



# AGENDA

## GENERAL MEETING

**Wednesday 13 May 2020**

commencing at 9.30am

Strathpine Chambers  
220 Gympie Road, Strathpine

Pursuant to section 277E of the Local Government Regulation 2012 it is considered not practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency involving COVID-19.

**Accordingly, this meeting is physically closed to the public.**  
However, will be live-streamed via a link on Council's website  
(access to the link will be available immediately prior to the meeting)

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### COUNCILLOR:

NOTICE IS HEREBY GIVEN, that a General Meeting of the Moreton Bay Regional Council will be held on Wednesday 13 May 2020 commencing at 9.30am in Strathpine Chambers, 220 Gympie Road, Strathpine to give consideration to the matters listed on this agenda.

Greg Chemello  
Chief Executive Officer

7 May 2020

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

Agenda for public distribution

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**1. ACKNOWLEDGEMENT OF COUNTRY**

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Mayor to provide the Acknowledgement of Country.

**2. OPENING PRAYER / REFLECTION**

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Mayor to provide the opening prayer / reflection for the meeting.

**3. ATTENDANCE & APOLOGIES**

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**Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)

**Apologies:**

**4. MEMORIALS OR CONDOLENCES**

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Council to observe a moment's silence for residents who have passed away.

**5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING**

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**a) General Meeting - 25 February 2020 (Pages 20/552 - 20/589)**

**RESOLUTION** that the minutes of the General Meeting held 25 February 2020, be confirmed.

***Attachment #1 Unconfirmed Minutes - General Meeting 25 February 2020***

**b) Special Meeting - 25 March 2020 (Pages 20/590 - 20/601)**

**RESOLUTION** that the minutes of the General Meeting held 25 March 2020, be confirmed.

***Attachment #2 Unconfirmed Minutes - General Meeting 25 March 2020***

**c) Post-election Meeting - 29 April 2020 (Pages 20/602 - 20/618)**

**RESOLUTION** that the minutes of the Post-election Meeting held 29 April 2020, be confirmed.

***Attachment #3 Unconfirmed Minutes - Post-election Meeting 29 April 2020***

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**6. PRESENTATION OF PETITIONS**

*(Addressed to the Council and tabled by Councillors)*

Receipt of petitions addressed to the Council and tabled by Councillors.

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**7. CORRESPONDENCE**

Receipt of correspondence addressed to the Council and tabled by the Chief Executive Officer

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**8. DEPUTATIONS / COMMUNITY COMMENT**

In accordance with Council's Policy 2150-062, this session will not be conducted as this is the first General Meeting of Council following a Post-election meeting.

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**9. NOTICES OF MOTION (Repeal or amendment of resolutions)**

*(s262 of the Local Government Regulation 2012)*

Consideration of any notice of motion to repeal or amend a resolution of the Council which is to be given to each Councillor at least 5 days before the meeting at which the proposal is to be made.

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**10. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)**

*(as referred by the Chief Executive Officer)*

Consideration of officers' reports as referred by the Chief Executive Officer, to be conducted in Sessions.

The appointed Portfolio Councillor will facilitate the conduct of the respective session under the control of the Mayor as the Presiding Officer.

Session	Portfolio Councillor	Deputy Portfolio Councillor
<b>1 Governance &amp; Engagement</b>	Cr P Flannery (Mayor)	Cr D Sims (Deputy Mayor)
<b>2 Infrastructure Planning</b>	Cr	
<b>3 Engineering, Construction &amp; Maintenance</b>	Cr	
<b>4 Planning</b>	Cr	
<b>5 Community &amp; Environmental Services</b>	Cr	
<b>6 Finance &amp; Corporate Services</b>	Cr	

**1 GOVERNANCE & ENGAGEMENT SESSION**

**(Cr P Flannery, Mayor)**

Declarations of interest statement

The Mayor to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 1.1**

**APPOINTMENT TO COUNCILLOR PORTFOLIOS**

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT  
Reference: A19990586 : 4 May 2020  
Responsible Officer: KC, Team Leader Meeting Support (CEOs Office)

**Executive Summary**

At the Post-election Meeting held 29 April 2020 (Page 20/617), Council established a Portfolio system which provides for nominated Councillors to be assigned specific responsibilities relative to key functions and services of the Council, directly aligned with the Directorates outlined in the Council's Corporate Structure.

The Council also resolved:

***That appointment of the Portfolio Councillor be considered at a subsequent General Meeting, and may be amended from time to time by resolution of Council.***

This report seeks appointment of the respective Portfolio Councillor and proxy Portfolio Councillor.

**OFFICER'S RECOMMENDATION**

- That Portfolio Councillors and Proxy Portfolio Councillors be appointed to the adopted portfolios, as follows:

Session	Portfolio Councillor	Proxy Portfolio Councillor
1 Governance & Engagement	Cr P Flannery (Mayor)	Cr Denise Sims (Deputy Mayor)
2 Infrastructure Planning		
3 Engineering, Construction & Maintenance		
4 Planning		
5 Community & Environmental Services		
6 Finance & Corporate Services		

- That the appointed Portfolio Councillor facilitate the conduct of the respective session of Council's General meetings under the control of the Mayor as the Presiding Officer.



ITEM 1.1 APPOINTMENT TO COUNCILLOR PORTFOLIOS - A19990586 (Cont.)

## REPORT DETAIL

### 1. Background

At its Post-election Meeting on 29 April 2020 Council established a Portfolio system which provides for nominated Councillors to be assigned specific responsibilities relative to key functions and services of the Council, directly aligned with the Directorates outlined in the Council's Corporate Structure.

Council also adopted the Councillor Portfolios Roles and Responsibilities Policy (2150-114) which outlines the roles, responsibilities and operating protocols of the Portfolio Councillor.

### 2. Explanation of Item

In line with the Councillor Portfolios Roles and Responsibilities Policy, appointment of Councillors to the adopted portfolios is required.

It is appropriate that the Mayor and the Deputy Mayor (as proxy) be automatically appointed to the Governance & Engagement Portfolio.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

As prescribed in the *Local Government Act 2009*, the Councillors' responsibilities, endeavours, interest and influence must be focused at the strategic level of issues of their portfolio, and not the day-to-day operational matters that fall under the domain of the administration.

Section 170(3) of the Act prescribes that a Councillor may not direct a Council employee, including the Chief Executive Officer, members of the Executive Management Team, departmental Managers and the Communications & Media team. Contravention of this provision is specifically included in the definition of "misconduct" in the Act.

In addition, section 12 of the Act states that when performing their responsibility, a Councillor must serve the overall public interest of the whole local government area.

#### 3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - strong leadership and governance.

#### 3.3 Policy Implications

Roles, responsibilities and operating protocols of the Portfolio Councillor will be in accordance with the Councillor Portfolios Roles and Responsibilities Policy (2150-114).

#### 3.4 Risk Management Implications Nil identified

#### 3.5 Delegated Authority Implications

The Portfolio system provides no formal delegated authority to the Portfolio Councillor. It provides, however, the Councillor with an opportunity to develop and maintain a heightened level of knowledge and strategic leadership across the region in a specified field of Council responsibilities and functions.

#### 3.6 Financial Implications Nil identified

#### 3.7 Economic Benefit Implications Nil identified

#### 3.8 Environmental Implications Nil identified

*ITEM 1.1 APPOINTMENT TO COUNCILLOR PORTFOLIOS - A19990586 (Cont.)*

3.9 Social Implications

The assigning of Councillors as a Portfolio Councillor should have a positive impact with Councillors acting as “sounding boards” for strategic issues and suggestions from senior officers, members of the business and community, and other Councillors relating to their portfolio.

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Council and Chief Executive Officer have been consulted.

**ITEM 1.2  
MORETON BAY REGIONAL COUNCIL DECISION-MAKING FRAMEWORK AND  
ASSOCIATED POLICES**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* A19990625 : 4 May 2020 - Refer Supporting Information A19868674,  
A19790579; A19932680  
*Responsible Officer:* KC, Team Leader Meeting Support (CEOs Office)

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**Executive Summary**

At its meeting of 25 February 2020, Council resolved:

1. That Council endorse in-principle a revised Council meetings framework for consideration by the incoming Council following the 2020 Local Government quadrennial elections.
2. That the revised Council meetings framework consist of the following two components:
  - a) Fortnightly General Meetings; and
  - b) Fortnightly Council Briefings (on the alternate weeks).

As part of the Councillor Induction Program, briefings have been conducted with Council to further discuss the proposed revised Council meetings decision-making framework, together with associated policies such as the Meeting Procedures & Standing Orders Policy, Community Comment Policy and Councillor Portfolios Roles & Responsibilities Policy.

In order to improve the efficiency and effectiveness of Council's meeting practices, and to improve the transparency, accountability and integrity of Council's decision making it is recommended that Council adopt the proposed Decision-making framework and associated polices:

- a) Meeting Procedures & Standing Orders Policy; and
- b) Deputations / Community Comment Policy

**OFFICER'S RECOMMENDATION**

1. That the Moreton Bay Regional Council Decision-making Framework be adopted (as appearing in supporting information #1).
2. That the Decision-making Framework be reviewed after a six-month trial.
3. That the following Policies be adopted as tabled:
  - a) Meeting Procedure & Standing Orders Policy (as appearing in supporting information #2); and
  - b) Deputations / Community Comment Session Policy (as appearing in supporting information #3).

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*ITEM 1.2 MORETON BAY REGIONAL COUNCIL DECISION-MAKING FRAMEWORK AND ASSOCIATED POLICES  
- A19990625 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

Council is committed to conducting its meetings in compliance with legislative provisions and considers the use of various forums to consider, debate and decide on matters is appropriate.

Council supports open and transparent meeting procedures to preserve and build public confidence in the decision-making process and to further support the nexus between this and successful community engagement.

### **2. Explanation of Item**

The recommended framework structure is in accordance with legislation and applies to the Mayor and Councillors, the Chief Executive Officer and support staff.

The framework covers the following Council forums:

- a) General Meetings (preceded by brief 'housekeeping' session for administrative matters)
- b) Special Meetings
- c) Standing and Advisory Committee meetings
- d) Briefings (informal meetings)

The framework will be supported by a Meeting Procedures & Standing Orders Policy (2150-XXX) (refer supporting information #2) which outlines procedures that must be followed specifically related to unsuitable meeting conduct, suspected inappropriate conduct and making and recording of declarations of interest, as well as providing rules for the conduct of meetings. This policy incorporates, and will supersede, the MBRC Meeting Procedures adopted 27 November 2018.

All meetings will be bound by the adopted Meeting Procedures and Standing Orders (except where suspended for informal meetings) and legislative processes and procedures relating to material personal interests and/or conflicts of interest (perceived or real) will be upheld for all meetings.

Subsequently, the Community Comment Session Policy was reviewed and amended to include deputations as well as refinement to process.

### **3. Strategic Implications**

#### **3.1 Legislative / Legal Implications**

The proposed framework will ensure all meetings are conducted in accordance with legislative provisions and will assist in conforming with revised legislative provisions currently under consideration by the state government.

Council is committed to strong and effective governance and is guided by the principles in the *Local Government Act 2009*.

#### **3.2 Corporate Plan / Operational Plan**

Strengthening Communities: Strong local governance - strong leadership and governance.

Strengthening Communities: Strong local governance - a council connected with its community

#### **3.3 Policy Implications**

Section 150F of the *Local Government Act 2009* requires that a local government must make procedures for the conduct of meetings of a local government and its committees outlining how the chairperson of a local government meeting may deal with a councillor's unsuitable meeting conduct and how the suspected inappropriate conduct of a councillor, referred to the local government by the assessor, must be dealt with at a local government meeting.

Standing Orders provide rules for the conduct of Council meetings.

*ITEM 1.2 MORETON BAY REGIONAL COUNCIL DECISION-MAKING FRAMEWORK AND ASSOCIATED POLICES  
- A19990625 (Cont.)*

The incorporation of the required Meeting Procedures together with Standing Orders into a combined Policy is considered appropriate.

The adoption of a policy relating to Informal Meetings will be further considered should legislation be amended requiring same.

3.4 Risk Management Implications

This is a significant risk reduction initiative. The proposed decision-making framework will provide a more effective control measure in ensuring transparency, accountability and integrity of Council's decision-making.

3.5 Delegated Authority Implications             Nil identified

3.6 Financial Implications

It is anticipated the revised arrangements will generate significant operational efficiencies for the organisation, especially at senior management levels.

3.7 Economic Benefit Implications             Nil identified

3.8 Environmental Implications             Nil identified

3.9 Social Implications

This proposed Council meetings framework will provide a significantly improved community awareness of Council's meetings and decision making processes.

3.10 Human Rights Implications             Nil identified

3.11 Consultation / Communication

The former Council was consulted at a workshop on 13 February 2020.  
The newly elected Council has been consulted as part of the Councillor Induction Program.

**SUPPORTING INFORMATION**

**Ref: [A19868674](#), [A19790579](#); [A19932680](#)**

The following list of supporting information is provided for:

**ITEM 1.2  
MORETON BAY REGIONAL COUNCIL DECISION-MAKING FRAMEWORK AND ASSOCIATED  
POLICES**

***#1 Decision-making Framework***

***#2 Meeting Procedures and Standing Orders Policy***

***#3 Deputations / Community Comment Session***

### **ITEM 1.3 ADOPTION OF COUNCIL POLICIES**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* A19992176 : 5 May 2020 - **Refer Supporting Information A19986071, A19992158, A17831339**  
*Responsible Officer:* DD, Manager Executive Services (FCS Executive Services)

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#### **Executive Summary**

At the commencement of each Council term, various policies are reviewed for applicability, effectiveness, and consistency with relevant legislation, previous Council resolutions, and other Council documents.

The purpose of this report is to seek Council's consideration of the following policies, as appearing in the supporting information to this report:

- Policy 2150-004 - Acceptable Requests by Councillors for Advice or Information
- Policy 2150-046 - Councillors Reimbursement of Expenses and Provision of Facilities
- Policy 2150-078 - Motor Vehicles (Councillors)

#### **OFFICER'S RECOMMENDATION**

That the following policies be adopted, as appearing in the supporting information to this report:

- Policy 2150-004 - Acceptable Requests by Councillors for Advice or Information
- Policy 2150-046 - Councillors Reimbursement of Expenses and Provision of Facilities
- Policy 2150-078 - Motor Vehicles (Councillors)

## ITEM 1.3 ADOPTION OF COUNCIL POLICIES - A19992176 (Cont.)

### REPORT DETAIL

#### 1. Background

At the commencement of each Council term, various policies are reviewed for applicability, effectiveness, and consistency with relevant legislation, previous Council resolutions, and other Council documents.

#### 2. Explanation of Item

As part of the Councillor Induction Program, briefings have been conducted with Council to discuss the revised Acceptable Requests by Councillors for Advice or Information, Councillors Reimbursement of Expenses and Provision of Facilities and Motor Vehicles (Councillors) policies.

An explanation of the objective, policy summary, and any amendments made to the identified policy is outlined below:

#### Policy 2150-004 - Acceptable Requests by Councillors for Advice or Information

**Objective:** The objective of this Policy is to provide guidelines in accordance with section 170A of the *Local Government Act 2009* about the way in which a Councillor can request advice from a Council employee, or information from the Chief Executive Officer in order to assist the Councillor in carrying out their responsibilities, and the reasonable limits on those requests.

#### **Policy Summary:**

##### Requests for Advice

Councillors seeking advice from employees to assist them in carrying out their responsibilities must follow the guidelines below:

1. Requests for advice must be made in a professional manner and in accordance with the Code of Conduct for Councillors in Queensland.
2. Councillors must not direct or pressure employees in relation to their work or the recommendations they should make.
3. Councillors may request advice:
  - (a) from a Council department that is similar in nature to advice provided to the public.
  - (b) at a meeting between a Councillor and employee under the direct supervision of the CEO, relevant Director or Manager, or Coordinator in relation to development assessment matters.
4. All other requests for advice must be directed in the first instance to the CEO, or the relevant Director or Manager, and may be required in writing.
5. Where urgent advice is required after-hours, Councillors may contact the CEO, relevant Director or Manager as appropriate.

Employees responding to requests for advice from a Councillor must follow the guidelines below:

1. Any significant or substantial advice should be provided in writing where practicable and appropriate.
2. Advice that is provided by an employee must be approved by the CEO, relevant Director or Manager.
3. Advice that is provided in a meeting between a Councillor and employee must be under the direct supervision of the CEO, relevant Director or Manager, or Coordinator in relation to development assessment matters.



*ITEM 1.3 ADOPTION OF COUNCIL POLICIES - A19992176 (Cont.)*

4. Advice that is provided to one Councillor should, where practicable and relevant, be provided to all Councillors, CEO and Directors.

Information Requests

In accordance with section 170A(2) of the *Local Government Act 2009*, all requests for information should be directed to the CEO who will facilitate a response to the request.

**Overview of amendments:**

Amendments have been made to the definitions and policy statements to align with relevant legislation, definitions and administrative amendments.

Policy 2150-046 - Councillors Reimbursement of Expenses and Provision of Facilities

**Objective:** The objective of this policy is to provide for:

- (1) Payment of reasonable expenses incurred by councillors for discharging their responsibilities as councillors; and
- (2) The supply of facilities to councillors for discharging their responsibilities as councillors.

**Policy Summary:** Councillors should be reimbursed for reasonable expenses they incur in carrying out their responsibilities and need reasonable facilities to undertake their responsibilities efficiently and effectively. Where the Council reimburses expenses incurred or provides facilities the payment or provision must be:

- in accordance with the Law;
- prudent, responsible and acceptable to the community; and
- subject to budget provisions.

**Overview of amendments:**

Amendments have been made to the definitions and policy statements to align with relevant legislation, definitions and administrative amendments.

Policy 2150-078 - Motor Vehicle

**Objective:** The objective of this Policy is to establish parameters for the use of Council-owned vehicles by Councillors.

**Policy Summary:** To establish parameters for the use of Council-owned vehicles by Councillors.

The Council will provide each Councillor with a motor vehicle allowance or a fully maintained motor vehicle for use in undertaking their responsibilities as Councillors (see Policy 2150-078 - Councillors Reimbursement of Expenses and Provision of Facilities).

Councillors are able to choose, at the time of vehicle replacement/purchase, from the vehicles currently listed in the **Private Use Vehicles List** for Directors and Managers. This list includes the following vehicles:

**Table 1 Private Use Vehicles List (extract)**

Authorised User	Approved Vehicle Type
Directors and Managers	Hyundai Sonata Sedan (active VF2) Mazda 6 Sedan and Wagon (sports GJ) Hyundai Tucson Active Mitsubishi Outlander LS 4WD (2.4 litre)

This list is developed and reviewed by the CEO. It is subject to change over time at the discretion of the CEO in order to ensure value for money when purchasing vehicles for this purpose.

ITEM 1.3 ADOPTION OF COUNCIL POLICIES - A19992176 (Cont.)

**Overview of amendments:**

Amendments have been made to the definitions and policy statements to align with relevant legislation, definitions and administrative amendments. It is important to note that the proposed Motor Vehicles (Councillors) applies only to Councillors. Accordingly, an operational directive will be developed in relation to the use of Council-owned motor vehicles by Council staff.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

The policies and associated documents have been developed in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

Council regularly reviews its Policies for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents.

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  
Expenditure will be in accordance with the annual budget.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Councillors, the Executive Management team and relevant Council officers have been consulted in the preparation of this report.

**SUPPORTING INFORMATION**

**Ref: [A19986071](#), [A19992158](#), [A17831339](#) & [A19993606](#)**

The following list of supporting information is provided for:

**ITEM 1.3**

**ADOPTION OF COUNCIL POLICIES**

***#1 Policy: 2150-004 - Acceptable Requests by Councillors for Advice or Information***

***#2 Policy: 2150-046 - Councillors Reimbursement of Expenses and Provision of Facilities***

***#3 Policy: 2150-078 - Motor Vehicles (Councillors)***

**ITEM 1.4  
EXERCISE OF COUNCIL POWER BY CHIEF EXECUTIVE OFFICER DURING  
CARETAKER PERIOD**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* A19790834 : 4 May 2020 - **Refer Supporting Information A19790838**  
*Responsible Officer:* KC, Team Leader Meeting Support (CEOs Office)

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**Executive Summary**

This report provides a list of decisions made by the Chief Executive Officer under delegated authority (Council-147) for the period 26 February 2020 until the conclusion of the 2020 local government election for the Moreton Bay Region as determined by the Electoral Commission Queensland (20 April 2020).

**OFFICER'S RECOMMENDATION**

That Council note the decisions made by the Chief Executive Officer exercising delegation Council-147 for the period 26 February 2020 to 20 April 2020, as appearing in supporting information #1.

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ITEM 1.4 EXERCISE OF COUNCIL POWER BY CHIEF EXECUTIVE OFFICER DURING CARETAKER PERIOD - A19790834 (Cont.)

## REPORT DETAIL

### 1. Background

The following recommendation appears on minute page 20/186 of the General Meeting held 11 February 2020.

1. *That subject to those limitations under sections 90B and 257(2) and (3) of the Local Government Act 2009, Council delegates to the Chief Executive Officer the powers given to the Council under the Local Government Act 2009 and any other legislation for the period 26 February 2020 until the conclusion of this year's local government election for the Moreton Bay Region as determined by the Electoral Commission Queensland.*
2. *That the Chief Executive Officer report to the incoming council at the post-election meeting about decisions made under the delegation in Recommendation 1.*

### 2. Explanation of Item

To ensure the continued operation of Council during an extended period when the Council was not meeting (during the recent caretaker period), the Council delegated its power to the Chief Executive Officer (Delegation Council-147).

It should be noted that the restrictions imposed on Council during the caretaker period under s90B and 257(2) and (3) of the *Local Government Act 2009* also applied to this delegation.

In accordance with Recommendation 2, a list including a brief summary of the decisions made under Delegation Council-147 are provided in supporting information #1.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Council's Delegations Register has been noted with Council delegation (Council-147) in compliance with the Act.

#### 3.2 Corporate Plan / Operational Plan

Strengthening Communities: Office of the CEO - overall leadership and coordination of council activities.

#### 3.3 Policy Implications

Decisions made under Delegation Council-147 have been in accordance with relevant Policies.

#### 3.4 Risk Management Implications

Nil identified

#### 3.5 Delegated Authority Implications

Decisions made under Delegation Council-147 were not affected by the limitations as stipulated in the delegation.

#### 3.6 Financial Implications

Nil identified

#### 3.7 Economic Benefit Implications

Nil identified

#### 3.8 Environmental Implications

Nil identified

#### 3.9 Social Implications

Nil identified

#### 3.10 Human Rights Implications

Nil identified

*ITEM 1.4 EXERCISE OF COUNCIL POWER BY CHIEF EXECUTIVE OFFICER DURING CARETAKER PERIOD - A19790834 (Cont.)*

- 3.11 Consultation / Communication  
Consultation between Councillors and CEO

**SUPPORTING INFORMATION**

**Ref: [A19790838](#)**

The following list of supporting information is provided for:

**ITEM 1.4**

**EXERCISE OF COUNCIL POWER BY CHIEF EXECUTIVE OFFICER DURING CARETAKER PERIOD**

***#1 Decisions made under delegation Council-147 during Caretaker Period (26 February 2020 to 20 April 2020)***

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**2 INFRASTRUCTURE PLANNING SESSION**

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**(Cr )**

No items for consideration.



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**3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION**

**(Cr )**

Declarations of interest statement

Portfolio Councillor to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 3.1**

**WOODFORD - ARCHER STREET - ROAD REHABILITATION, STREETScape AND DRAINAGE UPGRADE**

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION  
Reference: A19911403 : 27 April 2020 - Refer **Confidential Supporting Information A19769588**  
Responsible Officer: BB, Manager Project Management (ECM Project Management)

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**Executive Summary**

Tenders were invited for the 'Woodford - Archer Street - Road Rehabilitation, Streetscape and Drainage Upgrade (MBRC009558)' project. Tender closed on 4 March 2020 with a total of six conforming and two non-conforming submissions received.

It is recommended that Council award the contract to CES CIVIL SEQ Pty Ltd for the sum of \$1,521,306 (excl. GST) as this tender was evaluated as representing the best overall value to Council.

OFFICER'S RECOMMENDATION

1. That the tender for the 'Woodford - Archer Street - Road Rehabilitation, Streetscape and Drainage Upgrade (MBRC009558)' project be awarded to CES CIVIL SEQ Pty Ltd for the sum of \$1,521,306 (excluding GST).
2. That the Council enters into an agreement with CES CIVIL SEQ Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with CES CIVIL SEQ Pty Ltd for 'Woodford - Archer Street - Road Rehabilitation, Streetscape and Drainage Upgrade (MBRC009558)' project and any required variations of the agreement on Council's behalf.
4. That to allow the project to continue, Council commits to the funding provided in the 2020/21 draft Capital Projects Program for the 'Woodford - Archer Street - Road Rehabilitation, Streetscape and Drainage Upgrade (MBRC009558)' project.
5. That the draft 2020/21 draft budget allocation of \$510,000 for this 'Woodford - Archer Street - Road Rehabilitation, Streetscape and Drainage Upgrade (MBRC009558)' project be reduced to \$310,000, following the receipt of tendered prices.

ITEM 3.1 WOODFORD - ARCHER STREET - ROAD REHABILITATION, STREETScape AND DRAINAGE UPGRADE - A19911403 (Cont.)

**REPORT DETAIL**

**1. Background**

The project is located on Archer Street, from Margaret Street to Kropp Road, Woodford (Division 12). The scope of works includes the rehabilitation of road pavements, realignment of car parking, renewal and construction of new stormwater infrastructure, streetscape upgrade including pathway works, landscape buildouts and general enhancement of the current streetscape reflective of the local character, improve pedestrian crossing facilities and connectivity across Archer Street and deliver a safer environment for all users.

Project works are expected to commence late June 2020 and take approximately five months to complete with four weeks wet weather allowance. All construction works will be conducted under night works arrangements, Sunday to Thursday, to minimise disruption to local businesses. Access to businesses and carparks will be reinstated at end of each shift and available for use during the day.



Figure 1: Locality Plan

**2. Explanation of Item**

Tenders for the *Woodford - Archer Street - Road Rehabilitation, Streetscape and Drainage Upgrade (MBRC009558)* project closed on 4 March 2020 with a total of eight tender submissions. Two of the eight submissions were deemed to be non-conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria set out in the tender documents.

All tenderers and their evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	CES CIVIL SEQ Pty Ltd	92.56
2	Civlec PTY LTD (trading as GRC Civil)	92.09
3	Hazell Bros (Qld) Pty Ltd	88.67
4	AllenCon Pty Ltd	87.69
5	Ryan Civil Contracting Pty Ltd	86.11
6	Bellwether Contractors Pty Ltd	83.55

ITEM 3.1 WOODFORD - ARCHER STREET - ROAD REHABILITATION, STREETScape AND DRAINAGE UPGRADE - A19911403 (Cont.)

RANK	TENDERER	EVALUATION SCORE
7	Focus on Fitness & Massage Studio Gym	Non-Conforming
8	Superior Kerb & Concreting Pty Ltd	Non-Conforming

**CES CIVIL SEQ Pty Ltd (CES)** - submitted a comprehensive and well-presented tender. A clarification meeting was held on 19 March 2020 at which CES demonstrated their understanding of the project, construction methodology, safety management, environmental considerations, and stakeholder management. CES has undertaken construction works for Moreton Bay Regional Council, including 'Margate - Cox Street - Drainage Upgrade' valued at \$3.5M and 'Redcliffe - Jeffrey Street - Drainage Construction Upgrade 2 and Road Rehabilitation' valued at \$1.4M. The assessment panel evaluated the offer from CES as providing the best overall value to Council.

**Civlec Pty Ltd trading as GRC Civil (GRC)** - received the second highest ranking based on the selection criteria. GRC submitted a comprehensive and well-presented tender; however, there were no additional benefits for the higher price.

**Hazell Bros (Qld) Pty Ltd (HB)** - received the third highest ranking based on the selection criteria. HB submitted a comprehensive and well-presented tender; however, there were no additional benefits for the higher price.

The non-conforming submissions did not provide the mandatory tender documentation.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Due to the value of the work being greater than \$200,000, a competitive open tender process was undertaken. The tender was called in accordance with the *Local Government Act 2009*.

**3.2 Corporate Plan / Operational Plan**

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Diverse transport options - an integrated regional transport network.

**3.3 Policy Implications**

This project has been procured in accordance with the provisions of the following documents:

- Council's Procurement Policy 2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

**3.4 Risk Management Implications**

The project risk has been assessed and the following issues identified. The manner in which the possible impact of these risks are minimised is detailed below.

Financial Risks:

- a. CES Civil NQ Pty Ltd have provided a cross company guarantee for the subsidiary company CES CIVIL SEQ Pty Ltd in line with procurement requirements. A third-party review of financial status has been carried out on CES Civil NQ Pty Ltd and was rated 'sound'.

Construction Risks:

- b. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, tree management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.

# Moreton Bay Regional Council

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## ITEM 3.1 WOODFORD - ARCHER STREET - ROAD REHABILITATION, STREETScape AND DRAINAGE UPGRADE - A19911403 (Cont.)

- c. Construction works will be undertaken during night shift to minimise impact on local businesses adjacent the project site. The project will be completed in stages and works area reopened at the end of each shift to allow access to businesses.
- d. Property inspections will be conducted prior to works commencing to record the existing condition of building structures and after construction to record any changes. Vibration monitoring will also be implemented during construction.
- e. There are no development approval risks relating to this contract.
- f. The procurement risks relating to this project are considered low as there is sufficient lead time for the recommended tenderer to procure the relevant construction materials as to not delay the project.
- g. The only risk for supply is associated with COVID-19 in relation to impacts on the supply of any goods and services associated with this project.

3.5 Delegated Authority Implications             Nil identified

3.6 Financial Implications

Council has allocated a total of \$2,390,000 in Capital funding for this project, with \$80,000 (design) from 18-19 FY, \$1,800,000 in the 19-20 FY and a further \$510,000 identified in the draft 20-21 FY Capital Projects Program for construction. All financial information below is excluding GST.

Design 18/19	\$ 49,203.00
Design 19/20	\$ 77,703.00
Construction Tender Price	\$ 1,521,306.00
Contingency (15%)	\$ 228,195.90
QLeave (0.475%)	\$ 7,226.20
Unitywater Relocations	\$ 144,812.00
Energex Relocations	\$ 31,738.99
Telstra Relocations	\$ 1,663.45
	-----
Total Project Cost	\$ 2,061,848.54
	=====

Estimated ongoing operational/maintenance costs            \$ 10,400.00 per F/Y.

The budget amount for this project is sufficient. Due to delays in redesign of the Unitywater infrastructure relocation and DTMR's pavement design approval, the remaining 2019/20 budget funds (\$1,628,033) will be required to be re-provisioned into the 2020/21 financial year.

3.7 Economic Benefit Implications

The streetscape elements of the project will add to the attractiveness of the village. This will assist tourism for Woodford and support Woodford's village ongoing viability.

3.8 Environmental Implications

The recommended tenderer submitted a Construction Environmental Management Plan as part of their tender submission. The plan details the management of onsite environmental matter affecting the project during construction.

3.9 Social Implications

The project will improve pedestrian connectivity across Archer Street, including integration with the Department of Transport and Main Roads pedestrian activated signals. The works will also improve road safety by formalising service lanes and limiting opportunities for vehicle to pull out onto the D'Aguiar Highway, including improvements to aesthetics of the corridor by constructing streetscape improvements.

*ITEM 3.1 WOODFORD - ARCHER STREET - ROAD REHABILITATION, STREETScape AND DRAINAGE  
UPGRADE - A19911403 (Cont.)*

3.10 Consultation / Communication

A detailed communication management plan has been prepared for this project. Communication strategies include initial project notices issued four weeks prior to the commencement of works, secondary project notices issued two weeks prior to the commencement of works, variable message boards (VMS Boards) placed on site during construction and two weeks prior to construction. Project signs will be placed throughout the site four weeks prior to construction, construction updates for local businesses (emails and/or letter notices will be provided two days in advance of night works commencing when works are fronting businesses) and weekly e-mail updates to the Divisional Councillor. The project will be progressively updated once per week on the Council website. The Divisional Councillor has been consulted and is supportive of the project.

**SUPPORTING INFORMATION**

**Ref: [A19769588](#)**

The following list of supporting information is provided for:

**ITEM 3.1**

**WOODFORD - ARCHER STREET - ROAD REHABILITATION, STREETScape AND DRAINAGE  
UPGRADE**

***Confidential #1 Tender Evaluation***

## ITEM 3.2

### LOCAL DISASTER MANAGEMENT GROUP MEMBERSHIP AND STRUCTURE

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A19979177 : 29 April 2020  
*Responsible Officer:* CP, Coordinator Disaster Management (ECM Directorate)

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#### Executive Summary

Following the recent local government elections, it is a requirement of Council to appoint a new Chairperson and Deputy Chairperson of the Moreton Bay Local Disaster Management Group (LDMG). Additionally, this provides an opportunity to review the structure and membership of the Moreton Bay LDMG and its sub-groups.

Finally, with the recent addition of six (6) new Councillors, it is an opportunity to share previously approved Guidelines for Councillors for use during disaster events.

It is recommended that Council notes the contents of this report and approves these recommendations.

#### OFFICER'S RECOMMENDATION

1. That Council approve the appointment of Cr Peter Flannery, Mayor, as Chairperson and Cr Matt Constance as Deputy Chairperson of the Moreton Bay Local Disaster Management Group.
2. That Council approve the membership of the Local Disaster Management Group as follows:
  - a) The Chair
  - b) The Deputy Chair
  - c) The Local Disaster Coordinator
  - d) The Moreton Recovery Coordinator
  - e) Coordinator Disaster Management
  - f) Australian Red Cross (Queensland)
  - g) Department of Education
  - h) Energex
  - i) Queensland Ambulance Service
  - j) Queensland Fire and Emergency Services
  - k) Queensland Health
  - l) Queensland Police Service
  - m) State Emergency Service
  - n) Unitywater
3. That Council approve the appointment of the following positions to undertake roles within the Local Disaster Management Group, Moreton Recovery Group and/or Business Continuity Management Team:
  - a) Chair Moreton Recovery Group – Chair of the LDMG
  - b) Local Disaster Coordinator – Deputy CEO / Director Engineering, Construction and Maintenance
  - c) Deputy Local Disaster Coordinator – Director Infrastructure Planning
  - d) Moreton Recovery Coordinator – Director Community and Environmental Services
  - e) Deputy Moreton Recovery Coordinator – Manager Community Services, Sport and Recreation
  - f) Chair MBRC Business Continuity Management Team - Director Finance and Corporate Services
  - g) Deputy Chair MBRC Business Continuity Management Team - Director Planning
4. That Council note the 'Guidelines for Councillors' for use during disaster events.

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ITEM 3.2 LOCAL DISASTER MANAGEMENT GROUP MEMBERSHIP AND STRUCTURE - A19979177 (Cont.)

## REPORT DETAIL

### 1. Background

Following the recent local government elections, it is a requirement of Council to appoint a new Chairperson and Deputy Chairperson of the Moreton Bay Local Disaster Management Group (LDMG).

Additionally, this provides an opportunity to review the structure and membership of the Moreton Bay LDMG, taking into account lessons learned from recent weather events, machinery of government changes within the Queensland Government and recent organisational changes within Council.

### 2. Explanation of Item

#### Local Disaster Management Group Chairperson and Deputy Chairperson

Section 29 of the *Disaster Management Act 2003* requires Council to have an LDMG (a local group) for the local government area. Section 34 of the Act requires this group to have a Chairperson and Deputy Chairperson and these persons are prescribed by regulation.

Section 10 of the *Disaster Management Regulation 2014* states the Chairperson and Deputy Chairperson of a local group are the persons appointed by the relevant local government for the local group to be the Chairperson and Deputy Chairperson. It also states the Chairperson must be a Councillor of a local government. Section 9 of the Regulation states that the local government may appoint a person as a member only if satisfied the person has the necessary expertise or experience to be a member.

Accordingly, Mayor Peter Flannery, has been nominated to fulfil the role of Chairperson and Cr Matt Constance has been nominated to fulfil the role of Deputy Chairperson of the Moreton Bay LDMG. Both of these elected officials have the necessary expertise and experience to undertake these roles and additional training will be undertaken in the coming months to ensure they meet their training obligations as defined in the Queensland Disaster Management Training framework.

#### Local Disaster Management Group Membership

The LDMG membership has been reviewed periodically, including in 2011, 2016, 2017 and 2019. To address recent organisational changes, learnings from disaster events as well as to recognise the recent consolidation of the Moreton Bay LDMG with the Moreton District Disaster Management Group, the following membership changes are proposed:

- a) The Mayor (removed, as the Mayor is being appointed the Chairperson)
- b) The Chair
- c) The Deputy Chair
- d) The Local Disaster Coordinator
- e) The Moreton Recovery Coordinator
- f) Coordinator Disaster Management
- g) Australian Red Cross (Queensland)
- h) Department of Education
- i) Energex
- j) Queensland Ambulance Service
- k) Queensland Fire and Emergency Services
- l) Queensland Health
- m) Queensland Police Service
- n) State Emergency Service
- o) Unitywater

Section 13 of the Regulation states that 'a quorum for a meeting of a disaster management group is the number equal to one half of its members for the time being holding office plus one; or if one-half of its members for the time being holding office is not a whole number, the next highest whole number'. Accordingly, the quorum for the LDMG will remain at eight (8) members.



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*ITEM 3.2 LOCAL DISASTER MANAGEMENT GROUP MEMBERSHIP AND STRUCTURE - A19979177 (Cont.)*

It should also be acknowledged that a number of organisations will continue to serve the LDMG in an advisory capacity or through support from the Moreton District Disaster Management Group as required. These organisations are detailed as follows:

- a) APA Group
- b) Department of Child Safety, Youth and Women
- c) Australian Defence Force
- d) Bureau of Meteorology
- e) Department of Agriculture and Fisheries
- f) Department of Communities, Disability Services and Seniors
- g) Department of Employment, Small Business and Training
- h) Department of Environment and Science
- i) Department of Housing and Public Works
- j) Department of Natural Resources, Mines and Energy
- k) Department of State Development, Manufacturing, Infrastructure and Planning
- l) Department of Transport and Main Roads
- m) Local Government Association of Queensland
- n) Maritime Safety Queensland
- o) National Broadband Network
- p) Queensland Rail
- q) Queensland Reconstruction Authority
- r) Redcliffe Coast Guard
- s) Seqwater
- t) Surf Life Saving
- u) Telstra/NBN
- v) Volunteer Marine Rescue

Council appointments to LDMG, Moreton Recovery Group and/or Business Continuity

Given recent changes in organisational structure, it is important to reiterate those Council positions that have been appointed roles to support Council's disaster management arrangements. The position of Local Disaster Coordinator is mandated within the *Disaster Management Act 2003*. The other positions are defined within Council's Local Disaster Management Plan or manage Council's business continuity arrangements. These positions/roles are detailed below:

- a) Chair Moreton Recovery Group – Chair of the LDMG
- b) Local Disaster Coordinator – Deputy CEO / Director Engineering, Construction and Maintenance
- c) Deputy Local Disaster Coordinator – Director Infrastructure Planning
- d) Moreton Recovery Coordinator – Director Community and Environmental Services
- e) Deputy Moreton Recovery Coordinator – Manager Community Services, Sport and Recreation
- f) Chair of Business Continuity Management Team - Director Finance and Corporate Services (formerly Manager Financial and Project Services)
- g) Deputy Chair MBRC Business Continuity Management Team - Director Planning

Guidelines for Councillors

Elected members play a pivotal role in providing the strategic leadership necessary for Council to adopt a proactive approach to the reduction of disaster risk to the community. While actions at the local level must be coordinated through the Local Disaster Coordination Centre (LDCC), Councillors, with their close contact with constituents, are well placed to assist the LDMG in the identification of community needs for prevention and preparedness as well as response and recovery.

As a guide, Councillors can best support the disaster management arrangements by undertaking the following key tasks:

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ITEM 3.2 LOCAL DISASTER MANAGEMENT GROUP MEMBERSHIP AND STRUCTURE - A19979177 (Cont.)

**Lead**

- Encourage residents to use existing Council channels to report damage or contact SES for assistance.
- Encourage community members to undertake preparation for impending events.

**Listen**

- Be alert to specific needs in your community – particularly those of at-risk persons e.g. elderly, disabled, non-English speaking background.

**Inform**

- Make community members aware of disaster management arrangements.
- Advise how they can help others.
- Ensure requests for assistance are entered through Pathways via personal assistants or the LDCC email.

**Communicate**

- Direct media enquiries to the Media Advisor unless specific to your division.
- Provide timely updates of any issues to the LDCC via email or telephone.
- Maintain contact with the CEO and Local Disaster Coordinator.

**Support**

- Provide support and comfort to community members as required.
- Assist community members to access external support mechanisms.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Section 29 of the *Disaster Management Act 2003* requires Council to have an LDMG (a local group) for the local government area. Section 34 of the Act requires this group to have a Chairperson and Deputy Chairperson and these persons are prescribed by regulation. Section 10 of the *Disaster Management Regulation 2014* states the Chairperson and Deputy Chairperson of a local group are the persons appointed by the relevant local government for the local group to be the Chairperson and Deputy Chairperson. It also states the Chairperson must be a Councillor of a local government. Section 9 of the Regulation states that the local government may appoint a person as a member only if satisfied the person has the necessary expertise or experience to be a member.

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Safe neighbourhoods - a safe and resilient community.

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications

On 1 September 2009, the Council delegated to the CEO power to appoint appropriate officers to the roles as outlined in the *Disaster Management Act 2003*.

3.6 Financial Implications  Nil identified

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

*ITEM 3.2 LOCAL DISASTER MANAGEMENT GROUP MEMBERSHIP AND STRUCTURE - A19979177 (Cont.)*

3.9 Social Implications  Nil identified

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Regarding the proposed LDMG membership changes, consultation has occurred with the Mayor, CEO, Director Engineering, Construction and Maintenance, Director Community and Environmental Services and assorted council officers. Initial consultation has also occurred with the Queensland Police Services and Queensland Fire and Emergency Services.

Queensland Fire and Emergency Services (QFES) will be notified of the recommended appointments as required under the *Disaster Management Act 2003*. The appointment of the Chairperson and Deputy Chairperson will need to be approved by the Chief Executive (Commissioner) of QFES.

**4 PLANNING SESSION**

**(Cr )**

Declarations of interest statement

Portfolio Councillor to inform Council of any personal interests for items in this session, then ask other Councillors if they have any personal interests that will be declared for respective items in the session.

**ITEM 4.1**

**DEVELOPMENT APPLICATIONS DECIDED UNDER TEMPORARY DELEGATION OF AUTHORITY FOR ELECTION CARETAKER PERIOD**

Meeting / Session: 4 PLANNING  
Reference: A19936398 : 27 April 2020  
Responsible Officer: KW, Senior Development Planner (PL Development Services)

**Executive Summary**

The purpose of this report is to advise Council on the applications dealt with by the Chief Executive Officer under temporary delegation of authority during the Council's caretaker period for the Council elections.

Pursuant to the provisions of section 257 of the *Local Government Act 2009*, Council delegated to the Chief Executive Officer the power to decide those development applications not previously delegated to the Chief Executive Officer, for the period 26 February 2020 to 20 April 2020 (inclusive).

**OFFICER'S RECOMMENDATION**

That Council note that the temporary delegation provided by Council to the Chief Executive Officer during the specified period 26 February 2020 and 20 April 2020 (inclusive) was exercised for the following development application:

Decision Date	Application No.	Level of Assessment	Description	Address
10/4/2020	DA/37972/2019/V2L	Impact Assessable with submissions	Material Change of Use - Development Permit for Tourist Park Extension (124 Sites)	1780-1820 Bribie Island Road, Sandstone Point

ITEM 4.1 DEVELOPMENT APPLICATIONS DECIDED UNDER TEMPORARY DELEGATION OF AUTHORITY FOR ELECTION CARETAKER PERIOD - A19936398 (Cont.)

**REPORT DETAIL**

**1. Background**

In order to comply with the timeframes specified in the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and the *Economic Development Act 2012*, the following recommendation appears on minute page 20/189 of the General Meeting held 11 February 2020.

**RESOLUTION**

Moved by Cr Matt Constance  
Seconded by Cr James Houghton  
Carried 11/0

1. That subject to recommendation 3, pursuant to section 257 of the *Local Government Act 2009*, Council delegate its powers under the *Integrated Planning Act 1997*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and *Economic Development Act 2012* to the Chief Executive Officer to decide:
  - a. impact assessable development applications under the Moreton Bay Regional Council Planning Scheme for which submissions have been received
  - b. impact assessable development applications and/or Plan of Developments under The Mill at Moreton Bay Priority Development Area Development Scheme for which submissions have been received
  - c. development applications for preliminary approval
  - d. precinct and Sector Plans for North Lakes.
2. That the delegation of powers under recommendation 1 does not include any major policy decision.
3. That the delegation of powers made under recommendation 1 operate for the period 26 February 2020 until the conclusion of this year's local government election for the Moreton Bay Region as determined by the Electoral Commission Queensland.
4. That a report be presented to Council outlining any delegations exercised under this temporary delegation once the delegation ceases.

**2. Explanation of Item**

The Chief Executive Officer was required to exercise the delegation during the period 26 February 2020 and 20 April 2020 (inclusive), for the following application:

DA/37972/2019/V2L

MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TOURIST PARK EXTENSION (124 SITES) 1780-1820 Bribie Island Road, Sandstone Point  
(A19535061, A19513086, A19882086, A19882239, A19883578, A19892462)

**CEO Decision**

**That the recommendations be adopted as detailed in this report (A19535061).**

- A. That Council's delegate, under delegated authority and in accordance with the *Planning Act 2016*, approves the development application for a **Material Change of Use - Development Permit for Tourist Park (Extension)** at 1780-1820 Bribie Island Road, Sandstone Point QLD 4511 described as Lot 6 SP 281368, subject to the Assessment Manager Conditions outlined in the Attachment below, and the applicant be advised accordingly.
- B. That an Infrastructure Charges Notice for the development application be provided to the applicant and included as part of the Decision package.
- C. That all external Referral Agencies for the development application be provided with a copy of Council's Decision package.

## Moreton Bay Regional Council

**ITEM 4.1 DEVELOPMENT APPLICATIONS DECIDED UNDER TEMPORARY DELEGATION OF AUTHORITY FOR ELECTION CARETAKER PERIOD - A19936398 (Cont.)**

- D. That the Council Assessment Report for this application be published to the website as required by section 63 (4) of the *Planning Act 2016*.
- E. That the following information be included in the Decision Notice (Approval)

	<b>Details to Insert</b>
<b>Application Details</b>	MBRC Planning Scheme (Version 3)
<b>Application Type</b>	Development Permit for Material Change of Use for Tourist Park (Extension)
<b>Other Necessary Permits</b>	<ul style="list-style-type: none"> <li>• Building Works - Development Permit (Building Act)</li> </ul>
<b>Currency Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Variation Approval</b>	Not applicable
<b>Assessment Benchmarks</b>	<p>State Planning Policy</p> <ul style="list-style-type: none"> <li>• <i>State Planning Policy 2017, Part E</i></li> </ul> <p>Regional Plan</p> <ul style="list-style-type: none"> <li>• <i>South East Queensland Regional Plan 2017 (ShapingSEQ)</i></li> </ul> <p>Schedule 10 of the Regulation</p> <ul style="list-style-type: none"> <li>• Part 16: Development outside SEQ Urban Footprint – Schedule 10 Part 16 of the <i>Planning Regulation 2017</i></li> </ul> <p>South East Queensland Regional Plan 2017</p> <p>MBRC Planning Scheme (Version 3)</p> <ul style="list-style-type: none"> <li>• Rural Zone code</li> <li>• General Residential - Next Generation precinct code</li> <li>• Residential Uses code</li> </ul>
<b>Other Relevant Assessment Matters</b>	Not applicable.
<b>Reasons for the Decision</b>	Assessment Report
<b>Reasons for Approval Despite Non-Compliance with Assessment Benchmarks</b>	Not applicable.
<b>Referral Agencies</b>	<p>Department of State Development, Manufacturing, Infrastructure and Planning (SARA)</p> <p>1. Matters relating to a State-Controlled Road (within 25m of a State Controlled Road corridor).</p>
<b>Submissions</b>	There were four (4) properly made submissions about this application.
<b>Other Details</b>	Assessment Report

*ITEM 4.1 DEVELOPMENT APPLICATIONS DECIDED UNDER TEMPORARY DELEGATION OF AUTHORITY FOR ELECTION CARETAKER PERIOD - A19936398 (Cont.)*

This report satisfies the requirements of Recommendation 4 above.

### **3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan / Operational Plan  
Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  
The temporary delegations given to the Chief Executive Officer by Council ceased 20 April 2020.

3.6 Financial Implications  Nil identified

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Consultation / Communication  
There was no consultation required to be associated with this report.

**ITEM 4.2**

**DA/39769/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILDCARE CENTRE, LOCATED OVER 144 STATION ROAD, BURPENGARY (LOT 3 RP 200642)**

**APPLICANT: MATTHEWS PROPERTY GROUP C/- WOLTER CONSULTING**  
**OWNER: THE CORPORATION OF THE TRUSTEES OF THE ROMAN CATHOLIC ARCHDIOCESE OF BRISBANE**

*Meeting / Session:* 2 PLANNING & DEVELOPMENT  
*Reference:* A19808453 : 20 April 2020 – Refer Supporting Information A19938963, A19938993, A19938979  
*Responsible Officer:* RF, Planner (PL Development Services)

**Executive Summary**

This report is being presented to the Council for a decision as the proposal has raised community concern and the development application will be determined by the Council instead of under Council officer delegation. Therefore, Council is now the entity authorised to decide the development application.

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Matthews Property Group C/- Wolter Consulting Group
<b>Lodgement Date:</b>	8 November 2019
<b>Properly Made Date:</b>	13 November 2019
<b>Confirmation Notice Date:</b>	21 November 2019
<b>Information Request Date:</b>	5 December 2019
<b>Info Response Received Date:</b>	11 February 2020
<b>Public Notification Dates:</b>	14 February 2020 - 6 March 2020
<b>No. of Submissions:</b>	Properly Made: 1 Not Properly Made: 0
<b>Decision Due Date:</b>	1 June 2020
<b>Prelodgement Meeting Held:</b>	Yes - PRE/5222

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 2
<b>Property Address:</b>	144 Station Road, Burpengary
<b>RP Description</b>	Lot 3 RP 200642
<b>Land Area:</b>	3,295m <sup>2</sup>
<b>Property Owner</b>	The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016</i>
<b>Planning Scheme:</b>	MBRC Planning Scheme
<b>Planning Locality / Zone</b>	Centre Zone District Centre Precinct
<b>Level of Assessment:</b>	Impact and Consistent

The application seeks a Material Change of Use - Development Permit for a Child Care Centre at 144 Station Road, Burpengary on land Described as Lot 3 on RP200642 (Division 2). It is proposed to establish a Child Care Centre on site to accommodate a maximum of one hundred (100) children in a new, purpose-built facility.



