



# AGENDA

## GENERAL MEETING

**Wednesday 21 July 2021**  
commencing at 9.30am

Caboolture Chambers  
2 Hasking Street, Caboolture

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**COUNCILLOR:**

NOTICE IS HEREBY GIVEN, that a General Meeting of the Moreton Bay Regional Council will be held on Wednesday 21 July 2021 commencing at 9.30am in Caboolture Chambers, 2 Hasking Street, Caboolture to give consideration to the matters listed on this agenda.

Greg Chemello  
Chief Executive Officer

15 July 2021

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

[Agenda for public distribution](#)

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## **STATEMENT - ATTENDEES AND LIVESTREAMING**

The Mayor to advise that the meeting will be live streamed and the video recording of the meeting will be available on the council's website.

Attendees must be aware that incidental capture of an image or sound of persons in the public gallery, may occur.

By remaining at the meeting attendees consent to being filmed and the possible use of their image and sound being published in the live streaming and recorded video of this meeting.

### **1. ACKNOWLEDGEMENT OF COUNTRY**

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Mayor, or nominee, to provide the Acknowledgement of Country.

### **2. OPENING PRAYER / REFLECTION**

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Mayor, or nominee, 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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#### **Special Meeting (2021/22 Budget adoption) - 18 June 2021 (Pages 21/846 - 21/881)**

**RESOLUTION** that the minutes of the Special Meeting held 18 June 2021, be confirmed.

***Attachment #1 Unconfirmed Minutes - Special Meeting (2021/22 Budget Adoption) 18 June 2021***

#### **General Meeting - 23 June 2021 (Pages 21/882 - 21/966)**

**RESOLUTION** that the minutes of the General Meeting held 23 June 2021, be confirmed.

***Attachment #1 Unconfirmed Minutes - General Meeting 23 June 2021***

## 6. PRESENTATION OF PETITIONS

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

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

## 7. CORRESPONDENCE

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### 7.1. RESPONSE to Petition: Ken Salisbury - Kangaroo Road Kills on Bribie Island (62131179)

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At the General Meeting held 26 May 2021, Council received a petition from Ken Salisbury regarding kangaroo road kills on Bribie Island.

A copy of Council's response to the Chief Petitioner is provided for Council's information.

## 8. COMMUNITY COMMENT

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The following residents/ratepayers, having made the appropriate application in accordance with Council's Community Comment Session Policy (2150-062), have been approved to participate in this session.

### **REMINDER TO PARTICIPANTS BY THE CHAIRPERSON**

*Participants are reminded that the approved speaker is allowed a maximum of 5 minutes to address the Council in line with the material provided to the Mayor/CEO prior to the meeting.*

*Speakers must act and speak with decorum and are also reminded that parliamentary privilege is not extended to comments made during a council meeting.*

*If the address is considered irrelevant, offensive, contrary to the Community Comment Session Policy or unduly long, the speaker will be required to cease.*

*Speakers must note that no debate will be entered into at the conclusion of the presentation, however the CEO may clarify any statement or view expressed by the speaker.*

### 8.1. Community Comment: Christine West - DA42661/2020/V23R (62437694)

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As approved by the Chief Executive Officer, Christine West has been invited to address the Council in respect of DA 42661/2020/V23R, Warner Road, Warner.

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

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*(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.

**10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO**

*Conflicts of interest notified to the CEO where not specifically related to an item on this agenda*

**10.1. Prescribed Conflict of Interest - Cr Darren Grimwade**

Cr Darren Grimwade has previously made declarable conflicts of interest in relation to Telstra Corporation Limited, which had provided the Councillor with event tickets and hospitality to Telstra-sponsored events.

Cr Grimwade has now received event tickets and hospitality benefits totalling a value greater than \$2000.

Pursuant to s150EL of the *Local Government Act 2009*, Cr Darren Grimwade informed the meeting of a prescribed conflict of interest in matters relating to Telstra Corporation Limited which has provided the Councillor with event tickets and hospitality to Telstra-sponsored events within the relevant term, totalling a value greater than \$2000.

Cr Grimwade has indicated he will not participate in decisions relating to matters involving Telstra Corporation Limited including discussion, debate and voting and will leave any future meetings.

**11. 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 A Hain	C T Latter
<b>3 Engineering, Construction &amp; Maintenance</b>	Cr B Savige	Cr C Tonks
<b>4 Planning</b>	Cr D Grimwade	Cr K Winchester / Cr M Booth
<b>5 Community &amp; Environmental Services</b>	Cr M Gillam	Cr S Ruck
<b>6 Finance &amp; Corporate Services</b>	Cr M Constance	Cr J Shipway

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**1 GOVERNANCE & ENGAGEMENT SESSION**

**(Cr P Flannery, Mayor)**

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**ITEM 1.1  
IAQ INFRASTRUCTURE ASSEMBLY**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* 62315131 : 21 June 2021  
*Responsible Officer:* KR, Executive Support (CEOs Office)

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**Executive Summary**

The purpose of this report is to determine Councillor attendance to the Infrastructure Association of Queensland (IAQ) Infrastructure Assembly to be held at the Brisbane Convention and Exhibition Centre from 8-9 September 2021.

**OFFICER'S RECOMMENDATION**

1. That Councillor Adam Hain be authorised to attend the IAQ Infrastructure Assembly.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

*ITEM 1.1 IAQ INFRASTRUCTURE ASSEMBLY - 62315131 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

The IAQ Infrastructure Assembly will be held at the Brisbane Convention and Exhibition Centre over two days from 8-9 September 2021. Councillor Adam Hain has expressed an interest in attending this conference.

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

The IAQ Infrastructure Assembly, themed 'working together for a better future' is the Queensland infrastructure sector's flagship conference aimed at bringing industry and government together to enable a sustainable thriving infrastructure industry in Queensland.

The event is run by the Infrastructure Association of Queensland and supported by the Queensland Government and is an outcome focused conference to identify actions for bringing forward investment, in particular for private dollars in infrastructure.

Some of the topics for discussion at the conference will include:

- Queensland State Infrastructure Strategy
- Growth of South East Queensland – delivering on the lifestyle promise
- Infrastructure – the importance of ecosystem thinking and integration
- What is a smart city really?
- First nations best practice for design in infrastructure
- Transport integration
- Future of mobility
- Digital revolution
- Circular economy
- Purpose drives progress - driving innovation with design thinking
- Project delivery – recalibrating infrastructure reform
- Big ideas – faster rail
- Smart money – big opportunities
- Public infrastructure - building social value.

### **3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan / Operational Plan  
Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications  
Arrangements will be made in accordance with Council's Professional Development Policy 2150-089.

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  
Appropriate funds have been provided in the 2021/22 budget.

3.7 Economic Benefit Implications  
Topics associated with the conference will address a range of infrastructure challenges facing local government.



ITEM 1.1 IAQ INFRASTRUCTURE ASSEMBLY - 62315131 (Cont.)

3.8 Environmental Implications

Topics associated with the conference will address a range of environmental implications facing local government.

3.9 Social Implications

Topics associated with the conference will address a range of social implications facing local government.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Consultation was undertaken with Councillors, the Chief Executive Officer and the Executive Leadership Team.

**ITEM 1.2**

**ADOPTION OF RNA SHOW HOLIDAY 2022 - MORETON BAY REGION**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT

*Reference:* 62401033 : 6 July 2021

*Responsible Officer:* LK, Executive Support Officer (FCS Governance & Executive Services)

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**Executive Summary**

The Office of Industrial Relations has sought Moreton Bay Regional Council's request for the observance of the 2022 Royal National Show Holiday.

This report recommends that the second Monday in August, being 8 August 2022, be nominated as the show holiday in the Moreton Bay Regional Council area.

**OFFICER'S RECOMMENDATION**

That Monday 8 August 2022 be nominated as the 2022 Royal National Show Holiday in the Moreton Bay Regional Council area.

ITEM 1.2 ADOPTION OF RNA SHOW HOLIDAY 2022 - MORETON BAY REGION - 62401033 (Cont.)

**REPORT DETAIL**

**1. Background**

By correspondence dated 16 June 2021, the Executive Director, Office of Industrial Relations has sought Moreton Bay Regional Council's request for special and show holidays for 2022.

Under Section 4 of the *Holidays Act 1983* (the Act), a holiday shall not be appointed in respect of a district unless the Minister has received by a specified date, a Notice signed by the Chief Executive Officer of the local government for the area in which the district is situated, requesting that the holiday be appointed.

This was discussed with Council on 23 June 2021 for the purpose of sharing information and providing advice/views on the matter. In line with Council's decision-making framework, an extract from the outcome, is provided below:

*An Officer's report will be brought to the General Meeting on 21 July for consideration of nominating Monday 8 August 2022 as the Moreton Bay Regional Council's show public holiday.*

**2. Explanation of Item**

Under the Act, a public holiday can be granted in respect of an annual agricultural, horticultural or industrial show (show holiday).

In correspondence from the Office of Industrial Relations, Council has been asked to nominate the preferred appointment of the Region's special and show holidays for 2022 no later than Friday 30 July 2021.

Traditionally, the Moreton Bay Region's one show holiday is held on the Monday immediately prior to the "Ekka People's Day". In 2022, the "Ekka People's Day" will be on Wednesday 10 August 2022.

Accordingly, this report recommends that Monday 8 August 2022 be nominated as the Royal National Show Holiday for the Moreton Bay Regional Council area for 2022.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

This request is in accordance with Section 4 of the *Holidays Act 1983*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

Nil identified

3.5 Delegated Authority Implications

Nil identified

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

*ITEM 1.2 ADOPTION OF RNA SHOW HOLIDAY 2022 - MORETON BAY REGION - 62401033 (Cont.)*

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Upon gazettal of the 2022 Show Holiday, appropriate advertising will be undertaken.

**ITEM 1.3**  
**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* 62084909 : 2 July 2021 - Refer Supporting Information 62084908,  
62314985, 62084910  
*Responsible Officer:* KC, Team Leader Executive Services (FCS Governance & Executive Services)

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**Executive Summary**

Council has a range of legislative powers conferred on it by *the Local Government Act 2009* (the Act) and other acts. For operational effectiveness, a number of Council's powers are delegated to the Chief Executive Officer (CEO). The CEO may then sub-delegate relevant powers to suitably qualified and experienced Council officers to exercise as required.

The Act requires the CEO to establish a Register of Delegations which must record all delegations by the Council, Mayor or the CEO, and for these delegations to be reviewed annually.

A Councillor briefing was held on 30 June 2021 for the purpose of providing advice and information to Councillors on the outcome of the 2021 annual delegations review. In line with Council's decision-making framework, an extract from the minutes of the briefing is provided below:

*That a report be submitted to Council for consideration at the next General Meeting.*

**OFFICER'S RECOMMENDATION**

1. That pursuant to section 257 of the *Local Government Act 2009*, Council confirms the existing delegated powers identified in supporting information #1 to this report.
2. That pursuant to section 257(1)(b) of the *Local Government Act 2009*, Council delegates all new and amended functions and powers to the Chief Executive Officer as identified in supporting information #2 of this report.
3. That Council notes the existing functions and powers that are no longer required and will be removed from Council's Delegations Register as identified in supporting information #1 to this report.

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ITEM 1.3 REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - 62084909 (Cont.)

## REPORT DETAIL

### 1. Background

Section 257 of the *Local Government Act 2009* (the Act) allows a local government to delegate a power under the Act or another Act, other than where an Act specifically states that the power must be exercised by Council resolution. Section 257(1)(b) of the Act specifically provides for a power to be delegated to the CEO. Section 257(5) of the Act requires delegations to the CEO to be reviewed annually by Council.

The Local Government Association of Queensland (LGAQ), with the assistance of King and Company Solicitors, has developed a reliable and complete register of all delegations under State and Commonwealth statutes which should be delegated to a local government CEO (the LGAQ Register).

The LGAQ Register is generally updated twice a year during the two major Queensland Parliamentary recesses (summer and winter) when there is confidence that there will be no changes to Acts. Exceptions being when key legislation have major or important amendments, and in that circumstance, a special update is prepared and notified to subscribers. The most recent update to the LGAQ Register occurred in April 2021.

At its General Meeting of 18 February 2020 (Page 20/261), Council resolved to utilise the LGAQ Register as the basis for Council's delegation framework to facilitate a more efficient system for the annual review as required by the Act and to ensure that Council's delegations are up-to-date and remain consistent with Council's policy direction and intent.

### 2. Explanation of Item

Council's Register of Delegations (Council to the CEO) currently comprises of:

- (a) all functions and powers delegated to it under the legislation listed in the LGAQ Register as at October 2019, and adopted 18 February 2020 (Council-150);
- (b) discrete ad-hoc delegations which do not directly relate to the functions and powers outlined in the LGAQ Register, but which are delegated for a specific purpose;
- (c) discrete ad-hoc delegations which directly correlate with the LGAQ Register, but which have been duplicated previously to retain related sub-delegations; and
- (d) powers under identified Moreton Bay Regional Council Local Laws and Subordinate Local Laws, as amended from time to time (Council-151).

In accordance with section 257(5), an annual review of Council's Delegations Register has been undertaken for 2021. This review is based on the LGAQ Register as at April 2021.

**Supporting Information #1** contains the complete register of all legislative delegations to the CEO and indicates where such delegations are no longer required, require amendment, or new delegations are recommended. It also identifies several delegations that have previously been identified separately and have now been transitioned to the LGAQ Register to reduce any unnecessary duplication and ensure currency and consistency (for example Schedule to Delegation Council-114 relating to powers under the *Building Act 1975*).

**Supporting Information #2** contains the complete LGAQ Register as at April 2021 (Schedule to Delegation Council-150) and indicates where there have been any legislative updates or new sections added since the last update in October 2019.

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ITEM 1.3 REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - 62084909 (Cont.)

**Supporting Information #3** contains a complete register of the delegations to the CEO under Moreton Bay Regional Council Local Laws (Schedule to Delegation Council-151). There are no amendments to this register.

The delegation register refers to the legislative power to make operational decisions and not each instance that an operational decision is exercised. This report does not change any existing resolution of Council outside the scope of the matters contained in the supporting information.

Following Council's adoption of an updated Register of Delegations, further consultation will occur with Council's department to ensure the appropriate assignment of sub-delegations for the CEO's decision.

### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

This review and recommendations of this report are in accordance with the legislative requirements relating to delegation of powers to the CEO and to review these delegations annually.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

This annual review and delegations process plays an important role in ensuring the efficient operations of Council in accordance with the Act, other relevant acts and Council's local laws and policies.

#### 3.4 Risk Management Implications

This review and report ensure that the delegations to the CEO are up to date in accordance with the legislative requirements to review these delegations annually. The use of the LGAQ Register provides additional assurance that these delegations are accurate and current. This review will then provide a base for all future annual reviews.

#### 3.5 Delegated Authority Implications

The adoption of the recommendations of this report and updated Register of Delegations will allow for a process of sub-delegation to appropriate Council officers to provide for the efficient day-to-day operations of Council.

The removal of existing discrete delegations which directly relate to functions and powers contained in the LGAQ Register is appropriate to remove unnecessary duplication, noting that related sub-delegations will require amendment to reflect the new parent delegation.

3.6 Financial Implications  Nil identified.

3.7 Economic Benefit  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

#### 3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

*ITEM 1.3 REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER - 62084909 (Cont.)*

3.11 Consultation / Communication

Consultation has been undertaken with the LGAQ and relevant Council officers including Manager Governance and Executive Services, Legal Services and the CEO. Councillors were also briefed at a Councillor Briefing on 30 June 2021.

Further consultation will occur with all relevant areas of Council impacted by the review.



**SUPPORTING INFORMATION**

Ref: [62084908](#), [62314985](#), [62084910](#)

The following list of supporting information is provided for:

**ITEM 1.3**

**REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

***#1 Delegations from Council to Chief Executive Officer, Mayor or Committee***

***#2 Complete LGAQ Register as at April 2021***

***#3 List of Delegations relating to MBRC Local Laws***

**ITEM 1.4**  
**125TH ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ)**  
**CONFERENCE - ATTENDANCE**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* 62439342 : 13 July 2021  
*Responsible Officer:* KR, Executive Support Officer (CEOs Office)

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**Executive Summary**

This purpose of this report is to seek Council approval for Councillor Sandra Ruck and Councillor Cath Tonks to attend the 2021 Local Government Association of Queensland (LGAQ) 125<sup>th</sup> Annual Conference to be held at the Mackay Entertainment & Convention Centre (MECC) from 25 - 27 October 2021.

**OFFICER'S RECOMMENDATION**

That Councillor Sandra Ruck and Councillor Cath Tonks be authorised to attend the 2021 Local Government Association of Queensland (LGAQ) 125<sup>th</sup> Annual Conference.

ITEM 1.4 125TH ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ) CONFERENCE - ATTENDANCE - 62439342 (Cont.)

