arrangements for such supply, including any necessary approvals, must be provided to Council prior to commencement of the use. The works required by this condition, including the installation of the electricity supply, must be completed prior to the commencement of the approved use, unless otherwise agreed with Council.** ~~to the buildings / structures associated with the approved use or production of evidence of satisfactory arrangements for such supply having been made. The works required by this condition are to be completed prior to the commencement of the approved use.~~

## 4. Referral Agency Conditions

Pursuant to correspondence received from the Department of State Development, Manufacturing, Infrastructure and Planning dated 5 April 2019.

## 5. Advisory Notes

- a) **OTHER LAND USES – CARETAKERS RESIDENCE** - The land owner/operator is advised that the subject approval is limited to Extractive Industry only does not incorporate other land uses such as Caretakers Residence. All other land uses not defined as Extractive Industry must be assessed against the *Boonah Shire Planning Scheme 2006*.
- b) **COMPLIANCE WITH CONDITIONS** - The land owner/developer, is required to ensure the development and any associated conditions within the development approval are complied with prior to the commencement of the approved land use or prior to endorsement of survey plans for subdivision approvals. Failure to comply with the conditions of approval are deemed to be a breach of Section 164 the Planning Act 2016 and as such Council may undertake formal enforcement action/s such as statute notices or prescribed infringement notices.
- c) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT** - This approval in no way restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.
- d) **DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** - Development Approvals which include conditions and any modifications attach to the land and are binding on the owner, the owner's successors in title and any occupier of the land pursuant to Section 73 of the *Planning Act 2016*.
- e) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to the *Planning Act 2016*, this Development Approval takes effect:
  - (i) From the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
  - (ii) From the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
  - (iii) Subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- f) **APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Material Change of Use does not happen before the end of the relevant period. The relevant period is six (6) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under Section 85 of the *Planning Act 2016*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under Section 86 of the *Planning Act 2016*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.

- g) **BIOSECURITY QUEENSLAND** should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.

It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.

The Fire Ant Restricted Area as well as general information can be viewed on the DAF website [www.daf.qld.gov.au/fireants](http://www.daf.qld.gov.au/fireants).

6. Further approvals are required for:

- (a) A Building Works approval is required for any building works associated with the proposed development prior to undertaking any building work on the subject site.
- (b) A Plumbing and Drainage Approval is required for all/any plumbing and drainage works associated with the proposed development prior to undertaking any building work on the subject site.
- (c) An Operational Works approval is required for the Roadworks and Drainage, as well as Landscaping Works associated with the proposed development.

That the Submitter/s be advised of the following: **SUBMITTER ADVICE - APPROVAL** - Council has considered all matters relevant to this application, including your submission, and has resolved to approve the application subject to the listed conditions. Council is of the view that the development is competent and takes a satisfactory approach in its layout and design commensurate with the stated conditions of approval.

7. Administrative Action:

That Decision Notices be issued in accordance with s63 of the *Planning Act 2016* to the Applicant, submitter/s and referral agencies.

Application Details

<b>Applicable Planning Scheme</b>	Boonah Shire Planning Scheme 2006
<b>Applicant</b>	Neilsens Quality Gravels Pty Ltd c/- Groundwork Plus, part of SLR
<b>Owner(s)</b>	Neilsens Developments Pty Ltd
<b>Site Address</b>	Unnamed Road and Leitch Road, Rosevale and 299 Hayes Road, Silverdale
<b>Real Property Description</b>	Lots 2, 7, 8, 10 and 18 RP50377 and Lot 1 RP51909
<b>Site Area</b>	438.907 hectares
<b>Relevant Zone and Precinct</b>	Rural Zone - Precinct 3 Arable Lands
<b>Proposal</b>	Minor Change to Development Approval for Extractive industry (including ancillary activities) and Extension of Time for Currency Period
<b>Assessment Level</b>	Minor Change to Approval
<b>Approval Type</b>	Material Change of Use and Operational Works
<b>Date Application Deemed Accepted</b>	18 March 2025



## Development History

On 19 August 2019, Council issued a Development Permit for Material Change of Use for an Extractive industry and ancillary activities, on land at Unnamed Road and Leitch Road, Rosevale and 299 Hayes Road, Silverdale, described as Lots 2, 7, 8, 10 and 18 RP50377 and Lot 1 RP51909, subject to conditions. The approved development layout is shown in Figures 1 to 3.

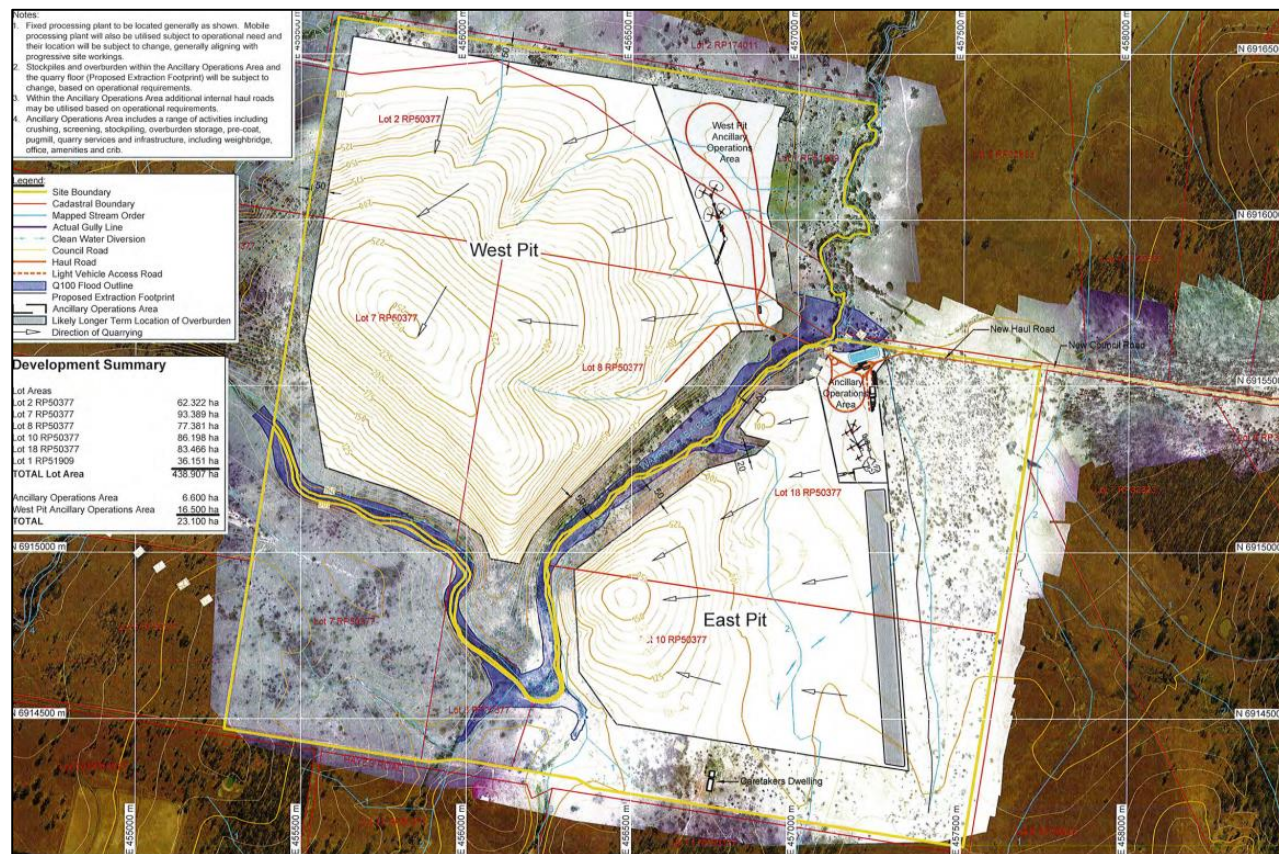


Figure 1: Approved Development Layout Plan



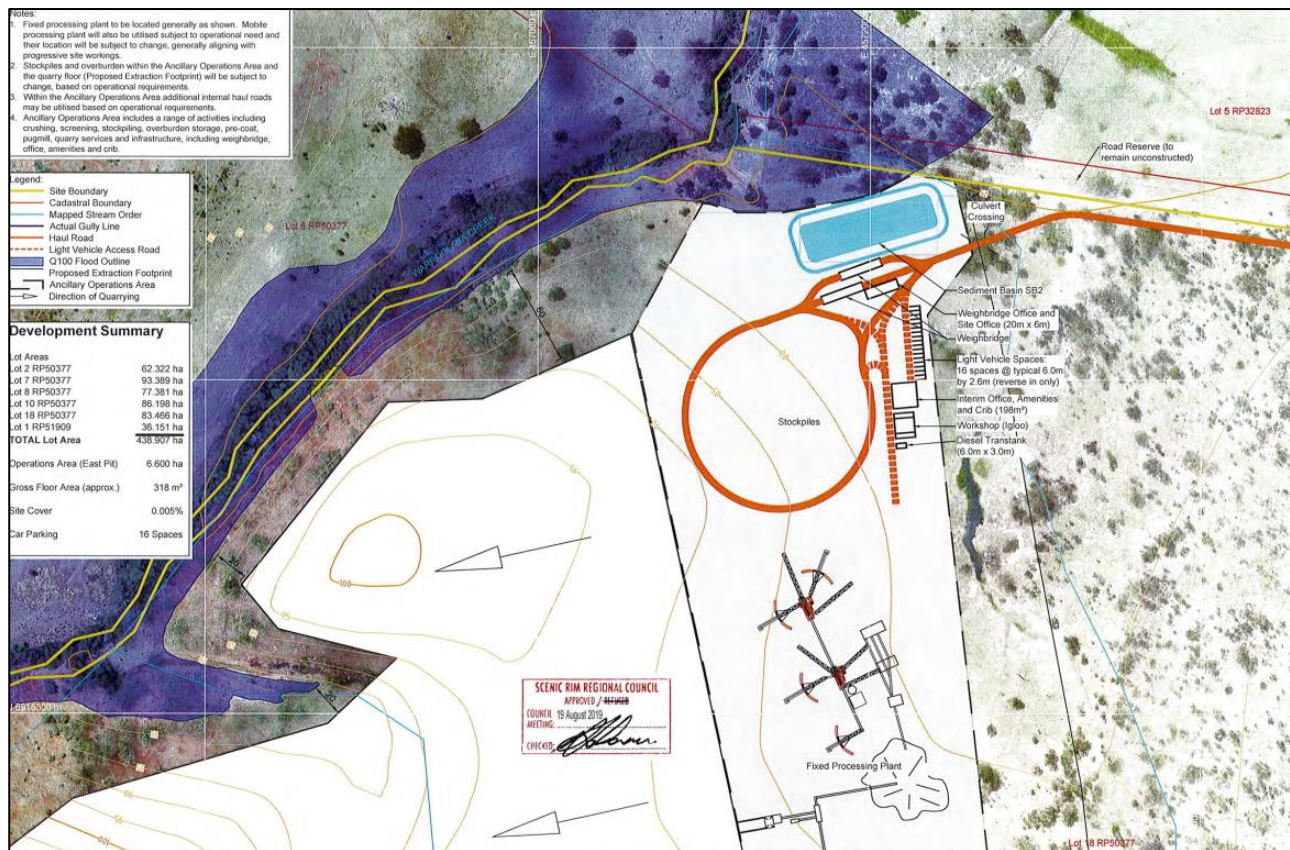


Figure 2: Approved Operations Area and Initial Quarry Development Plan

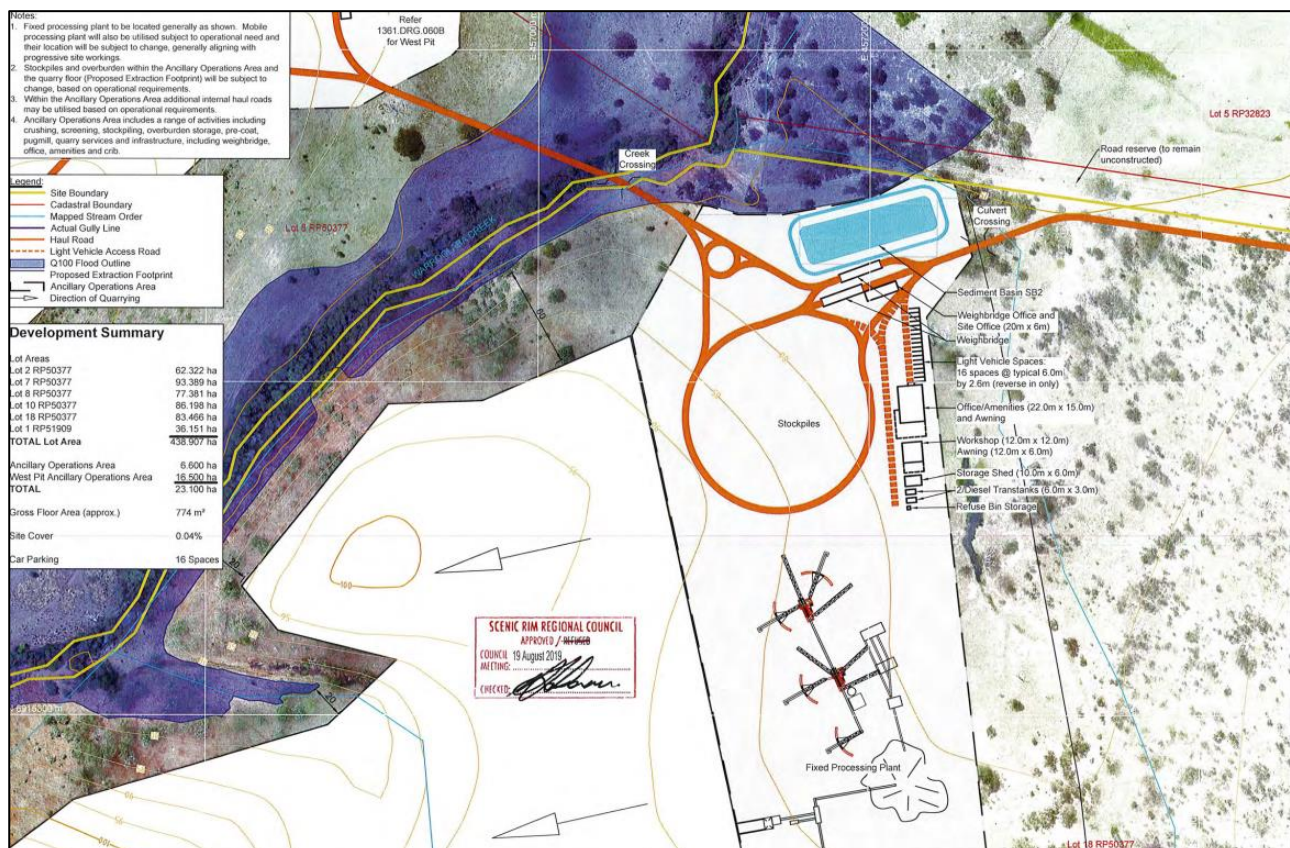


Figure 3: East Pit Operations Area Plan - Long Term Layout

The original application required impact assessment. The Development Permit included concurrence agency approval for:

- Material change of use for Environmentally Relevant Activity 16(2)(c) extracting, other than by dredging, in a year, more than 1,000,000 tonnes of material;
- Material change of use for Environmentally Relevant Activity 16(3)(c) screening, in a year, more than 1,000,000 tonnes of material;
- Operational work for vegetation clearing; and
- Operational work for constructing or raising waterway barrier works.

### *Proposal*

#### Minor Change to Approval

Under Section 78 of the *Planning Act 2016*, the applicant seeks to vary the design standards of the Extractive industry as follows:

- Reduce the design speed and operating speed of the external road network;
- Constructing the road with a two-coat bitumen seal rather than asphalt;
- Resultant lowered retaining wall requirements;
- Reduced setbacks to the northern boundary of the site; and
- Temporary electricity supply through the provision of local generators and/or renewable energy sources.

#### Extension of Time for Currency Period

Under Section 86 of the *Planning Act 2016*, the applicant also seeks to extend the currency period for a further four years until 26 August 2029.

### *Assessment pertaining to change applications*

The applicant seeks to amend an existing development approval under Section 78 of the *Planning Act 2016*. The following table identifies whether the proposed change can be considered as a 'minor' change as prescribed under Schedule 2 of the *Planning Act 2016*.

Council considers the requested amendments to the development approval do not result in 'substantially different development'.

<b>Definition under Schedule 2 of the <i>Planning Act 2016</i></b>	<b>Officer's comments</b>
For a development approval— <i>(i) would not result in substantially different development; and</i>	<b>Complies</b> Schedule 1 of the Development Assessment Rules provides criteria to assist in determining whether a change could be considered 'substantially different' development.
<i>(ii) if a development application for the development, including the change, were made when the change application is made would not cause—</i> <i>A. the inclusion of prohibited development in the application; or</i> <i>B. referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or</i> <i>C. referral to extra referral agencies, other than to the chief executive; or</i>	It is determined that: A. no prohibited development is proposed; B. no new referral agency is triggered by the change; C. no additional referral agency is triggered by the change; D. no new referral agency or matter prescribed by the regulation is triggered by the change; E. the proposed changes do not change the level of assessment.

<p><i>D. a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55 (2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or</i></p> <p><i>E. public notification if public notification was not required for the development application.</i></p>	
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The Development Assessment Rules 2017 (Schedule 1) provide guiding criteria in relation to 'substantially different development'. The change application is assessed against these criteria below.

<b>Substantially different development</b>	<b>Officer's comments</b>
A change may be considered to result in a substantially different development if any of the following apply to the proposed change:	
<i>a) involves a new use; or</i>	There are no new uses proposed.
<i>b) results in the application applying to a new parcel of land; or</i>	The proposed change does not apply to a new parcel of land.
<i>c) dramatically changes the built form in terms of scale, bulk and appearance; or</i>	No built form changes.
<i>d) changes the ability of the proposed development to operate as intended; or</i>	The change does not affect the approved development to operate as intended. The changes relate to external infrastructure upgrades and a change to electricity provision.
<i>e) removes a component that is integral to the operation of the development; or</i>	The change proposed does not involve the removal of any critical components of the development.
<i>f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site;</i>	The change will not significantly impact on traffic flows or the transport network.
<i>g) introduces new impacts or increase the severity of known impacts; or</i>	No new impacts are anticipated.
<i>h) removes an incentive or offset component that would have balanced a negative impact of the development; or</i>	Not applicable.
<i>i) impacts on infrastructure provision.</i>	The change will not impact on infrastructure provision. The change proposes a different pavement type on the external road network, however these impacts have been considered by Council's Development Engineers as minor in the context of the proposed new road surface material.



Conditions 19, 24 and 26 - Haulage Routes

The applicant has requested amendment to roadworks conditions associated with the road connecting the development to the Cunningham Highway. Conditions 19 and 24 are requested to be amended, whilst highlighting the retention of Condition 26. The original conditions read as follows:

(19) ACCESS TO COUNCIL ROAD - The access to the site must be designed in accordance with the Austroads "*Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections*", to cater for the largest vehicle that is anticipated to use the access during its design life. The access must be located so that sight distances are achieved with B-Double turning templates used to design the exit. The location of the access point must also enable store capacity of one B-Double along *Unnamed Road* and adequate stopping sight distance for other road users. (*Unnamed Road* where used within these conditions is defined as the road reserve abutting Lot 5 RP32823 through to Lot 103 SP240188, and includes the service road within the Cunningham Highway.) The development must provide the design and construction of the access to be generally in accordance with Scenic Rim Regional Council Standard Drawing R-07/R-08 (where it doesn't conflict with the Austroads requirements mentioned above) and the specific requirements for the heavy vehicle use, i.e.: including but not limited to pavement depth to be designed by an RPEQ, surface to be sealed with asphalt to gate set back. The gate is to be set back to cater for largest design vehicle etc.

The works required by this condition are to be completed prior to the commencement of the use. Detailed design will be submitted as part of an application for Operational Works with Council.

(24) DESIGN AND CONSTRUCTION / UPGRADING OF ASSETS (UNNAMED ROAD) – The section of *Unnamed Road* from its intersection, including the service road, with Cunningham Highway to provide access to the development site, must be designed and constructed to an asphalt seal standard in accordance with all parts of the Austroads "Guide to Road Design", and to a '4A' standard as shown on Scenic Rim Regional Council Standard Drawing R-10. The design and construction of the road works must include all necessary pavement works, drainage works, line-marking and any necessary traffic signage and guardrails as and where required. Signage is to comply with the Manual of Uniform Traffic Control Devices – MUTCD. A sealed turning area at the end of the road pavement construction is required to cater for the largest anticipated vehicle. The turning area must be fully contained within the road reserve. Provision is to be made to amend the road reserve in this area to extend over the full extents of the turning area and is to be for vehicular access purposes. The works required by this condition must be completed prior to the commencement of the use and at the development's expense. Detailed design will be submitted as part of an application for "Constructing or Interfering with a road or its operation" with Council.

(26) HAUL ROUTE RESEAL - The development must undertake a "Road Condition Report" (RCR) prepared by a suitably qualified RPEQ of *Unnamed Road* every ten (10) years from commencement of the use to determine what reseal works are required.

Council may also request within this timeframe that a RCR be prepared by a suitably qualified RPEQ, if Council believes on reasonable grounds that reseal works are required due to the Development's use of the Unnamed Road for the purpose of the approved use.

Should the requested "Road Condition Report" recommend that reseal works are required to all or part of *Unnamed Road*, the Development must carry out the reseal works within three (3) months of the "Road Condition Report" being completed at the Developer's expense.

Applicant's request: The applicant has submitted a technical engineering memorandum (KBA) in support of the request for a Minor Change. The request to change Conditions 19 and 24 ultimately seeks to:

- Reduce the design speed at crest curves from 70 km/h to 60 km/hr and operating speed of the external road network to 60km/hr for the full length of the access road as shown in Figure 4 (rather than the 100 km/hr required by the approval);
- Change the road construction from asphalt to a two-coat bitumen seal; and
- Resultantly, lower retaining wall requirements at various sections of the road.

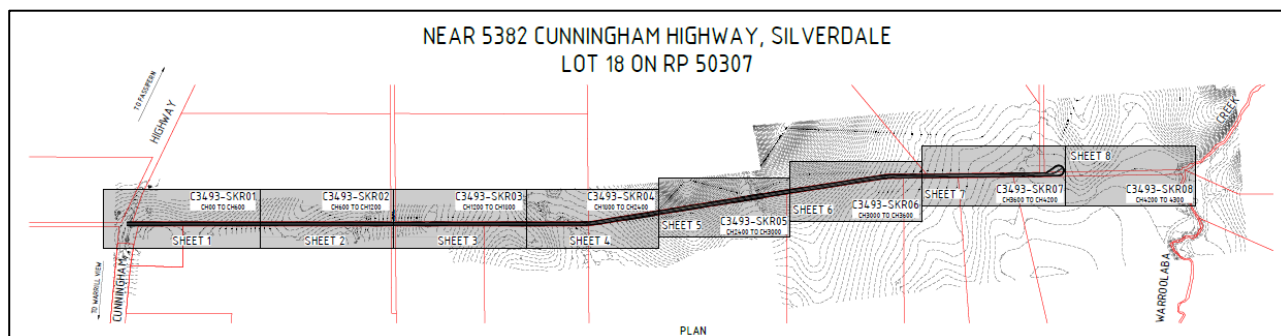


Figure 4: Access Road from Cunningham Highway to subject land

Reduction of design speeds are argued by the applicant to have the benefit of reducing risks, as well as removing additional design features to the road. The proposed changes to design speed and ultimately operating speed will result in the removal of retaining structures, safety barriers, large embankment heights and associated maintenance.

Proposed road construction changes include the construction of the road connecting the Cunningham Highway with the site in two-coat bitumen seal, replacing the current requirement for asphalt. The applicant has indicated asphalt will still be used at the intersection and in specific areas for wearing course longevity, however the remaining sections in two-coat bitumen seal. The road is currently unconstructed from the site to the Cunningham Highway.