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Externally, the building will feature an upper level verandah/deck along the western boundary, to provide for outdoor space for children with material shading devices to soften the built form of the proposed building. The ground level includes a covered play space which is accessed via the internal class rooms on the ground level.

The proposed building includes 4m internal ceiling heights on the ground floor to provide for flexible re-use of the floor area for potential future commercial and retail activities. Additionally, the proposal includes an attractive front façade, with feature timber batten screening and glazing to provide for passive surveillance of the street front.

The proposed development will also include a cantilevered car parking area above the mapped medium risk flood hazard over the property, while the area within the property identified as high risk flood hazard is proposed to be dedicated to Council as drainage corridor.

A total of seventeen (17) car parks are proposed onsite including eleven (11) visitor spaces, five (5) staff spaces, a disability bay (PWD) and shared space, and a delivery space.

Station Road is identified as a Council arterial road, which is identified for future road widening. The proposed development includes a 10m wide no compromise zone at the front of the site to facilitate future road widening. Council Officers are recommending this area is dedicated to Council as road reserve. Access to the site will be gained via a new crossover from Station Road.

The application was publicly advertised with one (1) submission received, which was opposed to the development.

An assessment of the development application has been undertaken under the *Planning Act 2016*. The “guiding principles” stated in the State Planning Policy requires that where acceptable, when outcomes are satisfied by development, then the relevant performance outcome is taken to be satisfied in full. Performance outcomes may still be satisfied, even though an associated acceptable outcome (or example) is not met.

As such, the proposed development is considered to accord with the intent of the MBRC Planning Scheme, and is recommended to be approved, subject to conditions.

This report is being presented to the Council for a decision as the proposal has raised community concern and the development application will be determined by the Council instead of under Council officer delegation. Therefore, Council is now the entity authorised to decide the development application.

**OFFICER’S RECOMMENDATION**

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for a Child Care Centre at 144 Station Road, Burpengary, described as Lot 3 RP200642, subject to the following plans/documents and conditions:

Please see the proposal plans included as attachments to the Council report.

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Site Plan	DA002 Rev A	PA Architects	24/09/2019
Proposed Area Plans	DA003 Rev A	PA Architects	24/09/2019
Proposed Carpark Setout Plan	DA004 Rev A	PA Architects	24/09/2019
Proposed Ground Floor Plan	DA005 Rev A	PA Architects	24/09/2019

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<b>Approved Plans and Documents</b>			
Proposed First Floor Plan	DA006 Rev A	PA Architects	24/09/2019
Proposed Roof Plan	DA007 Rev A	PA Architects	24/09/2019
Proposed Elevations	DA008 Rev A	PA Architects	24/09/2019
Landscape Concept Plan	(a)	Wolter Consulting Group	-
Acoustic Report	2019303 R01C	Acoustic Works	30 January 2020
Stormwater Management Plan	11251 - 5.0	CWD Group	27/03/2020

<b>Plans to be Amended</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Land Dedication Plan	DA012 Rev O	PA Architects	20/01/2020
Plan of Lots 4, 5 and Easement F (Restricted) in Lot 4	Proposed Version A SP315954	Wolter Consulting Group	11/02/2020

### Conditions

<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2</b>	<b>Amended Plans Required</b>	
A	Submit an amended Land Dedication Site Plan and Easement Plan. The plans can be combined to form a single plan and must identify the following: (a) The area of land (1156m <sup>2</sup> ) to be dedicated to Council as Drainage Corridor; (b) Include the area identified as 'no compromise area' (10m deep 30m wide) adjacent to the Station Road frontage, being a minimum of 300m <sup>2</sup> on this plan to be identified and dedicated as Road Reserve; and (c) Show proposed Easement F for drainage and access purposes.	Prior to any Approval of Building Works.
B	Obtain approval from Council for the amended plans in accordance with (A) above.	Prior to any Approval of Building Works.

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<b>3</b>	<b>Land Transfer - Non-Trunk Drainage Corridor</b>	
A	<p>Provide the following documentation (as amended by the Queensland Titles Registry) to Council as duly completed for the transfer of drainage corridor.</p> <ol style="list-style-type: none"> <li>1. Queensland Titles Registry Form 1 - Transfer;</li> <li>2. Queensland Titles Registry Form 24 - Property Information (Transfer);</li> <li>3. Queensland Titles Registry Form 20 - Trust Details Form;</li> <li>4. Solicitors Undertaking confirming that all executed forms above will be submitted to the Queensland Titles Registry Office, at no cost to the Council, concurrently with the lodgement of any survey plan proposing to create the drainage corridor.</li> </ol>	Prior to commencement of use.
B	<p>Transfer land shown as drainage corridor on the approved plans having a minimum area of 1156m<sup>2</sup> to Council in Fee Simple on Trust, at no cost to the Council, for the purposes of drainage corridor.</p> <p>This condition has been imposed under Section 145 of the <i>Planning Act 2016</i>.</p>	Concurrently with the registration of a survey plan with the Queensland Titles Registry Office and prior to the commencement of use.
<b>4</b>	<b>Access and Stormwater Drainage Easement</b>	
	<p>Provide a Restricted Height (volumetric) Easement to replace existing Easement B on RP200642 benefiting Council.</p> <ol style="list-style-type: none"> <li>1. The upper limit of the proposed easement is to be RL 8.85m AHD.</li> <li>2. The easement is to be for the purposes of access and stormwater conveyance in accordance with the approved plans and documents of development.</li> <li>3. The easement area located below the suspended car park slab remains the responsibility of the property owner to maintain.</li> </ol>	Prior to the commencement of use.
<b>5</b>	<b>Land Transfer - Trunk Road</b>	
	<p>Dedicate land along the southern boundary of the site, as identified on the approved plans having a minimum area of 300m<sup>2</sup>, for the purpose of road reserve in accordance with the approved plans.</p> <p><i>The condition has been imposed under section 128 (3) of the Planning Act 2016.</i></p>	Concurrently with the registration of a survey plan with the Queensland Titles Registry Office and prior to the commencement of use.
<b>6</b>	<b>Premises Hours of Operation</b>	
	<p>Limit the hours of operation to between 6am To 7pm Monday to Sunday.</p> <p>The use of the outdoor play areas is limited to 7am to 6pm.</p> <p>Note: This condition is consistent with the recommendations of the approved Acoustic Report.</p>	At all times.

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<b>7</b>	<b>Operating Capacity</b>	
	Ensure the capacity of the Child care centre is limited to a maximum of one hundred (100) children on site at any one time.	Prior to commencement of use and to be maintained at all times.
<b>8</b>	<b>On-Site Car Spaces</b>	
A	Provide vehicle spaces on the site in accordance with the approved plans.	Prior to commencement of use and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	Prior to commencement of use and to be maintained at all times.
<b>9</b>	<b>Bicycle Parking Facilities</b>	
	Install secure bicycle parking facilities for a minimum of 4 bicycles.  Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to commencement of use and to be maintained at all times.
<b>10</b>	<b>Fencing</b>	
	Ensure that any fencing is in accordance with the approved plans and the approved Acoustic Report unless otherwise specified below:  (a) Fencing along the property boundary below the suspended car park slab is to be a galvanized aluminium pool style fence generally in accordance with MBRC Standard Drawings and is not to impeded stormwater drainage.	Prior to commencement of use and to be maintained at all times.
<b>11</b>	<b>Suspended Car Park - Maintenance</b>	
	For ease of maintenance, provide the natural ground underneath the suspended car park with a sprayed concrete surface on grade, with the concrete keyed into the ground, with a minimum depth of 500mm to reduce the risk of scour.	Prior to commencement of use and to be maintained at all times.
<b>12</b>	<b>Street Numbering and Building Names</b>	
	Install street numbering conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
<b>13</b>	<b>Landscaping Plan</b>	
A	Provide landscaping on site generally in accordance with the approved landscape plan.	Prior to commencement of use.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use.

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C	Maintain the landscaping.	At all times.
<b>14</b>	<b>Vehicle Encroachment</b>	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use.
<b>15</b>	<b>Screening of Loading Facilities / Plant Areas</b>	
	Screen Plant Areas, Refuse Storage and Other Outdoor Storage Facilities on the site from direct view from any adjoining road or public space.	Prior to commencement of use.
<b>16</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land; and</li> <li>2. a sewerage network connection is available to the land; and</li> <li>3. all the requirements of Unitywater have been satisfied.</li> </ol>	Prior to commencement of use.
<b>17</b>	<b>Telecommunications Internal Wiring</b>	
A	Install internal wiring (Category 6 or better) within the building from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide OR New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the building that would have been or have been installed for telephone and television connections; including but not limited to sleep rooms, staff rooms, reception, offices and the like.	Prior to commencement of use.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.  Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	Prior to commencement of use.

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<b>18</b>	<b>Electricity</b>	
A	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an underground electricity supply network has or will be constructed to the site.	Prior to commencement of use.
B	Provide an underground electricity supply connection to the development.	Prior to commencement of use.
C	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that: <ol style="list-style-type: none"> <li>1. any electricity supply connection to an existing building or a private property pole is wholly contained in the lot it serves; and</li> <li>2. any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.</li> </ol>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>ENVIRONMENTAL HEALTH</b>		
<b>19</b>	<b>External Lighting</b>	
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use.
<b>20</b>	<b>Pedestrian Lighting</b>	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use.
<b>21</b>	<b>Acoustic Attenuation Measures</b>	
A	Provide the acoustic attenuation measures specified in the approved Acoustic Report and approved plans.	Prior to the commencement of the use and to be maintained at all times.
B	Provide certification from a suitably qualified person that the above attenuation measures have been installed/implemented in accordance with the specifications of the Acoustic Report prepared by Acoustic Works.	Prior to the commencement of the use.

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<b>22</b>	<b>Waste Management Plan</b>	
A	Implement the waste management arrangements identified on the approved plan.  Note: The bins for this development will be serviced onsite by a private contractor.	Prior to commencement of use.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
<b>DEVELOPMENT ENGINEERING</b>		
<b>23</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use.
<b>24</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to commencement of use.
<b>25</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>26</b>	<b>Stormwater Management</b>	
A	Implement and maintain the works identified in the approved Stormwater Management Plan.	Prior to commencement of use and then to be maintained at all times.
B	Construct stormwater infrastructure to service the development at no cost to Council and in accordance with the approved plans and documents of development.  <i>This condition has been imposed under section 145 of the Planning Act 2016.</i>	Prior to commencement of use.
C	Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been built in accordance with the approved Stormwater Management Plan.	Prior to commencement of use.

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D	<p>Provide registered easements for private drainage infrastructure in accordance with the approved plans and documents of development.</p> <p>The easement documents must acknowledge the maintenance, repair and replacement responsibilities of the owner of this development site.</p>	Prior to commencement of use.
<b>27</b>	<b>Construction Management Plan</b>	
A	<p>Submit and have approved by Council, a Construction Management Plan (CMP) prepared by the Principal Contractor. The CMP is to outline, in sufficient detail, the processes that will be employed to minimise impacts on the surrounding community during construction. These processes are to cover the following:</p> <ol style="list-style-type: none"> <li>1. Material delivery and storage locations</li> <li>2. Waste locations and collection details</li> <li>3. Construction office accommodation</li> <li>4. Contractor / tradesman vehicle parking arrangements</li> <li>5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday.</li> </ol> <p>The CMP may include a site layout drawing identifying these areas.</p> <p>The CMP needs to reflect any staging requirements.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs)</li> <li>2. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable</li> <li>3. Traffic control measures may need to be put in place for the duration of the construction works to control contractor / tradesman vehicle parking arrangements, this should be documented within the CMP</li> <li>4. Materials unloading and loading must occur on-site unless prior written approval is given by Council.</li> <li>5. All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.</li> </ol>	Not less than two (2) weeks prior to commencement of works. To be maintained current at all times.
B	<p>Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.</p>	At all times during construction of the development.



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<b>28</b>	<b>Erosion and Sediment Control</b>	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
<b>29</b>	<b>Acid Sulfate Soils</b>	
A	Prepare an Acid Sulfate Soil Investigation Report and if required an Acid Sulfate Soils Management Plan. The reports and analysis are to be undertaken in accordance with the MBRC Planning Scheme and prepared by a suitably qualified person.	Prior to the commencement of works.
B	Implement the requirements and recommendations of the Acid Sulfate Soil Management Plan.  All testing and monitoring is to be undertaken in accordance with the MBRC Planning Scheme.	While site works are occurring.
C	Provide certification from a suitably qualified person that all works have been undertaken in accordance with the Acid Sulfate Soil Management Plan.	Prior to commencement of use.
	Note:  Council will only accept a 'suitably qualified person' as being either a Registered Professional Engineer of Queensland (RPEQ) or Environmental/Soil Scientist with current professional membership status at a relevant organisation (e.g. ASSSI, AIG; EIANZ; GSA) and has obtained a minimum of five (5) years professional experience in the field of acid sulfate soils.	
<b>30</b>	<b>Earth Retaining Structures</b>	
A	Design all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and MBRC Planning scheme current the time of the building works application and the following:  1. The minimum design life (the period assumed in design for which a structure or structural element is required to perform its intended purpose without replacement or major structural repairs) for the earth retaining structure that is specified in Table 3.1 of Australian Standard AS4678;  2. Earth retaining structures within the land and around areas of cut on or near the boundaries of the site must be designed to allow for live and dead loads associated with the land/premise's current occupancy use.	Prior to commencement of works associated with this condition.

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	B	Construct all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and approved plans and documents of development.	Prior to commencement of use.
	C	Provide written certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the design, construction and materials comply with this condition.	Prior to commencement of use.
<b>31</b>	<b>Driveway Crossover</b>		
	A	Construct a driveway crossover to the site in accordance with the approved plans and documents of development and MBRC Standard Drawings RS-051 and the approved plans of development.  Provide signage and line marking in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD) that clearly denotes entry and exit for the development to advise drivers that the driveway is <b>left in / left out only</b> .	Prior to commencement of use.
	B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
<b>32</b>	<b>Existing Driveway Crossover</b>		
		Remove completely the shared portion of the driveway crossover between the site and Lot 2 RP200642 driveway crossovers fronting the development site on Station Road. Reinststate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.	Prior to commencement of use.
<b>33</b>	<b>Access, Internal Roadways, Parking and Servicing Areas</b>		
	A	Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use and to be maintained at all times.
	B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
<b>34</b>	<b>Minimum Flood Planning Level</b>		
	A	Design and construct the habitable floor level to at least the Council adopted Flood Planning Level (FPL). The FPL for this site at the time of approval is 9.65m AHD.	Prior to commencement of use.
	B	Submit to Council As-Constructed drawings prepared by a Registered Surveyor, certifying that the development has been constructed in accordance this condition.	Prior to commencement of use.

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<b>35</b>	<b>Structural Engineering Design Report</b>	
A	Prepare a Structural Engineering Design Report. This report is to be prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the MBRC Planning Scheme.	Prior to building works approval.
B	Provide RPEQ certification to the Building Certifier that the works have been designed in accordance with the recommendations of Structural Engineering Design Report.	Prior to building works approval.
C	Construct the works in accordance with the RPEQ certified design and the recommendations of the Structural Engineering Design Report.	Prior to commencement of use.
<b>36</b>	<b>Building Below the Flood Planning Level</b>	
	Construct building works below the Council adopted Flood Planning Level (FPL) from materials with a high water resistance and ensure that essential electrical services are located above the FPL. The FPL for this site at the time of approval is 9.65m AHD.  Notes: <ol style="list-style-type: none"> <li>1. The Queensland Government Fact Sheet 'Rebuilding after a flood' provides information about water resilient products and building techniques. Available at <a href="http://www.hpw.qld.gov.au">www.hpw.qld.gov.au</a>.</li> <li>2. An essential electrical service includes services defined as utilities in Mandatory Part 3.5 – Construction of buildings in flood hazard areas of the Queensland Development Code</li> </ol>	Prior to commencement of use.

<b>ADVICES</b>	
<b>1</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the <a href="#">cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government)</a> for further information regarding the responsibilities of the developer.</p>

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<b>2</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>
<b>3</b>	<b>Food Premises - Food Business Licence Advice</b>
	<p>In accordance with the Food Act 2006 the following must be submitted to Council prior to the commencement of construction or fit out of any licensable food business:</p> <ol style="list-style-type: none"><li>1. An application for food business licence.</li><li>2. Plans and elevations (refer to note below).</li><li>3. Supporting documentation.</li><li>4. Relevant fee.</li></ol> <p>Note: The application is assessed against the provisions of the <i>Food Act 2006, Australia and New Zealand Food Standards Code and AS 4674 – Design, construction and fit-out of food premises (or equivalent)</i>.</p>

- B. That an Infrastructure Charges Notice for the development application be provided to the applicant, and included as part of the Decision package.
- C. That all submitters of properly made submissions for the development application be provided with a copy of the Council's Decision Notice in accordance with Section 63 (1)(e) of the Planning Act 2016.
- D. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.

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E. That the following information be included in the Decision Notice.

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Material Change of Use - Development Permit for Childcare Centre
<b>Relevant Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	Nil
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There was one (1) properly made submission about this application.

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**REPORT DETAIL**

**1. Proposal**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Matthews Property Group C/- Wolter Consulting Group
<b>Lodgement Date:</b>	8 November 2019
<b>Properly Made Date:</b>	13 November 2019
<b>Confirmation Notice Date:</b>	21 November 2019
<b>Information Request Date:</b>	5 December 2019
<b>Info Response Received Date:</b>	11 February 2020
<b>Public Notification Dates:</b>	14 February 2020 - 6 March 2020
<b>No. of Submissions:</b>	Properly Made: 1 Not Properly Made: 0
<b>Decision Due Date:</b>	1 June 2020
<b>Prelodgement Meeting Held:</b>	Yes - PRE/5222

The application seeks a Material Change of Use - Development Permit for a Child Care Centre at 144 Station Road, Burpengary on land described as Lot 3 on RP200642. It is proposed to establish a Child Care Centre on site to accommodate a maximum of 100 children in a new, purpose-built facility.

The key components of the development are:

<b>Item</b>	<b>Proposal</b>
<b>Gross Floor Area</b>	714.3m <sup>2</sup>
<b>Site Cover</b>	26.13%
<b>Storeys</b>	2
<b>Height</b>	8.5m
<b>Car Parks</b>	17
<b>Bicycle Parks</b>	4
<b>Land Dedication</b>	Yes 1156m <sup>2</sup> - Drainage Reserve 300m <sup>2</sup> - Road Reserve
<b>Service Connections</b>	Yes

The proposed development includes a Gross Floor Area of 714.3m<sup>2</sup> spread over two levels and a site cover of 26.13%. The development is approximately 8.5m in height, and incorporates a cantilevered concrete car parking area which at the highest point is 1.5m and gradually reduces in height towards the building. The suspended car parking area above the mapped medium risk flood hazard over the property, while the area within the property identified as high risk flood hazard is proposed to be dedicated to Council as drainage reserve.

The proposal includes a single access via a 7.9m wide crossover to Station Road, which is proposed to be Left in/Left out only, due to Station Road being classified as a Council arterial road within the Road Hierarchy Overlay of the MBRC Planning Scheme. Additionally, Station Road has been identified by Council's engineers for future road widening. The proposed development includes a 10m wide 'no compromise area' which Council Officers are recommended is to be dedicated as road reserve to facilitate future road widening. Access to the site will be gained via a new crossover from Station Road.

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As identified above, the proposed development includes the carparking area within the mapped Medium Flood hazard, the extent of this encroachment is approximately 770m<sup>2</sup>. However, the proposal is for a suspended car parking area which is wholly located above the identified flood planning levels, which means that it is considered that the development will not be impacted by a flood event. Please see below table for the identified flood planning level and the proposed floor levels:

<b>Flood Planning Levels</b>	<b>Required</b>	<b>Proposed</b>
Habitable	9.65m (AHD)	9.65m (AHD)
Non-habitable	8.9m (AHD)	9.5m (AHD)

Externally, the building will feature an upper level verandah along the western boundary, to provide for outdoor space for children with a material shading devices to soften the built form of the proposed building. The ground level includes a covered play space which is accessed via the internal class rooms on the ground level.

The proposed building includes 4m internal ceiling heights on the ground floor to provide for flexible re-use of the floor are for potential future commercial and retail activities. Additionally, the proposal includes an attractive front façade, with feature timber batten screening and glazing to provide for passive surveillance of the street front.

To address any CPTED (Crime Prevention through Environmental Design) concerns with the general public or vagrants being able to access the undercroft of the proposed suspended carpark, it is recommended that a condition requiring the fencing of the undercroft area, with a fencing type which can have a large enough aperture to allow for the conveyance of floodwater, and for most debris to be able to flow through. It is considered that there may be minimal debris collected along the fence during a flood event, however this would be easy to maintain.

The lawful point of discharge of the existing property pre-development is for stormwater sheet flow across the property to the rear of the lot. The stormwater then joins with an existing channel that connects to Burpengary Creek. The proposed arrangement would see captured stormwater treated and directed to the High Risk Flood Hazard area that will be dedicated to Council as the approved lawful point of discharge.

A total of seventeen (17) car parks are proposed onsite including eleven (11) visitor spaces, five (5) staff spaces, a disability bay (PWD) and shared space, and a delivery space.

The application was publicly advertised with one (1) submission received, which was opposed to the development.

**2. Background**

**PRE/5222**

On 28 August 2019, a prelodgement meeting was held with Council Officers, in relation to the proposed development. The current proposal is generally consistent with the proposed development discussed during the prelodgement meeting.

**2.1 Description of the Site and Surrounds**

*Current use of the subject land*

The proposed development is currently vacant, and is not improved by any buildings or outbuildings.

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*Current use of the surrounding land*

The property is adjoined by residential uses on both the east and western side boundaries, while the adjoining property to the rear is St Eugene College, with sporting fields directly adjoining the rear boundary. The subject property and the adjoining residential uses are located within the Centre zone - District centre precinct, while the property to the rear is located within the General residential zone - Suburban Neighbourhood precinct.

*Topography*

The subject property slopes towards the rear from approximately 9.75m AHD to 7m AHD.

*Vegetation*

The subject property is not constrained by any vegetation.

*Access improvements*

The subject property is accessed via a shared crossover to Station Road with the adjoining property at 140 Station Road, this driveway crossover is located clear of any existing street infrastructure located within the verge. The double white line has been broken to permit access via a right hand turn into the subject site. Additionally, the property is burdened by an access easement along a large portion of the property (Emt B on RP200642) which Council is benefitted to, for the purpose of access and drainage.

*Constraints on the property*

The site and adjoining properties are all constrained by the Flood Hazard Overlay Code, both medium and high risk hazard, and balance flood planning area (refer to Figure 1 below).

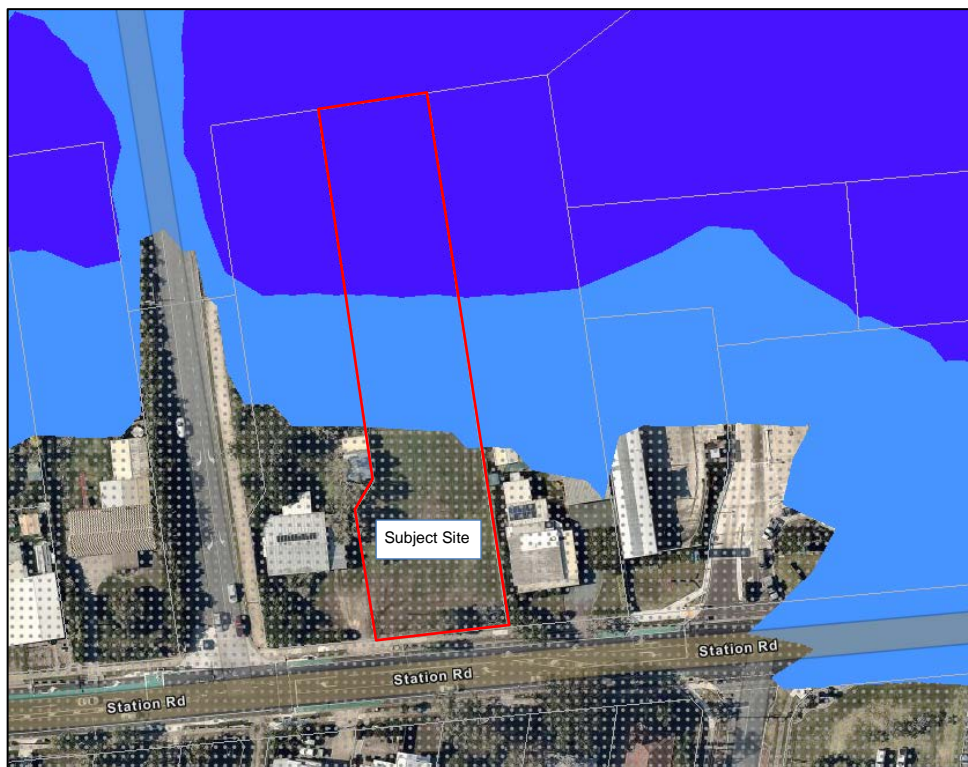


Figure 1 - The extent of the mapped Flood Hazard Overlay



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Additionally, the site also has a Unity Water Sewer Main which traverses the site, east to west. Which is proposed to be retained within the development (see figure 2 below).



Figure 2 - Existing sewer infrastructure within the site

2.2 Assessment Benchmarks related to the *Planning Regulation 2017*

The *Planning Regulation 2017* (the Regulation) prescribes Assessment Benchmarks that the application must be carried out against, which are additional or alternative to the Assessment Benchmarks contained in Council’s Planning Scheme.

These Assessment Benchmarks are prescribed as being contained in:

- the South East Queensland Regional Plan and Part E of the State Planning Policy; and
- Schedule 10 of the Regulation.

<p><b>Applicable Assessment Benchmarks:</b></p>	<p><u>State Planning Policy</u></p> <ul style="list-style-type: none"> <li>• State Planning Policy, Part E</li> </ul> <p><u>Regional Plan</u></p> <ul style="list-style-type: none"> <li>• South East Queensland Regional Plan</li> </ul>
<p><b>SEQ Regional Plan Designation:</b></p>	<ul style="list-style-type: none"> <li>• Urban Footprint</li> </ul>
<p><b>Koala Habitat Designation:</b></p>	<p>Nil</p>

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2.2.1 State Planning Policy

A new State Planning Policy came into effect on 3 July 2017, and is not currently integrated into the MBRC Planning Scheme. The following assessment benchmarks are to be applied to the assessment of development applications until the State interests have been appropriately integrated into Council's planning scheme. Assessment against the SPP assessment benchmarks is as follows:

<b>Assessment benchmarks - livable communities</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - mining and extractive resources</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - water quality</b>	
Applicable to Development	SPP requirement
Yes	(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from: (a) altered stormwater quality and hydrology; (b) waste water; (c) the creation or expansion of non-tidal artificial waterways; (d) the release and mobilization of nutrients and sediments. (2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2). (3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.
<u>Comment</u> An assessment of the proposed development has been undertaken, and the proposal has been determined to comply. In particular, a stormwater management plan has been submitted and is recommended for approval.	
<b>Assessment benchmarks - natural hazards, risk and resilience</b>	
Applicable to Development	SPP requirement
Yes	Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district: (1) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.  All natural hazard areas:

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	<p>(2) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(4) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(5) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>
<p><u>Comment</u> An assessment of the proposed development has been undertaken, and the proposal has been determined to comply. In particular, the proposal has addressed the flood hazard over the site by locating the proposed car park area above the flood level on a suspended slab.</p>	
<p><b>Assessment benchmarks - strategic airports and aviation facilities</b></p>	
Applicable to Development	SPP requirement
No	None
<p><u>Comment</u> Not applicable.</p>	

2.2.2 South East Queensland Regional Plan

The site is located in the Urban Footprint designation.

The development proposal is for an urban activity in the Urban Footprint, and there are no requirements in the State Planning Regulatory Provisions applicable to the development proposal.

2.3 Assessment Against Local Categorising Instrument - Moreton Bay Regional Council Planning Scheme

An assessment against the relevant parts of the planning scheme is set out below.

2.3.1 Strategic Framework

The subject site is partially designated as an “Activity Centre” and partially designated as “Coast and Riverlands” under the Strategic Framework of the MBRC Planning Scheme. Upon review of the proposed development, it is considered that the proposed use achieves the intent of the Activity Centre element of the Strategic Framework by providing a new use that is suitably located within the Burpengary Activity Centre.

The proposed land dedication to the rear of the property, located within the mapped High flood hazard achieves the intent of the Coast and Riverlands element of the Strategic Framework, and allows for a logical extension of the existing green network of the Burpengary Creek catchment.

Therefore, in accordance with the above, the proposal is generally consistent with the expectations set out in the Strategic Framework.

2.3.2 Assessment of Applicable Codes

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Code Compliance Summary

The assessment below identifies how the development proposal achieves the assessment benchmarks and where the development proposal;

- (a) proposes an alternative 'Example' satisfying or not satisfying the corresponding Performance Outcome; and
- (b) proposes an outcome where no 'Example' is stated in the code and the proposed outcome does not satisfy the corresponding Performance Outcome.

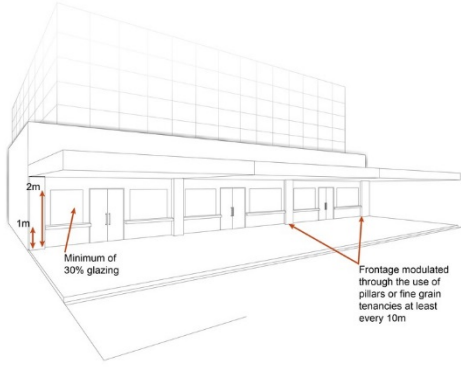
Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone Code</b>		
Centre Zone Code - District Centre precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO2, PO8, PO9
<b>Overlay Codes</b>		
Flood Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO5, PO10

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 2.3.3.

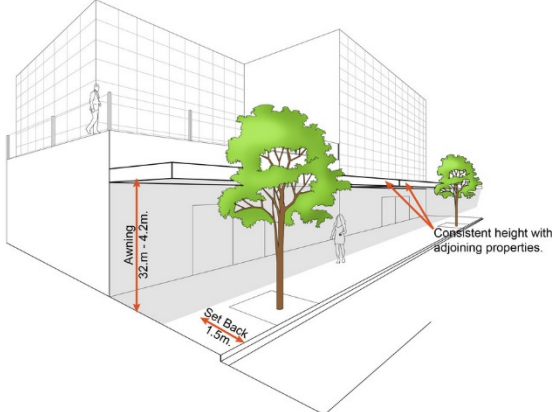
2.3.3 Performance Outcome Assessment

Performance Outcome	Example
<b>Centre Zone Code - District Centre Precinct</b>	
<p><b>PO2</b></p> <p>Development addresses and activates streets and public spaces by:</p> <ul style="list-style-type: none"> <li>a. establishing and maintaining interaction, pedestrian activity and casual surveillance through appropriate land uses and building design (e.g. the use of windows or glazing and avoiding blank walls with the use of sleeving);</li> <li>b. ensuring buildings and individual tenancies address street frontages and other areas of pedestrian movement;</li> <li>c. new buildings adjoin or are within 3m of a primary street frontage,</li> </ul>	<p><b>E2.6</b></p> <p>The front facade of the building:</p> <ul style="list-style-type: none"> <li>a. is made up of a minimum of 50% windows or glazing between a height of 1m and 2m;</li> <li>b. the minimum area of window or glazing is to remain uncovered and free of signage.</li> </ul> <p>Note - This does not apply to Adult stores<sup>(1)</sup>.</p> <p><b>Figure - Glazing</b> _</p>

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Performance Outcome	Example
<p>civic space or public open space;</p> <p>d. locating car parking areas behind or under buildings to not dominate the street environment;</p> <p>e. providing visual interest to the façade (e.g. windows or glazing, variation in colours, materials, finishes, articulation, recesses or projections);</p> <p>f. establishing or maintaining human scale.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development includes a vertical batten feature screen, horizontal glass shopfront glazing and rendered and painted brickwork.</p> <p>For safety and operational purposes, a child care centre is unable to provide 50% of the front façade as uncovered glazing due to the location of one of the children’s classrooms being located along the front façade, therefore the windows are proposed to be frosted to allow for light into the classroom, without members of the public being able to see in. The front façade, however, does provide shopfront glazing at the primary entrance, as well as visual interest through the use of vertical and horizontal windows, vertical batten feature screening, and coloured glass acoustic screening at the upper level.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	
<p><b>PO8</b></p> <p>Ground floor spaces are designed to enable the flexible re-use of floor area for commercial and retail activities.</p>	<p><b>E8</b></p> <p>The ground floor has a minimum ceiling height of 4.2m.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development includes the internal floor to ceiling height of 4m. The 4m floor to ceiling height retains the ability for flexible reuse of the floor area for potential future retail or commercial uses.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	
<p><b>PO9</b></p> <p>Awnings are provided at the ground level fronting</p>	<p><b>E9</b></p> <p>Buildings incorporate an awning that:</p> <p>a. is cantilevered;</p>

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Performance Outcome	Example
<p>pedestrian footpaths. Awnings:</p> <ul style="list-style-type: none"> <li>a. provide adequate protection for pedestrians from solar exposure and inclement weather;</li> <li>b. are integrated with the design of the building and the form and function of the street;</li> <li>c. do not compromise the provision of street trees and signage;</li> <li>d. ensure the safety of pedestrians and vehicles (e.g. No support poles).</li> </ul>	<ul style="list-style-type: none"> <li>b. extends from the face of the building;</li> <li>c. has a minimum height of 3.2m and a maximum height of 4.2m above pavement level;</li> <li>d. does not extend past a vertical plane of 1.5m inside the kerb line to allow for street trees and regulatory signage;</li> <li>e. aligns with adjoining buildings to provide continuous shelter where possible.</li> </ul> <p><b>Figure - Awning requirements</b></p> 

<i>Performance Outcome Assessment</i>
<p>The proposal incorporates a small shade device at a height of approximately 3.0m. The shade device is proposed to extend approximately 0.6m outward into the 10m' no compromise area'. However, as the ultimate design and alignment of Station Road and the pedestrian areas has not yet been finalised, it is considered that an awning is not appropriate in this instance.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>

<b>Flood Hazard Overlay Code</b>	
<p><b>PO5</b></p> <p>Development is resilient to a flood hazard event by ensuring design and built form account for the potential risks of flooding.</p>	<p><b>A05.3</b></p> <p>Development ensures that a non-habitable room below the flood planning level in Table 8.2.2.3 'Flood planning level for a habitable floor (residential development) and a non-habitable floor (non-residential development) and levels for hazardous chemicals' has a high water resistance.</p>
<i>Performance Outcome Assessment</i>	
<p>The proposed development includes providing the car parking area (non-habitable) within the identified Medium risk flood hazard area. However, the proposed development includes the construction of a suspended slab to facilitate car parking at a level above the 1% AEP Defined Flood Level (8.9m AHD), being situated at approximately 9.5m AHD.</p>	

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Performance Outcome	Example
	<p>The proposed suspended slab is considered appropriate in accordance with sections 7.3.8, 7.3.10 and 7.3.13 of QUDM as the car park is still accessible from Station Road during the major event. It is not anticipated that there will be any impact to the flooding conditions for the surrounding neighbours due to the development, as the design ensures that there will be no obscuring of floodwater flow due to the piers construction to floodwater and maintains the conveyance of stormwater flows within this area. The design of the piers has taken into consideration the confluence of floodwater and have been spaced widely apart to ensure no impacts to the movement of floodwater.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>
<p><b>PO10</b></p> <p>Development maintains personal safety at all times, such that:</p> <ul style="list-style-type: none"> <li>a. a vulnerable land use (flood and coastal) is not located in the High risk flood hazard area or Medium risk flood hazard area;</li> <li>b. new buildings are not located in the High risk flood hazard area included in the Limited development zone;</li> <li>c. a residential accommodation building is located in the following: <ul style="list-style-type: none"> <li>i. Balance flood planning area; or</li> <li>ii. the Medium risk area where located in the Medium risk storm tide inundation area of the Coastal hazard overlay or Balance coastal planning area of the Coastal hazard overlay;</li> </ul> </li> <li>d. evacuation capability from the development or other premises is not hindered or made more complicated and there is no significant additional burden placed on emergency services personnel;</li> </ul>	<p>No example provided.</p>

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Performance Outcome	Example
e. the isolation of persons in the Defined Flood Event is avoided.	
<i>Performance Outcome Assessment</i>	
<p>The proposed development locates a sensitive land use (being a childcare centre) within the mapped medium flood hazard area, albeit wholly outside, and above the defined flood planning levels, with only the proposed car park supporting piers being located within the mapped Medium Flood hazard area. However, any part of the development that would overlap with the mapped area is not permitted and therefore not complying with PO10(a).</p> <p>As the proposed development cannot achieve PO10, it is required to be assessed against the Overall Outcomes of the Flood hazard overlay code. Please refer to Section 2.3.4 of this report for the assessment.</p>	

2.3.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome PO10 of the Flood Hazard Overlay Code. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

Section 8.2.2 - Flood Hazard Overlay Code	
Overall Outcomes	Complies Y/N
<p>a. Development in the High risk flood hazard area included in the Limited development zone, avoids the extremely unacceptable intolerable risk of the flood hazard by ensuring that:</p> <ul style="list-style-type: none"> <li>i. a material change of use is only for the following uses if the intolerable risk of flood hazard to people, property and infrastructure located on the premises and other premises is avoided: <ul style="list-style-type: none"> <li>A. Outdoor sport and recreation; or</li> <li>B. Park; or</li> <li>C. Permanent plantation; or</li> <li>D. Cropping (where involving forestry for wood production);</li> </ul> </li> <li>ii. reconfiguring a lot for boundary realignment only occurs if the intolerable risk of flood hazard to people, property and infrastructure located on the premises and other premises is not increased and where practicable the intolerable risk of flood hazard for future occupants is mitigated;</li> <li>iii. reconfiguring a lot for creating lots by subdividing another lot only occurs for the purposes of Park or Permanent plantation or ensures that lots have sufficient area outside of the zone for development consistent in the adjoining zone and precinct;</li> </ul>	Yes



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<ul style="list-style-type: none"> <li>iv. building work is less than 50m<sup>2</sup> in area and associated with a use in paragraph (i).</li> <li>v. earthworks do not occur except where associated with a previous approval.</li> </ul>	
<b>Comments</b>	
<p>The proposed development is located wholly outside of the High risk flood hazard area, with the High risk flood hazard area being dedicated to Council as parkland.</p>	
<ul style="list-style-type: none"> <li>b. Development in the High risk area not included in the Limited development zone, manages and mitigates the unacceptable intolerable risk of the flood hazard by ensuring that:                             <ul style="list-style-type: none"> <li>i. a material change of use is only for the following uses if consistent with the overall outcomes of the applicable zone and precinct and the intolerable risk of flood hazard to people, property and infrastructure located on the premises and other premises is avoided:                                     <ul style="list-style-type: none"> <li>A. Dwelling house; or</li> <li>B. Outdoor sport and recreation; or</li> <li>C. Park; or</li> <li>D. Permanent plantation; or</li> <li>E. Cropping (where involving forestry for wood production); or</li> <li>F. Tourist park; or</li> <li>G. Home based business;</li> </ul> </li> <li>ii. reconfiguring a lot for boundary realignment only occurs if the intolerable risk of flood hazard to people, property and infrastructure located on the premises and other premises is not increased and where practicable the intolerable risk of flood hazard for future occupants is mitigated;</li> <li>iii. reconfiguring a lot for creating lots by subdividing another lot is only for the following:                                     <ul style="list-style-type: none"> <li>A. in the Rural zone, where consistent with the overall outcomes of the rural zone and the required minimum development footprint (flood and coastal) for each rural lot is provided outside the High or Medium risk area of the Flood planning area; or</li> <li>B. in the Rural residential zone, residential lots provide the required minimum lot size outside the High risk area of the Flood planning area; or</li> <li>C. in any other zone, for the purposes of a Park or Permanent plantation;</li> </ul> </li> <li>iv. building work complies with the flood planning level, engineering design and resilient materials requirements;</li> </ul> </li> </ul>	<p>Yes</p>

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<p>v. earthworks do not occur except where associated with a previous approval;</p>	
<p><b>Comments</b></p>	
<p>The proposed development is located wholly outside of the High risk flood hazard area, with the High risk flood hazard area being dedicated to Council as parkland.</p>	
<p>c. Development in the Medium risk area manages and mitigates the tolerable risk of flood hazard by ensuring that:</p> <p>i. a material change of use is only for the following uses if consistent with the overall outcomes of the applicable zone and precinct and the risk to people, property and infrastructure located on the premises and other premises is avoided or mitigated:</p> <ul style="list-style-type: none"> <li>A. Dwelling house; or</li> <li>B. Outdoor sport and recreation; or</li> <li>C. Park; or</li> <li>D. Permanent plantation; or</li> <li>E. Cropping (where involving forestry for wood production); or</li> <li>F. Tourist park; or</li> <li>G. Home based business; or</li> <li>H. Non-residential uses where not involving a vulnerable land use (flood and coastal).</li> </ul> <p>ii. reconfiguring a lot for boundary realignment only occurs if the risk of flood hazard to people, property and infrastructure located on the premises and other premises is not increased and where practicable the risk of flood hazard for future occupants is mitigated;</p> <p>iii. reconfiguring a lot for creating lots by subdividing another lot is only for the following:</p> <ul style="list-style-type: none"> <li>A. in the Rural zone, where the required minimum development footprint (flood and coastal) for each rural lot is provided outside the High or Medium risk area of the Flood planning area and the development is consistent with the overall outcomes of the existing zone and precinct; or</li> <li>B. in the Rural residential zone, where the required minimum development footprint (flood and coastal) for each rural residential lot is provided outside the Medium risk area of the Flood planning area; or</li> <li>C. in any other zone, where all resultant lots are located outside the High risk or Medium risk area other than</li> </ul>	<p>Yes</p>

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<p>those for the purposes of Park or Permanent plantation.</p> <ul style="list-style-type: none"> <li>iv. building work complies with the flood planning level, engineering design and resilient materials requirements;</li> <li>v. earthworks only occur if: <ul style="list-style-type: none"> <li>A. in the Balance coastal planning area of the Coastal planning area or in the Medium risk storm tide inundation area of the Coastal planning area where in the General residential zone, Centre zone, Community facilities zone, Recreation and open space zone or Industry zone;</li> <li>B. any filling raises the ground level to the Year 2100 Highest Astronomical Tide level as a minimum;</li> </ul> </li> </ul> <p>Note - The Year 2100 Highest Astronomical Tide level is available on Council's Flood Check Development Report via <a href="https://www.moretonbay.qld.gov.au/floodcheck/">https://www.moretonbay.qld.gov.au/floodcheck/</a></p> <ul style="list-style-type: none"> <li>C. there are no adverse local drainage impacts, flooding and coastal impacts on other premises, public land, watercourses, roads or infrastructure or impacts on natural riverine and coastal processes or flood warning times; or</li> <li>D. associated with a previous approval.</li> </ul>	
<p><b>Comments</b></p>	
<p>The proposed development for a childcare centre locates the centre wholly within the mapped Balance flood hazard area, rather than the mapped Medium flood hazard area. The proposed development only includes a suspended slab carpark within the mapped Medium hazard flood area.</p> <p>The proposed development includes the construction of a suspended slab to facilitate car parking at a level above the 1% AEP Defined Flood Level (8.9m AHD), being situated at approximately 9.5m AHD in accordance with PO5 of the Flood Hazard Overlay Code.</p> <p>Additionally, no fill is proposed on site to facilitate the development, as a piered construction is not considered to be filling, therefore the location of the car parking area within the Medium hazard risk area is supported. The inclusion of the piers to elevate the platform ensures that risk to persons and property using the site and the adjoining upstream and downstream parcels remain unaffected. The design maintains the conveyance of stormwater and does not increase the risks of afflux or the reduction in conveyance immediacy downstream.</p> <p>Furthermore, to ensure compliance with the provisions of the Flood hazard overlay code, it is recommended that conditions relating to the minimum habitable floor levels are included.</p> <p>It is considered, that as the only component of the proposed development located within the Medium risk hazard, is a car park, which achieves the flood planning levels, the proposed development can achieve the Overall Outcome (c) and will not result in any increased risk to people or property in accordance with the purpose and overall outcomes of the Flood hazard overlay code.</p>	

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<p>d. Development of premises subject to a drainage master plan manages and mitigates the risk of flood hazard and any coastal hazard in this area, such that:</p> <p>Note - The premises subject to a drainage master plan are the premises included in the General residential zone - Next generation neighbourhood precinct or General residential zone - Urban neighbourhood precinct located in a drainage master plan area identified on Figures 8.2.2.1 - 8.2.2.10</p> <p>i. a drainage master plan for the relevant Drainage investigation area demonstrates that the development:</p> <ul style="list-style-type: none"> <li>A. adequately addresses the significant existing and future flood hazards and any coastal hazards affecting the Drainage investigation area without cost to the local government;</li> <li>B. adequately addresses the significant infrastructure limitations of the Drainage investigation area without cost to the local government;</li> <li>C. does not result in adverse local drainage impacts, flooding impacts on other premises, public land, watercourses, roads or infrastructure, or impacts on natural riverine and coastal processes or flood warning times;</li> </ul> <p>ii. where it is demonstrated by an approved drainage master plan that the risk to people, property and infrastructure located on the premises and other premises is avoided or mitigated:</p> <ul style="list-style-type: none"> <li>A. a material change of use is limited to uses consistent with the overall outcomes of the applicable zone and precinct and complies with the approved Drainage master plan;</li> <li>B. reconfiguring a lot is consistent with the overall outcomes of the applicable zone and precinct and complies with the approved Drainage master plan;</li> <li>C. building work complies with the approved drainage master plan;</li> <li>D. earthworks comply with the approved drainage master plan.</li> </ul>	<p>N/A</p>
<b>Comments</b>	
<p>The subject property is not subject to a drainage master plan.</p>	
<p>e. Development in the Balance flood planning area manages and mitigates the tolerable risk of the flood hazard by ensuring that:</p> <p>i. a material change of use is only for uses consistent with the overall outcomes of the applicable zone and precinct if the risk to people, property and infrastructure located on the premises and other premises is avoided or mitigated;</p>	<p>Yes</p>

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<ul style="list-style-type: none"> <li>ii. reconfiguring a lot is consistent with the overall outcomes of the applicable zone and precinct;</li> <li>iii. building work complies with the flood planning level and resilient materials requirements;</li> <li>iv. earthworks only occur, if:             <ul style="list-style-type: none"> <li>A. filling raises the ground level to the Flood planning level as a minimum;</li> <li>B. there are no adverse local drainage impacts, flooding and coastal impacts on other premises, public land, watercourses, roads or infrastructure or impacts on natural riverine and coastal processes or flood warning times.</li> </ul> </li> </ul> <p>Note - Information on the flood hazard and flood planning level for individual sites is available on Council's Flood Check Development Report via <a href="https://www.moretonbay.qld.gov.au/floodcheck/">https://www.moretonbay.qld.gov.au/floodcheck/</a>.</p>	
<b>Comments</b>	
<p>The proposed development is a consistent use within the Centre zone District centre precinct, and does not propose any earthworks, rather a suspended slab construction to ensure no change to flood or stormwater flows to downstream properties.</p> <p>Further, the vulnerable use proposed, being a childcare centre, is wholly located within the mapped Balance flood hazard area, with the proposed floor level (of 9.65m AHD) achieving the required habitable floor level of 9.65m (0.1% AEP).</p> <p>The majority of the development (and the actual vulnerable use - being the child care centre) is located within the mapped balance flood hazard area. The Flood Check Development Report details the property is not affected by flow velocity constraints. The risk of damage from debris carried with the stormwater would unlikely introduce risks to the development or adjoining properties. Any debris can be cleared away following a flood event.</p> <p>Additionally, it is recommended that a condition includes the construction of the building to achieve the minimum floor level requirements for both habitable and non-habitable areas in accordance with the flood planning requirements.</p> <p>It is considered that the proposed development achieves the Overall Outcome (e).</p>	
<ul style="list-style-type: none"> <li>f. Development in the Flood planning area:             <ul style="list-style-type: none"> <li>i. supports, and does not unduly burden the disaster management response and recovery capacity and capabilities during and after significant flood events;</li> <li>ii. provides for efficient evacuation of on-site persons and facilitates direct and simple access for evacuation personnel and resources during flood events, while ensuring development does not hinder or place additional complexities upon evacuation activities for other premises;</li> <li>iii. avoids isolation of persons for flood events up to and including the Defined Flood Event;</li> </ul> </li> </ul>	<p>Yes</p>

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<ul style="list-style-type: none"> <li>iv. provides for siting, built form, layout, and access (including evacuation access) which responds to the risk of the flood hazard and minimises risk to personal safety in all flood hazard events up to and including the Defined Flood Event;</li> <li>v. is resilient to flood events by ensuring the siting and design of development accounts for the potential risks to property associated with flood hazards;</li> <li>vi. directly, indirectly and cumulatively avoids an increase in the severity of flood hazards and potential for damage on the premises or to other premises or elsewhere in the floodplain;</li> <li>vii. involving essential community infrastructure remains functional during and immediately after a flood event up to and including the Defined Flood Event;</li> <li>viii. avoids the accidental release of hazardous materials as a result of a flood event;</li> <li>ix. maintains natural processes and the protective function of landforms and vegetation;</li> <li>x. does not impact adversely on the ability for future flood hazard mitigation measures to be implemented on other premises</li> </ul>	
<b>Comments</b>	
<p>The proposed development will:</p> <ul style="list-style-type: none"> <li>(a) support and not unduly burden the disaster management response and recovery capabilities after a flood event</li> <li>(b) provide for efficient evacuation of on-site persons in a flood event</li> <li>(c) avoids isolation of persons during a flood event as all habitable floor levels are above the Flood Planning Level (FPL)</li> <li>(d) the building has been designed in response to the constraints on the site, and provides for a built form which minimizes risk to people and property as all habitable and non-habitable spaces (the suspended car park area) are to be built above the identified FPL.</li> <li>(e) Reduces the impact that a flood event will have on the property, while ensuring non-worsening on downstream properties.</li> </ul> <p>It is considered that the proposed development achieves the Overall Outcome (f).</p>	

Based on the assessment above, the proposal is consistent with all of the Overall Outcomes of the code(s) and is therefore taken to be consistent with the purposes of the code(s).