**REPORT DETAIL**

**1. Background**

The following resolution appears on Minute Page 21/752 of the General Meeting of Council held 9 June 2021:

Ex General Meeting held 26 May 2021 (MP 21/648):

**RESOLUTION**

1. That Councillors Peter Flannery (Mayor), Denise Sims (Deputy Mayor), Mark Booth, Adam Hain, Matt Constance and Tony Latter be authorised to attend the 125<sup>th</sup> Annual Local Government Association of Queensland (LGAQ) Conference.
2. That it be noted Councillors Peter Flannery (Mayor) and Denise Sims (Deputy Mayor) are Council's Delegates to the 125<sup>th</sup> Annual Local Government Association of Queensland (LGAQ) Conference, and that other Councillor attendees will attend as observers.
3. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

**2. Explanation of Item**

The LGAQ conference provides an important opportunity for Councillors to network, debate and vote on new policy. The annual conference consists of three days of full plenary, split plenary and workshop sessions where participants address the challenges facing local government and their communities. The event also serves as the Association's Annual General Meeting. As part of Council's attendance to the annual LGAQ conference, Council is entitled to be represented by two Delegates who formally represent Council at the Annual General Meeting.

Council approval is sought for Councillor Sandra Ruck and Councillor Cath Tonks to attend this conference in lieu of their attendance at the 2021 ALGWA National and Queensland State (ALGWA) Conference which was scheduled to be held from 17-19 August 2021 in Airlie Beach, however, was postponed to 2022 due to COVID-19 restrictions.

**3. Strategic Implications**

- 3.1 Legislative / Legal Implications  Nil identified
- 3.2 Corporate Plan / Operational Plan  
Strengthening Communities: Strong local governance - strong leadership and governance.
- 3.3 Policy Implications  
Arrangements will be made in accordance with Council's Professional Development Policy 2150-089.
- 3.4 Risk Management Implications  Nil identified
- 3.5 Delegated Authority Implications  Nil identified
- 3.6 Financial Implications  
Funds for attendance to the conference have been provided in the 2021-22 budget. Costs associated with the LGAQ conference are comparable to the 2021 ALGWA National and Queensland State (ALGWA) Conference.

*ITEM 1.4 125TH ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ) CONFERENCE - ATTENDANCE - 62439342 (Cont.)*

3.7 Economic Benefit Implications

Topics and motions associated with the conference will address a range of economic factors in local government.

3.8 Environmental Implications

Topics and motions associated with the conference will address a range of environmental challenges facing local government,

3.9 Social Implications

Topics and motions associated with the conference will address a range of social challenges facing local government.

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Consultation has been undertaken with all Councillors, the Chief Executive Officer and the Executive Leadership Team.

**ITEM 1.5**  
**MEETING SCHEDULE 2021 - AMENDMENT**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* 62422487 : 9 July 2021  
*Responsible Officer:* KC, Team Leader Executive Support (FCS Governance & Executive Services)

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**Executive Summary**

The purpose of this report is to recommend an amendment to the adopted 2021 Meeting Schedule by:

- changing the location of the General Meeting scheduled for 4 August 2021 from Strathpine Council Chambers to the Samford Community Hub (Samford Parklands, 2204 Mount Samson Rd, Samford Valley) to enable the conduct of a Council General Meeting at an alternate location; and
- rescheduling the General Meeting scheduled for 18 August 2021 to Thursday 19 August 2021 to enable Councillors to fulfil civic duties related to Vietnam Veterans' Day (18 August 2021).

**OFFICER'S RECOMMENDATION**

1. That the 2021 Meeting Schedule be amended as follows:
  - a) the location of the General Meeting scheduled for Wednesday 4 August 2021 at Strathpine Council Chambers be changed to the Samford Community Hub (Samford Parklands, 2204 Mount Samson Rd, Samford Valley) commencing at 9.30am; and
  - b) the General Meeting scheduled for Wednesday 18 August 2021 be rescheduled to be conducted on Thursday 19 August 2021 commencing at 9.30am at Caboolture.
2. That the amendments to the meeting schedule be publicised in accordance with s254B(2) of the Local Government Regulation 2012.

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ITEM 1.5 MEETING SCHEDULE 2021 - AMENDMENT - 62422487 (Cont.)

## REPORT DETAIL

### 1. Background

At its post-election meeting held 29 April 2020 (Page 20/611), Council resolved that its General Meetings would be generally conducted fortnightly on a Wednesday commencing at 9.30am on a rotation basis between Council's Chambers at Strathpine and Caboolture.

It was further resolved 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 event.

To satisfy the legislative requirement to adopt and publish a list of Council general (ordinary) and standing committee meetings each year, a meeting schedule for the months of May to December 2020 was advertised on 9 May 2020.

### 2. Explanation of Item

Council has not proceeded with a General Meeting of Council at another location within region to date due to the various COVID-19 restrictions that have been in place and the uncertainty around how long these restrictions would be in effect.

However, it now is proposed that even though some level of COVID-19 health restrictions will remain in place, Council should proceed with a General Meeting and the Samford Community Hub on Wednesday 4 August 2021.

In addition to the normal conduct of Council's General Meeting, it is proposed that the program for the day will include a 'Meet the Councillors' session whereby members of the public will have the opportunity to meet the Mayor and Councillors, and to hold brief discussions on topics of their choice.

Attendance will be restricted to ensure compliance with any COVID health restrictions that may be in place at that time. Interested attendees will be required to register on-line and provide an outline of the topics they wish to discuss in advance.

Furthermore, at the request of the Mayor, it has been suggested that the General Meeting currently scheduled for Wednesday 18 August 2021 be rescheduled to Thursday 19 August 2021. This will enable Councillors to fulfil civic duties related to Vietnam Veterans' Day on 18 August which is the anniversary of the Battle of Long Tan in 1966.

It is also suggested that Vietnam Veterans' Day be considered when developing future meeting schedules as part of Council's Decision-making Framework in a similar way to Anzac Day and Remembrance Day.

#### 2.1 External location - General Meeting and 'meet the councillors' forum

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Council meetings are conducted in accordance with the Local Government Regulation 2012.

As required, changes to days and times of meetings must be published on Council's website in accordance with s254B(2) of the Local Government Regulation 2012, as well as being displayed in a conspicuous place in each of Council's administration buildings.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

Nil identified

*ITEM 1.5 MEETING SCHEDULE 2021 - AMENDMENT - 62422487 (Cont.)*

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  
Advertising costs have been included in the 2020/21 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  
Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication  
The proposed amendments to the 2020 Meeting Schedule have been prepared in consultation with the Mayor, Councillors and the Chief Executive Officer.

**ITEM 1.6**  
**UNITYWATER - NEW BOARD MEMBER AND EXTENSION OF TENURE OF BOARD MEMBER**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* 62455222: 15 July 2021  
*Responsible Officer:* KD, Chief Legal Counsel (CEO Legal)

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**Executive Summary**

Under the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009* (Act), and the associated *Participation Agreement* between Unitywater and participating councils, all board members (including the Chairman) for Unitywater must be appointed by the "Special Majority of the Participants" - being the Moreton Bay Regional Council (Council), the Sunshine Coast Regional Council and the Noosa Shire Council. The *Participation Agreement* further provides that an appointment is made by that same Special Majority signing a document approving the appointment/s.

By correspondence dated 13 July 2021, the Unitywater Board Director seeks Council's approval to appoint Mr Chris Hertle as a new Board Member from 1 September 2021 to 31 August 2024 to fill the vacancy created by the department of Mr Michael Williamson.

The Board Director also sought approval to extend the term of Board Member Fiona Waterhouse from 1 September 2021 to 31 August 2024.

The mechanism to affect these appointments is a special majority of the Participants signing a resolution stating that they are in favour of the appointments (clause 7.2 of the Participation Agreement).

**OFFICER'S RECOMMENDATION**

1. That Council agrees to the appointment of office for Unitywater Board Member, Mr Chris Hertle to the Unitywater Board from 1 September 2021 to 31 August 2024.
2. That Council agrees to the extension of office for Unitywater Board Member, Ms Fiona Waterhouse to the Unitywater Board from 1 September 2021 to 31 August 2024.
3. That the Chief Executive Officer be authorised to execute the Resolution of Participants on behalf of Council to give effect to Recommendations 1 and 2.



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ITEM 1.6 UNITYWATER - NEW BOARD MEMBER AND EXTENSION OF TENURE OF BOARD MEMBER - 62422487 (Cont.)

## REPORT DETAIL

### 1. Background

Under the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009*, the participating councils must appoint members to the board of Unitywater.

Under section 7.2 of the participation agreement between the Council, Sunshine Coast Regional Council and Noosa Shire Council and Unitywater, the appointment of board members is effected by the "Special Majority of the Participants" signing a document approving the appointment.

The Special Majority of the Participants are the Moreton Bay Regional Council, Sunshine Coast Regional Council and Noosa Shire Council acting jointly in their capacity as Participants.

### 2. Explanation of Item

The term of office for Unitywater Board member Mr Michael Williamson, is due to expire on 31 August 2021. A new Board Member is required by 1 September 2021 to fill the vacancy created by Mr Williamson.

Unitywater have recommended that this vacancy be filled by the appointment of Mr Chris Hertle for a proposed period of three (3) years. Unitywater will need to replace the industry technical expertise provided by Mr Williamson and Mr Hertle appears well qualified to achieve this.

The term of office for Unitywater Board Member Ms Fiona Waterhouse is also due to expire on 31 August 2021. As Unitywater has two new Board Members who have held office for less than 12 months, and an upcoming replacement of another new Board Member to Unitywater, it is recommended that Ms Fiona Waterhouse has her term of appointment extended from 1 September 2021 to 31 August 2024.

The mechanism to affect these appointments is a "special majority" of the Participants signing a resolution stating that they are in favour of the appointment pursuant to clause 7.2 of the Participation Agreement.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Appointments of board members must be made in accordance with the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009* and the Participation Agreement.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

Nil identified

#### 3.4 Risk Management Implications

As the Board has two new Board Members who have held office for less than 12 months, and the upcoming replacement of another new Board Member, the extension of Ms Waterhouse's term of appointment will retain knowledge and continuity in Board membership.

#### 3.5 Delegated Authority Implications

The Mayor has been delegated the power to appoint members to the Board of Unitywater (including participation in any selection process for board members and to do all things necessary to effect appointments (Council-79).

However, the scope of the existing delegation does not include the extension of tenure of a Board Member.

#### 3.6 Financial Implications

Nil identified

*ITEM 1.6 UNITYWATER - NEW BOARD MEMBER AND EXTENSION OF TENURE OF BOARD MEMBER - 62422487 (Cont.)*

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

The Mayor and Chief Executive Officer were consulted in the preparation of this report.

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**2 INFRASTRUCTURE PLANNING SESSION**

**(Cr A Hain)**

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**ITEM 2.1**

**DECEPTION BAY - MAINE TERRACE - PROPOSED NAMING OF MAUREEN TURPIN PLACE**

*Meeting / Session:* 2 INFRASTRUCTURE PLANNING  
*Reference:* 62388615 : 1 July 2021  
*Responsible Officer:* BS, Senior Business Systems Officer (IP Parks & Recreation Planning)

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**Executive Summary**

At the General Meeting held 12 May 2021, Council resolved to approve naming of parkland, located at 12 Maine Terrace, Deception Bay as “Maureen Turpin Park”, subject to receipt of public submissions. Two submissions have been received in response to public advertising; both are proposing that the parkland should adopt a different name or that another unnamed park be chosen closer to where Ms Turpin lived.

This report considers the basis of an alternate naming proposal and recommends that Council consider naming a place within parkland, located at 12 Maine Terrace, Deception Bay as “Maureen Turpin Place” (Figure 1).

**OFFICER’S RECOMMENDATION**

That Council endorse the naming of a place within lot 6 SP127966, located at 12 Maine Terrace, Deception Bay as “Maureen Turpin Place” generally as depicted in Figure 1 in the body of this report.

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ITEM 2.1 DECEPTION BAY - MAINE TERRACE - PROPOSED NAMING OF MAUREEN TURPIN PLACE - 62388615  
(Cont.)

**REPORT DETAIL**

**1. Background**

The following resolution appears on Minute Page 21/636 of the General Meeting of Council held on 26 May 2021:

Ex. General Meeting held 12 May 2021 (MP. 12/557):

**RESOLUTION**

- 1. That having regard to the information provided within this report and subject to the outcome of public advertising, the naming of Lot 6, SP127966 as 'Maureen Turpin Park', be approved.**
- 2. That public advertising of the proposal to name the park be undertaken via appropriate digital and print media platforms, having a distribution covering the general vicinity of the subject park, and on Council's website, with public submissions open for a period of 28 days.**
- 3. That should adverse submissions be received as a result of public advertising; the matter be referred to Council in a subsequent report.**

The proposed naming was advertised in accordance with the Council resolution, with two submissions being received.

One submission noted that the naming proponent didn't live near Maine Terrace but on Spring Street, Deception Bay (which runs off Maine Terrace). The submitter considered that the park on Maine Terrace should be named after the former land owner because "*he always lived with and cared for his parents and their large property*". However, the individual nominated by the submitter does not meet the Guidelines for Selection of Permanent Names (as noted in the Policy, Naming of Council-Owned or Administered Buildings, Structures and other Assets (excluding roads)) and would not generally be considered as a candidate for park naming.

The second submitter made the following points with regards to the proposal to name the lot after Maureen Turpin:

- Ms Turpin does not have a connection to the parkland.
- The park should be considered for conservation status.
- That a name selected by the local indigenous people would be more appropriate.
- The need for the park to be preserved, retained and protected.

The letter goes on to state that "*assurances from Council that this consideration (for any recreational development) would not extend to the bushland part of the Lot would be essential!*"

However, the submitter would be happy for the naming to progress, "*if the proposed naming proceeded only for the grassed section of the Lot accessed from Bay Avenue*".

In assessing these points, officers note that a direct connection by the nominated individual to a particular parkland is not necessary and would not apply to a large majority of Council's park names. It is also noted that park naming does not affect the status of a park or any current or future park use.

**2. Explanation of Item**

As Council has now received two submissions, it is the view of officers that consideration should be given to naming only the front portion of the park after Ms Turpin (Figure 1) and leaving the rear portion of the park as Main Terrace Park. That would still allow for an overall park name to be applied at a future time without prejudicing the proposed place naming in favour of Ms Turpin. There are already numerous parks in the region which have secondary place names.

ITEM 2.1 DECEPTION BAY - MAINE TERRACE - PROPOSED NAMING OF MAUREEN TURPIN PLACE - 62388615  
(Cont.)



Figure 1 Portion of Maine Terrace Park (in orange) to be named Maureen Turpin Place

3. Strategic Implications

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan / Operational Plan  
Valuing Lifestyle: Parks - opportunities for leisure activities through the provision of open space, parks and reserves.

3.3 Policy Implications  
The submission for alternate names has been assessed under MBRC Policy No: 11-2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads).

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  
The estimated cost of fabricating and installing a new sign in accordance with the draft Park and Open Space Signage Guidelines is approximately \$2,000. No specific financial allocation has been made within the current budget for the installation of parks signage.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  
Formal naming will provide improved awareness of, and the ability to recognise, distinct locations within the region.

*ITEM 2.1 DECEPTION BAY - MAINE TERRACE - PROPOSED NAMING OF MAUREEN TURPIN PLACE - 62388615  
(Cont.)*

3.10 Human Rights Implications

*Under the Human Rights Act 2019 (QLD)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

The submission has been discussed with the Divisional Councillor, who supports the proposal to change the area to be named, and the name to 'Maureen Turpin Place'. The two submitters who provided feedback will also be advised accordingly.

## ITEM 2.2

### LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP) INTERIM AMENDMENT NO. 1 PUBLIC CONSULTATION - REGIONAL

*Meeting / Session:* 2 INFRASTRUCTURE PLANNING  
*Reference:* 62225838 : 6 July 2021 - Refer Supporting Information 62219031, 62219032, 62219033, 62219034, 62219035, 62219036, 62219037, 62219043, 62219045, 62219040, 62219048, 62219046, 62219041, 62227928, 62427654, 62227984, 62427678, 62432044, 62227951, 62227962, 62227971, 62227980, 62227990, 62094808, 62420271, 62420280, 62420297  
*Responsible Officer:* EM, Coordinator Strategic Infrastructure Planning (IP Strategic Infrastructure Planning)

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#### Executive Summary

On 26 May 2021 Council resolved to prepare an interim amendment to the Moreton Bay Regional Council (MBRC) Local Government Infrastructure Plan (LGIP).

The process for the preparation of an interim amendment to an LGIP is in accordance with the *Planning Act 2016* and detailed in the Planning Minister's Guidelines and Rules (2020) (MGR (2020)), which includes requirements for public consultation.

The interim amendment process provides a timely and efficient way to update the trunk infrastructure planning for the region, to reflect recent population growth and update infrastructure costs.

In accordance with Council's previous resolution, a draft amendment, known as the proposed "Local Government Infrastructure Plan (LGIP) Interim Amendment No. 1", has been prepared. The next step in the process under the MGR (2020) is to begin public consultation on the draft amendment.