Notably, the applicant has outlined Condition 26 requires an RPEQ to undertake a Road Condition Report every ten (10) years to determine potential reseal works to the unnamed road from the Cunningham Highway to the site and undertake associated works. There is no change proposed to Condition 26.

Officer's response: Council's Development Assessment Engineering team have reviewed the material provided and outlined that changes to the operating speed of the external road network are not considered acceptable. The road must be designed in accordance with relevant standards and industry best practice. All works included in the design must be designed and constructed to withstand the proposed use, for the extent of the developments operation. Based on the advice provided, it is not considered reasonable for Conditions 19 and 24 to be amended.

### Condition 49 - Electrical Works

The original condition reads as follows:

**ELECTRICITY** - The development must provide electricity supply from the State electricity grid through the State authorised supplier (Energex) to the buildings / structures associated with the approved use or production of evidence of satisfactory arrangements for such supply having been made. The works required by this condition are to be completed prior to the commencement of the approved use.

Applicant's request: The applicant seeks amendment of the condition to allow alternative electricity supply, such as generators or renewable energy sources. The applicant has indicated the change is sought to provide a more cost-effective and practical solution.

Potential operational impacts that may arise from alternative electricity supply, such as increased background noise, are able to be managed under the existing Environmental Authority which regulates noise from the site.

Officer's response: The material provided and assessment of the changes are considered acceptable. Condition 39 of the existing conditions package adequately manages noise through the establishment of accepted noise levels from the nearest sensitive receivers. The retention of this condition will ensure any potential noise impacts from generators does not cause nuisance to surrounding land uses. The condition will be amended as requested.

New condition to read as follows:

ELECTRICITY - The development must provide electricity supply **to the buildings/structures associated with the approved use** from the State electricity grid through the State authorised supplier (Energen) or, from other approved power sources (such as generators or renewable energy systems) that meet the operational requirements of the development. Evidence of satisfactory arrangements for such supply, including any necessary approvals, must be provided to Council prior to commencement of the use. The works required by this condition, including the installation of the electricity supply, must be completed prior to the commencement of the approved use, unless otherwise agreed with Council. ~~to the buildings / structures associated with the approved use or production of evidence of satisfactory arrangements for such supply having been made. The works required by this condition are to be completed prior to the commencement of the approved use.~~

### Condition 3 - Boundary Setbacks

The original condition reads as follows:

SETBACKS FROM BOUNDARIES – All processes of the extractive industry are not permitted to occur within 50 metres of any property boundary adjoining land that is not being used for extractive industries.

Applicant's request: The applicant seeks clarification that Condition 3 does not seek to limit setbacks provided to the northern boundary of Lot 18 RP50377 and the unmade road reserve. The approved plans include ancillary operations area within proximity to the aforementioned boundary.

Officer's response: Review of the original application, approved plans and the provisions of the Boonah Shire Planning Scheme 2006 indicate Condition 3 did not seek to limit the setbacks provided to the northern boundary of Lot 18 RP50377 for the ancillary operations area. Clarification will be provided to this effect.

### Extension of Time for Currency Period

On 26 August 2019, Council issued a Development Permit for Extractive industry (Including ancillary activities) on land at Unnamed Road and Leitch Road, Rosevale and 299 Hayes Road, Silverdale, described as Lots 2, 7, 8, 10 and 18 RP50377 and Lot 1 RP51909. In accordance with Section 71(2)(b)(ii) of the *Planning Act 2016* the Development Permit ends on 15 October 2025 (Submitter Notice issued on 16 September 2019) as the application involved submitters and the appeal rights were not waived.

Under Section 86 of the *Planning Act 2016*, the applicant seeks to extend the currency period for a further four years.

The applicant has identified that prior to commencing the activity, further authorisations are required including:

- An Operational Works Approval for site access to comply with Condition 19;
- A further authorisation under the relevant Local Law to construct or interfere with the road for the unnamed Council Road from Cunningham Highway to comply with Condition 24;
- A Section 33 approval from the Department of Transport and Main Roads for works proposed in the State-controlled road; and
- An assessment under the *Environmental Protection and Biodiversity Conversation Act 1999* for the quarry including works in the road. This includes securing an offset site subject to final assessment by the federal Department.

The applicant has advised that quarry operators have progressed activities, however further time is required to ensure the use can commence prior to the currency period ending.

The approved development seeks to establish an Extractive industry on the site and generally complies with the *Boonah Shire Planning Scheme 2006* current at the time of the initial assessment and the current planning scheme i.e. *Scenic Rim Planning Scheme 2020* (as amended 30 June 2023).

In 2020, the Queensland Government implemented measures to assist with mitigating issues faced by the development industry as a consequence of the COVID-19 pandemic. This includes extending the statutory timeframes under the *Planning Act 2016* with respect to the currency period for development approvals and compliance permits under Section 85 and Section 299(2), as well as for development approval periods for completion of development under Section 88 and Section 342. The development benefitted from all three COVID-19 extension notices.

In assessing this extended timeframe, section 87 of the *Planning Act 2016* allows the assessment manager to consider any relevant matter, even if the matter was not relevant to assessing the development application.

In assessing the application to extend the currency period, consideration has been given to intended land use under the current statutory framework. It is noted that the site is identified as a Key Resource Area on the State Planning Policy mapping system. The site is within the Rural Zone under the current *Scenic Rim Planning Scheme 2020* and the proposal would be Impact Assessable if the use was applied for today (originally Impact Assessable).

Further to this, the approved plans and technical reports (traffic, noise etc) remain relevant.

The extension to the currency period is supported on these grounds.

### **Budget / Financial Implications**

Any appeal to the Planning and Environment Court by the applicant or the properly made submitter will result in financial implications not envisaged or captured as part of the application fee.

### **Strategic Implications**

#### *Operational Plan*

Theme: 4. Relaxed Living and Rural Lifestyle

Key Area of Focus: Advocacy for outcomes that are compatible with the clear and comprehensive vision for the region



*Legal / Statutory Implications*

Legal and statutory implications will be managed in line with Council's Risk Management Framework and a separate report submitted if required.

**Risks**Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- SR43 Inadequate or ineffective planning, delivery and maintenance of infrastructure resulting in risk to public and staff safety and potential financial implications.
- SR50 Failure to manage Environmental Sustainability (including climate change) through inappropriate and/or inadequate planning and operational considerations of impacts to the natural environment.
- SR53 Inadequate sustainable economic growth plans in place to appropriately maximise opportunities, resulting in increased pressures on Council and State infrastructure and social environmental cohesiveness.

Risk Summary

Category	Explanation
Governance, Risk & Compliance  Failure to ensure applications are assessed in accordance with the DA process.	Risk has been appropriately managed through a documented assessment process, in accordance with the requirements of the Planning Act 2016.
Environmental  Environmental impacts on environment as a result of development activity.	Environmental impacts have been appropriately considered in accordance with the relevant assessment benchmarks, and conditioned accordingly.
Governance, Risk & Compliance  Opportunity for applicant or third party appeal against Council decision.	Ensure reasonable and relevant test applicable to assessment processes. Council ensure Model Litigant processes followed in court cases.
Reputation, Community & Civic Leadership  Negative perception from community or development proponents.	Transparency of all common material is available to the public and applicant through Council's DAPOnline. Assessment report details considerations in relation to compliance with the relevant assessment benchmarks.

**Human Rights Implications**

No human rights have been impacted by any actions recommended in this report.

## Consultation

### Referral Agencies

The application was referred to the following Referral Agencies in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*.

#### Department of State Development, Infrastructure and Planning (SARA)

The Department of State Development, Infrastructure and Planning was a referral agency for the original application. As the referral agency is the chief executive and the conditions of approval relating to the referral agency response will not be amended, SARA is not an affected entity.

### Internal Referrals

#### *Development Assessment (Engineering)*

Development Assessment (Engineering) reviewed the proposed amendments to the conditions of approval and recommended Conditions 19 and 24 remain unchanged. The response regarding Conditions 3 and 49 was taken under advisement as part of the assessment.

### Public Notification

The original development application was publicly notified for 15 business days from 14 August 2018 in accordance with the requirements of the *Planning Act 2016*. Council received six properly made submissions during the public notification period. In accordance with Section 81(2) of the *Planning Act 2016*, when assessing a change application for a minor change to a development approval, the responsible entity (Council) must consider any properly made submissions about the development application that was approved. Concerns raised by the submitters included:

- Concerns with 24/7 operating hours.
- Noise impacts on the rural amenity of the surrounding area.
- Blasting impacts and nominated hours for blasting.
- Water usage and water impacts on dams.
- Ensuring compliance is achieved with conditions.
- Dust impacts on health, dwellings and cattle.
- Buffer distances between the quarry and identified dwellings.
- Impacts on koala population.
- Impacts on property values.
- Proposed local road design.
- Traffic safety.
- Traffic noise from new road.
- Dust impacts from new road.
- Stormwater impacts generated by new road.
- Impacts on Warroolaba Creek.
- Request that annual extraction volume is capped.
- Desired Environmental Outcomes (DEO's) of Boonah Planning Shire Scheme have not been sufficiently addressed.
- Public notification process.
- Visual amenity issues.
- Need for operation, given proximity of existing/approved quarries.
- L1 RP32834 was not included as a sensitive receptor.

The issues above were addressed in the assessment of the original development application and development conditions imposed to ensure compliance with the planning scheme. Accordingly, the submissions relating to the matters raised in this change application must be considered to ensure compliance is maintained. The conditions proposed to be amended with this change application relate to electricity and external roadworks. Relevant submissions and the officer response with the original development application are as follows:

Matters raised in submission	Original assessment	Change assessment
Proposed local road design	The applicant has submitted technical road designs which demonstrate that a haulage road can be constructed within Council's dedicated road reserve. The new road will be sealed and constructed in accordance with Council's road design standards.	Variation to road design as proposed in the change application is not considered appropriate. Road design will remain in accordance with Council's road design standards.
Traffic safety	The concern in relation to access onto Cunningham Highway has been carefully considered by the Department of Transport and Main Roads within their jurisdiction. The construction of the new road within Council's road reserve will allow for a new property access to be gained from a local road as opposed to a highway in a safe location.	This submission primarily relates to the Cunningham Highway. Design changes to the road network have not been accepted, with original conditions to remain.

## Conclusion

The proposed development complies with the requirements of the *Planning Act* 2016, generally complies with the requirements of the planning scheme and does not raise any significant issues to the existing conditions of approval. The application is therefore recommend for approval in part of the change application and approval in full of the extension application, as outlined in Option 1.

## Options

### Option 1

That:

1. Council receive and note the report titled "MCU25/027 Minor Change to a Development Permit for Material Change of Use involving Extractive industry (including ancillary activities), on land at Unnamed Road and Leitch Road, Rosevale and 299 Hayes Road, Silverdale, described as Lots 2, 7, 8, 10 and 18 RP50377 and Lot 1 RP51909";
2. Council resolve the following in relation to the change application:
  - (a) Council agrees with the applicant's request to amend Condition 49;
  - (b) Council refuses the applicant's request to amend Conditions 19 and 24;
  - (c) Council provides clarification that Condition 3 does not seek to limit the setbacks provided to the northern boundary of Lot 18 RP50377 for the ancillary operations area; and
  - (d) All other conditions remain unchanged; and
3. Council approve the extension application to extend the currency period for a further four years until 26 August 2029.

Option 2

That:

1. Council receive and note the report titled "MCU25/027 Minor Change to a Development Permit for Material Change of Use involving Extractive industry (including ancillary activities), on land at Unnamed Road and Leitch Road, Rosevale and 299 Hayes Road, Silverdale, described as Lots 2, 7, 8, 10 and 18 RP50377 and Lot 1 RP51909";
2. Council resolve the following in relation to the change application:
  - (a) Council agrees with the applicant's request to amend Conditions 19, 24 and 49;
  - (b) Council provides clarification that Condition 3 does not seek to limit the setbacks provided to the northern boundary of Lot 18 RP50377 for the ancillary operations area; and
  - (c) All other conditions remain unchanged; and
3. Council approve the extension application to extend the currency period for a further four years until 26 August 2029.

**11.4 MCU23/103 Development Permit for Warehouse (Self-Storage Facility / Storage Yard) 38 Queen Street, Harrisville Lot 1 RP113052**

**Executive Officer:** Acting General Manager Customer and Regional Prosperity

**Item Author:** Development Assessment Planner

**Attachments:** Nil

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**Councillor Portfolio / Representation**

Not applicable.

**Local Government Area Division**

This report relates to Division 6.

**Executive Summary**

Council is in receipt of a Development Permit for Material Change of Use for Warehouse (Self-Storage Facility/Storage Yard) at 38 Queen Street, Harrisville, described as Lot 1 RP113052. The application has been made by the applicant in response to compliance action.

Pursuant to the Scenic Rim Planning Scheme 2020 (as amended 30 June 2023) (the Planning Scheme), the use for Warehouse is code assessable development within the Township Zone. The applicant has submitted proposal plans, a Traffic Engineering Statement (turning templates), a town planning report, and a Stormwater Management Plan in support of the application.

Whilst Warehouse uses may be contemplated in this location, the associated built form must achieve a high level of streetscape amenity and maintain the existing traditional rural and historical character of the Township Zone.

During the application process, a Further Advice letter was issued outlining officers' concerns, particularly about compliance with the Township Zone Code. The applicant was requested to revise the application material and amend the building design to demonstrate compliance with the Township Zone Code. On 5 November 2024, the applicant responded to Council's Further Advice letter, and confirmed they wished to proceed with the design despite officers' concerns. Further discussions were conducted outlining that the proposed design is not supported by Council officers.

Since this response, consultation with the consultant has occurred on multiple occasions about compliance with the Township Zone Code. Concerns centralised around the proposed built form and character of the development.

This report concludes that the development application does not comply with the Township Zone Code, and that reasonable and relevant conditions could not otherwise be imposed to overcome these conflicts. Where development conditions cannot be imposed to overcome non-compliance with some or all of the assessment benchmarks, an assessment manager may decide to refuse the application.

In accordance with Section 60(5) of the *Planning Act 2016*, the assessment manager may give a preliminary approval for all or part of the development application, even though the development application sought a development permit. As such, it will be recommended that Council give a preliminary approval for the development application for a Material Change of Use involving a Warehouse (Self Storage Facility/Storage Yard) at 38 Queen Street, Harrisville, described as Lot 1 RP113052.

### Recommendation

That:

1. Council receive and note the report titled "MCU23/103 Development Permit for Warehouse (Self Storage Facility/Storage Yard) 38 Queen Street, Harrisville Lot 1 RP113052";
2. Under section 60(2)(b) of the *Planning Act 2016*, Council give a preliminary approval for all of the development application, subject to conditions for Material Change of Use for Warehouse; and
3. Council note that any subsequent request for a negotiated decision notice and/or change application to the approval (MCU23/103), as well as any administrative corrections to the conditions will be processed via delegated authority where the changes would not significantly alter the original decision.

### Previous Council Considerations / Resolutions

Not applicable.

### Report / Background

<b>Applicable Planning Scheme</b>	Scenic Rim Planning Scheme 2020 (as amended 30 June 2023)
<b>Applicant</b>	Baird & Hayes Surveyors and Town Planners
<b>Owner(s)</b>	Cheapaway.com.au Pty Ltd ATF Ashworth Trust
<b>Site Address</b>	38 Queen Street, Harrisville
<b>Real Property Description</b>	Lot 1 RP113052
<b>Site Area</b>	5,655m <sup>2</sup>
<b>Relevant Zone and Precinct</b>	Township Zone No Precinct
<b>Proposal</b>	Warehouse (Self-Storage Facility / Storage Yard)
<b>Assessment Level</b>	Code
<b>Approval Type</b>	Material Change Of Use
<b>Date Application Deemed Accepted</b>	9 October 2023

### Development History

The property has historically been used for commercial and industrial type uses. A shed was constructed on the property in the 1940s and has been used for commercial/industrial purposes over many years.

Council records indicate that a previous land use was granted over the site for a Rural Store (approved by Ipswich City Council) in 2001 for use by Norco Co-Operative Ltd.

Council received complaints about 32 shipping containers on the property and their use as a commercial self-storage business. Investigations were undertaken as to whether the use of land for Warehouse purposes constituted a new use of the premise requiring a Development Permit. It was deemed that the use was consistent with a Warehouse pursuant to the Scenic Rim Planning Scheme 2020 and a permit would be required in order to lawfully operate.

A Show Cause Notice and subsequent Enforcement Notice (Council Record: PBED22/0118) were issued to the applicant about alleged unlawful activity.

### Site Evaluation

The subject site at 38 Queen Street, Harrisville is 5,655 square metres.

There is currently a shed, driveway access, service connections, gravel parking areas and drainage (Stream Order 1 across the north-eastern corner) on the site. The southern access in front of the shed is deemed redundant and will be abandoned. Likewise, existing gravel access fronting Eagle Street will be removed.

The premises is located on the main street of Harrisville and is accompanied by other township type uses. The premises also has frontage to Eagle Street, which is primarily residential detached dwellings.



Figure 1. Aerial Imagery of Locality (Source: Council IntraMaps)

### Proposal

The proposed development is for a Material Change of Use involving Warehouse (Self-Storage Facility / Storage Yard) over the premises referred to as Lot 1 RP113052, 38 Queen Street, Harrisville. The established uses for 'Farm Supply Outlet' and 'Produce Store' associated predominately with the shed on the premises are proposed to be retained. This application seeks retrospective approval for the Warehouse in addition to the existing uses.



As depicted in the site plan (Figure 3), three rows of self-storage units (40 shipping containers) are proposed to accompany a 209.5 square metre Warehouse, equating to approximately 1,102.3 square metres in area. A mixture of shipping containers, cars, trailers, boats, caravans and motorhomes are proposed to be stored on-site. It is also proposed to extend the existing shed.

The proposed development has undergone several iterations since initial lodgement, with a brief summary of events detailed below.

Council officers raised concerns with the applicant in a meeting held on 18 October 2024 about the proposed development conflicting with the Township Zone Code (in particular the proposed built form and character).

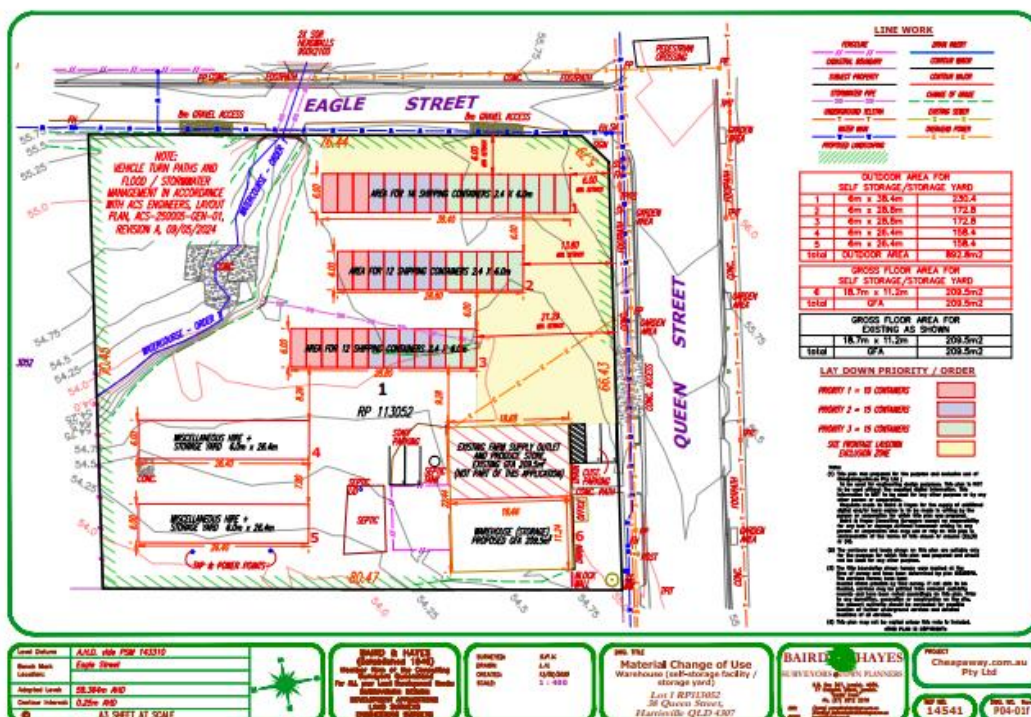
On 4 November 2024, a Further Advice letter was sent to the applicant summarising the concerns with the development as raised during the meeting of 18 October 2024. As part of the Further Advice letter, the applicant was provided further opportunity to respond and otherwise amend their proposal to achieve compliance with the planning scheme.

On 5 November 2024, the applicant responded to the Further Advice Letter, confirming that they wish to proceed with the current design.

Prior to the December 2024 Ordinary Meeting, the report was withdrawn from the Council agenda at the applicant's request. The report was withdrawn to allow further negotiation in relation to the proposal's built form.

On 24 January 2025, Council officers had a meeting with the applicant to discuss possible amendments to the design to address the conflicts identified.

Following this meeting, the applicant proposed changes to reduce miscellaneous hire areas and the storage yard. Changes also involved the inclusion of a laydown exclusion zone (to maintain a minimum 6 metre boundary clearance) and priority laydown/priority order placements (i.e. the order that shipping containers will be placed on-site, focusing on internal areas first, and working their way closer to Queen Street as the demand for storage increases (as depicted in Figure 2).





On 24 March 2025, Council officers provided written advice to the applicant outlining that the shipping containers (in particular aisle 1 and 2) were too close to the front boundary. Advice was provided to increase the exclusion area (no-built area) to maintain a consistent front setback of 21 metres at aisle 3.

Upon the amended design presented, the applicant sought feedback from Council officers. To address Council's concern about the shipping containers from aisle 1 and 2 being too close to the front boundary, the applicant refined their design and proposed to re-locate nine containers to satisfy Council officers' requests to maintain a 21 metre wide exclusion area, to the rear of the premises (where the miscellaneous storage/hire is). This resulted in a variety of miscellaneous items being moved to the front of the property to replace the moved shipping containers (as depicted in Figure 3). This represents the final design provided by the applicant and has formed the basis for the assessment of this application.

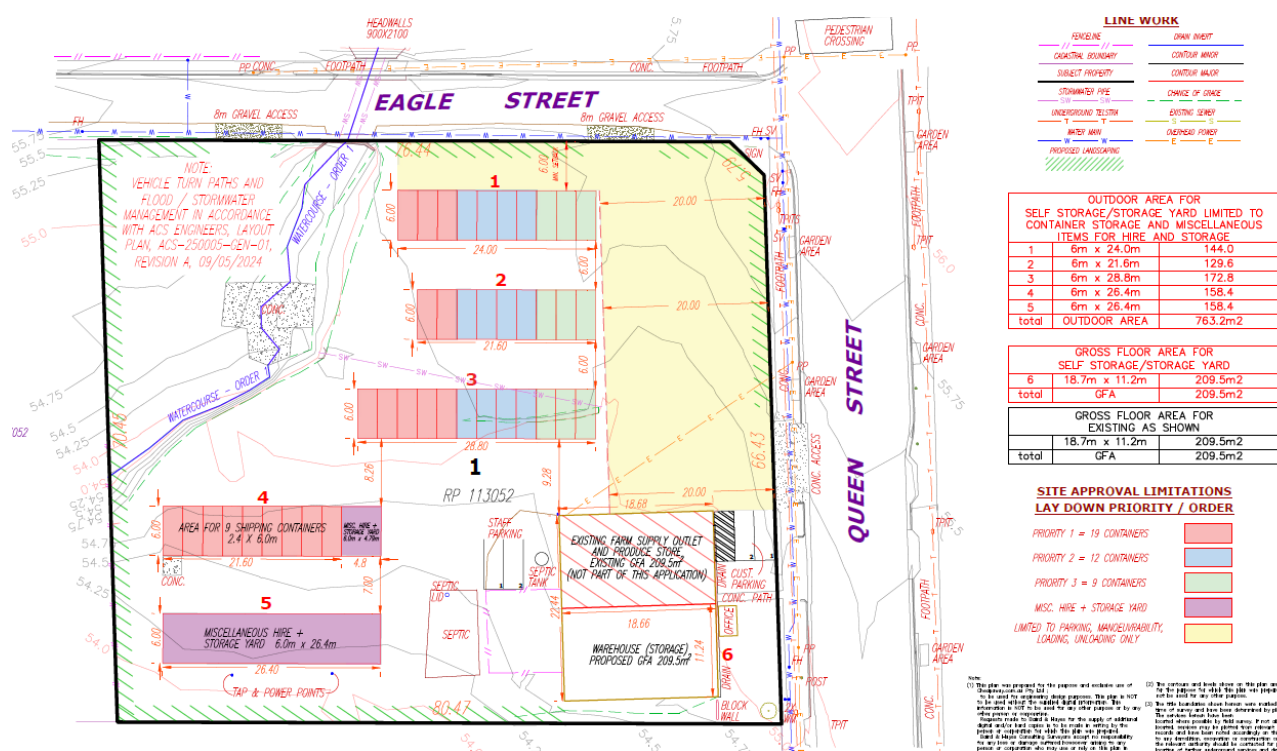


Figure 3: Proposed Site Plan.