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2.4 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance the Council's Charges Resolution No. 8 commencing on 14 August 2018 (CR).

2.4.1 *Levied Charge*

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal and has been calculated as shown in the Infrastructure Charges Notice attached to this report taking into consideration any applicable credits or offsets.

2.4.2 *Levied Charge Credit*

In accordance with section 14 of the CR, a credit exists for the development based on the credit being the greater of the following amounts:

(a) Payment of previous charges or contributions

There is no record of a previous charge or contribution having been made in relation to the land in accordance with section 14 of the CR. Accordingly, the credit available under this option is \$0.00

(b) Lawful use of land

There is no current existing lawful use of the land or record of a previous lawful use of the land that is no longer taking place. Accordingly, the credit available under this option is \$17,603.70 based on a residential allotment being able to construct a three or more bedroom dwelling house as of right.

(c) Other development able to occur without a development permit

There is no other development able to be lawfully carried out without a development permit (including a development permit for Building Works). Accordingly, the credit available under this option is \$0.00

(d) The adopted charge for a residential lot (applied equally to non-residential development)

The credit available under this option is \$17,603.70 based on the proportional split stated in Table 3 of the CR. This adopted charge rate is the prescribed amount in Schedule 16 of the *Planning Regulation 2017* as at 11 August 2017. This rate will be automatically indexed in accordance with section 112 of the Act.

2.4.3 *Levied Charge Offset or Refund*

The site is affected by a Trunk Infrastructure requirement and it is recommended to include a condition requiring the trunk infrastructure item to be delivered by the development.

However, the submitted plans do not clearly identify the extent of the land dedication for the purpose of road reserve which is required, therefore it is recommended that an amended plan condition be included to identify the area.

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2.4.4 *Additional Trunk Infrastructure Costs*

In accordance with section 130 of the *Planning Act 2016*, an additional payment condition may be imposed if the proposed development;

- (a) generates infrastructure demand of more than what is required to service the type or scale of future development assumed in the LGIP; or
- (b) requires new trunk infrastructure earlier than when identified in the LGIP; or
- (c) is for premises located completely or partly outside the Priority Infrastructure Area; and

The development will impose additional trunk infrastructure costs on Council after taking into account the levied charge and any trunk infrastructure provided, or to be provided by the development.

In this instance, having assessed the proposed development, it does not warrant the imposition of an additional payment condition.

2.5 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

2.6 Referrals

2.6.1 *Council Referrals*

**2.6.1.1 Development Engineering**

**Traffic, Access & Parking**

1. The development fronts Station Road which is a Council arterial road. This road provides an important through connection from the Burpengary District Centre Zone west. To minimise the impact from the proposed development, it is a recommendation of this report that the access arrangement from the driveway be limited to left in/ left out only. As a result, a condition is recommended.
2. The existing access to the lot shares a driveway crossover with the neighbouring parcel. It is a recommendation of this report that a condition be included to completely remove the existing crossover and carry out reinstatement works to all disturbed areas prior to commencement of use.

**Stormwater / Flooding**

3. A Stormwater Management Plan has been submitted in support of the Development. It is a recommendation of this report to include these plans in the approved plans and documents table as well as include a condition that works are to be undertaken in accordance with these documents.
4. An easement is required within the Medium Risk Flood Hazard area below the cantilevered car parking area. It is a recommendation of this report that a volumetric easement is provided in favour of Council in accordance with the approved plans and documents.
5. It is a recommendation of this report that the floor level be constructed above the Flood Planning Level.



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6. Part of the proposed structure is located within the Flood Hazard area. To ensure that the structure is constructed in accordance with accepted Engineering requirements, it is a recommendation of this report that a Structural Design Engineering Report be undertaken and provided prior to approval of building works.
7. To address CPTED concerns, access to below the cantilevered car parking area is to be limited by pool fencing. This fence has a large enough aperture to allow for the conveyance of floodwater, and for most debris to be able to flow through. It is considered that there may be minimal debris collected along the fence during a flood event, however this would be easy to maintain.

**Earthworks**

8. It is a recommendation of this report that earth retaining structures constructed within the lot to create the development are undertaken in accordance with the relevant Engineering requirements.
9. The development may interact with Acid Sulfate Soils in its construction. It is a recommendation of this report that a condition be imposed for an Acid Sulfate Soil Investigation be undertaken and if required an Acid Sulfate Management Plan prior to commencement of works.

**2.6.1.2 Environmental Health**

**Lighting**

1. It is recommended that conditions are included to ensure suitable lighting is installed.

**Noise**

2. An Acoustic Report prepared by Acoustic Works dated 30 January 2020, report number 2019303 R01C recommends acoustic barriers that are considered acceptable. The barriers are proposed along the boundary of the driveway and around the ground and first floor play areas. The report also limits the use of the outdoor play areas to between 7am and 6pm. As a consequence, the recommendations of this report include a condition that the development be undertaken in accordance with the acoustic report.

**Waste Management**

3. A plan identifies an enclosure towards the rear of the premises where bins will be serviced onsite by a private contractor. As a consequence, the recommendations of this report include a condition that the development be undertaken in accordance with the plan.

**Food Premises - Food Business License**

4. The development may incorporate a licensable food business under the *Food Act 2006* that will have specific structural requirements. As a consequence, the recommendations of this report include an advice for a Food Business License.

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**2.6.1.3 Engineering, Construction and Maintenance - Asset Maintenance**

1. The existing property is subject to an easement in favour of Council for the purpose of access and confluence of overland flow and floodwater. As such, advice was sought from Asset Maintenance in relation to the proposed development, and how access maintenance of the mapped flood hazard overlay would be managed by Council moving forward. It was recommended that the area mapped as high flood hazard be dedicated to Council as stormwater drainage (non-trunk). While the area identified within the medium flood hazard, where the suspended car park is located be retained under a restricted height easement to Council, to maintain overland and stormwater flows. It is recommended that conditions are imposed in relation to both the land dedication and easement to ensure ongoing access is obtained by Council, as well as specifying any fencing underneath the suspended car park to ensure overland and stormwater flow is maintained.

*2.6.2 Referral Agencies*

**2.6.2.1 Concurrence Agencies - Department of Infrastructure, Local Government and Planning**

There were no Concurrence Agencies involved in assessing this development application.

**2.6.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**2.6.2.3 Third Party Agencies**

There were no Third Party Agencies involved in assessing this application.

**2.7 Public Consultation**

*2.7.1 Public Notification Requirements under the Development Assessment Rules*

- (a) Public Notification was served on all adjoining landowners on 11 February 2020.
- (b) The development application was advertised in the Caboolture Herald on 13 February 2020.
- (c) A notice in the prescribed form was posted on the relevant land on 14 February 2020 and maintained for a period of 15 business days until 6 March 2020.

*2.7.2 Submissions Received*

Council received the following types of submissions in respect to this development application. A copy of the submissions is included within the attachments to this Council report.

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		1
	Petition	-	0
Not Properly Made	Letter, Email, Fax		0
	Petition	-	0
<b>Total</b>			<b>1</b>

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The matters raised within the submission are outlined below:

<b>Assessment of Submissions</b>
<b><u>Issue</u></b>
Visual amenity of an acoustic barrier along the western side boundary
<b><u>Comments</u></b>
<p>The proposed development incorporates a 2.3m high acoustic barrier along the western boundary to aid in the reduction of noise from outdoor play areas along the western boundary.</p> <p>The height of the proposed acoustic barrier is not considered to be substantially larger than a standard timber boundary fence and would be constructed with similar materials. It is noted that the site is located in a Centre zone where development could typically anticipate buildings built to boundaries.</p> <p>This is not a reason for refusal of the application.</p>
<b><u>Issue</u></b>
Additional traffic generated by the development and the impact on Station Road and residents.
<b><u>Comments</u></b>
<p>As required by Council's planning scheme, an Integrated Transport Assessment was prepared in support of the application. This report identified that the development will result in a potential trip generation in the AM peak of 80 cars and 70 cars in the PM peak with expected additional traffic generated by the proposed development. Upon review of the Integrated Traffic Assessment, it was identified that the additional volume from the Child Care Centre provides an insignificant additional impact on the future road network.</p> <p>Notwithstanding, the above, Station Road has been identified as a road network which the existing level of service has already deteriorated in parts. An assessment of the network details that 10-year growth scenario with and without the development results in a very poor post development condition. Within the boundaries of the proposed development, an upgrade of Station Road would have no practicable benefit.</p> <p>However, to minimise the impacts the development will have on the Station Road network, it is recommended that a condition is included limiting access to the property to a left in / left out driveway.</p> <p>The application has demonstrated the proposed traffic, access and car parking complies with the Planning Scheme Policies relating to Traffic under the provisions of the Moreton Bay Regional Council Planning Scheme (V3). Council's traffic engineers are satisfied the proposal can be supported.</p> <p>This is not a reason for refusal of the application.</p>
<b><u>Issue</u></b>
The submitter raises concerns about the potential flood impacts to properties are a result to building within the Medium Flood Hazard Overlay.
<b><u>Comments</u></b>
The critical source for flooding on the site is the 1% AEP flood identified affected area towards the rear of the site, and away from the street frontage of Station Road. The

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Assessment of Submissions
<b>Issue</b>
<p>Visual amenity of an acoustic barrier along the western side boundary</p> <p>development has been designed to be situated entirely outside of the High-Risk flood hazard area. The proposed suspended car park area is located over the medium risk flood hazard area, and the slab on the ground component of the development is located wholly outside of the medium and high-level flood hazard areas. The design ensures that there will be no obscuring of floodwater due to the piers construction to floodwater which maintains the conveyance of stormwater flows within this area. Additionally, the proposed development does not propose any filling within the Medium Risk Flood Hazard area.</p> <p>To achieve compliance with the Flood Hazard Overlay Code, a hydraulic assessment was provided by the applicant, which included reviewing the flood modelling for the existing and developed scenario. The stormwater management plan contains the hydraulic modelling analysis and provides the results which demonstrate that there is no actionable nuisance caused from the proposed development on flooding or stormwater conditions on neighbouring properties.</p> <p>Further, in accordance with Council policy, the area identified as being within the high risk flood hazard is to be dedicated to Council as stormwater drainage, with the medium risk flood hazard, being located under the suspended carpark to include a restricted height easement which is proposed to benefit Council for access and stormwater purposes. The suspended carpark is proposed to include a number of piers to support the carpark, and aids in achieving the required stormwater conveyance requirements.</p> <p>The proposal does not increase the flood risk to adjoining properties and will be protected by a volumetric easement in Council's favour.</p> <p>This is not a reason for refusal of the application.</p>

2.7.3 Notice of Compliance

The Notice of Compliance was received by Council on 10 March 2020. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.8 Other Matters

None identified.

3. **Strategic Implications**

3.1 Legislative/Legal Implications

The applicant and submitter have appeal rights in accordance with the *Planning Act 2016*.

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

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3.3 Policy Implications

The proposal is consistent with the existing Moreton Bay Region planning provisions and relevant policies.

3.4 Risk Management Implications

Development occurs efficiently and effectively in the region in a manner that reduces potential risk implications to Council and the community.

3.5 Delegated Authority Implications

There are no delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

- a) In the event that an appeal is made to the Planning & Environment Court against Council's decision, the Council will incur additional costs in defending its position.
- b) Infrastructure contributions are applicable to the development should it be approved and carried out.

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region

3.8 Environmental Implications

New development contributes to sustainable management and protection of the natural environment in the region through compliance with the planning schemes policies and provisions

3.9 Social Implications

Appropriately designed and located development contributes to diverse, vibrant and safe communities and facilities.

3.10 Consultation / Communication

Refer to clause 2.7.

**SUPPORTING INFORMATION**

**Ref: [A19769588](#)**

The following list of supporting information is provided for:

**ITEM 4.2**

**DA/39769/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILDCARE CENTRE, LOCATED OVER 144 STATION ROAD, BURPENGARY (LOT 3 RP 200642)**

***#1 Aerial Photograph***

***#2 Zoning Plan***

***#3 Locality Plan***

***#4 Proposal Plans***

***#5 Properly Made Submissions***

**ITEM 4.3**

**DA/25589/2011/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR A WAREHOUSE, CARETAKER'S ACCOMMODATION, BULK LANDSCAPE SUPPLIES, AGRICULTURAL SUPPLIES STORE, MEDIUM IMPACT INDUSTRY AND ENVIRONMENTALLY RELEVANT ACTIVITY (ERA 62)., LOCATED OVER 550 OLD BAY ROAD, BURPENGARY EAST (LOT 2 SP204596)**

**APPLICANT: The Big Fish Pty Ltd C/- JFP Urban Consultants Pty Ltd**

**OWNER: The Big Fish Pty Ltd**

*Meeting / Session:* 2 PLANNING & DEVELOPMENT  
*Reference:* A19808453 : 21 April 2020 – Refer Supporting Information A19946773, A19946631, A19992597  
*Responsible Officer:* JL, Planner (PL Development Services)

**Executive Summary**

This report is being presented to the Council for a decision as the proposal has raised community concern and the development application is to be determined by the Council instead of under Council officer delegation. Therefore, Council is now the entity authorised to decide the development application.

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	The Big Fish Pty Ltd C/- JFP Urban Consultants Pty Ltd
<b>Lodgement Date:</b>	1 October 2019
<b>Properly Made Date:</b>	16 October 2019
<b>Confirmation Notice Date:</b>	16 October 2019
<b>Information Request Date:</b>	30 October 2019
<b>Info Response Received Date:</b>	30 January 2020
<b>Public Notification Dates:</b>	7 February 2020 - 27 February 2020
<b>No. of Submissions:</b>	Properly Made: 1 Not Properly Made: 0
<b>Decision Due Date:</b>	29 May 2020
<b>Prelodgement Meeting Held:</b>	Yes - PRE/4794

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 2
<b>Property Address:</b>	550 Old Bay Road, Burpengary East
<b>RP Description</b>	Lot 2 SP204596
<b>Land Area:</b>	59,070m <sup>2</sup>
<b>Property Owner</b>	The Big Fish Pty Ltd

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016</i>
<b>Planning Scheme:</b>	MBRC Planning Scheme (Version 3)
<b>Planning Locality / Zone</b>	Industry Zone - Light Industry Precinct
<b>Level of Assessment:</b>	Impact and Policy Neutral

The applicant seeks a Request to Change (Other) - Material Change of Use - Development Permit for a Warehouse, Caretaker's Accommodation, Bulk Landscape Supplies, Agricultural Supplies Store, Medium Impact Industry and Environmentally Relevant Activity (ERA 62) in Division 2.

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The applicant is seeking to resolve a Compliance with Development Approval Notice issued by Council on 12 December 2017 for contravening the conditions of development approval DA/25589/2011/VCHG/1. Therefore, the applicant seeks approval to reduce the existing Warehouse (storage facility), maintain the existing Caretaker's Accommodation and add three (3) additional land uses to the subject site. The new land uses include a Landscape Supplies Yard, Agricultural Supplies Store and a Medium Impact Industry - Waste Transfer Station for construction and demolition (C&D) waste - ERA 62, therefore totalling five (5) land uses on the subject site.

The proposed development is seeking to be carried out of over five (5) stages, the below outlines the details proposed in each stage of the development reflecting *Figure 1 - Site Plan*.

**Stage 1 - Medium Impact Industry - Waste Transfer Station (ERA 62)**

Stage 1 of the development involves establishing a Recycling waste transfer and recovery facility within two (2) large sheds along the eastern boundary of the subject site, which gains access via Arthur Drewett Drive. The first southern shed of the waste transfer station will be used as a drop off and recovery area, which incorporates the sorting of material using a mix of mechanical and manual means depending on the state of the material. The second shed is intended to be a storage, packing and dispatch area, which incorporates packaging and dispatching the sorted materials.

The processing of approved waste materials is outlined in Condition W1 of the Environmental Authority (EA) issued by the Department of Environment and Science (DES). These Accepted Wastes include:

- Inert construction and demolition waste
- Bricks, concrete and rubble
- Timber
- Plasterboards and veneers
- Green Waste
- Metals (Ferrous and Non-ferrous)
- Plastic and PVC's
- Cardboard
- Glass
- Incidental amounts of soil and rock comingled with construction and demolition waste.

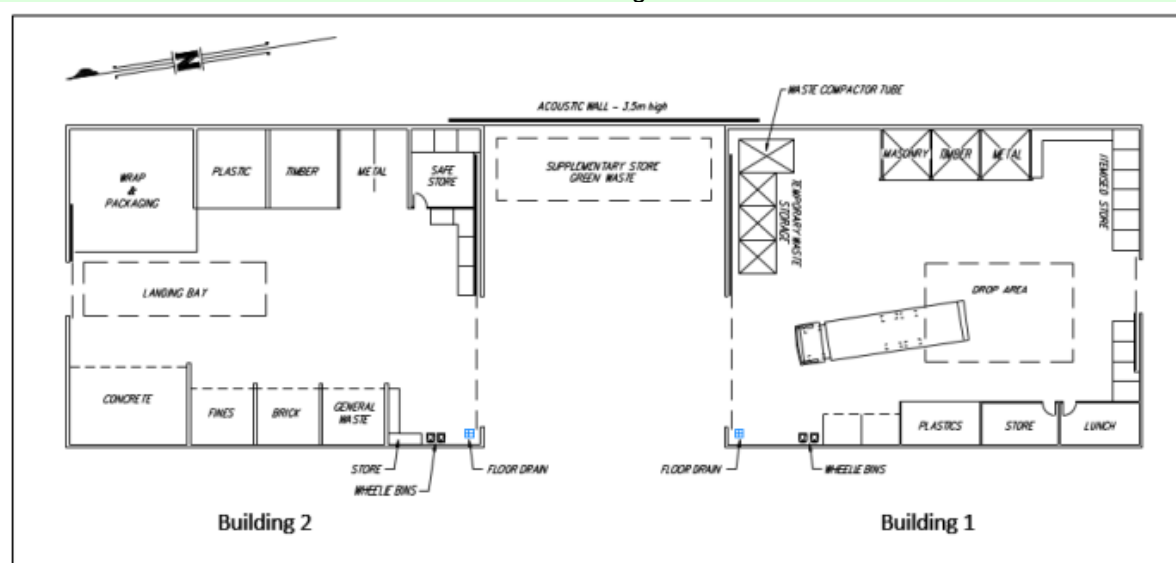


Figure 2 – Internal building design



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Key operational aspects of the proposed uses:

- Two (2) sheds (Each shed is 19.8m width x 26.4m length (523m<sup>2</sup>) and 8.12m height)
- 2-5 Employees/Staff
- Hours of operations 7am to 6pm Monday to Friday, 7am to 12pm Saturday
- 3.5m high Acoustic Wall between the two proposed sheds
- 40 Vehicle trips per day
- All construction waste will be delivered in skip bins (or similar) from various construction sites throughout the wider Moreton Bay region
- Proposed future weigh bridge
- Fourteen (14) Carparking Spaces and two (2) MRV Parking Spaces
- Internal roads within stage 1 are proposed to be sealed with a mix of asphalt and concrete
- No outdoor operational outdoor areas are proposed, except the green waste area which is located between the two (2) sheds as shown in *Figure 2*.

## **Stage 2 - Bulk Landscape Supplies and Agricultural Supplies Store**

The applicant proposes a Bulk landscape supplies and Agricultural supplies store in the southern portion of the subject site on the corner of Arthur Drewett Drive and Old bay Road. The proposed Bulk landscape supplies and Agricultural supplies store will gain access via the existing Arthur Drewett Dr access point. It is proposed that both of the uses operate in conjunction with each other within the same area. The uses will utilise and share an administration office and storage shed. The balance of the area will be used for vehicle manoeuvring / carparking, loading and storage of landscape supplies. In addition, the applicant proposes a separate access point to the proposed carpark area for customers, to mitigate traffic conflict between customers and onsite machinery and equipment.

Key operational aspects of the proposed uses:

- Administration Office – 42m<sup>2</sup> GFA
- Agriculture Supply Store - 230m<sup>2</sup> GFA (Shed Size - 11.5m Width x 20m Length x 6.5m Height)
- 5m Landscape buffer to Arthur Drewett Drive and Old Bay Road (this landscaping will be located outside the approved 10m 'no compromise' zone)
- Three (3) full time employees
- Hours of operation 6am to 6pm Monday to Saturday
- It is anticipated that both uses would involve a total of 16 vehicle movements (in and out) per day.
- Eight (8) to ten (10) outdoor storage bays for landscape supplies, landscape supplies include soils, sand and gravels, mulch and woodchips
- The agricultural supplies yard also proposes to sell a variety of agricultural produce (stock feed and seed), chemicals (pesticides, herbicides and fertilisers) and ancillary agricultural (bagged potting mix) and concrete products. These products would be stored indoors and suitably secured
- Twenty-two (22) car parks, the carpark area is proposed to be sealed with asphalt

## **Stage 3, 4 & 5 - Warehouse (Storage Facility) and Caretakers Accommodation**

The applicant seeks to reduce the approved storage facility from four hundred and seventeen (417) containers to one hundred and fifty (150) containers and remove the two storey stacking aspect of the original approval so that now all containers are situated at ground level and one storey. The Warehouse use proposes to operate generally in accordance with the current approval at a smaller scale. The staging of the proposed Warehouse use is to add structure and logical sequence to the development to assist in resolving any current and future compliance matters.

The Caretaker's residence was approved under previous approval and doesn't involve any changes as part of this change development application.

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The application was publicly advertised with one (1) submission received, which was opposed to the development.

An assessment of the development application has been undertaken under the *Planning Act 2016*. The "guiding principles" stated in the State Planning Policy requires that where acceptable, when outcomes are satisfied by development, then the relevant performance outcome is taken to be satisfied in part and further assessment against the Overall Outcomes which is taken to be satisfied in full.

As such, the proposed development is considered to accord with the intent of the MBRC Planning Scheme, and is recommended to be approved, subject to conditions.

This report is being presented to the Council for a decision as the proposal has raised community concern and the development application is to be determined by the Council instead of under Council officer delegation. Therefore, Council is now the entity authorised to decide the development application.

### OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for Warehouse, Caretaker's Accommodation, Bulk Landscape Supplies, Agricultural Supplies Store, Medium Impact Industry and Environmentally Relevant Activity (ERA 62) at 550 Old Bay Road, Burpengary East, described as Lot 2 SP 204596, subject to the following plans/documents and conditions. A copy of the submissions is included within the attachments to this Council report:

<b>Approved Plans and Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Site Overview	M2446 Plan 001 Issue B	JFP Urban Consultants	18/12/2020
Typical Shipping Containers	M2446 Plan 002 Issue B	JFP Urban Consultants	18/12/2020
Building Layout	M2446 P 02 Issue C	JFP Urban Consultants	30/07/2019
Northern Waste Transfer Shed - Eastern Elevation	M2446 Plan 003 Issue B	JFP Urban Consultants	18/12/2020
Northern Waste Transfer Shed - Northern Elevation	M2446 Plan 004 Issue B	JFP Urban Consultants	18/12/2020
Northern Waste Transfer Shed - Southern Elevation	M2446 Plan 005 Issue B	JFP Urban Consultants	18/12/2020
Northern Waste Transfer Shed - Western Elevation	M2446 Plan 006 Issue B	JFP Urban Consultants	18/12/2020
Southern Waste Transfer Shed - Eastern Elevation	M2446 Plan 007 Issue B	JFP Urban Consultants	18/12/2020
Southern Waste Transfer Shed - Northern Elevation	M2446 Plan 008 Issue B	JFP Urban Consultants	18/12/2020
Southern Waste Transfer Shed - Southern Elevation	M2446 Plan 009 Issue B	JFP Urban Consultants	18/12/2020

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<b>Approved Plans and Documents</b>			
Southern Waste Transfer Shed - Western Elevation	M2446 Plan 010 Issue B	JFP Urban Consultants	18/12/2020
Weigh Bridge	M2446 Plan 011 Issue B	JFP Urban Consultants	18/12/2020
Agricultural Supplies Office - Eastern Elevation	M2446 Plan 012 Issue B	JFP Urban Consultants	18/12/2020
Agricultural Supplies Office - Northern Elevation	M2446 Plan 013 Issue B	JFP Urban Consultants	18/12/2020
Agricultural Supplies Office - Southern Elevation	M2446 Plan 014 Issue B	JFP Urban Consultants	18/12/2020
Agricultural Supplies Office - Western Elevation	M2446 Plan 015 Issue B	JFP Urban Consultants	18/12/2020
Agricultural Supplies Shed - Eastern Elevation	M2446 Plan 016 Issue B	JFP Urban Consultants	18/12/2020
Agricultural Supplies Shed - Northern Elevation	M2446 Plan 017 Issue B	JFP Urban Consultants	18/12/2020
Agricultural Supplies Shed - Southern Elevation	M2446 Plan 018 Issue B	JFP Urban Consultants	18/12/2020
Agricultural Supplies Shed - Western Elevation	M2446 Plan 019 Issue B	JFP Urban Consultants	18/12/2020
TTM Traffic Engineering Report	550 Old Bay Road	TTM	30/01/20
Site Based Stormwater Management Plans	MZ446E-DA1-SBSMP - REV B	JFP Urban Consultants	1/08/2019
Landscape Concept Site Plans (5 Sheets)	MCU-01, MCU-02, MCU-03, MCU-04, OPW-05 Revision L	Element Design	28/06/2019

<b>Amended Plans Required</b>			
Site Plan	M2446P_M1 Issue G	JFP Urban Consultants	23/01/2020
Schedule of Areas Plan	M2446P_M2 Issue B	JFP Urban Consultants	23/01/2020

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<b>GENERAL CONDITIONS - ALL STAGES</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1.</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2.</b>	<b>Amended Plan Required</b>	
A	Submit an amended Site Plan and Schedule of Areas Plan which includes the following: <ul style="list-style-type: none"> <li>• The Caretaker's Accommodation fully contained within Stage 1, including two dedicated car spaces for this use.</li> <li>• Land below Q100 to be transferred to Council as drainage reserve.</li> <li>• A vehicle access easement in favour of Council atleast 3.0m wide to provide access to the drainage reserve.</li> <li>• The 10m 'no compromise zone' to both Arthur Drewett Drive and Old Bay road amended to be a 10m 'road dedication'.</li> </ul>	Prior to obtaining Building Approval or Commencement of Use.
B	Obtain approval from Council for the amended plans in accordance with (A) above.	Prior to obtaining Building Approval or Commencement of Use.
<b>3.</b>	<b>Land Transfer - Non Trunk Drainage Corridor</b>	
A	Provide the following documentation (as amended by the Queensland Titles Registry) to Council as duly completed for the transfer of drainage corridor. <ol style="list-style-type: none"> <li>5. Queensland Titles Registry Form 1 - Transfer;</li> <li>6. Queensland Titles Registry Form 24 - Property Information (Transfer);</li> <li>7. Queensland Titles Registry Form 20 - Trust Details Form;</li> <li>8. Solicitors Undertaking confirming that all executed forms above will be submitted to the Queensland Titles Registry Office, at no cost to the Council, concurrently with the lodgement of any survey plan proposing to create the drainage corridor.</li> </ol>	Prior to the commencement of Use.
B	Transfer land shown as drainage corridor on the approved plans (land below Q100) to Council in Fee Simple on Trust, at no cost to the Council, for the purposes of drainage corridor. Provide a vehicle access easement, minimum 3.0 m wide in favour of Council from Arthur Drewett Drive to the drainage corridor.  This condition has been imposed under Section 145 of the <i>Planning Act 2016</i> .	Concurrently with the registration of a survey plan with the Queensland Titles Registry Office and prior to the commencement of use

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<b>4.</b>	<b>Land Transfer - Non Trunk Road</b>	
	<p>Dedicate land shown as road reserve for the purpose of road reserve in accordance with the approved plans. This includes 10m widening to both Arthur Drewett Drive and Old Bay Road.</p> <p><i>The condition has been imposed under section 145 of the Planning Act 2016.</i></p>	Prior to the commencement of use.
<b>5.</b>	<b>Approved Uses</b>	
A	<p>Ensure the <b>Approved Uses</b> are limited to the following:</p> <ol style="list-style-type: none"> <li><b>1. Medium Impact Industry - Waste Transfer Station</b></li> <li><b>2. Bulk Landscape Supplies</b></li> <li><b>3. Agricultural Supplies Store</b></li> <li><b>4. Warehouse</b></li> <li><b>5. Caretaker's Accommodation</b></li> </ol> <p>The approved uses are limited to the stages/areas shown on the approved plans.</p>	To be maintained at all times.
B	Vehicle manoeuvring is limited to the areas shown as compacted gravel, asphalt or concrete on the approved plans. Vehicle manoeuvring outside these areas is not permitted.	To be maintained at all times.
C	Storage of all materials is limited to the buildings and storage areas shown on the approved plans. Storage of goods outside of these areas is not permitted.	To be maintained at all times.
<b>6.</b>	<b>Hours of Operation</b>	
	<p>Limit the hours of operation for each use as follows:</p> <p>Medium Impact Industry- 7.00am to 6.00pm Monday to Friday and 7.00am-11am Saturdays.</p> <p>Caretaker's Accommodation - unrestricted.</p> <p>Warehouse - 7.00am to 6pm Monday to Friday and 7.00am-11am Saturdays.</p> <p>Bulk landscape supplies and Agricultural supplies store - 6am to 6pm Monday to Saturday.</p>	To be maintained at all times.
<b>7.</b>	<b>Street Numbering</b>	
	Install street numbering located at the road frontage of the site. Ensure street numbers are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
<b>8.</b>	<b>Internal Fire System</b>	
A	External fire hydrant facilities are provided on site to the standard prescribed under the relevant parts of Australian Standard AS2419.1 (2005) - Fire Hydrant Installations.	Prior to commencement of the use.
B	For development that contains on-site fire hydrants external to buildings:	Prior to commencement of the use.

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	<ol style="list-style-type: none"> <li>1. Those external hydrants can be seen from the vehicular entry point to the site; or</li> <li>2. A sign identifying the following is provided at the vehicular entry to the site: <ol style="list-style-type: none"> <li>i. The overall layout of the development (to scale);</li> <li>ii. Internal road names (where used);</li> <li>iii. All communal facilities (where provided);</li> <li>iv. The reception area and on-site manager's office (where provided);</li> <li>v. External hydrants and hydrant booster points;</li> <li>vi. Physical constrains within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and</li> <li>vii. Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.</li> </ol> </li> </ol>	
C	<p>For development that contains on-site fire hydrants external to the building, those hydrants are identified by way of marker posts and raised reflective pavement markers in the manner prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads.</p> <p>Note: This condition (including items A-E) does not apply to buildings that are required by the Building Code of Australia to have a fire hydrant system complying with Australian Standard AS 2419.1 (2005) – Fire Hydrant Installations or other fire fighting facilities which provide equivalent protection.</p>	Prior to commencement of the use.
<b>9.</b>	<b>Fencing</b>	
	<p>Provide boundary fencing in accordance with the approved plans including:</p> <ul style="list-style-type: none"> <li>• 2m high corrugated steel fence with concrete post along eastern boundary of the site up until the Q100 line;</li> <li>• 2.5m and 3.8m high acoustic fence along the western boundary of the site;</li> <li>• 1.8m high chain mesh security fence to the western boundary and southern boundary around the Bulk Landscape/Agricultural Supplies store.</li> <li>• 1.8m high pool fencing, including a gate for council access, between the site and the land to be transferred to Council for drainage corridor.</li> </ul>	Prior to commencement of the use and to be maintained at all times, unless otherwise approved by Council.
<b>10.</b>	<b>External Lighting</b>	
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use.

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<b>11.</b>	<b>Pedestrian Lighting</b>	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use.
<b>12.</b>	<b>Landscaping Plan</b>	
A	Provide landscaping on site generally in accordance with the approved landscape plans.	Prior to commencement of use for each stage.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use for each stage.
C	Maintain the landscaping.	At all times.
<b>13.</b>	<b>Vehicle Encroachment</b>	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use.
<b>14.</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> <li>4. a reticulated water supply network connection is available to the land; and</li> <li>5. a sewerage network connection is available to the land; and</li> <li>6. all the requirements of Unitywater have been satisfied.</li> </ol>	Prior to commencement of use for each stage of the development where there are stages.
<b>15.</b>	<b>Fibre Ready Telecommunications – Single</b>	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: <ol style="list-style-type: none"> <li>1. Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and</li> <li>2. Extends a communications conduit with drawstring from the external PCD or the likely location of the PCD to the internal Fibre Wall Outlet (FWO) or the likely location of the FWO.</li> </ol>	Prior to commencement of use.
B	Provide certification to Council from the installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (a) above has been done.  Note: A template for certification is available from council for the purpose of this condition.	Prior to commencement of use.

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<b>16.</b>	<b>Telecommunications Internal Wiring</b>	
A	Install internal wiring (Category 6 or better) within each dwelling from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide OR New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the proposed industrial building that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office.	Prior to commencement of use.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.  Note:A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	Prior to commencement of use.
<b>17.</b>	<b>Electricity</b>	
	Connect the development to underground electricity.	Prior to the commencement of use.
<b>DEVELOPMENT ENGINEERING</b>		
<b>18.</b>	<b>External Road Upgrading</b>	
A	Submit and have approved by Council, a development application for operational works for the following:  All frontage roads and associated works. The frontage works are as follows: 1. Arthur Drewett Drive - Sub-Arterial - 3 x 10 <sup>6</sup> E.S.A 2. Old Bay Road - Sub-Arterial - 3 x 10 <sup>6</sup> E.S.A  Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.  Notes:  The verge adjoining the development and the carriageway is to be constructed to a minimum sealed width containing: 1. Kerb and channel (development side) 2. 2 travel lanes, minimum width 7.0m (2x3.5m) 3. 2.0m wide Bicycle Lane (development side) 4. 2.5m wide shared path (development side) 5. table drainage to the opposite side 6. 10m wide road dedication (development side)	Prior to commencement of works.

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	<p>Where a service access driveway is proposed, the following is required:</p> <ul style="list-style-type: none"> <li>• Rigid concrete pavement, minimum 5.5m wide;</li> <li>• Cater for the access requirements of a B85 design vehicle with a driveway crossover in accordance with IPWEA Standard Drawing RS-051.</li> </ul>	
B	<p>Implement the works identified in the approved Operational Works and provide certification for an RPEQ that all works existing or current have been designed and constructed in accordance with A above. <i>This condition has been imposed under section 145 of the Planning Act 2016.</i></p>	Prior to the commencement of use of the first stage.
<b>19.</b>	<b>New Intersection</b>	
A	<p>Ensure the detailed design of the access onto Arthur Drewett Drive contains both right and left turn lanes into the site, in accordance with Austroads and Councils PSP.</p>	Note
B	<p>Submit and have approved by Council, a development application for operational works for the intersection of the site access and Arthur Drewett Drive.</p> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the conceptual intersection configuration in the Council approved ITA and the MBRC Planning Scheme current at the time of the operational works application.</p>	Prior to commencement of works associated with this condition.
C	<p>Implement the works identified in the approved Operational Works and provide certification for an RPEQ that all works existing or current have been designed and constructed in accordance with B above. <i>This condition has been imposed under section 145 of the Planning Act 2016.</i></p>	Prior to the commencement of use of the first stage.
<b>20.</b>	<b>Outstanding Operational Works</b>	
	<p>Finalise all outstanding operational works as per previous approval for operational works for filling and excavation issued on 23 August 2011 and furnish all required RPEQ Certified documents prior to the commencement of use.</p>	Prior to commencement of use.
<b>21.</b>	<b>Corner Truncation</b>	
	<p>Provide a 3 chord x 8.0 metre truncation to the south west corner of the existing Lot. A minimum of 4.0 metres will be required for a footpath reserve.</p>	Prior to commencement of use of the first stage.
<b>22.</b>	<b>Minimum Floor Levels</b>	
	<p>The floor level is to be located, designed and constructed to at least the Flood Planning Level as identified in Council's Planning Scheme.</p>	Prior to commencement of use.

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	Note: The Flood Planning Level used for development can be obtained from the relevant section of the Flood Check Development Report available via Council's website: <a href="http://www.moretonbay.qld.gov.au">www.moretonbay.qld.gov.au</a> . The current Flood Planning Level for this site is 7.7m AHD.	
<b>23.</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use.
<b>24.</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to commencement of use.
<b>25.</b>	<b>Stormwater Management &amp; Drainage Infrastructure – Design &amp; Construction</b>	
	Design and construct at no cost to Council all necessary stormwater management and drainage works (internal and external to the site) in accordance with Council's design standard current at the time of development and subject to the following amendments; <ul style="list-style-type: none"> <li>• The Developer is to implement all the recommendations of the SMP report.</li> <li>• Install water tanks as per SMP report.</li> <li>• The property Manager is to be responsible for the proper operation and maintenance of the internal stormwater network for the life of the development.</li> </ul> <p>The design must consider "Water Sensitive Urban Design" principles, integrating the stormwater infrastructure into the urban design wherever possible.</p> <p>Note:</p> <p>The current design standards and relevant planning scheme codes are:</p> <ol style="list-style-type: none"> <li>1. Planning Scheme Policy Integrated Design;</li> <li>2. Works Code.</li> </ol> <p><i>This condition has been imposed under section 145 of the Planning Act 2016.</i></p>	Prior to commencement of use.
<b>26.</b>	<b>Stormwater Management Plan (Quantity &amp; Quality) – Plan Approved</b>	
A	The approved Stormwater Management Plan is accepted as demonstrating that stormwater from the proposed development can be managed in accordance with Council's planning scheme requirements and design standards, the "Healthy Waterways Water Sensitive Urban Design Technical Guidelines for South East Queensland" and other relevant legislative requirements.	Note

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	The detailed design must consider "Water Sensitive Urban Design" principles, integrating the stormwater infrastructure into the urban design wherever possible	
B	<p>Implement the works identified in the approved Stormwater Management Plan and provide certification from an RPEQ that all works existing or current have been designed and constructed in accordance with this permit condition.</p> <p>Provide Council with "As Built" drawings and specifications of the stormwater management devices certified by an RPEQ including the following for private infrastructure: Photographic evidence and inspection date of the installation of approved underdrainage.</p>	Prior to commencement of use.
C	Maintain and repair the completed private infrastructure works to ensure its ongoing effectiveness. The approved works shall not be altered in any way without the prior written approval of Council.	At all times.
	<i>This condition has been imposed under section 145 of the Planning Act 2016.</i>	
<b>27.</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>28.</b>	<b>Works – Applicant's Expense</b>	
	<p>(a) All works, services, facilities and/or public utility alterations required by or as a consequence of this approval or stated condition/s, whether carried out by the Council or otherwise, shall be at the developer's expense unless otherwise specified or agreed in writing.</p> <p>(b) Replace existing Council infrastructure (including but not limited to street trees and footpaths) to Council's standards.</p> <p>(c) Where existing works, including roads and drainage works, will not link up with and join smoothly to proposed works and are not more than twenty (20) metres from the nearest point of the proposed works the developer shall carry out such works as are necessary to ensure that the incomplete works, including roads and drainage, are constructed to link up with and join smoothly to the works proposed in accordance with Council's standards.</p>	Prior to commencement of use.
<b>29.</b>	<b>Existing Driveway Crossover Certification</b>	
	Construct a driveway crossover to proposed development in accordance with the approved plans and documents of development and IPWEA Standard Drawing RS-051. Provide signage and line marking in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD).	Prior to commencement of use.

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<b>30.</b>	<b>Access, Internal Roadways, Parking and Servicing Areas</b>	
A	Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
<b>31.</b>	<b>Erosion and Sediment Control</b>	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
<b>32.</b>	<b>Extended Maintenance Period</b>	
	Upon satisfactory completion of operational works, this development will require an extended On-maintenance period to monitor effects of traffic flow patterns and external intersections.	Note
<b>CONCURRENCE AGENCY</b>		
<b>33.</b>	<b>Concurrence Agency</b>	
A	Comply with the conditions of State Development, Manufacturing, Infrastructure and Planning (SDMIP). Council response dated 10 March 2020 (reference: 1910-13688 SRA) or as amended.	At all times.
B	Provide certification to Council prepared by a suitably qualified person or the agency demonstrating the requirements of the State Development, Manufacturing, Infrastructure and Planning (SDMIP) have been met.	Prior to the commencement of use.

### Stage 1 - Medium Impact Industry - Waste Transfer Station

<b>34.</b>	<b>On-Site Carparking Spaces</b>	
	<p>Provide at minimum the below number of carparks for the development:</p> <ol style="list-style-type: none"> <li>1. Medium Impact Industry - Fourteen (14) parking spaces;</li> <li>2. Caretaker's Accommodation - Two (2) parking spaces.</li> </ol> <p>Parking spaces are to be located generally in accordance with the approved <b>Site Plan</b>.</p>	

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**Stage 2 - Bulk Landscape Supplies and Agricultural Supplies Store**

<b>35.</b>	<b>On-Site Carparking Spaces</b>	
	Provide at minimum the below number of carparks for the development:  1. Bulk Landscape Supplies and Agricultural Supply Store - twenty-two (22) parking spaces.  Parking spaces are to be located generally in accordance with the approved <b>Site Plan</b> .	Prior to commencement of use and to be maintained at all times.
<b>36.</b>	<b>Stockpiles and Landscaping Materials in Association with the Bulk Landscape Supplies Store and Agricultural Supplies Store</b>	
	All stockpiles associated with the Bulk Landscape Supplies Store and Agricultural Supplies Store must not exceed 3m in height from natural ground level, unless otherwise approved by Council in writing.	Prior to commencement of use and to be maintained at all times.

**Stage 3, 4 and 5 - Warehouse**

<b>37.</b>	<b>On-Site Carparking Spaces</b>	
	Provide at minimum the below number of carparks for the development:  1. Warehouse - Twenty (20) parking spaces.  Parking spaces are to be located generally in accordance with the approved <b>Site Plan</b> .	Prior to commencement of use and to be maintained at all times.
<b>38.</b>	<b>Storage Container Numbers and Storage Space</b>	
A	Limit the location of storage containers on the site to the number of stories and height within the storage area stated on the approved plans and in other conditions of this approval	To be maintained at all times.
B	A maximum of one-hundred and fifty (150) storage containers are located within the approved Warehouse area in accordance with the approved <b>Site Plan</b> .	To be maintained at all times.

**ADVICES**

<b>1.</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.

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	<p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the <a href="#">cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government)</a> for further information regarding the responsibilities of the developer.</p>
<b>2.</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council. .</p>
<b>3.</b>	<b>Telecommunications Infrastructure</b>
	<p>Telecommunications Infrastructure to and within the development is to be in accordance with the <i>Telecommunications Act 1997</i> and any other relevant legislation.</p>

- B. That an Infrastructure Charges Notice for the development application be provided to the applicant, and included as part of the Decision package.
- C. That all submitters of properly made submissions for the development application be provided with a copy of the Council's Decision Notice in accordance with Section 63 (1)(e) of the Planning Act 2016.
- D. That all external Referral Agencies for the development application be provided with a copy of Council's Decision package.
- E. That the Council Assessment Report for this application be published to the website as required by section 63 (4) of the Planning Act 2016.
- F. That the following information be included in the Decision Notice (Change to Development Approval (for Change (Other) applications).

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### Decision Notice information

<b>Nature of Changes</b>	<p>The development seeks to maintain the existing Caretaker's residence, reduce the storage facility area and incorporate three (3) additional land uses to an existing development approval.</p> <p>The proposal seeks to establish Medium Impact Industry, Bulk Landscape Supplies, Agricultural Supplies Store, Warehouse and Caretaker's Accommodation. ERA 62 is also sought.</p>
<b>Application Details</b>	MBRC Planning Scheme 2016 (Version 3)
<b>Application Type</b>	Development Permit - Material Change of Use for Warehouse, Caretaker's Accommodation, Bulk Landscape Supplies, Agricultural Supplies Store, Medium Impact Industry and Environmentally Relevant Activity (ERA 62)
<b>Other Necessary Permits</b>	<ul style="list-style-type: none"> <li>• Operational Works – Development Permit</li> <li>• Building Works – Development Permit</li> </ul>
<b>Currency Period of Approval</b>	<ul style="list-style-type: none"> <li>• Material Change of Use – 6 years</li> </ul>
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Variation Approval</b>	Not applicable
<b>Assessment Benchmarks</b>	MBRC Planning Scheme 2016 (Version 3)
<b>Other Relevant Assessment Matters</b>	Not applicable.
<b>Reasons for the Decision</b>	Assessment Report
<b>Reasons for Approval Despite Non-Compliance with Assessment Benchmarks</b>	Not applicable
<b>Referral Agencies</b>	<p>The application was referred to the State Development, Manufacturing, Infrastructure and Planning (SDMIP) for the following;</p> <p>(a) Matters relating to State Development, Manufacturing, Infrastructure and Planning (SDMIP). Council was advised on 10 March 2020 that SDMIP has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice.</p>
<b>Submissions</b>	There was one (1) properly made submission about this application.
<b>Other Details</b>	Assessment Report

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**REPORT DETAIL**

**1. Proposal**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	The Big Fish Pty Ltd C/- JFP Urban Consultants Pty Ltd
<b>Lodgement Date:</b>	1 October 2019
<b>Properly Made Date:</b>	16 October 2019
<b>Confirmation Notice Date:</b>	16 October 2019
<b>Information Request Date:</b>	30 October 2019
<b>Info Response Received Date:</b>	30 January 2020
<b>Public Notification Dates:</b>	7 February 2020 - 27 February 2020
<b>No. of Submissions:</b>	Properly Made: 1 Not Properly Made: 0
<b>Decision Due Date:</b>	29 May 2020
<b>Prelodgement Meeting Held:</b>	Yes - PRE/4794

The applicant seeks a Request to Change (Other) - Material Change of Use - Development Permit for a Warehouse, Caretaker's Accommodation, Bulk Landscape Supplies, Agricultural Supplies Store, Medium Impact Industry and Environmentally Relevant Activity (ERA 62).

The applicant is seeking to resolve a Compliance with Development Approval Notice issued by Council on 12 December 2017 for contravening the conditions of development approval DA/25589/2011/VCHG/1. Therefore, the applicant seeks approval to reduce the existing storage facility (Warehouse), maintain the existing caretaker's residence (Caretaker's Accommodation) and add three (3) additional land uses to the subject site. The new land uses include a Landscape Supplies, Agricultural Supplies Store and a Medium Impact Industry - Waste Transfer Station for construction and demolition (C&D) waste - ERA 62, therefore totalling five (5) land uses on the subject site.

The proposed development will be carried out of over five (5) stages, the below outlines the details involved in each stage of the development reflecting *Figure 1 - Site Plan*.

**Stage 1 - Medium Impact Industry - Waste Transfer Station (ERA 62)**

Stage 1 of the development involves establishing a Recycling waste transfer and recovery facility within two (2) large sheds along the eastern boundary of the subject site, which gains access via Arthur Drewett Drive. The first southern shed of the waste transfer station will be used as a drop off and recovery area, which incorporates the sorting of material using a mix of mechanical and manual means depending on the state of the material. The second shed is intended to be a storage, packing and dispatch area, which incorporates packaging and dispatching the sorted materials.

The processing of approved waste materials is outlined in Condition W1 of the Environmental Authority (EA) issued by the Department of Environment and Science (DES). These Accepted Wastes include:

- Inert construction and demolition waste
- Bricks, concrete and rubble
- Timber
- Plasterboards and veneers
- Green Waste
- Metals (Ferrous and Non-ferrous)
- Plastic and PVC's
- Cardboard



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- Glass
- Incidental amounts of soil and rock comingled with construction and demolition waste.

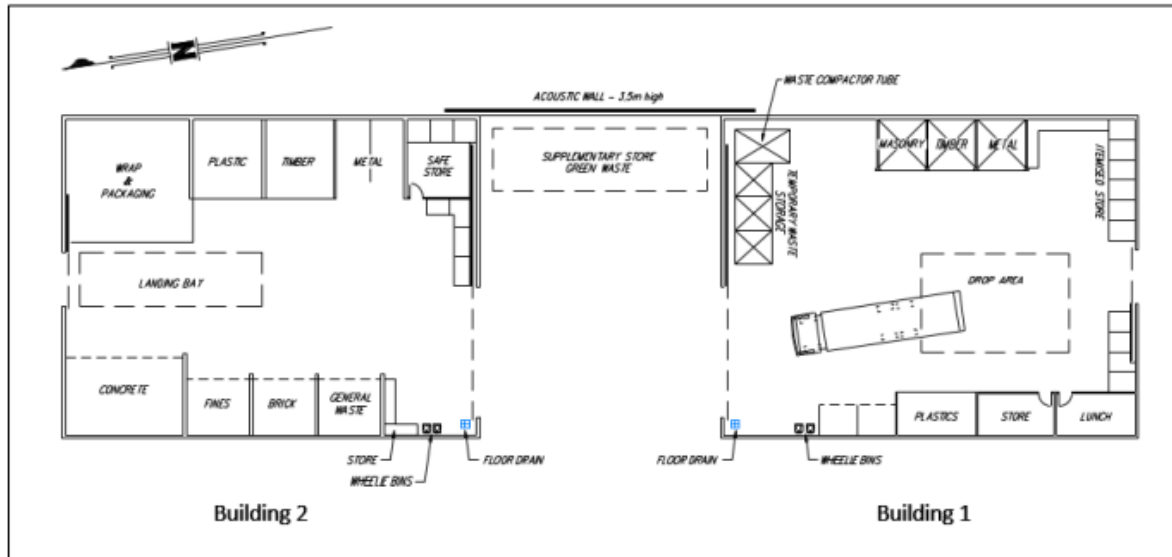


Figure 2 – Internal building design

Key operational aspects of the proposed uses:

- Two (2) sheds (Each shed is 19.8m width x 26.4m length (523m<sup>2</sup>) and 8.12m height )
- 2-5 Employees/Staff
- Hours of operations 7am to 6pm Monday to Friday, 7am to 12pm Saturday
- 3.5m high Acoustic Wall between the two proposed sheds
- 40 Vehicle trips per day
- All construction waste will be delivered in skip bins (or similar) from various construction sites throughout the wider Moreton Bay region
- Proposed future weigh bridge
- Fourteen (14) Carparking Spaces and two (2) MRV Parking Spaces
- Internal roads within stage 1 are proposed to be sealed with a mix of asphalt and concrete.
- No outdoor operational outdoor areas are proposed, except the green waste area which is located between the two (2) sheds as shown in Figure 2.

**Stage 2 - Bulk Landscape Supplies and Agricultural Supplies Store**

The applicant proposes a Bulk landscape supplies and Agricultural supplies store in the southern portion of the subject site on the corner of Arthur Drewett Drive and Old bay Road. The proposed Bulk landscape supplies and Agricultural supplies store will gain access via the Arthur Drewett Dr access point. It is proposed that both of the uses will operate in conjunction with each other within the same area. The uses will utilise and share an administration office and storage shed. The balance of the area will be used for vehicle manoeuvring/ carparking, loading and storage of landscape supplies. In addition, the applicant proposes a separate access point to the proposed carpark area for customers, to mitigate traffic conflict between customers and onsite machinery and equipment.