This report seeks Council's support to commence the public consultation period for the proposed Local Government Infrastructure Plan (LGIP) Interim Amendment No 1.

#### OFFICER'S RECOMMENDATION

1. That Council resolve to commence public consultation on the proposed Local Government Infrastructure Plan (LGIP) Interim Amendment No 1. package identified in the supporting information to this report.
2. That Council adopts the Schedule of Fees outlined in Table 1 herein for the purposes of cost recovery for the supply of hard copies in accordance with the *Planning Act 2016*.
3. That the Chief Executive Officer be authorised to do all things reasonable and necessary in order to comply with the public consultation process on the proposed interim LGIP amendment in accordance with Section 21(c) of the *Planning Act 2016*.
4. That the Chief Executive Officer be authorised to make any necessary administrative amendments to the proposed Local Government Infrastructure Plan (LGIP) Interim Amendment No 1. package prior to the commencement of public consultation.

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*ITEM 2.2 LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP) INTERIM AMENDMENT NO. 1 PUBLIC CONSULTATION - REGIONAL - 62225838 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

The following resolutions appears on minute page 21/883 of the General Meeting held 9 June 2021:

Ex. General Meeting held 26 May 2021 (Minute Page 21/658)

1. That Council cease to proceed with the Local Government Infrastructure Plan amendment under the Minister's Guidelines and Rules 2017, which was the subject of Council's resolution on 3 July 2018.
2. **That in accordance with Section 21 of the *Planning Act 2016* and Chapter 5 Part 2, rule 4.1 of the Minister's Guidelines and Rules, Council make an "interim LGIP amendment" to the Moreton Bay Regional Council Local Government Infrastructure Plan.**

The purpose of this amendment is to formalise the most recent trunk infrastructure network planning for the Moreton Bay Region, following the process outlined in the current MGR (2020). This proposed amendment to the LGIP is in accordance with Section 21(c) of the *Planning Act 2016* and Chapter 5 Part 2 of MGR (2020).

Council briefings were conducted on 16 and 23 June 2021 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

A council report to be submitted to the General Meeting for consideration of public consultation for the LGIP Interim Amendment No.1 in July 2021

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

#### Proposed Local Government Infrastructure Plan (LGIP) Interim Amendment No. 1

The proposed Local Government Infrastructure Plan (LGIP) Interim Amendment No. 1 (interim LGIP amendment) has been prepared using an integrated land use and infrastructure planning process in accordance with the *Planning Act 2016* and the MGR 2020. Through-out the research, planning and internal consultation processes this project was referred to as "LGIP2".

The resolution to make an interim LGIP amendment under MGR (2020) facilitates an efficient and timely introduction of new growth assumptions and infrastructure planning, as well as more contemporary costings and financial modelling and better alignment with Council's Long Term Financial Forecast (LTFF).

Consultation on the proposed interim LGIP amendment with Councillors and other internal stakeholders was undertaken between January and June 2021. The interim LGIP amendment Schedule of Works (SoW) has been modelled within the Long Term Financial Forecast (LTFF) and is considered within that modelled scenario, which includes the *2021/22 Capital Expenditure budget*, to be financially sustainable for Council.

Council has engaged an Appointed Reviewer to undertake an informal review of the interim LGIP amendment against the statutory review checklist. That review has confirmed that the interim LGIP amendment is able to comply with the MGR (2020).

The proposed Local Government infrastructure Plan (LGIP) Interim Amendment No 1. package comprises of the following documents contained in the Supporting Information to this report:

1. Council Report Supp01 - LGIP Interim Amendment No. 1 - Transport (Roads) Extrinsic Material - 20210721
2. Council Report Supp02 - LGIP Interim Amendment No. 1 - Active Transport Extrinsic Material - 20210721
3. Council Report Supp03 - LGIP Interim Amendment No. 1 - Stormwater Extrinsic Material - 20210721



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*ITEM 2.2 LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP) INTERIM AMENDMENT NO. 1 PUBLIC CONSULTATION - REGIONAL - 62225838 (Cont.)*

4. Council Report Supp04 - LGIP Interim Amendment No. 1 - Public Parks Extrinsic Material - 20210721
5. Council Report Supp05 - LGIP Interim Amendment No. 1 - Land for Community Facilities Extrinsic Material - 20210721
6. Council Report Supp06 - LGIP Interim Amendment No. 1 - Planning Assumptions Extrinsic Material - 20210721
7. Council Report Supp07 - LGIP Interim Amendment No. 1 - Schedule of Works Model Extrinsic Material - 20210721
8. Council Report Supp08 - LGIP Interim Amendment No. 1 - Background Report for Transport (Active) - 20210721
9. Council Report Supp09 - LGIP Interim Amendment No. 1 - Background Report for Parks Catchment Analysis - 20210721
10. Council Report Supp10 - LGIP Interim Amendment No. 1 - Background Report for Community Facilities Network - 20210721
11. Council Report Supp11 - LGIP Interim Amendment No. 1 - Background Report for Stormwater Quantity - 20210721
12. Council Report Supp12 - LGIP Interim Amendment No. 1 - Background Report for Stormwater Quality - 20210721
13. Council Report Supp13 - LGIP Interim Amendment No. 1 - Background Report for Land Valuations - 20210721
14. Council Report Supp14 - LGIP Interim Amendment No. 1 - Amendment Instrument Parts 1 to 4 - 20210721
15. Council Report Supp15 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix A (Part 4) - 20210721
16. Council Report Supp16 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix B (Schedule 3) - 20210721
17. Council Report Supp17 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix C (Schedule of Proposed Changes) - 20210721
18. Council Report Supp18 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix D (Plans For Trunk Infrastructure) - Map Index - 20210721
19. Council Report Supp19 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix D (Plans For Trunk Infrastructure) - Transport (Roads) - 20210721
20. Council Report Supp20 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix D (Plans For Trunk Infrastructure) - Active Transport - 20210721
21. Council Report Supp21 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix D (Plans For Trunk Infrastructure) - Public Parks & Land for Community Facilities - 20210721
22. Council Report Supp22 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix D (Plans For Trunk Infrastructure) - Stormwater - 20210721
23. Council Report Supp23 - LGIP Interim Amendment No. 1 - Checklist - 20210721
24. Council Report Supp24 - LGIP Interim Amendment No. 1 - Digital Model - Schedule of Works - 20210721
25. Council Report Supp25 - LGIP Interim Amendment No. 1 - Digital Model Memo - Transport (Roads) - 20210721
26. Council Report Supp26 - LGIP Interim Amendment No. 1 - Digital Model Memo- Stormwater Quality - 20210721
27. Council Report Supp27 - LGIP Interim Amendment No. 1 - Digital Model Memo- Stormwater Quantity - 20210721

Public Consultation

In accordance with Section 21(c) of the *Planning Act 2016* and Chapter 5 Part 2 of MGR (2020), for “an interim LGIP amendment” Council must carry out public consultation in accordance with the following requirements:

1. for a period of at least 15 days;
2. the public notice requirements prescribed under Schedule 4 (5) and (6) of MGR (2020);
3. the content, function and calculations of the Schedule of Works model must be visible and accessible to all stakeholders.

**ITEM 2.2 LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP) INTERIM AMENDMENT NO. 1 PUBLIC CONSULTATION - REGIONAL - 62225838 (Cont.)**

MGR (2020) requires that this information is made publicly available on Council’s website, as well as being available for purchase during the consultation period. The Schedule of Fees below contains the proposed pricing schedule for hardcopy of the various components of the proposed interim LGIP amendment. This advice will be added to the scripting for the Call Centre and customer service representatives at the counters. Hard copies will be provided upon payment and 48 hours notice.

The Amendment Instrument shows all proposed changes in a notated changes style using a formal drafting convention. This results in the document being difficult to read. To improve the accessibility and readability of the amendment, additional resources may be made available during public consultation including a “clean” version of the proposed Local Government Infrastructure Plan documents.

The public consultation period will commence on Monday 26 July 2021 and conclude at the close of business on Friday 20 August 2021 (i.e. will be undertaken over a period of 19 business days).

A public notice (required to be published in the Courier Mail, on Council’s website and placed in the Customer Service Centres) and letters to all elected representatives have been prepared and will be executed upon resolution of this report.

The Your Say Moreton Bay consultation website will include instructions on how to lodge properly made submissions.

Schedule of Fees

In accordance with the *Planning Act 2016* Section 264(5) and the *Local Government Act 2009*, Table 1 below outlines the applicable fees for cost recover of the production of hard copies. Any fees collected will be credited to SL.20414.004.12001.

<b>Part description</b>	<b>Fee</b>
<b>Part amendment package</b> • Per page	\$0.30
<b>Amendment (loose leaf)</b> • Amendment Purpose Statement, Part 4 & Schedule 3 amendment, Checklist	\$20
<b>Extrinsic material reports (loose leaf)</b> • All extrinsic material reports (Transport - Roads, Transport - Active, Parks, Land for Community Facilities, Stormwater)	\$50
<b>Background reports (loose leaf)</b> • All background reports (Transport - Active, Parks, Land for Community Facilities, Stormwater - Quality, Stormwater - Quantity, Land valuations)	\$100
<b>Plans for trunk infrastructure (loose leaf)</b> • All maps (A3) (Transport - Roads, Transport - Active, Parks and Land for Community Facilities, Stormwater, Priority Infrastructure Area)	\$175
<b>Infrastructure network digital model (hard drive)</b> • Per request	\$150

**Table 1 - Schedule of Fees**

Reporting consultation results

A report describing submissions and Council’s proposed responses will be provided to Council after closure of the consultation period.

*ITEM 2.2 LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP) INTERIM AMENDMENT NO. 1 PUBLIC CONSULTATION - REGIONAL - 62225838 (Cont.)*

### **3. Strategic Implications**

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

The interim LGIP amendment will be undertaken in accordance with the *Planning Act 2016* and Planning Minister's Guidelines and Rules (2020).

All cost recovery fees identified in this report have been prepared in accordance with the *Planning Act 2016* Section 264(5) and the *Local Government Act 2009*.

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

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

#### **3.3 Policy Implications**

The proposed interim LGIP amendment provides an update on infrastructure costings as well as an opportunity to re-visit the network planning in the light of recent population growth and newly available modelling.

#### **3.4 Risk Management Implications**

The proposed interim LGIP amendment contains the most up to date information about Council's intentions for the provision of trunk infrastructure. Keeping the LGIP current will reduce risks for development assessment and provide greater certainty for proponents.

The development industry has strong expectations about infrastructure provision which are related to an expanded Priority Infrastructure Area. On 19 October 2020 Council agreed that the current Priority Infrastructure Area can accommodate the growth forecast in the Planning Assumptions which underpin this interim amendment for the next 10 to 15 years.

Legal and expert LGIP practitioner advice has been sought at critical points in the development of this interim amendment process as well as reviews of the mapping and extrinsic materials.

#### **3.5 Delegated Authority Implications**

This report seeks to establish delegations to the Chief Executive Officer to do all things reasonable and necessary in order to comply with the public consultation process on the proposed interim LGIP amendment in accordance with Section 21(c) of the *Planning Act 2016*.

#### **3.6 Financial Implications**

This amendment has been extensively discussed with Financial and Corporate Services in the context of the Long Term Financial Forecast as well as the current budget. The modelling undertaken demonstrates that the interim LGIP amendment is financially sustainable for Council.

#### **3.7 Economic Benefit Implications**

The LGIP identifies future trunk infrastructure requirements to service both residential and employment growth.

#### **3.8 Environmental Implications**

The development of planning assumptions for the LGIP consider environmental constraints to ensure Council does not overestimate growth potential.

The LGIP identifies future trunk infrastructure requirements to service planned growth. The Stormwater Quality network identifies water quality infrastructure to manage the impacts of growth on waterway health and receiving waters environs. Planning and design of the other trunk infrastructure networks will consider environmental impacts and considerations in line with the requirements of the MBRC Planning Scheme and associated policies.

*ITEM 2.2 LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP) INTERIM AMENDMENT NO. 1 PUBLIC CONSULTATION - REGIONAL - 62225838 (Cont.)*

3.9 Social Implications

The proposed interim LGIP amendment provides the community with greater transparency regarding Council's intentions for the provision of trunk infrastructure.

The proposed interim LGIP amendment provides the community with greater transparency regarding Council's intentions for the provision of trunk infrastructure.

3.10 Human Rights Implications

Council's decision in this circumstance may affect a person's property rights, including a person's right to not be arbitrarily deprived of their property. Officers consider that Council's decision in this circumstance is compatible with (and does not limit) a person's property rights. No immediate acquisitions are planned as a result of this amendment; however, into the future and after more detailed design property resumptions may be required. Any impact on property rights as a result of this decision is considered sound and reasonable, in the interest of the long-term infrastructure planning for the Moreton Bay Region. Further, any acquisitions will be carried out in accordance with applicable legislative requirements, which generally provide for compensation (for resumptions) or offsets/refunds against levied charges (where land is required under development approval conditions). As such, there will be no "arbitrary" deprivation of property.

3.11 Consultation / Communication

Since January 2021, eleven Council briefings have been provided on the proposed amendment. The proposed interim LGIP amendment will be on public consultation from 26 July 2021 to 20 August of 2021 (inclusive). A report on the outcomes of this consultation will be prepared for Council's consideration following the completion of the public consultation period.

**SUPPORTING INFORMATION**

Ref: 62219031, 62219032, 62219033, 62219034, 62219035, 62219036, 62219037, 62219043, 62219045, 62219040, 62219048, 62219046, 62219041, 62227928, 62427654, 62227984, 62427678, 62432044, 62227951, 62227962, 62227971, 62227980, 62227990, 62094808, 62420271, 62420280, 62420297

The following list of supporting information is provided for:

**ITEM 2.2**

**LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP) INTERIM AMENDMENT NO. 1 PUBLIC CONSULTATION - REGIONAL**

***#1 Transport (Roads) Extrinsic Material***

***#2 Active Transport Extrinsic Material***

***#3 Stormwater Extrinsic Material***

***#4 Public Parks Extrinsic Material***

***#5 Land for Community Facilities Extrinsic Mater***

***#6 Planning Assumptions Extrinsic Material***

***#7 Schedule of Works Model Extrinsic Material***

***#8 Background Report for Transport (Active)***

***#9 Background Report for Parks Catchment Analysis***

***#10 Background Report for Community Facilities Network***

***#11 Background Report for Stormwater Quantity***

***#12 Background Report for Stormwater Quality***

***#13 Background Report for Land Valuations***

***#14 Amendment Instrument Parts 1 to 4***

***#15 Amendment Instrument Part 5 Appendix A (Part 5)***

***#16 Amendment Instrument Part 5 Appendix B (schedule 3)***

***#17 Amendment Instrument Part 5 Appendix C (Schedule of Works)***

***#18 Amendment Instrument Part 5 Appendix D (Plans for Trunk Infrastructure)***

***#19 Amendment Instrument Part 5 Appendix D (Plans for Trunk Infrastructure)***

***#20 Amendment Instrument Part 5 Appendix D (Plans for Trunk Infrastructure)***

***#21 Amendment Instrument Part 5 Appendix D (Plans for Trunk Infrastructure)***

***#22 Amendment Instrument Part 5 Appendix D (Plans for Trunk Infrastructure)***

***#23 Checklist***

***#24 Digital Model - Schedule of Works***

***#25 Digital Model Memo - Stormwater Quality***

***#26 Digital Model Memo - Transport (Roads)***

***#27 Digital Model Memo - Stormwater Quantity***

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**3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION**

**(Cr B Savige)**

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**ITEM 3.1**

**TENDER - SAMFORD VILLAGE - JOHN SCOTT PARK - PARK DEVELOPMENT 2**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 62406710 : (8 July 2021) - Refer **Confidential Supporting Information 62245740**  
*Responsible Officer:* AM, Project Engineer (ECM Project Management)

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**Executive Summary**

Tenders were called from Council's Prequalified Landscape Construction Panel for the 'Samford Village - John Scott Park - Park Development 2 (MBRC008454 / VP244681)' project. Tenders closed on 9 June 2021 with a total of three tender submissions received, all of which were conforming.

It is recommended that the tender for the 'Samford Village - John Scott Park - Park Development 2 (MBRC008454 / VP244681)' project be awarded to The Landscape Construction Company Pty Ltd for the sum of \$565,131.20 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

This project has received \$400,000 in funding from the Federal Government's LRCIP2 program.

**OFFICER'S RECOMMENDATION**

1. That the tender for the 'Samford Village - John Scott Park - Park Development 2 (MBRC008454 / VP244681)' project be awarded to The Landscape Construction Company Pty Ltd for the sum of \$565,131.20 (excluding GST).
2. That the Council enters into an agreement with The Landscape Construction Company 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 The Landscape Construction Company Pty Ltd for the 'Samford Village - John Scott Park - Park Development 2 (MBRC008454/VP244681)' project and any required variations of the agreement on Council's behalf.
4. The Local Preference Policy was not applied for this project as the project was procured via Council's Landscape Construction panel arrangement in line with Council's Procurement policy.
5. That to allow Council to enter into this arrangement, Council commits to the provision of an additional \$140,000 in funding for the project at the 2021-22 FY quarter one financial review process.