The existing access to the eastern boundary (from Eagle Street) is proposed to be closed. Site access is proposed to be from Queen Street.

The site provides a total of 10 car parking spaces inclusive of one car parking space for People with Disability (PWD) and one Heavy Rigid Vehicle (HRV) space to service the proposed use.

Landscaping is proposed around the perimeter of the property to help screen the use from adjoining properties and the roads.

The proposed Warehouse (Self-Storage Facility / Storage Yard) will be operated by two employees who work on-site running the office and coordinating the storage of items on the property.

The self-storage facility is operational 24 hours a day and seven days a week. It will be staffed during regular business hours. Appropriate security lighting is provided such that it offers safety to customers as they attend to the premises.

Framework for Assessment

*Categorising Instruments for Statutory Assessment*

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

Assessment Benchmarks Pertaining to the *Planning Regulation 2017*

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

PLANNING REGULATION 2017 DETAILS		
Assessment Benchmarks:	<p>DAMS Mapping Layers:</p> <ul style="list-style-type: none"> <li>• SEQ Regional Plan Land Use Category</li> <li>• Queensland waterways for waterway barrier works</li> <li>• Water resource planning area boundaries</li> <li>• Great artesian water resource plan area</li> <li>• State-controlled road</li> <li>• Area within 25m of a State-controlled road</li> </ul> <p>SPP Mapping Layer</p> <ul style="list-style-type: none"> <li>• Agriculture                             <ul style="list-style-type: none"> <li>- Important agriculture areas</li> </ul> </li> <li>• Biodiversity                             <ul style="list-style-type: none"> <li>- MSES- Regulated vegetation (intersecting a watercourse)</li> </ul> </li> <li>• Natural Hazards Risk and Resilience                             <ul style="list-style-type: none"> <li>- Flood hazard area- Level 1 - Queensland floodplain assessment overlay*</li> <li>- Flood hazard area- Local Government flood mapping area*</li> </ul> </li> <li>• Transport Infrastructure</li> <li>• State-controlled road</li> </ul>	
ShapingSEQ South East Queensland Regional Plan 2023 Designation:	Urban Footprint	

### State Planning Policy

The State Planning Policy identifies the following aspects as applicable to the subject site:

- Agriculture
  - Important agricultural areas
- Biodiversity
  - MSES- Regulated vegetation (intersecting a watercourse)
- Natural Hazards Risk And Resilience
  - Flood hazard area - Level 1 - Queensland floodplain assessment overlay\*
  - Flood hazard area - Local Government flood mapping area\*
- Transport Infrastructure
  - State-controlled road

Notwithstanding, the Scenic Rim Planning Scheme 2020 (as amended 30 June 2023) confirms that the State Planning Policy requirements are appropriately reflected within the Scheme, and no further assessment is required.

### ShapingSEQ South East Queensland Regional Plan 2023

The subject site has been identified within the Urban Footprint of the ShapingSEQ South East Queensland Regional Plan 2023, which broadly speaking, is intended to cater to the region's urban development.

The scale of the proposed development does not trigger the regulatory provisions.

### Assessment Benchmarks Pertaining to the Planning Scheme

The applicable planning scheme for the application is the Scenic Rim Planning Scheme 2020 (as amended 30 June 2023). The following sections relate to the provisions of the Planning Scheme.

Planning Scheme:	Scenic Rim Planning Scheme 2020 (as amended 30 June 2023)
Zone:	Township Zone No Precinct
Consistent/Inconsistent Use:	Consistent
Assessment Benchmarks:	Township Zone Code General Development Provisions Code Earthwork Construction and Water Quality Code Infrastructure Design Code Landscaping Code Parking and Access Code

### Planning Scheme Codes

The application has been assessed against each of the applicable codes. The pertinent issues arising out of assessment against the codes are discussed below:

### Township Zone Code

#### 6.2.19.2 Purpose and Overall Outcomes

- 1) *The purpose of the Township Zone is to provide for*
  - b. *A variety of uses and activities to service local residents, including, for example, business, community, education, industrial, open space, recreation, residential or retails uses or activities; and*

The Township Zone comprises a variety of land uses including small scale industry, to service residents. The proposed Warehouse land use itself does not contravene this intent, provided it is of local scale and design outcome which integrates with the surrounding character.

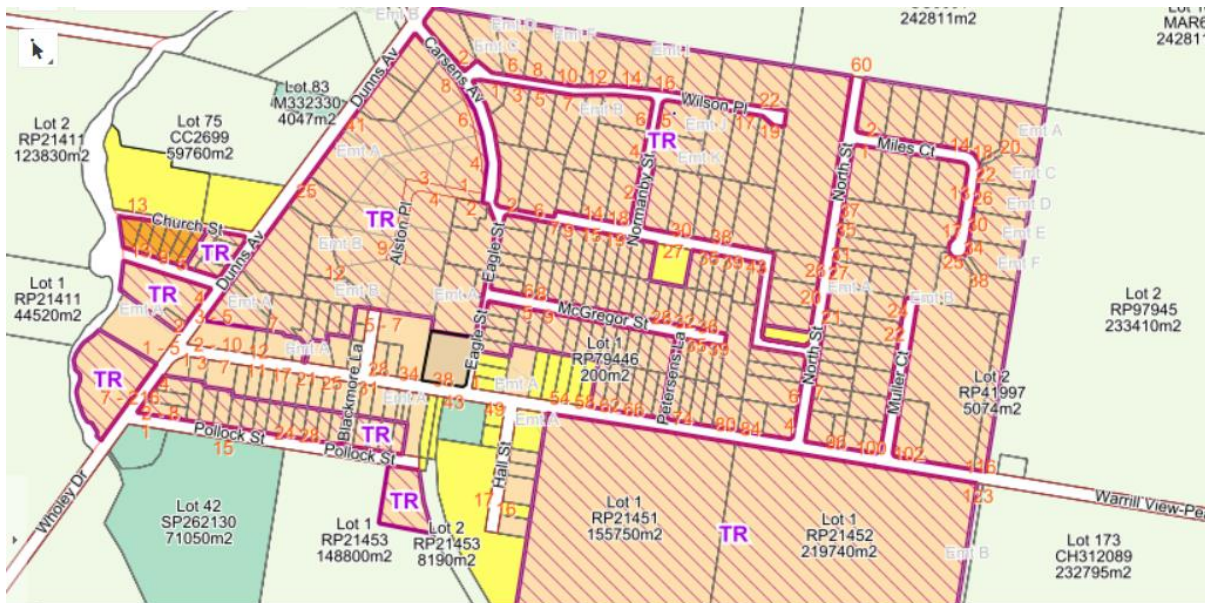


Figure 4. Zoning Map (Source: Scenic Rim IntraMaps)

- 2) *The purpose of the Township Zone (Where no precinct applies) will be achieved through the following overall outcomes:*
  - a) **Development:**
    - ii. *Supports the needs of the township and its immediate rural or rural residential catchment;*
    - iii. *Contributes to place making and provides a high level of streetscape amenity;*
    - iv. *Maintains the existing traditional rural village and historical character;*
  - b) **Character:**
    - i. *is small historical settlements with a 'main street' focus surrounded by rural or rural residential areas;*
    - ii. *is a predominately low rise and low scale mixed-use setting where rural township character is maintained through the retention of traditional or heritage design elements;*

Despite the applicant's proposed changes to the initial design, the proposed, in its current form, is not suitable for the proposed location. The subject land is located in the centre of the Harrisville main street and is bounded by a mixture of commercial and residential land uses. This location requires a high level of streetscape amenity to contribute to place making and to ultimately support the commercial growth of the main street.

The refined design includes a slight reduction in storage area and the introduction of an exclusion area. However, the exclusion area is now proposed to include a number of miscellaneous items previously situated to the rear of the property/ In review of the amended design, the proposed development still contains a large impervious area, which is not aligned with the existing traditional rural village and historical character of the locality. Further, the applicant has proposed to retain this area as gravel hardstand, resulting in impacts associated with dust nuisance. The Harrisville Township contains a low rise streetscape with active street frontages that address the street and contribute to a high level of streetscape amenity.



Structures along Queen Street are characterised by large porches and verandahs built to the boundary. The proposed development will be in the form of fragmented shipping container blocks and large hardstand areas when viewed from the street. The applicant has proposed landscaping treatment along the perimeter to screen the development from the street and reduce visual amenity impacts. This raises further issue in that this location is required to address the street to contribute to the overall amenity of the streetscape.

The built form along the frontage will take up to 22.4 metres of a 66 metre frontage, resulting in a bulky and out-of-scale outcome with no opening that addresses the street. The proposed development (introduction of three rows of shipping containers at the front and nine individual containers to the rear of the property) consists of flat-roofed structures with blank walls, no heritage design elements and minimal variation in depth that makes the development industrial in nature. This is contrary to the overall character sought in this Zone for the Harrisville main street.

Despite the reduction in shipping containers to the front of the property, the new layout still results in shipping containers that accommodate approximately 24 metres of the Eagle Street frontage and present as a consistent blank wall.

There are no character elements that have been included to address the Queen Street frontage of the site. Therefore, the development is not considered to be sympathetic to the adjoining built form and detracts from the existing traditional rural village and historic character of the Zone.

Development should provide a strong visual connection with the street and include historical features such as timber framing, decorative features common in rural Queensland style architecture.



Figure 5. The hardstand area is visible when travelling from a western to eastern direction on Queen Street.

**b) Land uses:**

- iv. *Include low impact industrial activities limited to Bulk landscape supplies, Low impact industry, Transport depot and Warehouse where not detracting from the amenity of adjacent land in a residential zone.*
- vii. *Are limited to*
  - A. *The use listed as a consistent use in column 1 of Table 6.2.19.2.2.1 - Consistent Uses and Potentially Consistent Uses in the Township Zone (Where no precinct applies) to occur.*

Whilst it is acknowledged that the design for this proposed development is similar in design and landscaping elements to other storage facilities, it is not considered to be an appropriate design for an area situated within the Township Zone, particularly given its proximity to the central business district of Harrisville and adjoining heritage style buildings. As shown in Figure 4, the subject property shares a common boundary with a Township residential property and is within close proximity to the dwelling at 7 Eagle Street. The proposed development design does not proactively complement the amenity of the surrounding area. It is acknowledged that this use could be appropriately established on this site, however the proposed built form is not supported as discussed further below.

**d) Built form:**

*ii. enhances the streetscape character of the township by:*

*A. locating buildings close to the street;*

*B. locating and designing buildings to address the street and public spaces;*

*C. locating on-site car parking behind and/or to the side of buildings; and*

*D. designing attractive building facades;*

*iii. is designed to ensure outdoor storage, utility, service and loading areas are screened from public view to maintain the amenity of the street and public spaces, and adjacent land in a residential zone;*

*iv. is designed to not detract from the amenity of nearby land in a residential zone; and*

*v. retains the township's existing traditional rural village or historical character by incorporating design elements found in existing traditional buildings such as roof form, use of materials, scale and setbacks.*

Whilst there is landscaping proposed along the property boundaries, as reflected in the proposal plans, the intent of this Zone is for buildings to address the street, encouraging public interaction, rather than sheltering the site from the main street. Screen planting contradicts the intent for buildings which address the street.

The proposed design does not address the street nor provide any façade articulation or character features such as active frontages, verandas and entrance openings. The adjoining commercial land use (Shops) on Queen Street (being a hair salon, café and hotel) display a distinct traditional rural character and built form (as depicted in Figure 6).

It is noted the current design lacks attractive building facades which distracts from the streetscape character of the Harrisville township and will not be addressed with the inclusion of shipping container storage as a built form.

As discussed, the proposed hardstand area and shipping containers will be prominent when travelling along Queen Street from a western to eastern direction, despite the landscaping strip being proposed along the street frontage and property boundaries. Concerns over the amenity of the street and public space remain.

The proposed development does not achieve the Overall Outcomes of the Township Zone Code.



Figure 6. Adjoining Shops on Queen Street . Adjoining shops are characterised by active street frontage (verandah that extends to front boundary) and a welcoming entrance.

**AO1** Building setbacks are as follows:

<b>Setback</b>	<b>Minimum distance Measured in Metres (m)</b>
Street frontage for other uses (non-residential activities)	0m (Maximum 1.5m)

**PO1** Building setbacks:

1. contribute to the streetscape character;
2. assist in the protection of the amenity of adjacent land in a residential zone; and
3. allow for access and landscaping around the building.

**AO1.1** Buildings are designed to address the street and public spaces.

**AO1.2** Buildings achieve visual interest through variation in:

1. colour, patterns, textures and building materials; and
2. parapet design or roof form.

**AO1.4** Building entrances are clearly visible from the street.

**PO1**

Development presents an attractive frontage to all streets and public spaces and enhances the character of the zone through:

1. ensuring buildings address the street and public spaces;
2. ensuring buildings are visually interesting through variation to the external appearance;
3. providing opportunities for casual surveillance; and
4. clearly defined building entrances.

The proposed development will result in buildings setback a minimum of two metres from the frontage of the site. Unlike most Zones that stipulate a minimum setback, the Township Zone requires a maximum setback from the street frontage of 1.5 metres for non-residential uses. This reflects the intent of the Overall Outcomes of the Zone, which encourage buildings to connect and to contribute to the overall streetscape character of the area.

The proposed (shipping container) built form does not address the street nor provide visual interest or opportunity for casual surveillance. There are no openings, windows or entry-ways defined. Therefore, PO1 is not complied with.

## **PO2**

*Development:*

1. *avoids large areas of hard stand addressing streets and public spaces; and*
2. *locates parking areas behind and/or to the side of buildings*

It is noted that the proposed development compromises of 91.4% of impervious area. The proposed landscape strips stop at the crossover at Queen Street, and the hardstand area and shipping containers will remain highly visible when viewed from Queen Street (particularly when traveling Queen Street from a west to east direction).

## **PO3**

*Buildings are designed to retain the historical or traditional rural village character by using design elements found in existing traditional buildings, including:*

1. *similar roof form or parapet design;*
2. *use of complementary materials, colours, patterns and textures;*
3. *similar bulk and scale; and*
4. *little to no front boundary setback.*

No changes or alterations to the appearance and design of the existing farm supply outlet are proposed. The storage areas (shipping containers) are flat-roofed with no variation in roof form. There is no proposed architectural detailing or heritage design elements incorporated into the existing farm supply outlet or shipping containers. The proposed development does not complement or retain the historical or traditional rural village character within the Township Zone. The performance outcome has not been met as roof forms, built form generally, complementary material, colours and textures are not incorporated into the proposal and the proposal is not in keeping with the traditional rural village character.

## **PO5**

*Outdoor storage, utility, service and loading areas are screened so they are not visible from:*

1. *the street and public spaces; and*
2. *land in adjacent residential zone*

It is noted that the proposed development compromises 91.4% of impervious area and the proposed landscaping strips stop at the crossover at Queen Street. The hardstand area and shipping containers will remain visible when viewed from Queen Street (particularly when travelling along Queen Street from west to east direction).

The vegetation buffer will partially screen the shipping containers when viewed from adjoining residential dwellings on Eagle Street. This performance outcome is intended for ancillary utilities associated with non-residential uses to improve aesthetics. It is not intended that dense vegetation is provided adjacent to the Queen Street frontages, as outlined in Performance Outcomes 1, 2 and 3 of the Township Zone Code.



It is considered that this Performance Outcome addresses ancillary utility and service areas (such as 'back of house' services likely usually accompanied with non-residential uses expected on a main street).

***PO7 Industrial activities are of a low intensity and do not detract from the character and amenity of the township.***

As previously outlined, the proposed Warehouse development in its current form, is considered to detract from the character of the township through its design. The limited activation with street frontages, building design, substantial impervious areas and overall appearance are not considered to be consistent with the Township Zone Code and are seen to detract from the overall character of this area. Therefore, the proposed development is not considered to comply with the Performance Outcome. Council officers are of the view that the proposed development is unable to demonstrate compliance with the Township Zone Code and Council cannot through the imposition of reasonable and relevant conditions achieve compliance. As such Council officers recommended that a Development Permit is not issued.

#### Compliance with the General Development Provisions Code

Council officers reviewed the proposal and submitted supporting specialist reports. It is considered that the proposal is not likely to result in significant emission, environmental harm or environmental nuisance (the release of containments, eg. noise, odour, light, dust, and particulates).

Loading/unloading is proposed to be undertaken on the premises, whilst the car park area proposed is adequate to service the use. The proposed use is unlikely to result in vehicle queuing on Queen Street/Eagle Street, as such lifestyle values of adjacent lots are not likely to be affected.

The proposed Warehouse (self-storage) is to be operated 24/7. Lightning is to be directed into the property for security and safety during the night. Landscaping works are proposed to reduce light spillage. If approved, outdoor lighting conditions would be required to ensure minimal light nuisance to adjoining sensitive receivers and compliance with the Acceptable Outcome (AO7) related to outdoor lightning.

If approved, waste conditions could be imposed to ensure waste is lawfully disposed by contractor waste companies or Council waste collection/facilities. There is sufficient room for waste storage and collection. .

#### Compliance with the Earthwork, Construction and Water Quality Code

As per the proposal, no earthwork is proposed to facilitate the proposed development. Shipping containers will be sitting on the existing natural surface of the ground.

If approved, conditions could be imposed to achieve compliance with the Earthworks, Construction and Water Quality Code.

#### Compliance with Infrastructure Design Code

The Warehouse would be serviced by all necessary infrastructure. All existing services to the shed would be maintained (electricity, water, telecoms, roof water drainage).

The existing gravel surface would be retained. No additional concrete surfaces are proposed to minimise impervious areas. If approved, the infrastructure provided as part of the development would comply with the Infrastructure Design Code and satisfy Council's acceptable standards under Council officers' imposed conditions.

Compliance with the Landscaping Code

The subject site is within the Township Zone, which shares a common boundary (northern and eastern) with property within the township residential precinct. The proposed development includes a two metre wide landscaping buffer strip around the boundaries of the site (as reflected in the proposal plan).

Compliance with the Parking and Access Code

The Planning Scheme requires a Warehouse (Self-Storage) to provide one space per 100 square metres GFA and a space for articulated vehicles. The proposed Warehouse covers approximately 1,181 square metres, and the proposal includes a total of 10 parking spaces, in addition to the two existing customer parking spaces in front of the Rural Supply Store, to service the proposed use. Noting the nature of the proposed use and existing parking available (including staff parking), if approved, car parking provision rate stipulated in Table 9.4.5.3.3 Car and Service Vehicle Parking is met.

In review of the submitted site and turning templates, it is likely the site can accommodate vehicle loading and unloading and manoeuvring.

The proposal generally adheres to the Parking and Access Code.

Assessment Benchmarks Pertaining to a Temporary Local Planning Instrument

Not applicable.

Applicable Infrastructure Charges

If approved, relevant infrastructure charges would apply.

Quantum of Conditions Necessary to Address Non-Compliance with the Township Zone Code

Assessment of this proposal included a thorough assessment of the built form and character of the proposed development.

The application has also been reviewed independently by a third party town planning consultant. Similar concerns in relation to built form and character were raised.

After several iterations, Council officers recommended a range of potential conditions to address built form and character of the proposed development, should the proposal be supported, including but not limited to:

- Conditioning to maintain a 21 metre exclusion area (consistent with the setback of shipping container aisle 3) to allow future built form.
- Condition to maintain a two (2) metre wide landscape buffer to the eastern part of the exclusion area to screen the shipping containers until such time as an appropriate built form is constructed.
- Applicant to demonstrate the exclusion area to be located outside the vehicle movement area.
- Requiring turning template to demonstrate the site can accommodate vehicle loading and unloading and manoeuvring.

It is considered that if imposed, these conditions would significantly alter what the applicant applied for. The applicant will lose at least nine shipping containers to maintain the exclusion area, which accounts for almost 25 percent of the total shipping containers that the applicant seeks in the initial design. For this reason, issuing a Development Permit subject to reasonable and relevant conditions would not be possible without substantially altering the development applied for.

### Section 60 of the *Planning Act 2016*

Based on the assessment undertaken, the issuing of a Development Permit for a Warehouse (Self Storage Facility/Storage Yard) is not considered appropriate given the non-compliance with the assessment benchmarks of the Township Zone Code. However, Section 60(5) of the *Planning Act 2016* outlines:

- 5) *The assessment manager may give a preliminary approval for all or part of the development application, even though the development application sought a development permit.*

As outlined in Section 49(2) of the *Planning Act 2016*:

- (2) **A preliminary approval** is the part of a decision notice for a development application that -
- (a) *approves the development to the extent stated in the decision notice: but*
  - (b) *does not authorise the carrying out of assessable development.*

Non-compliance with the relevant assessment benchmarks is primarily associated with the development's ability to comply with the Township Zone Code. The assessment undertaken recognises that the Township Zone contemplates a variety of land uses including small scale industry, to service local residents. The proposed Warehouse land use itself does not contravene this intent, provided it is of local scale and design outcome which integrates with the surrounding character.

As such, it is recommended that Council gives a preliminary approval for the development application for a Material Change of Use involving a Warehouse (Self Storage Facility/Storage Yard) at 38 Queen Street, Harrisville, described as Lot 1 RP113052. Conditions are able to be imposed stipulating a maximum number of containers and outdoor storage areas approved and will provide a framework for the applicant to lodge a Development Permit that addresses the design requirements of the Township Zone Code, in a manner that the current application does not.

### **Budget / Financial Implications**

Costs associated in the assessment of the development application are recovered through the applications fees paid at the time of lodgement.

### **Strategic Implications**

#### *Operational Plan*

Theme: 4. Relaxed Living and Rural Lifestyle

Key Area of Focus: Advocacy for outcomes that are compatible with the clear and comprehensive vision for the region

#### *Legal / Statutory Implications*

Legal implications to be managed through Councils risk management framework.

## Risks

### Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- SR43 Inadequate or ineffective infrastructure planning and maintenance resulting in failure of infrastructure and associated risks to public and staff safety and subsequent potential financial implications
- SR50 Failure to manage Environmental Sustainability (including climate change) through inappropriate and/or inadequate planning and operational considerations of impacts to the Natural Environment.
- SR59 Non-compliance with legislation and/or procurement policies and procedures resulting in successful claim against Council beyond limit insured for.

### Risk Summary

Category	Explanation
Governance, Risk & Compliance  Failure to ensure applications is assessed in accordance with the DA process	Risk has been appropriately managed through a documented assessment process, in accordance with the requirements of the <i>Planning Act 2016</i> .
Environmental  Environmental impacts on environment as a result of development activity	Environmental impacts have been appropriately considered in accordance with the relevant assessment benchmarks, and conditioned accordingly.
Governance, Risk & Compliance  Opportunity for applicant or third party appeal against Council decision	Ensure reasonable and relevant test applicable to assessment processes. Council ensure Model Litigant processes followed in court cases.
Reputation, Community & Civic Leadership  Negative perception from community or development proponents	Transparency of all common material is available to the public and applicant through Council's DAP Online. Assessment report details considerations in relation to compliance with the relevant assessment benchmarks.