Key operational aspects of the proposed uses:

- Administration Office – 42m<sup>2</sup> GFA
- Agriculture Supply Store - 230m<sup>2</sup> GFA (Shed Size - 11.5m Width x 20m Length x 6.5m Height)

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- 5m Landscape buffer to Arthur Drewett Drive and Old Bay Road (this landscaping will be located outside the approved 10m 'no compromise' zone).
- Three (3) full time employees
- Hours of operation 6am to 6pm Monday to Saturday.
- It is anticipated that both uses would involve a total of 16 vehicle movements (in and out) per day.
- Eight (8) to ten (10) outdoor storage bays for landscape supplies, landscape supplies include soils, sand and gravels, mulch and woodchips.
- The agricultural supplies yard also proposes to sell a variety of agricultural produce (stock feed and seed), chemicals (pesticides, herbicides and fertilisers) and ancillary agricultural (bagged potting mix) and concrete products. These products would be stored indoors and suitably secured.
- Twenty-one (22) car parks, the carpark area is proposed to be sealed with concrete.

**Stage 3, 4 & 5 - Warehouse (Storage Facility) and Caretakers Accommodation**

The applicant seeks to reduce the approved storage facility from four hundred and seventeen (417) containers to one hundred and fifty (150) containers and removing the two storey stacking aspect of the original approval so that now all containers are situated at ground level / one storey. The warehouse use proposes to operate generally in accordance with the current approval for Storage facility at a smaller scale. The staging of the proposed Warehouse use is to add structure and logical sequence to the development to assist in resolving any current and future compliance matters.

The Caretaker's residence was approved under previous approval and doesn't involve any changes as part of this change development application.

**2. Background**

Background related to DA/25589/2011/DA

On 21 February 2012, a Material Change of Use – Development Permit for Storage Facility and Caretaker's Residence was refused by Council. (Council ref: DA/25589/2011/DA)

On 28 February 2014, the Planning and Environment Court approved, subject to conditions a Material Change of Use – Development Permit for Storage Facility using transportable storage containers with an ancillary caretaker's residence and outbuildings via Consent Order (No. 1127 of 2012).

On 29 April 2015, Council approved an Operational Works Development Permit for Roadworks, Stormwater and Landscaping. (Council ref: DA/25589/2011/V4D/1)

On 24 May 2016, Council approved a Pre-Request Response Notice from Council pursuant to Section 368 of the *Sustainable Planning Act 2009* to change the existing approval granted under the Planning and Environment Court Judgement No. 1127 of 2012 - Schedule A for a Storage Facility and Caretaker's Residence. (Council ref: DA/25589/2011/VCHG/1). (Planning and Environment Court Reference No. 2244 of 2016)

On 22 November 2016, Council approved an Operational Works Development Permit for Roadworks and Drainage. (Council ref: DA/25589/2011/V4D/2).

On 30 October 2018, a prelodgement meeting was held for a proposed Material Change of Use (Low impact industry - Bulk Landscape Supplies Yard, Agricultural Supplies Store and Recycling Waste/Transfer Station). (Council Ref: PRE/4794) The current proposal is generally consistent with the proposed development discussed during the prelodgement meeting.

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**2.1 Description of the Site and Surrounds**

*Current use of the subject land and surrounding land*

The subject site is zoned Industry - Light Industry Precinct and currently used for as a Storage Facility and Caretaker's Accommodation. The land surrounding the subject site is Industry Zone - Light Industry Precinct made up of Industrial activities, with two (2) sensitive land uses (dwelling houses) east of the site.

*Topography*

The subject site slopes gently from the crest in the middle of the site towards the Burpengary Creek and Old Bay Rd. The northern portion of the site is mapped within Councils Overlay Map - Environmental Areas, Riparian and Wetland Setback and Medium Flood Hazard Area. Note no proposed structures are within these overlay maps. Council Officers are recommended the land below Q100 adjacent to Burpengary Creek is transferred to Council as drainage reserve.

*Access improvements*

A single access is proposed via Arthur Drewett Dr and is a 12m wide type B intersection, constructed as part of a previous development application DA/25589/2011/V4DU.

**2.2 Assessment Benchmarks related to the *Planning Regulation 2017***

The *Planning Regulation 2017* (the Regulation) prescribes Assessment Benchmarks that the application must be carried out against, which are additional or alternative to the Assessment Benchmarks contained in Council's Planning Scheme.

These Assessment Benchmarks are prescribed as being contained in:

- the South East Queensland Regional Plan and Part E of the State Planning Policy; and
- Schedule 10 of the Regulation.

<b>Applicable Assessment Benchmarks:</b>	<u>State Planning Policy</u> <ul style="list-style-type: none"> <li>• State Planning Policy, Part E</li> </ul> <u>Regional Plan</u> <ul style="list-style-type: none"> <li>• South East Queensland Regional Plan</li> </ul>
<b>SEQ Regional Plan Designation:</b>	<ul style="list-style-type: none"> <li>• Urban Footprint</li> </ul>
<b>Koala Habitat Designation:</b>	Nil

**2.2.1 State Planning Policy**

A new State Planning Policy came into effect on 3 July 2017, and is not currently integrated into the MBRC Planning Scheme. The following assessment benchmarks are to be applied to the assessment of development applications until the State interests have been appropriately integrated into Council's planning scheme. Assessment against the SPP assessment benchmarks is as follows:

Assessment benchmarks - livable communities	
Applicable to Development	SPP requirement
No	None
Comment Not applicable.	

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<b>Assessment benchmarks - mining and extractive resources</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - water quality</b>	
Applicable to Development	SPP requirement
Yes	<p>(4) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from:</p> <ul style="list-style-type: none"> <li>(e) altered stormwater quality and hydrology;</li> <li>(f) waste water;</li> <li>(g) the creation or expansion of non-tidal artificial waterways;</li> <li>(h) the release and mobilization of nutrients and sediments.</li> </ul> <p>(5) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2).</p> <p>(6) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p>
<u>Comment</u> A stormwater management plan has been submitted and recommended for approval.	
<b>Assessment benchmarks - natural hazards, risk and resilience</b>	
Applicable to Development	SPP requirement
Yes	<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(6) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <ul style="list-style-type: none"> <li>(7) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</li> <li>(8) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</li> <li>(9) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</li> <li>(10) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</li> </ul>
<u>Comment</u> An assessment of the proposed development has been undertaken, and the proposal has been determined to comply. In particular, the proposal has been located outside of the Medium and High Risk Flood Hazard area. Council Officers are recommending land below Q100 is transferred to Council as drainage reserve.	

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Assessment benchmarks - strategic airports and aviation facilities	
Applicable to Development	SPP requirement
No	None
Comment Not applicable.	

2.2.2 South East Queensland Regional Plan

The site is located in the Urban Footprint designation.

The development proposal is for an urban activity in the Urban Footprint, and there are no requirements in the State Planning Regulatory Provisions applicable to the development proposal.

2.3 Assessment Against Local Categorising Instrument - Moreton Bay Regional Council Planning Scheme

An assessment against the relevant parts of the planning scheme is set out below.

2.3.1 Strategic Framework

The proposal is generally consistent with the intent of the strategic framework.

2.3.2 Assessment of Applicable Codes

Code Compliance Summary

The assessment below identifies how the development proposal achieves the assessment benchmarks and where the development proposal;

- (a) proposes an alternative 'Example' satisfying or not satisfying the corresponding Performance Outcome; and
- (b) proposes an outcome where no 'Example' is stated in the code and the proposed outcome does not satisfy the corresponding Performance Outcome.

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone Code</b>		
Industry Zone Code - Light Industry Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO11, PO57 and PO58
<b>Overlay Codes</b>		
Flood Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below.

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**Performance Outcome Assessment**

Performance Outcome	Example
<p><b>PO11</b></p> <p>Car parking is provided on-site to meet the anticipated demand of employees and visitors and avoid adverse impacts on the external road network.</p>	<p><b>E11</b></p> <p>Car parking is provided in accordance with Schedule 7 - Car parking.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development is seeking to establish a range of different land uses defined in the MBRC Planning Scheme (Version 3), which involves a number of carparking requirements for each use in accordance with the Schedule 7 - Carparking.</p> <p>With regards to Schedule 7 - Carparking it is found that the Caretaker's accommodation, Warehouse and Medium Impact Industry land uses demonstrate compliance with Schedule 7 - Carparking.</p> <p>The proposed Bulk Landscape Supplies and Agricultural Supplies Store does not comply with the parking requirements in Schedule 7 - Carparking. The parking required for both of the uses is thirty-seven (37) parking spaces and the applicant proposes twenty-two (22) parking spaces.</p> <p>The proposed Bulk Landscape Supplies and Agricultural Supplies Store are to operate in conjunction with each other and the nature of the uses do not generally involve customers parking for extended periods of time, it is considered that the proposed Bulk Landscape Supplies and Agricultural Supplies Store meet the anticipated demand of employees and visitors and avoid adverse impacts on the external road network.</p> <p>Therefore, it is considered that the proposed development achieves compliance with PO11.</p>	
<p><b>PO57</b></p> <p>Medium impact industry(47) uses only establish in the precinct where:</p> <ul style="list-style-type: none"> <li>a. buildings and activities are located at least 250m from a sensitive land use or sensitive zone;</li> <li>b. not constraining the function or viability of existing or future uses in the precinct;</li> <li>c. not adversely affecting the amenity, health or safety of employees and</li> </ul>	<p>No example provided.</p>

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Performance Outcome	Example
<p>visitors of the surrounding uses; d. d. not adversely affecting the amenity, health or safety of nearby sensitive land uses.</p> <p>Note - Separation distances are to be measured in a straight line, in accordance with the State policy.</p>	
<i>Performance Outcome Assessment</i>	
<p>The proposed Medium impact industry land use is a waste transfer station. The waste transfer station is located with 250m of a sensitive land use and is approximately 130m and 200m from the closest residences to the east. To ensure the proposed the waste transfer station does not cause adverse impacts to surrounding sensitive lands the majority of operations are indoors within the proposed sheds and hours of operation are limited to day time hours of between 7am and 7pm Monday to Friday and 7am-11am Saturday.</p> <p>Importantly, the ERA issued by the State under the <i>Environmental Protection Act 1994</i> includes conditions that excludes putrescible waste and regulated waste being onsite. Other conditions contained within the ERA approval cover matters such noise, odour, dust, land and water contamination. In this respect it will be the State which will be responsible for regulating these matters.</p> <p>The proposed development does not achieve Performance Outcome 57. Therefore, assessment against the Overall Outcomes (OO) of the Industry - Light Industry Precinct is required. An Overall Outcomes assessment is provided below.</p>	
<p><b>PO58</b></p> <p>Non-industrial components of buildings (including offices(53) and retail areas) are designed as high quality architectural features and incorporate entry area elements such as forecourts, awnings and the architectural treatment of roof lines and fascias.</p>	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	
<p>The proposed non industrial buildings on site seek to utilise container offices, which lack in architectural elements. The proposed office buildings are not overly visible from any of the surrounding roads, as the closest proposed office to a road frontage is screened by a 10m landscaping strip. As shown in the below extract from the proposed landscaping plan.</p>	

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Performance Outcome	Example
<p>The proposed development does not achieve Performance Outcome 58.</p> <p>Therefore, assessment against the Overall Outcomes (OO) of the Industry - Light Industry Precinct is required. An Overall Outcomes assessment is provided below.</p>	

**Overall Outcome Assessment**

The development proposal does not comply with Performance Outcome 57 and 58 of the Industry Zone Code - Light Industry Precinct. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

Industry Zone Code - Light Industry Precinct - Section 6.2.7.2.1	
Overall Outcomes	Complies Y/N
<p>a. A range of industrial activities are established in the precinct which are of a low intensity and scale, with minimal off-site impacts and no adverse impacts on surrounding sensitive land uses.</p>	<p>Yes</p>



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Comments	
<p>The development seeks to maintain the existing Caretaker's residence, reduce the storage facility area and incorporate three (3) additional land uses to an existing development approval.</p> <p>The proposal seeks to establish a range of industrial activities including Bulk Landscape Supplies, Agricultural Supplies Store, Warehouse and Caretaker's Accommodation, which are considered consistent low impact industrial uses, that are of a low intensity where impacts can be suitably managed through recommended conditions.</p> <p>The proposed development also seeks to establish a Medium Impact Industry - Waste Transfer Station for the sorting and packaging of construction and demolition waste, which will then be taken offsite for further processing.</p> <p>The Medium Impact Industry is considered a policy neutral land use (i.e not 'consistent' and not 'inconsistent' in the precinct) where it can be assessed upon its merits.</p> <p>The proposed Waste Transfer Station operations are proposed to occur indoors, with 2-5 Employees/Staff, Hours of operations 7am to 6pm Monday to Friday, 7am to 11am Saturday. The Medium Impact Industry is located 130m and 200m from a sensitive land use (Dwelling House). The proposed Medium Impact Industry is retaining the existing 2m high fence along the eastern boundary of the site, including a 3.5m high acoustic wall between the two (2) sheds and sealing internal roads to reduce off site impacts and no adverse impacts to nearby sensitive land uses.</p> <p>The Waste Transfer Station is subject to an Environmental Authority Permit. This document is issued under the <i>Environmental Protection Act 1994</i> and includes conditions that excludes putrescible waste and regulated waste being onsite. Other conditions cover matters such noise, odour, dust, land and water contamination.</p> <p>Therefore, it is considered the proposed development achieves compliance with Overall Outcome (a).</p>	
<p>d. Industrial activities are located, designed and managed to:</p> <ul style="list-style-type: none"> <li>i. maintain the health and safety of people;</li> <li>ii. avoid significant adverse effects on the natural environment;</li> <li>iii. minimise the possibility of adverse impacts on nearby non-industrial uses</li> </ul>	<p>Yes</p>
Comments	
<p>The proposed industrial activities have been located and designed to maintain the health and safety of people, by providing safe and convenient access and parking arrangements, and by avoiding traffic conflict by separating customer parking areas from machinery operated areas.</p> <p>The proposed development avoids significant impacts to the natural environment by avoiding further development with areas of environmental significance, and through the use of bioretention measures to maintain water quality.</p>	

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<p>The proposed development minimizes the possible adverse impacts on nearby non industrial uses by limiting operational hours, sealing maneuvering areas and providing acoustic attenuation and landscaping.</p> <p>Therefore, it is considered the proposed development achieves compliance with Overall Outcome (d).</p>	
<p>h. The scale, character and built form of development and the resulting streetscape contribute to a high standard of visual and physical amenity and incorporates crime prevention through environmental design (CPTED) principles</p>	<p>Yes</p>
<p><b>Comments</b></p> <p>The scale of the proposed development is suitable to the size of the site (5.7Ha) and the uses are compatible with the industrial activities in the light industry precinct. The proposed design of the development enhances and maintains the streetscape by providing landscaping and acoustic screening along the site's road frontages. Due to the frontage buffers and screening a small portion of the structures can be seen from Arthur Drewett Dr and Old Bay Rd.</p> <p>The development contributes to the physical amenity of the industrial area by maintaining a pronounced single access to the site.</p>	
<p>m. Activities associated with the use does not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>	<p>Yes</p>
<p><b>Comments</b></p> <p>Suitable boundary fencing to the eastern boundary of the site has been erected which includes a 2.0m metal fence. The approved plans show vehicle manoeuvring areas to be sealed constructed with compacted gravel to minimize dust impacts to adjoining properties. The proposed Medium Impact Industry use will be regulated under the ERA to limit these impacts.</p>	

Based on the assessment above, the proposal is consistent with all of the Overall Outcomes of the code(s) and is therefore taken to be consistent with the purposes of the code(s).

**2.4 Trunk Infrastructure**

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is not located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance the Council's Charges Resolution No. 8 commencing on 14 August 2018 (CR).

**2.4.1 *Levied Charge***

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal and has been calculated as shown in the Infrastructure Charges Notice attached to this report taking into consideration any applicable credits or offsets.

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#### 2.4.1.1 Levied Charge Credit

In accordance with section 14 of the CR, a credit exists for the development based on the credit being the greater of the following amounts:

(a) Payment of previous charges or contributions

There is no record of a previous charge or contribution having been made in relation to the land in accordance with section 14 of the CR. Accordingly, the credit available under this option is \$0.00.

(b) Lawful use of land

There is no current existing lawful use of the land or record of a previous lawful use of the land that is no longer taking place. Accordingly, the credit available under this option is \$0.00. Whilst it is noted that the previous approval permitted the Caretaker's residence and storage facility on the land - infrastructure contributions for these uses have not been paid.

(c) Other development able to occur without a development permit

There is no other development able to be lawfully carried out without a development permit (including a development permit for Building Works). Accordingly, the credit available under this option is \$0.00.

(d) The adopted charge for a residential lot (applied equally to non-residential development)

The credit available under this option is \$17,603.73 based on the proportional split stated in Table 3 of the CR. This adopted charge rate is the prescribed amount in Schedule 16 of the *Planning Regulation 2017* as at 11 August 2017. This rate will be automatically indexed in accordance with section 112 of the Act.

#### 2.4.1.2 Levied Charge Offset or Refund

The sited is not affected by a Trunk Infrastructure requirement and therefore there is no offset or refund applicable to the development proposal.

#### 2.5 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

#### 2.6 Referrals

##### 2.6.1 *Council Referrals*

##### 2.6.1.1 Development Engineering

##### **Traffic, Access & Parking**

The proposed development design layout for parking provides for all necessary service vehicles in accordance with MBRC requirements and the operational requirements of the development. The largest design vehicle being a 19m AV, can manoeuvre on site, enter and exit in a forward gear.

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The Traffic Impact Assessment submitted indicates that the development will not have a significant impact on the operation of the Old Bay Road / Arthur Drewett Drive intersection or the Arthur Drewett Drive / Site Access intersection. The access is a 12m wide type B intersection, constructed as part of a previous development application DA/25589/2011/V4DU/2 and provides for adequate queueing provision for 4 cars. Given the proximity of the development to the Bruce Highway and the pace of development within this catchment it is reasonable to condition that separate turn lanes be provided into the development site from Arthur Drewett Drive and that an extended maintenance period be provided.

Frontage works and road dedication to both Old Bay Road and Arthur Drewett Drive, including kerb and channel, bike lane, shared pathway and pavement widening are recommended as a condition.

**Stormwater / Flooding**

The property is impacted by Council's Flood Hazard Overlay. It is noted that it is a large site and that the building footprint does not encroach into the floodplain. The applicant has submitted a Stormwater Management Plan that satisfactorily addresses stormwater. A condition is recommended that land below Q100 is transferred to Council as drainage reserve. An access easement in favour of Council will be required to ensure suitable maintenance access, this has also been recommended as a condition.

**Earthworks**

It is noted that a previous approval for operational works for filling and excavation was issued on 23 August 2011, the works progressed but file records do not show that the works were finalised. As a consequence, a condition is recommended that the applicant finalise all outstanding operational works as per approved conditions and furnish all required RPEQ Certified documents prior to the commencement of use.

**2.6.1.2 Environmental Health**

The activities on this site are covered by an Environmental Relevant Authority (Permit number: EA0002177). This document is issued under the *Environmental Protection Act 1994* and includes conditions that excludes putrescible waste and regulated waste being onsite. Other conditions cover matters such noise, odour, dust, land and water contamination.

No conditions covering the above topics are recommended for this application as these matters will be regulated by the State.

It is recommended that conditions are included to prevent obtrusive lighting onto neighbouring sensitive uses.

**2.6.1.3 Environmental Planning**

Bushfire Hazard Overlay

The subject site is generally free of bushfire hazard mapping, with the exception being a small area in the south eastern corner which is affected by Potential Impact Buffer.

Council Officers are satisfied that the proposed development mitigates the risks to people and property to a tolerable and acceptable level as:

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- The subject site is setback a minimum of 75m from any potential bushfire hazard source vegetation.
- Fire hydrants will be provided in accordance with NCC and AS2419.1 (2005) – Fire hydrant installations.
- Safe access and evacuation routes are provided away from the hazardous vegetation.

Environmental Areas Overlay

The subject site contains areas mapped under the Environmental Areas Overlay as High Value MSES and Value Offset - MLES Waterway buffer for Burpengary Creek in the north of the Site.

The proposed development is suitably located to avoid impacts on mapped High Value MSES and Value Offset - MLES Waterway buffer for Burpengary Creek in the north of the Site. As such Officers are satisfied the proposed development complies with **PO81-PO92** of the Light Industry Precinct Zone Code. No conditions are necessary in this regard.

Riparian and Wetland Setback Overlay

The subject site is mapped as containing a wetland and associated 50m wetland setback in the north of the site.

The proposed development is suitably located to avoid impacts on mapped wetland and associated 50m wetland setback in the north of the Site. As such Officers are satisfied the proposed development complies with **PO116** of the Light Industry Precinct Zone Code. No conditions are necessary in this regard.

*2.6.2 Referral Agencies*

**2.6.2.1 Concurrence Agencies - Department of State Development, Manufacturing, Infrastructure and Planning (SARA)**

The application was referred to SARA for the following;

- (a) Activity for an Environmentally Relevant Activity;
- (b) Material Change of Use near a State transport corridor.

Council was advised on 10 March 2020 that SDMIP has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice.

The recommended conditions have been included as Referral Agency conditions in the Decision package.

**2.6.2.2 Advice Agencies**

Not applicable.

**2.6.2.3 Third Party Agencies**

There were no Third Party Agencies involved in assessing this application.

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2.7 Public Consultation

2.7.1 *Public Notification Requirements under the Development Assessment Rules*

- (d) Public Notification was served on all adjoining landowners on 11 February 2020.
- (e) The development application was advertised in the Caboolture Herald on 13 February 2020.
- (f) A notice in the prescribed form was posted on the relevant land on 14 February 2020 and maintained for a period of 15 business days until 6 March 2020.

2.7.2 *Submissions Received*

Council received the following types of submissions in respect to this development application. A copy of the submissions is included within the attachments to this Council report.

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		1
	Petition	-	0
Not Properly Made	Letter, Email, Fax		0
	Petition	-	0
<b>Total</b>			1

The matters raised within the submission are outlined below:

<b>Assessment of Submissions</b>
<p><b><u>Issue</u></b> <b>Compliance with Development Approval</b></p> <p><b><u>Comments</u></b> The submission has raised concerns about the compliance of the Development Approval and the lawful land uses on the subject site.</p> <p>The proposed development application currently has approval for a Storage facility and Caretaker's Accommodation and proposes to introduce three (3) additional land uses in response to Council compliance action. The application seeks to address all matters of non compliance including the additional land uses within the development application. The proposes land uses and any matters of non compliance will be assessed and conditioned as part of approval to achieve compliance.</p> <p>The two proposed sheds were constructed without a development permit, the applicant is aware that the sheds were built without a permit but seeks to gain the relevant approvals for the sheds once this Development Application is decided.</p> <p>This is not a reason for refusal of the application</p>
<p><b><u>Issue</u></b> <b>Noise and Acoustic attenuation fence/wall</b></p> <p><b><u>Comments</u></b> The submitter is unclear on the acoustic fence and wall arrangements along the eastern boundary of the site and has asked what is the height and material of the fencing?</p>

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<b>Assessment of Submissions</b>
<p>The subject site has an existing fence along a large portion of the eastern boundary of the subject site. The existing corrugated steel fence 2m in height and supported by concrete post is proposed to remain as part of the development application. The applicant also proposes to construct a 3.5m high acoustic wall between the two (2) proposed sheds, which will be constructed and certified to achieve the appropriate acoustic ratings and requirements specified in Condition number - N2 of the Environmental Authority (EA) issued by the Department of Environment and Science (DES).</p> <p>An Acoustic Impact Assessment was submitted as part of the application. The report concludes that as the proposed acoustic wall and the existing fence along the eastern boundary will ensure the proposal will achieve the relevant acoustic requirements. It is noted that acoustic matters will be regulated by the State under the ERA.</p> <p>This is not a reason for refusal of the application.</p>
<b>Issue</b>
<p><b>Waste Transfer Station</b></p>
<b>Comments</b>
<p>The submission has raised concerns about the proposed Medium Impact Industry (waste transfer station) and involvement of both the proposed sheds within the waste transfer station operations.</p> <p>The proposed waste transfer station is to operate solely within the two (2) sheds. The waste transfer station involves receiving construction and demolition waste only, which will be temporarily stored in separate compartments and containers within the two (2) sheds to then be packaged for further processing off site. The first shed is a drop off and recovery area, which incorporates the sorting of material using a mix of mechanical and manual means depending on the state of the material. The second shed is intended to be a storage, packing and dispatch area, which incorporates packaging and dispatching the sorted materials.</p> <p>The processing of approved waste materials is outlined in Condition W1 of the Environmental Authority (EA) issued by the Department of Environment and Science (DES). These <i>Accepted Wastes</i> include:</p> <ul style="list-style-type: none"> <li>- Inert construction and demolition waste</li> <li>- Bricks, concrete and rubble</li> <li>- Timber</li> <li>- Plasterboards and veneers</li> <li>- Green Waste</li> <li>- Metals (Ferrous and Non-ferrous)</li> <li>- Plastic and PVC's</li> <li>- Cardboard</li> <li>- Glass</li> <li>- Incidental amounts of soil and rock comingled with construction and demolition waste.</li> </ul> <p>In addition, there is no permanent or mobile crushing plant on the site or that is proposed as part of the development application. It is understood that concrete is bought to the site and separated from other material to then be taken to other sites for further processing. The processing and storage of the waste material is proposed to occur within the two (2) sheds except for green waste which is stored against the acoustic wall between the sheds.</p> <p>This is not a reason for refusal of the application.</p>

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<b>Assessment of Submissions</b>
<b><u>Issue</u></b> <b>Air Quality and Dust</b>
<p><b><u>Comments</u></b></p> <p>The submission has raised concerns about the air quality and dust impacting the submitter's property.</p> <p>The proposed development proposes a sealed access to the subject site off Arthur Drewett Drive and internal roads to the waste transfer station are sealed, which is understood to suppress dust and improve air quality. The other proposed use areas involve using compacted gravel as hardstand which will also limit dust concerns. The concerns of the submitter are acknowledged and it is noted that these concerns have previously been raised as part of compliance action. The sealing and compacting of manoeuvring areas will assist in addressing these concerns. Further, a condition is recommended requiring storage of materials and vehicle manoeuvring areas outside of areas shown on the plans is not permitted. The landscape plan recommended for approval shows areas around the bio-retention basin to be grassed and not utilized for manoeuvring. It is considered that these impacts can suitably be managed through recommended conditions. Conditions requiring the transfer of land below Q100 for drainage reserve will further ensure the development activities do not spread further north towards Burpengary Creek.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<b><u>Issue</u></b> <b>Existing Bio-Retention Basin and Turn around area</b>
<p><b><u>Comments</u></b></p> <p>The submission has raised concerns about the existing bio-retention basin and turn around area.</p> <p>The existing bio-retention basin is currently not fully functional, however it is recommended as a condition to rehabilitate the bio-retention basin to an operational standard that is certified by RPEQ engineer to ensure the basin is serving its intended stormwater management purpose.</p> <p>The turn around area circling the bio-retention basin is not proposed to be used as part of this application. The landscape plan shows this area to be grassed. A condition is recommended limiting all vehicle manoeuvring to the sealed asphalt and compacted gravel areas.</p> <p>This is not a reason for refusal of the application.</p>
<b><u>Issue</u></b> <b>Height Requirements of Stored Material</b>
<p><b><u>Comments</u></b></p> <p>The submission has raised concerns about height limitations on the material to be stored.</p> <p>Materials involved in the waste transfer station operations will be stored entirely within the northern shed. The green waste is proposed to be stored in between the two (2) adjacent to the proposed 3.5 high acoustic wall.</p> <p>The Warehouse use involves single storey storage containers that are 2.4m in height, the storage containers are located primarily along Arthur Drewett Dr and is screened by a 2.5m to 2.8m acoustic wall, 5m deep landscaping along the Arthur Drewett road frontage.</p> <p>The stored material involved with the Bulk Landscape Supply and Agricultural Supply Store will be stock piled into the designated storage bins with a height of 2m. All other material stored in this area will not exceed 3m and a condition is recommended in this regard. The Bulk Landscape Supplies and</p>



ITEM 4.3 DA/25589/2011/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR A WAREHOUSE, CARETAKER'S ACCOMMODATION, BULK LANDSCAPE SUPPLIES, AGRICULTURAL SUPPLIES STORE, MEDIUM IMPACT INDUSTRY AND ENVIRONMENTALLY RELEVANT ACTIVITY (E - A19808453 (Cont.))

<b>Assessment of Submissions</b>
<p>Agricultural Supplies Store is screened by 5m to 10m of proposed landscaping along Arthur Drewett Drive and Old Bay Road.</p> <p>Therefore, it's considered the onsite stored material will cause minimal visual impacts to surrounding industrial area and sensitive land uses.</p> <p>This is not a reason for refusal of the application.</p>
<b>Issue</b>
<b>Operating Times</b>
<b>Comments</b>
<p>The submission has raised concerns about past operational hours compliance issues.</p> <p>The proposed operational hours are set out below:</p> <ul style="list-style-type: none"> <li>• Waste Transfer Station - Hours of operations 7am to 6pm Monday to Friday, 7am to 11am Saturday.</li> <li>• Bulk Landscape Supplies and Agricultural Supply Store - Hours of operation 6am to 6pm Monday to Saturday.</li> <li>• Warehouse - Continuing hours of operation from existing approval, from 7am to 6pm Monday to Friday and 7am to 11am.</li> </ul> <p>The proposed hours of operation for the above uses are generally consistent for industrial activities within an industrial zone and within the light industry precinct. Nuisance impacts have been addressed and conditions recommended within the Environmental Authority Permit. This document is issued under the <i>Environmental Protection Act 1994</i> and includes conditions that excludes putrescible waste and regulated waste being onsite. Other conditions cover matters such noise, odour, dust, land and water contamination.</p> <p>This is not a reason for refusal of the application.</p>
<b>Issue</b>
<b>Site Suitability</b>
<b>Comments</b>
<p>The submission has raised concerns about the site's suitability and the impacts that it may pose on nearby residential land.</p> <p>While impacts to adjoining existing residential dwellings are an important consideration, the subject site and adjoining lots are zoned within the Industry Zone - Light Industry Precinct. The proposal seeks to establish a range of industrial activities including Medium Impact Industry, Bulk Landscape Supplies, Agricultural Supplies Store, Warehouse and Caretaker's Accommodation, which are considered suitable uses for the site.</p> <p>The applicant has addressed the impacts the development may pose on surrounding sensitive land uses by providing acoustic attenuation, landscaping and dust suppressant hard stand surfaces including asphalt and compacted gravel. The development has been assessed and conditioned with the Environmental Authority Permit. This document is issued under the <i>Environmental Protection Act 1994</i> and includes conditions that excludes putrescible waste and regulated waste being onsite. Other conditions cover matters such noise, odour, dust, land and water contamination.</p> <p>This is not a reason for refusal of the application.</p>

ITEM 4.3 DA/25589/2011/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR A WAREHOUSE, CARETAKER'S ACCOMMODATION, BULK LANDSCAPE SUPPLIES, AGRICULTURAL SUPPLIES STORE, MEDIUM IMPACT INDUSTRY AND ENVIRONMENTALLY RELEVANT ACTIVITY (E - A19808453 (Cont.)

### 2.7.3 Notice of Compliance

The Notice of Compliance was received by Council on 3 March 2020. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

### 2.8 Other Matters

None identified.

## 3. **Strategic Implications**

### 3.1 Legislative/Legal Implications

The applicant and submitter have appeal rights in accordance with the *Planning Act 2016*.

### 3.2 Corporate Plan / Operational Plan

Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

### 3.3 Policy Implications

The proposal is consistent with the existing Moreton Bay Region planning provisions and relevant policies.

### 3.4 Risk Management Implications

Development occurs efficiently and effectively in the region in a manner that reduces potential risk implications to Council and the community.

### 3.5 Delegated Authority Implications

There are no delegated authority implications arising as a direct result of this report.

### 3.6 Financial Implications

- c) In the event that an appeal is made to the Planning & Environment Court against Council's decision, the Council will incur additional costs in defending its position.
- d) Infrastructure charges are applicable to the development should it be approved and carried out.

### 3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region

### 3.8 Environmental Implications

New development contributes to sustainable management and protection of the natural environment in the region through compliance with the planning schemes policies and provisions

### 3.9 Social Implications

Appropriately designed and located development contributes to diverse, vibrant and safe communities and facilities.

### 3.10 Consultation / Communication

Refer to clause 2.7.

**SUPPORTING INFORMATION**

**Ref: [A19946773](#), [A19946631](#), [A19992597](#)**

The following list of supporting information is provided for:

**ITEM 4.3**

**DA/25589/2011/VCHG/3 - REQUEST TO CHANGE (OTHER) - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR A WAREHOUSE, CARETAKER'S ACCOMMODATION, BULK LANDSCAPE SUPPLIES, AGRICULTURAL SUPPLIES STORE, MEDIUM IMPACT INDUSTRY AND ENVIRONMENTALLY RELEVANT ACTIVITY (ERA62), LOCATED OVER 550 OLD BAY ROAD, BURPENGARY EAST (LOT 2 SP204596) - DIVISION 2**

***#1 Aerial Photograph***

***#2 Zoning Plan***

***#3 Locality Plan***

***#4 Proposal Plans***

***#5 Properly Made Submission***

**ITEM 4.4**

**MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HIGH IMPACT INDUSTRY, UTILITY INSTALLATION AND ENVIRONMENTALLY RELEVANT ACTIVITIES (ERA6 & ERA54), LOT 15 LEITCHS ROAD, BRENDALE**

**APPLICANT:** Downer Edi Works Pty Ltd

**OWNER:** Downer EDI Services Pty Ltd

Meeting / Session: 2 PLANNING & DEVELOPMENT

Reference: A19948906 : 22 April 2020 – Refer Supporting Information A19993431, A19993408, A19950364

Responsible Officer: WM, Principal Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Downer Edi Works Pty Ltd
<b>Lodgement Date:</b>	15 November 2019
<b>Properly Made Date:</b>	22 November 2019
<b>Confirmation Notice Date:</b>	28 November 2019
<b>Information Request Date:</b>	12 December 2019
<b>Info Response Received Date:</b>	20 December 2019
<b>Public Notification Dates:</b>	23 January 2020 - 18 February 2020
<b>No. of Submissions:</b>	Properly made: 18 (12 in support / 6 against) Not Properly Made: 6
<b>Decision Due Date:</b>	5 May 2020

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	9
<b>Property Address:</b>	Lot 15 Leitchs Road, Brendale QLD 4500
<b>RP Description</b>	Lot 15 SP 204612
<b>Land Area:</b>	115,100m <sup>2</sup>
<b>Property Owner</b>	Downer EDI Services Pty Ltd

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	MBRC Planning Scheme 2016
<b>Planning Locality / Zone</b>	Enterprise and Employment Area Place Type Industry Zone - General Industry Precinct Limited Development Zone
<b>Level of Assessment:</b>	Impact Assessable - Policy Neutral

This application seeks a Material Change of Use - Development Permit for High Impact Industry, Utility Installation and Environmentally Relevant Activity (ERA6 & ERA54) (**development application**) at Lot 15 Leitchs Road, Brendale (Division 9).

The application was publicly advertised with 24 submissions received. The proposed development is consistent with the intent of the MBRC Planning Scheme and is recommended to be approved subject to conditions.

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This report is being presented to the Council for decision as the proposal is a major project and officers consider it is appropriate that the development application be decided by the Council instead of Council officers under delegation.

### OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for High Impact Industry, Utility Installation and Environmentally Relevant Activity (ERA6 & ERA54) at Lot 15 Leitchs Road, Brendale, described as Lot 15 SP 204612, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Stormwater Management Report	2554 Rev 3	MRG Water Consulting Pty Ltd	15/01/2020
Information Request Response: Traffic and Transport Items	P4281.001L	Bitzios Consulting	10/01/2020
Landscape Concept Plan	Project No. 919 Drawing No. 919-LCP01 Rev. A	Alderson and Associates Landscape Architects	October 2019
Predevelopment contours	DO1945-DA-00	Duggan & Hede Pty Ltd	14/01/2020
Site layout plan - Stage 1	DO1945-DA-01	Duggan & Hede Pty Ltd	14/01/2020
Site layout plan - Stage 2	DO1945-DA-02	Duggan & Hede Pty Ltd	14/01/2020
Site layout plan - Stage 3	DO1945-DA-03	Duggan & Hede Pty Ltd	14/01/2020
Site layout plan - Stage 4	DO1945-DA-04	Duggan & Hede Pty Ltd	14/01/2020
Site section - 1 of 2	DO1945-DA-05	Duggan & Hede Pty Ltd	14/01/2020
Site section - 2 of 2	DO1945-DA-06	Duggan & Hede Pty Ltd	14/01/2020
Critical site dimensions	DO1945-DA-07	Duggan & Hede Pty Ltd	14/01/2020
Stormwater drainage - Stage 3 (1 of 5)	DO1945-DA-08	Duggan & Hede Pty Ltd	14/01/2020
Stormwater drainage - Stage 3 (2 of 5)	DO1945-DA-08a	Duggan & Hede Pty Ltd	14/01/2020
Stormwater drainage - Bioretention Basin 1 (3 of 5)	DO1945-DA-09	Duggan & Hede Pty Ltd	14/01/2020
Stormwater drainage - Bioretention Basin 2 (4 of 5)	DO1945-DA-09a	Duggan & Hede Pty Ltd	14/01/2020
Stormwater drainage - Stage 3 Plant Area (5 of 5)	DO1945-DA-09b	Duggan & Hede Pty Ltd	14/01/2020
Erosion and sediment control plan	DO1945-DA-10	Duggan & Hede Pty Ltd	14/01/2020
Erosion and sediment control details	DO1945-DA-11	Duggan & Hede Pty Ltd	14/01/2020
Asphalt above ground aggregate storage bays - South (Stage 2)	DO1945-DA-21	Duggan & Hede Pty Ltd	14/01/2020
Asphalt above ground aggregate storage bays - West (Stage 2)	DO1945-DA-22	Duggan & Hede Pty Ltd	14/01/2020
Asphalt above ground aggregate storage bays - North (Stage 4)	DO1945-DA-23	Duggan & Hede Pty Ltd	14/01/2020
Workshop building (Stage 2)	DO1945-DA-24	Duggan & Hede Pty Ltd	14/01/2020

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<b>Approved Plans and Documents</b>			
Emulsion tank farm - Stage 2	DO1945-DA-25	Duggan & Hede Pty Ltd	14/01/2020
Bitumen tank farm (Stage 2)	DO1945-DA-26	Duggan & Hede Pty Ltd	14/01/2020
Unloading building (Stage 2)	DO1945-DA-27	Duggan & Hede Pty Ltd	14/01/2020
Reconomy above ground and inground material storage bays - North (Stage 3)	DO1945-DA-28	Duggan & Hede Pty Ltd	14/01/2020
Reconomy above ground and inground material storage bays - West (Stage 3)	DO1945-DA-29	Duggan & Hede Pty Ltd	14/01/2020
Reconomy above ground and inground material storage bays - East (Stage 4)	DO1945-DA-30	Duggan & Hede Pty Ltd	14/01/2020
Pugmill above ground material storage bays - North (Stage 4)	DO1945-DA-31	Duggan & Hede Pty Ltd	14/01/2020
Bioretention Drainage Profile - Type 3 Conventional	DS-073	Institute of Public Works Engineering Australia Standard Drawings	February 2016
Large Bioretention Sediment Forebay	DS-075	Institute of Public Works Engineering Australia Standard Drawings	February 2016
Bioretention Weir	DS-076	Institute of Public Works Engineering Australia Standard Drawings	February 2016
Bioretention Standard Notes	DS-078	Institute of Public Works Engineering Australia Standard Drawings	February 2016
Proposed Office / Lab / Amenities - Ground floor	A-01-01 rev. 2 SK01	Mi Design Studio	20/12/2019
Proposed Office / Lab / Amenities - Roof Plan	A-02-01 rev. 2	Mi Design Studio	30/10/2019
Proposed Office / Lab / Amenities - Elevations	A-03-01 rev. 2	Mi Design Studio	30/10/2019
Proposed Office / Lab / Amenities - Perspectives	A-04-01 rev. 2	Mi Design Studio	30/10/2019
Proposed Asphalt Production Office - Ground floor	A-01-01 rev. 2	Mi Design Studio	30/10/2019
Proposed Asphalt Production Office - Roof Plan	A-02-01 rev. 2	Mi Design Studio	30/10/2019
Proposed Asphalt Production Office - Elevations	A-03-01 rev. 2	Mi Design Studio	30/10/2019
Proposed Asphalt Production Office - Perspectives	A-04-01 rev. 2	Mi Design Studio	30/10/2019
Proposed Drivers Lunch Room - Ground floor & Roof Plan	A-01-01 rev. 2	Mi Design Studio	30/10/2019
Proposed Drivers Lunch Room - Elevations & Perspectives	A-02-01 rev. 2	Mi Design Studio	30/10/2019

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### Conditions

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT ALL STAGES</b>	
<b>DEVELOPMENT PLANNING</b>	
<b>1. Approved Plans and/or Documents</b>	
Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2. Development Permit</b>	
A Carry out Stage 1 and comply with all the conditions of related approval (Council reference: DA/34198/2017/VCHG/2) for the subdivision and associated earthworks on the land, unless otherwise agreed to in writing by the Council.	Prior to commencement of use.
B Ensure that if a survey plan is submitted to the Council for its endorsement for Stage 3 of the related approval (Council reference: DA/34198/2017/VCHG/2), the use of the land under this development approval has ceased with the building improvements on the land removed, unless otherwise agreed to in writing by the Council.	At all times.
<b>3. On-Site Car Spaces</b>	
A Provide at least 82 vehicle spaces on site.	Prior to commencement of use and to be maintained at all times.
B Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	
<b>4. Bicycle Parking Facilities</b>	
Install secure bicycle parking facilities for a minimum of 4 bicycles.  Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to commencement of use and to be maintained.
<b>5. Hours of Operation</b>	
Limit the hours of operation to: (a) Asphalt Plant - 24 hours per day, 7 days a week. with the asphalt plant only to operate between 10pm and 7am 7 days a week if the Reconomy Plant is not in operation at the same time. (b) The Reconomy Plant - 7.00am to 10.00pm, 7 days per week and between 10.00pm and 7.00am from Monday 10pm to Saturday 7am, if the Asphalt Plant is not in operation at the same time. (c) The RAP processing plant - 7.00am and 6.00pm, 7 days per week with operations on Saturday and Sunday to only occur if there is a 4m or higher stockpile to the south and east of the RAP plant.	At all times.

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CONDITION		TIMING
<b>6.</b>	<b>Vehicle Encroachment</b>	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use.
<b>7.</b>	<b>External Lighting</b>	
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use.
<b>8.</b>	<b>Pedestrian Lighting</b>	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use.
<b>9.</b>	<b>Landscaping Plan</b>	
A	Provide street trees and landscaping on site generally in accordance with the approved landscape plan and the Council's Planning Scheme Policy - Integrated Design Appendix D - Landscape Design and street trees.	Prior to commencement of use.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	
C	Maintain the landscaping.	At all times.
<b>10.</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor-Retailer Authority (Unitywater) confirming: (a) a reticulated water supply network connection is available to the land; and (b) a sewerage network connection is available to the land; and (c) all the requirements of Unitywater have been satisfied.	Prior to commencement of use.
<b>11.</b>	<b>Develop in Stages</b>	
	Develop the site generally in accordance with the stages identified on the approved plans in consecutive order unless otherwise agreed to in writing by the Council.	At all times.
<b>12.</b>	<b>Stockpiles of Construction and Landscaping Materials</b>	
	Locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines and clear of any position from	During site works.



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CONDITION	TIMING
which it could be washed onto any footpath, nature strip, roadway or into any drain, wetland or watercourse.	
<b>13. Storage of hazardous chemicals</b>	
The storage of hazardous chemicals must not exceed the levels specified in SC 9 Development involving hazardous chemicals. SC9.0.1 - Hazardous chemicals self-assessable thresholds.	Prior to commencement of use and to be maintained at all times.
<b>14. Dispensing Areas and Forecourts</b>	
Dispensing areas and forecourts are to be designed and installed in accordance with the following:	
A <u>Forecourt - FDA to be Impervious</u> All ground surfaces within fuel dispensing areas shall be made of impervious material such as concrete or equivalent (note: asphalt is not suitable) and all gaps and/or cracks shall be filled so that the impervious barrier and integrity is maintained.	Prior to commencement of use and to be maintained at all times.
B <u>Forecourt - Non-FDA To be Impervious</u> All non-fuel dispensing forecourt surfaces not under canopy shall be constructed of concrete or equivalent (asphalt is considered suitable for non-dispensing areas) and all gaps and/or cracks shall be filled so that the impervious barrier and integrity is maintained.	
C <u>Forecourt - Demarcation</u> Fuel dispensing areas must be clearly delineated from other areas such as remote air/water supply areas, uncovered forecourt areas, access roads, general parking bays, etc. by methods such as a painted line on the ground, roll-over bunds, different coloured concrete etc. Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the delineated areas.	
D <u>Forecourt - Signage For Drains</u> Drainage inlets located in the vicinity of the general forecourt area shall be provided with signage indicating the fate of flow such as "flows to treatment system" or "flows to containment sump".	
E <u>Forecourt - Canopy Design</u> Fuel dispensing areas shall be covered by a roof or canopy to minimise stormwater entering the dispensing area. The roof or canopy shall overhang by a horizontal distance of ¼ of the roof height out from the vertical above the boundary of the demarcated fuel dispensing area.	
F <u>Containment Vessel</u> Fuel dispensing areas and under canopy Tanker Delivery Standing Areas shall be graded to an approved hydrocarbon separator that achieves the following criteria prior to discharge to stormwater - (a) Less than 5ppm (mg/L) Total Petroleum Hydrocarbons (TPH), (b) Greater than or equal to 80% reduction in Total Suspended Solids (TSS), and (c) Greater than or equal to 90% reduction in gross pollutants.  Note: Approved devices are listed on Brisbane City Council's Register of Certified Hydrocarbon Separators.	

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CONDITION	TIMING
<p><b>G</b> <u>Containment Vessel - Fuel Delivery Outside of Canopy</u> All spills and leaks from bulk fuel transfer activities outside of the forecourt canopy area (i.e. fuel tanker trucks delivering to bulk fuel storages on site) must be contained on-site. Tanker Delivery Standing Areas outside of the canopy shall be constructed so that contaminated run-off is automatically diverted to an approved hydrocarbon separator that achieves the following criteria prior to discharge to stormwater -</p> <p>(a) Less than 5ppm (mg/L) Total Petroleum Hydrocarbons (TPH), (b) Greater than or equal to 80% reduction in Total Suspended Solids (TSS), and (c) Greater than or equal to 90% reduction in gross pollutants.</p> <p>Note: Approved devices are listed on Brisbane City Council's Register of Certified Hydrocarbon Separators.</p>	
<p><b>H</b> <u>Forecourt - Spill Kits</u> Spill kits shall be provided and maintained in strategic locations. They shall be appropriate in size, type and equipment to the identified hazards. Kits shall consist of, but not be limited to, the following:</p> <p>(a) oil absorbent materials (b) impervious drain covers (c) drip trays (d) spades, funnels (e) hydrocarbon compatible containers (f) appropriate PPE.</p>	
<b>15. Vehicle washdown system</b>	
<p><b>A</b> Install a treatment system in order to prevent contaminants from the washing of vehicles entering the environment.</p>	Prior to commencement of the use and to be maintained at all times.
<p><b>B</b> Provide a report from a suitably qualified professional, outlining an Environmental Management System in accordance with ISO14001:2004 for the management of wastewater from the washdown of vehicles.</p>	Prior to the commencement of the use.
<p><b>C</b> Provide certification from a Registered Professional Engineer Queensland (RPEQ) that the vehicle washdown and reuse system is designed and installed in accordance with current applicable standards.</p>	Prior to the commencement of the use.
<p>Note: Consideration must be given to the environmental and public health implications for the effective treatment of waste water and the ongoing reuse of recycled water.</p>	
<b>16. Security Fencing</b>	
<p>Erect a black, chain wire mesh, security fence without barbed wire, with a maximum height of 2.4m, along all sides of the site, with gates for pedestrian and vehicular entrances into the site unless otherwise approved by Council in writing.</p>	Prior to commencement of the use and to be maintained at all times.

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CONDITION	TIMING
<b>DEVELOPMENT ENGINEERING</b>	
<b>17. Replace Existing Council Infrastructure</b>	
Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use.
<b>18. Alterations and Relocation of Existing Services</b>	
Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to commencement of use.
<b>19. Stormwater</b>	
Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>20. Stormwater Management</b>	
<p>A Design and construct stormwater infrastructure to service the development at no cost to Council and in accordance with the approved plans and documents of development.</p> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the building works application.</p> <p>This condition has been imposed under section 145 of the <i>Planning Act 2016</i>.</p>	Prior to commencement of use and to be maintained current at all times.
B Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been built in accordance with the approved Stormwater Management Plan.	Prior to commencement of use.
<b>21. Pathways</b>	
<p>A Construct, at no cost to Council, a minimum 1.0 metre wide concrete reinforced pathway internal to the site connecting the proposed offices area with the footpath on the Leitchs Road frontage of the site.</p> <p>This condition has been imposed under section 145 of the <i>Planning Act 2016</i>.</p>	Prior to commencement of use.
<b>22. Erosion and Sediment Control</b>	
A Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.

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CONDITION	TIMING
<b>23. Earth Retaining Structures</b>	
<p>A Design all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and MBRC Planning scheme current the time of the building works application and the following:</p> <p>(a) The minimum design life (the period assumed in design for which a structure or structural element is required to perform its intended purpose without replacement or major structural repairs) for the earth retaining structure that is specified in Table 3.1 of Australian Standard AS4678;</p> <p>(b) Earth retaining structures within the land and around areas of cut on or near the boundaries of the site must be designed to allow for live and dead loads associated with the land/premise's current occupancy use;</p> <p>Where the adjoining land use rights or zoning allows for industrial uses a minimum live load of 25kPA must be allowed in the design of the retaining structure for these adjoining premises.</p>	Prior to commencement of works associated with this condition.
B Construct all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and approved plans and documents of development.	Prior to commencement of use and to be maintained current at all times.
C Provide written certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the design, construction and materials comply with this condition.	Prior to commencement of use.
<b>24. Driveway Crossover</b>	
<p>A Construct a driveway crossover to the proposed development in accordance with the approved plans and documents of development and generally to comply with MBRC Standard Drawing/s RS-051.</p> <p>Provide signage and line marking in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD) that clearly denotes separate entry and exit driveways for development to advise drivers that describe the movements that are approved.</p>	Prior to commencement of use and to be maintained current at all times.
B Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
<b>25. Access, Internal Roadways, Parking and Servicing Areas</b>	
A Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use.
B Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.