ITEM 3.1 TENDER - SAMFORD VILLAGE - JOHN SCOTT PARK - PARK DEVELOPMENT 2 - 62406710 (Cont.)

**REPORT DETAIL**

**1. Background**

The project is located at John Scott Park, Station St, Samford Village. The project scope includes the installation pathways, picnic facilities, rainwater tank, seating, a drinking fountain and bins, shade trees, landscaping, retaining walls, a viewing deck, and a pedestrian bridge; and reconfigured BMX mounds, bike rack, wheel stops, and bollards.

The objective of the project is to construct the second and final stage of this popular district civic park.

Construction will commence in September 2021, following a 4 week lead time for finalisation of the design of the BMX pump track, and is estimated to take 12 weeks to complete, which includes an allowance for wet weather.



Figure 1: John Scott Park - Locality Plan

**2. Explanation of Item**

Tenders were called from Council's Prequalified Landscape Construction Panel for the 'Samford Village - John Scott Park - Park Development 2 (MBRC008454 / VP244681)' project, which closed on 9 June 2021, with a total of three tenders received, all of which three 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.

*ITEM 3.1 TENDER - SAMFORD VILLAGE - JOHN SCOTT PARK - PARK DEVELOPMENT 2 - 62406710 (Cont.)*

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

RANK	TENDERER	EVALUATION SCORE
1	The Landscape Construction Company Pty Ltd	98.54
2	Naturform Pty Ltd	96.95
3	Trelville Pty Ltd t/a Aspect Contractors	77.87

**The Landscape Construction Company Pty Ltd ('TLCC')** - submitted a comprehensive tender that demonstrated their relevant experience. A tender clarification meeting was held on 22 June 2021, at which TLCC demonstrated their relevant experience, methodology, company capability, understanding of the project and capability in delivering the project. TLCC provided examples of relevant project experience, including Pebble Creek Parklands (valued at \$3.1M) for SLR Consulting; Raby Bay Esplanade Park Upgrade (valued at \$655k) for Redland City Council; and Scarborough Beach Park Upgrade (valued at \$2.26m) for Moreton Bay Regional Council.

TLCC provided the most efficient program for the proposed works and the lowest priced tender. The evaluation panel considers the tender from TLCC to represent the best overall value for Council.

**Naturform Pty Ltd ('NA')** - submitted a comprehensive and well-presented tender, demonstrating their project experience, however, there were no additional benefits identified for the higher price.

**Trelville Pty Ltd t/a Aspect Contractors ('AC')** - submitted a comprehensive and well-presented tender, demonstrating their project experience, however, there were no additional benefits identified for the higher price.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Council sought quotations via Council's Prequalified Landscape Construction Panel (MBRC008454) for the work through (Vendor Panel), 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 project/contract/initiative has been procured/sourced 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.

The Local Preference Policy was not applied for this project as the project was procured via Council's Landscape Construction panel arrangement in line with Council's Procurement policy.

**3.4 Risk Management Implications**

A detailed Risk Management Plan has been prepared. The project risk has been assessed and the following issues identified, including the manner in which the possible impact of these risks are minimised is detailed below.



ITEM 3.1 TENDER - SAMFORD VILLAGE - JOHN SCOTT PARK - PARK DEVELOPMENT 2 - 62406710 (Cont.)

*Financial Risk:*

The recommended tenderer is prequalified on Council's Prequalified Landscape Construction Panel (MBRC008454).

*Construction Risks:*

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental 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.
- b. The recommended tenderer has indicated their understanding of the project site to ensure the safety and well-being of all during the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not foresee any COVID-19 related impacts which would affect material supply chains and overall time delivery of the project works. An allowance of four weeks will be provided prior to starting on site to enable the BMX pump track design to be finalised to mitigate project delays.
- e. The project is not impacted by any Development Approvals.
- f. Dilapidation inspections will be conducted prior to works commencing for site and surrounding areas to record the existing condition of assets and again after construction to record any change.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project requires an amendment to the budget allocation and is therefore reported to Council for consideration.*

3.6 Financial Implications

Council has allocated a total of \$490,000 in the Capital Projects Program towards this project, in the 2021/22 FY for construction. All financial information below is excluding GST.

Tender Price (Construction)	\$	565,131.20
Contingency (10%)	\$	56,513.12
Supervision / Administration Costs	\$	1,000.00
QLeave (0.575%)	\$	3,250.00
<b><u>Total Project Cost</u></b>	<b>\$</b>	<b><u>625,894.32</u></b>
Federal Government LRCIP2 COVID-19 funding	\$	400,000.00
<b><u>Net cost to Council</u></b>	<b>\$</b>	<b><u>225,894.32</u></b>

Estimated ongoing operational/maintenance costs \$ 11,025 per F/Y.

The budget amount for this project is insufficient. To allow this project to proceed and for Council to enter into the arrangement, Council commits to the provision of an additional \$140,000 in the 21/22 FY quarter one review process.

*ITEM 3.1 TENDER - SAMFORD VILLAGE - JOHN SCOTT PARK - PARK DEVELOPMENT 2 - 62406710 (Cont.)*

3.7 Economic Benefit Implications

Once complete, the project will encourage tourism and visitors to the park and neighbouring businesses.

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the recommended tenderer detailing the management of environmental matters affecting the project during construction. The environment management plan will be monitored and audited by project management during the construction phase.

3.9 Social Implications

The development will improve capacity of the park, providing active recreational activities for the public.

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices issued six weeks prior to the commencement of works and projects signs displayed on site 4 weeks prior to construction. The neighbouring stakeholders have been consulted regarding the project. The detailed communications plan will include a Councillor weekly email update and website page with fortnightly updates. The Divisional Councillor has been consulted and is supportive of the project.

**SUPPORTING INFORMATION**

**Ref: 62245740**

The following list of supporting information is provided for:

**ITEM 3.1**

**TENDER - SAMFORD VILLAGE - JOHN SCOTT PARK - PARK DEVELOPMENT 2**

***Confidential #1 Tender Assessment***

**ITEM 3.2**  
**TENDER - CLONTARF - K R BENSON PARK - AMENITIES UPGRADE**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 62314882 : 07 July 2021, Refer **Confidential Supporting Information**  
**62199567**  
*Responsible Officer:* SC, Senior Project Manager (ECM Project Management)

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**Executive Summary**

Tenders were called for the 'Clontarf - K R Benson Park - Amenities Upgrade (MBRC-RFT10)' project. The tender closed on 15 June 2021 with a total of five tenders received, of which four were conforming and one was non-conforming.

It is recommended that the tender for the project be awarded to Future Fitouts (QLD) Pty Ltd, trading as Future Fitouts for the sum of \$251,245.00 (excluding GST), as this tender was evaluated as representing best overall value to Council.

**OFFICER'S RECOMMENDATION**

1. That the tender for the 'Clontarf - K R Benson Park - Amenities Upgrade (MBRC-RFT10)' project be awarded to Future Fitouts (QLD) Pty Ltd, trading as Future Fitouts, for the sum of \$251,245.00 (excluding GST).
2. That the Council enters into an agreement with Future Fitouts (QLD) Pty Ltd, trading as Future Fitouts, 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 Future Fitouts (QLD) Pty Ltd, trading as Future Fitouts for the 'Clontarf - K R Benson Park - Amenities Upgrade (MBRC-RFT10)' project and any required variations of the agreement on Council's behalf.
4. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.
5. That Council commits to the provision of an additional \$50,000 in funding for the project at the 2021-22 FY quarter one financial review process.

ITEM 3.2 TENDER - CLONTARF - K R BENSON PARK - AMENITIES UPGRADE - 62314882 (Cont.)

REPORT DETAIL

1. Background

The project is located at K R Benson Park, 70 Maine Road, Clontarf. The project scope involves the upgrade of the current amenities building located next to the Netball Clubhouse, including the provision of compliant access and parking. More broadly the works include improvement of the male toilet access, installation of a compliant PWD unisex toilet facility, reconfiguration of the storage area and female facilities; and installation of compliant PWD parking and access provisions.

The objective for the project is to provide improved, suitable and compliant amenities for use by the community.

Construction will commence in September 2021, in line with the conclusion of the netball season, and is estimated to take 12 weeks to complete, which includes an allowance for wet weather.



Figure 1 - Site Area - Locality Plan

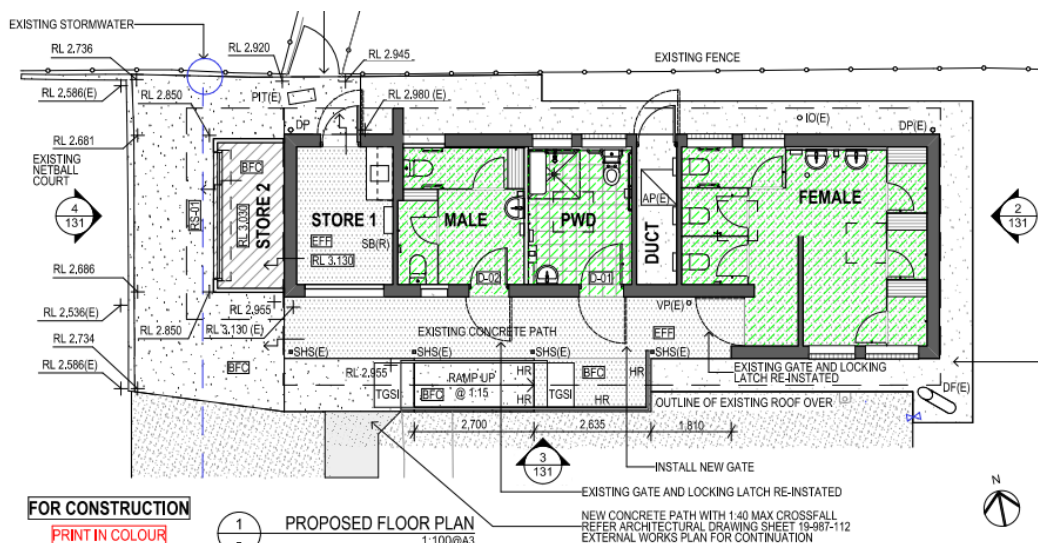


Figure 2 - Proposed Floor Plan

ITEM 3.2 TENDER - CLONTARF - K R BENSON PARK - AMENITIES UPGRADE - 62314882 (Cont.)

**2. Explanation of Item**

Tenders were invited for the 'Clontarf - K R Benson Park - Amenities Upgrade (MBRC-RFT10)' project, which closed on 15 June 2021, with a total of five tenders received, of which four were conforming and one was non-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 (PRE-LOCAL PREFERENCE)	EVALUATION SCORE (POST LOCAL PREFERENCE)
1	Future Fitouts (QLD) Pty Ltd, trading as Future Fitouts	100.00	107.50
2	Fitout and Refurbishment Australia Pty Ltd	90.02	90.02
3	Kimini Constructions Pty Ltd	86.87	86.87
4	Verve Constructions (QLD) Pty Ltd	75.25	75.25
5	James Trowse QLD Pty Ltd	Non-conforming	Non-conforming

**Future Fitouts (QLD) Pty Ltd, trading as Future Fitouts (FF)** - submitted a comprehensive and well-presented tender with a well-prepared methodology/strategy that demonstrated relevant similar experience. A tender clarification meeting was held on 01 July 2021 at which FF demonstrated their relevant experience, methodology, understanding and capability to deliver the project. FF provided examples of relevant project experience, including Outdoor Learning Area Construction (valued at \$176k) for Albany Creek State School; Refurbishment of Storefront and Warehouse (valued at \$97k) for Network Locksmith Security; and Redcliffe SES depot Refurbishment (valued at \$208k) for Moreton Bay Regional Council.

The tender from FF was the lowest price offered and achieved the highest evaluation score. The evaluation panel recommends that the tender from FF represents the best overall value to Council.

**Fitout and Refurbishment Australia Pty Ltd (FR)** - submitted a comprehensive and well-presented tender, demonstrating their project experience, however, there are no additional benefits to Council for the higher price.

**Kimini Constructions Pty Ltd (KC)** - tender demonstrated their project experience, however, there are no additional benefits to Council for the higher price.

**Non-Conforming Tenders** - The tender from James Trowse QLD Pty Ltd did not provide mandatory tender documentation.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Due to the value of the work expected to be greater than \$200,000, Council called a public tender for the work through MBRC's e-Tendering Portal 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.

*ITEM 3.2 TENDER - CLONTARF - K R BENSON PARK - AMENITIES UPGRADE - 62314882 (Cont.)*

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.

Tenders were tested against Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

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 manner in which the possible impact of these risks are minimised is detailed below.

*Financial Risks:*

A third party review of financial status has been carried out and the successful tenderer was rated 'very strong'.

*Construction Risks:*

- a) The recommended tenderer will provide a program of works, traffic management plan, safety management plan, environmental management plan and quality management documentation as part of the contract to detail how they will plan, establish and manage construction risks which will be reviewed and audited by Project Management.
- b) The recommended tenderer has indicated their understanding of the project site and the proximity of the surrounding properties, open water course and the sporting functions of the facility to ensure the safety and wellbeing of all during the work.
- c) The recommended tenderer has indicated that their program of work takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d) The procurement risks relating to construction materials are considered low as there is adequate time for the recommended tenderer to procure relevant project construction materials. At the tender clarification meeting, the recommended tenderer noted that the material supply chain for timber has been impacted by COVID-19, however, this risk to the project has been mitigated with the ability to order materials following contract award and starting on site in September, 2021, to coincide with the end of the Netball season.
- e) Dilapidation inspections will be undertaken prior to works commencing to the building and surrounding areas to record the existing condition of assets and again upon conclusion of the works to record any change.
- f) Asbestos Containing Material (ACM) - The asbestos management report for the building has identified areas where ACM is known to be present as being within the works area, however, given the age of the building, it is possible that further ACM may be identified once demolition works proceed and the building is 'opened up'. To assist with managing this unknown ACM risk, the project contains a Provisional Sum to address any unknown ACM elements.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project requires an amendment to the budget allocation and is therefore reported to Council for consideration.*

ITEM 3.2 TENDER - CLONTARF - K R BENSON PARK - AMENITIES UPGRADE - 62314882 (Cont.)

3.6 Financial Implications

Council has allocated a total of \$272,000.00 in the Capital Projects Program towards this project, with \$27,000.00 for design in the 2020-21 FY and \$245,000.00 in the 2021-22 FY for construction. All financial information provided is excluding GST.

Design (2020/21)	\$ 25,836.00
Tender Price (Construction)	\$ 251,245.00
Contingency (15%)	\$ 37,686.75
Consultancy Services during construction	\$ 3,500.00
Supervision/Admin Costs	\$ 2,000.00
QLeave (0.575%)	\$ 1,445.00

**Total Project Cost** **\$ 321,713.00**

Estimated ongoing operational/maintenance costs \$7,800 per F/Y.

The budget amount for this project is insufficient. To allow this project to proceed and for Council to enter into the arrangement, Council commits to the provision of an additional \$50,000 in the 2021-22 FY quarter one financial review process.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications

The recommended tenderer will provide an Environmental Management Plan to Council detailing the management of environmental matters affecting the project during construction. The environmental management plans will be monitored by Project Management during the construction phase.

3.9 Social Implications

The refurbishment of the amenities will provide greater accessibility at K R Benson Park. The provision of the amenities and an accessible parking space will provide greater inclusion for the local community.

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

A detailed communication plan has been prepared for the project. Communication strategies include project notices issued four weeks prior to the commencement of works and project signs will be displayed on site four weeks prior to construction. The stakeholders, including Redcliffe Leagues Netball Association, have been consulted regarding the project. Fortnightly email updates will be provided to the Divisional Councillor. The Divisional Councillor has been consulted and is supportive of the project.



**SUPPORTING INFORMATION**

**Ref: 62199567**

The following list of supporting information is provided for:

**ITEM 3.2**

**TENDER - CLONTARF - K R BENSON PARK - AMENITIES UPGRADE**

***Confidential #1 Tender Assessment***

### ITEM 3.3 RETAINING WALL PORTFOLIO ASSET MANAGEMENT PLAN

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 62426951: 13 July 2021 - Refer Supporting Info 62179906  
*Responsible Officer:* JF, Asset Management Manager (ECM Asset Management)

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#### **Executive Summary**

The purpose of this report is to present the Retaining Wall Portfolio Asset Management Plan to Council for adoption. The Retaining Wall asset portfolio has a total estimated value of \$53.2 million with 44 kms of retaining walls within open spaces and transport corridors.