## Human Rights Implications

No human rights have been impacted by any actions recommended in this report.

## Consultation

### Referral Agencies

The application was referred to the following Referral Agencies in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*.

#### *Department of Infrastructure, Local Government and Planning (SARA)*

The Department of Transport and Main Road is a referral agency for assessing development near a state transport or this is a future transport corridor. The Department responded by letter dated 21 November 2023 stating that SARA approve the application subject to conditions.

The reasons for the decision are as follows:

With conditions, the development complies with State Code 1- Development in a state-controlled road environment SDAP. Specifically, the development does not:

- Increase the likelihood or frequency of accidents, fatalities, or serious injury for user of a state-controlled road.
- Adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure.
- adversely impact the function efficiency of state-controlled roads or future state-controlled roads.
- adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- adversely impact the state's ability to operate public passenger services on state-controlled roads.

#### Internal Referrals

##### *Development Assessment (Engineering)*

The Stormwater Management Plan prepared by ACS Engineers dated May 2024, Traffic Engineering Statement prepared by ACS Engineers dated May 2024 was referred to the Development Assessment Engineering for review.

#### Internal Briefing

On 16 October 2024, the officer's assessment was brought to an internal briefing. It was advised that the proposed development in its current form does not comply with the Township Zone Code and compliance is unlikely to be achieved through imposing relevant and reasonable conditions. The officer's assessment report concluded with a recommendation for refusal.

On 22 April 2025, the officer's assessment was brought to an internal briefing. It was advised that the current form (as depicted in Figure 3 of the report) conflicts with the Township Zone Code and compliance is unlikely to be achieved through imposing relevant and reasonable conditions. The proposal needs to be re-designed to be warrant Council's approval.

#### Applicant

- On 18 October 2024, a meeting was held with the applicant in relation to the identified conflicts with the Township Zone Code.
- On 4 November 2024, a Further Advice letter was sent to the applicant summarising the concerns with the development as raised during the meeting held on 18 October 2024. As part of the Further Advice letter, the applicant was provided further opportunity to respond and otherwise amend their proposal to achieve compliance with the planning scheme.
- On 5 November 2024, the applicant responded to the Further Advice Letter, confirming that they wish to proceed with the current design.
- On 21 November 2024, an extension to the decision making period was mutually agreed upon to allow the application to be considered at the Ordinary Meeting in December 2024.
- Prior to the December 2024 Ordinary Meeting, the report was withdrawn from the Agenda at the applicant's request. The report was withdrawn to allow further negotiation in relation to the proposed development's built form.
- On 24 January 2025, Council officers had a meeting with the applicant to discuss possible amendments to design to address the conflicts identified.

- Upon the meeting with the applicant, the applicant presented an amended design on 13 February 2025. The proposed change included a reduction in miscellaneous hire area and storage yard, inclusion of laydown exclusion zone (to maintain a minimum 6 metre boundary clearance), proposed priority laydown/priority order (i.e. the order that the shipping containers will be placed on-site, focusing on internal areas first, and working their way closer to Queen Street as the demand for storage increases).
- On 24 March 2025, Council officers provided written advice to the applicant stating the shipping containers (in particular aisle 1 and 2) were too close to the front boundary and that the layout/appearance remains the same if the use is as constantly at capacity. Advice was provided to increase the exclusion area (no-built form area) to maintain a consistent front setback of 21 metres at aisle 3.
- On 26 March 2025, the applicant provided written response addressing Council's concern on proposed shipping containers from aisle 1 and 2 being too close to the front boundary. The applicant proposed to shift the nine containers removed by Council's request to maintain a 21 metre wide exclusion area, to the rear of the premises (where the miscellaneous storage/hire yard is). However, this resulted in the proposal for a number of miscellaneous items to the rear of the property to be re-located to the front of the site where the nine containers were previously removed under the revised layout. The application has been assessed based on this revised design.

## Conclusion

The proposed Warehouse use does not, in principle, conflict with the overall intent of the Township Zone Code, which contemplates a mix of land uses, including small-scale industrial activities intended to serve the local community. However, in its current scale and built form, the proposed development is deemed non-compliant with the Township Zone Code and is likely to undermine the objective of preserving and enhancing the established character within the Harrisville township. Therefore, in accordance with Section 60(5) of the *Planning Act 2016*, the development is recommended as a preliminary approval only, rather than the development permit applied for.

As part of a preliminary approval, Council officers have imposed conditions limiting the number of shipping containers and the extent of outdoor areas permitted. These conditions substantially alter the applicant's original proposal, resulting in a reduction of approximately 25 percent of the shipping containers initially sought. Notwithstanding, the preliminary approval establishes a framework through which the applicant may submit a revised Development Permit that appropriately addresses the design requirements of the Township Zone Code, noting the requirements are not adequately met in the current application.

## Options

### Option 1

That:

1. Council receive and note the report titled "MCU23/103 Development Permit for Warehouse (Self Storage Facility/Storage Yard) 38 Queen Street, Harrisville Lot 1 RP113052",
2. Under section 60(5) of the *Planning Act 2016*, Council give a preliminary approval for all of the development application, subject to conditions, to be attached for Material Change of Use for Warehouse; and
3. Council note that any subsequent request for a negotiated decision notice and/or change application to the approval (MCU23/103), as well as any administrative corrections to the conditions will be processed via delegated authority where the change would not significantly alter the original decision.

Option 2

That:

1. Council receive and note the report titled "MCU23/103 Development Permit for Warehouse (Self Storage Facility/Storage Yard) 38 Queen Street, Harrisville Lot 1 RP113052"; and
2. Council refuse development application MCU23/103, for the reasons as outlined in this report and as stated below:
  - a. The proposed development conflicts with the following provisions of the Scenic Rim Planning Scheme 2020 (as amended 30 June 2023):
    - i. Overall Outcomes 2.a. *Development*, 2.c. *Character* and 2.d. *Built form* of the Township Zone Code;
    - ii. Performance Outcomes PO1, PO2, PO3 and PO7 of the Township Zone Code (Table 6.2.19.3.2);
  - b. The non-compliance with the above provisions does not resolve a conflict between benchmarks within the Township Zone Code; and
  - c. Compliance cannot be achieved by imposing development conditions.
3. Council provide the applicant six months to cease operating the use as outlined in the Enforcement Notice dated 10 May 2023.

Option 3

That:

1. Council receive and note the report titled "MCU23/103 Development Permit for Warehouse (Self Storage Facility/Storage Yard) 38 Queen Street, Harrisville Lot 1 RP113052";
2. Under section 60(1)(b) of the *Planning Act 2016*, Council approve the development application (MCU23/103) despite the identified conflicts with the relevant assessment benchmarks, subject to conditions; and
3. Council note that conditions of approval will be prepared via delegated authority, to attach to the approval.



**11.5 2025 The Long Sunset - Update**

**Executive Officer:** Acting General Manager Customer and Regional Prosperity

**Item Author:** Principal Specialist Regional Prosperity /  
Acting Manager Regional Prosperity and Communications

**Attachments:** Nil

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**Councillor Portfolio / Representation**

Tourism and Regional Events - Cr Jennifer Sanders

**Local Government Area Division**

This report relates to the whole Scenic Rim region.

**Executive Summary**

In December 2024, Council approved an interim sponsorship of \$100,000 towards the staging of The Scenic Rim Trail and The Long Sunset 2025, pending presentation of independent research outcomes and a full post-event report from Queensland Music Festival (QMF).

At the Ordinary Meeting held on 26 March 2025, Council was presented with an update on outcomes associated with the delivery of The Scenic Rim Trail and The Long Sunset 2024, co-presented by Council in partnership with QMF.

These outcomes were presented to allow Council to finalise its level of 2025 sponsorship support. At the March meeting, Council endorsed sponsorship with three conditions, one of which was that Elysian Fields (Aquis Farm) be secured as the 2025 event venue for The Long Sunset, as at the time of presenting the report, a venue was not confirmed by QMF.

On 9 April 2025, Aquis Farm formally advised Council that the board decided Aquis Farm will not be proceeding with hosting the Long Sunset at Elysian Fields 2025.

Following this decision, Council officers have been working with QMF for an alternative location. The new proposed location for the Long Sunset 2025 is at the Boonah Showgrounds, to be held 31 October to 2 November 2025.

On 23 June 2025, QMF submitted an updated proposal for Council consideration, reflective of the change in venue and dates. QMF provided a further update on 23 May 2025 on progress of the event.

It is intended that Council officers will discuss the updated proposal and provide further details on secured talent, site plan, community engagement, approvals and permits, based on the information provided by QMF to date.

**Recommendation**

That:

1. Council approve a Category 2 event sponsorship total of \$75,000 for The Scenic Rim Trail and The Long Sunset 2025, in accordance with the Regional Events Sponsorship Council Policy and Corporate Procedure; and
2. The sponsorship is to be conditional upon:
  - (a) Queensland Music Festival utilising \$20,000 of this funding to improve integration and presentation of local Scenic Rim performers and artists;
  - (b) A mutually acceptable Council compliant venue in the Scenic Rim being secured as the 2025 event venue for The Long Sunset; and
  - (c) Queensland Music Festival providing a Scenic Rim Trail proposal for 2025 to Council including further detail on the proposed 2025 trail of events and an update on headline artist negotiations, ticket pricing, and planning for The Long Sunset.

**Previous Council Considerations / Resolutions**

At the Ordinary Meeting held on 26 March 2025, Council resolved that:

1. Council approve a Category 2 event sponsorship total of \$150,000 for The Scenic Rim Trail and The Long Sunset 2025, in accordance with the Regional Events Sponsorship Council Policy and Corporate Procedure;
2. The sponsorship is to be conditional upon:
  - (a) Queensland Music Festival utilising \$20,000 of this funding to improve integration and presentation of local Scenic Rim performers and artists, and to provide appropriate weather resistant stall infrastructure for Scenic Rim producers and makers;
  - (b) Elysian Fields (Aquis Farm) being secured as the 2025 event venue for The Long Sunset; and
  - (c) Queensland Music Festival providing a Scenic Rim Trail proposal for 2025 to Council including further detail on the proposed 2025 trail of events and an update on headline artist negotiations, ticket pricing, and planning for The Long Sunset.

At the Ordinary Meeting held on 18 December 2024, Council resolved that:

1. Council approve an interim Category 2 event sponsorship of \$100,000 for The Long Sunset 2025, pending provision of independent research outcomes, and in accordance with the Regional Events Sponsorship Council Policy and Corporate Procedure;
2. Council review The Long Sunset sponsorship commitment in March 2025 to a maximum total of \$150,000 based on Council's economic return objectives;
3. Council approve the ancillary expenditure of \$20,000 to fund leveraging initiatives, including a destination led media campaign to raise the profile of the Scenic Rim to increase event visitation and length of stay; and
4. Council acknowledge alternate funding sources will be pursued to offset Council's investment including federal arts funding and corporate sponsorship.

## Report / Background

### Briefing and report provided in March 2025

This report provides a further update on outcomes associated with the delivery of The Scenic Rim Trail and The Long Sunset 2024, co-presented by Council in partnership with QMF.

In December 2024, Council approved an interim sponsorship of \$100,000 towards the staging of The Scenic Rim Trail and The Long Sunset 2025, pending presentation of independent research outcomes and a full post-event report from QMF.

This reporting has now been received and QMF are seeking confirmation of Council's sponsorship towards these events for 2025.

### Background

The Long Sunset 2024 was held at Elysian Fields in Boyland across the weekend of 1-3 November. The music festival was presented as part of The Scenic Rim Trail, also incorporating the Taste of Country event at The Overflow Estate 1895.

The goal of the 2024 events was to generate increased attendance and economic outcomes (in line with those achieved in 2022). Both parties acknowledged the mitigating circumstances that impacted the performance of the 2023 event and 2024 was seen as a 'make or break' year. There was some uncertainty around whether the event would bounce back given the ongoing cost of living pressures and other industry factors. This led QMF to implement a ticket pricing strategy that was affordable to all. While this strategy delivered a 'sold out' event, it came at significant cost to QMF's operational budget (circa \$800k).

### 2024 Outcomes

To qualify for Regional Events Sponsorship, the success of the event is largely measured by economic return objectives, these are summarised below:

<b>Metric</b>	<b>2023</b>	<b>2024</b>	<b>Increase</b>
Total Overnight Visitor Expenditure	\$285,272	\$1,174,473	312%
Total Daytripper Expenditure	\$53,785	\$338,267	529%
Total Direct and Incremental Expenditure Scenic Rim	\$361,328	\$1,484,044	311%
Total Direct and Incremental Expenditure Queensland	\$425,651	\$1,779,599	318%

The events within The Scenic Rim Trail generated a high level of visitor satisfaction, with 77% of the audience surveyed rating their overall experience at The Long Sunset a 9+ out of 10. 90% also indicated they would be likely or very likely to attend the event again.

The region's profile was also raised through the sponsorship. Event media coverage reached 383,000 persons and generated the equivalent of \$246,000 in Advertising Sales Revenue value, while marketing 'impressions' are estimated at over five million.

In addition to the above, Council worked closely with QMF to ensure representation of our traditional owner groups, local performers, workshop facilitators, food and beverage producers and artisans at the 2024 event. This resulted in the strongest representation of the Scenic Rim at the event since its inception. However there is still room for improvement, particularly around the presentation of local producers and artisans and further integration of local artists and arts organisations like Tamborine Mountain Arts Collective (TMAC) into the program.

Some negative visitor feedback was received around lack of shade, food options, camping restrictions and customer service. Council will work with QMF to ensure this is addressed in 2025 planning.

#### Initial 2025 Sponsorship Request

Based on performance and the agreed benchmarks set at the outset of planning, in March 2025 Council increased the interim sponsorship commitment of \$100,000 made in December to \$150,000. Council staff support this increase with some conditions, as follows:

- The stallholder presentation of local producers and artisans is improved and they are provided with appropriate weather resistant infrastructure by QMF.
- Efforts are made to secure greater involvement by local artists and arts organisations like TMAC.
- Elysian Fields is secured as the venue. There is no agreement in place with Aquis presently and this presents some risk.
- QMF provide a Scenic Rim Trail proposal for 2025 including further detail on the proposed 2025 trail of events and an update on headline artist negotiations, ticket pricing, and planning for The Long Sunset.

Since December, Council staff have also investigated avenues to reduce Council's financial commitment. Due to the resourcing required to pursue these opportunities, it has been determined that securing third party funding will not be achievable in 2025, but remains a priority for 2026 and beyond.

#### Briefing and report update - July 2025

On 9 April 2025, Aquis Farm formally advised Council that the board decided Aquis Farm will not be proceeding with hosting the Long Sunset at Elysian Fields 2025.

Following this decision, Council officers have been working with QMF for an alternative location. range of sites were considered by QMF, including Canungra Showgrounds, Beaudesert Showgrounds, Alsace Polo, Middle Park, Sarabah Estate, Boonah Showgrounds, Fenwick Park and venues in Tamborine Mountain and Woodstock. After assessing factors such as site capacity, infrastructure, accessibility, aesthetic appeal and potential community impact, Boonah Showgrounds emerged as QMF's preferred option.

Relevant approvals, engagement plans and permits will be required for the event to take place at this site. Council officers will work collaboratively with QMF and the landowners to progress these activities.

It is envisaged that the Scenic Rim Trail will commence activities on 31 October with The Long Sunset held at the Boonah Showgrounds on 1 November 2025. Due to the venue change, some artists are in negotiation but are yet to be contracted. Ticket pricing may vary as QMF progress with the planning of the event.

It is intended that Council officers will discuss the updated proposal, provide further details on secured talent, site plan, community engagement, and approvals and permits based on the information provided by QMF.

**Budget / Financial Implications**

In 2022, Council was successful in obtaining \$200,000 funding from the Australian Government through the Black Summer Bushfire Recovery Grants program to contribute to the inaugural Long Sunset event. A further \$200,000 was secured from the Black Summer Bushfire Recovery Grants program to stage the 2023 event, along with \$10,000 from the Queensland Government through the Queensland Destination Events Program (QDEP) administered by Tourism and Events Queensland.

In 2024, Council funded the event utilising operational budget from the 2023-2024 financial year - \$150,000 sponsorship fee and \$20,000 leveraging budget. Council's 2024 QDEP application was declined due to Queensland Government's \$20 million commitment to the Qld Music Trails initiative announced in 2023.

In 2025, Council has allocated \$170,000 of operational budget from the 2025-2026 financial year. This is broken into a \$150,000 sponsorship fee and \$20,000 leveraging budget.

The Regional Events Sponsorship Council Policy and Corporate Procedure outline that Category 2 event sponsorships (greater than \$15,000 exclusive of GST) require approval through Council resolution.

Council's financial exposure for the event will be limited to the total amount paid by the Council by way of cash contributions pursuant to a Sponsorship Agreement to be developed.

**Strategic Implications***Operational Plan*

Theme: 2. Sustainable and Prosperous Economy

Key Area of Focus: Sustainable value captured from tourism in the region with regional capability to drive prosperity

*Legal / Statutory Implications*

Council must abide by the conditions included in the QMF Partnering Agreement and, if successful, the terms of any third-party funding or sponsorship agreements.

**Risks**Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR53 Inadequate sustainable economic growth plans in place to appropriately maximise opportunities, resulting in increased pressures on Council and State infrastructure and social environmental cohesiveness.

### Risk Summary

Category	Explanation
Reputation, Community & Civic Leadership  Council events do not meet return on investment expectation.	Council's role as a co-presenter of The Long Sunset presents a level of reputational and return on investment risk as demonstrated with the 2023 event, particularly given the event is without a confirmed venue and program line-up five months out from the event. Continued cost of living pressures along with uncertainty in weather patterns may also increase Council's risk exposure. The move to a new location and to Beaudesert, away from Canungra, will likely attract a negative response from the Canungra business community. This move will also leave Canungra without a signature annual major event targeting out of region visitation. The proposed change of dates increases the risk of impact by summer storms and bush fires. The event is surrounded by eleven landowners (including Council) and they may object to the staging of a major event at this location due to increased noise and traffic along unsealed roads.

### Human Rights Implications

No human rights have been impacted by any actions recommended in this report.

### Consultation

Council officers worked closely with QMF and independent research company IER to compile the post event reporting outcomes from the 2024 event. A debrief was held with representatives from QMF following the event. The Coordinator Regional Events contacted a selection of local businesses and suppliers involved in the 2024 event to obtain feedback.

Following the advice received by Aquis Farm, Council officers have worked closely with QMF regarding alternative venue and dates. Ongoing consultation is required to ensure that necessary approvals are in place for the newly proposed venue.

### Conclusion

The Long Sunset is a significant event for the Scenic Rim, in 2024 attracting over 4,500 visitors to the region. It also profiles the destination reaching a further audience of 383,000 through media coverage.

In December 2024, Council approved an interim sponsorship of \$100,000 towards the staging of The Scenic Rim Trail and The Long Sunset 2025, pending presentation of independent research outcomes and a full post-event report from QMF.

This reporting has now been received and QMF are seeking confirmation of Council's sponsorship towards the 2025 Scenic Rim Trail and The Long Sunset.

Based on performance and the agreed benchmarks set at the outset of planning, in March 2025 Council increased the interim sponsorship commitment of \$100,000 made in December to \$150,000. Council staff supported this increase with some conditions, as follows:

- The stallholder presentation of local producers and artisans is improved and they are provided with appropriate weather resistant infrastructure by QMF.
- Efforts are made to secure greater involvement by local artists and arts organisations like TMAC.
- Elysian Fields is secured as the venue. There is no agreement in place with Aquis presently and this presents some risk.

- QMF provide a Scenic Rim Trail proposal for 2025 including further detail on the proposed 2025 trail of events and an update on headline artist negotiations, ticket pricing, and planning for The Long Sunset.

On 9 April 2025, Aquis Farm formally advised Council that the board decided Aquis Farm will not be proceeding with hosting the Long Sunset at Elysian Fields 2025.

Following this decision, Council Officers have been working with QMF for an alternative location. The new proposed location for the Long Sunset 2025 is Boonah Showgrounds, to be held 31 October to 2 November 2025.

In June 2025, QMF submitted an updated proposal for Council consideration, reflective of the change in venue and dates. QMF also provided an update on progress of the event.

The event presents an increased risk to Council given the movement of dates, venue, programming and marketing delays.

Relevant approvals, engagement plans and permits will be required for the event to take place at the newly proposed site. Council officers will work collaboratively with QMF and the landowners to progress these activities.

## Options

### Option 1

That:

1. Council approve a Category 2 event sponsorship total of \$75,000 for The Scenic Rim Trail and The Long Sunset 2025, in accordance with the Regional Events Sponsorship Council Policy and Corporate Procedure; and
2. The sponsorship is to be conditional upon:
  - (a) Queensland Music Festival utilising \$20,000 of this funding to improve integration and presentation of local Scenic Rim performers and artists;
  - (b) A mutually acceptable Council compliant venue in the Scenic Rim being secured as the 2025 event venue for The Long Sunset; and
  - (c) Queensland Music Festival providing a Scenic Rim Trail proposal for 2025 to Council including further detail on the proposed 2025 trail of events and an update on headline artist negotiations, ticket pricing, and planning for The Long Sunset.

### Option 2

That Council does not approve the sponsorship of The Scenic Rim Trail and The Long Sunset 2025.






## Asset & Environmental Sustainability

### 11.6 Proposed Issue of Lease to Community Organisation - Rotary Club of Boonah

**Executive Officer:** Manager Coordinator Asset Management /  
Acting General Manager Asset and Environmental Sustainability

**Item Author:** Principal Specialist Property Management /  
Acting Manager Resources and Sustainability

**Attachments:**

1. Locality Map [↓](#) 
2. Indicative Lease Area Aerial Map [↓](#) 
3. Lease Area Plan [↓](#) 

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## Councillor Portfolio / Representation

Community, Arts and Culture - Cr Kerri Cryer

## Local Government Area Division

This report relates to Division 5.

## Executive Summary

The freehold lease to Rotary Club of Boonah Inc expired on 30 November 2021. Council is requested to consider the issue of a new lease agreement to Rotary Club of Boonah Inc for premises situated at Coronation Park, Coronation Drive, Boonah (Lease Area C, Lot 2 on RP153509).

Discussions have commenced with the current lessee, in relation to potential new lease, and in doing so, Council has undertaken an inspection of the site, issued a draft freehold lease to the Club and received eligibility documentation from the Club, in accordance with Council's Community Tenure Over Council Property Policy.

## Recommendation

That:

1. Council resolve that the exception under section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the proposed grant of lease to Rotary Club of Boonah Inc, for premises situated at lease area 'C', Lot 2 on RP153509, situated at Coronation Park, Coronation Drive, Boonah;
2. Council endorse a five-year lease on standard terms as issued by Council for Rotary Club of Boonah Inc expiring 30 June 2030; and
3. Council delegate authority to the Chief Executive Officer in accordance with section 257(1) of the *Local Government Act 2009* to finalise and execute a lease agreement to Rotary Club of Boonah Inc.

**Previous Council Considerations / Resolutions**

Not applicable.

**Report / Background**

With reference to the Lease Area Plan attachment (Attachment 3), Rotary Club of Boonah Inc currently occupy a storage shed at lease area 'C' at Coronation Park, Coronation Drive, Boonah. Lions Club of Boonah Inc occupies lease area 'A', with Boonah Soccer Club Inc occupying lease area 'B' and Boonah & District Cultural Foundation Inc occupying lease area 'D'.

Rotary Club of Boonah Inc was established in 1946 and has been a cornerstone of community service and fellowship to the Boonah community. Over the decades, the club has initiated and supported numerous projects, in conjunction with Council, aimed at enhancing the local community and fostering youth development. The club is highly active in the community, run by volunteers, meeting weekly at the Boonah Showgrounds dining hall and engaging in various community service projects.