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CONDITION		TIMING										
<b>26.</b>	<b>Roadworks</b>											
A	<p>Submit and have approved by Council, a report demonstrating sufficient capacity within the Leitchs Road pavement to serve the proposed number of fully loaded turning movements of heavy vehicles to/from the site. Implement the requirements and recommendations of the approved report.</p> <p>Alternatively, in lieu of a report as required above, construct pavement strengthening works with deep lift asphalt not less than 150mm and an additional 50mm asphalt wearing course, designed for the heavy vehicular movements and volumes as required for the road classification and development traffic in accordance with the MBRC Planning Scheme and the Department of Transport and Main Roads Specifications and Manuals. The extent of works shall include Leitchs Road intersection of the Driveway crossover and extend not less than 50m north from the centreline of the driveway.</p> <p>This condition has been imposed under section 145 of the <i>Planning Act 2016</i>.</p>	Prior to commencement of use.										
B	<p>Submit and have approved by Council, a development application for operational works for the roadworks to service the development as identified above in clause (A).</p> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.</p>	Prior to commencement of works associated with this condition.										
C	<p>Construct all roadworks to service the development at no cost to Council and in accordance with the approved plans and documents of development.</p> <p>This condition has been imposed under section 145 of the <i>Planning Act 2016</i>.</p>	Prior to commencement of use.										
D	<p>Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been built in accordance with the approved report and/or conditions of this development permit.</p>											
<b>27.</b>	<b>Minimum Building Floor Level</b>											
A	<p>Design and construct the non-habitable building floor level to at least the below levels for various buildings;</p> <table border="1" style="margin-left: 20px;"> <tbody> <tr> <td>Office Crew Amenities and Laboratory</td> <td>10.80m AHD</td> </tr> <tr> <td>Drivers Amenities</td> <td>10.90m AHD</td> </tr> <tr> <td>Production Office</td> <td>10.90m AHD</td> </tr> <tr> <td>Weighbridge Office</td> <td>10.90m AHD</td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>	Office Crew Amenities and Laboratory	10.80m AHD	Drivers Amenities	10.90m AHD	Production Office	10.90m AHD	Weighbridge Office	10.90m AHD			Prior to commencement of use.
Office Crew Amenities and Laboratory	10.80m AHD											
Drivers Amenities	10.90m AHD											
Production Office	10.90m AHD											
Weighbridge Office	10.90m AHD											

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CONDITION		TIMING								
<b>28.</b>	<b>Structural Engineering Design Report</b>									
A	Prepare a Structural Engineering Design Report. This report is to be prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the MBRC Planning Scheme.	Prior to building works approval.								
B	Provide RPEQ certification to the Building Certifier that the works have been designed in accordance with the recommendations of the Structural Engineering Design Report.	Prior to building works approval.								
C	Construct the works in accordance with the RPEQ certified design and the recommendations of the Structural Engineering Design Report.	Prior to commencement of use.								
<b>29.</b>	<b>Building Below the Flood Planning Level</b>									
	<p>Construct development works below the Council adopted Flood Planning Level (FPL) from materials with a high-water resistance and ensure that essential electrical services are located above the FPL. The FPL for this site at the time of approval is varying over the site and are as per below table;</p> <table border="1" style="margin-left: 20px;"> <tr> <td>Office Crew Amenities and Laboratory</td> <td>11.25m AHD</td> </tr> <tr> <td>Drivers Amenities</td> <td>11.35m AHD</td> </tr> <tr> <td>Production Office</td> <td>11.35m AHD</td> </tr> <tr> <td>Weighbridge Office</td> <td>11.35m AHD</td> </tr> </table> <p>Notes:</p> <ol style="list-style-type: none"> <li>The Queensland Government Fact Sheet 'Rebuilding after a flood' provides information about water resilient products and building techniques. Available at <a href="http://www.hpw.qld.gov.au">www.hpw.qld.gov.au</a>.</li> <li>An essential electrical service includes services defined as utilities in Mandatory Part 3.5 – Construction of buildings in flood hazard areas of the Queensland Development Code</li> </ol>	Office Crew Amenities and Laboratory	11.25m AHD	Drivers Amenities	11.35m AHD	Production Office	11.35m AHD	Weighbridge Office	11.35m AHD	Prior to commencement of use
Office Crew Amenities and Laboratory	11.25m AHD									
Drivers Amenities	11.35m AHD									
Production Office	11.35m AHD									
Weighbridge Office	11.35m AHD									
<b>CONCURRENCE AGENCY</b>										
<b>30.</b>	<b>Concurrence Agency</b>									
A	Comply with the conditions of the Department of State Development, Manufacturing, Infrastructure and Planning response dated 14 February 2020 (reference:1911-14389 SRA or as amended).	At all times.								
B	Provide certification to Council prepared by a suitably qualified person or the agency demonstrating the requirements of the Department of State Development, Manufacturing, Infrastructure and Planning have been met.	At all times.								

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<b>ADVICES</b>	
<b>1.</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the <a href="#">cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government)</a> for further information regarding the responsibilities of the developer.</p>
<b>2.</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>
<b>3.</b>	<b>Fill in Proposed Drainage Reserve</b>
	Filling is not permitted in proposed drainage reserve without prior written approval of Council's Delegated Officer.
<b>4.</b>	<b>Existing Easements and Site Layout</b>
	The proposed Site layout plan shows that the Access, Drainage and Services easement, as located within subject site in favour of Lot 3, is encumbered with street furniture and/or road infrastructure. Council advises that the intent of the easement may not be maintained with the construction of the approved development works within the easement boundary.

- B. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (4) of the *Planning Act 2016*.
- C. That an Infrastructure Charges Notice for the development application be provided to the applicant and included as part of the Decision Package.

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- D. That all external Referral Agencies for the development application be provided with a copy of the Council's Decision Notice.
- E. That the following information be included in the Decision Notice.

**Decision Notice information**

#		Details to Insert
(a)	<b>Application Details</b>	MBRC Planning Scheme 2016
(b)	<b>Application Type</b>	Development Permit for Material Change of Use for High Impact Industry, Utility Installation and Environmentally Relevant Activities (ERA6 & ERA54)
(c)	<b>Other Necessary Permits</b>	Operational Works - Road Work
(d)	<b>Currency Period of Approval</b>	Material Change of Use – 6 years
(e)	<b>Section 64(5) Deemed Approval</b>	Not applicable
(f)	<b>Variation Approval</b>	Not applicable
(g)	<b>Local Categorising Instrument</b>	Local Categorising Instrument - MBRC Planning Scheme 2016 <ul style="list-style-type: none"> <li>• Industry Zone Code - General Industry Precinct</li> <li>• The Strategic Framework of the MBRC Planning Scheme</li> </ul>
(h)	<b>Other Relevant Assessment Matters</b>	Not applicable.
(i)	<b>Reasons for the Decision</b>	Assessment Report
(j)	<b>Reasons for Approval Despite Non-Compliance with Assessment Benchmarks</b>	Not applicable.
(k)	<b>Referral Agencies</b>	Department of State Development, Manufacturing, Infrastructure and Planning - SARA - SEQ North Region Office ( <a href="mailto:SEQNorthSARA@sdmipqld.gov.au">SEQNorthSARA@sdmipqld.gov.au</a> )
(l)	<b>Submissions</b>	There were 18 properly made submissions about this application.
(m)	<b>Other Details</b>	Assessment Report



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## **REPORT DETAIL**

### **1. Proposal**

The development application is for a Material Change of Use - Development Permit for High Impact Industry, Utility Installation and Environmentally Relevant Activity (ERA6 & ERA54) (**development application**) and was accepted by Moreton Bay Regional Council (**MBRC**) as a properly made application on 22 November 2019.

The proposal will replace the Downer EDI's existing asphalt plant located at 81 Kremzow Road, Brendale and is designed in the pursuit of best practice environmental performance.

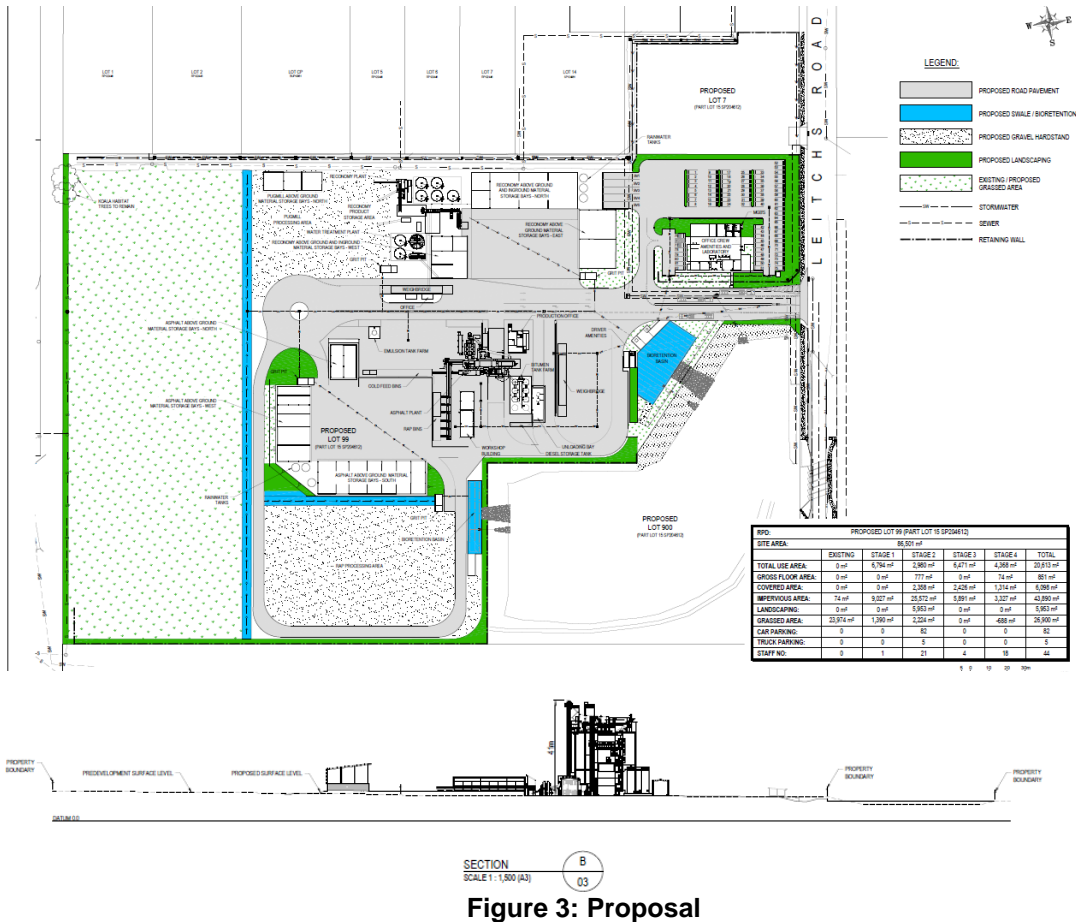
The proposal (Figure 1 below) is staged as follows:

- **Stage 1** is the receipt, stockpiling and processing of recycled asphalt product (**RAP**) and will typically include:
  - Receiving hopper;
  - Shredder;
  - Iron separator;
  - Multi deck vibratory screen;
  - Conveyors;
  - Above ground bays for storage of product (Stage 2 as part of the Asphalt Plant);
  
- **Stage 2** is the asphalt plant which will utilise processed RAP and product from the Reconomy (Detritus) Facility and will typically include:
  - 8 x 12 m<sup>3</sup> roofed cold feed bins (aggregate and sand) and feeders;
  - Conveyors;
  - Rotary dryer (gas / diesel fired);
  - Hot asphalt elevators and screens;
  - 120t hot aggregate storage bins (5);
  - Dust extraction system and baghouse;
  - 6 x 13m<sup>3</sup> roofed cold feed bins (RAP) and feeders;
  - 2 x 40t hot RAP storage bins;
  - 5000 kg mixer;
  - 1 x 40m<sup>3</sup> reclaimed filler silo;
  - 3 x 56m<sup>3</sup> imported filler silo;
  - 600t hot asphalt storage bins;
  - 6 x 60 m<sup>3</sup> bitumen storage tanks in tank farm;
  - Diesel tank;
  - Weighbridge;
  - Above ground (roofed) bays for aggregate and sand storage;
  - Above ground (roofed) bays for RAP storage;
  - Other site infrastructure will include:
    - Office, Laboratory and Crew Amenities;
    - Production Office;
    - Driver Amenities;
    - Landscaping.
  
- **Stage 3** is the Reconomy (Detritus) Facility, which will typically include:
  - Feed hopper and trash skip;
  - Conveyors;
  - Magnets;
  - Trommel;
  - Classifier and Hydrocyclone;
  - Combined water and sediment tank;
  - G:MAX, including screen and hydro cyclone;

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- Eddy current separator;
- Picking station;
- Water clarifier / treatment plant;
- Roofed above ground bays (3 x 1,000m<sup>3</sup>) for the storage of incoming spadeable material;
- Roofed inground pits (2 x 240m<sup>3</sup>) for the storage of incoming slurry and quarantined materials;
- Roofed above ground bays for organics and sludge discharges;
- Other site infrastructure will include:
  - Weighbridge;
  - Office and Amenities.

• **Stage 4** is upgrades and expansions to the Asphalt Plant and Reconomy (Detritus) Facility.



The application was referred to the State Assessment and Referral Agency (SARA) as the assessing authority responsible for assessing the prescribed Environmentally Relevant Activity (ERA) component of the development application, specifically:

- ERA 6 Asphalt manufacturing: Manufacturing more than 1,000t of asphalt in a year;
- ERA 54 (2) Mechanical waste reprocessing: Operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of general waste- (c) more than 10,000t; and
- ERA 54 (3) Mechanical waste reprocessing: Operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of category 2 regulated waste- (c) more than 10,000t.

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The proposal also required an environmental authority from the Department of Environment and Sciences (DES) under section 115 of the *Environmental Protection Act 1994*. On 12 February 2020, the DES issued an environmental authority (EA0002154).

**2. Background**

On 16 November 2016, Council agreed to assess and decide a Reconfiguring a Lot - Development Permit for Subdivision and associated Operational Works under the superseded PineRiversPlan (DA/33018/2016/V9). Relevantly, this approval was to allow the proposed development for Reconfiguring a Lot - Development Permit for Subdivision.

On 1 March 2018, approval was granted for Reconfiguring a Lot - Development Permit for Subdivision (1 into 16 lots under Community Titles Scheme) and Operational Work - Development Permit for Bulk Earthworks (Superseded Planning Scheme) by the Council's delegate (DA/34198/2017/V34N). Further, on 17 May 2018 a negotiated decision was approved by Councils delegate (Figure 2).



**Figure 4: NDN Approved Plans**

On 26 June 2019, Council's Delegate approved a Request to Change (Minor) for the Reconfiguring a Lot - Development Permit for Subdivision (1 into 16 lots under Community Titles Scheme) and Operational Work - Development Permit for Bulk Earthworks (Superseded Planning Scheme), reducing the ROL to a Development Permit for 1 into 7 Lots (DA/34198/2017/VCHG/1).

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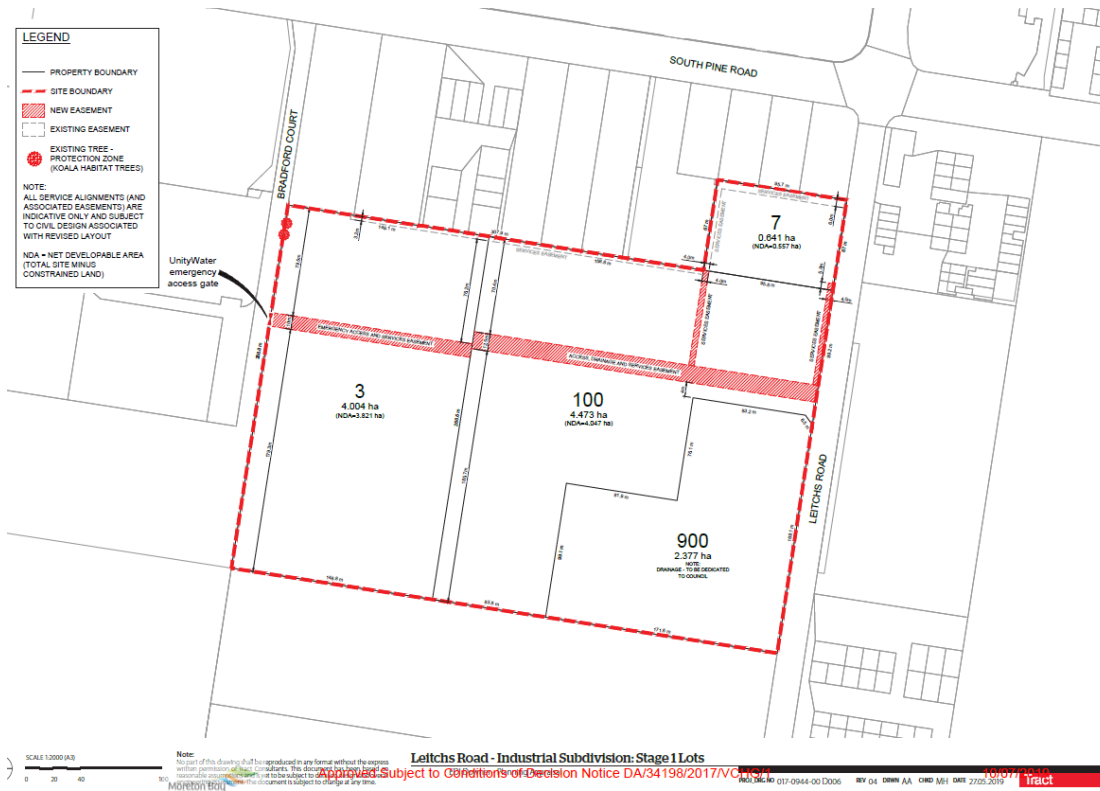


Figure 5: Stage 1

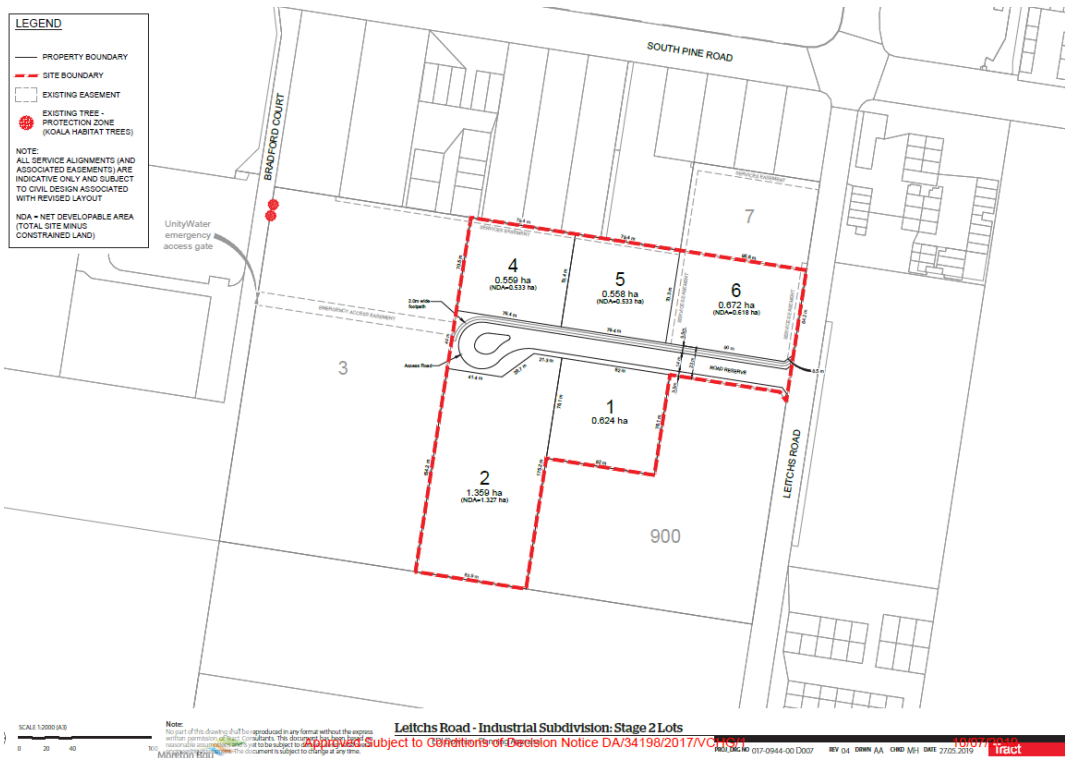


Figure 6: Stage 2

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On 26 February 2020, Council's Delegate approved a Request to Change (Minor) (DA/34198/2017/VCHG/2) for Reconfiguring a Lot - Development Permit for Subdivision (1 into 16 lots under Community Titles Scheme) and Operational Work - Development Permit for Bulk Earthworks (Superseded Planning Scheme). The proposed changes center around amending the approved staging of the most recent Request to Change (Minor) (DA/34198/2017/VCHG/1) of the original approval (DA/34198/2017/V34N). The approved staging is:



**Figure 7: Stage 1 - creation of proposed lot 7, balance lot 99 and adjusted drainage lot 900**



**Figure 8: Stage 2 - creation of proposed lots 3 and 100**

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Figure 9: Stage 3 - creation of proposed lots 1, 2, 4, 5, 6

3. Explanation of Item

3.1 Description of the Site and Surrounds

3.1.1 Current use of the subject land and surrounding land

The site is cleared and has been the subject of bulk earthworks in the past rendering it materially level and prepared for development. The site is bordered on three sides by General Industry uses, whilst to the south - west, the site is bordered by the Brendale Sewerage Treatment Plan and further, the Wantima Country Club. Earthworks are presently being carried out on the site under the previous development approvals applying to the land.



Figure 10: Aerial

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**3.1.2 Topography**

The site has been the subject of bulk earthworks in the past rendering the site materially level ranging from 13m AHD in the north-west to 9m AHD in the south-east across approximately 450m.

**3.1.3 Vegetation**

The site is materially cleared of vegetation.

**3.1.4 Access improvements**

The development application proposes access to Leitchs Road.

**3.2 Assessment Benchmarks related to the Planning Regulation 2017**

The *Planning Regulation 2017* (the Regulation) prescribes Assessment Benchmarks that the application must be carried out against, which are additional or alternative to the Assessment Benchmarks contained in Council's Planning Scheme.

These Assessment Benchmarks are prescribed as being contained in:

- the South East Queensland Regional Plan and Part E of the State Planning Policy; and
- Schedule 10 of the Regulation.

<b>Applicable Assessment Benchmarks:</b>	<p><u>State Planning Policy</u></p> <ul style="list-style-type: none"> <li>• State Planning Policy, Part E</li> </ul> <p><u>Regional Plan</u></p> <ul style="list-style-type: none"> <li>• South East Queensland Regional Plan</li> </ul> <p><u>From Schedule 10 of the Regulation:</u></p> <ul style="list-style-type: none"> <li>• Part 10: Koala Habitat Area – Schedule 11 of the <i>Planning Regulation 2017</i></li> </ul>
<b>SEQ Regional Plan Designation:</b>	Urban Footprint
<b>Koala Habitat Designation:</b>	Priority Koala Assessable Development Area

**3.2.1 State Planning Policy**

The *State Planning Policy 2017* came into effect on 3 July 2017 and is currently not integrated into the MBRC Planning Scheme. The following assessment benchmarks apply to the assessment of development applications until the State interests have been appropriately integrated into Council's planning scheme:

<b>Assessment benchmarks - livable communities</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u>	
Not applicable.	
<b>Assessment benchmarks - mining and extractive resources</b>	

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Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - water quality</b>	
Applicable to Development	SPP requirement
Yes	<p>(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from:</p> <ul style="list-style-type: none"> <li>(a) altered stormwater quality and hydrology;</li> <li>(b) waste water;</li> <li>(c) the creation or expansion of non-tidal artificial waterways;</li> <li>(d) the release and mobilization of nutrients and sediments.</li> </ul> <p>(2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2).</p> <p>(3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p>
<u>Comment</u> An assessment of the proposed development has been undertaken, and the proposal has been determined to comply.	
<b>Assessment benchmarks - natural hazards, risk and resilience</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - strategic airports and aviation facilities</b>	
Applicable to Development	SPP requirement
Yes	<p>(1) Development and associated activities do not create a permanent or temporary physical or transient intrusion into a strategic airport's operational airspace, unless the intrusion is approved in accordance with the relevant federal legislation.</p> <p>(2) Development and associated activities do not include light sources or reflective surfaces that could distract or confuse pilots within a light restriction zone or lighting area buffer.</p> <p>(3) Emissions do not significantly increase air turbulence, reduce visibility or compromise the operation of aircraft engines in a strategic airport's operational airspace.</p> <p>(4) Development and associated activities do not attract wildlife hazards within a wildlife hazard buffer zone.</p> <p>(5) Development and associated activities within a building restricted area do not interfere with the function of aviation facilities.</p> <p>(6) Development does not increase the risk to public safety within a public safety area.</p>



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	(7) Development within the 20 ANEF contour or greater is appropriately located and designed to prevent adverse impacts from aircraft noise.
<u>Comment</u> An assessment of the proposed development has been undertaken, and the proposal has been determined to comply.	

**3.2.2 South East Queensland Regional Plan (ShapingSEQ)**

The site is located in the Urban Footprint designation.

The development proposal is for an urban activity in the Urban Footprint, and there are no requirements in the State Planning Regulatory Provisions applicable to the development proposal.

**3.2.3 Schedule 10, Part 10 of the Regulation – Koala Habitat Area**

Koala Habitat Area

The site is located in a Priority Koala Assessable Development Area. An assessment as to how the development satisfies the provisions in the Regulation has been undertaken, and the proposal is consistent.

**3.3 Assessment Benchmarks applicable from the MBRC Planning Scheme**

An assessment against the relevant parts of the planning scheme is set out below.

**3.3.1 Assessment**

**3.3.1.1 Code Compliance Summary**

The assessment below identifies how the development proposal achieves the assessment benchmarks and where the development proposal;


- (a) proposes an alternative 'Example' satisfying or not satisfying the corresponding Performance Outcome; and
- (b) proposes an outcome where no 'Example' is stated in the code and the proposed outcome does not satisfy the corresponding Performance Outcome.

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone Code</b>		
Industry Zone Code - General Industry precinct	<input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No	PO2, PO23, PO58, PO67, PO86, PO87 and PO113

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 6.1.2.

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3.3.1.2 **Performance Outcome Assessment**

Industry Zone Code - General Industry Precinct	
Performance Outcome	Example
<p><b>PO2</b> The height of buildings is in keeping with the predominant industrial character of the precinct and does not cause adverse amenity impacts on surrounding sensitive land uses and zones.</p>	<p><b>E2</b> Building height does not exceed the maximum height identified on Overlay map - Building heights.</p>
<p><i>Performance Outcome Assessment</i></p> <p>The site is mapped with a maximum building height of 15m under the Building Heights Overlay. The maximum structure height on site is 41m, being the asphalt plant exhaust stack. The asphalt plant exhaust stack has been located as central as possible within the site to minimise amenity impacts on surrounding land uses and zones.</p> <p>The proposal will replace the existing aged Downer EDI's asphalt plant located at 81 Kremzow Road, Brendale and is designed in the pursuit of best practice environmental performance. The height of the proposal is a direct result of the design and vertical integration of the proposed plant. Unlike conventional asphalt mixing plants, the proposed Asphalt plant design incorporates vertical alignment which optimises the production processes, reduces the overall plant footprint and optimises transportation of product. The height and design of the structure reflects best practice asphalt plant design which allows for ~100% recycled RAP to be utilised in the proposed plant.</p> <p>At the request of Council officers, the applicant prepared a visual impact analysis which was submitted as part of the development application. In addition to superimposing the proposed structure onto images of the site as viewed from key visual locations in the surrounding area (Figures 9-11), the visual impact analysis addressed 5 criteria to demonstrate compliance with this performance outcome, being the existing visual context, distance, built form mass, neutral colour scheme and buffer planting.</p>	
	
<p><b>Figure 11: Visual Impact Analysis - Viewpoints</b></p>	

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**Figure 12: Superimposed view north along Leitchs Road**



**Figure 13: Superimposed view from Brendale Park**

The proposal provides ameliorating elements such as buffer planting and a neutral colour scheme. Further, by way of comparative analysis, the proposal is in keeping with the surrounding predominantly industrial character of the area and that the structure height is not uncommon in the area given the Powerlink structures surrounding the Powerlink Sub Station are typically ~37m in height (Figure 12).

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**Figure 14: Existing Powerlink Structures in the Brendale area**

Therefore, on balance, the proposal accords with Performance Outcome PO2 in this instance.

<p><b>PO23</b> Emissions do not significantly increase air turbulence, reduce visibility or compromise the operation of aircraft engines in Brisbane airport's operational airspace.</p> <p><i>Note - Refer to State Planning Policy December 2013 mapping to identify Brisbane airport's operational airspace.</i></p>	<p><b>E23.1</b> Development does not emit a gaseous plume into the airport's operational airspace at a velocity exceeding 4.3m per second.</p> <p><b>E23.2</b> Development emitting smoke, dust, ash, steam or a gaseous plume exceeding 4.3m per second is designed and constructed to mitigate adverse impacts of emissions upon operational airspace.</p>
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*Performance Outcome Assessment*

The applicant has engaged with Brisbane Airport Corporation Pty Ltd / Airservices Australia and CASA Aviation Group, in addressing Performance Outcome PO23 and the State Planning Policy interests relating to Strategic airports and aviation facilities.

CASA confirmed in a letter dated 06/09/2019 that based on the information provided, there is no infringement of the Obstacle Limitation Surfaces and CASA considers that there will be an acceptable level of safety.

Therefore, the proposal complies with Performance Outcome PO23.

<p><b>PO58</b> High impact industry activities:</p> <ol style="list-style-type: none"> <li>are located at least 500m from a sensitive land use or sensitive zone;</li> <li>do not compromise the function or viability of existing and future industrial uses in the precinct;</li> <li>do not adversely impact on the amenity, health or safety of adjoining industrial workers or sensitive land uses.</li> </ol>	<p>No example provided.</p>
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*Performance Outcome Assessment*

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Schedule 1 of the MBRC Planning Scheme provides the definition for sensitive zone as:

*Means:*

- a. any residential or accommodation zone in the Queensland Planning Provisions;*
- b. any centres zone in the Queensland Planning Provisions, except where a precinct or overlay is used to make sensitive land uses impact assessable.*

There is no sensitive zoned land within 500m of the site.

Schedule 1 of the MBRC Planning Scheme provides the definition for sensitive land use as:

*Means each of the following defined land uses:*

- a. child care centre*
- b. community care centre*
- c. community residence*
- d. dual occupancy*
- e. dwelling house*
- f. educational establishment*
- g. health care services*
- h. hospital*
- i. multiple dwelling*
- j. nature-based tourism*
- k. relocatable home park*
- l. residential care facility*
- m. resort complex*
- n. retirement facility*
- o. rooming accommodation*
- p. short term accommodation*
- q. tourist park*

A submitter on the development application included the following map noting the existing sensitive uses within 500m of the site:



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<p>In respect to PO58.b., the proposal does not compromise the function or viability of existing and future industrial uses in the precinct.</p> <p>In respect to PO58.c., all health and safety considerations have been addressed in the EA granted 12 February 2020 by the DES who have the ongoing responsibility of ensuring compliance. The amenity impact on surrounding sensitive land uses will be addressed further as part of the assessment of the Overall Outcomes.</p>	
<p><b>PO67</b> The development does not have an adverse impact on the visual amenity of a locality and is:</p> <ul style="list-style-type: none"> <li>a. high quality design and construction;</li> <li>b. visually integrated with the surrounding area;</li> <li>c. not visually dominant or intrusive;</li> <li>d. located behind the main building line;</li> <li>e. below the level of the predominant tree canopy or the level of the surrounding buildings and structures;</li> <li>f. camouflaged through the use of colours and materials which blend into the landscape;</li> <li>g. treated to eliminate glare and reflectivity;</li> <li>h. landscaped;</li> <li>i. otherwise consistent with the amenity and character of the zone</li> </ul>	<p><b>E67.1</b> Development is designed to minimise surrounding land use conflicts by ensuring infrastructure, buildings, structures and other equipment:</p> <ul style="list-style-type: none"> <li>a. are enclosed within buildings or structures;</li> <li>b. are located behind the main building line;</li> <li>c. have a similar height, bulk and scale to the surrounding fabric;</li> <li>d. have horizontal and vertical articulation applied to all exterior walls.</li> </ul> <p><b>E67.2</b> A minimum 3m wide strip of dense planting is provided around the outside of the fenced area, between the development and street frontage, side and rear boundaries.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>Refer to the assessment of Performance Outcome PO2 of the code that includes reference to a visual impact analysis which was submitted as part of the development application.</p> <p>The proposal will not have an adverse impact on the visual amenity of the locality and therefore on balance, the proposal accords with Performance Outcome PO67.</p>	
<p><b>PO86</b> Development minimises potential adverse 'edge effects' on ecological values by:</p> <ul style="list-style-type: none"> <li>a. providing dense planting buffers of native vegetation between a development and environmental areas;</li> <li>b. retaining patches of native vegetation of greatest possible size where located between a development and environmental areas;</li> <li>c. restoring, rehabilitating and increasing the size of existing patches of native vegetation;</li> <li>d. ensuring that buildings and access (public and vehicle) are setback as far</li> </ul>	<p>No example provided.</p>

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<p>as possible from environmental areas and corridors;</p> <p>e. landscaping with native plants of local origin.</p> <p><i>Editor's note - Edge effects are factors of development that go to detrimentally affecting the composition and density of natural populations at the fringe of natural areas. Factors include weed invasion, pets, public and vehicle access, nutrient loads, noise and light pollution, increased fire frequency and changes in the groundwater and surface water flow.</i></p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>On 1 March 2018, Council gave a development permit for the land to be subdivided into numerous lots with associated bulk earthworks to fill the land.</p> <p>Relevantly, retaining walls were approved for approximately 230m on the southern boundary of the site for bulk earthworks purposes and were constructed along the southern boundary of the site in August 2019.</p> <p>In addressing PO86, the existing retaining wall provides a delineation between the development and realigned waterway corridor to the south and therefore limits the possibility of edge effects, as no development is permitted south of the existing retaining wall and the status quo will be maintained.</p>	
<p><b>PO87</b></p> <p>Development avoids adverse microclimate change and does not result in increased urban heat island effects. Adverse urban heat island effects are minimised by:</p> <p>a. pervious surfaces;</p> <p>b. providing deeply planted vegetation buffers and green linkage opportunities;</p> <p>c. landscaping with local native plant species to achieve well-shaded urban places;</p> <p>d. increasing the service extent of the urban forest canopy.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>On 1 March 2018, Council gave a development permit for the land to be subdivided into numerous lots with associated bulk earthworks to fill the land.</p> <p>Relevantly, retaining walls were approved for approximately 230m on the southern boundary of the site for bulk earthworks purposes and were constructed along the southern boundary of the site in August 2019.</p> <p>In addressing PO86, the existing retaining wall provides a delineation between the development and realigned waterway corridor to the south and therefore limits the possibility of edge effects, as no development is permitted south of the existing retaining wall and the status quo will be maintained.</p>	



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<p><b>PO113</b> Development provides and maintains a suitable setback from waterways and wetlands that protects natural and environmental values. This is achieved by recognising and responding to the following matters:</p> <ul style="list-style-type: none"> <li>a. impact on fauna habitats;</li> <li>b. impact on wildlife corridors and connectivity;</li> <li>c. impact on stream integrity;</li> <li>d. impact of opportunities for revegetation and rehabilitation planting;</li> <li>e. edge effects</li> </ul>	<p><b>E113</b> Development does not occur within:</p> <ul style="list-style-type: none"> <li>a. 50m from top of bank for W1 waterway and drainage line</li> <li>b. 30m from top of bank for W2 waterway and drainage line</li> <li>c. 20m from top of bank for W3 waterway and drainage line</li> <li>d. 100m from the edge of a Ramsar wetland, 50m from all other wetlands.</li> </ul> <p>Note - W1, W2 and W3 waterway and drainage lines, and wetlands are mapped on Schedule 2, Section 2.5 Overlay Maps – Riparian and wetland setbacks.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The development does not meet the requirements of Example E113 as a 20m buffer has not been provided from the top of bank for the W3 waterways and drainage line that exists on the site directly south.</p> <p>In addressing Performance Outcome PO113 the development is required to <i>provide and maintain</i> a suitable setback from waterways and wetlands that protects natural and environmental values.</p> <p>Relevantly, retaining walls were approved for approximately 230m on the southern boundary of the site for bulk earthworks purposes and were constructed along the southern boundary of the site in August 2019. Requiring the removal of the retaining wall that has been lawfully established is unnecessary to deliver a 20m wide corridor. The existing retaining wall provides a delineation between the development and environmental areas and maintains the status quo and accordingly, achieves the requirements of Performance Outcome PO113 in this instance.</p>	

3.3.1.3 **Overall Outcome Assessment**

The development proposal does not comply with Performance Outcome PO58 of the Industry Zone Code, General Industry Precinct. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows:

Industry Zone Code, General Industry Precinct		
Overall Outcomes	Complies Y/N	Comments
a. A range of industrial uses and supporting activities are established which are of a scale or intensity where the possibility of adverse impacts on sensitive receptors requires a location sufficiently buffered from incompatible activities.	Y	<p>The proposal allows for a range of industrial uses to be established in the Brendale area and replaces the existing asphalt plant at 81 Kremzow Road, Brendale.</p> <p>The built form is consistent with the expectations of the Enterprise and Employment Place Type, and consistent with the SEQ Regional Plan designation of the area as a Major enterprise and industrial area.</p>

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<p>b. The operation and viability of existing and future industrial activities is protected from the intrusion of incompatible uses.</p>	<p>Y</p>	<p>The proposal does not impede the operation and viability of existing and future industrial activities as the use is not incompatible with the industrial character of the Brendale area.</p>
<p>c. Development is located, designed and managed to:</p> <ul style="list-style-type: none"> <li>i. maintain the health and safety of people;</li> <li>ii. avoid significant adverse effects on the natural environment;</li> <li>iii. minimise the possibility of adverse impacts on surrounding non-industrial uses.</li> </ul>	<p>Y</p>	<p>The health and safety of people, and effect on the natural environment is managed by way of the Environmental Authority granted by DES.</p> <p>The site is bordered on three sides by industry zoned land and on the fourth by land used for the Brendale Sewerage Treatment Plant and therefore minimizes the possibility of adverse impacts.</p> <p>The application was supported by a series of specialist assessments:</p> <ul style="list-style-type: none"> <li>• Stormwater Management;</li> <li>• Air and Noise impacts;</li> <li>• Traffic impacts;</li> <li>• Visual impacts;</li> <li>• Landscaping;</li> <li>• Risk assessment;</li> <li>• Draft Construction and Environmental Management Plans.</li> </ul> <p>These assessments further demonstrated that the development is compatible with adjacent land uses.</p>
<p>d. Development has access to infrastructure and essential services and convenient access to major transport routes</p>	<p>Y</p>	<p>The site is located approximately 70m from the State arterial South Pine Road which connects to Linkfield Road and later the State arterial Gympie Road.</p> <p>The site otherwise has appropriate access to necessary infrastructure including reticulated water, sewer, stormwater, telecommunications, electricity and broadband internet.</p>
<p>e. Development is designed to incorporate sustainable practices where possible, including water sensitive design and energy efficient building design.</p>	<p>Y</p>	<p>Water sensitive design and energy efficient building design have been incorporated into the proposed development commensurate with the industrial nature of the development.</p>
<p>f. The scale, character and built form of development and the resulting streetscape contribute to a high standard of visual and physical amenity and incorporates crime prevention through</p>	<p>Y</p>	<p>The proposal will replace the existing aged Downer EDI's asphalt plant located at 81 Kremzow Road, Brendale and is designed in the pursuit of best practice environmental performance. The height of the structure is a direct result of the design and vertical integration of the proposed plant. In</p>

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<p>environmental design (CPTED) principles.</p>		<p>contrast to conventional asphalt mixing plants, the proposed Asphalt plant design incorporates vertical alignment which optimises the production processes, reduces the overall plant footprint and optimises transportation of product. The height and design of the structure reflects best practice asphalt plant design which allows for ~ 100% recycled RAP to be utilised in the proposed plant.</p> <p>At the request of Council officers, the applicant prepared a visual impact analysis which was submitted as part of the development application. In addition to superimposing the proposed structure onto images of the site as viewed from key visual locations in the surrounding area, the visual impact analysis addressed 5 criteria to demonstrate compliance with this performance outcome, being the existing visual context, distance, built form mass, neutral colour scheme and buffer planting.</p> <p>The proposal has a high-quality design for the unique nature of the proposal, is located in a central location on the site and therefore visually integrated as much as possible with the surrounding area. Moreover, the proposal is not out of character with the surrounding area given the height and number of the Powerlink structures in the Brendale area. The proposal provides ameliorating elements such as buffer planting and a neutral colour scheme and is not expected to produce glare or reflectivity given the use.</p> <p>Crime prevention through environmental design (CPTED) principles have been incorporated into the design of where relevant to avoid safety concerns, including site security. The development is not for general public access.</p>
<p>g. Non-industrial uses occurring in the precinct: i. Do not compromise or constrain the operation or viability of existing or future industrial activities;</p>	<p>NA</p>	<p>Not applicable.</p>

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<ul style="list-style-type: none"> <li>ii. Are subordinate in function and scale to all centres within the region;</li> <li>iii. Do not undermine the viability of existing or future centres or neighbourhood hubs;</li> <li>iv. Are consolidated to minimize adverse impacts on the efficient functioning of industrial activities;</li> <li>v. Provide a convenience service or support roll to industries and employees within the precinct only.</li> </ul>		
<p>h. Low impact industry, Service industry and Warehouse activities:</p> <ul style="list-style-type: none"> <li>i. provide a supporting function to industries in the precinct, or are of a scale and intensity where the off-site impacts of the activity are similar to that of Medium impact industry;</li> <li>ii. are not detrimentally affected by the operations of existing or future industrial activities in the precinct;</li> <li>iii. do not compromise the operations of existing or future industrial activities in the precinct.</li> </ul>	NA	Not applicable.
<p>i. High impact industry activities only establish in the precinct where:</p> <ul style="list-style-type: none"> <li>i. there is a minimum separation distance of 500m from an existing or approved sensitive land use or sensitive zone;</li> <li>ii. it can be demonstrated that the use will operate without adverse</li> </ul>	N	<p>Schedule 1 of the MBRC Planning Scheme provides the definition for sensitive zone as:</p> <p><i>Means:</i></p> <ul style="list-style-type: none"> <li>a. any residential or accommodation zone in the Queensland Planning Provisions;</li> <li>b. any centres zone in the Queensland Planning Provisions, except where a precinct or overlay is used to make sensitive land uses impact assessable.</li> </ul>

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<p>impacts on the surrounding area.</p>		<p>There is no sensitive zoned land within 500m of the site.</p> <p>Schedule 1 of the MBRC Planning Scheme provides the definition for sensitive land use as:</p> <p><i>Means each of the following defined land uses:</i></p> <ul style="list-style-type: none"> <li><i>a. child care centre</i></li> <li><i>b. community care centre</i></li> <li><i>c. community residence</i></li> <li><i>d. dual occupancy</i></li> <li><i>e. dwelling house</i></li> <li><i>f. educational establishment</i></li> <li><i>g. health care services</i></li> <li><i>h. hospital</i></li> <li><i>i. multiple dwelling</i></li> <li><i>j. nature-based tourism</i></li> <li><i>k. relocatable home park</i></li> <li><i>l. residential care facility</i></li> <li><i>m. resort complex</i></li> <li><i>n. retirement facility</i></li> <li><i>o. rooming accommodation</i></li> <li><i>p. short term accommodation</i></li> <li><i>q. tourist park</i></li> </ul> <p>A submitter on the development application included a map noting the existing sensitive uses within 500m of the site.</p> <p>Council officers undertook a desktop verification assessment of each of the sensitive uses mapped as within the 500m buffer and found that there are two dwellings at 80 Leitchs Road, and 14 Davis Lane, Brendale south of the proposal which are classified as a single unit dwelling and rated as such and therefore would be classified as sensitive land uses. Further, there is a chiropractor, pharmacy, occupational therapy, GP, dentist, psychology and physiotherapist fitting the definition of health care services and located within 500m of the proposal. There is also a music school which is likely to fall within the definition of educational establishment and is located within 500m of the proposal.</p> <p>The proposal therefore does not satisfy the requirements of Overall Outcome i.i..</p>
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j. Special industry does not establish within the precinct.	Y	The proposal is not for special industry.
k. Stand alone Offices do not establish within the precinct;	Y	No stand-alone offices are proposed.
l. Sensitive land uses, including all forms of residential development, do not occur within the precinct.	Y	No sensitive land uses are proposed.
<p>m. General works associated with the development achieves the following:</p> <ul style="list-style-type: none"> <li>i. new development is provided with a high standard of services to meet and support the current and future needs of users of the site, including roads, street lighting services, telecommunications and reticulated electricity (underground wherever possible), water and sewerage (where available);</li> <li>ii. the development manages stormwater to: <ul style="list-style-type: none"> <li>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</li> <li>B. prevent stormwater contamination and the release of pollutants;</li> <li>C. maintain or improve the structure and condition of drainage lines and riparian areas;</li> <li>D. avoid off-site adverse impacts from stormwater.</li> </ul> </li> <li>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</li> <li>iv. the development ensures the safety, efficiency and</li> </ul>	Y	<p>The proposed development provides a high standard of services to meet and support the current and future needs of users of the site.</p> <p>The applicant has provided a Stormwater Management Plan addressing site water management.</p> <p>The applicant has provided a Traffic Impact Assessment confirming that the proposed development will maintain the capacity and safety of the external road network and that the development will ensure safety, efficiency and usability of the proposed accessways and parking areas.</p> <p>The applicant has provided a Draft Construction Environmental Management Plan demonstrating the proposal will have minimal impacts on adjoining or adjacent premises, the streetscape, or environment.</p>

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<p>useability of access ways and parking areas;</p> <p>v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</p>		
<p>n. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, dust, electromagnetic interference, odour, particles or smoke</p>	<p>Y</p>	<p>The key air emission sources for the site include the asphalt plant exhaust stack. Air dispersion modelling of the key air emission sources has been undertaken by the applicant. The modelling has taken into account worst-case daily throughputs and 24/7 operations. With respect to odour, the modelling assumes that odour emissions from the process stack and truck loading are occurring over a period two times the expected amount and the modelling also accounts for background odour from the nearby CSR Bradford operations. The results of the modelling show predicted compliance with the relevant ambient air quality goals defined in the Environmental Protection (Air) Policy 2019 for all modelled pollutants and at all nearby sensitive receptors.</p> <p>On 12 February 2020, the DES issued an environmental authority (EA0002154) to the applicant. Relevant conditions of the EA are:</p> <ol style="list-style-type: none"> <li>1. Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.</li> <li>2. The release of noxious or offensive odour(s) or any other noxious or offensive airborne contaminant(s) resulting from the activity must not cause any environmental nuisance at any nuisance sensitive place or commercial place.</li> </ol>
<p>o. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.</p>	<p>Y</p>	<p>Noise from the proposed development is made up primarily of the continuous processing plant. Other noise sources including operation of front end loaders and trucks accessing the site. Noise modelling has been undertaken by the applicant to determine a mitigation scenario compliant with the criteria outlined in the Environmental Protection (Noise) Policy 2019 and</p>

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		<p>Moreton Bay Regional Council Planning Scheme. This in turn resulted in the operating hours for each component of the proposal which has formed a condition of approval.</p> <p>On 12 February 2020, the DES issued an environmental authority (EA0002154) to the applicant. Relevant conditions of the EA are:</p> <ol style="list-style-type: none"> <li>1. Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.</li> <li>2. The release of noxious or offensive odour(s) or any other noxious or offensive airborne contaminant(s) resulting from the activity must not cause any environmental nuisance at any nuisance sensitive place or commercial place.</li> </ol>
<p>p. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.</p>	<p>NA</p>	<p>Not applicable.</p>
<p>q. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <ol style="list-style-type: none"> <li>i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;</li> <li>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</li> <li>iii. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality</li> </ol>	<p>Y</p>	<p>The development avoids areas subject to constraint, limitation, or environmental value. Relevantly, on 1 March 2018, approval was granted under a superseded planning scheme for Reconfiguring a Lot - Development Permit for Subdivision (1 into 16 lots under Community Titles Scheme) and Operational Work - Development Permit for Bulk Earthworks (DA/34198/2017/V34N). This superseded planning scheme approval permitted bulk earthworks which alleviated the primary constraint on site, being flooding and overland flow.</p>



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<p>Management in Drinking Water Catchments 2012.</p> <p>iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:</p> <p>A. the provision of replacement, restoration, rehabilitation planting and landscaping;</p> <p>B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</p> <p>C. the requiring of environmental offsets in accordance with the <i>Environmental Offsets Act 2014</i>.</p> <p>v. protecting native species and protecting and enhancing species habitat;</p> <p>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</p> <p>vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities;</p>		
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<ul style="list-style-type: none"> <li>viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</li> <li>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</li> <li>x. ensuring effective and efficient disaster management response and recovery capabilities;</li> <li>xi. where located in an overland flow path:             <ul style="list-style-type: none"> <li>A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety;</li> <li>B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;</li> <li>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</li> <li>D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</li> </ul> </li> </ul>		
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r. Development in the General industry precinct includes one or more of the uses listed.	Y	The proposal is policy neutral.
s. Development in the General industry precinct does not include any of the uses listed.	Y	The proposal is policy neutral.
t. Development not listed above may be considered on its merits and where it reflects and supports the outcomes of the precinct	Y	Complies.

Based on the assessment above, the proposal is inconsistent with Overall Outcome i.i. of the code based simply on a nominated separation distance between uses. However, all of the Overall Outcomes combined need to be considered holistically as representing the purpose of the code and failing on a single prescriptive aspect does not of itself mean that the proposal is inconsistent with the purpose of the code. Contrarily, on balance, looking at all of the overall outcomes combined, giving consideration to the nature of the single non-compliance in combination with the state government ERA approval, the proposal is consistent with the purpose of the Code. However, to confirm this, in accordance with section 1.7.2 of the MBRC Planning Scheme, an assessment against the Strategic Framework is set out in section 3.3.1.4 of this report.