The Retaining Wall Portfolio Asset Management Plan (RWPAMP) proposes that Council retain the current maintenance budget (\$100,000 p.a.) from FY2022 to FY2030; retain the current budget for new/upgrade of assets of \$100,000 per annum to FY2025 with subsequent increase to \$200,000 per annum from FY2026 onwards. Based upon recent condition assessments, the RWPAMP also proposes that Council temporarily reduce the current \$400,000 per annum budget for asset renewals/replacements to \$250,000 per annum from FY2023 through to FY2045 with a proposed review of the renewal budget beyond FY2045. It is predicted that renewals expenditure will need to increase beyond FY2045, and this will be confirmed by future condition assessment and lifecycle analysis.

The combined operational and capital funding amendments described above will ensure the existing asset base remains in an adequate condition.

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

1. That the Retaining Wall Portfolio Asset Management Plan be adopted, as tabled.
2. That amendments be made in the next long term financial forecast for the capital and maintenance funding for Council's retaining wall assets to meet the standards of service outlined in the Retaining Wall Portfolio Asset Management Plan. The budget allocation recommendations are:
  - a) Retain the current budget for both planned and reactive maintenance of \$100,000 per annum from FY2022 to FY2030.
  - b) Retain the current budget for asset new/upgrade of \$100,000 per annum to FY2025 with subsequent increase to \$200,000 per annum from FY2026 onwards.
  - c) Temporarily reduce the current \$400,000 per annum budget for asset renewals/replacements to \$250,000 per annum from FY2023 through to FY2045 with a proposed review of the renewal budget beyond FY2045 subject to ongoing condition assessments.

ITEM 3.3 RETAINING WALL PORTFOLIO ASSET MANAGEMENT PLAN - 62426951 (Cont.)

**REPORT DETAIL**

**1. Background**

A Council briefing was conducted on 30 June 2021 for the purpose of sharing information and providing advice/views to Council on the matter, and to receive Councillor feedback and input.

Council Briefing outcomes were noted as follows:

- *The Retaining Wall Portfolio Asset Management Plan to be submitted to a General Meeting for consideration of adoption.*

As part of the ongoing development of Council's asset management planning, a Retaining Wall Portfolio Asset Management Plan (AMP) has been developed. The AMP outlines the Council's approach to the management of Retaining Wall assets located throughout the Council's area. The primary function of Retaining Wall assets is to provide lateral soil support when there is a change in elevation in landform.

Retaining wall assets on the MBRC register classified under Transport are primarily wall constructs located within Transport corridors while Land Improvement classified walls are located in open spaces such as parks and other non-transport corridor related locations.

The ongoing maintenance of a retaining wall is the responsibility of the property owner whose land the retaining wall benefits. Private retaining walls are defined as walls that only serve a purpose to the adjacent private property, and do not serve a primary purpose of supporting or protecting Council owned land and infrastructure.

Retaining Wall assets typically have a useful life of 40 - 60 years and their construction includes a variety of designs based on cost, soil types, earth retaining structures functional requirements, aesthetics along with state and local government regulatory requirements.

Collectively, Retaining Wall assets have an estimated replacement value of \$53.2M for a total length of 44,029 meters. Table 1 summarises the Council's Retaining Wall assets, the expected useful lives for each asset type, current age range, and current replacement cost.

Wall Category	Construction Material	Count of Walls	Length (m)	Expected Useful Life (Years)	Current Age Range (Years)	Current Replacement Cost
Transport	Concrete	291	6,866	60	1-60	11,769,154
	Rock	298	6,952	60	1-50	11,533,219
	Masonry	136	3,064	60	1-49	4,556,952
	Timber	53	1,169	40	1-53	365,557
Land Improvement	Concrete	431	9,120	60	1-46	11,483,846
	Rock	361	7,327	60	1-30	7,243,737
	Masonry	348	7,135	60	1-36	5,060,809
	Timber	101	2,393	40	1-26	1,180,448
<b>TOTAL</b>		<b>2019</b>	<b>44,209</b>			<b>\$53,193,722</b>

**Table 1 - Current Replacement Cost by Asset Type**

As per Council's strategic asset management framework, it is imperative that Council adopts a proactive approach to managing assets including planned maintenance and condition monitoring. The proactive approach will extend the life of assets and minimise the risk of assets reaching a state beyond repair.

ITEM 3.3 RETAINING WALL PORTFOLIO ASSET MANAGEMENT PLAN - 62426951 (Cont.)

The figures below show the age profile and condition rating for Council's Retaining Wall assets, which indicates the number of assets and their total current replacement cost within each age band. As age reflects the year in which the assets were built, the profile also indicates the pattern in which they were acquired over time. The last 25 years has seen significant growth in both the number and value of retaining wall assets being built in line with the significant growth in the region. There is a high proportion of assets with age less than 25 years which indicates a young asset base when compared to design life of 40-60 years for retaining walls. This portion of the asset base is 93% of the total replacement value.

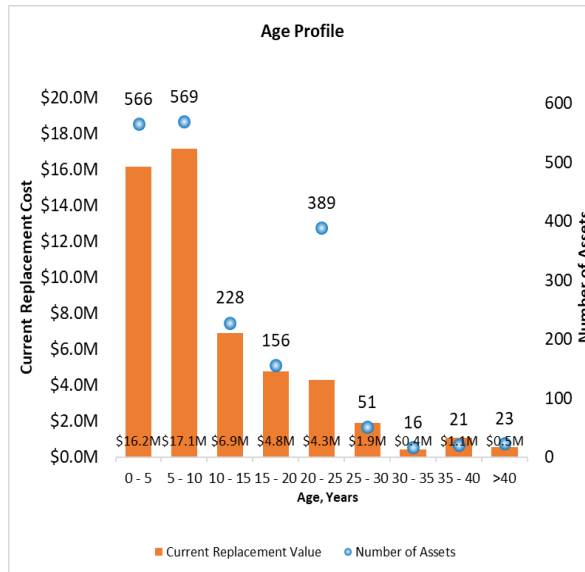


Figure 1 - Asset Age Profile

Figure 2 illustrates the condition profile for retaining walls with heights of more than 1m and reflects the Level 2 condition assessments carried out in 2020 and 2021. Walls 1m or less in height (Figure 3) are not subject to the same regulatory and design standards and, because of a much lower level of risk, are only subjected to periodic Level 1 inspections.

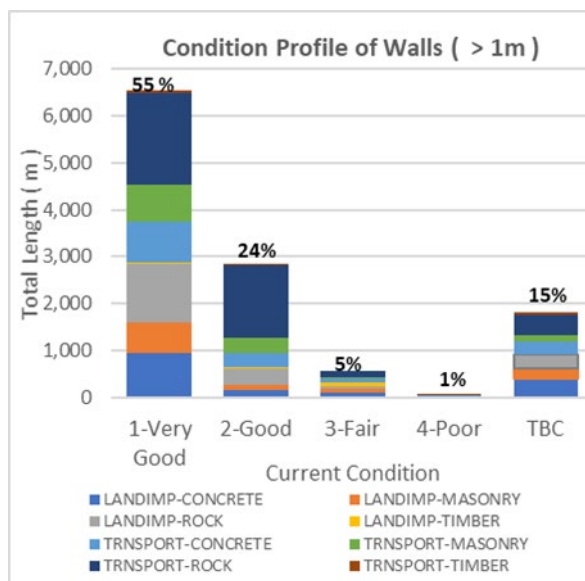


Figure 2 - Asset Condition Profile (Height > 1m)

ITEM 3.3 RETAINING WALL PORTFOLIO ASSET MANAGEMENT PLAN - 62426951 (Cont.)

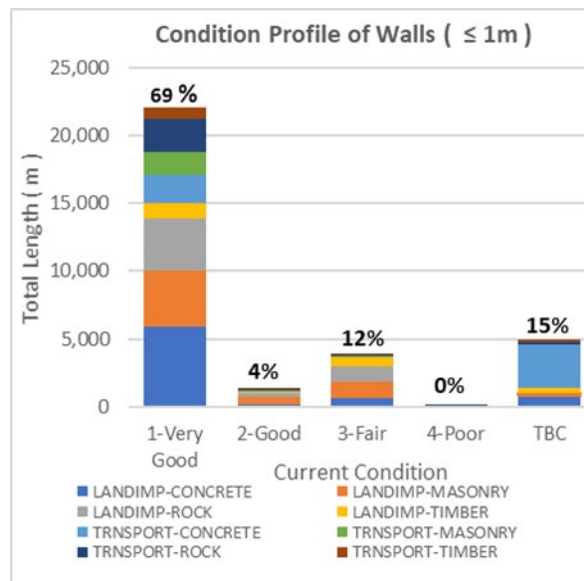


Figure 3 - Asset Condition Profile (Height ≤ 1m)

The condition assessments confirm overall that this asset base is in good condition, as expected due to being a relatively young asset base. The Retaining Wall Portfolio Asset Management Plan has been provided as supporting information and outlines plan information in further detail.

**2. Explanation of Item**

The Retaining Wall Portfolio Asset Management Plan has been developed as a tool to assist Council in achieving the following key strategic asset management objectives:

- Optimising maintenance and renewal practices
- Prioritising investment to achieve maximum value
- Validating investment decisions to confirm funds are being spent effectively
- Identifying lower lifecycle cost solutions
- Managing risk to an appropriate level
- Monitoring and recording of the condition of Retaining Wall assets
- Modelling to predict future condition and associated maintenance requirements
- Optimise asset performance
- Minimise asset failure where minimal assets reach a poor condition

**Condition**

Understanding the condition of Council's Retaining Wall assets is important for their effective management. Overall, less than 1% (2 walls) are rated to be in poor condition (condition 4) with 84% of the total length of retaining walls deemed to be in fair to very good condition. It is worth noting that retaining walls with conditions 3 and 4 from the above graphs carry a replacement value of approximately \$1.5m which is 2.8% of the total replacement value of the portfolio.

**Key Issues**

- Based on lifecycle modelling and observations from the Level 2 condition assessments conducted in 2020 and 2021, the current allocated renewals budget can be reduced without incurring any significant reduction in levels of service over the next 20-25 years.
- Retaining wall renewals face a major peak between FY2070 to FY2080 when a significant outlay of capital will be required in the vicinity of approximately \$33.2 million (62% of current replacement cost), to address renewals for this large portion of the retaining wall portfolio. This anticipated renewal spend will be subject to ongoing assessment of condition data, and interventions to extend lives of assets as retaining walls approach the final stages of their expected lifespan.

ITEM 3.3 RETAINING WALL PORTFOLIO ASSET MANAGEMENT PLAN - 62426951 (Cont.)

- Some retaining walls (15%) over 1.0m high do not have a recorded condition. Initiating a third stage of condition assessments for the remaining 70 retaining walls will ensure that all walls over the height of 1m have been subjected to a comprehensive condition inspection to help inform renewal modelling and other decision-making. This body of work will be carried out in the 21/22 financial year.

**Maintenance Strategy**

To achieve the desired levels of service to be provided by Council’s retaining wall assets, and to meet Council’s Strategic Asset Management Policy requirements of demonstrating organisational commitment to responsible, effective and sustainable management of the assets, the existing maintenance funds should be retained to prolong asset lifespan.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Section 167 - Preparation of a Long-Term Asset Management Plan - of the Local Government Regulation 2012 states that –

- (1) A local government must prepare and adopt a Long-Term Asset Management Plan.
- (2) The Long-Term Asset Management Plan continues in force for the period stated in the plan unless the local government adopts a new Long-Term Asset Management Plan.
- (3) The period stated in the plan must be 10 years or more.

Additionally, Section 168 of the Local Government Regulation 2012 states that Council’s Long-term Asset Management Plan must:

- (a) provide for strategies to ensure the sustainable management of the assets mentioned in the local government’s asset register and the infrastructure of the local government; and
- (b) state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and
- (c) be part of, and consistent with, the long-term financial forecast.

**3.2 Corporate Plan / Operational Plan**

Council is committed to achieving the community’s vision for the Moreton Bay Region. This vision represents a thriving region of opportunity where our communities enjoy a vibrant lifestyle and is structured upon three key elements; creating opportunities, strengthening communities and valuing lifestyle. These three tiers are underpinned by concepts such as local jobs for residents, strong local governance, and quality recreation and cultural opportunities.

The Strategic Asset Management Plan (SAMP) and supporting AMP’s have direct linkages with other corporate documents as illustrated in the diagram below:

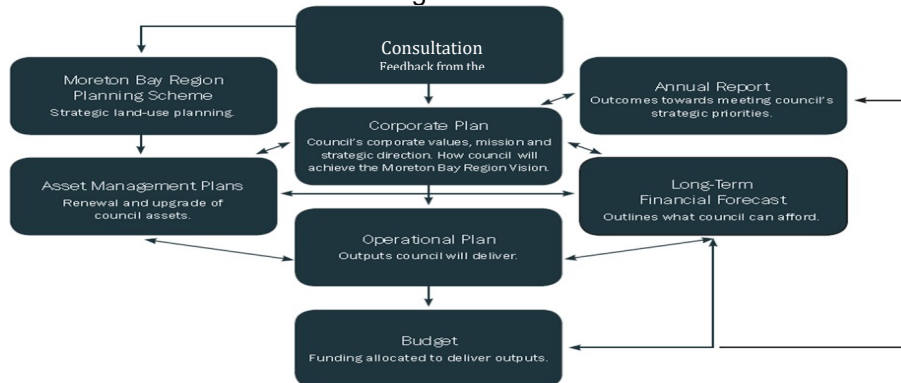


Figure 3 - Asset Management within MBRC Statutory Planning Context

ITEM 3.3 RETAINING WALL PORTFOLIO ASSET MANAGEMENT PLAN - 62426951 (Cont.)

As mentioned above, these plans inform Council's Long Term Financial Forecast (LTFF) in relation to costs associated with new, renewal and upgrade of assets. The plan also guides Council's Corporate Plan in relation to what Council intends to achieve, in relation to strategic asset management and informs Council's capital works program which forms part of the Operational Plan and Budget.

3.3 Policy Implications

The Infrastructure Asset Management Policy (Policy No. 12-2150-043) was adopted by Council on 9<sup>th</sup> December 2020.

3.4 Risk Management Implications

Risk management associated with Retaining Wall assets are included in the plan.

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

An analysis was carried out to determine the future condition of the Retaining Wall asset portfolio with the recommended budget and benchmarked to the current average annual renewal budget. The figure below illustrates that with the currently adopted funding schedule the condition of the asset portfolio will be maintained to a slightly higher condition when compared to the recommended funding however, the difference is negligible. The recommended funding will still maintain the asset portfolio to an acceptable condition and provide the required levels of service outlined in the asset management plan.

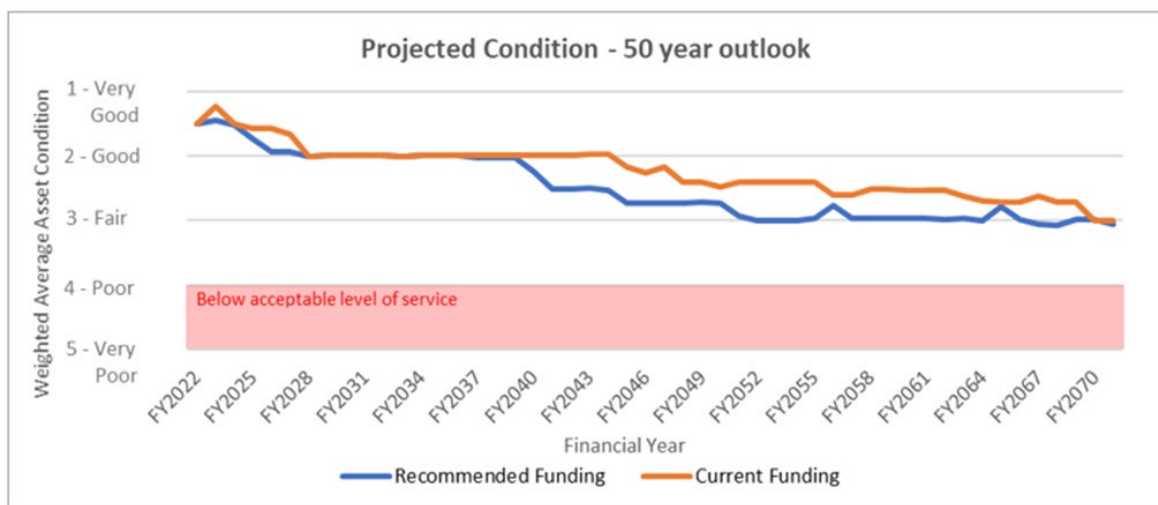


Figure 4 - Asset Projected Condition Outlook

The recommended total budget allocations are outlined below:

- Retain the current budget for both planned and reactive maintenance of **\$100K** per annum from FY2022 to FY2030
- Retain the current budget for asset new/upgrade of **\$100K** per annum to FY2025 with subsequent increase to **\$200K** per annum from FY2026 onwards.
- Temporarily reduce the current **\$400K** per annum budget for asset renewals/ replacements to **\$250K** per annum from FY2023 through to FY2045 with a proposed review of the renewal budget beyond FY2045 subject to ongoing condition assessments.

Should these recommended budget allocations be adopted into the next long term financial forecast, the predicted condition profile of the Retaining Wall asset portfolio will continue to function to the required service levels while the proposed temporary reduction in funding is expected to yield savings of \$11.45 million for Council over the next 25 years.