Rotary Club of Boonah's previous lease agreement with Council commenced 19 September 2017, for a term of approximately 4 years, expiring 30 November 2021.

During the term of the agreement, Rotary Club of Boonah Inc utilised the shed for storage. The storage shed was built in 1980 and refurbished in 2000. The shed has been wholly funded by the Rotary Club over the years.

As of 2025, the Rotary Club of Boonah proudly maintains a dedicated membership of approximately 38 active members, continuing its long-standing tradition of 'Service above Self' in the Scenic Rim community.

Rotary Club of Boonah are considered financially viable with approximately \$43,000.00 cash-on-hand.

Rotary Club of Boonah Inc have provided the necessary eligibility documents, for council to consider the issue of a lease agreement. Council officers have reviewed the documentation provided, and confirmed the Club's eligibility, including:

- Evidence of not-for-profit status;
- Confirmation of executive committee members, positions held and their addresses (including separate confirmation of greater than 50% committee within Scenic Rim local government area);
- Copy of Public Liability Insurance Certificate of Currency;
- Copy of building insurance policies; and
- Copy of most recent annual report and financial statements.

On 1 May 2025, the Committee of Rotary Club of Boonah Inc confirmed its intention to execute Council's standard community lease document.

**Budget / Financial Implications**

Each party is responsible for its own costs in relation to preparation of any agreement under Council's Community Tenure over Council Property Policy.

All costs relating to the registration of a lease (where applicable), or survey plan preparation costs (where required), will be at the lessee's expense. Any costs associated with gaining planning or other approvals shall be the responsibility of the community organisation as tenure holder or applicant.

## Strategic Implications

### *Operational Plan*

Theme: 2. Sustainable and Prosperous Economy

Key Area of Focus: The provision of buildings and facilities that meet current and long-term (20 year) needs of the Scenic Rim community

### *Legal / Statutory Implications*

The lease is to be registered in the Queensland Land Registry in accordance with the *Land Title Act 1994*.

## Risks

### Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR43 Inadequate or ineffective planning, delivery and maintenance of infrastructure resulting in risk to public and staff safety and potential financial implications.

### Risk Summary

Category	Explanation
Infrastructure, Assets & Service Delivery  Lack of community infrastructure	Land and infrastructure is provided to eligible community organisations enable them to pursue their special interests. Alternatively, if council land and infrastructure is not provided, community activities will be more difficult to establish.

## Human Rights Implications

No human rights have been impacted by any actions recommended in this report.

## Consultation

External - Rotary Club of Boonah Inc (current lessee)

Internal - Facilities Management team.

## Conclusion

The lease to Rotary Club of Boonah Inc for premises situated at Coronation Park, Coronation Drive, Boonah (Lease Area C, Lot 2 on RP153509), expired on 30 November 2021. The Club has confirmed their intention to execute a new lease agreement under Council's Community Tenure over Council Property Policy.

Council is to consider the issue of a new lease to the Rotary Club of Boonah Inc under the provisions of section 236(1)(b)(ii) of the *Local Government Regulation 2012*, which allows a valuable non-current asset to be disposed of to a community organisation without the need for a public tender or auction.

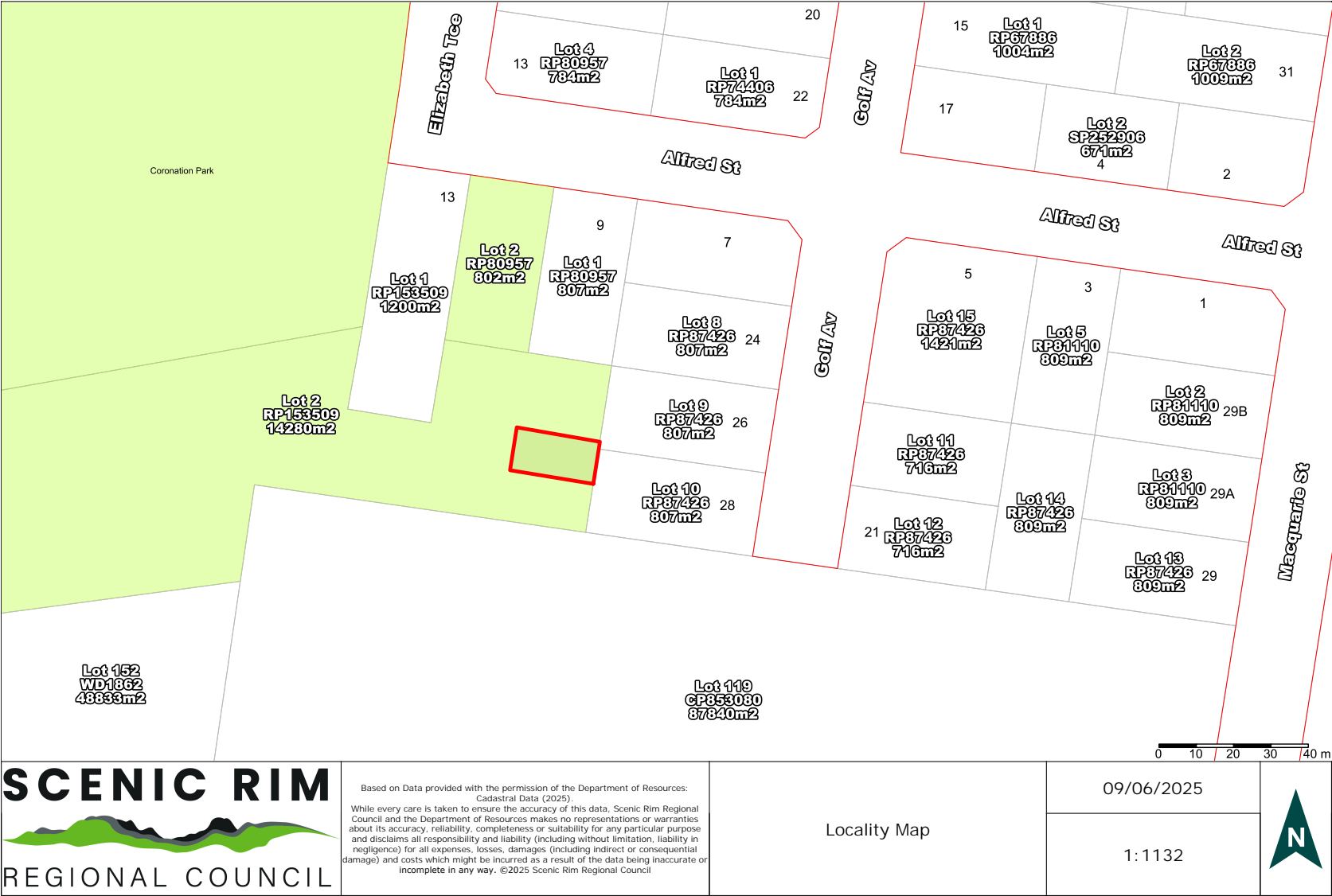
**Options**Option 1

That:

1. Council resolve that the exception under section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the proposed grant of lease to Rotary Club of Boonah Inc, for premises situated at lease area 'C', Lot 2 on RP153509, situated at Coronation Park, Coronation Drive, Boonah;
2. Council endorse a five-year lease on standard terms as issued by Council for Rotary Club of Boonah Inc expiring 30 June 2030; and
3. Council delegate authority to the Chief Executive Officer in accordance with section 257(1) of the *Local Government Act 2009* to finalise and execute a lease agreement to Rotary Club of Boonah Inc.

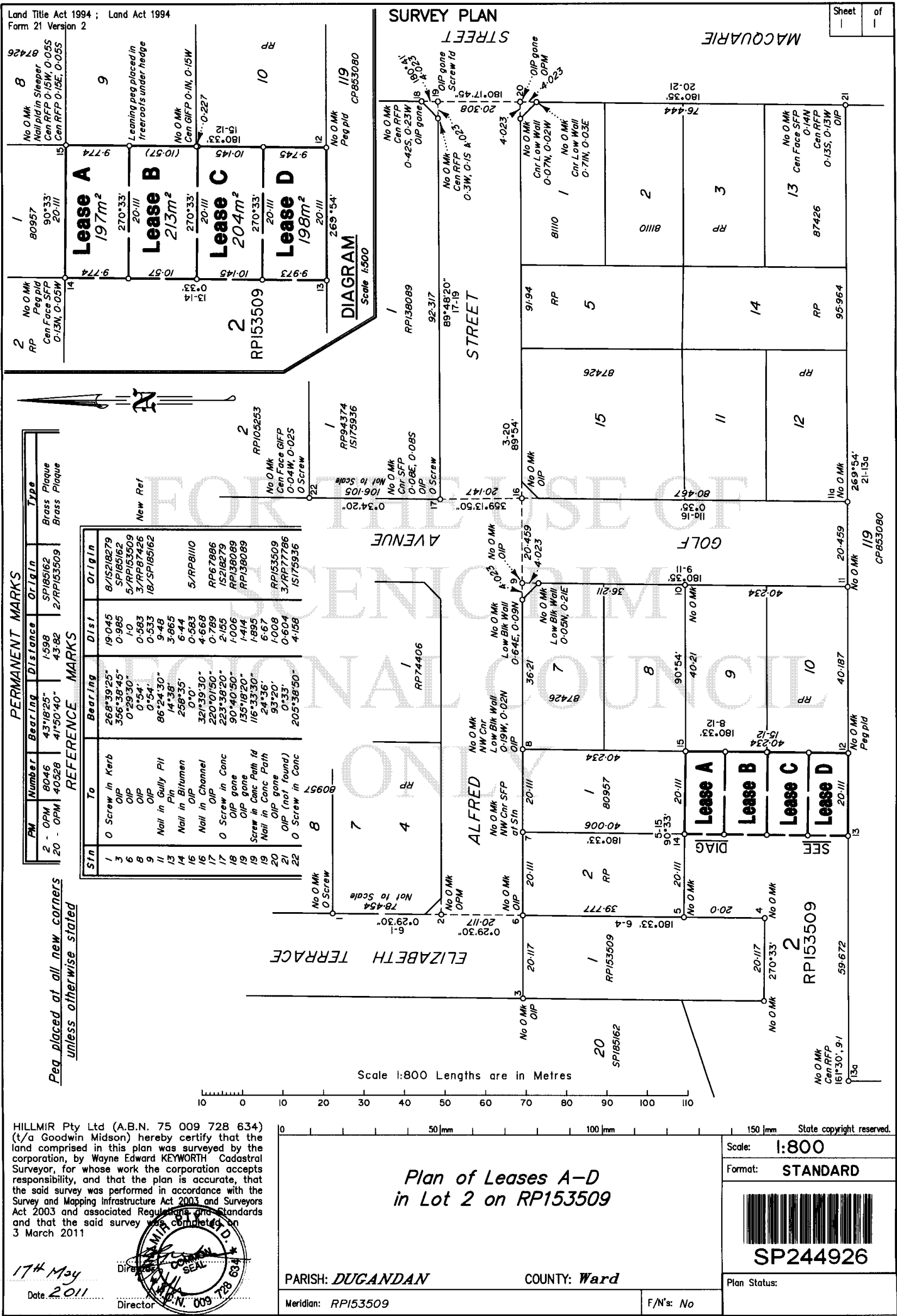
Option 2

That Council not issue a lease to Rotary Club of Boonah Inc, for premises situated at lease area 'C', part Lot 2 on RP153509, situated at Coronation Park, Coronation Drive, Boonah.





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**11.7 Proposed Issue of Lease to Community Organisation - The Scout Association of Australia Qld Branch - Canungra**

**Executive Officer:** Manager Coordinator Asset Management /  
Acting General Manager Asset and Environmental Sustainability

**Item Author:** Principal Specialist Property Management /  
Acting Manager Resources and Sustainability

**Attachments:**

1. Locality Map  
2. Aerial Map  
3. Lease Area Plan  

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**Councillor Portfolio / Representation**

Sport and Recreation - Cr Stephen Moriarty

**Local Government Area Division**

This report relates to Division 3.

**Executive Summary**

The lease to the Scout Association of Australia (Queensland Branch) and Guides Queensland expired on 31 December 2022. Council is requested to consider the issue of a new lease agreement with the Scout Association of Australia Queensland Branch Inc, for land situated at 3086 Beechmont Road, Witheren (Lot 1 on RP145256).

Discussions have been undertaken with the Scout Association of Australia (Queensland Branch) in relation to a potential new lease, and in doing so, Council has undertaken an inspection of the site, issued a draft lease to the association and received eligibility documentation from the association, in accordance with Council's Community Tenure Over Council Property Policy.

**Recommendation**

That:

1. Council resolve that the exception under section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the proposed grant of lease to the Scout Association of Australia Queensland Branch Inc, for premises situated at 3086 Beechmont Road, Witheren (Lot 1 on RP145256);
2. Council endorse a five-year freehold lease on standard terms as issued by Council for the Scout Association of Australia Queensland Branch Inc expiring 30 June 2030; and
3. Council delegate authority to the Chief Executive Officer in accordance with section 257(1) of the *Local Government Act 2009* to finalise and execute a lease agreement to the Scout Association of Australia Queensland Branch Inc.

**Previous Council Considerations / Resolutions**

At the Ordinary Meeting held on 22 June 2010 (Item 5), it was resolved that Council and the Girl Guides Association (Queensland Australia) and the Scout Association of Australia (Queensland Branch) enter into a lease over Lot 1 on RP145256, Parish Witheren for a further 10 years from 1 July 2010.

**Report / Background**

With reference to the aerial map (Attachment 2), the Scout Association of Australia Queensland Branch Inc currently occupy 3.744 hectares at Lot 1 on RP145256 at 3086 Beechmont Road, Witheren.

This site is managed by the Canungra Scouts Group, under the Gold Coast Region of Scouts Queensland and offers a versatile outdoor environment for Scouting activities and community events. Scouts Association of Australia Qld Branch has indicated to Council that Guides Qld are no longer using this site, and it is noted that Guides Qld do not promote use of this facility, with their closest facilities being situated at Tamborine Mountain, Beaudesert and Nerang. Guides Qld have also provided advice to Council that they are no longer operating from this facility.

The property is bordered on two sides by the Coomera River, offering natural swimming holes and opportunities for water-based activities. The Canungra Scouts often host larger Scout gatherings and often accommodate up to 150 campers.

The group offers programs and sessions for various age groups (Cub Scouts aged 8–11 years and Scouts aged 11-15) and focus on adventure, skill-building, and community engagement, supported by adult leaders and volunteers. The group conducts regular fundraising activities to maintain a low fee structure, ensuring accessibility for all interested youth.

The Scout Association of Australia Queensland Branch Inc's previous lease agreement with Council commenced 1 July 2010, for a term of 10 years, with an extension offered, expiring 31 December 2022.

During the term of the lease, the Scout Association of Australia Queensland Branch Inc have undertaken improvements to the lease area through fundraising and successful grant applications. The improvements to date include the following:

- Scout Den (clubhouse) with attached awning;
- Garden shed; and
- Two water tanks.

Canungra Scout Group membership is currently low, however membership is being actively re-established, and the facility remains an important asset to the broader Scouting community. It is regularly used by the Gold Coast Region of Scouts Queensland and frequently hosts Scout Leader training sessions and regional activities.

The facility has been managed appropriately by Canungra Scouts under the terms of the previous agreement.

The Scout Association of Australia Queensland Branch Inc have provided the necessary eligibility documents for Council to consider the issue of a new lease arrangement. Council officers have reviewed the documentation provided, and confirmed the associations eligibility, including:

- Evidence of not-for-profit status;
- Confirmation of executive committee members, positions held and their addresses;
- Copy of Public Liability Insurance Certificate of Currency;
- Copy of building insurance policies; and
- Copy of most recent annual report and financial statements.

On 20 May 2025, the Facilities and Risk Manager of the Scout Association of Australia Queensland Branch Inc confirmed the associations intention to execute Council's standard community lease document to enable to the lease renewal to occur.

### Budget / Financial Implications

Each party is responsible for its own costs in relation to preparation of any agreement under Council's Community Tenure over Council Property Policy.

All costs relating to the registration of a lease (where applicable), or survey plan preparation costs (where required), will be at the lessee's expense. Any costs associated with gaining planning or other approvals shall be the responsibility of the community organisation as tenure holder or applicant.

### Strategic Implications

#### *Operational Plan*

Theme: 2. Sustainable and Prosperous Economy

Key Area of Focus: The provision of buildings and facilities that meet current and long-term (20 year) needs of the Scenic Rim community

#### *Legal / Statutory Implications*

The lease is to be registered in the Queensland Land Registry in accordance with the *Land Title Act 1994*.

### Risks

#### Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR43 Inadequate or ineffective planning, delivery and maintenance of infrastructure resulting in risk to public and staff safety and potential financial implications.

#### Risk Summary

Category	Explanation
Infrastructure, Assets & Service Delivery	Land and infrastructure is provided to eligible community organisations enable them to pursue their special interests. Alternatively, if council land and infrastructure is not provided, community activities will be more difficult to establish.
Lack of community infrastructure	

### Human Rights Implications

No human rights have been impacted by any actions recommended in this report.

**Consultation**

## External

The Scout Association of Australia Queensland Branch Inc (current lessee)

## Internal

Facilities Management team

**Conclusion**

The lease to the Scout Association of Australia Queensland Branch Inc, for premises situated at 3086 Beechmont Road, Witheren (Lot 1 on RP145256), expired on 31 December 2022.

Council is to consider the issue of a new lease to the Scout Association of Australia Queensland Branch Inc under the provisions of section 236(1)(b)(ii) of the *Local Government Regulation 2012*, which allows a valuable non-current asset to be disposed of to a community organisation without the need for a public tender or auction.

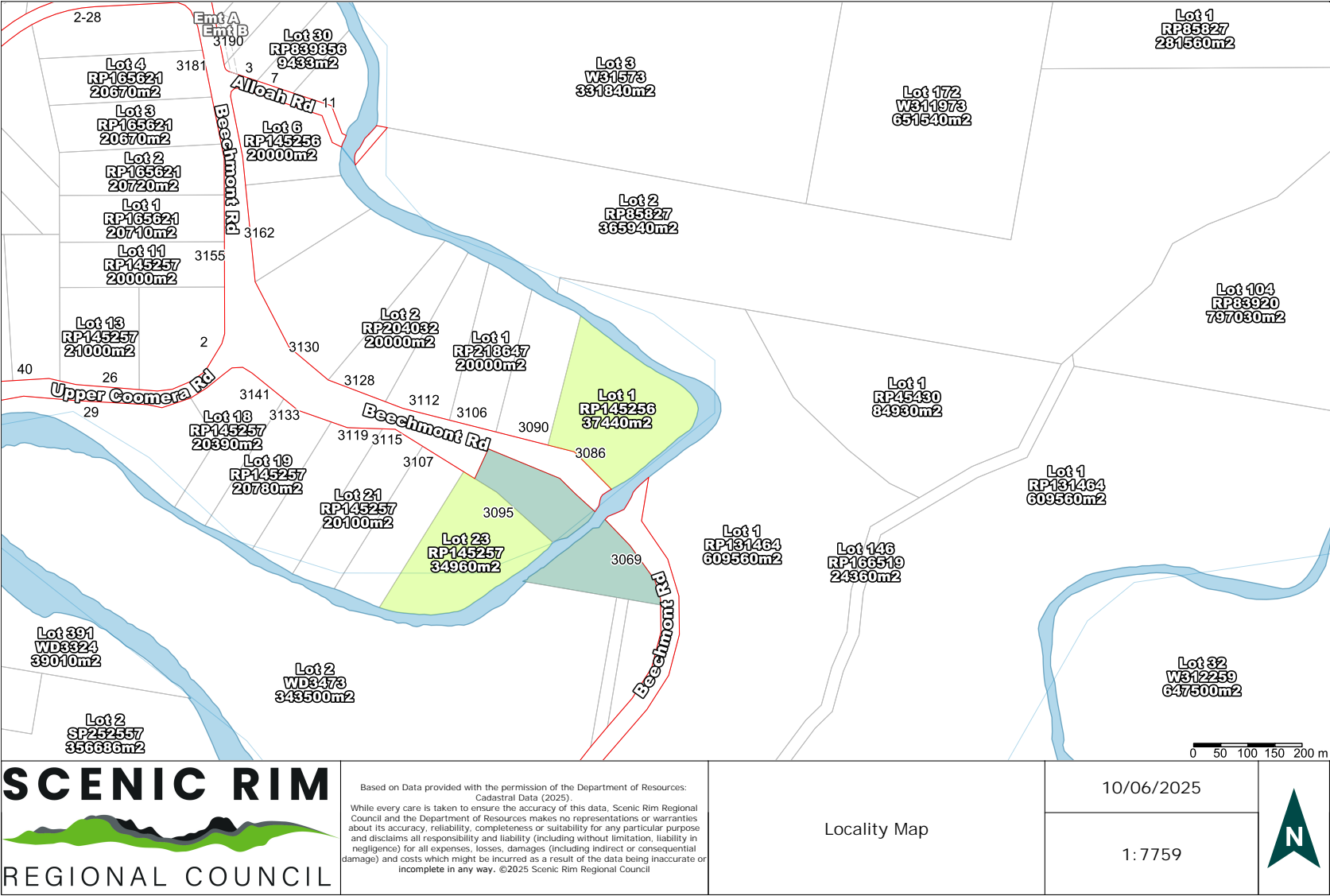
**Options**Option 1

That:

1. Council resolve that the exception under section 236(1)(b)(ii) of the *Local Government Regulation 2012* applies to the proposed grant of lease to the Scout Association of Australia Queensland Branch Inc, for premises situated at 3086 Beechmont Road, Witheren (Lot 1 on RP145256);
2. Council endorse a five-year freehold lease on standard terms as issued by Council for the Scout Association of Australia Queensland Branch Inc expiring 30 June 2030; and
3. Council delegate authority to the Chief Executive Officer in accordance with section 257(1) of the *Local Government Act 2009* to finalise and execute a lease agreement to the Scout Association of Australia Queensland Branch Inc.