**3.3.1.4 Strategic Framework**

The Strategic Framework is an Assessment Benchmark for Impact Assessable development applications. The applicable Strategic Outcomes under the Themes for the planning scheme are as follows:

- Sustainability and Resilience
- Natural Environment and Landscape
- Strong Communities
- Settlement Pattern and Urban Form
- Employment Location
- Rural Futures
- Natural Resources
- Integrated Transport
- Infrastructure
- Water Management
- Planning Areas
- MBRC Place Model

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

The Strategic Framework is based on a 20-year planning horizon and is based on Council's analysis of the issues and opportunities facing the region including State interests, the application of the South East Queensland Regional Plan 2009-2031 (SEQ Regional Plan 2009) provisions to the Region, and Council's strategic direction for the future. Although each theme has its own section, the strategic framework is to be read in its entirety as the policy direction for the planning scheme. The vision for the Region is expressed through a series of twelve themes in the Strategic Framework based on the desired regional outcomes in the SEQ Regional Plan.

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Section 13.4 of the Strategic Framework, specific to the Place Type Model states;

*It is intended where applications are made for impact assessment Council will use this section to assess such applications.*

The Site is located within the Enterprise and Employment Place Type of the MBRC Planning Scheme and an assessment against section 13.4 is set out below.

Strategic Outcome	Comply	Assessment
<b>Theme - MBRC Place Model</b>		
<b>Element - Enterprise and employment areas place type</b>		
<p><b>Specific Outcomes - Sustainability and resilience</b></p> <ol style="list-style-type: none"> <li>1. Industry and related businesses are conducted without adverse impacts on adjacent areas;</li> <li>2. Development does not cause environmental harm or nuisance;</li> <li>3. Development is oriented and designed in response to local climate conditions to conserve non-renewable energy and incorporate the use of appropriate renewable energy and low emission technologies; and</li> <li>4. New development is designed to avoid exposure to flood and storm tide inundation events and coastal erosion.</li> </ol>	<p><b>Yes</b></p>	<p>Noise from the proposed development is made up primarily of the continuous processing plant. Other noise sources include operation of front end loaders and trucks accessing the site. Noise modelling has been undertaken by the applicant to determine a mitigation scenario compliant with the criteria outlined in the Environmental Protection (Noise) Policy 2019 and Moreton Bay Regional Council Planning Scheme. This in turn resulted in the operating hours for each component of the proposal which has formed a condition of approval.</p> <p>The key air emission sources for the site include the asphalt plant exhaust stack. Air dispersion modelling of the key air emission sources has been undertaken by the applicant. The modelling has taken into account worst-case daily throughputs and 24/7 operations. With respect to odour, the modelling assumes that odour emissions from the process stack and truck loading are occurring over a period two times the expected amount and the modelling also accounts for background odour from the nearby CSR Bradford operations. The results of the modelling show predicted compliance with the relevant ambient air quality goals defined in the Environmental Protection (Air) Policy 2019 for all modelled pollutants and at all nearby sensitive receptors.</p> <p>On 12 February 2020, the DES issued an environmental authority</p>

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Strategic Outcome	Comply	Assessment
		<p>(EA0002154) to the applicant. Relevant conditions of the EA are:</p> <ol style="list-style-type: none"> <li>1. Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.</li> <li>2. The release of noxious or offensive odour(s) or any other noxious or offensive airborne contaminant(s) resulting from the activity must not cause any environmental nuisance at any nuisance sensitive place or commercial place.</li> </ol> <p>The development avoids areas subject to constraint, limitation, or environmental value. Relevantly, on 1 March 2018, approval was granted under a superseded planning scheme for Reconfiguring a Lot - Development Permit for Subdivision (1 into 16 lots under Community Titles Scheme) and Operational Work - Development Permit for Bulk Earthworks (DA/34198/2017/V34N). This superseded planning scheme approval permitted bulk earthworks which alleviated the primary environmental constraint on site, being flooding and overland flow.</p>
<p><b>Specific Outcomes - Natural environment and landscape</b></p> <ol style="list-style-type: none"> <li>1. A network of green areas focusing on urban design outcomes, with consideration of ecological function, provides trees for shade and visual amenity and ground covers that help manage stormwater;</li> <li>2. The retention of high value vegetation is integrated into the design of development to complement and enhance the visual amenity, character and function of the built form and maintain important ecosystem services; and</li> <li>3. High value vegetation is protected in identified environmental corridors and where possible integrated into the design of development to complement and enhance visual amenity, character, shade and assist in stormwater management</li> </ol>	<p><b>Yes</b></p>	<p>The proposal is for an industrial use in an industrial area. The site is materially clear of vegetation, has no major environmental concerns and previous approvals on site have permitted bulk earthworks which in turn have alleviated all flooding and overland flow concerns.</p> <p>The site is primed for development.</p>

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Strategic Outcome	Comply	Assessment
<p><b>Specific Outcomes - Strong communities</b></p> <p>1. All development will contribute to the creation of a socially, visually and physically amenable work environment</p>	<p>Yes</p>	<p>The development will contribute to the social fabric of the greater Brendale area as it will stimulate jobs and activity in the area - this statement is manifested in the 12 submissions in support of the proposal from local businesses stating:</p> <ul style="list-style-type: none"> <li>• <i>The applicant will invest in world leading technology to provide a much needed uplift to industrial recycling within our region;</i></li> <li>• <i>The new plant will divert numerous waste products away from landfill, to be re-purposed as construction materials</i></li> <li>• <i>The plant will ensure the ongoing availability of high quality asphalt and other construction materials to support our growing region.</i></li> <li>• <i>The plant will ensure the ongoing availability of high quality asphalt and other construction materials to support our growing region. If our</i></li> <li>• <i>construction material sources are located far away from projects, the haulage costs dramatically increase the cost of supply.</i></li> <li>• <i>Downer has successfully operated from Kremzow Road for many years and this plant will upgrade and modernise the technology, allowing this plant to close.</i></li> <li>• <i>With the intended closure of Downer's Kremzow Road plant, this proposal will secure local jobs that families rely on.</i></li> </ul>
<p><b>Specific Outcomes - Settlement pattern and urban form</b></p> <p>1. This place type is an integral element of the urban structure of the Region and key areas for the creation of higher levels of local enterprise employment;</p> <p>2. The place type is primarily intended for manufacturing, engineering, transport, logistics and warehouse activities and related business activity;</p> <p>3. New Enterprise and employment activities recognise adjacent sensitive land uses and buffer the</p>	<p>Yes</p>	<p>The proposal will create employment and is for an industrial purpose in an industrial zone and therefore suited in the Enterprise and employment area place type.</p> <p>As previously noted in the assessment of Performance Outcome PO58 and Overall Outcome i.i, the proposal is within 500m of sensitive land uses, being:</p> <ul style="list-style-type: none"> <li>• two dwellings at 80 Leitchs Road, and 14 Davis Lane, Brendale;</li> <li>• a chiropractor;</li> </ul>

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Strategic Outcome	Comply	Assessment
<p>enterprise and employment activities appropriately; and</p> <p>4. Enterprise and employment areas in visually prominent locations on the major road network will present well designed facades and a high standard of landscaping to the major roads.</p>		<ul style="list-style-type: none"> <li>• a music school, GP, dentist, psychology and physiotherapist; and</li> <li>• a pharmacy and occupational therapist.</li> </ul> <p>Whilst the proposal did not satisfy the requirements of PO2, nor Overall Outcome i.i., the proposal in this instance assessed against the strategic framework is required to <i>recognise adjacent sensitive land uses and buffer the enterprise and employment activities appropriately.</i></p> <p>Each of the identified sensitive land uses will be assessed individually and a determination made as to whether or not they are <i>appropriately</i> buffered.</p> <p>The two dwellings at 80 Leitchs Road, and 14 Davis Lane, Brendale south of the proposal are located 530m and 637m respectively from the location of the primary source of air emissions, being the asphalt plant exhaust stack. Accordingly, the dwellings at 80 Leitchs Road, and 14 Davis Lane, Brendale are considered appropriately buffered from the proposal.</p> <p>With respect to the non residential uses being;</p> <ul style="list-style-type: none"> <li>• The chiropractor located approximately 300m from the asphalt plant exhaust stack on the adjacent side of South Pine Road;</li> <li>• The music school, GP, dentist, psychology and physiotherapist located approximately 300m from asphalt plant exhaust stack on the adjacent side of Leitchs Road;</li> <li>• The pharmacy and occupational therapy located approximately 450m from the asphalt plant exhaust stack;</li> </ul> <p>They are all operating in an existing industrial area with an industrial amenity providing services</p>

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Strategic Outcome	Comply	Assessment
		<p>fundamentally to workers in the Brendale Industrial area or by their nature (noise from music school) are located in this area to avoid conflicts with other land uses. Each is operating in individual premises in proximity to other industrial land uses and the approvals given by DES ensure that the proposal will not have adverse impacts.</p> <p>Moreover, relevant conditions of the EA are:</p> <ol style="list-style-type: none"> <li>1. Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.</li> <li>2. The release of noxious or offensive odour(s) or any other noxious or offensive airborne contaminant(s) resulting from the activity must not cause any environmental nuisance at any nuisance sensitive place or commercial place.</li> </ol>
<p><b>Specific Outcomes - Employment location</b></p> <ol style="list-style-type: none"> <li>1. Enterprise and employment areas provide highly accessible locations for the co-location of existing and new industries and related businesses that manufacture, store, distribute and produce goods and services; and</li> <li>2. Enterprise and employment areas support higher levels of local employment in the Region and complement the Activity centres.</li> </ol>	<p><b>Yes</b></p>	<p>The development provides an opportunity to maintain long term economic supply of asphalt and recycled products to the region and surrounding areas, as well as providing for the flow on economic activity to businesses locally and regionally.</p> <p>The location is highly accessible to the transport network and incorporates co-location of industrial and infrastructure uses which have a high level of compatibility and synergies and providing a high level of local employment.</p>
<p><b>Specific Outcomes - Integrated transport</b></p> <ol style="list-style-type: none"> <li>1. Enterprise and employment areas accommodate business and industry activities that require a high level of accessibility to the regional freight network;</li> <li>2. The transport systems in the Enterprise and employment areas provide a high level of integration between the needs of industry and business;</li> <li>3. The safe and efficient operation of the transport systems are maintained</li> </ol>	<p><b>Yes</b></p>	<p>The location is highly accessible to the transport network. The site is located approximately 70m from the State arterial South Pine Road which connects to Linkfield Road and later the State arterial Gympie Road. The site is located approximately 2km (as the crow flies) from the Strathpine train station.</p> <p>The development provides an opportunity to maintain long term economic supply of asphalt and recycled products to the region and surrounding areas, as well as providing</p>



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Strategic Outcome	Comply	Assessment
<p>and improved in Enterprise and employment areas;</p> <p>4. Safe legible and convenient walking and cycling facilities are provided and public transport is facilitated from the dominant workforce and customer catchments to and through Enterprise and employment areas; and</p> <p>5. Public transport feeder services support the Enterprise and employment place type and connect Enterprise and employment areas with adjacent neighbourhoods and transport hubs.</p>		<p>for the flow on economic activity to businesses locally and regionally.</p>
<p><b>Specific Outcomes - Infrastructure</b></p> <p>1. The Enterprise and employment areas have the level of service of Infrastructure provision necessary to support growth and adaptation to change over time; and</p> <p>2. Enterprise and employment areas have access to electricity, telecommunications and high speed broadband to support their important economic function within the Region.</p>	Yes	<p>The proposed operation will not compromise the stability, safety or operation of infrastructure. The site is well serviced with the necessary infrastructure, with sufficient capacity necessary to support the development.</p>
<p><b>Specific Outcomes - Water management</b></p> <p>1. Enterprise and employment areas are provided with adequate water, sewerage and stormwater drainage capacity; and</p> <p>2. Water sensitive urban design measures are incorporated into development to protect and enhance the water quality in the Region's waterways and drinking water catchments.</p>	Yes	<p>Adequate water, sewerage and stormwater drainage capacity is available to the site as demonstrated in the Stormwater Management Plan.</p>

3.4 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance with the Council's Charges Resolution No. 8 that commenced on 14 August 2018 (CR).

3.4.1 Levied Charge

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal and has been calculated as shown in the Infrastructure Charges Notice attached to this report taking into consideration any applicable credits or offsets.

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3.4.2 Levied Charge Credit

For the purposes of charging, it has been calculated based on only Stage 1 of the related approval (Council reference: DA/34198/2017/VCHG/2) being carried out to create the site the use will operate on.

In accordance with section 14 of the CR, a credit exists for the development based on the credit being the greater of the following amounts:

(a) Payment of previous charges or contributions

There is no record of a previous charge or contribution having been made in relation to the land in accordance with section 14 of the CR. Accordingly, the credit available under this option is \$0.00.

(b) Lawful use of land

There is no current existing lawful use of the land or record of a previous lawful use of the land that is no longer taking place. Accordingly, the credit available under this option is \$0.00.

(c) Other development able to occur without a development permit

There is no other development able to be lawfully carried out without a development permit (including a development permit for Building Works). Accordingly, the credit available under this option is \$0.00.

(d) The adopted charge for a residential lot (applied equally to non-residential development)

The credit available under this option is \$17,603.73 based on the proportional split stated in Table 3 of the CR. This adopted charge rate is the prescribed amount in Schedule 16 of the *Planning Regulation 2017* as at 11 August 2017. This rate will be automatically indexed in accordance with section 112 of the Act.

This credit is only applicable should Stage 1 of the related approval (Council reference: DA/34198/2017/VCHG/2) be carried out. Should Stage 2 and or 3 of the related approval be carried out, the credit will change.

3.4.3 Levied Charge Offset or Refund

The site is not affected by a Trunk Infrastructure requirement and therefore there is no offset or refund applicable to the development proposal.

3.4.4 Additional Trunk Infrastructure Costs

In accordance with section 130 of the Planning Act 2016, an additional payment condition may be imposed if the proposed development:

- (a) generates infrastructure demand of more than what is required to service the type or scale of future development assumed in the LGIP; or
- (b) requires new trunk infrastructure earlier than when identified in the LGIP; or
- (c) is for premises located completely or partly outside the Priority Infrastructure Area.

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The development will impose additional trunk infrastructure costs on Council after taking into account the levied charge and any trunk infrastructure provided, or to be provided by the development.

In this instance, having assessed the proposed development, it does not warrant the imposition of an additional payment condition.

3.5 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

3.6 Referrals

3.6.1 *Council Referrals*

**3.6.1.1 Development Engineering**

**Traffic, Access & Parking**

Pavement at the frontage and adjacent to the proposed site access requires an assessment to determine the capacity of the road to serve the proposed number of fully loaded turning movements of heavy vehicles to/from the site. It is a recommendation of this report that the Leitchs Road pavement fronting the site entrance be assessed to determine the impact of the heavy vehicle turning movements and to determine any necessary treatment of the pavement to meet the demands of the development prior to commencement of the use. A condition is recommended requiring the assessment, determination of pavement treatment and undertaking of the pavement rehabilitation to provide for the impacts of the development by a suitably qualified person (RPEQ).

The overall length of the existing pavement widening is marginally shorter by 10m than the standard BAR length as required by Austroad Standards. However, it has negligible impacts on the safe traffic operation as most of the heavy vehicles will generally operate out of peak hours.

**Stormwater / Flooding**

The submitted Stormwater Management Plan Report by MRG Water Consulting Pty Ltd generally demonstrates that stormwater to / from the site will be managed onsite including stormwater quality criteria as per MBRC and QUDM requirements. It is a recommendation of this report that the stormwater management report as submitted is approved.

**3.6.1.2 Environmental Health**

It is acknowledged that the development application includes three environmentally relevant activities (ERA) where ERA 6 is normally administered by local government. However, because the application for ERA 6 is in conjunction with ERA 54, the state Department of Environment and Science (DES) become the administering authority for all of the ERAs. Therefore, DES will assess environmental matters such as air quality, noise, hazardous chemicals and waste and provide conditions regarding these matters. There are no environmental health information request comments for the application.

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### **3.6.1.3 Environmental Planning**

#### *Environmental Areas Overlay and Riparian and Wetland Setbacks*

The subject site is mapped as containing a W3 waterway and associated 20m buffer and Riparian Setback back under the Environmental Areas Overlay and Riparian and Wetland Setback Overlay.

It is noted that the mapping is incorrect and that the location of the waterway in the east of the site, has been modified before the development application. It is also noted that the primary function of the waterway is a drainage feature and has no apparent riparian features.

Although, the remaining drainage feature onsite have been modified and relocated overtime, the drainage feature still meets the definition of a waterway provided under the MBRC Planning scheme. Furthermore, the drainage feature has connectivity to mapped waterways upstream and downstream of the site and has theoretically the potential for riparian vegetation to be rehabilitated and enhanced as required under the Performance Outcomes of the Planning Scheme.

If the Council were to insist on trying to seek that outcome without consideration of the existing approvals on the land, to achieve a literal compliance with Performance Outcomes PO86, PO87, PO113 and Overall Outcome q. of the Zone Code it could be conditioned that the MLES waterway buffer and the riparian zone of the existing drainage feature be rehabilitated and enhanced (i.e. provide a vegetated buffer 20m either side of top of bank) through appropriate Landscaping Buffers of native vegetation. This would necessitate amending the site plans and layout of the development to include an extended landscape buffer where the riparian zone of the drainage feature to the south of the subject site is included on the development site (i.e. proposed 3m buffer increased to 10m).

#### *Heritage and Landscape Character Overlay*

The whole site is affected by the Heritage and Landscape Character Overlay Map – Landscape heritage area, owing to the site previously containing two local heritage listed trees, formerly located in the north eastern corner of the site and outside of the area proposed for the Asphalt plant, RAP Processing Plant and Reconomy (Detritus) Facility.

On 13 November 2008, approval was granted to apply the superseded planning scheme (Transitional Planning Scheme for the Shire of Pine Rivers) for the removal of the two trees that were mapped under this overlay. These local heritage trees have since then been removed, albeit that the current planning scheme overlay has not been updated accordingly. The current overlay therefore should no longer apply to the site, given the local heritage aspect no longer exists on site.

No additional assessment was required, owing the previous removal of said trees.

#### *Development in koala habitat area*

The site is wholly located within the Priority Koala Assessable Development Area and is mapped as containing Low Value Rehabilitation Habitat. As the proposed development is not proposing to clear any vegetation on site, Environmental Planning is satisfied the proposed development meets the requirements under Schedule 11, Part 2, Section 6 of the *Planning Regulation 2017*.

#### *MSES under the SPP*

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The subject site is mapped under the State Planning Policy - Interactive Mapping as containing a MSES regulated vegetation (defined watercourse). The mapped waterway under the SPP is understood to have been diverted around 2007-2009, prior to consideration and approval of the existing (separate) development permit for the Reconfiguration and Operational Works (DA/34198/2017) under which earthworks are currently being constructed on the site.

Note: Council confirmed (23/10/19) that the mapped waterway on the site was diverted by others – with that diversion of the waterway occurring between 2007 and 2009.

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***Town Planning response to Environmental Planning comments***

*The Environmental Planning comments with respect to the Environmental Areas Overlay and Riparian and Wetland Setbacks are acknowledged, however it is necessary to consider the proposal in a broader context, particularly in relation to the existing approval on site.*

*The Environmental Planning comments provide that in order:*

*“... to achieve a literal compliance with Performance Outcomes PO86, PO87, PO113 and Overall Outcome q. of the Zone Code it could be conditioned that the MLES waterway buffer and the riparian zone of the existing drainage feature be rehabilitated and enhanced (i.e. provide a vegetated buffer 20m either side of top of bank) through appropriate Landscaping Buffers of native vegetation.”*

*Town Planning has undertaken an assessment of each of the abovementioned Performance Outcomes in section 6.1.2 of this report and given the presence of a retaining wall along the southern boundary of the site that has been lawfully established; it is unnecessary and unreasonable to require a literal compliance with the Performance Outcomes of requiring the relocation of the retaining wall to recreate an environmental corridor.*

*For these reasons, the demolition of the existing, approved retaining wall on the southern boundary to facilitate an additional 10m buffer is not supported by Town Planning and has not been included into the recommended conditions of approval.*

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3.6.2 Referral Agencies

**3.6.2.1 Concurrence Agencies - Department of Infrastructure, Local Government and Planning**

The Department is a Concurrence agency for:

- Schedule 10, part 5, division 4, table 2, item 1 (Planning Regulation 2017)
- Development application for a material change of use for non devolved environmentally relevant activity
- Schedule 10, part 9, division 4, subdivision 1, table 1, item 1 (Planning Regulation 2017)
- Development application for a material change of use for special industry identified in schedule 20 of the Planning Regulation 2017
- Schedule 10, part 9, division 4, subdivision 2, table 4, item 1 (Planning Regulation 2017)
- Development application for a material change of use within 100m of a state-controlled road

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The Department responded by letter, dated 14 February 2020 stating that there is no objection to the development application being approved, subject to Referral Agency conditions being included in the Development Approval.

The recommended conditions have been included as Referral Agency conditions in the Decision package.

**3.6.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**3.6.2.3 Third Party Agencies**

There were no Third Party Agencies involved in assessing this application.

**3.7 Public Consultation**

**3.7.1 Public Notification Requirements under the Development Assessment Rules**

- (g) Public Notification was served on all adjoining landowners on 23 January 2020.
- (h) The development application was advertised in the Pine Rivers Press on 23 January 2020.
- (i) A notice in the prescribed form was posted on the relevant land on 23 January 2020 and maintained for a period of 15 business days until 19 February 2020

**3.7.2 Submissions Received**

Council received the following types of submissions in respect to this development application.

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax	0	18
	Petition	0	0
Not Properly Made	Letter, Email, Fax	0	6
	Petition	0	0
<b>Total</b>		<b>0</b>	<b>24</b>

The matters raised within the submission(s) are outlined below and included as an attachment to this report:

<b>Submissions in support</b>
<p>There were 12 properly made submissions in support of the proposal, 11 of which were proforma:</p> <p><i>The applicant is proposing to invest in world leading technology to provide a much-needed uplift to industrial recycling within our region.</i></p> <p><i>The new plant will divert numerous waste products away from landfill, to be re-purposed as construction materials.</i></p> <p><i>The plant will ensure the ongoing availability of high-quality asphalt and other construction materials to support our growing region.</i></p> <p><i>These materials need to be sourced locally to ensure construction remain affordable. If our</i></p>

ITEM 4.4 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HIGH IMPACT INDUSTRY, UTILITY INSTALLATION AND ENVIRONMENTALLY RELEVANT ACTIVITIES (ERA6 & ERA54), LOT 15 LEITCHS ROAD, BRENDALE - A19948906 (Cont.)

<b>Submissions in support</b>
<p><i>construction material sources are located far away from projects, the haulage costs dramatically increase the cost of supply.</i></p> <p><i>Downer has successfully operated from Kremzow Road for many years and this plant will upgrade and modernise the technology, allowing this plant to close.</i></p> <p><i>With the intended closure of Downer's Kremzow Road plant, this proposal will secure local jobs that families rely on.</i></p> <p><i>The project is proposed on land that is zoned industrial which is appropriate for this use.</i></p> <p><i>Please register this submission as support for Downer's development application.</i></p> <p>The remaining submission in support was:</p> <p><i>I support Downer's application to establish a new Asphalt production facility at Brendale.</i></p> <p><i>The new generation plant will apply the latest technology and reduce waste which burdens our landfill.</i></p> <p><i>The production processes make good use of waste materials to create new asphalt, including road profiling materials from old roads when they are milled and replaced.</i></p> <p><i>The plant is proposed within an industrial estate near a wastewater treatment plant, so there are no impacts on the community. There are also many mitigations proposed within the development application to help ensure there is minimal nuisance to local businesses. Government regulations will also ensure the plant is run to high environmental standards.</i></p> <p><i>The production will generate local onsite jobs producing employment certainty for workers and associated ancillary service contractors who are currently engaged on the Downer site at Kremzow Road, Strathpine.</i></p>
<b>Submissions in opposition</b>
<b>Issue 1 - Inappropriate Use / Environmentally Relevant Activity</b>
<p>A common thread of the submissions lodged in opposition to the proposal was that the location is not appropriate for the proposed use. The submissions specify that the site is located within proximity of sporting fields and associated clubs, residential areas, golf course, schools, child care centres and the Eatons Hill Hotel and shopping precinct and that the perceived pollutants (noise, smell and light) from the proposal will influence the existing uses negatively.</p> <p>As required by the <i>Planning Act 2016</i>, the application was referred to the State Assessment and Referral Agency (<b>SARA</b>) as the assessing authority responsible for assessing the prescribed Environmentally Relevant Activity (<b>ERA</b>) component of the development application, specifically:</p> <ul style="list-style-type: none"> <li>• ERA 6 Asphalt manufacturing: Manufacturing more than 1,000t of asphalt in a year;</li> <li>• ERA 54(2) Mechanical waste reprocessing: Operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of general waste- (c) more than 10,000t; and</li> <li>• ERA 54(3) Mechanical waste reprocessing: Operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of category 2 regulated waste- (c) more than 10,000t.</li> </ul>

ITEM 4.4 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HIGH IMPACT INDUSTRY, UTILITY INSTALLATION AND ENVIRONMENTALLY RELEVANT ACTIVITIES (ERA6 & ERA54), LOT 15 LEITCHS ROAD, BRENDALE - A19948906 (Cont.)

<p><b>Submissions in opposition</b></p>
<p>The proposal also required an approval for an environmental authority from the Department of Environment and Sciences (<b>DES</b>) under section 115 of the <i>Environmental Protection Act 1994</i>. These referrals and assessments of any potential environmental impacts were administered by DES who have the ongoing responsibility of ensuring compliance.</p> <p>On 12 February 2020, the DES gave an environmental authority (EA0002154) to the applicant that approved the use in the location under the <i>Environmental Protection Act 1994</i>.</p> <p>In the context of land use planning, the SARA advised MBRC on 14 February 2020 that under the <i>Planning Act 2016</i> it had no objection to the application subject to the application of conditions to any approval given.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue 2 - Increased Truck Activity</b></p>
<p>A submission raised concerns regarding a perceived increase in truck activity to South Pine Road / Leitchs Road and that Leitchs Road is not designed to be a heavy vehicle route.</p> <p>South Pine Road is a State controlled road and therefore the SARA has imposed a condition that there are to be no B-double vehicles exiting from the site travelling east or west on South Pine Road, and no Truck and Dog vehicles exiting from the site travelling east on South Pine Road.</p> <p>In respect to Leitchs Road, Council engineers do not have any significant concerns and have confirmed the road can accommodate the additional truck movements.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue 3 - Insufficient Public Notification in accordance with the <i>Planning Act 2016</i></b></p>
<p>A submission also questioned the public notification procedures undertaken by the applicant under the <i>Planning Act 2016</i>.</p> <p>On 24 January 2020, the applicant commenced public notification in accordance with section 17.2 of the Development Assessment Rules. The public notification ran for a period of 16 business days till 18 February 2020. During the public notification period, MBRC received 18 properly made submissions, of which 13 were in support of the application and 5 against. Post the conclusion of the public notification period, Council received an additional 6 not properly made submissions against the proposal.</p> <p>The submission referenced the Albany Creek Cricket Club (ACCC) specifically as an organisation that was not individually notified of the development application and in the submitters view, should have been.</p> <p>Section 17.1(a) of the Development Assessment Rules states that the applicant must give notice to the adjoining owners of all lots adjoining the premises subject of the application. The ACCC is not an adjoining owner and therefore was not consulted directly.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue 4 - Insufficient Public Notification in accordance with the <i>Environmental Protection Act 1994</i></b></p>



ITEM 4.4 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HIGH IMPACT INDUSTRY, UTILITY INSTALLATION AND ENVIRONMENTALLY RELEVANT ACTIVITIES (ERA6 & ERA54), LOT 15 LEITCHS ROAD, BRENDALE - A19948906 (Cont.)

<b>Submissions in opposition</b>
<p>A submission also questioned the public notification procedures undertaken by the applicant under the <i>Environmental Planning Act 1994</i>. Specifically, the submitter made reference to Section 6 of the <i>Environmental Protection Act 1994</i> being community involvement in administration of the <i>Environmental Protection Act 1994</i>.</p> <p>Section 6 of the <i>Environmental Protection Act 1994</i> states:</p> <p><i>This Act is to be administered, as far as practicable, in consultation with, and having regard to the views and interests of, industry, Aborigines and Torres Strait Islanders under Aboriginal tradition and Island custom, interested groups and persons and the community generally.</i></p> <p>Council is not the administering authority of the <i>Environmental Planning Act 1994</i>.</p> <p>Further, the proposal is for a prescribed ERA (as defined under section 19 of the <i>Environmental Protection Act 1994</i>). No public notification is required under the <i>Environmental Planning Act 1994</i> in this instance, with the public notification requirements limited to those determined under the <i>Planning Act 2016</i> and Development Assessment Rules.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<b>Issue 5 - Hours of Operation</b>
<p>A submitter concern was also that the Asphalt Plant / Bitumen Operating Plant will be operating 24 hours a day, 7 days a week.</p> <p>There are 3 components of the development - an Asphalt Plant, a Reconomy Plant and a RAP processing plant dealing with different parts of the process. While some components of the development may operate 24 hours a day, 7 days a week - not all components will.</p> <p>The Asphalt Plant will operate 24 hours per day, 7 days a week; however, it will only operate between 10pm and 7am if the Reconomy Plant is not in operation at the same time.</p> <p>The Reconomy (Detritus) Plant will operate between the hours of 7.00am and 10.00pm for 7 days per week, however it may also operate nights between 10.00pm and 7.00am (Monday 10pm to Saturday 7am), if the Asphalt Plant is not in operation at the same time.</p> <p>The RAP processing plant will only operate between the hours of 7.00am and 6.00pm, 7 days per week however operations on Saturday and Sunday will only occur if there is a 4m high stockpile provided to the south and east of the RAP plant.</p> <p>The site is within the Industry Zone - General Industry Precinct of the MBRC Planning Scheme. There are a number of provisions within Industry Zone Code - General Industry Precinct which provide qualifications regarding hours of operation. The proposal is compliant with the relevant provisions of the Industry Zone Code - General Industry Precinct and is further administered by a Construction Environmental Management Plan.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<b>Issue 6 - Inconsistent with the MBRC Planning Scheme</b>
<p>A submitter quoted Overall Outcome i.i. of Section 6.2.7.3.1 of the MBRC Planning Scheme, being the Industrial zone - General industry precinct:</p>

ITEM 4.4 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HIGH IMPACT INDUSTRY, UTILITY INSTALLATION AND ENVIRONMENTALLY RELEVANT ACTIVITIES (ERA6 & ERA54), LOT 15 LEITCHS ROAD, BRENDALE - A19948906 (Cont.)

**Submissions in opposition**

- i. High impact industry activities only establish in the precinct where:
 
  - i. there is a minimum separation distance of 500m from an existing or approved sensitive land use or sensitive zone;**

This matter is discussed in sections 6.1.3 and 6.2 of this report, where on balance Council officers are satisfied that subject to the recommended conditions of approval and the ERA approvals given by the state DES, the proposal will not have an adverse impact on sensitive land uses.

A submission also notes that the application has not properly addressed the Limited Development Zone on site. The entirety of the land zoned Limited Development Zone is within Lot 900 which is a drainage lot being transferred to the Council under the previous approval applying to the site. Therefore, an assessment of the Limited Development Zone was not required as part of the application.

This is not sufficient grounds for refusal of the application.

**Issue 7 - Piecemeal application**

A submission suggested that the application was not properly made and was made in a piecemeal nature.

The submissions specified by suggesting that not all of the subject land is included in the application, specifically in relation to stormwater works on land that is not the subject of or included in the application. The submission made a similar suggestion regarding access, stating that the application relies on access across a number of adjoining properties for emergency access and that emergency access was conditioned by Council on an un-associated application. Finally, the submission suggests the application cannot rely on the previous approval on site that are 'not associated' with the proposed development to achieve compliance, specifically in relation to compliance with the Flood Hazard Overlay Code.

Council officers are satisfied the application, despite not including the neighbouring lots that are subject to external works and emergency access, complies with subsection (1) to (3) of Section 51 of the *Planning Act 2016*.

Further, in relation to the application not relying on previous approvals that are not associated with the proposed development, Section 73 of the *Planning Act 2016* states:

**73 Attachment to the premises**

*While a development approval is in effect, the approval—*

- (a) attaches to the premises, even if—*
  - (i) a later development (including reconfiguring a lot) is approved for the premises; or*
  - (ii) the premises are reconfigured; and*
- (b) binds the owner, the owner's successors in title, and any occupier of the premises.*

In addition, Section 31 of the *Planning Regulation 2017* states that for s45 of the *Planning Act 2016*, an "impact assessment must be carried out having regard to ... any development approval for, and any lawful use of, the premises or adjacent premises".

The conditions of previous approvals on site attach to the premises and therefore must be given regard to as a relevant matter.

These are not sufficient grounds for refusal of the application.

*ITEM 4.4 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HIGH IMPACT INDUSTRY, UTILITY INSTALLATION AND ENVIRONMENTALLY RELEVANT ACTIVITIES (ERA6 & ERA54), LOT 15 LEITCHS ROAD, BRENDALE - A19948906 (Cont.)*

*3.7.3 Notice of Compliance*

The Notice of Compliance was received by Council on 19 February 2020. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

3.8 Other Matters

None identified.

**4. Strategic Implications**

4.1 Legislative/Legal Implications

The applicant (and submitter/s) have appeal rights in accordance with the *Planning Act 2016*.

4.2 Corporate Plan / Operational Plan

Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

4.3 Policy Implications

The proposal is consistent with the existing Moreton Bay Region planning provisions and relevant policies.

4.4 Risk Management Implications

Nil identified

4.5 Delegated Authority Implications

Nil identified

4.6 Financial Implications

- a) In the event that an appeal is made to the Planning & Environment Court against Council's decision, the Council will incur additional costs in defending its position.
- b) Permit conditions require infrastructure contributions to Council.

4.7 Economic Benefit Implications

Nil identified

4.8 Environmental Implications

Nil identified

4.9 Social Implications

Nil identified

4.10 Consultation / Communication

Refer to clause 3.7.

**SUPPORTING INFORMATION**

**Ref: [A19993431](#), [A19993408](#), [A19950364](#)**

The following list of supporting information is provided for:

**ITEM 4.4**

**MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HIGH IMPACT INDUSTRY, UTILITY  
INSTALLATION AND ENVIRONMENTALLY RELEVANT ACTIVITIES (ERA6 & ERA54)**

***#1 Locality Plan***

***#2 Zoning Map***

***#3 Proposal Plans***

***#4 Properly Made Submissions***

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**5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION**

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**(Cr )**

No items for consideration.

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**6 FINANCE & CORPORATE SERVICES SESSION**

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**(Cr )**

No items for consideration.

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**11. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE**

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Consideration of notified general business items or responses to questions taken on notice.

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**12. CLOSED SESSION**

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*(s275 of the Local Government Regulation 2012)*

Consideration of confidential officers' reports as referred by the Chief Executive Officer and confidential general business matters as raised at the meeting.

**RESOLUTION to move into closed session** to discuss confidential matters.

*Motions, other than procedural motions, cannot be moved in closed session.*

**RESOLUTION to reconvene in open session** to decide those matters discussed whilst in closed session.

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**12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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**ITEM C.1 – CONFIDENTIAL**

**CABOOLTURE - BROWN STREET CORRIDOR - ROAD CONSTRUCTION AND UPGRADE**

**Meeting / Session:** **3 Engineering, Construction & Maintenance (Cr )**

**Reference:** A19887502 : 20 April 2020

**Responsible Officer:** BB, Manager Project Management (ECM Project Management)

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**Basis of Confidentiality**

Pursuant to s275(1) of the Local Government Regulation 2012, clause (e), as the matter involves contracts proposed to be made by the Council.

**Executive Summary**

Council is currently constructing a new road to the Brown Street corridor, between Ardrossan Road and Elof Road, Caboolture (Division 3). The project includes the construction of a new roundabout to the Elof Road and Cassowary Court intersection. Caboolture. As a result of project changes, additional works to that which were tendered are required to complete the project.

**ITEM C.2 – CONFIDENTIAL**

**COUNCIL LEASE OF COMMERCIAL TENANCY TO ACCOMMODATE THE PINE RIVERS ART GALLERY**

**Meeting / Session:** 5 COMMUNITY & ENVIRONMENTAL SERVICES (Cr )

**Reference:** A19964494 : 27 April 2020 - Refer Confidential Supporting Information  
**A19964806**

**Responsible Officer:** AS, Manager Property Services (CES Property & Commercial Services)

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**Basis of Confidentiality**

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (e), as the matter involves contracts proposed to be made by the Council.

**Executive Summary**

This report seeks Council approval to enter into a lease for the purposes of relocating the Pine Rivers Art Gallery.

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**12b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.





# MINUTES

## GENERAL MEETING

**Tuesday 25 February 2020**  
commencing at 10.38am

Strathpine Chambers  
220 Gympie Road, Strathpine

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**UNCONFIRMED**

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# Moreton Bay Regional Council

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## 1. OPENING PRAYER

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The Acting Mayor recited the Opening Prayer and invited Councillors to join him in the recitation of the Lord's Prayer.

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## 2. ATTENDANCE & APOLOGIES

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### Attendance:

Cr Mike Charlton (Acting Mayor) (Chairperson)  
Cr Brooke Savige  
Cr Peter Flannery  
Cr Adam Hain  
Cr Julie Greer  
Cr James Houghton  
Cr Koliانا Winchester  
Cr Denise Sims  
Cr Mick Gillam  
Cr Matthew Constance  
Cr Darren Grimwade

### Suspended:

Under section 175K (previously section 182A) of the *Local Government Act 2009* Cr Allan Sutherland (Mayor) and Cr Adrian Raedel are currently suspended from office

### Officers:

Chief Executive Officer	(Mr Greg Chemello)
Deputy CEO/Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Finance & Corporate Services	(Ms Donna Gregory)
Director Infrastructure Planning	(Mr Andrew Ryan)
Director Planning	(Mr David Corkill)
Accounting Services Manager	(Mr Denis Crowe)
Meeting Support	(Larissa Kerrisk)

### Apologies:

Nil

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## 3. MEMORIALS OR CONDOLENCES

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Council observed a moment's silence for residents who have passed away.

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#### 4. A) CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

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##### General Meeting - 18 February 2020 (Pages 20/253 - 20/540)

###### RESOLUTION

Moved by Cr Koliانا Winchester  
Seconded by Cr James Houghton

CARRIED 11/0

That the minutes of the General Meeting held 18 February 2020, be confirmed.

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#### 4. B) ADOPTION OF COMMITTEE MEETING REPORT & RECOMMENDATION

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##### Audit Committee Meeting - 19 February 2020 (Pages 20/541 - 20/551)

###### RESOLUTION

Moved by Cr Matt Constance  
Seconded by Cr Brooke Savige

CARRIED 11/0

That the report and recommendations of the Audit Committee Meeting held 19 February 2020, be adopted.

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#### 5. PRESENTATION OF PETITIONS

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*(Addressed to the Council and tabled by Councillors)*

##### 5.1. Petition for footpath on Cowen Street, Margate (A19730904)

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Cr Koliانا Winchester tabled a petition containing 34 signatures dated 5 February 2020, received from Henry Seltenrych, reading as follows:

*"We the under signed [sic] ask Koliانا Winchester to move a motion that a footpath for Cowen Street Margate be put on the Department of Works priority list and the Footpath be installed soon".*

Council received the petition, referring it to the Director Engineering Construction & Maintenance for investigation and report to Council, if required.

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#### 6. CORRESPONDENCE

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##### 6.1. Correspondence: A J MacSporran QC, Chairperson, Crime and Corruption Commission Queensland (A19730982)

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The Chief Executive Officer tabled correspondence received from Mr A J MacSporran QC, Chairperson of the Crime and Corruption Commission (CCC) Queensland dated 21 February 2020 and read the following extract:

*'I confirm that the CCC is not currently investigating any matters relating to the Council, other than those matters subject to previous public statements made by the CCC.'*

## 7. COMMUNITY COMMENT

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Cr Mike Charlton (Acting Mayor) opened the Community Comment session, making the required statement regarding the conduct of the Session, and invited the following participants to address the Council.

### 7.1. Community Comment: Justin McCarthy - Mowing footpaths for pensioners and Council rates (A19730720)

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Mr Justin McCarthy addressed the Council in respect of mowing footpaths for pensioners and Council rates, making the following points:

- Request for Council to provide a footpath mowing service for invalid pensioners who request the service, at no charge to the pensioner.
- It was noted that a mowing contractor charges \$35.00 for 100 square metres for a footpath service of a corner block.
- The cost for mowing services is very high and unaffordable for many pensioners.
- The footpath mowing service for invalid pensioners was previously provided by Council.
- Request for Council to extend the pension discount on rates to include part-pensioners.
- Request for Council to provide credit card direct debit option for the payment of rates.

### 7.2. Community Comment: Katie Hall - Lakeside Park (A19730715)

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Ms Katie Hall addressed Council in respect of Lakeside Park, making the following points:

- Since the reopening of Lakeside as a racing venue in 2008, there have been issues with the tenant, Queensland Raceways, Council's management of the lease and enforcement of conditions contained in the development approval.
- Inaction by Council not regulating the noise from Lakeside continues to affect surrounding residents' quality of life.
- Nearby residents do not seek to shutdown Lakeside, only that the operation of the raceway is in accordance with the lease, development approvals and the council-approved business plan.
- Pine Rivers Shire Council purchased the land from Lakeside International Raceway on 8 November 2001. The minutes stated nothing about Lakeside future use as a raceway under Council's control.
- On 2 November 2018 Ms Hall lodged an Administrative Action Complaint in relation to Council's failure to enforce conditions of rent payable in accordance with the lease with Queensland Raceway and Council's failure to ensure the conditions in the development application had been met.
- A response from Council on 21 December included a statement regarding rental payments which is only partially correct. Consideration as to whether to contest that statement will be decided upon receipt of a response to the second part of the Administration Action Complaint, which to date has not been received.
- A letter received on 4 November 2019 advised that the investigation is ongoing and that Development Services would provide an update once the investigation was complete, and should the investigation not be complete, an update would be provided within three months. An update has not been received and the investigation commenced in August 2018.
- Council's failure to respond in a timely manner does nothing to change the belief that Council is not acting with integrity when dealing with matters such as Lakeside.
- Queensland Raceway provided advice to nearby residents on 13 February 2020 that they had commenced an application to the Planning Minister to declare Lakeside under Ministerial Infrastructure Designation (MID). Concerned residents will contact Council seeking an explanation on the implications of a successful MID.

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**7.3. Community Comment: Allan Terrill - Development Application at 12-18 Haysmouth Parade, Clontarf (A19730697)**

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Mr Allan Terrill addressed Council in respect of a Development Application at 12-18 Haysmouth Parade, Clontarf, making the following points:

- The development contravenes current zoning of next generation neighbourhood including the number of units - the zoning allows for 18-19 units and a height generally of 12 metres, and the proposal is for 40 units at a height of 23.4 metres and lift over run of 27.4 metres.
- The development would have a significant impact on the residential character of the area. The proposed building will totally alter the vista, particularly as it rises in front of, and above the tree line in the Redcliffe Golf Course.
- The development would have a major impact on the environmental condition of the Hayes Inlet RAMSAR wetlands.
- The development would have significant geotechnical impacts and constraints such as erosion and founding instability resulting from sea level rise.
- The development would overwhelm the existing capacity of sewage infrastructure.
- The major increase in residents' vehicles, notionally 96 additional, would make the limited capacity intersection from Haysmouth Parade onto Elizabeth Avenue totally unworkable.
- The increase in on-street parking in the restricted area of Haysmouth Parade, plus the likely removal of the small kayak ramp, would inhibit or deny access by the public into the only available access to Hayes Inlet.

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**7.4. Community Comment: Mick Martin - Development Application at 12-18 Haysmouth Parade, Clontarf (A19730701)**

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Mr Mick Martin addressed the Council in respect of a Development Application at 12-18 Haysmouth Parade, Clontarf, making the following points:

- Requests Council take action to avoid damage to properties in the vicinity of the proposed development. The soil substrate is unstable and will undermine foundations and structural integrity of adjacent properties. Council must do extensive independent testing.
- The buildings in this area are built on questionable soil which is unsuitable for high-rise due to soil liquefaction in a location where soil dewatering is impossible and foundations are compromised.
- Properties were affected by the bridge pylon while they were being pile driven during construction. Rate payers need assurance that there won't be any such issues arising from this DA approval.
- The DA plans show underground excavation (some of which is tidal area) to accommodate extra car parking. The pivotal action of adding floors for parking under the site as well as going much higher could be catastrophic.
- This RAMSAR protected site is unsuitable for any development that exceeds the conventional building style, type and appearance of the area.
- It is Council's duty to consider environmental damage which can be avoided by requiring changes in projects through the use of feasible alternatives or mitigation measures.
- The mouth of Hays Inlet has been building up sediment and organic substrates for years. A nearby site was abandoned after extensive attempts to stabilise the site and to remove unsuitable substrates however the site was deemed unsuitable for the purposes of a multi-storey building.
- Enormous earthworks would be necessary which would compromise habitat and mangroves. The site is partially covered by RAMSAR zoning.
- Any approval should require a number of precautions to prevent damage to nearby properties, fauna and flora and the environment. A portion of this property is part of Hays Inlet and is frequently inundated by tides.
- An approval would indicate that Council believe the site to be appropriate and safe. The opinion of a recently consulted geologist suggests that this is not the case and the site is unsuitable.

The Acting Mayor thanked the Community Comment participants for their address to Council.



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**8. NOTIFIED MOTIONS**

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There were no notified motions.

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**9. NOTICES OF MOTION (Repeal or amendment of resolutions)**

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*(s262 of the Local Government Regulation 2012)*

There were no notices of motion.

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**10. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)**

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*(as referred by the Chief Executive Officer)*

Consideration of officers' reports as referred by the Chief Executive Officer, to be conducted in Sessions.

The Session Chairperson and designated Spokesperson for the respective portfolio, is as follows:

Session	Spokesperson
1 Governance	Cr Mike Charlton (Acting Mayor)
2 Planning & Development	Cr Mick Gillam
3 Corporate Services	Cr Matt Constance
4 Asset Construction & Maintenance	Cr Adam Hain
5 Parks, Recreation & Sport	Cr Koliانا Winchester
6 Lifestyle & Amenity	Cr Denise Sims
7 Economic Development, Events & Tourism	Cr Peter Flannery
8 Regional Innovation	Cr Darren Grimwade

**1 GOVERNANCE SESSION****(Cr M Charlton, Acting Mayor)****ITEM 1.1****REVISED COUNCIL MEETINGS FRAMEWORK - REGIONAL**

*Meeting / Session:* 1 GOVERNANCE  
*Reference:* A19706702 : 19 February 2020  
*Responsible Officer:* GC, Chief Executive Officer (CEO, CEO's Office)

**Executive Summary**

The purpose of this report is to present a reformed Council meetings framework for Council's consideration. This framework aims to reflect contemporary expectations by the state government and the community for improved efficiency and effectiveness of Council's meeting practices and increased transparency, accountability and integrity of Council's decision-making processes.

It is proposed that the revised meetings framework consist of the following two components only:

- a) **Fortnightly General Meetings** (preceded by a short "housekeeping" session for administrative matters only); being the debate and decision-making forum of Council. Current arrangements for the minute taking of the General Meetings would remain unchanged. The current process of dealing with conflicts of interest will also remain.
- b) **Fortnightly Council Briefings** (on the alternate weeks); being the forum for council officers to present information on key issues and seek councillor views and opinions. These meetings will be formally minuted, with the relevant extract of these minutes included in officers' reports when items discussed at a Briefing are subsequently submitted to the General Meeting for a Council decision. The process of dealing with conflicts of interest in General Meetings will also apply to briefings.

**RESOLUTION****Moved by Cr Matt Constance****Seconded by Cr Julie Greer****CARRIED 11/0**

1. That Council endorse in-principle a revised Council meetings framework for consideration by the incoming Council following the 2020 Local Government quadrennial elections.
2. That the revised Council meetings framework consist of the following two components:
  - a) **Fortnightly General Meetings;** and
  - b) **Fortnightly Council Briefings (on the alternate weeks).**

*ITEM 1.1 REVISED COUNCIL MEETINGS FRAMEWORK - REGIONAL - A19706702 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That Council endorse in-principle a revised Council meetings framework for consideration by the incoming Council following the 2020 Local Government quadrennial elections.
2. That the revised Council meetings framework consist of the following two components:
  - a) Fortnightly General Meetings; and
  - b) Fortnightly Council Briefings (on the alternate weeks).

## **REPORT DETAIL**

### **1. Background**

MBRC has generally operated under a Council meetings framework since amalgamation in 2008. Whilst the approach met the then needs of a "new" and evolving organisation, the passage of time, new technologies, legislative changes and contemporary community expectations all point to a need to review this.

A review of Council's current meeting practices compared to other South East Queensland (SEQ) local governments revealed that only Brisbane City Council meets as often as MBRC; and that is by far the largest and most complicated local government in Australia. The more comparative councils to MBRC at Gold Coast and Sunshine Coast meet fortnightly (the rest of the state, monthly).

Council's current practice of informal meetings has been noted with some concern by the Crime and Corruption Commission in a recent letter to the CEO and is also likely to be affected by the State Government's sector-wide reforms proposed in its recent information paper: *Proposed local government regulatory reforms - informal meetings*.

### **2. Explanation of Item**

In order to improve the efficiency and effectiveness of Council's meeting practices, and to improve the transparency, accountability and integrity of Council's decision making, it is suggested that this Council recommend a new meetings framework to the incoming Council to be elected at the 2020 Local Government quadrennial elections in March 2020. It is suggested that the framework consist of the following two components only.

- Fortnightly General Meetings (preceded by a short "housekeeping" session for administrative matters only); being the debate and decision-making forum of Council. Current arrangements for the minute taking of the General Meetings would remain unchanged. The current process of dealing with conflicts of interest will also remain.
- Fortnightly Council Briefings (on the alternate weeks); being the forum for council officers to present information on key issues and seek councillor views and opinions. These meetings will be formally minuted, with the relevant extract of these minutes included in officers' reports when items discussed at a Briefing are subsequently submitted to the General Meeting for a Council decision. The process of dealing with conflicts of interest in General Meetings will also apply to briefings.

Implementing the abovementioned approach to Council meetings would result in Councillors and officers being able to significantly reduce the amount of time and resources allocated to meeting preparation, attendance and reporting. In addition, the inclusion of briefings where minutes are taken and provided to Council's General Meeting as required, enables Council to seek further information or clarification from officers on a matter in a transparent and accountable manner.