*ITEM 3.3 RETAINING WALL PORTFOLIO ASSET MANAGEMENT PLAN - 62426951 (Cont.)*

It is predicted that **renewals expenditure will need to increase beyond FY2045** when a large portion of the portfolio becomes due for renewals. However, the projected numbers below will be confirmed by future condition assessments and lifecycle modelling.

- FY2045-FY2055 \$250k/annum
- FY2055-FY2060 \$500k/annum
- FY2060-FY2070 \$1million/annum
- FY2070-FY2080 \$3 million/annum

3.7 Economic Benefit Implications

Sustainable provision and management of Moreton Bay Regional Council's (MBRC) Retaining Wall assets supports economic growth across the region. Additionally, a well-managed Retaining Wall asset portfolio improves the overall amenity of the region and is highly valued by the community.

3.8 Environmental Implications

The effective management of MBRC's Retaining Wall assets assists in improving environmental outcomes.

3.9 Social Implications

The timely and cost-effective management of MBRC's Retaining Wall assets contributes to the overall benefit of residents, visitors, business and industry, by providing the necessary assets to support the region's quality lifestyle.

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

MBRC officers, asset owners and Councillors have been consulted in the preparation of this plan.



**SUPPORTING INFORMATION**

**Ref: [62179906](#)**

The following list of supporting information is provided for:

**ITEM 3.3  
RETAINING WALL PORTFOLIO ASSET MANAGEMENT PLAN**

***#1 Retaining Wall Portfolio Asset Management Plan***

**4 PLANNING SESSION**

(Cr D Grimwade)

**ITEM 4.1**

**DA/42105/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (95 CHILDREN) - 12 & 14 MARYLIN TERRACE, EATONS HILL**

**APPLICANT: GG Propco No. 5 Pty Ltd C/- Place Design Group**

**OWNERS: Rodney W Maitland, Leanne M Maitland, Daniel M Roggenkamp & Shannon L Mehler**

Meeting / Session: 4 PLANNING

Reference: 62223057 : 24 February 2021 – Refer Supporting Information 62223078, 62341756, 62341762, 62341763, 62341764, 62396601

Responsible Officer: KA, Senior Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	GG Propco No. 5 Pty Ltd C/- Place Design Group
<b>Lodgement Date:</b>	22 October 2020
<b>Properly Made Date:</b>	30 October 2020
<b>Confirmation Notice Date:</b>	4 November 2020
<b>Information Request Date:</b>	18 November 2020
<b>Info Response Received Date:</b>	26 November 2020
<b>Public Notification Dates:</b>	30 November 2020 - 18 December 2020
<b>No. of Submissions:</b>	Properly Made: 30 Submissions Not Properly Made: 2 Submissions
<b>Decision Due Date:</b>	21 July 2021

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 09
<b>Property Address:</b>	12 -14 Marylin Terrace, Eatons Hill
<b>RP Description</b>	Lot 41 and 42 on RP862580
<b>Land Area:</b>	1480m <sup>2</sup>
<b>Property Owner</b>	Rodney W Maitland, Leanne M Maitland, Daniel M Roggenkamp & Shannon L Mehler

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	MBRC Planning Scheme
<b>Planning Locality / Zone</b>	General residential zone Suburban neighbourhood precinct
<b>Level of Assessment:</b>	Impact and Consistent

**ITEM 4.1 DA/42105/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (95 CHILDREN) - 12 & 14 MARYLIN TERRACE, EATONS HILL - 62223057 (Cont.)**

This application seeks a Development Permit for a Material change of use for a Child Care Centre at 12 and 14 Marylin Terrace, Eatons Hill, formally described as Lots 41 and 42 on RP862580.

The site is located within the General residential zone - Suburban neighbourhood precinct in the Moreton Bay Regional Council (MBRC) Planning Scheme, located over two allotments along Marylin Terrace on the northern side of the road, opposite Eatons Hill State School. The application proposes to remove the two existing two-storey Dwelling houses and construct a Child Care Centre. The Child Care Centre is proposed to be constructed as a two-storey building, with the use of cut into the site making the built form appear as a single storey when viewed from the eastern frontage opposite the school. The Child Care Centre is proposed to accommodate ninety-five (95) child places, fifteen (15) staff members and twenty-eight (28) car parking spaces.

The application was publicly advertised with thirty-two (32) submissions received of which, thirty (30) were properly made and included an online petition with 226 signatures.

The proposed development is consistent 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 decision as the proposal has raised significant community concerns and in accordance with the delegations to Council officers, the Divisional Councillor has requested that the development application be determined by the Council instead of under Council officer delegation. Therefore, Council is now the authorised entity 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 Child care centre (95 children) at 12 and 14 Marylin Terrace, Eatons Hill, formally described as Lots 41 and 42 on RP862580, subject to the following plans/documents and conditions:

<b>Approved Plans and Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan	DA100 Issue C	Local Office Architecture	21 May 2021
Ground Floor Plan	DA200 Issue E	Local Office Architecture	21 May 2021
First Floor Plan	DA201 Issue E	Local Office Architecture	21 May 2021
Roof Plan	DA202 Issue C	Local Office Architecture	21 May 2021
Elevations 1	DA300 Issue C	Local Office Architecture	21 May 2021
Elevations 2	DA301 Issue C	Local Office Architecture	21 May 2021
Sections	DA350 Issue C	Local Office Architecture	21 May 2021
Perspective View 1	DA360 Issue C	Local Office Architecture	21 May 2021
Perspective View 2	DA361 Issue C	Local Office Architecture	21 May 2021

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Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Landscape Concept Plan - Ground Floor Plan as amended in red by Council	SK001 Rev. B	LAUDink	24 November 2020
Landscape Concept Plan - Planting Schedule, Images & Notes	SK010 Rev. A	LAUDink	24 November 2020
Stormwater Management Plan	8562 Issue A	MPN Consulting Pty Ltd	24 November 2020
Acoustic Report	2020203 R01C	Acousticworks	20 October 2020
Draft Waste Management Program		Place Design Group	26 November 2020

### Conditions

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
<b>1.</b>	<b>Approved Plans and/or Documents</b>
A	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.
B	Submit to the Council for its records a 3D digital copy of the final development approval plans for any building approved on the site to be created in .SKP or .DAE file format if not previously submitted to the Council.  Note: Refer to <a href="https://www.moretonbay.qld.gov.au/Services/Building-Development/DA-Lodgement/3D-Model-Submission">https://www.moretonbay.qld.gov.au/Services/Building-Development/DA-Lodgement/3D-Model-Submission</a> for more details.
<b>2.</b>	<b>Premises Hours of Operation</b>
	Limit the hours of operation to between 6am to 7pm Monday to Sunday.  The use of the outdoor play areas is limited to 7am to 6pm.  Note: This condition is consistent with the recommendations of the approved Acoustic Report.
<b>3.</b>	<b>Operating Capacity</b>
	Ensure the capacity of the Child care centre is limited to a maximum of ninety-five (95) children on site at any one time.
<b>4.</b>	<b>On-Site Car Spaces</b>

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A	Provide vehicle spaces on the site in accordance with the approved plans with spaces 18,19, 24-28 to be made available to both staff and visitors.	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>5.</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>6.</b>	<b>Bicycle End of Trip Facilities</b>	
	Unless otherwise agreed to in writing by Council, 1. Provide ten (10) storage lockers which have the minimum dimensions of 900mm (height) x 300mm (width) x 450mm (depth). 2. Provide one (1) shower in a toilet facility on the site with a minimum 3-star Water Efficiency Labelling and Standard (WELS) rating shower head.	Prior to commencement of the use and to be maintained at all times.
<b>7.</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>8.</b>	<b>Pedestrian Pathway</b>	
A	Provide a pedestrian pathway through the car parking area to the foyer. The pathway must be differentiated in colour and/or texture from the driveway surface.	Prior to commencement of use and to be maintained at all times.
B	Construct a 1.5m wide footpath along the full frontage of the site to Marylin Terrace that is to extend and connect to the footpath in front of 16 Marylin Terrace.  This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	Prior to commencement of use.
<b>9.</b>	<b>Fencing</b>	
A	Submit to the Council for approval a fencing plan for any proposed fence with details on height, transparency, materials and colour that is to be consistent with the approved perspective plans. Once approved by Council the plan will become part of the approved plans package.	Prior to commencement of use and to be maintained at all times.
B	Ensure that any fencing is in accordance with the approved plans.	
<b>10.</b>	<b>Colours, Materials and Finishes</b>	

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	Implement the approved schedule of colours materials and finishes as shown on the approved plans.	Prior to commencement of use and to be maintained at all times.
<b>11.</b>	<b>Landscaping Plan</b>	
A	Provide landscaping on site generally in accordance with the approved landscape concept plan and Planning Scheme Policy - Integrated Design Appendix D - Landscaping. Specifically: (i) Pot size detailed in Section 4.2; (ii) Plant density detailed in Section 4.3; and, (iii) Plant selection and species detailed in Section 4.4.	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>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>Screening of Loading Facilities / Plant Areas</b>	
A	Screen Plant Areas, Refuse Storage and Other Outdoor Storage Facilities on the site from direct view from adjoining neighbours and any adjoining road or public space.	Prior to commencement of use and to be maintained at all times.
B	Provide a curtain, or similar screening device to hang from the roof of the underground carparking area sufficient to ensure the undercroft of the building (plumbing, electrical, telecommunications and other services, etc) are all screened from being visible when standing at the road frontage.	
<b>14.</b>	<b>On Site Services</b>	
	Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners are: 1. Located the side boundaries and screened (e.g. fencing or landscaping) from view of adjoining neighbours or any road frontage; or 2. Entirely underground where located in the front setback.	Prior to commencement of use and to be maintained at all times.
<b>15.</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: 1. a reticulated water supply network connection is available to the land; and 2. a sewerage network connection is available to the land; and 3. all the requirements of Unitywater have been satisfied.	Prior to commencement of use.



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<b>16.</b>	<b>Fibre Ready Telecommunications – Single</b>	
A	<p>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:</p> <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 the use.
B	<p>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.</p> <p>Note: A template for certification is available from council for the purpose of this condition.</p>	
<b>17.</b>	<b>Telecommunications Internal Wiring</b>	
A	<p>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 for 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.</p>	Prior to commencement of use.
B	<p>Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.</p> <p>Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.</p>	
<b>18.</b>	<b>Electricity</b>	
A	<p>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.</p>	Prior to commencement of use.
B	<p>Provide an underground electricity supply connection to the development.</p>	
C	<p>Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.</p>	



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<b>19.</b>	<b>Electrical Transformer</b>	
	<p>Ensure any PAD Mount transformer visible from a public road is painted or has a film applied to it with a mural on all sides that integrates the infrastructure into the location of being adjacent to community activities. Concepts for the mural are to be approved by the Council in writing and align with the use of the land as child caring, child education, community uses or the like e.g. children playing, children learning, people congregating / moving, or the like. Examples are shown in the images below;</p>	Prior to commencement of the use.
	 	
<b>ENVIRONMENTAL HEALTH</b>		
<b>20.</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 for (A) and (B) to be maintained at all times.
B	Ensure all external lighting in the basement car parking area, excluding any emergency lighting, remains off during the period between 7pm on one day to 6am the following day unless approved otherwise by the Council in writing.	
C	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).	
<b>21.</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 for (A) 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.	
<b>22.</b>	<b>Acoustic Attenuation Measures</b>	
A	<p>Provide the acoustic attenuation measures specified in Section 8 of the approved Acoustic Report with the addition that;</p> <ol style="list-style-type: none"> <li>any portion of the acoustic barrier that is greater than 2.0m in height above the finished ground level (natural or on fill) is to be constructed of a transparent material to minimise visual impacts. The transparent</li> </ol>	Prior to the commencement of the use and for (A) to be maintained at all times.



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	<p>portion must maintain the required noise mitigation properties; and</p> <p>2. The portions of the acoustic barrier shown on the proposal plans and perspectives as being transparent, are to be.</p>	
B	Provide certification from a suitably qualified person that the attenuation measures have been installed/ implemented in accordance with Section 8 of the Acoustic Report prepared by Acoustic Works Pty Ltd and subsection A(i) above.	
<b>23.</b>	<b>Waste Management Plan</b>	
A	Implement the approved waste management program. Waste is to be collected outside of school peak times of 8:00 - 9:00am and 2:30 - 3:30pm, Monday to Friday.	Prior to commencement of use and to be maintained at all times.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	
<b>DEVELOPMENT ENGINEERING</b>		
<b>24.</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>25.</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>26.</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>27.</b>	<b>Stormwater Management</b>	
A	Implement and maintain the works identified in the approved Stormwater Management Plan.	Prior to commencement of use and for (A) to be maintained 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.	
<b>28.</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:	Prior to commencement of works associated with this condition.

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	<p>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; and</p> <p>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.</p>	
B	<p>Submit and have approved by Council, a development application for operational works for all earth retaining structures.</p> <p>Design drawing 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 and they are to clearly show the location and overall configuration (fully dimensioned), design parameters and loads, materials and finishes of all earth retaining structures for the development.</p>	
C	<p>Construct all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and approved plans and documents of development.</p>	Prior to commencement of use.
D	<p>Provide written certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the design, construction and materials comply with this condition.</p>	
<b>29.</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 such as the following:</p> <ol style="list-style-type: none"> <li>1. Material delivery and storage locations to ensure they do not cause conflict with the operations of the school;</li> <li>2. Waste locations and collection details to ensure they do not cause conflict with the operations of the school;</li> <li>3. Construction office accommodation;</li> <li>4. Contractor / tradesman vehicle parking arrangements that are not to occur 8:00-9:00am and 2:30-3:30pm Monday to Friday (excluding Eaton's Hill state school holidays) on Marilyn Terrace, Avandel Court or school owned land,</li> <li>5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday.</li> <li>6. Deliveries of material and concrete pours are to be outside of school times (8-9am and 2:30-3:30pm</li> </ol>	<p>Not less than two (2) weeks prior to commencement of works. To be maintained current at all times.</p>

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	<p>Monday to Friday excluding Eaton's Hill state school holidays).</p> <p>7. Cranes are not to be parked outside of the site during school times (8:00-9:00am and 2:30-3:30pm Monday to Friday excluding Eaton's Hill state school holidays).</p> <p>The CMP is to include a site layout plan identifying these areas.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>(i) 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>(ii) Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable</li> <li>(iii) 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>(iv) Materials unloading and loading must occur on-site unless prior written approval is given by Council.</li> <li>(v) All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.</li> </ul>	
B	Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.	At all times during construction of the development.
<b>30.</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>31.</b>	<b>Driveway Crossover</b>	
A	Construct a driveway crossover to the site in accordance with the approved plans and documents of the development approval and MBRC Standard Drawings RS-051.	Prior to commencement of use.
	Provide signage in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD) that clearly denotes to drivers that right-hand turns are restricted (not to occur) from the centre between 8.00-9.00am and 2:30-3:30pm Monday to Fridays on school days.	
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.	
<b>32.</b>	<b>Existing Driveway Crossover</b>	

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	Remove completely all redundant driveway crossovers fronting the development site on Marylin Terrace. Reinstate 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 for (A) 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.	

<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</p>

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<b>ADVICES</b>	
	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.
<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 Food Act 2006, Australia and New Zealand Food Standards Code and AS 4674 – Design, construction and fit-out of food premises (or equivalent).</p>

- B. 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*.
- C. 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 Child care 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>	<ul style="list-style-type: none"> <li>• Operational Works – Development Permit</li> <li>• Building Works – Development Permit</li> </ul>
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies applicable to the development.
<b>Submissions</b>	There were 30 properly made submissions about this application.

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## REPORT DETAIL

### 1. Background

There is no relevant development history for the subject site.

A Council briefing was conducted on 23 February 2021 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

#### **OUTCOME:**

*Report to come to a future Council Meeting for consideration to adopt.*

At the time of the briefing to the Council, the proposal was for the child care centre to have 105 child places and 21 car parking spaces. As a result of the ongoing negotiations with Council officers, the proposal has been amended to 95 child places (10% reduction) with the number of on site car parking spaces increased to 28 (33% increase).

### 2. Explanation of Item

#### 2.1 Proposal Description

The proposed development has been submitted over 12 and 14 Marylin Terrace, Eatons Hill, also described as Lots 41 and 42 on RP862580. The proposal involves the demolition of the two existing Dwelling Houses on each allotment to facilitate a Child Care Centre for 95 children having been reduced by the applicant from the 105 originally applied for and publicly notified. As such, the applicant is seeking a Development Permit for a Material Change of Use for a Child Care Centre (95 children).

The proposed development will exhibit a two-storey built form, that due to the topography and proposed cut, will appear as single storey from the east. The development will feature children play areas both on the ground level and on upper level verandahs to the Marylin Terrace frontages (east and south elevations). The built form includes features to replicate a residential scale of development including weatherboard cladding, a verandah and gable roof forms. In addition, acoustic screening required along the upper level verandahs will include solid and glazed screening. The proposal will also consolidate the 2 existing driveway cross-overs into a single cross over immediately opposite Avandel Court.