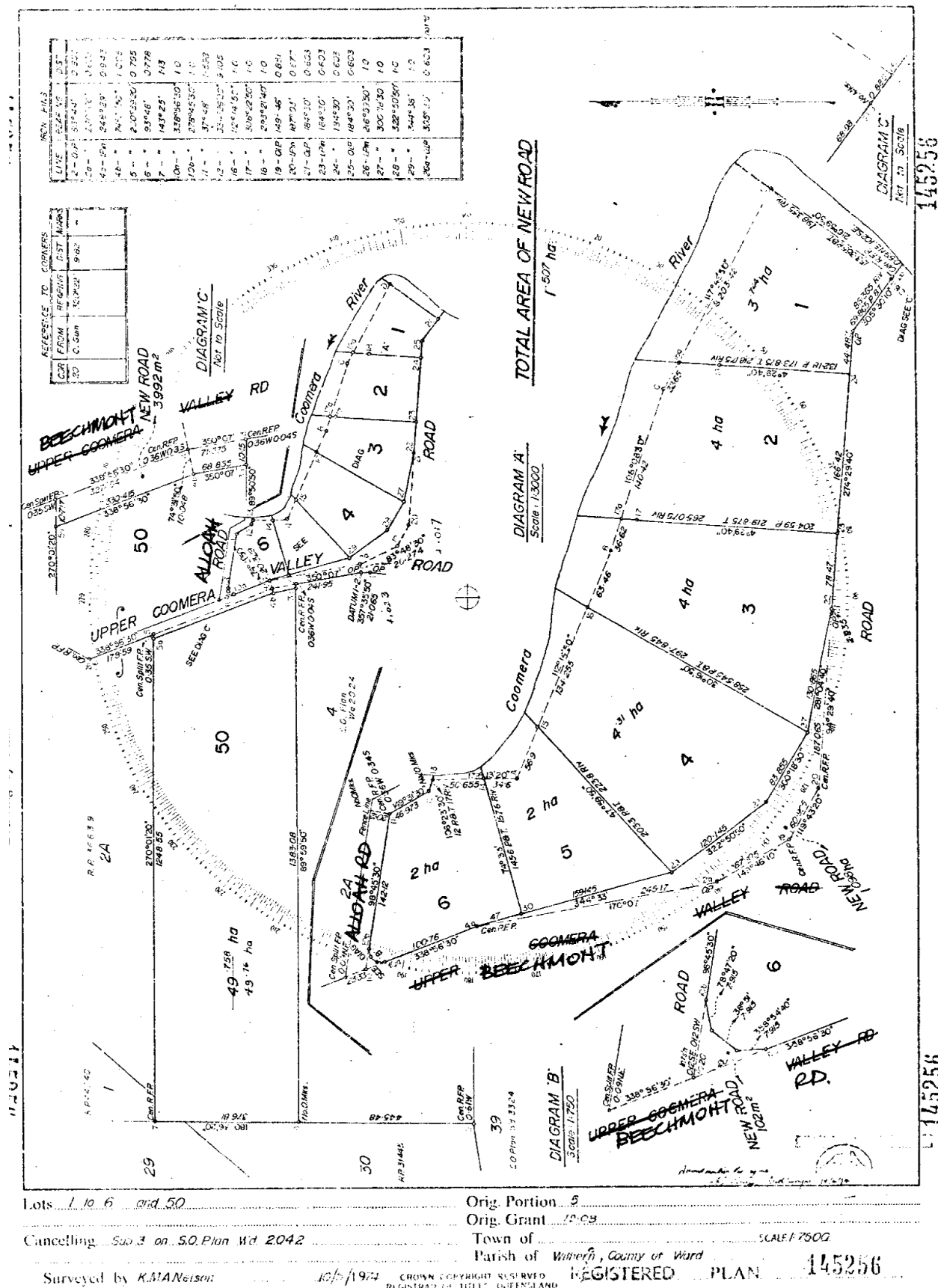
Option 2

That Council not issue a lease to the Scout Association of Australia Queensland Branch Inc, for premises situated at 3086 Beechmont Road, Witheren (Lot 1 on RP145256).









## Council Sustainability

### 11.8 Investigation Policy (Councillor Conduct)

**Executive Officer:** Acting General Manager Council Sustainability

**Item Author:** Principal Specialist Governance and Assurance

**Attachments:**

1. Investigation Policy (current) [!\[\]\(67ff022fd78f943b679992c2874bbfd1\_img.jpg\) !\[\]\(042ea11c58a77088d3dd7150909adec0\_img.jpg\)](#)
2. Investigation Policy (revised) [!\[\]\(5890ff4c38007932c846fa9d39ba1fe6\_img.jpg\) !\[\]\(0951d374ca92713a262635cd1d2251b2\_img.jpg\)](#)

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### Councillor Portfolio / Representation

Not applicable.

### Local Government Area Division

This report relates to the whole Scenic Rim region.

### Executive Summary

The *Local Government Act 2009* (LGA) requires Council to adopt an Investigations Policy. The Policy prescribes the process to be followed when complaints of conduct breaches by a councillor are referred to the Council from the Independent Assessor (IA) for investigation. The Policy contains several prescriptive steps that Councillors and Executive officers should follow.

The current Investigation Policy was based on the example Investigation Policy provided by the Department of Infrastructure, Local Government and Planning (The Department). It was adopted by Council in 2018. The Example Investigation Policy was updated in March 2024 to reflect legislative amendments to the LGA.

The proposed amendments to Council's Investigation Policy have been undertaken to reflect the changes to the example policy provided by the Department.

### Recommendation

That Council adopt the amended Investigation Policy.

### Previous Council Considerations / Resolutions

The current Policy was adopted at the Ordinary Meeting held on 17 December 2018.

An amended Policy was presented to Councillors in September 2021. Further consideration was had regarding the inclusion of a written statement by the subject Councillor in response to the allegations and other changes. A consensus was not reached at that time, and the Policy was not progressed.



## Report / Background

The Independent Assessor (IA) is responsible for receiving and assessing matters involving allegations of conduct breaches and misconduct of Councillors. Under the LGA, the IA can refer complaints about the conduct of a Councillor back to Council for investigation.

Pursuant to section 150AE of the LGA, Council must adopt, by resolution, an investigation policy to deal with complaints referred from the OIA.

The Investigation Policy must:

- include a procedure for investigating the suspected conduct breaches of councillors; and
- state the circumstances in which another entity may investigate the conduct; and
- be consistent with the principles of natural justice; and
- require Council to prepare a report about the investigation; and
- require councillors and persons who make complaints about councillors' conduct and the Assessor to be given notice about the outcome of investigations.

The nature of the requirements under 150AE of the LGA gives rise to a unique situation with the investigation policy being prescriptive and containing detailed procedural steps.

Council's current Investigation Policy was modelled on the example Investigation Policy provided by the Department of Infrastructure, Local Government and Planning in 2018. The Example Investigation Policy has since been amended with the latest version published in March 2024. The proposed amendments to Council's policy align with the example policy which takes into account recent legislative changes.

## Budget / Financial Implications

There will be financial implications should Council be required to undertake investigations. The introduction of the policy itself does not carry a financial cost to the Council.

## Strategic Implications

### *Operational Plan*

Theme: 3. Open and Responsive Government

Key Area of Focus: Ongoing integrity of Council's practice and processes

### *Legal / Statutory Implications*

The Investigation Policy is a mandatory Council policy, as per section 150AE of the *Local Government Act 2019*.

## Risks

### Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- SR46 Inadequate or lack of Governance (including procurement) Framework (systems, policies, procedures, delegations and controls) in place to ensure compliance by Council's Councillors and Officers with all relevant State and Federal legislation and regulations.

Risk Summary

Category	Explanation
Governance, Risk & Compliance  Regulatory breach for failing to comply with LGA	Council is required to adopt an Investigation policy. Failure to do so will render Council in breach of the Local Government Act 2009 obligations. The policy will also assist in guiding the organisation in managing any conduct investigations in the future.

**Human Rights Implications**

No human rights have been impacted by any actions recommended in this report.

**Consultation**

The Office of the Independent Assessor.

**Conclusion**

Council's Investigation Policy contains prescriptive steps that Councillors must take when dealing with a complaint about Councillor conduct referred by the Independent Assessor for Investigation.

The proposed Investigation Policy has been amended to reflect best practices for managing matters referred from the Assessor and conducting Councillor conduct investigations in line with legislative obligations.

**Options**Option 1

That Council adopt the amended Investigation Policy.

Option 2

That the Investigation Policy be further reviewed and presented at a future Ordinary Meeting.



## **COUNCIL POLICY - CM03.28CP INVESTIGATION POLICY**

### **OBJECTIVES**

The objective of this policy is that in accordance with section 150AE of the *Local Government Act 2009*, Council has an adopted investigation policy about how it deals with the suspected inappropriate conduct of Councillors, which have been referred to Council to deal with by the State Independent Assessor. However, this policy does not relate to more serious Councillor conduct.

### **POLICY STATEMENT**

Council is committed to dealing with the suspected inappropriate conduct of Councillors, which have been referred to Council to deal with by the State Independent Assessor, as per this policy.

#### **1. SCOPE**

This investigation policy applies to investigations and determinations of a complaint about the alleged inappropriate conduct of a Councillor/s which has been referred by the Independent Assessor.

#### **2. CONFIDENTIALITY**

Matters of suspected inappropriate conduct of a Councillor are confidential except as otherwise specifically provided for either in the LGA or this investigation policy.

Note: It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the Local Government. Any release of confidential information that a Councillor knows, or should reasonably know, to be confidential to the local government may be contrary to section 171(3) of the LGA and dealt with as misconduct.

#### **3. NATURAL JUSTICE**

Any investigation of suspected inappropriate conduct of a Councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

"Natural justice" or procedural fairness, refers to three key principles:

- the person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing)

**Policy Reference Number:** CM03.28CP  
**Directorate:** Regional Services  
**Branch:** Governance

**Adoption/Approval Date:** 17.12.2018  
**Review Date:** 17.12.2021  
**File References:** 13/08/001; 04/15/004

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- the investigator(s) should be objective and impartial (absence of bias), and
- any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the Councillors as part of the meeting agenda.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Decisions based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

#### 4. ASSESSOR'S REFERRAL

The Council may receive from the Assessor a referral notice about the suspected inappropriate conduct of a Councillor/s. Council may also receive referrals directly relating to meeting conduct, (see section 150J *Local Government Act 2009*).

#### 5. RECEIPT OF ASSESSOR'S REFERRAL

On receipt of a referral notice about the suspected inappropriate conduct of a Councillor/s from the Assessor, the Council's Chief Executive Officer will forward a copy of that referral notice to the Mayor and all Councillors as a confidential document.

Should the Mayor or a Councillor/s (other than the subject of the complaint or the complainant) disagree with any recommendation accompanying the Assessor's referral notice or form the opinion that the complaint should be dealt with in a way other than under this policy, the Mayor or a Councillor may request the matter be placed on the agenda of the next Council meeting to decide on the appropriate process to investigate the complaint. Such a request must be made in accordance with the Council's meeting procedure requirements.

#### 6. INVESTIGATOR

Unless otherwise resolved by Council, the Mayor will manage the investigation of suspected inappropriate conduct of other Councillors.

If the suspected inappropriate conduct involves conduct that in the circumstances, the Mayor believes, it is in the best interests of the investigation to refer the matter for external investigation, then the Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.

If the suspected inappropriate conduct involves:

- an allegation about the conduct of the Mayor, or
- the Mayor as the complainant, then

the Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.

**Policy Reference Number:** CM03.28CP  
**Directorate:** Regional Services  
**Branch:** Governance

**Adoption/Approval Date:** 17.12.2018  
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**File References:** 13/08/001; 04/15/004

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## 7. EARLY RESOLUTION

Before beginning an investigation, the investigator must consider whether the matter is appropriate for resolution prior to the investigation. This consideration includes any recommendation made by the Assessor.

A matter is only appropriate for early resolution if the parties to the matter agree to explore early resolution.

The investigator may engage an independent person with suitable qualifications or experience to facilitate this process.

If the matter cannot be resolved, the matter will then be investigated as outlined in this investigation policy.

If the matter is resolved prior to investigation, the investigator will advise the Chief Executive Officer of this outcome. In turn, the Chief Executive Officer will advise the Mayor (if the Mayor is not the investigator) and all Councillors that the matter has been resolved. The Chief Executive Officer will also update the Councillor Conduct Register to reflect this.

## 8. TIMELINESS

The investigator will make all reasonable endeavors to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than eight weeks after the receipt of the complaint.

Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor (if the Mayor is not the investigator) to seek an extension of time.

## 9. ASSISTANCE FOR INVESTIGATOR

If the Mayor is the investigator of a matter of suspected inappropriate conduct, the Mayor may use section 170A of the LGA to seek assistance during the investigation.

The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with the Council's procurement policy.

## 10. POSSIBLE MISCONDUCT OR CORRUPT CONDUCT

If during the course of an investigation the investigator obtains information which indicates a Councillor/s may have engaged in misconduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Assessor of the possible misconduct.

If during the course of an investigation, the investigator obtains information which indicates a Councillor/s may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the Assessor or Crime and Corruption Commission to be inappropriate conduct.

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### 11. COMPLETION OF INVESTIGATION

On the completion of an investigation, the investigator will provide a report to the Council outlining the investigation process, the investigation findings, any recommendations about dealing with the conduct and a record of the investigation costs.

The Council will consider the findings and recommendations of the investigator's report and decide whether the Councillor has engaged in inappropriate conduct and, if so, what action it will take under section 150AH of the LGA.

### 12. NOTICE ABOUT THE OUTCOME OF INVESTIGATION

After an investigation is finalised, the Council must give notice about the outcome of the investigation to the person who made the complaint about the Councillor/s' conduct that was the subject of the investigation.

### 13. COUNCILLOR CONDUCT REGISTER

The Chief Executive Officer of the respective Council must ensure decisions about suspected inappropriate conduct of a Councillor/s must be entered into the Councillor conduct register.

Where a complaint has been resolved under section 10 of this policy, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.

### 14. EXPENSES

Council must pay any reasonable expenses of Council associated with the informal early resolution or investigation of suspected inappropriate conduct of a Councillor including any costs of:

- the president of the Tribunal in undertaking an investigation for Council
- a mediator engaged under this investigation policy
- a private investigator engaged on behalf of or by the investigator
- travel where the investigator needed to travel to undertake the investigation or to interview witnesses
- seeking legal advice
- engaging an expert.

Note: Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's inappropriate conduct.

Any costs incurred by complainants or the subject Councillors will not be met by Council.

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## DEFINITIONS

**Assessor** means the Independent Assessor appointed under section 150CV of the LGA

**behavioural standard** means a standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the LGA

**conduct** includes—  
(a) failing to act; and  
(b) a conspiracy, or attempt, to engage in conduct

**Councillor conduct register** means the register required to be kept by Council as set out in section 150DX of the LGA

**inappropriate conduct** see section 150K of the LGA

**investigation policy**, refers to this policy, as required by section 150AE of the LGA

**investigator** means the person responsible under this investigation policy for carrying out the investigation of the suspected inappropriate conduct of a Councillor or Mayor

**LGA** means the *Local Government Act 2009*

**local government meeting** means a meeting of—  
(a) a local government; or  
(b) a committee of a local government.

**misconduct** see section 150L of the LGA

**model procedures** see section 150F of the LGA

**natural justice** – a set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.

**referral notice** see section 150AC of the LGA

**Tribunal** means the Councillor Conduct Tribunal as established under section 150DK of the LGA

**unsuitable meeting conduct** see section 150H of the LGA

## RELATED DOCUMENTS

*Local Government Act 2009*

*Local Government Regulation 2012*

This policy supports the Scenic Rim Regional Council Corporate Plan 2018-2023, in particular Theme - Open and Responsive Government.

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**SCENIC RIM REGIONAL COUNCIL**  
**Adopted 17.12.2018****Version Information**

<b>Version No.</b>	<b>Date</b>	<b>Key Changes</b>
1	17/12/2018	New Policy Adoption of State Government Recommended Example Policy Administrative amendments to State Policy

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Version: 2, Version Date: 22/01/2019



## POLICY



## Council

### Investigation Policy

<b>Policy Reference Number</b>	CP00022	<b>Approval Date</b>	Click or tap to enter a date.
<b>Portfolio</b>	Council Sustainability	<b>Next Review Date</b>	
<b>Business Unit</b>	Governance and Assurance	<b>Document ID</b>	11058129

#### 1. Purpose/Objective

This is Scenic Rim Regional Council's (Council) Investigation Policy (the Policy) for how complaints about the suspected conduct breach of Councillors will be dealt with as required by section 150AE of the *Local Government Act 2009* (LGA). A local government must adopt, by resolution, an investigation policy about how it deals with the suspected conduct breach of councillors referred by the independent assessor, under section 150AE(1) of the LGA, to the local government to be dealt with, and must be published on the local government's website, section 150AE(4) of the LGA.

#### 2. Policy Statement

Chapter 5A of the LGA prescribes the councillor conduct management system. Section 150CT of the LGA establishes an Independent Assessor (the Assessor) to carry out certain functions including the preliminary assessment, dismissal, referral or investigation of complaints about councillor conduct.

After undertaking a preliminary assessment on a Councillor conduct matter, if the Assessor reasonably suspects a Councillor has engaged in a conduct breach, the Assessor may decide to refer a suspected conduct breach to the local government to deal with under section 150SD(4)(a) or 150W(b) of the LGA.

Upon receipt of the referral notice of a complaint of suspected conduct breach the local government must deal with the Councillor's conduct as prescribed under section 150AF of the LGA unless a decision is made not to start or to discontinue the investigation under section 150AEA of the LGA. In conducting the investigation, the local government must comply with this Policy.

The local government may decide not to start or discontinue the investigation if:

- the complaint is withdrawn by the complainant;
- the complainant consents to the matter being withdrawn - for example, the matter has been resolved and it is unnecessary for the local government to investigate the matter;
- the complainant refuses to co-operate by providing additional information during the investigation phase and not enough information is available to proceed;
- the office of the Councillor becomes vacant for any reason, ie. the person has resigned or was not re-elected and is no longer a Councillor.

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### 3. Scope

#### In Scope

This Policy applies to investigations and determinations by the Council about the suspected conduct breach of a Councillor, including a Mayor, which the Assessor has referred. The Policy must:

- include a procedure for investigating the suspected conduct breaches of Councillors (see 18.3 – Investigation Standards); and
- state the circumstances in which another entity may investigate the conduct; and
- be consistent with the principles of natural justice; and
- require the local government to prepare a report about each investigation (see 18.2 - Report template and summary report template); and
- require a notice about the outcome of investigations be provided to the Assessor, councillor and persons who made complaint about the councillors' conduct and include a procedure about when the local government may decide not to start, or to discontinue, an investigation under section 150AEA.

The Policy must require the Council:

- to give the Councillor information about the suspected conduct, including details about the evidence of the conduct; and
- to give the Councillor a notice if an investigation is not started or is discontinued; and
- for conduct the subject of a complaint - to give the person who made the complaint, if the contact details of the person are known, a notice if an investigation is not started or is discontinued; and
- to give the Councillor the preliminary findings of the investigation before preparing an investigation report about the investigation (see Addendum 4 - Statement of Preliminary Findings Template); and
- to allow the Councillor to give evidence or a written submission to the local government about the suspected conduct and preliminary findings; and
- to consider any evidence and written submission given by the Councillor in preparing the investigation report for the investigation; and
- to include in the investigation report -
  - if evidence is given by the Councillor - a summary of the evidence; and
  - if the Councillor gives a written submission - a full copy of the written submission.

#### Out of Scope

This Policy does not relate to more serious Councillor conduct, such as misconduct or corrupt conduct, which are dealt with under separate legislative provisions.

This Policy also does not deal with unsuitable meeting conduct, or any conduct undertaken in a personal capacity by a Councillor, for example, a sitting Councillor campaigning for re-election or attending a private social function.

### 4. Confidentiality

Matters relating to the investigation of suspected conduct breach of a Councillor are confidential to the local government during the investigation period, except:

- to give the Councillor information about the suspected conduct, including details about the evidence of the conduct
- to give the Councillor the preliminary findings of the investigation before preparing an investigation report about the investigation
- to give the Councillor a notice if an investigation is not started or is discontinued; and
- for conduct the subject of a complaint - to give the person who made the complaint, and the Assessor a notice if an investigation is not started or is discontinued.

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However, once the conduct is investigated and an investigation report is received, a summary of the investigation report must be made publicly available before any discussion is undertaken by the Council. The published summary report must not contain any names or identifying information about the complainant and persons who were interviewed or the transcript of interview, or provided a statement or affidavit, unless the complainant is a Councillor or Chief Executive Officer of the local government, whose identity was disclosed at the meeting at which the investigation report was considered.

Once the matter has been investigated and a report has been provided to the local government, the matter will be placed on the Council meeting agenda and the investigation report and any recommendations of the investigator may be debated in the council meeting, which may be in a closed session under section 254J(j) of the LGR. At this point, the summary investigation report is not treated as confidential as it must be publicly available and attached to the agenda papers that are circulated before the meeting.

A final decision by resolution of the Council in an open Council meeting must take place when the decision is made about whether a Councillor engaged in a conduct breach and, if so, any decision about orders that are made under section 150AH of the LGA. Any decision that is not consistent with the recommendation of the investigation report must state in the meeting minutes, the reasons for the decision. The minutes must give sufficient information to demonstrate the logic that has been applied to justify the decision not to follow the recommendation of the investigation report.

The full investigation report must be made publicly available within 10 business days of the Council making a decision by resolution about whether the Councillor engaged in a conduct breach and if so, any orders made in relation to the matter. The published report must not contain any names or identifying information about the complainant, persons who were interviewed or a transcript of interview, or provided a statement or affidavit unless the complainant is a Councillor or Chief Executive Officer of the local government whose identity was disclosed at the meeting at which the investigation report was considered.

When deciding what action to take, the local government may consider any previous conduct breach of the councillor, any allegation made in the investigation that was admitted or not challenged, and the local government is reasonably satisfied is true.

A notice about the outcome of the investigation must be given to the Assessor as soon as practicable that states the decision, the reasons for the decision and the details of any orders made under section 150AH of the LGA.

*Note: For investigation report templates, please refer to 18.2 - Report template and summary report template, and 18.4 - Statement of Preliminary Findings Template. These templates should be used by the investigator.*

## 5. Natural Justice

Any investigation of suspected conduct breach of a Councillor must be carried out in accordance with natural justice.

Natural justice, or procedural fairness, refers to three key principles:

- that the Councillor who is the subject of the suspected conduct breach matter has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken, ie. fair hearing;
- that the investigator should be objective and impartial, ie. absence of bias;
- that any actions taken or decisions made are based on evidence, ie. not on suspicion or speculation.

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A fair hearing means the Councillor who is the subject of the suspected conduct breach matter will receive information about the suspected conduct, including:

- the preliminary findings of the investigation before the preparing of an investigation report about the investigation outcome; and
- a notice if an investigation is not started or is discontinued including the reasons for the decision;
- allow the Councillor to give evidence or a written submission to the local government about the suspected conduct breach and preliminary findings; and
- require the local government to consider the evidence or written statement from the Councillor in preparing the investigation report; and
- include, if evidence is given by the Councillor, a summary of the evidence and, if a written submission is provided, a full copy of the written submission, in the investigation report.

The local government must give the following notices to the other parties if an investigation is not started or discontinued including the reasons for the decision:

- the person who made the complaint
- the Assessor

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

*Note: It must be kept in mind that the matter when referred, is suspected, and not yet proven.*

## 6. Standard of proof

The civil standard of proof is applied by the investigator when determining whether a Councillor has engaged in a conduct breach.

The civil standard of proof is 'on the balance of probabilities', which means the weighing up and comparison of the likelihood of the existence of competing facts or conclusions.

An allegation is sustained 'on the balance of probabilities', if based on the evidence, the investigator and/or the local government, is reasonably satisfied that its existence is more probable than not.

## 7. Timeline

The councillor conduct framework must be effective and efficient. The investigator will make all reasonable endeavours to complete the investigation and provide a report for inclusion on the agenda of the local government's meeting within eight weeks of commencing the investigation, after the receipt of the complaint from the Assessor.

*Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor or delegate (if the Mayor is managing the investigation) to seek an extension of time. Delay in procuring an investigator to undertake the investigation should be avoided by the local government.*

## 8. Expenses

Local Governments must pay the expenses associated with the investigation of suspected conduct breach of a Councillor including any costs of:

- an independent investigator engaged on behalf of the Council;
- travel where the investigator needed to travel to undertake the investigation, or to interview witnesses;
- obtaining legal or expert advice.

*Note: Council may order the subject Councillor to reimburse them for all or some of the costs arising from a sustained conduct breach. These costs would usually only relate to obtaining legal or expert advice and reasonable costs for the investigator engaged to undertake the investigation. Any costs incurred by complainants, or the subject Councillor will not be met by Council. Where possible, costs should be kept to a reasonable rate taking into consideration the costs for more serious matters dealt with by, for example, the Councillor Conduct Tribunal or other jurisdictions which deal with conduct matters.*

## 9. Councillor conduct register

The Chief Executive Officer must ensure decisions and any orders under section 150AH of the LGA made about a conduct breach by a Councillor or any decision to not start, or to discontinue an investigation of suspected conduct breach under section 150AEA of the LGA, are entered into the relevant Councillor Conduct Register.

## Procedures for the Investigation

### 10. Independent Assessor's referral

Council will receive a referral notice from the Assessor about the suspected conduct breach of a Councillor. The referral notice will include details of the conduct and any complaint received about the conduct, state why the Assessor reasonably suspects that the councillor has engaged in a conduct breach and include information about the facts and circumstances that form the basis of the Assessor's reasonable suspicion.

The Council must deal with the matter and the investigation must be conducted in a way that is consistent with this Policy.