ITEM 1.1 REVISED COUNCIL MEETINGS FRAMEWORK - REGIONAL - A19706702 (Cont.)

It is important to note that the abovementioned meetings framework would not preclude the option of conducting additional meetings and/or briefings in accordance with relevant and current legislative requirements. For example, a (short) General Meeting could be arranged on a Briefing day if needed (say for a development application with an impending due date) and additional Briefings could be scheduled on a General Meeting day if needed.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Council will need to ensure that its meetings framework is consistent with the relevant and current provisions of the *Local Government Act 2009* and the *Local Government Regulation 2012*. The proposed revised framework is far more likely to conform with revised legislative provisions currently under consideration by the state government.

#### 3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - strong leadership and governance.

#### 3.3 Policy Implications

The State Government's recent information paper: *Proposed local government regulatory reforms - informal meetings* proposes a requirement for a local government to prepare and adopt a policy about informal meetings. Whilst this is not yet legislated, it would be good governance for the new Council to formally adopt a policy to support the revised framework (if of course supported by Council).

#### 3.4 Risk Management Implications

This is a significant risk reduction initiative. The proposed Council meetings framework will provide a more effective control measure in ensuring transparency, accountability and integrity of Council's decision making.

#### 3.5 Delegated Authority Implications Nil identified

#### 3.6 Financial Implications

It is anticipated the revised arrangements will generate significant operational efficiencies for the organisation, especially at senior management levels.

#### 3.7 Economic Benefit Implications Nil identified

#### 3.8 Environmental Implications Nil identified

#### 3.9 Social Implications

This proposed Council meetings framework will provide a significantly improved community awareness of Council's meetings and decision making processes.

#### 3.10 Consultation / Communication

This new Council meetings framework has been discussed with Council at a workshop on 13 February 2020.

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**2 PLANNING & DEVELOPMENT SESSION**

**(Cr M Gillam)**

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No items for consideration.

**ATTENDANCE**

Mr Denis Crowe attended the meeting at 11.23am for discussion on Item 3.1.

UNCONFIRMED

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**3 CORPORATE SERVICES SESSION**

**(Cr M Constance)**

**ITEM 3.1**

**MONTHLY REPORTING PACKAGE - JANUARY 2020 - REGIONAL**

*Meeting / Session:* 3 CORPORATE SERVICES  
*Reference:* A19668536 : 11 February 2020 - **Refer Supporting Information A19671027**  
*Responsible Officer:* AD, Management Accountant (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 31 January 2020.

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**RESOLUTION**

**Moved by Cr Koliana Winchester**

**Seconded by Cr Denise Sims**

**CARRIED 11/0**

**That the Financial Reporting Package for the year to date period ending 31 January 2020 be received.**

ITEM 3.1 MONTHLY REPORTING PACKAGE - JANUARY 2020 - REGIONAL - A19668536 (Cont.)

**OFFICER'S RECOMMENDATION**

That the Financial Reporting Package for the year to date period ending 31 January 2020 be received.

**REPORT DETAIL**

**1. Background**

The Financial Reporting Package for the month ending 31 January 2020 is contained within the supporting information to this report.

This package contains a number of financial statements with relevant commentary to provide a breakdown of key financial data and includes:

- ✓ Financial Statements
  - Statement of Comprehensive Income shows all income and expenditure as at the end of the January period.
  - The Statement of Financial Position highlights Council's position at the end of January and itemises assets, liabilities and community equity.
  - Statement of Cash Flows which represents the cash inflows and outflows during the month.
  - Statement of sources and applications of capital funding.
- ✓ Treasury Report
  - The Treasury Report highlights key areas of performance relating to Council's investments and borrowings.

**2. Explanation of Item**

The financial results for the month of January are complete. A commentary is provided on significant matters that occurred during the month.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Part 9, section 204 of the Local Government Regulation 2012, (regulation) states the following:

- (1) The local government must prepare a financial report.
- (2) The chief executive officer must present the financial report—
  - (a) if the local government meets less frequently than monthly—at each meeting of the local government; or
  - (b) otherwise—at a meeting of the local government once a month.
- (3) The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

**3.2 Corporate Plan / Operational Plan**

Strengthening Communities: Strong local governance - strong leadership and governance.

**3.3 Policy Implications**

Compliance to the Council's Investment Policy is confirmed for the month of January.

**3.4 Risk Management Implications**

The Council is subject to numerous risks associated with revenue and expenses that can impact upon Council's financial performance and position. Risks are documented and evaluated as part of the operational plan preparation in conjunction with the annual budget cycle and are monitored throughout the year

ITEM 3.1 MONTHLY REPORTING PACKAGE - JANUARY 2020 - REGIONAL - A19668536 (Cont.)

- 3.5 Delegated Authority Implications  Nil identified
- 3.6 Financial Implications  
As at the end of January 2020, Council's operating result is \$120.05 million and the capital expenditure incurred amounted to \$87.73 million (excluding the University Project).
- 3.7 Economic Benefit Implications  Nil identified
- 3.8 Environmental Implications  Nil identified
- 3.9 Social Implications  Nil identified
- 3.10 Consultation / Communication  
Director Finance and Corporate Services and Accounting Services Manager

**ATTENDANCE**

Mr Denis Crowe left the meeting at 11.30am after Item 3.1.



**4 ASSET CONSTRUCTION & MAINTENANCE SESSION****(Cr A Hain)****ITEM 4.1****EXTERNAL BUILDING, ROOF AND GUTTER CLEANS (MBRC009262) - REGIONAL**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A19616020 : 28 January 2020 - Refer **Confidential Supporting Information A19502362**  
*Responsible Officer:* CB, Senior Technical Officer (ECM Asset Maintenance)

**Executive Summary**

Cleaning of external building, roof and gutters to selected facilities are undertaken through a contract arrangement. Tenders were called for 'Regional External Building, Roof and Gutter Cleans (MBRC009262)' through open tender using LG Tenderbox. Tenders closed on 17 December 2019, with six conforming submissions received.

It is recommended that the tender for *Regional External Building, Roof and Gutter Cleans (MBRC009262)* be awarded to Quad Services Pty Ltd for an estimated sum of \$109,355.40 (excl. GST) for an initial period of 15 months (from date of signing to 30 June 2021), with an option to extend by a further three x one-year periods, subject to satisfactory performance, as this represents best overall value to Council.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Peter Flannery

**CARRIED 11/0**

1. That the tender for '*Regional External Building, Roof and Gutter Cleans (MBRC009262)*' be awarded to Quad Services Pty Ltd for the amount of \$109,355.40 (excl. GST) for the initial period of 15 months (from date of signing to 30 June 2021), with an option to extend by a further three x one-year periods, subject to satisfactory performance.
2. That the Council enters into an agreement with Quad Services Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Quad Services Pty Ltd for '*Regional External Building, Roof and Gutter Cleans (MBRC009262)*' and any required variations of the agreement on Council's behalf.

ITEM 4.1 EXTERNAL BUILDING, ROOF AND GUTTER CLEANS (MBRC009262) - REGIONAL - A19616020 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for 'Regional External Building, Roof and Gutter Cleans (MBRC009262)' be awarded to Quad Services Pty Ltd for the amount of \$109,355.40 (excl. GST) for the initial period of 15 months (from date of signing to 30 June 2021), with an option to extend by a further three x one-year periods, subject to satisfactory performance.
2. That the Council enters into an agreement with Quad Services Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Quad Services Pty Ltd for 'Regional External Building, Roof and Gutter Cleans (MBRC009262)' and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

Council currently undertakes the cleaning of external building, roof and gutters through a contracted arrangement, which has expired.

This contract allows for the following works to be undertaken at 47 Council facilities across the region:

- Six monthly gutter cleaning occurring April 2020, October 2020 and April 2021;
- Yearly external building cleaning occurring April 2020 and April 2021;
- Two yearly roof cleaning occurring April 2021.

**2. Explanation of Item**

Tenders were called for the *Regional External Building, Roof and Gutter Cleans* through open tender using LG Tenderbox. The tender closed on 17 December 2019, with six conforming submissions received.

The tender was assessed by a selection panel in accordance with Council's Procurement Policy and the mandatory selection criteria set out in the tender documentation.

All tenderers and their final weighting scores are tabled below (ranked from highest to lowest).

Rank	Tenderer	Evaluation Score
1	Quad Services Pty Ltd	94.91
2	Qld Water Blasting Pty Ltd	94.11
3	MMS Group Pty Ltd	84.91
4	Southern Cross Facilities Services Pty Ltd	77.77
5	Gutter-Vac Pty Ltd	66.93
6	Roger Sabir (trading as Roger North Shore Cleaning)	35.16

**Quad Services Pty Ltd ('Quad')** - submitted a comprehensive tender submission. Quad's submission demonstrated the required level of skill, knowledge, experience and demonstrated their capacity to undertake the works required. Quad was the lowest priced offer and received the highest evaluation score. At the post tender clarification meeting, Quad provided the evaluation team with confidence in their ability to deliver the cleaning services required. This offer is deemed best value to Council and is the recommendation of this report.

ITEM 4.1 EXTERNAL BUILDING, ROOF AND GUTTER CLEANS (MBRC009262) - REGIONAL - A19616020 (Cont.)

**Qld Water Blasting Pty Ltd ('QWB')** - submitted a comprehensive tender submission. Their submission demonstrated the required level of skill, knowledge, experience and demonstrated their capacity to undertake the works required; however, there were no additional benefits for the higher price. QWB was the second lowest offer and received the second highest evaluation score. This offer was not deemed best value to Council.

**MMS Group Pty Ltd ('MMS')** - submitted a comprehensive tender submission. Their submission demonstrated the required level of skill, knowledge, experience and demonstrated their capacity to undertake the works required; however, there were no additional benefits for the higher price. The offer from MMS was the third highest priced submission and received the third highest evaluation score. This offer was not deemed best value to Council.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Due to the value of the service being greater than \$200,000 (including extension periods), Council called a public tender for the services through LG Tender Box system in accordance with the Local Government Act 2009.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

3.3 Policy Implications

This contract has been procured in accordance with the provisions of the following documents:

- Council's Procurement Policy 2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

3.4 Risk Management Implications

The project risk has been assessed and the following issues identified. The manner in which the possible impact of these risks is minimised is detailed below.

Risk	Mitigation
Attend all Council buildings within the periodic cleaning timeframes considering the large geographical spread and number of Council buildings.	Quad Services Pty Ltd confirmed that their company can complete the specified cleans within the timeframe and will have enough resources available to fulfil the requirements of the tender.
No Council attendance during cleaning to validate cleaning completed.	Quad Services Pty Ltd will submit regular photographic reporting, registering works completed.

A third-party review of financial status has been carried out on the successful tenderer, with Quad Services Pty Ltd receiving a rating of 'sound', which has confirmed that they have the financial capacity to carry out the required works.

3.5 Delegated Authority Implications       Nil identified

ITEM 4.1 EXTERNAL BUILDING, ROOF AND GUTTER CLEANS (MBRC009262) - REGIONAL - A19616020 (Cont.)

3.6 Financial Implications

The estimated costs as tendered by Quad Services Pty Ltd are within budget allocation. All financials shown below are excluding GST.

Tendered price - contract value	\$ 109,355.40
Contingency - 5%	\$ 5,467.77
	-----
Total Cost	\$ 114,823.17
	=====

3.7 Economic Benefit Implications

Regular cleaning to facilities will boost appearance and assist in meeting tenants' and hirers' expectations, thus increasing bookings and lowering tenant turnover.

3.8 Environmental Implications

Completing regular external cleaning of facilities under Quad Services Pty Ltd's ISO 14001-2016 accreditation assists Council in minimising its environmental impact and ensures that all environmental obligations are met.

3.9 Social Implications

Regular cleaning to facilities continues to demonstrate Council's commitment to its obligation as an actively responsible member of the local community.

3.10 Consultation / Communication

Consultation for the delivery of this contract has been undertaken with relevant officers and stakeholders of Community Sports and Recreation and Property Services' departments and the procurement section of Council.

**ITEM 4.2**  
**REGIONAL POOL EQUIPMENT MAINTENANCE (MBRC009136) - REGIONAL**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A19616925: 29 January 2020 - Refer **Confidential** Supporting Information  
A19573209  
*Responsible Officer:* CB, Senior Technical Officer (ECM Asset Maintenance)

**Executive Summary**

The maintenance of Council's swimming pool equipment at 14 swimming facilities across the region is undertaken through a contract arrangement. Tenders were called for 'Regional Pool Equipment Maintenance (MBRC009136)' through open tender using LG Tenderbox. Tenders closed on 14 January 2020, with two conforming and one non-conforming submissions received.

It is recommended that the contract for *Regional Pool Equipment Maintenance (MBRC009136)* be awarded to Trisley's Hydraulic Services (QLD) Pty Ltd for an estimated sum of \$289,595 (excl. GST) for the initial period of 2 years (from 1 July 2020 to 30 June 2022), with an option to extend by a further three x one-year periods, subject to satisfactory performance.

**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Julie Greer

CARRIED 11/0

1. That the tender for 'Regional Pool Equipment Maintenance (MBRC009136)' be awarded to Trisley's Hydraulic Services (QLD) Pty Ltd for the estimated sum of \$289,595 (excluding GST) for the initial period of 2 years (1 July 2020 to 30 June 2022), with an option to extend by a further three x 1-year periods, subject to satisfactory performance.
2. That the Council enters into an agreement with Trisley's Hydraulic Services (QLD) Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Trisley's Hydraulic Services (QLD) Pty Ltd for 'Regional Pool Equipment Maintenance (MBRC009136)' and any required variations of the agreement on Council's behalf.

ITEM 4.2 REGIONAL POOL EQUIPMENT MAINTENANCE (MBRC009136) - REGIONAL - A19616925 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for 'Regional Pool Equipment Maintenance (MBRC009136)' be awarded to Trisley's Hydraulic Services (QLD) Pty Ltd for the estimated sum of \$ \$289,595 (excluding GST) for the initial period of 2 years (1 July 2020 to 30 June 2022), with an option to extend by a further three x 1-year periods, subject to satisfactory performance.
2. That the Council enters into an agreement with Trisley's Hydraulic Services (QLD) Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Trisley's Hydraulic Services (QLD) Pty Ltd for 'Regional Pool Equipment Maintenance (MBRC009136)' and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

Council currently undertakes pool equipment maintenance at 14 facilities located throughout the region through contracted works. The current contract for these services expires on 30 June 2020.

This contract allows for maintenance of dosing equipment, pumps and heating equipment at 14 sites across the region. The maintenance frequency varies and occurs at quarterly, six-monthly, yearly and two-yearly intervals. The contract also includes condition and compliance assessments of the equipment to assess the functionality and the provision for recommendations as to upgrades and renewals to maximise the life of the assets and ensuring compliance with applicable Acts, Regulations and Australian Standards.

**2. Explanation of Item**

Tenders were called for *Regional Pool Equipment Maintenance (MBRC009136)* through open tender using LG Tenderbox. Tenders closed on 14 January 2020, with two conforming and one non-conforming submissions received.

Tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the mandatory selection criteria set out in the tender documentation.

All tenderers and their final weighting scores are tabled below (ranked from highest to lowest).

Rank	Tenderer	Evaluation Score
1	Trisley's Hydraulic Services (Qld) Pty Ltd	100
2	Everything Water Australia Pty Ltd	76.13
3	Simmonds & Bristow Pty Ltd	Non-conforming

**Trisley's Hydraulic Services (Qld) Pty Ltd (THS)** submitted a comprehensive tender submission. THS's submission demonstrated the required level of skill, knowledge, experience and their capacity to undertake the works required. The offer from THS was the lowest priced submission and received the highest evaluation score. At the post tender clarification meeting, THS provided the evaluation team with confidence in their ability to deliver the requirements of the tender. The offer from THS is considered by the panel to represent the best value offer for Council.

ITEM 4.2 REGIONAL POOL EQUIPMENT MAINTENANCE (MBRC009136) - REGIONAL - A19616925 (Cont.)

Everything Water Australia Pty Ltd (EWA) submitted a comprehensive tender submission. Their submission demonstrated the required level of skill, knowledge, experience and their capacity to undertake the works required; however, there were no additional benefits for the higher price. The offer from EWA was the highest priced submission and received the second highest evaluation score. This offer was not deemed best value to Council.

The offer received from Simmonds & Bristow Pty Ltd (S&B) was deemed non-conforming as S&B did not complete and return the Pricing Schedule as required by Conditions of Tender.

3. Strategic Implications

3.1 Legislative / Legal Implications

Due to the value of the service being greater than \$200,000, Council called a public tender for the services through LG Tender Box system in accordance with the Local Government Act 2009.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

3.3 Policy Implications

This contract has been procured in accordance with the provisions of the following documents:

- Council's Procurement Policy 2150-006
- Local Government Act 2009
- Local Government Regulation 2012 Chapter 6.

3.4 Risk Management Implications

The project risk has been assessed and the following issues identified. The manner in which the possible impact of these risks is minimised is detailed below.

Risk	Mitigation
Attend all sites within the periodic maintenance timeframes considering the large geographical spread and number of sites and equipment.	THS confirmed they will perform all maintenance at the required sites within the tendered timeframe and have the required technicians and plant resources available to fulfil the requirements of the tender.
No Council attendance during maintenance to validate completion.	THS confirmed they will submit regular photographic service reports as evidence once works completed.
Efficient and effective response time in attending emergencies.	THS confirmed that they will arrive onsite and commence work within the required tendered timeframe.

A third-party review of financial status of the recommended tenderer has been carried out with a rating of 'strong' which has confirmed that they have the financial capacity to carry out the required works.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

The estimated costs as tendered by Trisley's Hydraulic Services (QLD) Pty Ltd are within budget allocation. All financials shown below are excluding GST.

Tender Price	\$ 289,595.00
Contingency - 5%	\$ 14,479.75
	-----
Total Project Cost (2 years)	\$ 304,074.75
	=====

*ITEM 4.2 REGIONAL POOL EQUIPMENT MAINTENANCE (MBRC009136) - REGIONAL - A19616925 (Cont.)*

3.7 Economic Benefit Implications

Effective maintenance of swimming pool equipment will ensure reliable equipment operation and extend overall lifecycle, thus saving Council from costly early replacement.

3.8 Environmental Implications

Performing regular maintenance on pool equipment will ensure that these facilities operate efficiently, eliminating potential environmental impacts and meeting Council's environmental obligations.

3.9 Social Implications

Performing maintenance on Council's pool equipment continues to demonstrate Council's commitment to its obligation as an actively responsible member of the local community.

3.10 Consultation / Communication

Consultation for the delivery of this contract has been undertaken with relevant officers of the Property Services Department and the procurement section of Council.

UNCONFIRMED



**ITEM 4.3**

**BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL - DIVISION 2**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A19577256: 17 January 2020 - Refer **Confidential** Supporting Information  
**A19543904**  
*Responsible Officer:* BB, Manager Project Management (ECM Project Management)

**Executive Summary**

Tenders were called for the 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)' project. The tender closed on 14 January 2020, with a total of ten tenders received, nine of which were conforming.

It is recommended that the tender for the 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)' project be awarded to Auzcon Pty Ltd for the sum of \$595,524 (excl. GST) as this offer represents the best overall value to Council.

**RESOLUTION**

Moved by Cr Peter Flannery

Seconded by Cr Julie Greer

CARRIED 11/0

1. That the tender for 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)' be awarded to AUZCON PTY LTD for the sum of \$595,524 (excluding GST).
2. That the Council enters into an agreement with Auzcon Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Auzcon Pty Ltd for 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)' and any required variations of the agreement on Council's behalf.
4. To allow this project to continue, Council commits the required \$720,000 in the draft 2020/21 Financial Year Capital Projects Program budget towards the project 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)'.

ITEM 4.3 BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL - DIVISION 2 - A19577256 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)' be awarded to AUZCON PTY LTD for the sum of \$595,524 (excluding GST).
2. That the Council enters into an agreement with Auzcon Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Auzcon Pty Ltd for 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)' and any required variations of the agreement on Council's behalf.
4. To allow this project to continue, Council commits the required \$720,000 in the draft 2020/21 Financial Year Capital Projects Program budget towards the project 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)'.

**REPORT DETAIL**

**1. Background**

The project is located at Beachmere Lake, Biggs Avenue, Beachmere.

The project scope includes the installation of approximately 700m of vinyl sheet pile wall. The new vinyl sheet pile wall will be constructed on the water side of the existing wall with the existing wall still in place. The top section of the existing wall will be removed and backfilled to match the existing surface level and new wall. Works will be completed in sections around the lake.

Design is scheduled to commence in March 2020 and site construction works are expected to commence on-site in mid to late May 2020 and be completed by the end of August 2020, over a 12-week construction period, which includes an allowance for wet weather.

Two other projects will be completed at the Beachmere Lakes site. Asset Maintenance will complete the silt removal of a 250m<sup>2</sup> area of the lake and Project Management are managing the design and construction of an upgrade of the tidal exchange system. The silt removal will occur during the sheet pile wall construction. The tidal exchange system requires design and it is anticipated that the construction of the tidal exchange works will occur after the sheet pile wall construction.

The tidal exchange system upgrade is to install, at key locations, new manholes and connections to the pipe network with lockable tidal valves to improve Council's ability to access and maintain the system.

A water quality telemetry monitoring station in the lake has recently been re-established (late 2019). Council maintains a live data feed from the buoy and can monitor a range of water quality parameters remotely. Automatic alerts to staff are triggered based on observed conditions relative to acceptable ranges for each parameter (dissolved oxygen, water level, temperature etc).

Asset Maintenance are preparing to upgrade the existing aeration system to include upgraded pumps with remote monitoring of the system's function and the ability to provide alerts at times when the system may be down.

In addition, Environmental Services are about to tender a project to investigate options for fish management. The objective of this project is to identify viable options to allow maturing fish to escape or be removed from the lake in order to complete their life cycle and minimise the potential for future fish kills.

ITEM 4.3 BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL - DIVISION 2 - A19577256 (Cont.)



Figure 1 - Beachmere Lake - location of works

2. Explanation of Item

Tenders for the 'Beachmere - Beachmere Lake - Lake Wall Renewal (MBRC009402)' project closed on 14 January 2020 with ten tenders received, nine of which were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

All tenderers and their evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Auzcon Pty Ltd (Alternative 1)	100.00
2	Auzcon Pty Ltd	100.00
3	Auzcon Pty Ltd (Alternative 2)	93.43
4	Auzcon Pty Ltd (Alternative 3)	93.43
5	Nabis Dredging	90.68
6	Gold Coast Barge Services Pty Ltd	75.77
7	Ecospec Pty Ltd	70.20
8	Easy Retaining Solutions Pty Ltd	64.54
9	Ecospec Pty Ltd (Alternative 1)	61.61

ITEM 4.3 BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL - DIVISION 2 - A19577256 (Cont.)

RANK	TENDERER	EVALUATION SCORE
10	Easy Retaining Solutions Pty Ltd (Alternative 1)	Non-conforming

**Auzcon Pty Ltd Alternative 1 (Auzcon)** submitted a comprehensive and well-presented tender. Auzcon's Alternative 1 submission includes stabilisation of the material in front of the sheet pile wall by providing a solid mass toe protection. The stabilisation will be achieved by adding 5% cement to the lake bed material (1200mm wide and 1500mm deep) section to the existing slope along the entire toe length of the vinyl sheet pile wall, refer to figure 2. The stabilised toe protection allows the sheet pile lengths to be reduced to 3m. The toe stabilisation and wall has been designed by a suitably qualified and experienced RPEQ. Inspection and certification will also be undertaken by a suitably qualified and experienced RPEQ. A tender clarification meeting was held on 30 January 2020, at which Auzcon demonstrated their relevant experience, construction methodology, understanding of the project and capability to deliver the project. Auzcon have previously completed similar projects including construction of the Marcoola Levee Bank (\$2.2M) for Sunshine Coast Council, Torquay Sea Wall (\$5.3M) for Fraser Coast Regional Council and the Scott's Point Seawall (\$2.7M) for Moreton Bay Regional Council.

**Auzcon Pty Ltd (Auzcon)** submitted a comprehensive and well-presented tender; however, this submission had a lifespan up to 30 years. This option does not include stabilisation works in front of the sheet pile and subsequently the sheet piles would need to be 4m in length and driven further into the base of the lake to achieve foundation and there is limited lateral support from the sloping lake bedding material.

**Auzcon Pty Ltd - Alternative 2 (Auzcon)** submitted a comprehensive and well-presented tender; however, there were no additional benefits for the higher price.

The non-conforming tender did not provide a tender submission that conformed to the specification.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Due to value of work being greater than \$200,000, Council called a public tender for the work through the LG Tender system in accordance with the *Local Government Act 2009*.

#### 3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

#### 3.3 Policy Implications

This project has been procured in accordance with the provisions of the following documents:

- Council's Procurement Policy 2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

#### 3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk has been assessed and the following issues identified. The way in which the potential impact of these risks is minimised is detailed below.

##### Financial Risks:

A third-party review of financial status has been carried out and the recommended tenderer was rated 'satisfactory'.

ITEM 4.3 BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL - DIVISION 2 - A19577256 (Cont.)

Construction Risks:

- a. The recommended tenderer will provide a program of works, Traffic Management Plan, Safety Management Plan and Environmental Management Plan as part of the contract to identify and detail how they will manage and mitigate project construction risks. This information will be assessed and monitored by Council's Project Management section.
- b. The recommended tenderer has demonstrated their understanding of the project site and the need to manage the impact of works and safety for pedestrians, vehicles and adjacent private properties.
- c. The recommended tenderer has programmed the works and allowed for appropriate resources to complete the project works efficiently.
- d. The recommended tenderer has programmed the site works to be undertaken outside of the 'wet season' to minimise adverse impacts of inclement weather on construction.
- e. Regular monitoring of the water turbidity quality will be undertaken as noted in Section 3.8 Environmental Implications, and the contractor has confirmed the methodology and alignment with these requirements.
- f. There are no development approvals associated with this project.
- g. There are no procurement issues identified with this project. The lead time to procure materials is considered suitable.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications

Council has allocated a total of \$1,020,000 for this project with \$300,000 in the 19-20 Capital Projects Budget and identified a further \$720,000 in the draft 20/21 Capital Projects Budget. All figures below are exclusive of GST.

Silt removal works estimate	\$ 70,000.00
Design and construction of tidal exchange system estimate	\$ 250,000.00
Tender Price (Design and Construct)	\$ 595,524.00
Contingency (20%)	\$ 119,104.80
QLeave (0.475%)	\$ 2,828.74
	-----
Total Project Cost	\$ 1,037,457.54
	=====
 Estimated ongoing operational/maintenance costs	 \$3,000.00 per F/Y

The budget amount for this project is insufficient. Additional funds (circa \$20,000) may be required in the 20-21 financial year, and will depend upon the level of contingency used. The contingency matter will be managed closely by the Project Management team during the project, and if need be, additional funds will be sought at Q1 in 20-21 FY.

3.7 Economic Benefit Implications

The project will provide a new wall with more durable materials that is suitable for the site, minimising maintenance requirements.

3.8 Environmental Implications

The recommended tenderer is required to submit a site-specific Environmental Management Plan which will be reviewed and monitored by Project Management officers. The recommended tenderer will be required to manage sediment and erosion controls during construction and these measures will be audited and monitored by Council's Project Management staff. Environmental controls to be implemented include installation of sedimentation curtains around the works area and relocated as the works progress; spill kits on-site and placed accordingly, water quality turbidity monitoring to be undertaken throughout the works duration and monitored by Council officers from the Drainage Waterways and Coastal Planning section.

*ITEM 4.3 BEACHMERE - BEACHMERE LAKE - LAKE WALL RENEWAL - DIVISION 2 - A19577256 (Cont.)*

3.9 Social Implications

The replacement of the revetment wall will provide a more resilient, safer revetment wall which will enhance the amenity of the lake and surrounding park.

3.10 Consultation / Communication

A detailed communication plan has been prepared for the project. Project notices and signs will be distributed four weeks prior to construction commencement. A project specific link to the Council web page will be provided and updated twice a week for the project. Fortnightly project updates via email will be provided to the Divisional Councillor who has been consulted and is supportive of the project.

UNCONFIRMED

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**5 PARKS, RECREATION & SPORT SESSION**

(Cr K Winchester)

No items for consideration.

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**6 LIFESTYLE & AMENITY SESSION**

(Cr D Sims)

No items for consideration.

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**7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION**

(Cr P Flannery)

No items for consideration.

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**8 REGIONAL INNOVATION SESSION**

(Cr D Grimwade)

No items for consideration.

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**11. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE**

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**ITEM 11.1  
MORETON BAY JOBS FAIR - DIVISION 3**

Cr Adam Hain made special mention of the **Moreton Bay Jobs Fair** held Thursday 20 February at the Morayfield Sports & Events Centre (MSEC) an initiative of the Federal Government and attended by Member for Longman, Terry Young MP. Cr Hain said that the jobs fair was a big success with a huge turnout of 3000+ jobseekers who could meet face to face with potential employers and organisations such as the Australian Defence Force to discuss employment, traineeships and apprenticeships.

Cr Hain requested that the Chief Executive Officer provide a letter of congratulation to Nikki McKenzie, Venue Coordinator at MSEC and the team, for a successful event.

**ITEM 11.2  
END OF 2016-2020 COUNCIL TERM - REGIONAL**

**Cr Mike Charlton (Acting Mayor)** invited Councillors to provide comments in respect of the end of the 2016-2020 term of Council.

**Cr Darren Grimwade (Division 11)** thanked his colleagues, noting that they had worked closely together and had achieved a lot for the term. Cr Grimwade also provided thanks to the staff, adding that they had been a tremendous support to Council and the backbone of the organisation.

Cr Grimwade provided special thanks to the residents of Division 11 for entrusting him as their local Councillor and said that he was looking forward to 2020 and beyond.

**Cr Koliana Winchester (Division 6)** made the following statement:

*'It has been an honour and a privilege to represent the residents of Division 6 on the Moreton Bay Regional Council for the past eight years. In this time many changes have occurred and much has been achieved to make the Moreton Bay Regional Council area a better place to live.*

*There have been many projects including the conversion of the Old Redcliffe Fire Station in to an Art Gallery and Studio and a dedicated Volunteer Hub. The construction of the Bee Gees Way which brought Barry Gibb back to Redcliffe for the opening has proved to be a major boost for local tourist economy.*

*The Redcliffe Rail was finally delivered and the University of Sunshine Coast Moreton Bay became a reality. Alongside these major developments, other improvements were also taking place. Drainage upgrades and the roll out of new footpaths, picnic shelters, foreshore beautifications and all the other minor works needed in the continual upgrade of our community.*

*Environmental upgrades to the Hays Inlet eco path and water quality upgrades were addressed by projects such as those undertaken at Bells Creek and Humpybong Creek.*

*Among the many things that I will miss is the close working relationship that has developed between myself and Council staff. Working closely with staff has helped me achieve some great outcomes for the residents of Division 6 and the broader Moreton Bay Council area.*

*In particular I would like to thank long term director Tony Martini and his staff and Director Bill Halpin and his staff for their support in my role as a Councillor. And to all Council employees including outdoor staff with whom I have worked over the past eight years.*



ITEM 11.2 END OF 2016-2020 COUNCIL TERM - REGIONAL - A19577256 (Cont.)

Cr Koliana Winchester (Division 6) (Cont'd)

*I should make special mention of the excellent work done by my PA Nicole Cooney. It is very much appreciated.*

*On the other hand I leave with a deep sense of frustration at some of the recent decisions made under our Planning Scheme. So many of our residents feel let down and ignored and who could blame them when you see developments such as the old Filmers Palace Hotel site approved at 44 m height in a 21m zone.*

*Clearly our Planning Scheme is not working for some and is in need of the urgent attention of the next Council to ensure that more consideration is given to existing height limits in the approval process.*

*Now I am looking forward to the next stage of my life spending time with my family and young grandchildren. I wish all my fellow Councillors well in the upcoming election. I am sure the Moreton Bay Regional Council can look forward to a very bright and productive future."*

**Cr Mick Gillam (Division 8)** said that it had been a tumultuous term for Council with regard to planning, noting that a new Planning Director and Managers had come on board. Cr Gillam referred to the start of the term with the implementation of the new planning scheme which had a few 'warts', however said that most were worked through and fixed, although noting there was more work to do; a job for the new Council. Cr Gillam thanked the Planning staff who had worked assiduously, sometimes under trying circumstances over the last four years.

Cr Gillam congratulated and thanked retiring Councillors' Houghton, Greer and Winchester for their contribution to Council and working for the residents for the past 12, 12 and 8 years respectively. Cr Gillam wished them well in life after Council, saying that it had been a pleasure working with them.

Cr Gillam also made mention of the Councillors unable to be present at the meeting and for the opening of the University to be held on 9 March 2020, wishing them well.

On behalf of residents, Cr Gillam thanked the Chief Executive Officer, Directors and staff for their input over the last four years and referring to the recontesting Councillors, wished them all the best for a happy result on 28 March 2020, noting the big step that Cr Flannery was taking in running for Mayor.

**Cr Denise Sims (Division 7)** thanked the Councillors and staff who she had served with over the term, noting that it had been a challenging yet rewarding time at Council and wished the very best to those Councillors seeking re-election.

**Cr Brooke Savige (Division 1)** commented that it had been a very full four years and that she had learned a lot during the term, noting that Council had navigated through some interesting times.

Cr Savige provided special thanks to the staff, appreciating their patience and wished her fellow Councillors well for a bright future.

**Cr Matt Constance (Division 10)** reflected on a rewarding time at Council over the past four years since the election in March 2016 (or 1438 days), saying that it had been a great learning experience for him.

Cr Constance offered his thanks to staff for their assistance to Councillors, the administrative support staff, Chief Executive Officer and Directors, in particular Director Engineering, Construction & Maintenance Tony Martini and Director Community & Environmental Services, Bill Halpin.

*ITEM 11.2 END OF 2016-2020 COUNCIL TERM - REGIONAL - A19577256 (Cont.)*

Cr Matt Constance (Division 10) (Cont'd)

Cr Constance also thanked his colleagues who he said had been tested and tried, however delivered great outcomes for the region.

On speaking about the retiring Councillors, Cr Constance wished Councillors' Winchester and Houghton well, and to Cr Peter Flannery for taking the bold and brave step for Mayoral candidacy. Cr Constance conveyed special thanks to Cr Julie Greer for her support to him during personal hardship, and for her inspiration and achievements in the region, adding that she will be missed on her retirement and wished her all the best.

**Cr Peter Flannery (Division 2)** referring to the end of term, said it is a time to reflect on the past and look to the future and that it had been a pleasure serving Council for the last eight years over two terms, and four years previously (with the former Caboolture Shire Council), a total of 12 years

There had been ups and downs during the last four years with local government being in the spotlight along with changing government and community expectations, and Cr Flannery said that while mistakes had been made, Council had done some things right and now it is time for a new chapter, a change and a new beginning of Council's story.

Cr Flannery acknowledged new Chief Executive Officer Greg Chemello for his knowledge and experience that he brings to the organisation and thanked staff for the last eight years of his time as Councillor of Moreton Bay.

To the retiring Councillors, Cr Flannery offered his thanks and hoped that their retirement would be enjoyable. Cr Flannery wished his fellow Councillors good luck, thanking them for their friendship, and noted his decision to take the big step to run for Mayor at the next election.

**Cr James Houghton (Division 6)** thanked his colleagues for their assistance, support, friendship and kindness and referring to the Mayor, said that he had the utmost respect for him and hoped he weathered the storm.

Cr Houghton thanked Directors and staff, saying that during his time as a Councillor, staff had always been helpful while seeking solutions to complex problems. In particular, Cr Houghton provided special thanks to his Personal Assistant, Belinda Azzopardi for the great support she had provided to him over the past 12 years working together.

To the Councillors seeking re-election, Cr Houghton wished them well, and on his own retirement, thanked his supporters for the many good wishes received.

Cr Houghton conveyed his sincere thanks to his family for standing behind him, making special mention of his late wife Diane who would have loved to have been here to celebrate with him.

Cr Houghton farewelled Council and wished every success to all no matter the calling for their future.

**Cr Julie Greer (Division 4)** proudly served the community for 33 years, saying that she enjoyed her time at Council as both a staff member, and later a Councillor for Division 4. On her retirement, Cr Greer said she was looking forward to spending more time with her family and grandchildren and doing some travelling.

Cr Greer said that during her time as Councillor she was proud of the achievements in particular, working with businesses such as Westfield, Ikea and Costco, and also the great work done on sporting fields within Division 4.

ITEM 11.2 END OF 2016-2020 COUNCIL TERM - REGIONAL - A19577256 (Cont.)

Cr Greer reflected on the tough personal times she experienced during her term, losing her late husband, and the good times, such as remarrying.

Cr Greer thanked her colleagues for their friendship, wishing them well in the election, and also thanked staff, directors, Media Team and in particular, Personal Assistant Leanne Stewart for their wonderful assistance.

**Cr Mike Charlton (Acting Mayor)** made the following statement:

*"When I delivered the budget speech in June last year, I said:*

*'We have known for a decade now that Moreton Bay region is one of the fastest growing regions in the country.*

*And we know that big growth requires big planning, because unlike many other councils Moreton Bay has dared to dream big for our community.'*

*Now our big picture thinking is evident in our actions and delivery of projects and services for our community. The bookends of delivery this term for me, upon reflection, seem remarkable.*

*On 3 October 2016, the Prime Minister, Premier and Mayor officially opened the Moreton Bay Rail Link. More than a century in the making, it was this council that had the determination to ensure that this project was delivered. It was this council that took up the fight to the other levels of government for appropriate funding to delivery this vital piece of infrastructure for our community.*

*At the other end of the term, we eagerly anticipate 9 March 2020 when the USC Petrie Campus is officially opened.*

*It breaks my heart to think that tertiary participation is so low in our Region. The rate of participation halves between Brisbane and Moreton Bay as you cross the Pine River and halves again by the time you get to Caboolture. Caboolture is only 50km from the capital city centre and has a participation rate lower than most of outback Australia. The foresight of this council to address this education gap is one of the abiding achievements of this term and probably since amalgamation.*

*Building a university that sits at the junction of the north-south and east-west train lines literally brings together these two projects that opened and closed this term. A local university campus makes tertiary education far more accessible to the residents of Moreton Bay as does our dedicated equity scholarships to help tear down the financial barriers holding back local kids from pursuing tertiary education.*

*It was this council that secured the land. It was this council that attracted a university partner. And it will be this council that delivers a new hub of knowledge and innovation for education and employment close to home for our children and grandchildren.*

*What a tribute to delivery these two projects are - they demonstrate vision, strategy and the ability for this council to make tough economic decisions for the benefit of the region. They highlight our partnership approach with the state and federal governments and our ability to stand up and be counted in negotiations.*

*As I face my eighth local government election, I think of the many achievements that we have worked together to deliver. Twelve years on from amalgamation we have brought together three disparate and diverse organisations into one. What other twelve-year-old organisation that is a merger of three very different organisations has been this successful?*

*We have made tough decisions - like reviewing our organisation and its culture less than twelve months before an election. But we have got on with the job because being in leadership isn't always about doing what is popular, it is about doing what is right.*

ITEM 11.2 END OF 2016-2020 COUNCIL TERM - REGIONAL - A19577256 (Cont.)

Cr Mike Charlton (Acting Mayor) - Division 9 (Cont'd):

Local government has faced many challenges this term - we have accepted the Belcarra recommendations and supported the changes made. As an LGAQ Policy Executive Member for our region I know that we made recommendations to the Government that went beyond Belcarra like setting campaign limits as we actively tried to be part of the solution. While there has been reputational damage to the sector this term thanks to the actions of a very small minority, as well as those who have sought to politicise institutions like the Independent Assessor and the Crime and Corruption Commission, we have got on with the job of delivering accountability and transparency in our own decision making. I am pleased that today the CCC have confirmed that they are not currently investigating any matters relating to this Council, other than those matters subject to previous public statements made by the CCC and those matters before the courts.

I want to thank all thirteen councillors that sat around this table this term. You each represent the many and varied communities that make up our beautiful region. To the five first term councillors, I want to say thank you for what you have brought to this organisation and your individual efforts to represent your own communities. I have seen a good balance of experience with the thoughts and wisdom of a new generation. We need this balance. It reflects our community. I wish you well in your re-election efforts.

I want to particularly like to thank retiring councillors James Houghton, Koliana Winchester and Julie Greer.

People often ask what's next? You've built the rail and the uni, what's next for the region? The next big thing for the region isn't just the infrastructure it's how we maximise the infrastructure and help to harness our amazing human capital.

Once the doors to the new university open, a catalytic wave of change will wash across every corner of our region, bringing with it a new sense of optimism and opportunity.

This will be a hub for innovation, research and design that will generate a billion-dollars in future economic benefit and create an estimated 6,000 future jobs.

This is a gamechanger that will transform the demographics of our communities - as more academics, medical researchers, professors and countless other professionals relocate to our region for work.

As I talk to school principals, P&Cs and others across the community the one theme that keeps emerging is that artificial intelligence is the future and we need to get better at teaching coding. We need to match skillsets we are producing with the skillsets employers need. Just like the creation of the university, I view this task as one of those that fits under the "failure is not an option category".

Queensland's Minister for Innovation Kate Jones recently said that Queensland has spent the past few years positioning itself as Australia's most exciting start-up destination by investing heavily in new technology and developing policy to support innovation. Queensland's future is to drive jobs, growth and solve some of the state's largest challenges through innovation. In an attempt to "future-proof" the next generation of jobseekers.

We know that countries like China for example are investing heavily in new technologies because they understand that not only does it grow the economy, but it also ensures that everybody in the community is benefiting.

A recent Forbes article highlighted that automation will displace 75 million jobs but generate 133 million new ones worldwide by 2022. A study by Google and Gallup shows that early exposure is one of the most important ways we can shrink the gender gap in STEM, as it boosts confidence in kids, especially young girls, while they're still interested in technology.

As I said at our 500<sup>th</sup> meeting, our remit as a Council is to make this region a better place for our community. This excites me and I see this as our next big challenge.

ITEM 11.4 NORTH PINE SPORTS CLUB - DIVISION 7 - A19577256 (Cont.)

Cr Charlton thanked Councillors individually, making special mention of each of their personal qualities and strengths which had been demonstrated during their term at Council. He wished retiring Councillors well, with prosperity and health and recontesting councillors all the best.

Cr Charlton also provided his heartfelt thanks to staff, recognising those who gave their entire working life to Council.

**ITEM 11.3  
REPORT ON PLANNING SCHEME FOR THE NEW COUNCIL - REGIONAL  
(MG)**

In the last few years inadequacies in the Planning Scheme have been highlighted by residents and councillors. The Scheme which became live on the 1 February 2016 had two sessions of public consultation before it was finally approved by the State in late 2015. The previous Council knew the 6,000 odd page document would not be perfect but could be adjusted by amendments at a later date. To date there has been one successful tranche of amendments approved by the State. There are still areas requiring attention that can be fixed either by further amendments or by a wholesale review of the planning scheme. This hopefully would not be as onerous as the first planning scheme attempted by Moreton Bay Regional Council.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Matt Constance

CARRIED 11/0

That the Chief Executive Officer be requested to bring forward a report to the new Council which outlines an approach to address community concerns with regards to development occurring across the region, including issues such as building heights, dwelling density and environmental protection, through either amendments to the existing Moreton Bay Regional Planning Scheme, or a new planning scheme, or both.

**ITEM 11.4  
NORTH PINE SPORTS CLUB - DIVISION 7  
(DS)**

Cr Denise Sims attended the **North Pine Sports Club's Combined Charity Match** on Friday 21 February 2020 in honour of Nathan Goldstiver, a resident in his 30's suffering from Motor Neurone Syndrome. Cr Sims said that Nathan walked out onto the field with his two young children.

Cr Sims provided her thanks to the North Pine Sports Club and to all who helped organise the event, saying that proceeds from the canteen/bar, raffles and auction items were donated to the Goldstiver family to help ease the burden they must be facing.

Cr Sims also made special mention of the **Opening of Soccer Field No. 2** at the North Pine Sports Club, a \$250,000 investment by Moreton Bay Regional Council which included two dugouts. Cr Sims thanked staff in achieving delivery of these types of assets, saying it is an honour to be part of an organisation that delivers to the community.

## 12. CLOSED SESSION

*(s275 of the Local Government Regulation 2012)*

Consideration of confidential officers' reports as referred by the Chief Executive Officer and confidential general business matters as raised at the meeting.

### **ITEM C.2 - DECLARATION STATEMENT - CR DENISE SIMS**

Cr Denise Sims advised the meeting that she has formed a view that she does not have a conflict of interest in relation to the proposed acquisition of land for road corridor (Item C.2) as the location of related persons' business is 800 metres distance from the proposed acquisition of land and sought the Chief Executive Officer's advice regarding her view on the matter.

On the information provided by Cr Sims, the Chief Executive Officer supported Cr Sims' rationale that she does not have a conflict of interest in the matter.

## CLOSED SESSION

### RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Matt Constance

CARRIED 11/0

**That Council move into closed session pursuant to the provisions of s275 (1) of the Local Government Regulation 2012 to discuss Items C.1 to C.3.**

Members of the press and public gallery left the Chambers.  
The closed session commenced at 12.32pm.

## OPEN SESSION

### RESOLUTION

Moved by Cr Koliana Winchester

Seconded by Cr Matt Constance

CARRIED 11/0

**That Council resume in open session and that the following motions be considered.**

The open session resumed at 12.43pm.

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**12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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**ITEM C.1 – CONFIDENTIAL**

**PROPOSED LEASE - LEASE 4B, THE CORSO, NORTH LAKES - DIVISION 4**

**Meeting / Session:** 8 Regional Innovation (Cr D Grimwade)

**Reference:** A19637717 : 4 February 2020 - Refer **Confidential** Supporting Information  
A19645135

**Responsible Officer:** AS, Manager Property Services (CES Property & Commercial Services)

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**Basis of Confidentiality**

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (e), as the matter involves contracts proposed to be made by the Council.

**Executive Summary**

This report seeks a Council resolution to enter into a lease at 10 The Corso, North Lakes on the terms outlined in this report.

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**RESOLUTION**

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Moved by Cr Julie Greer

Seconded by Cr Koliana Winchester

CARRIED 11/0

1. That the exception contained in section 236(1)(e) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the lease referred to in this report.
2. That a lease be granted over Lease 4B, 10 The Corso, North Lakes (L80/SP236568) on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

**ITEM C.2 – CONFIDENTIAL**

**ACQUISITION OF LAND FOR ROAD PURPOSES - DIVISION 4**

**Meeting / Session:** 4 Asset Construction & Maintenance (Cr A Hain)

**Reference:** A19684874 : 14 February 2020 - Refer **Confidential** Supporting Information:  
A19685764

**Responsible Officer:** SJ, Manager Integrated Transport Planning (IP Integrated Transport Planning & Design)

**Basis of Confidentiality**

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (h), as the matter involves other business for which a public discussion would be likely to prejudice the interests of the Council or someone else, or enable a person to gain a financial advantage.

**Executive Summary**

This report seeks Council's approval to proceed to acquire land to facilitate an upgrade of the existing transport network.

**RESOLUTION**

Moved by Cr Julie Greer

Seconded by Cr Koliana Winchester

CARRIED 11/0

That Council:

1. Delegates to the Chief Executive Officer the power to negotiate and finalise the purchase of part of the property as described in this confidential report (Land);
2. Failing a negotiated purchase of the Land on terms satisfactory to the Chief Executive Officer, delegates the power to the Chief Executive Officer to take the Land for road purposes by way of compulsory acquisition in accordance with the requirements of the *Acquisition of Land Act 1967* (Act) which includes, without limitation, the power to prepare, serve and amend a notice of intention to resume;
3. If no objections are received, delegates the power to the Chief Executive Officer to make an application to the Minister for Natural Resources, Mines and Energy to take the Land under section 9 of the Act;
4. Delegates authority to the Chief Executive Officer to settle the claims for compensation if the Land is compulsorily acquired; and
5. Authorises the Chief Executive Officer to do all other things that are necessary to give effect to the taking of the Land.



**ITEM C.3 – CONFIDENTIAL**  
**PROPOSED PROSECUTION - ILLEGAL DUMPING - REGIONAL**

**Meeting / Session:** 6 Lifestyle & Amenity (Cr D Sims)

**Reference:** A19688636 : 17 February 2020

**Responsible Officer:** FH, Case Management & Compliance Coordinator (CES Regulatory Services)

**Basis of Confidentiality**

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (f), as the matter involves starting or defending legal proceedings involving the Council.

**Executive Summary**

Council's approval is sought for the commencement of court action against the responsible person for a volume of waste demolition/construction material which was illegally dumped on 21-22 March 2019 at 420 Gympie Road, Dakabin.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Matt Constance

CARRIED 11/0

1. That Council authorise the Chief Executive Officer to commence appropriate prosecution proceedings against the responsible person for the waste material illegally dumped at 420 Old Gympie Road, Dakabin in contravention of the *Waste Reduction and Recycling Act 2011*.
2. That the prosecution proceedings as described in recommendation 1 be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

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**12b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

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**CLOSURE**

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There being no further business the Chairperson closed the meeting at 12.45pm.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 20/552 to 20/589 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 25 February 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting to be held on a date to be advised.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

\_\_\_\_\_  
Mayor



# MINUTES

## Special Meeting

**Wednesday 25 March 2020**  
commencing at 3.00pm

Strathpine Chambers  
220 Gympie Road, Strathpine

This meeting was live-streamed via a link on Council's web

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**UNCONFIRMED**

LIST OF ITEMS

<b>CHIEF EXECUTIVE OFFICER STATEMENT</b>	<b>590</b>
1. <b>OPENING PRAYER</b>	<b>591</b>
2. <b>ATTENDANCE &amp; APOLOGIES</b>	<b>591</b>
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3. <b>PURPOSE OF MEETING</b>	<b>594</b>
<b>ITEM 1.1</b>	<b>595</b>
CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS SUPPORT PACKAGE - REGIONAL	
<b>MOTION</b>	
<b>AMENDMENT MOVED</b>	
<b>AMENDMENT MOVED</b>	
<b>THE AMENDMENTS BECAME THE MOTION</b>	
<b>RESOLUTION</b>	
REPORT DETAIL	
4. <b>CLOSURE</b>	<b>601</b>

## **CHIEF EXECUTIVE OFFICER STATEMENT**

The Chief Executive Officer made the following statements regarding the convening of this Special Meeting:

*“The caretaker period prior to a quadrennial election does not prohibit meetings of the Council being conducted, however section 90B of the Local Government Act 2009 states the Council must not make a ‘major policy decision’ during this period.*

*Council’s Legal Services have confirmed to me that the purpose of this Special Meeting is not related to the making of any ‘major policy decision’ and is therefore not affected by the limitations under section 90B of the Act.*

*This Special Meeting has been convened pursuant to section 258(3) of the Local Government Regulation 2012, noting that the only business that may be conducted is the business stated in the notice of the meeting.*

*Also, under delegated authority (Council-147), I (as CEO) have given approval for Councillors to attend this Special Meeting via teleconference and that this meeting be livestreamed for access by interested members of the public, the recording of which will be maintained in accordance with the Public Records Act.*

*At a state-wide teleconference this morning with a number of state government officials, many mayors and CEOs across Queensland, the Director-General of the Department of Local Government, Racing and Multicultural Affairs confirmed that:*

- *councils can meet during caretaker period and determine emergency matters such as rates relief measures; and*
- *councils can conduct this meeting by teleconference*

*My final comments prior to the formal opening of this special council meeting by the acting mayor relate to the council’s operations and staff, which I would like to bring to attention of the acting mayor and councillors.*

*This organisation has responded calmly and responsibly to the changing challenges we face. Whilst many council owned facilities and venues have been closed, often by us only a matter of days before they would have been closed by state or commonwealth government decisions in any case, our primary focus is to maintain as many services, functions and roles as we can.*

*Our most vulnerable employees and particular staff who we really rely on for specialist roles have been working either from home or in isolated separate workspaces for some time. Our call centre is now operating from 4 separate locations. Many other staff are now working from home or in separated work teams. Our core services of waste management, roadworks and capital projects, parks maintenance, our rangers and inspectors, development assessment are all functioning through diverse locations and some from home, and functioning well.*

*It’s not perfect but councillors (and any members of the community watching this livestream), your staff have responded superbly. And I thank them all.”*

1. OPENING PRAYER

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The Acting Mayor recited the Opening Prayer and invited Councillors to join him in the recitation of the Lord's Prayer.