A total of 28 car parks are now proposed onsite having been increased from the 21 originally proposed and publicly notified.

#### 2.2 Description of the Site and Surrounds

The application is made over two existing residential properties each with a dwelling house that will be removed to facilitate the proposed development. The topography of the site falls east to west from 35m AHD to 31m AHD. Each allotment is currently accessed by a residential driveway from Marylin Terrace.

The subject site is located at the southern end of Marylin Terrace that is an island of 11 properties accessed off the northern or southern roundabouts on Queen Elizabeth Drive. The site is located opposite Eatons Hill State School to the east, with an existing Neighbourhood hub to the northern end of Marylin Terrace containing a Medical Centre (within the 'island' properties) and an IGA and local shopping complex to the north of the Terrace.

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2.3 Assessment Benchmarks related to the *Planning Regulation 2017*

The *Planning Regulation 2017* (the Regulation) prescribes Assessment Benchmarks that the application assessment must be carried out against that 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 Benchmarks:</b>	<b>Assessment</b>	<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

2.3.1 *South East Queensland Regional Plan*

The site is located in the Urban Footprint.

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.

2.4 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.

2.4.1 *Strategic Framework*

In accordance with section 1.7.2 of the planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework. The subject site is within the Suburban Neighbourhood Place Type under the Strategic Framework of the Moreton Bay Regional Council (MBRC) Planning Scheme. Upon review of the proposed development, it achieves the intent of the Suburban Neighbourhood Place Type element (3.14.8) of the Strategic Framework by providing a community activity that will service daily convenience needs of the community with a design that reflects the existing low-rise built form of the residential neighbourhood.

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

2.4.2 *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.



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Assessment Benchmarks	Compliance with Overall Outcomes	Performance assessment is required	Outcomes
<b>Zone/ Local Plan Code</b>			
General residential zone code - Suburban neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO5, PO6, PO8, PO9, PO10, PO13, PO14, PO15, PO20, PO30, PO31, PO34, PO48, PO49, PO51, PO67, PO69, PO72, PO73, PO74, PO75, PO76, PO80, PO81, PO82	

The assessment of the development proposal against the Performance Outcomes of the applicable code is discussed below in section 2.4.3.

2.4.3 Performance Outcome Assessment

Performance Outcome	Example
<b>General residential zone code</b>	
<b>PO5</b> Front setbacks ensure non-residential buildings address and actively interface with streets and public spaces.	<b>E5.1</b> For the primary street frontage buildings are constructed: a. to the property boundary; or b. setback a maximum of 3m from the property boundary, where for the purpose of outdoor dining.
<i>Performance Outcome Assessment</i>	
<p>The proposed development has a front setback of 2.9m to Marylin Terrace in lieu of being constructed on the front property boundary as nominated in Example 5.1. The development addresses Marylin Terrace with a large upper storey play area similar to a residential verandah that will directly overlook the street. The proposed setback is consistent with the front setbacks of the adjoining residential properties to provide a cohesive interface with Marylin Terrace.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<b>PO6</b> Side and rear setbacks cater for driveway(s), services, utilities and buffers requires to protect the amenity of adjoining sensitive land uses and the development will not be visually dominant or overbearing with respect to adjoining properties.	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The proposed side boundary setbacks of 2m and 3m are sufficient to incorporate landscape buffers that will visually screen the built form from adjoining properties, and further, are greater than those required for a Dwelling House. The low-rise scale and residential-like built form of the development will not be overbearing to adjoining properties. Any services or utilities along the side boundaries are conditioned to be screened.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	



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Performance Outcome	Example
<p><b>PO8</b></p> <p>Development is designed to connect to and form part of the surrounding neighbourhood by providing interconnected streets, pedestrian and cyclist pathways to adjoining development, nearby centres, neighbourhood hubs, community facilities, public transport nodes and open space.</p>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The surrounding neighbourhood involves the Eatons Hill State School to the east, a neighbourhood hub to the north and Dwelling houses. The proposed development is well-located when considering the surrounding neighbourhood. A pedestrian footpath exists on the western/southern side of Marylin Terrace that will assist in connecting the proposed development to the Eatons Hill State School. It is a recommended condition of approval to require a footpath along the frontage of the subject site that is to extend towards Queen Elizabeth Drive, thereby strengthening the interconnections.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO9</b></p> <p>The development has a built form consistent with a low rise detached dwelling house that addresses the street.</p>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The proposed development achieves compliance with the performance outcome by recessing the built form into the subject site's topography in that it presents as a single storey when viewed from the east. The maximum building height of 8.2m is below the maximum outlined in the Building heights overlay and is consistent with the building heights of Dwelling houses in the vicinity.</p> <p>The development has proposed to address the streetscape through an upper level outdoor play area that replicates a residential verandah with a mixture of solid and glazed screening to assist in casual surveillance of the street. The proposed lightweight materials further reflect a residential built form.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO10</b></p> <p>Best practice Water Sensitive Urban Design (WSUD) is incorporated within development sites adjoining street frontages to mitigate impacts of stormwater run-off in accordance with Planning scheme policy - Integrated design.</p>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The proposed development demonstrates best practice design features in accordance with the Planning scheme policy - Integrated design to ensure no impacts of stormwater run-off.</p> <p>Overall, compliance with the performance outcome has been demonstrated.</p>	
<b>PO13</b>	No example provided.

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Performance Outcome	Example
<p>The amenity of the area and adjacent sensitive land uses are protected from the impacts of dust, odour, noise, light, chemicals and other environmental nuisances.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development incorporates acoustic mitigation barriers that will ensure residential amenity of the surrounding properties is protected. These acoustic barriers incorporate architectural features and design to ensure they do not present to the street as overbearing or bulky.</p> <p>In addition, the refuse storage area is enclosed and roofed to ensure that odour emissions do not cause nuisance to the adjoining residential properties. All air-conditioning units will require screening to also ensure compliance with the performance outcome.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO14</b> Noise generating uses do not adversely affect existing or potential noise sensitive uses.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development incorporates acoustic mitigation measures that have been recommended in the Noise impact assessment submitted to Council. The Noise impact assessment has been prepared in accordance with the Planning scheme policy - Noise and has sufficiently demonstrated that the sensitive uses surrounding the subject site will not be adversely affected.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO15</b> Sensitive land uses are provided with an appropriate acoustic environment within designated external private outdoor living spaces and internal areas while:</p> <ul style="list-style-type: none"> <li>a. contributing to safe and usable public spaces, through maintaining high levels of surveillance of parks, streets and roads that serve active transport purposes (e.g. existing or future pedestrian paths or cycle lanes etc);</li> <li>b. maintaining the amenity of the streetscape.</li> </ul>	<p><b>E15.2</b> Noise attenuation structures (e.g. walls, barriers or fences):</p> <ul style="list-style-type: none"> <li>a. are not visible from an adjoining road or public area unless:                             <ul style="list-style-type: none"> <li>i. adjoining a motorway or rail line; or</li> <li>ii. adjoining part of an arterial road that does not serve an existing or future active transport purpose (e.g. pedestrian paths or cycle lanes) or where attenuation through building location and materials is not possible.</li> </ul> </li> <li>b. do not remove existing or prevent future active transport routes or connections to the street network;</li> <li>c. are located, constructed and landscaped in accordance with Planning scheme policy - Integrated design.</li> </ul>
<p><i>Performance Outcome Assessment</i></p>	

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Performance Outcome	Example
<p>The proposed development incorporates noise attenuation structures that are visible from Marylin Terrace. However, these have been architecturally designed to demonstrate a positive contribution to the street including transparent materials and finishes to ensure casual surveillance. The variation in materials assist in the built form being consistent with the residential environment.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO20</b> Safe access is provided for all vehicles required to access the site.</p>	<p><b>E20.1</b> Site access and driveways are designed and located in accordance with:</p> <ul style="list-style-type: none"> <li>a. where for a Council-controlled road and associated with a Dwelling house: <ul style="list-style-type: none"> <li>i. Planning scheme policy - Integrated design;</li> </ul> </li> <li>b. where for a Council-controlled road and not associated with a Dwelling house: <ul style="list-style-type: none"> <li>i. AS/NZS2890.1 Parking facilities Part 1: Off street car parking;</li> <li>ii. AS 2890.2 - Parking facilities Part 2: Off-street commercial vehicle facilities;</li> <li>iii. Planning scheme policy - Integrated design;</li> <li>iv. Schedule 8 - Service vehicle requirements;</li> </ul> </li> <li>c. where for a State-Controlled road, the Safe Intersection Sight Distance requirements in Austroads and the appropriate IPWEAQ standard drawings, or a copy of a Transport Infrastructure Act 1994, section 62 approval.</li> </ul> <p><b>E20.2</b> Internal driveways, car parks and access ways are designed and constructed with a sealed pavement and in accordance with:</p> <ul style="list-style-type: none"> <li>a. AS/NZS 2890.1 Parking Facilities Part 1: Off street car parking;</li> <li>b. AS 2890.2 Parking Facilities Part 2: Off street commercial vehicle facilities;</li> <li>c. Planning scheme policy - Integrated design; and</li> <li>d. Schedule 8 - Service vehicle requirements.</li> </ul> <p>Note - This includes queue lengths (refer to Schedule 8 - Service vehicle requirements), pavement widths and construction.</p>

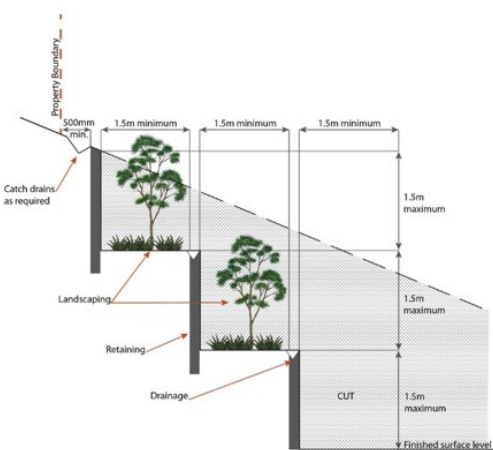
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Performance Outcome	Example
	<p><b>E20.3</b> Access driveways, manoeuvring areas and loading facilities are sealed and provide for service vehicles listed in Schedule 8 - Service vehicle requirements for the relevant use. The on-site manoeuvring is to be in accordance with Schedule 8 - Service vehicle requirements.</p>
<i>Performance Outcome Assessment</i>	
<p>Schedule 8 - Service vehicle requirements nominates that Child care centres are to be serviced by a Small rigid vehicle (SRV). However, due to the nature of the centre's operation, servicing by a SRV is not required as the development can be serviced either by wheelie bins or bulk bins at the road frontage. Refuse is proposed to be collected from the kerbside and is conditioned to be outside of school hours (8:00-9:00am and 2:30-3:30pm Monday to Friday) to minimise impacts with school traffic. Any deliveries for the development (if required) will be by van only.</p> <p>Overall, compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO30</b> Stormwater run-off from the site is conveyed to a point of lawful discharge without causing actionable nuisance to any person, property or premises.</p>	<p>No example is provided.</p>
<i>Performance Outcome Assessment</i>	
<p>A stormwater management plan has sufficiently demonstrated that stormwater run-off from the proposed development is conveyed to the kerb and channel as the lawful point of discharge to not cause any actionable nuisance to any person, property or premises. The stormwater management plan has been included as an approved document.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO31</b> Stormwater generated from the development does not compromise the capacity of existing stormwater infrastructure downstream of the site.</p>	<p>No example is provided.</p>
<i>Performance Outcome Assessment</i>	
<p>There sufficient capacity in the stormwater infrastructure downstream to accommodate the proposed development.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO34</b> Stormwater management facilities (excluding outlets) are located outside of riparian areas and prevent increased channel bed and bank erosion.</p>	<p>No example is provided.</p>

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Performance Outcome	Example
<i>Performance Outcome Assessment</i>	
There is not riparian area on the subject site and as such no works within a riparian area are proposed.	
Compliance with the performance outcome has been demonstrated.	
<b>PO48</b> Filling or excavation does not result in land instability.	No example is provided.
<i>Performance Outcome Assessment</i>	
A civil engineering report was provided to Council officers that demonstrated compliance with the performance outcome. All retaining works in this instance will be the subject of a detailed Operational Works application to be assessed by Council officers to ensure compliance with the relevant Australian Standards and MBRC planning scheme.	
<b>PO49</b> Filling or excavation does not result in: <ul style="list-style-type: none"> <li>a. adverse impacts on the hydrological and hydraulic capacity of the waterway or floodway;</li> <li>b. increased flood inundation outside the site;</li> <li>c. any reduction in the flood storage capacity in the floodway;</li> <li>d. any clearing of native vegetation.</li> </ul>	No example is provided.
<i>Performance Outcome Assessment</i>	
The subject site is not subject to flooding and is void of any native vegetation that is required to be retained.	
Compliance with the performance outcome has been demonstrated.	
<b>PO51</b> All earth retaining structures provide a positive interface with the streetscape and minimise impacts on the amenity of adjoining residents.	<b>E51</b> Earth retaining structures: <ul style="list-style-type: none"> <li>a. are not constructed of boulder rocks or timber;</li> <li>b. where height is no greater than 900mm, are provided in accordance with Figure - Retaining on a boundary;</li> </ul> <p><b>Figure - Retaining on boundary</b></p>

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Performance Outcome	Example
	<p>c. where height is greater than 900mm but no greater than 1.5m, are to be setback at least the equivalent height of the retaining structure from any property boundary;</p> <p>d. where height is greater than 1.5m, are to be setback and stepped 1.5m vertical: 1.5m horizontal, terraced, landscaped and drained as shown below.</p> <p style="text-align: center;"><b>Figure - Cut</b></p> 
<b>Performance Outcome Assessment</b>	
<p>The proposed development results in retaining walls that exceed 1.5m and are not stepped in accordance with the Example. The proposed retaining walls are located internally to the subject site and will be stepped along the boundaries in line with the site's topography. At the highest point, the retaining walls will be 3.6m high and as in cut, will not be visible externally to the site. Retaining walls will be screened by the landscaping and the built form of the Child care centre.</p> <p>Along the site boundary where retaining walls will be visible, the combined height of retaining walls and fences will not exceed 2m. Accordingly, the proposed retaining walls will not adversely impact upon the visual amenity of the surrounding area.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO67</b> Community activities: a. are located to:</p> <ul style="list-style-type: none"> <li>i. cluster with other non-residential activities to form a neighbourhood hub (this may include being located within or adjacent to an existing neighbourhood hub); or</li> <li>ii. if establishing a new neighbourhood hub (as described in the PO below) be on a main street;</li> </ul>	<p>No example is provided.</p>

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Performance Outcome	Example
<p>b. are located on allotments that have appropriate area and dimensions for the siting of:</p> <ul style="list-style-type: none"> <li>i. buildings and structures;</li> <li>ii. vehicle servicing, deliveries, parking, manoeuvring and circulation;</li> <li>iii. landscaping and open space including buffering;</li> </ul> <p>c. are of a small scale, having regard to the surrounding character;</p> <p>d. are serviced by public transport;</p> <p>e. do not negatively impact adjoining residents or the streetscape.</p>	
<i>Performance Outcome Assessment</i>	
<p>The surrounding neighbourhood includes the Eatons Hill State School to the east and a neighbourhood hub to the north and the proposed development is well-located and clustering with the existing neighbourhood hub as required by the Performance Outcome. The development application has demonstrated the subject site to be appropriate as it includes a low-rise built form, required vehicle servicing, parking and manoeuvring on site as well as adequate landscaping to provide screening to adjoining residential properties. The subject site is well serviced by established public transport infrastructure, with bus stops located directly adjacent the site, and nearby along Queen Elizabeth Drive. Furthermore, the proposed built form incorporates architectural design features that are consistent with a residential dwelling including lightweight weatherboard cladding, an upper storey verandah play area and gable roof form.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO69</b></p> <p>The expansion (into adjoining lots) of existing neighbourhood hubs or the establishment of a new neighbourhood hub must:</p> <ul style="list-style-type: none"> <li>a. adjoin or address a park, public open space or include privately owned civic or forecourt space having a minimum area of 400m<sup>2</sup>;</li> <li>b. be located on the corner of a sub-arterial or collector road;</li> <li>c. form a 'Main street' having a maximum length of 200m;</li> <li>d. be centrally located within an 800m radial catchment;</li> <li>e. be separated from other neighbourhood hubs and centres by 1600m, measured from the centre of each neighbourhood hub or centre.</li> </ul>	<p>No example is provided.</p>
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
<p>The proposed development results in the expansion of an existing neighbourhood hub into an adjacent/adjoining property, however, does not comply with the performance criteria outlined in items a – e.</p> <p>As the proposal does not comply with this Performance Outcome an assessment against the Overall Outcomes is required and is discussed in the following section of this report.</p>	
<p><b>PO72</b> Non-residential uses (excluding a Service station) address and activate streets and public spaces by:</p> <ul style="list-style-type: none"> <li>a. ensuring buildings and individual tenancies address street frontage(s), civic space and other areas of pedestrian movement;</li> <li>b. new buildings adjoin or are within 3m of the primary frontage(s), civic space or public open space;</li> <li>c. locating car parking areas and drive-through facilities behind or under buildings to not dominate the street environment;</li> <li>d. 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>e. providing visual interest to the façade (e.g. Windows or glazing, variation in colours, materials, finishes, articulation, recesses or projections);</li> <li>f. establishing and maintaining human scale.</li> </ul>	<p>No example is provided.</p>
<b>Performance Outcome Assessment</b>	
<p>The proposed development incorporates large windows and an upper level play area that overlooks Marylin Terrace to address and activation with the public realm. The development is predominately located within 3m of the street boundary and the built form is articulated to provide visual interest to the street. Further, landscaping has been proposed along the street and side boundaries to contribute to the positive outlook of the development to balance the built form.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO73</b> All buildings exhibit a high standard of design and construction, which:</p> <ul style="list-style-type: none"> <li>a. add visual interest to the streetscape (e.g. variation in materials, patterns, textures and colours, cantilevered awning);</li> <li>b. enable differentiation between buildings;</li> </ul>	<p>No example is provided.</p>