The Assessor must also give a notice to the Councillor that states the Councillor's conduct has been referred to Council to deal with and a copy of the referral notice must be attached.

### 11. Receipt of Assessor's referral

On receipt of a referral notice about the suspected conduct breach of a Councillor from the Assessor, the Chief Executive Officer will forward a copy of that referral notice to the Mayor and all Councillors, including the subject Councillor, as a confidential document.

The Councillor who is the subject of the complaint and the complainant, if the complainant is a Councillor, have a declarable conflict of interest and should manage it in a way that is consistent with the requirements of Council's Standing Orders for Council Meetings, section 10.

The Mayor will manage the investigation process and may undertake the investigation themselves, or engage an external investigator, to investigate the suspected conduct breach and prepare an investigation report with recommendations about whether the Councillor engaged in a conduct breach and how the conduct may be dealt with.

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If the Mayor has a conflict of interest in the matter, the Mayor's powers to manage the investigation must be delegated by Council resolution to the Deputy Mayor, or if the Deputy Mayor is conflicted, then an acting Mayor must be appointed from the other Councillors by resolution, to manage the investigation.

Where the local government meeting loses quorum due to conflicts of interest of Councillors or absent Councillors, then the conduct matter must be delegated to the Mayor or a standing committee to make a decision. If the referral notice is about the suspected conduct breach by the Mayor, then the matter must be delegated to a standing committee.

Council will consider establishing a standing committee under section 264 of the LGR to deal with decisions about a conduct breach matters which are delegated by resolution to a standing committee. The standing committee will decide about the Mayor's conduct in all circumstances where there is a loss of quorum or more generally, may also deal with Councillors' conduct.

While section 12(4)(f) of the LGA provides that the Mayor has the extra responsibility of being a member of each standing committee, the Mayor could not be a decision-making member of a standing committee dealing with decisions about the Mayor's conduct because of the conflict of interest. The remainder of the unconflicted members of the committee will decide the matter.

The standing committee must be in existence before receiving the referral notice from the Assessor, in circumstances where there is no quorum to decide a matter under sections 150AEA or 150AG of the LGA due to conflicts of interest.

## 12. When the local government may decide not to start, or to discontinue, an investigation

On receipt of the referral notice from the Assessor, the Mayor will manage the investigation unless it is delegated. If there are circumstances for considering not starting or discontinuing an investigation, the matter will be placed on the agenda for the next Council meeting. The local government may decide by resolution to not start, or discontinue, a suspected conduct breach matter. The resolution must state the decision and the reasons for the decision.

The only circumstances in which the local government can formally not start or discontinue a matter are under section 150AEA of the LGA.

*Note: The matters not started or discontinued must be reported in the Annual Report (including the reasons) and recorded in the Councillor Conduct Register.*

## 13. Local government investigating the suspected conduct breach of a councillor

Unless the matter has been delegated by the local government, the Mayor will manage the investigation of suspected conduct breach matters relating to other Councillors by either performing the role of investigator or engaging a suitably qualified person to undertake the investigation and provide an investigation report for the Council to consider. The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with the Council's procurement policy.

If the investigator obtains information which indicates a Councillor may have engaged in misconduct, the investigator must cease the investigation and advise the Mayor and the Chief Executive Officer. The Chief Executive Officer will determine if the conduct is within the timeframe for reporting the matter. The Chief Executive Officer will then provide an information notice to the Assessor giving the details of the suspected misconduct. The notice must be given within one year after the conduct occurred, or within six months after the conduct comes to the knowledge of the Chief Executive Officer or another person who gave the information notice to the Assessor, but within two years after the conduct occurred.

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If the investigator obtains information that indicates a Councillor may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Mayor and Chief Executive Officer. The Chief Executive Officer will then provide an information notice to the Assessor giving the details of the suspected corrupt conduct or notify the Crime and Corruption Commission of the suspected corrupt conduct. There are no reporting time limits for corrupt conduct.

## 14. Engaging an Investigator

Once an investigator has been selected to undertake the investigation, that investigator will follow the investigation standards of the local government (see 18.3 – Investigation Standards), eg. an investigation plan and file management system will be established.

Once the investigation is finalised, the investigator will prepare a report for the local government including the following the details:

- the investigation process;
- any witnesses interviewed;
- documents or other evidence obtained;
- a statement of the relevant facts ascertained;
- confirmation that the subject Councillor has been provided with an opportunity to respond to the complaint and the evidence compiled;
- the investigation findings;
- a statement of any relevant previous disciplinary history;
- any recommendations about dealing with the conduct;
- a record of the investigation costs.

## 15. Completion of Investigation

### Findings and recommendations

The investigator must prepare a Preliminary Statement of Findings and must give the preliminary findings to the Councillor before preparing the Investigation Report and allow the Councillor to give evidence or a written statement about the conduct and preliminary findings.

The investigator must consider any evidence or written submission given by the Councillor in preparing the investigation report and include a summary of the evidence and a full copy of any written submission in the investigation report.

### Investigation Report

The investigator must prepare an investigation report about the investigation of a suspected conduct breach matter referred by the Assessor to the local government under section 150AFA of the LGA. The investigation report must include the findings of the investigation, a summary of the evidence or a full copy of any written submission given by the Councillor and recommendations for consideration by the local government (see 18.2 – Report Template).

A summary investigation report with the preliminary Statement of Findings and summary of the outcome of the investigation attached, must be prepared for public availability before the meeting where the Councillors will consider the investigation report matter on or before the day and time prescribed by the LGR section 254C, which is:

- 5pm on the next business day after the notice of the meeting at which a decision is to be made has been provided to the councillors, or
- the day and time when the agenda for the meeting at which a decision is to be made, is publicly available.

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The Council must prepare a summary of the investigation report that must include:

- the name of the Councillor whose conduct has been investigated; and
- a description of the alleged conduct; and
- a statement of the facts established by the investigation; and
- a description of how natural justice was afforded to the Councillor during the conduct of the investigation; and
- a summary of the findings of the investigation; and
- any recommendations made by the investigator who investigated the conduct.

The following information must not be made publicly available:

- if the investigation relates to the conduct of a Councillor that was the subject of a complaint;
- the name of the person who made the complaint or any other person, other than the Councillor; or
- information that could reasonably be expected to result in identifying a person who made the complaint or any other person;
- if a person, other than the Councillor, provided information for the purposes of the investigation including, for example, by giving an interview or making a submission or affidavit:
  - the name of the person; or
  - information that could reasonably be expected to result in identifying the person or any other person, other than the Councillor;
  - any other information the local government is entitled or required to keep confidential under a law.

### **Making a decision about the investigation**

Council must make a decision as to whether the subject Councillor has engaged in a conduct breach.

When debating this matter the subject Councillor who has a declarable conflict of interest in the matter, must declare the conflict of interest, and the eligible Councillors (those who do not have a conflict of interest in the matter) can decide by resolution for the subject Councillor to remain in the meeting during the debate and may answer questions put to the subject Councillor through the Chairperson to assist the eligible Councillors in making a decision. The resolution can include conditions that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed a conduct breach and what, if any, penalty to impose if the Councillor is found to have committed a conduct breach.

Should the complainant be a Councillor, that Councillor has a declarable conflict of interest in the matter and must follow the declarable conflict of interest procedures set out in the Council's Standing Orders for Council Meetings, section 10.

If the Council has lost quorum due to the number of conflicted Councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or deferred to another date when a quorum will be present.

If a decision is reached that the Councillor has engaged in a conduct breach, the Council (with the exception of the Councillor the subject of the investigation and the complainant, if another Councillor), will consider the findings and recommendations of the investigator's report and decide what, if any, action it will take under section 150AH of the LGA.

After making a decision about the conduct breach, the Council must make the investigation report for the investigation publicly available after the meeting at which the decision about the outcome of the investigation is made, by:

- on or before the day and time prescribed by regulation, or 5.00pm on the tenth day; or
- the day and time that the meeting minutes are made publicly available.

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The following information contained in the investigation report must not be made publicly available:

- if the investigation relates to the conduct of a Councillor that was the subject of a complaint
  - the name of the person who made the complaint or any other person, other than the Councillor even if that person has a declarable conflict of interest; or
  - information that could reasonably be expected to result in identifying a person;
- if a person, other than the Councillor, provided information for the purposes of the investigation including, for example, by giving an interview or making a submission or affidavit:
  - the name of the person; or
  - information that could reasonably be expected to result in identifying the person or any other person, other than the Councillor;
  - the submission or affidavit of, or a record or transcript of information provided orally by, a person, including, for example, a transcript of an interview;
  - any other information the local government is entitled or required to keep confidential under a law eg. documents subject to legal professional privilege or information that is part of a public interest disclosure under the *Public Interest Disclosure Act 2010*.

The report made publicly available must include the name of the person who made the complaint if:

- the person is a Councillor or the Chief Executive Officer of the local government; and
- the person's identity as the complainant was disclosed at the meeting at which the report for the investigation was considered.

## 16. Disciplinary action against councillors

If the Council decides that the Councillor has engaged in a conduct breach, any of the following orders may be imposed:

- order that no action be taken against the Councillor; or
- make an order outlining action the Councillor must undertake in accordance with section 150AH(1)(b) of the LGA.

***Note:** For further information, refer to 18.5 - Conduct Breach Disciplinary Action Guideline.*

## 17. Notice about the outcome of the investigation

After an investigation is finalised, the Council must give a notice about the outcome decision of the investigation if the local government decides not to start or discontinue an investigation under section 150AEA of the LGA, or makes a decision about whether the Councillor has engaged in a conduct breach under section 150AG of the LGA, including the reasons for the decision and any orders made under section 150AH of the LGA, to:

- the Assessor;
- the person who made the complaint about the Councillor's conduct that was the subject of the investigation; and
- the subject Councillor who was investigated.

## 18. Addendums

### 18.1 Index

**Assessor** means the Independent Assessor appointed under section 150CT of the LGA.

**Behavioural standard** means a standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150D and 150E of the LGA.

**Conduct** includes:

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct.

**Councillor conduct register** means the register required to be kept by the local government as set out in section 150DX and 150DY of the LGA.

**Conduct breach** as set out in section 150K of the LGA.

**Investigation Policy** refers to this Policy, as required by section 150AE of the LGA.

**Investigator** means the person responsible under this investigation policy for carrying out the investigation of the suspected conduct breach of a Councillor or Mayor.

**Summary of investigation report** means a summary of the full investigation report prepared before making a decision about the outcome of the investigation that must be publicly available on or before the day prescribed by regulation.

**Investigation report** means a report provided by the investigator to the local government that must be publicly available within 10 business days after the local government makes a decision about the outcome of the investigation.

**LGA** means the *Local Government Act 2009*

**Local government meeting** means a meeting of:

- (a) a local government; or
- (b) a committee of a local government.

**Misconduct** - see section 150L of the LGA.

**Model meeting procedures** - see section 150F of the LGA.

**Referral notice** - see section 150AB, AC and AD of the LGA.

**Tribunal** means the Councillor Conduct Tribunal as established under section 150DK of the LGA.

**Unsuitable meeting conduct** - see section 150H of the LGA.

## 18.2 Report Template and Summary Report Template

### Conduct Breach Complaint Investigation and Recommendation Report to Scenic Rim Regional Council

**Reference number:**

**Date received from Council:**

#### 1. The complaint

Description of the alleged conduct.

(Outline the allegation/s as referred for investigation, including date/s, time/s, place/s, description of alleged conduct. Succinct description of (full title and relevant sections) of policy (eg. code of conduct) alleged to have been breached)

#### 2. The complainant

Name of the complainant who made the complaint about the alleged conduct. (Consider if Council indicates the matter relates to a public interest disclosure and ensure compliance with the *Public Interest Disclosure Act 2010*.)

#### 3. The subject Councillor

Name (Reference level of experience as a Councillor and any past disciplinary history including for like matters.)

#### 4. Conflict of interest considerations

(Declaration of any conflict of interest or 'no conflict of interest' by the investigator.)

#### 5. Summary of the investigation process

- scope of the investigation
- interviews conducted
- documents examine
- facts identified
- category of the conduct breach, set out relevant standards of sections considered.

#### 6. Investigation and Findings

- date of the report
- wording of allegation for consideration
- a statement of the facts established by the investigation
- a description of how natural justice was afforded to the councillor during the conduct of the investigation
- a summary of the findings of the investigation
- a summary of any relevant previous disciplinary history
- summary of the evidence or a full copy of any written submission given by the councillor
- application of facts to the conduct breach outlined above
- a record of the investigation costs.

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Note: *Insert discussion of sufficiency of evidence to sustain the allegation and whether the evidence is capable of supporting a finding that the councillor has breached.*

## 7. Recommendation to Council

Recommendations made by the investigator who investigated the conduct.

It is recommended that:

- a) This report be submitted to the Council for consideration, pursuant to section 150AG of the *Local Government Act 2009* (the LG Act), as to whether or not the Councillor has engaged in a conduct breach; and if they are found to have so engaged, what action the local government will take to discipline the councillor pursuant to section 150AH of the LG Act;
- b) Having analysed the material from this investigation, a conclusion might be drawn that:

Note: *make a recommendation as to whether a conduct breach is made or not, with succinct reasons:*

- c) If Council finds the Councillor has engaged in a conduct breach, are there any aggravating or mitigating circumstances that should be taken into account? *For example, any action taken by the Councillor since the conduct, any Aboriginal traditions or Islander customs of the Councillor.*
- d) If Council finds the Councillor has engaged in a conduct breach, the following disciplinary action under section 150AH of the LGA is recommended (refer to the 'Guideline – conduct breach disciplinary action').

..... (SIGN)

NAME:

ATTACHMENTS:

## 8. Summary Report Template

**Include the following:**

- the name of the Councillor whose conduct has been investigated; and
- a description of the alleged conduct; and
- a statement of the facts established by the investigation; and
- a description of how natural justice was afforded to the Councillor during the conduct of the investigation; and
- a summary of the findings of the investigation; and
- any recommendations made by the investigator who investigated the conduct.

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### 18.3 Investigation Standards

The investigation must be managed in a consistent manner.

Documentation must be contained in an efficient records management system.

Confidential information must be secured appropriately.

#### 1. Case Management File

The investigation must be supported by a recognised case management tool so that emails, letters, statements, and evidence can be stored and secured confidentially. File notes must be made in the case management system to document key milestones in the investigation such as when lines of inquiry are identified, witnesses are spoken to, when evidence is secured, and document key decisions.

#### 2. Investigation Plan

The Mayor or delegate will, prior to beginning the investigation, check that the investigator does not have a conflict of interest in the matter. Remove them immediately from the investigation should a conflict of interest become known.

The following investigation process must be followed by the investigator unless the Mayor or delegate agrees to vary the process in a particular case.

Take all necessary steps to protect the identity of the complainant(s) as far as possible during communications with the Councillor.

Consider the following:

- Research the legislation and policy framework thoroughly.
- Identify lines of inquiry and record them as a file note in case file management system.
- Present all the evidence the councillor provides or gives in a written statement.
- Gather further evidence (for example, from interviewing other witnesses, obtaining documents, or carrying out site inspections) when necessary.
- Secure evidence in case file management system, making a file note when lines of inquiry are followed up and key decisions are made during the course of in the investigation.
- Undertake a proper and impartial examination of the evidence gathered, including expert advice and analysis and / or legal advice if required.
- Draw conclusions based on the evidence and applying the appropriate legislative and policy frameworks.

#### 3. Prepare an Investigation Report

Prepare the investigation report for the local government to consider on the template attached (18.2).

If during the course of an investigation, the investigator obtains new information that a Councillor may have engaged conduct that may give rise to a new allegation, the investigator must obtain particulars related to the conduct and then advise the Mayor and the Chief Executive Officer, who will provide an information notice to the Assessor. The Assessor will undertake a preliminary assessment or alternative action on the matter.

The investigator will be informed of activities of the Council in relation to the investigation. For example, the investigator will be informed in the event the finalisation of a matter is delayed, or if the Council has to notify of a fresh allegation identified during the course of an investigation to the Assessor for a preliminary assessment.

If during the course of an investigation, the investigator obtains new information that a Councillor may have engaged in misconduct or corrupt conduct, the investigation will cease and the investigator will notify the Mayor and Chief Executive Officer, who will be responsible for providing an information notice to the Assessor/Crime and Corruption Commission.

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## 18.4 Statement of Preliminary Findings Template

### Statement of Preliminary Findings

The investigator has assessed the evidence set out in the investigation report and, taking into account the seriousness of the allegations, has made findings on the balance of probabilities.

The table below contains a summary of the Allegations and the investigator's findings.

A detailed summary of the evidence and findings is provided in the full investigation report.

Allegation	Finding
Allegation:	Substantiated/Not Substantiated
Particulars:	Summary of Evidence:
	Summary of reasons for finding:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Investigator's signature and name

## 18.5 Conduct Breach Disciplinary Action Guideline

This guideline is provided to assist Queensland local governments to make consistent decisions about the appropriate disciplinary action to be taken against a Councillor who is found to have engaged in a conduct breach.

### 1. What is a conduct breach?

According to section 150K of the LGA, a conduct breach occurs when a Councillor:

- breaches a behavioural standard (Code of Conduct for Councillors in Queensland);
- breaches a council policy, procedure, or resolution;
- contravenes an order by a chairperson of a local government to leave a Council meeting and stay away from the place at which it is being held;
- is part of a course of unsuitable meeting conduct orders on three occasions within a one-year period, taken together, is a conduct breach. The local government is not required to notify the Office of the Independent Assessor (OIA) of these matters and may deal with the conduct as if an investigation has been undertaken section 150J and make a decision under section 150AG of the LGA.

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## 2. Decision

Section 150AG of the LGA provides that where an allegation of a conduct breach has been referred by the OIA to a local government for investigation, the local government must decide:

1. whether or not the Councillor has engaged in a conduct breach; and
2. what action the local government will take under section 150AH of the LGA to discipline the Councillor if the Councillor has been found to have engaged in a conduct breach.

## 3. Types of Orders

Section 150AH of the LGA provides a list of the types of orders that the local government may make where it has found that a Councillor has engaged in a conduct breach:

- An order that no action be taken against the Councillor;
- An order that the Councillor make a public apology, in the way decided by the local government, for the conduct;
- An order reprimanding the Councillor for the conduct;
- An order that the Councillor attend training or counselling addressing the Councillor's conduct including at the Councillor's expense;
- An order that the Councillor be excluded from a stated local government meeting;
- An order that the Councillor is removed or must resign from a position representing the local government other than the office of Councillor;
- An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct;
- An order that the Councillor reimburse the local government for all or some of the costs arising from the Councillor's conduct breach.

## 4. Factors that may be taken into account

Section 150AG(2) of the LGA provides that in deciding what action to take, the local government may consider:

- any previous conduct breach of the Councillor;
- any allegation made in the investigation that:
  - was admitted, or was not challenged; and
  - the local government is reasonably satisfied is true.

## 5. Guidance on appropriate disciplinary action

It is open to local governments to decide which order/s in section 150AH of the LGA are suitable when a Councillor is found to have engaged in a conduct breach. The particular circumstances of a case must always be taken into consideration.

As a guide, it is suggested that it may be appropriate for the local government to consider making an order or combination of orders depending on whether a Councillor has been found to have engaged in a conduct breach for the first time, or for a second, or third time.

Section 150L of the LGA provides that conduct is misconduct if the conduct is part of a course of conduct leading the local government to take action under section 150AG to discipline the Councillor for a conduct breach on three occasions within a one year period.

The table on the following page may assist Councils to decide what disciplinary action is suitable in various circumstances.

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Order	First instance of engaging in a conduct breach	Second instance of engaging in a conduct breach	Third instance of engaging in a conduct breach
No action be taken against the Councillor	✓		
An order for the Councillor to make a public apology in the way decided by the local government, for the conduct	✓*	✓*	✓*
An order reprimanding the Councillor for the conduct	✓#	✓#	✓#
An order that the Councillor attend training or counselling addressing the Councillor's conduct including at the Councillor's expense	✓#	✓#	✓#
An order that the Councillor be excluded from a stated local government meeting		✓	✓
An order that the Councillor is removed or must resign from a position representing the local government other than the office of Councillor			✓
An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct	✓^	✓	
An order that the Councillor reimburse the local government for all or some of the costs arising from the Councillor's conduct breach**		✓	✓

\*May be appropriate where there is heightened or particular public interest in the type of conduct or the subject matter relating to the conduct

# May be particularly appropriate where the conduct involves bullying or harassment or making inappropriate comments about another person

^ For more serious and deliberate conduct breaches by an experienced councillor

\*\* Costs arising from the councillor's conduct breach includes investigative costs, legal costs, and administrative costs. However, costs should be kept to a reasonable rate taking into consideration the costs for more serious matters dealt with by the Councillor Conduct Tribunal.

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19. Related Legislations/Documents

Local Government Act 2009 (LGA)  
Local Government Regulation 2012 (LGR)  
Code of Conduct for Councillors in Queensland  
Standing Orders for Council Meetings

20. Version Information

Version No	Adoption Date	Key Changes	Approved by
1		Endorsed by Executive Team on 10 February 2025 (Item 7.1)	
2			

**11.9 2025 Interim Report from The Auditor General**

**Executive Officer:** Acting General Manager Council Sustainability

**Item Author:** Coordinator Financial Management

**Attachments:**

1. 2025 Interim Report [↓](#) 

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**Councillor Portfolio / Representation**

Audit and Risk Committee - Cr Amanda Hay

**Local Government Area Division**

This report relates to the whole Scenic Rim region.

**Executive Summary**

This report presents the Auditor-General's observation Interim Report relating to the interim audit of Council's Financial Statements for the 2024-2025 financial year.

**Recommendation**

That, in accordance with section 213 of the Local Government Regulation 2012, Council note the Auditor-General's observation Interim Report for the 2024-2025 financial year.

**Previous Council Considerations / Resolutions**

Not applicable.

**Report / Background**

In accordance with section 54 of the *Auditor-General Act 2009*, the Auditor-General must prepare an observation report about the audit of a local government's financial statements.

Section 213 of the *Local Government Regulation 2012* requires that the Mayor presents a copy of this report at the next Ordinary Meeting. These reports about the audit of Council's financial statements prepared under section 54 of the *Auditor-General Act 2009*, include observations and suggestions made by the Auditor-General about anything arising out of the audit.

**Budget / Financial Implications**

Nil.

**Strategic Implications***Operational Plan*

Theme: 3. Open and Responsive Government

Key Area of Focus: Ongoing integrity of Council's practice and processes

*Legal / Statutory Implications*

Section 213 of the *Local Government Regulation 2012* requires that the Mayor present a copy of the of the auditor-general's observation report at the next ordinary meeting.

**Risks**Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR47 Inadequate or lack of an appropriate Financial Management Framework (including systems, policies, procedures and controls) in place to adequately minimise risk of fraudulent action and to maximise financial sustainability.

Risk Summary

Category	Explanation
Governance, Risk & Compliance  Elected members unaware of recommendations of Auditor-General in relation to Local Government.	Providing regular updates to elected members.

**Human Rights Implications**

No human rights have been impacted by any actions recommended in this report.

**Consultation**

Executive Team  
Manager Information Services and Technology  
Interim Manager Maintenance and Operations  
Coordinator Financial Management  
Principal Specialist Internal Audit  
External Auditors

**Conclusion**

In accordance with section 213(3) of the *Local Government Regulation 2012*, the Mayor must present the Auditor-General's observation report at the next ordinary meeting of the local government.

**Options**Option 1

That, in accordance with section 213 of the *Local Government Regulation 2012*, Council note the Auditor-General's observation Interim Report for the 2024-2025 financial year.

Option 2

That Council defer the consideration of the Auditor-General's observation Interim Report for the 2024-2025 financial year.