2. ATTENDANCE & APOLOGIES

---

**Attendance:**

Cr Mike Charlton (Acting Mayor) (Chairperson)  
Cr Brooke Savige \*attended via video conference from Caboolture Chambers  
Cr Peter Flannery \*attended via video conference from Caboolture Chambers  
Cr Adam Hain \*attended via video conference from Caboolture Chambers  
Cr Julie Greer  
Cr James Houghton  
Cr Koliana Winchester  
Cr Denise Sims  
Cr Mick Gillam  
Cr Matthew Constance  
Cr Darren Grimwade

**Officers:**

Chief Executive Officer	(Mr Greg Chemello)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Community & Environmental Services	(Mr Bill Halpin) *attended via video conference from Caboolture Chambers
Director Finance & Corporate Services	(Ms Donna Gregory)
Director Planning	(Mr David Corkill) *attended via video conference from Caboolture Chambers
Director Infrastructure Planning	(Mr Andrew Ryan)
Manager Legal Services	(Mr John Hall)
Manager Community Services, Sport & Recreation	(Mr Mark McCormack)
Financial Operations Manager	(Mr Jason Linsdell)
Meeting Support	(Hayley Kenzler)

**Suspended:**

Under section 175K (previously section 182A) of the *Local Government Act 2009* Cr Allan Sutherland (Mayor) and Cr Adrian Raedel are currently suspended from office.

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ACTING MAYOR STATEMENT

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The Acting Mayor made the following statement:

*'It is with a heavy heart that I sit in this chair today.*

*This is a meeting I never envisaged us having. And the situation we're dealing with is something no one could have ever foreseen.*

*The global pandemic that is coronavirus has changed our world and will probably change the world for generations to come.*

*As of this morning there were 420,000 confirmed cases globally.*

*Already more than 18,000 people have died. That is a mortality rate over 4%.*

*Worldwide there are currently more than 2 billion people living in total lockdown... and despite Governments' best efforts, this aggressive virus continues to spread in Australia at an accelerated rate.*

*Overnight Queensland's cases jumped by 46 to a total of 443.*

*There may be some political players watching on Facebook right now who think it's inappropriate for us to be meeting days out from an election.*

*To those people, I say... get real.*

*We have seen reports of national job losses in the hundreds of thousands, and we've already seen a huge impact locally.*

*You only have to walk 100 metres from this building to the Centrelink across the road to see the growing queue of distressed and confused residents looking for leadership and most importantly, some financial relief.*

*Everyone in this room is still employed, many are not. We have a job to do, so let's do it.*

*This meeting is about providing the leadership and financial relief to the most exposed people, community groups and businesses in our region need right now.*

*I hope whoever is elected on Saturday - the results of which we may not know for weeks - will proceed with the work we're starting today by going even further than these emergency measures, to articulate a full recovery plan.*

*On that note, I want to address the concerns that have been raised about crowds gathering for Saturday's election.*

*Frankly, I share those concerns.*

*Earlier this month I wrote to both the state government and the Electoral Commission of Queensland encouraging them to extend postal voting.*

*But that is something Council has absolutely no control over.*

*I would like to acknowledge the stimulus packages announced by the federal and state governments to support residents and businesses doing it tough in our Region. Council also has a role to play in supporting our community.*

*Before you is a \$15 million stimulus package designed to provide some immediate relief to locals - this is only the first step. This could not wait for council budget processes or outcomes of the election. This crisis and the impact it is having on our community, demands we take action now.*

*If approved, this package will provide:*

- **\$7 million** worth of rate relief to recipients of the Federal Government's Coronavirus Supplement
- **\$5 million** for grants to community groups and clubs
- **\$2 million** in accelerated asset maintenance works to keep people employed on local projects
- **\$500,000** refund on food licencing fees for businesses, many now entirely relying on takeaway

*Earlier this week council announced doubling payment runs to two per week. This will get money flowing into the community and we're doubling payment terms for contractors and tradies from 30 to 60 days.*

*This is not the complete solution. It is not a silver bullet... but right now we have to be doing absolutely everything we can to help immediately.*

*I will be proposing that we go beyond these recommendations to look at other ways we can ensure businesses have some cashflow, to help suppliers, tradies and apprentices stay on the tools.*

*Additionally, I am proposing we waive the development application fees associated with some building works like carports, sheds, retaining walls, minor house extensions of a certain value where private certification has already been secured.*

*But we can discuss the details of this further in our meeting.*

*Before we get underway, I want to remind you all that we - You and I - are public servants.*

*We are here to serve, and you all know that I believe in a life dedicated to service.*

*So, let's get on with the job of serving our community and get this package done for the benefit of those people who are suffering right now in the Moreton Bay Region.*

*Thank you.'*

## **ATTENDANCE**

Mr John Hall attended the meeting at 3.14pm to provide clarification and for Item 1.1.



### 3. PURPOSE OF MEETING

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The purpose of the special meeting is:

To consider a community and local business support package in response to the COVID-19 pandemic. The proposed package aims to provide relief to residents, community organisations and local businesses within the Moreton Bay Region experiencing financial hardship, and to stimulate the local economy in the region.

#### **ITEM 1.1 - CLARIFICATION BY THE CHIEF EXECUTIVE OFFICER**

Cr Brooke Savige sought clarification on whether or not Councillors who may have previously declared Conflicts of Interest when determining Council's Fees & Charges would be required to do so when considering the fees as outlined in Item 1.1, or would this item be an ordinary business item.

The Chief Executive Officer and Manager Legal Services clarified that Item 1.1 was an ordinary business item and therefore would not require Councillors to declare any conflicts of interest.

#### **ATTENDANCE**

Mr Jason Linsdell attended the meeting at 4.46pm for Item 1.1

Cr Adam Hain left the meeting at 4.55pm during Item 1.1 and was not present when the votes were taken.

**ITEM 1.1  
CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS SUPPORT  
PACKAGE - REGIONAL**

*Meeting / Session:* 1 GOVERNANCE  
*Reference:* A19846513 : 24 March 2020 - Refer Supporting Information A19849715,  
A19848759, & A19848127  
*Responsible Officer:* GC, Chief Executive Officer

**Executive Summary**

The Coronavirus (COVID-19) has been declared a pandemic by the World Health Organisation (WHO). Worldwide there are over 350,000 cases of COVID-19 with a current mortality rate of over 4%. The Prime Minister, the Hon Scott Morrison MP, has assembled the National Cabinet of State and Territory First Ministers to respond to this pandemic based on expert health advice from the federal and state Chief Health Officers.

Initially, Federal and State Governments announced a range of public health measures eg. social distancing and self-isolation in order to slow the spread of COVID-19. Further exceptional measures were announced on 20 and 24 March 2020 including limiting people attendance at indoor and outdoor events, banning all non-essential domestic and international travel, closing the international border and the indefinite closure of businesses, venues and services in the community.

These public health measures have had a significant impact on the economy with many businesses closing or significantly reducing their trading hours. This has resulted in large numbers of people becoming unemployed and experiencing financial hardship both nationally, and across the Moreton Bay Region.

On 23 March 2020, a modified House of Representatives passed Bills for a national stimulus package worth \$83.6 billion. The State Government on 24 March 2020 announced a further stimulus package of \$4 billion in addition to existing measures.

Council has been recalled during the caretaker period to consider an immediate and urgent support package worth over \$15 million to boost the regional economy and support residents, community groups and businesses suffering financial hardship. It is envisaged that Council's initiatives will complement packages announced by the State and Federal Government.

This report outlines the stimulus measures that Moreton Bay Regional Council can take to support the community during this unprecedented disaster.

**MOTION**

**Moved by Cr Matt Constance**

**Seconded by Cr Koliana Winchester**

1. That Council endorses the COVID-19 Community and Local Business Support Package as outlined in the attached report in order to provide relief to residents, community organisations and local businesses within the Moreton Bay Region experiencing financial hardship due to the coronavirus (COVID-19), and to stimulate the local economy in the region.
2. That Council adopts the policy appearing as Supporting Information #1 to this report and titled "Financial Hardship Policy (Coronavirus COVID-19)" (Hardship Policy).
3. That pursuant to section 122(1)(b) of the Local Government Regulation 2012 (Regulation), council grants a rebate of rates and charges for eligible ratepayers within the eligible ratepayer categories, for those periods, identified in the Hardship Policy.

ITEM 1.1 CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS SUPPORT PACKAGE - REGIONAL - A19846513 (Cont.)

4. That pursuant to section 122(4) of the Regulation Council delegates to the Chief Executive Officer the right to determine the eligibility of ratepayers for the rates and charges concession mentioned in recommendation 3 above.
5. That Community Grants Policy (No.2150-030) is amended by the addition of:
  - i. COVID-19 Community Infrastructure Revitalisation Grant
  - ii. COVID-19 Community Organisation Hardship and Assistance Grant
6. That pursuant to section 195 of the Regulation Council adopts the Community Grants Policy as amended and appearing as Supporting Information #2 to this report (Amended Grants Policy).
7. That pursuant to section 257 of the *Local Government Act 2009* Council delegates to the Chief Executive Officer the power under section 194 of the Local Government Regulation 2012 to:
  - i. determine whether council is satisfied a grant will be used for a purpose that is in the public interest; and
  - ii. determine whether the community organisation meets the criteria stated in the Amended Grants Policy; and
  - iii. give a grant consistent with the Amended Grants Policy;
8. That the Chief Executive Officer be authorised to take all action reasonably required to give effect to COVID-19 Community and Local Business Support Package.
9. That Council notes the list of Council's facility closures as appearing Supporting Information #3.

**AMENDMENT MOVED**

**Cr Peter Flannery moved the following amendment:**

That an additional recommendation be added to the original motion, as follows:

That the category RV1 be added under Eligible Properties within the Hardship Policy.

**Seconded by Cr Julie Greer**

The amendment was put to the vote and declared **CARRIED 10/0**

*Cr Adam Hain had left the meeting and was not present when the vote was taken.*

**AMENDMENT MOVED**

**Cr Peter Flannery moved a further amendment as follows:**

That an additional recommendation be added to the amended motion, as follows:

That the food licencing fees be amended to read as follows:

A pro-rata refund will be provided to local restaurants and cafes for 12 months (for the 2020 Calendar year) to provide relief to those businesses who have had to cease operations or change to takeaway offerings only.

**Seconded by Cr Brooke Savige**

The amendment was put to the vote and declared **CARRIED 10/0**

*Cr Adam Hain had left the meeting and was not present when the vote was taken.*

ITEM 1.1 CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS SUPPORT PACKAGE - REGIONAL - A19846513 (Cont.)

**THE AMENDMENTS BECAME THE MOTION**

and was put as follows:

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Darren Grimwade

CARRIED 10/0

*Cr Adam Hain had left the meeting and was not present when the vote was taken.*

1. That Council endorses the COVID-19 Community and Local Business Support Package as outlined in the attached report in order to provide relief to residents, community organisations and local businesses within the Moreton Bay Region experiencing financial hardship due to the coronavirus (COVID-19), and to stimulate the local economy in the region.
2. That Council adopts the policy appearing as Supporting Information #1 to this report and titled "Financial Hardship Policy (Coronavirus COVID-19)" (Hardship Policy).
3. That pursuant to section 122(1)(b) of the Local Government Regulation 2012 (Regulation), council grants a rebate of rates and charges for eligible ratepayers within the eligible ratepayer categories, for those periods, identified in the Hardship Policy.
4. That pursuant to section 122(4) of the Regulation Council delegates to the Chief Executive Officer the right to determine the eligibility of ratepayers for the rates and charges concession mentioned in recommendation 3 above.
5. That Community Grants Policy (No.2150-030) is amended by the addition of:
  - i. COVID-19 Community Infrastructure Revitalisation Grant
  - ii. COVID-19 Community Organisation Hardship and Assistance Grant
6. That pursuant to section 195 of the Regulation Council adopts the Community Grants Policy as amended and appearing as Supporting Information #2 to this report (Amended Grants Policy).
7. That pursuant to section 257 of the *Local Government Act 2009* Council delegates to the Chief Executive Officer the power under section 194 of the Local Government Regulation 2012 to:
  - i. determine whether council is satisfied a grant will be used for a purpose that is in the public interest; and
  - ii. determine whether the community organisation meets the criteria stated in the Amended Grants Policy; and
  - iii. give a grant consistent with the Amended Grants Policy;
8. That the Chief Executive Officer be authorised to take all action reasonably required to give effect to COVID-19 Community and Local Business Support Package.
9. That Council notes the list of Council's facility closures as appearing in Supporting Information #3.
10. That the category RV1 be added under eligible properties within the Hardship Policy.
11. That in relation to the food licencing fees, a pro-rata refund will be provided to local restaurants and cafes for 12 months (for the 2020 Calendar year) to provide relief to those businesses who have had to cease operations or change to takeaway offerings only.

ITEM 1.1 CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS SUPPORT PACKAGE - REGIONAL - A19846513 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council endorses the **COVID-19 Community and Local Business Support Package** as outlined in the attached report in order to provide relief to residents, community organisations and local businesses within the Moreton Bay Region experiencing financial hardship due to the coronavirus (COVID-19), and to stimulate the local economy in the region.
2. That Council adopts the policy appearing as Supporting Information #1 to this report and titled "Financial Hardship Policy (Coronavirus COVID-19)" (Hardship Policy).
3. That pursuant to section 122(1)(b) of the Local Government Regulation 2012 (Regulation), council grants a rebate of rates and charges for eligible ratepayers within the eligible ratepayer categories, for those periods, identified in the Hardship Policy.
4. That pursuant to section 122(4) of the Regulation Council delegates to the Chief Executive Officer the right to determine the eligibility of ratepayers for the rates and charges concession mentioned in recommendation 3 above.
5. That Community Grants Policy (No.2150-030) is amended by the addition of:
  - i. COVID-19 Community Infrastructure Revitalisation Grant
  - ii. COVID-19 Community Organisation Hardship and Assistance Grant
6. That pursuant to section 195 of the Regulation Council adopts the Community Grants Policy as amended and appearing as Supporting Information #2 to this report (Amended Grants Policy).
7. That pursuant to section 257 of the *Local Government Act 2009* Council delegates to the Chief Executive Officer the power **under section 194 of the Local Government Regulation 2012 to:**
  - i. determine whether council is satisfied a grant will be used for a purpose that is in the public interest; and
  - ii. determine whether the community organisation meets the criteria stated in the Amended Grants Policy; and
  - iii. give a grant consistent with the Amended Grants Policy;
8. That the Chief Executive Officer be authorised to take all action reasonably required to give effect to COVID-19 Community and Local Business Support Package.
9. That Council notes the list of Council's facility closures as appearing Supporting Information #3.

**REPORT DETAIL**

**1. Background**

The World Health Organisation (WHO) has announced that COVID-19 is a pandemic. Across the world there have been more than 354,000 confirmed cases with more than 16,000 deaths. As at 3pm on 24 March 2020, there have been 2,136 confirmed cases of COVID-19 in Australia. The rate of transmission is rapid with 427 new cases since 3:00pm on 23 March 2020 (397 in Queensland).

The unprecedented nature of this pandemic has led to the formation of the National Cabinet consisting of the Prime Minister and State and Territory First Ministers who have made decisions around closures of national borders, travel, indoor and outdoor gatherings, venues to stop the spread of the virus. The National Cabinet was last formed in World War II. Furthermore, consistent with the Federal Government's requirements for venue closures, Council has closed the facilities listed in Supporting Documentation #3.

The local, national and global economies are facing an unprecedented downturn. All levels of government have a role to play in stimulating the economy and assisting those who are experiencing financial hardship.

ITEM 1.1 CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS SUPPORT PACKAGE - REGIONAL - A19846513 (Cont.)

## 2. Explanation of Item

To follow are the components of council's proposed **COVID-19 Community and Local Business Support Package**.

### **Rebate on Council Rates**

Council's 2019-20 quarter four rates are due to be issued in early April. Quarterly rating revenue is approximately \$80 million and is a significant component of council's cash flow which is used to deliver its community services.

However, Council acknowledges the financial hardship faced by many members of the community as a result of COVID-19. It is proposed that council undertake the following in recognition of this financial hardship:

- Delay the issuing of rates by two to three weeks;
- Suspend rates collection activities for a period of at least 3 months; and
- Adopt the **Council Rates and Charges - Financial Hardship Policy (Coronavirus COVID-19)** (Refer to Supporting Information #1).

This new Policy outlines that owner-occupiers eligible for the Federal Government's Coronavirus Supplement are eligible for a rates remission of \$100 in each of the April - June rating period and July - September rating period (only applies once per property).

It is anticipated that this initiative will cost approximately \$7 million.

In addition, other property owners experiencing financial hardship can apply to utilise council's existing repayment plan option to pay off their rates, and

### **Community Grants – COVID-19 Community Response and Recovery Program**

Council's Policy 2150-030 - Community Grants has been modified to enable the provision of grants to support community organisations in their endeavours to respond and recover from the impacts of COVID-19. In addition to the community benefits envisaged, these grants will also aim to provide stimulus to the Moreton Bay Region economy through the engagement of local suppliers and contractors (Refer to Supporting Information #2).

The following grants will be provided under the COVID-19 Community Response and Recovery Program:

- Community Infrastructure Revitalisation Grant:
  - This grant aims to provide opportunities for eligible community organisations to revitalise their existing community facilities, in preparation for their return to standard operating conditions, all while stimulating the local economy.
- Community Organisation Hardship and Assistance Grant
  - This grant aims to provide 'quick response' financial assistance to eligible community organisations that are either: experiencing financial hardship as a result of COVID-19 related service disruptions; seeking to establish alternate service delivery models for business continuity; or seeking to provide support services to vulnerable residents impacted by COVID-19.

This initiative will cost \$5 million.

### **Asset Maintenance Program**

There is a large amount of asset maintenance work including defect rectification that could be brought forward immediately in order to stimulate the local economy. Approximately \$2 million worth of work will be brought forward over the next two quarters and preference will be given to local suppliers in completing this work.

This initiative will cost \$2 million.

ITEM 1.1 CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS SUPPORT PACKAGE - REGIONAL - A19846513 (Cont.)

**Food Licencing Fees**

A pro-rata refund will be provided to local restaurants and cafes for up to six months to provide relief to those businesses who have had to cease operations or change to takeaway offerings only.

This initiative will cost approximately \$500,000.

**Community and Commercial Leases**

There are a range of community and commercial leases that will be assessed on a case by case basis.

**Accounts Payable**

Council has commenced undertaking two payment runs per week to local businesses and suppliers and has doubled the payment terms for contractors and tradespersons who use council services from 30 days to 60 days in order to increase cash flow in the community.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

**Rebate on Council rates**

The local government may make a resolution under s122 of the *Local Government Act 2009* about rates concessions before the local government levies the rates or charges. The concession may be granted only to the ratepayers whom the local government is satisfied are eligible for the concession. The resolution may include conditions for granting the concession to the class of ratepayers.

A delegation to the CEO exists for decisions to be made about whether a ratepayer is eligible for the concession once the concession type is adopted by Council.

**Community Grants – COVID-19 Community Response and Recovery Program**

In accordance with sections 194 and 195 of the *Local Government Act 2009*, in order to award community grants a local government must prepare and adopt a policy about local government grants to community organisations (a community grants policy), which includes the criteria for a community organisation to be eligible for a grant from the local government. The recommendation in this report will amend, as required, the existing policy to accommodate the new community grants mentioned in this report.

**3.2 Corporate Plan / Operational Plan**

Strengthening Communities: Strong local governance - strong leadership and governance.

**3.3 Policy Implications**

As outlined above.

**3.4 Risk Management Implications**

Council is currently finalising a business continuity plan for the COVID-19 pandemic as a sub-plan of its corporate business continuity plan.

**3.5 Delegated Authority Implications**

As outlined above.

**3.6 Financial Implications**

The stimulus and support initiatives will impact upon the current financial year and the forthcoming 2020/21 Budget. Financial modelling undertaken indicates Council will remain within its long-term financial sustainability parameters.

**3.7 Economic Benefit Implications**

As outlined above.

*ITEM 1.1 CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS SUPPORT PACKAGE - REGIONAL - A19846513 (Cont.)*

- 3.8 Environmental Implications  Nil identified
- 3.9 Social Implications  
As outlined above.
- 3.10 Consultation / Communication  
Relevant Directors and Managers has been consulted in the development of this report.

4. CLOSURE

---

There being no further business the meeting closed at 5.18pm.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 20/590 to 20/601 constitute the minutes of the Special Meeting of the Moreton Bay Regional Council held 25 March 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council to be held on a date to be advised.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

\_\_\_\_\_  
Mayor





# MINUTES

## Post-election Meeting

**Wednesday 29 April 2020**  
commencing at 10.02am

Strathpine Chambers  
220 Gympie Road, Strathpine

Pursuant to section 277E of the Local Government Regulation 2009, it is considered not practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency involving COVID-19.

Accordingly, this meeting was physically closed to the public and live-streamed via a link on Council's website

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**UNCONFIRMED**

SCHEDULE OF ITEMS

<b>1. ATTENDANCE &amp; APOLOGIES</b>	<b>602</b>
<b>2. ACKNOWLEDGMENT OF COUNTRY</b>	<b>602</b>
<b>3. OPENING PRAYER</b>	<b>602</b>
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1. ATTENDANCE & APOLOGIES

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To minimise serious risks to the health and safety of persons caused by the public health emergency involving COVID-19, Councillors took part in the meeting by teleconferencing, as permitted under section 277B of the Local Government Regulation 2012.

**Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)  
Cr Brooke Savige \*  
Cr Mark Booth \*  
Cr Adam Hain \*  
Cr Jodie Shipway  
Cr Sandra Ruck \*  
Cr Karl Winchester \*  
Cr Denise Sims  
Cr Mick Gillam  
Cr Cath Tonks  
Cr Matt Constance  
Cr Darren Grimwade  
Cr Tony Latter \*

Chief Executive Officer	(Mr Greg Chemello)
Deputy CEO/ Director Engineering Construction & Maintenance	(Mr Tony Martini) *
Director Community & Environmental Services	(Mr Bill Halpin) *
Director Finance & Corporate Services	(Ms Donna Gregory)
Director Infrastructure Planning	(Mr Andrew Ryan)
Director Planning	(Mr David Corkill) *
Meeting Support	Hayley Kenzler
Meeting Support	Kathrine Crocker *

**Apologies:**

Nil

*\* attended via video conference from Caboolture Chambers*

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2. ACKNOWLEDGMENT OF COUNTRY

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The Mayor conducted the Acknowledgment of Country.

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3. OPENING PRAYER

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The Mayor recited the opening prayer / reflection.

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4. ATTENDANCE OF INVITED GUESTS / DIGNITARIES

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The Mayor provided the following statement regarding the need for this meeting to be physically closed to the public:

*'Pursuant to section 277E of the Local Government Regulation 2012 it is considered not practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency involving COVID-19.'*

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5. NOTICE OF ELECTION RESULTS

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In accordance with section 23 of the *Local Government Electoral Act 2011* the quadrennial elections of the Mayor and Councillors for the Moreton Bay Regional Council was conducted by the Electoral Commission of Queensland on Saturday 28 March 2020.

The Electoral Commissioner has provided the required Notices of Election Results for Mayor and Councillors (refer Attachment 1).

**Chief Executive Officer's Recommendation**

That the Electoral Commissioner's Notices of Election Results for Mayor and Councillors for the 2020 Quadrennial Election for the Moreton Bay Regional Council held 28 March 2020, be noted.

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**RESOLUTION**

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**Moved by Cr Denise Sims**

**Seconded by Cr Mick Gillam**

**CARRIED 13/0**

**That the Electoral Commissioner's Notices of Election Results for Mayor and Councillors for the 2020 Quadrennial Election for the Moreton Bay Regional Council held 28 March 2020, be noted.**

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6. ELECTION OF DEPUTY MAYOR

---

In accordance with section 175(2) of the *Local Government Act 2009* the Council is required to appoint a Deputy Mayor at this meeting.

Some Councillors have advised the CEO and other Councillors that they are considering nominating for the position of Deputy Mayor. All Councillors are participating in an extensive induction program that commenced on Thursday 23 April 2020, and Councillors have had the opportunity to gain an understanding of prospective nominees for Deputy Mayor. In addition to any informal discussions that may have occurred amongst various individual Councillors, a specific session within the induction program was set aside on Monday 27 April 2020 for Councillors to raise a set of specific questions with potential candidates.

Based on these interactions, the election process for the election of the Deputy Mayor is proposed below.

## **Election of the Deputy Mayor process:**

- 1) Mayor to call for any nominations for the position of Deputy Mayor.
- 2) Councillors may nominate themselves or another Councillor for the position of Deputy Mayor.
- 3) If only one Councillor is nominated, that councillor is elected (through step 11 below).
- 4) If more than one Councillor is nominated, the Mayor asks the CEO for advice on options on how to proceed.
- 5) CEO explains the three generic options:
  - a. preferential ballot,
  - b. ordinary (secret) ballot - as recommended by the CEO, or
  - c. open voting.
- 6) Council then resolves on the selection process; requiring a mover and seconder for the process.  
***Assuming ordinary (secret) ballot is resolved***
- 7) Councillors then vote for their preferred nominee in secret, the votes collected and counted by the scrutineers, as appointed by resolution.
- 8) If one nominee has a majority (7 or more) of votes, the CEO will announce that nominee as the successful nominee.
- 9) Otherwise, the CEO will announce the Councillor(s) with the least votes (no vote numbers will be cited).
- 10) Steps 7 to 9 are repeated until two nominees remain, when the CEO will announce the name of the successful nominee.
- 11) Resolution to appoint the successful nominee to the position of Deputy Mayor; requiring mover and seconder and vote by show of hands.

## **Chief Executive Officer's Recommendation**

1. That Council adopts the election process outlined above, including the ordinary (secret) ballot option to select the nominated candidate for appointment as Deputy Mayor.
2. Subject to recommendation 1, that scrutineers for the counting of ballots be appointed as follows:
  - a) Chief Executive Officer at Strathpine Chambers; and
  - b) Deputy Chief Executive Officer at Caboolture Chambers.
3. That Council appoint a Deputy Mayor of the Moreton Bay Regional Council, subsequent to the nomination process described.

## **MAYOR TO CALL FOR NOMINATIONS FOR THE POSITION OF DEPUTY MAYOR**

The Mayor called for nominations for the position of Deputy Mayor, noting the following Councillor nominees:

1. Cr Darren Grimwade
2. Cr Denise Sims
3. Cr Matt Constance
4. Cr Adam Hain

**COUNCIL TO RESOLVE SELECTION PROCESS AND VOTING OPTION**

**RESOLUTION**

**Moved by Cr Matt Constance**

**Seconded by Cr Tony Latter**

**CARRIED 13/0**

1. **That Council adopts the election process outlined above, including the ordinary (secret) ballot option to select the nominated candidate for appointment as Deputy Mayor.**
2. **That scrutineers for the counting of ballots be appointed as follows:**
  - a) **Chief Executive Officer at Strathpine Chambers; and**
  - b) **Deputy Chief Executive Officer at Caboolture Chambers.**

**VOTING CONDUCTED BY ORDINARY (SECRET BALLOT)**

Voting was undertaken in both the Strathpine and Caboolture Chambers in line with the adopted process.

At the end of Round 1 - the Chief Executive Officer announced the Councillor with the least votes that would not be considered in the next round.

Voting was repeated for Round 2.

The Chief Executive Officer announced the Councillors with the least votes that would not be considered in the next round.

Preference Vote

At the end of Round 2, the Chief Executive Officer reported a tie between two of the Councillors. A separate vote was conducted to determine Councillors' preference of the two tied candidates.

At the end of the preference vote, the Chief Executive Officer announced the Councillor with the least votes that would not be considered in the next round.

Voting was repeated for Round 3 for the remaining nominees.

The Chief Executive Officer announced the name of the successful nominee, Cr Denise Sims.

**RESOLUTION**

**Moved by Cr Matt Constance**

**Seconded by Cr Darren Grimwade**

**CARRIED 13/0**

1. **That Cr Denise Sims be appointed to the position of Deputy Mayor.**
2. **That the position of Deputy Mayor be considered further in two years.**

7. WELCOME TO COUNCILLORS BY MAYOR AND RESPONSE BY DEPUTY  
MAYOR (A19979185)

---

**The Mayor officially welcomed Councillors, providing the following speech:**

*We meet in extraordinary times.*

*And I'm sorry we can't all be together in one chamber as we write this new chapter in Moreton Bay's history.*

*But getting on with the job and doing whatever it takes, is more important than any convention or procedure right now.*

*Most of you know I have a military background.*

*In the military we used to have a saying: Improvise. Adapt. Overcome.*

*I've been thinking about this since COVID-19 broke out.*

*Improvise. Adapt. Overcome.*

*We've seen businesses improvise.*

*We've seen families adapt.*

*Now it's the responsibility of Moreton Bay Regional Council to help our region overcome a pandemic and overcome the economic challenges ahead.*

*I don't look out today and see two chambers divided by distance or technology. I see 13 people united in unwavering passion and determination.*

*As a leader I pride myself on integrity, honesty and teamwork.*

*And it's in the spirit of teamwork that I will rely on all of you.*

*I will rely on the experience of the six returning councillors to provide advice and stability.*

*I will look to our six new councillors for fresh ideas, energy and community insight.*

*That's how we're going to start writing this first chapter for our new Council.*

*I'd also like to introduce some new traditions.*

*I want to start with a tradition of transparency.*

*Not only are we live-streaming this post-election meeting, you saw for the first time in our Council's history vote on the position of Deputy Mayor in a public forum.*

*Not behind closed doors. But out in the open.*

*Because I believe as elected representatives our doors should always be open.*

*I want to begin a new tradition of accountability.*

*We are accountable to our community.*

*Every day as I drive past Centrelink I'm reminded that there are plenty of locals who don't have the luxury of a job right now, let alone the luxury of a pay rise.*

*I state for the record that I will be moving a motion that we consider rejecting the 2% pay increase recommended for mayors and councillors.*

*It's simply the right thing to do by our community.*

*It is time to show leadership and solidarity.*

*This action will help us start a tradition of trust, by giving the people of this region a council they can believe in.*

*While I congratulate you all on winning the support of your communities, can I remind you that you don't win trust.*

*You earn trust.*

*The trust of your colleagues. The trust of council staff. The trust of the people you represent.*

*If you act with integrity in everything you do, that will engender trust.*

*But there is one tradition of previous Councils that I would like to continue. That is the prudent fiscal management that's become the DNA of Moreton Bay.*

*Our predecessors delivered nine consecutive budgets in operational surplus and built a war chest to ensure this Council could respond decisively, effectively and immediately if disaster ever struck.*

*Sadly, that day is here.*

*I ask you to talk to your communities too and find out what they're thinking and bring back their bold economic recovery ideas to this Chamber.*

*It's not enough for Council to simply deliver on the basics. We have to implement plans to grow the local economy and create local jobs.*

*Which means we're going to need to put our money where our mouth is, by building a better future.*

*And I want to be clear with each of you that when I say the word 'future'. I don't just mean the next four years.*

*I'm interested in the future of generations to come.*

*Kids, like my 5-year-old daughter Sophia, who will grow up either enjoying the opportunities we created or the consequences of our poor planning.*

*Because, at the end of the day, I'm just a dad who wants his kids to have the best future possible.*



*So, I have developed a ten-point priority plan to get Council working, while we work to plan our strategic priorities:*

- 1. My first action point in these tough times is that we reject the recommended 2% pay increase for councillors and mayors. This is a decision I ask you all to make together. Noting that some of our neighbouring Councils have already taken this action.*
- 2. We should immediately activate the Moreton Recovery Group to provide real time and expert external advice on the challenges we face and what's needed in our communities.*
- 3. We must start work now on a second COVID-19 Stimulus Package to assist local businesses and residents through the uncertain financial times ahead.*
- 4. We need a new Economic Development Strategy finalised within the first 100 days.*
- 5. Similarly, the beneficial Enterprise to guide the use of council-owned land at The Mill site must be established within first 100 days, to start the important work of attracting business investors and helping to drive economic recovery.*
- 6. We need to rework our Planning Scheme to meet the expectations of locals, by introducing neighbourhood plans tailored to the unique qualities of our many distinct communities across Moreton Bay Region.*
- 7. And in the interim we must protect our communities from unplanned development, by enacting a Regional Growth Management Strategy to strategically sequence development at a pace our region can absorb.*
- 8. In recent years we've achieved record growth in tourism. We need to take this to the next level by partnering with Moreton Bay Region Industry and Tourism (MBRIT) and the private sector to unlock a new wave of tourism infrastructure investment.*
- 9. We need to continue our advocacy work for revised Koala Mapping. I propose that we embark on an Environmental Land Buy Back Program. So that council can own and manage key green corridors across our region.*
- 10. Finally, we must complete the important internal work of implementing all the recommendations in the Council Reform Review to ensure Moreton Bay Regional Council is a modern, outcomes-focussed workplace.*

*On that note I'd like to thank the hardworking staff at Council who have continued working while we waited for an election result to be declared.*

*All of our staff are essential workers.*

*They are still collecting our bins. Still building roads. Still answering the phones. Still maintaining council buildings and mowing parks. In fact, just last week staff were conducting controlled burns to protect against potential fire risks.*

*They have improvised, adapted and overcome logistical challenges of social distancing to continue their service to our community.*

*Now it's on the people in this room to improvise and adapt so Moreton Bay overcomes the challenges ahead.'*

8. ACCEPTANCE OF APPOINTMENT - DEPUTY MAYOR (A19974253)

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The Deputy Mayor accepted her appointment to the role and responded on behalf of Councillors, providing the following speech:

*Thank you, Mr Mayor.*

*It's a pleasure to respond on behalf of my fellow Councillors to your warm welcome, even if we can't all meet in person.*

*Firstly, I would like to extend congratulations to the new Mayor and my fellow Councillors on their recent election.*

*There can be no greater honour than to be elected as a representative of your community.*

*And it is certainly not something that any of us...can do alone.*

*It takes a team of loved ones...friends and family...to stand behind us.*

*I join with my fellow Councillors in thanking friends and family, campaign workers and personal supporters for their love and support.*

*It is these very people...who know the almighty effort...it takes to run a council election campaign.*

*They understand the long days and the personal sacrifices.*

*Together we make these sacrifices...because we want to see a strong and bright future for our region.*

*This is a vision...I know that we also share with the residents of our region.*

*They too - overwhelmingly voted in favour of a bright future.*

*I am pleased to stand here today and see my fellow Councillors returned in Divisions 1, 3, 7, 8, 10 and 11.*

*I'm excited to see the new faces of Councillors elected to Divisions 2, 4, 5, 6, 9 and 12.*

*Echoing the sentiment of the Mayor, I think we can all agree our new council team represents an opportunity for community insight, fresh ideas and new energy for 2020 and beyond.*

*I thank the electors of the Moreton Bay Region for placing their trust in us.*

*I know we will continue to work hard...to honour that trust.*

*Thank you also to the hardworking council staff who have organised today's special meeting in Strathpine and Caboolture, made possible with the social distancing measures in place.*

*We also extend our thanks.... to friends and family, who can't be here today in person, but I know continue to support us.*

*To my fellow Councillors, you are the people...your communities' have selected to represent them on council.*

*You are here as genuine representatives of your whole community.  
That is a great honour.*

*Being a local Councillor is a very rewarding job.*

*You have the ability to assist local businesses and residents through the uncertain financial times ahead... while you help shape your local community, plan for new infrastructure, develop parks and open space, and deliver better local roads and footpaths for residents.*

*Sometimes the decisions you will need to make on council will be tough ones.*

*But that is why you have been elected...because your community believes in you - above all others.*

*They believe you have the skills and ability to represent them to your fullest. And I am certain that you will.*

*Thank you again to everyone here, and in the other chamber, for attending today's special event.*

*I again extend my congratulations to the Mayor and my fellow Councillors on their election.'*

## 9. FIXING OF DAYS/TIMES FOR GENERAL MEETINGS OF COUNCIL

---

In accordance with section 256(1) of the Local Government Regulation 2012, Council is required to fix the day and time for holding its meetings.

It is considered that General Meetings are best conducted fortnightly on a Wednesday (excepting scheduled breaks), such meetings being held on a rotational basis, generally to be held at Council's administration offices located at Strathpine and Caboolture.

Further, to enhance community engagement, it is proposed that 3 or 4 General Meetings per annum be conducted in other locations around the Region. These locations will be determined in due course but the intention is that, over the 4-year term of this Council, at least one General Meeting will be held in a community hall or similar venue within each MBRC Division.

A meeting schedule detailing suggested dates for the General Meeting cycle is provided for consideration (Attachment 2).

### **Chief Executive Officer's Recommendation**

1. That General Meetings of Council be generally conducted fortnightly on a Wednesday commencing at 9.30am.
2. That General Meetings of Council be held at Council's administration offices at Strathpine and Caboolture on a rotational basis, except as described in Recommendation 3.
3. That at least once every four months, a General Meeting of Council be held at another location within the Moreton Bay Region in conjunction with a community engagement and a "meet the councillors" event.
4. That Recommendation 1 above may be amended from time to time by resolution of Council.
5. That Council's first General Meeting for the 2020-2024 term, be held on Wednesday 13 May 2020 at its Strathpine Chambers commencing at 9.30am.
6. That the meeting schedule for General Meetings be adopted as tabled in Attachment 2, and advertised in accordance with section 277 of the Local Government Regulation 2012.

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**RESOLUTION**

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Moved by Cr Brooke Savige

Seconded by Cr Jodie Shipway

CARRIED 13/0

1. That General Meetings of Council be generally conducted fortnightly on a Wednesday commencing at 9.30am.
2. That General Meetings of Council be held at Council's administration offices at Strathpine and Caboolture on a rotational basis, except as described in Recommendation 3.
3. That at least once every four months, a General Meeting of Council be held at another location within the Moreton Bay Region in conjunction with a community engagement and a "meet the councillors" event.
4. That Recommendation 1 above may be amended from time to time by resolution of Council.
5. That Council's first General Meeting for the 2020-2024 term, be held on Wednesday 13 May 2020 at its Strathpine Chambers commencing at 9.30am.
6. That the meeting schedule for General Meetings be adopted as tabled in Attachment 2, and advertised in accordance with section 277 of the Local Government Regulation 2012.

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10. ESTABLISHMENT OF DELEGATED DECISIONS COMMITTEE

---

In accordance with section 264 of the Local Government Regulation 2012 Council is able to establish and appoint its Standing Committees.

**Chief Executive Officer's Recommendation**

1. That a Standing Committee - to be known as the Delegated Decisions Committee be established in accordance with s264 of the Local Government Regulation 2012.
2. That the sole purpose of the Delegated Decisions Committee be to decide matters as may be delegated to it by Council, under s257 of the Act, where the delegation arises as a consequence of s175E(6) of the Act.

*"175E(6) If a majority of the councillors at a meeting of the local government inform the meeting about personal interests in the matter under subsection (2), the local government must delegate deciding the matter under section 257, unless deciding the matter cannot be delegated under that section."*

3. That pursuant to s257 of the *Local Government Act 2009*, the Delegated Decisions Committee be delegated the power to make decision on matters delegated to it by Council.

**RESOLUTION**

Moved by Cr Cath Tonks

Seconded by Cr Sandra Ruck

CARRIED 13/0

1. That a Standing Committee - to be known as the Delegated Decisions Committee be established in accordance with s264 of the Local Government Regulation 2012.
2. That the sole purpose of the Delegated Decisions Committee be to decide matters as may be delegated to it by Council, under s257 of the Act, where the delegation arises as a consequence of s175E(6) of the Act.

*“175E(6) If a majority of the councillors at a meeting of the local government inform the meeting about personal interests in the matter under subsection (2), the local government must delegate deciding the matter under section 257, unless deciding the matter cannot be delegated under that section.”*

3. That pursuant to s257 of the *Local Government Act 2009*, the Delegated Decisions Committee be delegated the power to make decision on matters delegated to it by Council.

**10.1. Appoint Members, Chairperson and Quorum of the Delegated Decisions Committee**

In accordance with sections 267 and 269 of the Local Government Regulation 2012, Council must give consideration to appointing the members and Chairperson of the Delegated Decisions Committee, and to fix the quorum.

**Chief Executive Officer's Recommendation**

1. That the Delegated Decisions Committee consist of the Mayor and four Councillors, the composition of which is fixed and may be amended from time to time by resolution of Council, based on the matter/s delegated to it to decide.
2. That the Chairperson of the Delegated Decisions Committee be the Mayor.
3. That the quorum of the Delegated Decisions Committee be set at three (a majority of its members).

**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Karl Winchester

CARRIED 13/0

1. That the Delegated Decisions Committee consist of the Mayor and four Councillors:
  - a) Cr Mark Booth
  - b) Cr Adam Hain
  - c) Cr Denise Sims (Deputy Mayor), and
  - d) Cr Tony Latter.
2. That the composition of the Delegated Decision Committee is fixed and may be amended from time to time by resolution of Council, based on the matter/s delegated to it to decide.
3. That the Chairperson of the Delegated Decisions Committee be the Mayor.
4. That the quorum of the Delegated Decisions Committee be set at three (a majority of its members).

**10.2. Fix days, times, frequency and location of Delegated Decisions Committee meetings**

In accordance with section 268 of the Local Government Regulation 2012, Council must give consideration to the time and place of the Delegated Decisions Committee meetings.

**Chief Executive Officer's Recommendation**

1. That Delegated Decisions Committee meetings be conducted on an 'as-needs' basis.
2. That date and time of the Delegated Decisions Committee meetings will be fixed by resolution of Council, and will generally be conducted on the same day/location as Council's General meeting - commencing at the conclusion of the General Meeting on that day.
3. That meetings of the Delegated Decisions Committee be advertised in accordance with section 277(1)(b) of the Local Government Regulation 2012.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Mark Booth

CARRIED 13/0

1. That Delegated Decisions Committee meetings be conducted on an 'as-needs' basis.
2. That date and time of the Delegated Decisions Committee meetings will be fixed by resolution of Council, and will generally be conducted on the same day/location as Council's General meeting - commencing at the conclusion of the General Meeting on that day.
3. That meetings of the Delegated Decisions Committee be advertised in accordance with section 277(1)(b) of the Local Government Regulation 2012.

**10.3. Adopt Terms of Reference of the Delegated Decisions Committee**

Terms of Reference for the Delegated Decisions Committee are provided for consideration (Attachment 3).

**Chief Executive Officer's Recommendation**

That the Terms of Reference for the Delegated Decisions Committee be adopted, as tabled.

**RESOLUTION**

Moved by Cr Cath Tonks

Seconded by Cr Adam Hain

CARRIED 13/0

That the Terms of Reference for the Delegated Decisions Committee be adopted, as tabled.

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## 11. ESTABLISHMENT OF AUDIT COMMITTEE

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In accordance with section 105(2) of the *Local Government Act 2009* the Council is required to establish an Audit Committee.

An **audit committee** is a committee that—

- (a) monitors and reviews—
  - (i) the integrity of financial documents; and
  - (ii) the internal audit function; and
  - (iii) the effectiveness and objectivity of the local government’s internal auditors; and
- (b) makes recommendations to the local government about any matters that the audit committee considers need action or improvement.

### **Chief Executive Officer’s Recommendation**

That the Council establish an Audit Committee.

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### **RESOLUTION**

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**Moved by Cr Matt Constance**  
**Seconded by Cr Denise Sims**

**CARRIED 13/0**

**That the Council establish an Audit Committee.**

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### **11.1. Appoint Members, Chairperson and Quorum to the Audit Committee**

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In relation to the Audit Committee, section 210 of the Local Government Regulation 2012, states:

“the Committee must:

- o consist of at least 3 and no more than 6 members and;
- o include-
  - o 1, but no more than 2 councillors appointed by the Council; and
  - o at least 1 member who has significant experience and skills in financial matters

The Chief Executive Officer cannot be a member of the audit committee but can attend meetings of the committee.

The local government must appoint 1 of the members of the Audit Committee as chairperson.”

Further, in relation to the Audit Committee, section 211 (2)(a) of the Local Government Regulation 2012, states that a quorum is at least half the number of members of the committee.

Section 266 of the Local Government Regulation 2012 provides for the appointment of an alternate member of the committee:

“(2) An **alternate member**, of a committee, is a person who attends meetings of the committee and acts as a member of the committee only if another member of the committee is absent from the meeting of the committee.”

**Chief Executive Officer's Recommendation**

1. That the Audit Committee consist of two Councillors and three external members.
2. That the Council nominate two Councillors as members of the Audit Committee.
3. That the Council nominate an alternate member (Councillor) of the Audit Committee.
4. That the Council appoint the Chairperson of the Audit Committee from one of the independent external members.
5. That the quorum for the Audit Committee be set at three members.
6. That the Chief Executive Officer proceed to advertise for Expressions of Interest from external persons for appointment of the two to three external committee members.
7. That in accordance with section 257 of the *Local Government Act 2009*, the Mayor and Chief Executive Officer be delegated authority to interview and appoint the two to three external committee members in consultation with the Audit Committee Chairperson.

**RESOLUTION**

**Moved by Cr Jodie Shipway**

**Seconded by Cr Sandra Ruck**

**CARRIED 13/0**

1. That the Audit Committee consist of two Councillors and three external members.
2. That the following Councillors be nominated as members of the Audit Committee:
  - a) Cr Matt Constance
  - b) Cr Cath Tonks
3. That Cr Jodie Shipway be nominated an alternate member (Councillor) of the Audit Committee.
4. That the Council appoint Cr Matt Constance as interim Chairperson of the Audit Committee.
5. That the quorum for the Audit Committee be set at three members.
6. That the Chief Executive Officer proceed to advertise for Expressions of Interest from external persons for appointment of three external committee members.
7. That in accordance with section 257 of the *Local Government Act 2009*, the Mayor and Chief Executive Officer be delegated authority to interview and appoint three external committee members.
8. That the appointment of Councillor members be considered further in two years.



**11.2. Fix days, times, frequency and location of Audit Committee meetings**

In accordance with section 211(1)(a) of the Local Government Regulation 2012, the Audit Committee of a local government must meet at least twice each financial year.

It is suggested that the Audit Committee meet on a date to be fixed as per the schedule below:

1. February/March
2. April/May
3. August/September
4. November

**Chief Executive Officer's Recommendation**

1. That the Audit Committee meet on a date to be fixed as per the schedule below:
  1. February/March
  2. April/May
  3. August/September
  4. November
2. That Audit Committee meetings be held on a Thursday at the Council's public office in the Strathpine Chamber commencing at 1.00pm.
3. That Recommendations 1 and 2 above may be amended from time to time by resolution of Council.

**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That the Audit Committee meet on a date to be fixed as per the schedule below:
  - a) February/March
  - b) April/May
  - c) August/September
  - d) November
2. That Audit Committee meetings be held on a Thursday at the Council's public office in the Strathpine Chamber commencing at 1.00pm.
3. That Recommendations 1 and 2 above may be amended from time to time by resolution of Council.

**11.3. Adopt Terms of Reference for the Audit Committee**

Terms of Reference for the Audit Committee are provided for consideration (Attachment 4).

**Chief Executive Officer's Recommendation**

That the Terms of Reference for the Audit Committee be adopted, as tabled.

**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Sandra Ruck

CARRIED 13/0

That the Terms of Reference for the Audit Committee be adopted, as tabled.

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12. COUNCILLOR PORTFOLIOS

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A Portfolio system may be established which provides for nominated Councillors to be assigned specific responsibilities relative to key functions and services of the Council, directly aligned with the Directorates outlined in the Council's Corporate Structure.

Roles, responsibilities and operating protocols of the Portfolio Councillor will be in accordance with the Councillor Portfolios Roles and Responsibilities Policy (2150-XXX). This policy is provided for consideration (Attachment 5)

**Chief Executive Officer's Recommendation**

1. That the Councillor Portfolios Roles and Responsibilities Policy (2150-XXX) be adopted, as tabled.
2. That the Portfolios be in line with Council's Corporate Structure as resolved by Council from time to time.
3. That appointment of the Portfolio Councillor be considered at a subsequent General Meeting, and may be amended from time to time by resolution of Council.

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**RESOLUTION**

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**Moved by Cr Mick Gillam**

**Seconded by Cr Matt Constance**

**CARRIED 13/0**

1. **That the Councillor Portfolios Roles and Responsibilities Policy (2150-114) be adopted, as tabled.**
2. **That the Portfolios be in line with Council's Corporate Structure as resolved by Council from time to time.**
3. **That appointment of the Portfolio Councillor be considered at a subsequent General Meeting, and may be amended from time to time by resolution of Council.**

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13. ANY OTHER BUSINESS PERMITTED BY THE MAYOR

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The Mayor invited Councillors to 'say a few words'.

Cr Adam Hain congratulated Cr Sims regarding her appointment as Deputy Mayor, and to Cr Darren Grimwade and Cr Matt Constance for nominating, saying that he is looking forward to a bright future with the great team of Councillors.

14. CLOSE

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There being no further business the meeting closed at 10.54am.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 20/602 to 20/618 constitute the minutes of the Post-election Meeting of the Moreton Bay Regional Council held 29 April 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 13 May 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

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Councillor Peter Flannery  
Mayor