## 2025 INTERIM REPORT

# Scenic Rim Regional Council

3 July 2025



SENSITIVE

Cr Tom Sharp  
Mayor  
Scenic Rim Regional Council  
82 Brisbane Street  
Beaudesert QLD 4285

Dear Cr Sharp

### 2025 Interim report

We present our interim report for Scenic Rim Regional Council for the financial year ending 30 June 2025. This report details the results of our interim work performed to 28 February 2025. Under section 213 of the Local Government Regulation 2012, you must present a copy of this report at your council's next ordinary meeting.

#### Results of our interim audit

In this phase, we assessed the design and implementation of your internal controls relevant to the financial report, and whether they are operating effectively. We assessed the key controls we intend to rely on in auditing your financial statements. Our audit does not assess all controls that management has implemented across the organisation.

During our interim audit, we have identified two new deficiencies to report to management.

#### Significant deficiencies:

- One unresolved from prior years in relation to non-compliance with tender process. We have noted significant improvements including the development of a procurement documentation suite available to Council staff. There were no findings identified during our interim audit but note continued education is required as part of Councils' Procurement Improvement Project.

#### Deficiencies:

- Two raised in the current year deficiencies relating to the reconciliation of waste charges to the Mandalay system, and manual timesheets.
- Four unresolved from prior years relating to IT policy and framework.

#### Financial reporting matters:

- 1 unresolved from prior years relating to the impairment review of assets.

Based on the results of our testing completed to date and the resolution of prior year issues, we have determined your internal control environment does support an audit strategy where we can rely upon your entity's controls.

Refer to section 1 for further details.

I'd like to thank your team for the positive engagement over our interim testing. If you have any questions or would like to discuss the audit report, please contact me or Brayden Eddy on 1300 000 452.

Yours sincerely

Adam Bradfield  
Partner

Enc.

cc.

Mr David Keenan, Chief Executive Officer  
Mr Stephen Coates, Chair of the Audit and Risk Committee

Queensland Audit Office  
Level 13, 53 Albert Street, Brisbane Qld 4000  
PO Box 15396, City East Qld 4002

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Web [www.qao.qld.gov.au](http://www.qao.qld.gov.au)  
 Queensland Audit Office (QAO)

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2025 Interim report

## 1. Status of issues

### Internal control issues

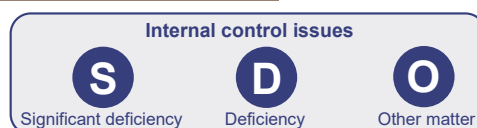
The following table identifies the number of deficiencies in internal controls and other matters we have identified. Details of the deficiencies we identified during our interim audit are outlined further in this section. Refer to section 2 *Matters previously reported* for the status of previously raised issues.

Year and status	Significant deficiencies	Deficiencies	Other matters*
Current year issues	-	2	-
Prior year issues – unresolved	1	4	-
<b>Total issues</b>	<b>1</b>	<b>6</b>	<b>-</b>

Note: \*Queensland Audit Office only tracks resolution of other matters where management has committed to implementing action.

The following section details control deficiencies and other matters identified as at 6 May 2025. It includes a response from management.

Our ratings are as follows. For more information and detail on our rating definitions, please see the webpage here: [www.qao.qld.gov.au/information-internal-controls](http://www.qao.qld.gov.au/information-internal-controls) or scan the QR code.



### **D** Deficiency

#### 25IR-1 Waste charges weight records reconciliation

##### Observation

Weight records from Council's waste management system, Mandalay, are not obtained from the waste facility when invoiced as part of the monthly billing process. The accounts receivable department do not independently verify the accuracy and completeness of the reported weight records prior to invoicing.

##### Implication

There is increased risk that commercial waste charges revenue might be misstated.

##### QAO recommendation

It is recommended that the invoice should be matched to weigh records from Mandalay monthly or perform an annual reconciliation to verify the accuracy and completeness of the total tonnage recorded from the waste management system.

##### Management response

Agree. Business Support Officers within Waste Management shall perform an annual reconciliation at the end of each financial year to ensure the sum of the tonnages from all individual invoices raised to each customer during the year agrees to the annual tonnage per the Mandalay system.

Responsible officer: Manager Maintenance and Operations

## SENSITIVE

2025 Interim report

## Other matter

### 25IR-2 Manual timesheet inefficiency

#### Observation

Approximately 270 employee's hours are recorded in daily and weekly manual timesheets and are then physically reviewed and approved by the respective supervisor. The timesheets are delivered to Payroll staff for processing into CiAnywhere for the fortnightly pay run. A secondary staff member will review the data entry to confirm and stamp the timesheet as 'checked'. Inadequately completed or approved timesheets are sent back for reconfirmation. It was observed that this process is excessively time consuming.

#### Implication

There is an increased risk of error and inappropriate approval of timesheets. There is also considerable inefficiency noted in ensuring the completion and approval of timesheets in advance of payroll processing.

#### QAO recommendation

It is recommended that Council investigate a digital solution for timesheet completion to reduce the risk of error or fraud, improve efficiency and strengthen the segregation of duties.

#### Management response

A digital solution has been investigated multiple times over the years; however, the cost has always been prohibitive to Council. Council is undertaking a process of IT Modernisation where this functionality is being prioritised. The project has a start date of August 2025 subject to budget approval.

Responsible officer: General Manager People and Strategy

## Financial reporting issues

This table identifies the number of financial reporting issues we raised. We have not identified any new financial reporting issues during our interim audit. Refer to section 2 *Matters previously reported* for the status of previously raised financial reporting issues.

Year and status	High risk	Medium risk	Low risk
Current year issues	-	-	-
Prior year issues – unresolved	-	1	-
<b>Total issues</b>	-	<b>1</b>	-

## 2. Matters previously reported

The following table summarises the status of deficiencies, financial reporting issues, and other matters previously reported to you.

Ref.	Rating	Issue	Status and comment
24CR-2	<b>M</b>	<b>Impairment in excess of asset carrying amounts</b> Lack of review of the carrying amounts of assets impaired could result in incorrect recognition of impairment to the revaluation reserve.	<b>Pending audit clearance</b> The impairment review will be performed as part of year end procedures. Action date: 30 June 2025




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Ref.	Rating	Issue	Status and comment
23CR-2	<b>S</b>	<b>Non-compliance with the tender process outlined in the Local Government Act 2009 (the “Act”) and the Local Government Regulations 2012 (the “Regulations”)</b> Lack of sound tender documentation process and analysis.	<b>Work in progress</b> Improvement to Council’s processes and adherence to policy and legislation continues. Council has introduced a suite of template and guidance documentation for procurement and supply as part of the Procurement Improvement Project. Responsible officer: Coordinator Procurement and Contract Performance Revised Action date: 31 December 2025
23CR-1	<b>D</b>	<b>Adequacy of Backup Regime</b> It was found that the business continuity and disaster recovery plans are in need of review.	<b>Pending audit procedures</b> Council’s Business Continuity Plans were largely updated in 2023. Council has requested quotations from suitably qualified providers to continue the development and undertake a test of the IT Disaster Recovery Plan (DRP). This piece of work will review the draft DRP and improve it to a standard suitable for adoption and testing. Responsible officer: Manager Information Services and Technology Original Action date: 31 October 2023 Revised action date: 30 November 2025
23CR-3	<b>D</b>	<b>Instances of personal expenditure on corporate credit card</b> Lack of adherence to the Council’s Credit Card policy.	<b>Resolved</b> No additional instances identified.
22CR-2	<b>D</b>	<b>Lack of adequate policy and procedural documentation</b> Approval and implementation of user access, change management and backups policy and procedures.	<b>Pending audit procedures</b> Council’s Information Security Policy was rewritten to align with the Queensland Government Information and Cyber Security Policy (IS18) and has been provided to internal stakeholders for consultation and feedback. The next stage will be to finalise the current drafts of the supporting procedures that will address these findings. Responsible officer: Manager Information Services and Technology Original Action date: 30 June 2023 Revised action date: 31 December 2025
22CR-3	<b>D</b>	<b>Lack of adequate information supporting changes to the IT Environment</b> Lack of documentation retention and approval for IT environment changes.	<b>Pending audit procedures</b> Council’s Information Security Policy was rewritten to align with the Queensland Government Information and Cyber Security Policy (IS18) and has been provided to internal stakeholders for consultation and feedback. The next stage will be to finalise the current drafts of the supporting procedures that will address these findings. Responsible officer: Manager

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Ref.	Rating	Issue	Status and comment
			Information Services and Technology Original Action date: 31 March 2023 Revised action date: 31 December 2025
19CR-3		<b>Automated network alerts</b> Lack of automated network alerts for system access and modification events.	<b>Pending audit procedures</b> Information Services and Technology are currently trialing software to perform real-time auditing of changes to network security. If this trial is successful, an implementation approach and timing will be determined. Responsible officer: Manager Information Services and Technology Original Action date: 31 March 2022 Revised action date: 31 December 2025

SENSITIVE

2025 Interim report

## Appendix 1 Climate-related financial disclosures

The following developments have occurred since our update in the external audit plan.

- The Australian Auditing and Assurance Standards Board (AUASB) has published a timetable that outlines when entities reporting under the *Corporations Act 2001* need to obtain assurance over their climate-related disclosures. The timetable is in ASSA 5010 *Timeline for Audits and Reviews of Information in Sustainability*. It's available on the AUASB website in summary form [here](#), and as a standard [here](#).

As a non-mandatory reporting entity, your entity does not need to prepare climate-related financial disclosures in compliance with AASB S2 *Climate-related Disclosures* and have this audited under the ASSA 5010 timetable noted above. Your entity may choose to voluntarily report against AASB S2. We strongly encourage you to engage with us prior to making this decision. Planning to develop a valuable report is a significant commitment.

It is also an important decision to determine the level of assurance you will seek to support your climate-related financial disclosures. ASSA 5010 may provide you with a guide on current industry practice. It reflects a mix of limited and reasonable assurance over time. Because the level of assurance obtained in a limited assurance engagement is substantially lower than in a reasonable assurance engagement, the procedures we will perform in a limited assurance engagement will vary in nature and timing from, and are less in extent than for, a reasonable assurance engagement. Our assurance engagement plan for the following year will provide more details on our approach should you voluntarily report against AASB S2.

- The AUASB has issued the assurance standard ASSA 5000 *General Requirements for Sustainability Assurance Engagements*. We will undertake our assurance engagements under this standard. It is based on the international standard ISSA 5000 *General Requirements for Sustainability Assurance Engagements*.

We have developed a methodology to ensure our audits are compliant with ASSA 5000. This includes developing a framework to determine if, or when, we need to engage subject matter experts; and how to assess the in-house or out-sourced subject matter experts you have engaged.

- At the Queensland Treasury and QAO technical audit update in February 2025, Queensland Treasury shared its update. While its proposed framework does not apply to your organisation, it may help inform your future decisions on whether, and when, you may wish to prepare climate-related financial disclosures.

The slide pack is available on our website here: [www.qao.qld.gov.au/reports-resources/events](http://www.qao.qld.gov.au/reports-resources/events)

We will share thematic findings from our readiness assessment for all public sector entities who meet the Group 1 requirements under the *Corporations Act 2001* in our reports to parliament on the results of financial audits for 2025.



[qao.qld.gov.au/reports-resources/reports-parliament](https://qao.qld.gov.au/reports-resources/reports-parliament)



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**11.10 Council Interim Monthly Financial Report for June 2025**

**Executive Officer:** Acting General Manager Council Sustainability

**Item Author:** Senior Accountant / Acting Financial Management Coordinator

**Attachments:**

1. Interim Monthly Financial Report June 2025 [↓](#) 

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**Councillor Portfolio / Representation**

Not applicable.

**Local Government Area Division**

This report relates to the whole Scenic Rim region.

**Executive Summary**

This report seeks Council's endorsement of the interim monthly financial report for June 2025.

**Recommendation**

That Council receive and note the Interim Monthly Financial Report for June 2025.

**Previous Council Considerations / Resolutions**

Not applicable.

**Report / Background**

The monthly financial report provides information on Council's actual to budget performance. The graphical representation of key performance indicators provides key summary financial information.

**Budget / Financial Implications**

The budget/financial implications are reflected within Attachment 1.

**Strategic Implications***Operational Plan*

Theme: 3. Open and Responsive Government

Key Area of Focus: Ongoing integrity of Council's practice and processes

*Legal / Statutory Implications*

Section 204 of the *Local Government Regulation 2012* requires the Chief Executive Officer to present a financial report to Council on a monthly basis.

**Risks**Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR47 Inadequate or lack of an appropriate Financial Management Framework (including systems, policies, procedures and controls) in place to adequately minimise risk of fraudulent action and to maximise financial sustainability.

Risk Summary

Category	Explanation
Financial/Economic  Inaccurate or untimely management reporting	Actual performance is reported against budget on a monthly basis to the Executive Team and Council.
Financial/Economic  Failure to develop and implement procedures to manage cash and investments	A Monthly investment report is provided to the Executive Team and Council that reports actual performance against investment limits.
Financial/Economic  Failure to manage outstanding debtors	A Monthly debtors report is provided to the Executive Team and Council including a chart showing total outstanding debtors and debtors greater than 90 days overdue .

**Human Rights Implications**

No human rights have been impacted by any actions recommended in this report.

**Consultation**

The Executive Team and Managers have reviewed the actual to budget performance for their relevant portfolios.

**Conclusion**

The interim monthly financial report provides information on the actual to budget position at financial statement level.

**Options**

Option 1

That Council receive and note the Interim Monthly Financial Report for June 2025.

Option 2

That Council request further information or an amendment to Interim Monthly Financial Report for June 2025.

Option 3

That Council not accept the Interim Monthly Financial Report for June 2025.



# FINANCIAL PERFORMANCE AND POSITION INTERIM PROGRESS REPORT JUNE 2025

**SCENIC RIM**  
  
REGIONAL COUNCIL

PO Box 25 | 82 Brisbane Street, Beaudesert QLD 4285 | Telephone 07 5540 5111



[scenicrim.qld.gov.au](https://scenicrim.qld.gov.au)

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## Executive Summary

The June 2025 monthly financial report is an interim shortened report only due to the timing of end of financial year processing. Processing for revenue and expense accruals, expense prepayments, depreciation expense, provision calculations, property, plant and equipment capitalisations and revaluations and several other items will continue during July. As such, no income statement or balance sheet is provided in this report.

The cash balance at 30 June 2025 was \$49.616M compared to a budget of \$48.614M. This figure will not change.

A draft set of Financial Statements shall be prepared for External Audit and the Audit and Risk Committee by 15 August 2025. If we are in a position to prepare a final June Report to the August Ordinary Meeting we shall do so; otherwise it will be to the next possible Ordinary Meeting thereafter.

If there are any changes between the Draft Financial Statements and the Final Version signed off by External Audit, then a further report to Council shall be prepared at that time.

## Financial performance and position



### 1. INVESTMENTS

#### INVESTMENTS

As at 30-June-2025

#### INVESTMENTS HELD BY COUNCIL

Financial Institution	Type	Principal \$'000	Interest Rate	Maturity Date	Days to Maturity	S&P Short Term Rating
Queensland Treasury Corporation	On Call	\$43 493	4.42%	30.06.2025	0	A1+
Bendigo & Adelaide Bank - Canungra	Term Deposit	\$1 000	4.25%	01.12.2025	154	A2
Bendigo & Adelaide Bank - Kalbar	Term Deposit	\$1 000	4.75%	11.08.2025	42	A2
Bendigo & Adelaide Bank - Beaudesert	Term Deposit	\$1 000	4.45%	29.10.2025	121	A2
Suncorp Metway Limited-Corporate	Term Deposit	\$3 000	5.10%	07.07.2025	7	A1
Suncorp Metway Limited-Corporate	Term Deposit	\$5 000	4.73%	04.11.2025	127	A1

<b>Total investments</b>		<b>\$54 493</b>				
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Cash in bank accounts	On Call	\$1 257	3.85%	30.06.2025	0	A1+
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<b>Total cash</b>		<b>\$1 257</b>				
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<b>TOTAL CASH AND INVESTMENTS</b>		<b>\$55 750</b>	Varies from Statement of Financial Position due to cash in Trust and reconciling items.			
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#### INVESTMENT INTEREST RATE PERFORMANCE

Weighted Average Interest Rate	4.47%
Target Interest Rate (RBA cash rate)	3.85%
Investment Policy Adhered to?	Yes

#### ESTIMATE OF RESTRICTED CASH

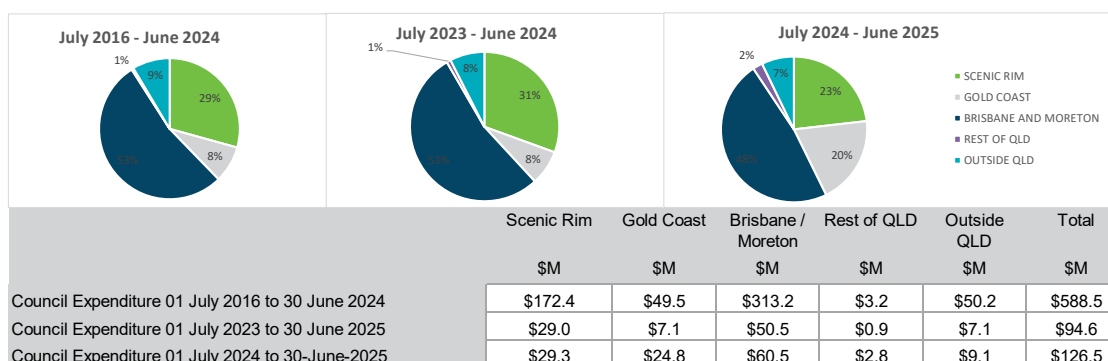
EXTERNAL RESTRICTIONS	\$'000
Loan draw down but not yet expended	\$5 458
Operating grant funding received but not yet expended	\$0
Domestic waste levy refund received in advance	\$2 902
Infrastructure charges received in prior years not expended	\$7 449
Cash held in trust account	\$6 106
<b>Total estimated restricted cash</b>	<b>\$21 915</b>

## Financial performance and position



## 2. ADDITIONAL INFORMATION

## COUNCIL EXPENDITURE BY LOCATION

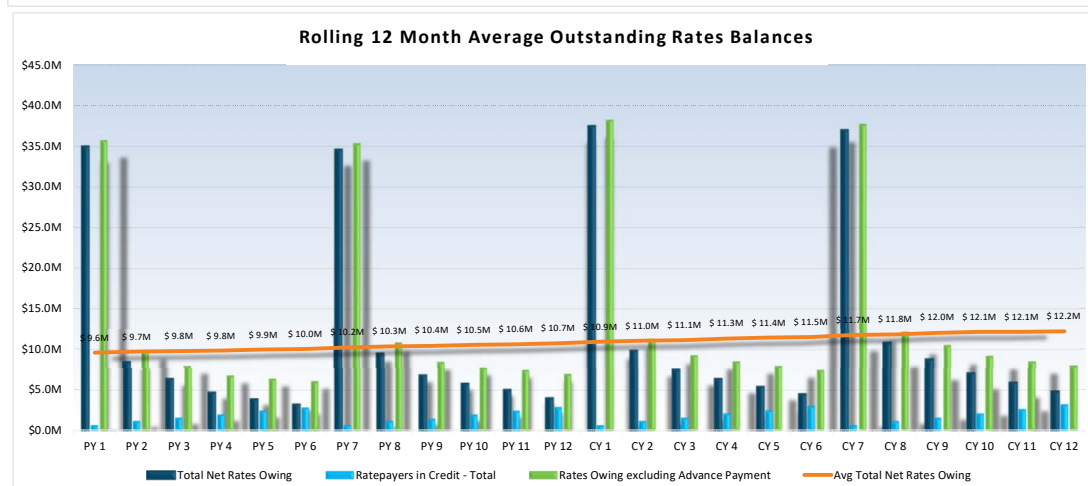
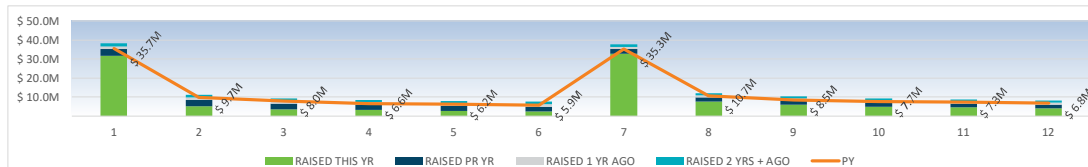


## HARDSHIP APPLICATIONS

	Financial	Drought	Bushfires	Flood
2023-2024 Applications Approved	3	0	0	0
2024-2025 Current Month				
Applications Sent (excludes direct download from website)	3	0	0	0
Applications Received	1	0	0	0
Applications Approved	0	0	0	0
Applications Currently Under Review	0	0	0	0
Applications Ineligible / Withdrawn	0	0	0	0

## 3. DEBTORS

## OUTSTANDING RATES DEBTORS



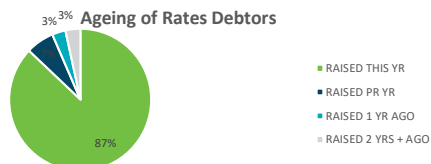
## Financial performance and position



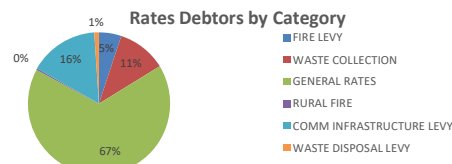
## 3. DEBTORS

## OUTSTANDING RATES DEBTORS CONTINUED

Ageing of Rates Debtors



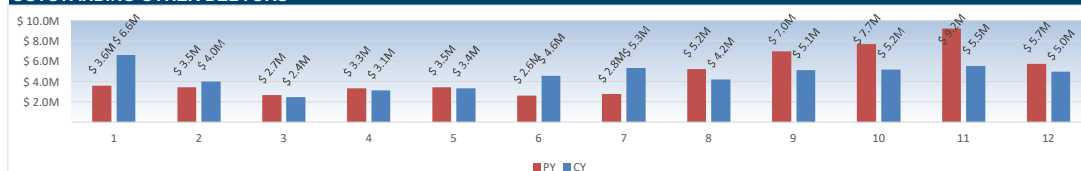
Rates Debtors by Category



## Outstanding Rates Debtors by Category

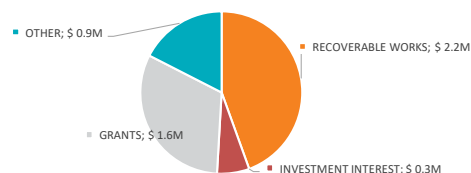
	As at 30-June-2025		As at 30-June-2024	
	Total Levy \$'000	Current Levy \$'000	Total Levy \$'000	Current Levy \$'000
Fire Levy	\$406	\$208	\$373	\$221
Waste Collection	\$901	\$472	\$731	\$417
General Rates	\$5 357	\$2 697	\$4 734	\$2 685
Planning - Infrastructure Charges	\$0	\$0	\$41	\$0
Rural Fire	\$35	\$19	\$31	\$18
Community Infrastructure Levy	\$1 268	\$683	\$1 030	\$607
Waste Disposal Levy	\$81	\$42	\$70	\$40
<b>Total rates debtors outstanding</b>	<b>\$8 048</b>	<b>\$4 121</b>	<b>\$7 010</b>	<b>\$3 987</b>

## OUTSTANDING OTHER DEBTORS



Example: Recoverable Works, Interest Receivable, Tipping Fees, etc.

## Outstanding Other Debtors by Category



**12 Confidential Matters****12.1 Land Acquisition for Road Purposes [Closed s.254J(3)(h)]**

**Executive Officer:** Manager Coordinator Asset Management /  
Acting General Manager Asset and Environmental Sustainability

**Item Author:** Manager Infrastructure Recovery

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This report is **CONFIDENTIAL** in accordance with Section 254J(3)(h) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following:

- (h) negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967.

**12.2 Consideration for the purchase of land for future strategic purposes [Closed s.254J(3)(h)]**

**Executive Officer:** Manager Coordinator Asset Management /  
Acting General Manager Asset and Environmental Sustainability

**Item Author:** Principal Specialist Property Management /  
Acting Manager Resources and Sustainability

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- (h) negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967.