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Performance Outcome	Example
<p>c. contribute to a safe environment;</p> <p>d. incorporate architectural features within the building facade at the street level to create human scale (e.g. cantilevered awning);</p> <p>e. include building entrances that are readily identifiable from the road frontage;</p> <p>f. locate and orientate to favour active and public transport usage by connecting to pedestrian footpaths on the street frontage and adjoining sites;</p> <p>g. incorporate appropriate acoustic treatments, having regard to any adjoining residential uses;</p> <p>h. facilitate casual surveillance of all public spaces</p>	
<i>Performance Outcome Assessment</i>	
<p>The proposed development incorporates a high-quality built form outcome that addresses the public realm and positively contributes towards the streetscape. It is specifically noted that:</p> <ul style="list-style-type: none"> <li>- A large upper storey play area that overlooks Marylin Terrace addresses and activates with the public realm;</li> <li>- Is predominately located within 3m of the street boundary whilst balancing landscaping outcomes to positively address the street;</li> <li>- Car parking is provided within the open under croft of the building and is screened from the street and adjoining properties with suitable landscaping buffers and by way of recommended conditions.</li> <li>- The proposed built form is low-rise in scale and positively addresses the street. The proposed materials and built form elements reflect that of a residential scale in that lightweight weatherboard cladding, gable roof forms and large eaves are proposed.</li> </ul> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO74</b></p> <p>Development provides functional and integrated car parking and vehicle access, that:</p> <p>a. prioritises the movement and safety of pedestrians between the street frontage and the entrance to the building;</p> <p>b. provides safety and security of people and property at all times;</p> <p>c. does not impede active frontage and active transport options;</p> <p>d. does not impact on the safe and efficient movement of traffic external to the site;</p> <p>e. is consolidated and shared with adjoining sites wherever possible.</p>	<p>No example is provided.</p>
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
<p>The proposed development has located the car park below the undercroft of the built form to ensure that it is visually screened from the street and adjoining properties. The applicant has demonstrated the car parking area to be functional and suitable for the proposed development. Furthermore, a dedicated and separated pedestrian entrance is provided to ensure that the safety of pedestrians and vehicles is protected.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO75</b> The safety and efficiency of pedestrian movement is prioritised in the design of car parking areas through providing pedestrian paths in car parking areas that are:</p> <ol style="list-style-type: none"> <li>located along the most direct route between building entrances, car parks and adjoining uses;</li> <li>protected from vehicle intrusion through the use of physical and visual separation (e.g. wheel stops, trees etc);</li> <li>are of a width to allow safe and efficient access for prams and wheelchairs.</li> </ol>	<p>No example is provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development provides a dedicated and separated pedestrian entrance which ensures that the safety of pedestrians and vehicles is protected. A nominated pedestrian movement pathway through the car parking area is recommended to be included as a condition into any approval given.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO76</b> The number of car parking spaces is managed to:</p> <ol style="list-style-type: none"> <li>avoid significant impacts on the safety and efficiency of the road network;</li> <li>avoid an oversupply of car parking spaces;</li> <li>avoid the visual impact of large areas of open car parking from road frontages and public areas;</li> <li>promote active and public transport options;</li> <li>promote innovative solutions, including on-street parking and shared parking areas.</li> </ol>	<p><b>E76.1</b> Car parking is provided in accordance with Schedule 7 - Car parking.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The car parking rate for Child care centres under Schedule 7 - Car parking is 1 per 5 children and 1 per staff. Based on the proposal of 95 children and 15 staff, a total of 34 car parking spaces are nominated in accordance with Example 76.1. The proposed development includes 28 car parks which equates to a rate of 1 space per 7.3 children and 1 per staff (or alternatively, 1 per 3.4 children).</p>	

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Performance Outcome	Example
<p>Initially, the applicant proposed 21 car parking spaces for 105 children and 14 staff, relying on Brisbane City Council's car parking rate of 1 space per 5 children. A Traffic Impact Assessment (TIA) was provided with the application to justify the performance outcome, however, Council officers considered this to be insufficient and submissions were received in relation to car parking.</p> <p>An independent peer review of the proposed car parking rate was acquired by Council officers. The review provided several recommendations of parking rates based on recent parking data obtained as part of an active Planning and Environment Court matter involving the applicant and the Sunshine Coast Regional Council in response to the Sunshine Coast Regional Council refusing a development application for a child care centre adjacent to a school due to various factors including carparking. This data was more recent and far more accurate than previous data provided by the applicant and was taken of other centres (on the Sunshine Coast). The recommendations of this peer review were outlined to the applicant and as such, the scale of the proposed development was reduced from 105 to 95 children with 15 staff, and the number of car parking spaces was increased from 21 to 28.</p> <p>The revised car parking rate of 1 space per 3.4 children is considered by Council officers to be appropriate to avoid impacts on the road network and to avoid an oversupply of car parking spaces that would dominate the site. A reduced rate from that outlined in Schedule 7 is also appropriate due to the site's location near a neighbourhood hub and adjacent to Eatons Hill State School in that it will likely reduce overall trip generation to the vicinity. Furthermore, two bus stops are within 200m walking distance to the subject site and will encourage active transportation use.</p> <p>Compliance with the performance outcome has therefore been demonstrated.</p>	<p>Example</p>
<p><b>PO80</b></p> <p>On-site landscaping is provided, that:</p> <ol style="list-style-type: none"> <li>a. is incorporated into the design of the development;</li> <li>b. reduces the dominance of car parking and servicing areas from the street frontage;</li> <li>c. retains mature trees wherever possible;</li> <li>d. does not create safety or security issues by creating potential concealment areas or interfering with sightlines;</li> <li>e. maintains the achievement of active frontages and sight lines for casual surveillance.</li> </ol>	<p>No example is provided.</p>
<i>Performance Outcome Assessment</i>	
<p>2m and 3m wide landscaping buffers are provided along the western and northern boundaries that adjoin residential properties. In addition, a 2m wide landscaping area is also provided along Marylin Terrace in front of the car park to reduce the dominance to the street. Overall, the landscaping provided on the site is well incorporated into the design of the development and does not create safety or security issues. The play areas overlook the street for casual surveillance without being hidden by dense landscaping.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<b>PO81</b>	<b>E81</b>

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Performance Outcome	Example
Surveillance and overlooking are maintained between the road frontage and the main building line.	No fencing is provided forward of the building line.
<i>Performance Outcome Assessment</i>	
The nature of the proposed development and its orientation to address Marilyn Terrace requires fencing forward of the built form. However, with the upper level play areas and large windows addressing the street, casual surveillance and overlooking is maintained.	
Compliance with the performance outcome has been demonstrated.	
<b>PO82</b> Lighting is designed to provide adequate levels of illumination to public and communal spaces to maximise safety and minimise adverse impacts on residential and other sensitive land uses.	No example is provided.
<i>Performance Outcome Assessment</i>	
Compliance with the performance outcome will be conditioned particularly in respect to lighting of the underground car parking area.	

2.4.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome PO69 of the General residential zone code - Suburban neighbourhood precinct. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows:

Section 6.2.6.2 Suburban neighbourhood precinct		
6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
a. The suburban neighbourhood precinct consists of a primarily residential urban fabric providing predominantly low density, low rise, detached housing on a variety of lot sizes with a maximum site density of 15 dwellings per hectare or a maximum site density of 75 dwellings per hectare if complying with b. v. below.	N/A	
b. Residential activities consist of: <ul style="list-style-type: none"> <li>i. Detached dwelling houses, predominantly on traditional lots;</li> <li>ii. Detached dwelling houses on narrow lots and Dual Occupancies where they are dispersed within the streetscape or are located within easy walking distance to services (centre, public transport node, community facilities) or park;</li> </ul>	N/A	

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<b>Section 6.2.6.2 Suburban neighbourhood precinct</b>		
<b>6.2.6.2.1. Purpose - Suburban neighbourhood precinct</b>		
<ul style="list-style-type: none"> <li>iii. Domestic outbuildings are subordinate in appearance and function to the dwelling;</li> <li>iv. Retirement facilities, Residential care facilities, and Relocatable home parks are located within easy walking distance of a centre;</li> <li>v. Multiple dwellings, Rooming accommodation, short-term accommodation and tourist park only establish where they will support a higher order or district centre or a train station by being adjacent (within 400m walking distance) to that higher order or district centre or train station.</li> <li>vi. The built form of concentrated residential uses and managed communities (e.g. multiple dwellings, retirement facilities, residential care facilities, relocatable home parks) are designed to integrate with the surrounding neighbourhood.</li> </ul>		
<ul style="list-style-type: none"> <li>c. The design, siting and construction of residential uses are to:                             <ul style="list-style-type: none"> <li>i. contribute to an attractive streetscape with priority given to pedestrians;</li> <li>ii. encourage passive surveillance of public spaces;</li> <li>iii. result in privacy and residential amenity consistent with the low density residential character of the area;</li> <li>iv. provide a diverse and attractive built form;</li> <li>v. provide a low rise built form compatible with its surrounds;</li> <li>vi. incorporate sub-tropical urban design principles that respond to local climatic conditions;</li> <li>vii. incorporate sustainable practices including maximising energy efficiency and water conservation;</li> <li>viii. incorporate natural features and respond to site topography;</li> <li>ix. cater for appropriate car parking and manoeuvring areas on site;</li> </ul> </li> </ul>	N/A	

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<b>Section 6.2.6.2 Suburban neighbourhood precinct</b>		
<b>6.2.6.2.1. Purpose - Suburban neighbourhood precinct</b>		
<p>x. be of a scale and density consistent with the low density residential character of the area;</p> <p>xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure.</p>		
<p>d. Home based business can only be established where the scale and intensity of the activity does not detrimentally impact upon the character and amenity associated with the surrounding area. Specifically, Home based business does not include the sale or restoration of more than 4 vehicles in any calendar year or, undertake a mechanical repairs or panel beating activity associated with a business at the subject premises.</p>	N/A	
<p>e. Non-residential uses in the suburban neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.</p>	Y	The proposed development is a Child care centre which is defined as a community activity in the MBRC Planning Scheme.
<p>f. Community activities:</p> <p>i. establish in a location that may be serviced by public transport;</p> <p>ii. do not negatively impact adjoining residents or the streetscape;</p> <p>iii. do not undermine the viability of existing or future centres.</p>	Y	<p>The proposed development is conveniently located adjacent to a school (Eatons Hill State School). A public transport bus stop is located approximately 200m from the site on Queen Elizabeth Drive.</p> <p>The proposal is supported by an Acoustic Report that has demonstrated that noise impacts from the Child care centre will not adversely impact the adjoining residents. Further; landscaping has been incorporated in the proposal to suitably balance the built form and positively contribute to the streetscape.</p> <p>The applicant has sufficiently demonstrated that the proposal will not undermine the viability of existing centres.</p>
<p>g. Corner stores may establish as standalone uses (not part of a neighbourhood hub) where:</p> <p>i. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region;</p>	N/A	

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<b>Section 6.2.6.2 Suburban neighbourhood precinct</b>		
<b>6.2.6.2.1. Purpose - Suburban neighbourhood precinct</b>		
<ul style="list-style-type: none"> <li>ii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. The corner store should not be within 1600m of another corner store, neighbourhood hub or centre measured from the centre of the corner store, neighbourhood hub or centre;</li> <li>iii. they are appropriately designed and located to include active frontages.</li> </ul>		
<ul style="list-style-type: none"> <li>h. Retail and commercial activities (excluding Service stations):                             <ul style="list-style-type: none"> <li>i. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub;</li> <li>ii. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange;</li> <li>iii. are of a small scale, appropriate for a neighbourhood hub;</li> <li>iv. do not negatively impact adjoining residents or the streetscape;</li> <li>v. are subordinate in function and scale to all centres within the region.</li> </ul> </li> </ul>	N/A	
<ul style="list-style-type: none"> <li>i. Service stations:                             <ul style="list-style-type: none"> <li>i. establish where they will not disrupt, fragment or negatively impact active frontages (e.g. within a neighbourhood hub);</li> <li>ii. establish on heavily trafficked roads where the amenity of surrounding residential uses is already subject to impacts by road vehicle noise;</li> <li>iii. establish in locations that will not have a negative impact on the street environments intended to include active frontages (e.g. Neighbourhood hubs or centres);</li> <li>iv. do not negatively impact adjoining residents or the streetscape;</li> <li>v. ancillary uses or activities only service the convenience needs of users.</li> </ul> </li> </ul>	N/A	

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<b>Section 6.2.6.2 Suburban neighbourhood precinct</b>		
<b>6.2.6.2.1. Purpose - Suburban neighbourhood precinct</b>		
<p>j. The design, siting and construction of non-residential uses:</p> <ul style="list-style-type: none"> <li>i. maintains a human scale, through appropriate building heights and form;</li> <li>ii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces (excluding Service stations);</li> <li>iii. provides for active and passive surveillance of road frontages, movement corridors and public spaces;</li> <li>iv. promotes active transport options and ensures an oversupply of car parking is not provided;</li> <li>v. locates car parking so as not to dominate the street;</li> <li>vi. does not result in large internalised shopping centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking.</li> </ul>	<p>Y</p>	<p>The design and siting of the proposed Child care centre is appropriate for the residential locality in that it has play areas facing the street for casual surveillance and to orientate away from adjoining Dwelling houses. The proposed built form and building materials and elements contribute to present a human-scale development and is a scale that is consistent with the residential Dwelling houses. Landscaping has been provided along the site boundaries to balance the built form and contribute positively to the adjoining neighbours and to the street. Car parking is within an undercroft area that is not visually dominant to the street and the proposed number of car spaces for the facility are appropriate to facilitate the development without overflowing onto the adjoining streets. The site is appropriately located in that it is adjacent to the Eatons Hill State School and within 200m walking distance to a bus stop near the Neighbourhood hub to the north. Council officers consider the location ideal to promote active transport.</p>
<p>k. Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where:</p> <ul style="list-style-type: none"> <li>i. it is of a scale that remains subordinate to all centres within the region;</li> <li>ii. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node;</li> <li>iii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. New neighbourhood hubs are to service a currently unserved catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or</li> </ul>	<p>Y</p>	<p>The proposed development seeks to expand the existing neighbourhood hub (not establish a new neighbourhood hub) by providing a community activity within the expanded neighbourhood hub in order to service the local community and maximise its location adjacent to the Eatons Hill State School. As such, Council officers are satisfied that the expansion will strengthen the existing neighbourhood hub as an important activity node.</p> <p>Further, the applicant has identified that there is sufficient need for the proposed development to warrant a development application.</p>



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<b>Section 6.2.6.2 Suburban neighbourhood precinct</b>		
<b>6.2.6.2.1. Purpose - Suburban neighbourhood precinct</b>		
<p>centre measured from the centre of each hub or centre;</p> <p>iv. for a new neighbourhood hub, it is located on sub-arterial or collector road;</p> <p>v. they are appropriately designed and located to include active frontages around a 'main street' core and are staged where relevant to retain key (highly accessible) sites for long term development.</p>		
<p>I. General works associated with the development achieves the following:</p> <p>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);</p> <p>ii. the development manages stormwater to:</p> <p>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</p> <p>B. prevent stormwater contamination and the release of pollutants;</p> <p>C. maintain or improve the structure and condition of drainage lines and riparian areas;</p> <p>D. avoid off-site adverse impacts from stormwater.</p> <p>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</p> <p>iv. the development ensures the safety, efficiency and 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>Y</p>	<p>The proposed development provides a high-quality standard of services and infrastructure to facilitate the Child care centre.</p> <p>Stormwater will be managed appropriately to ensure stormwater discharge does not adversely impact on downstream properties.</p> <p>The Traffic Impact Assessment (TIA) is appropriate in demonstrating no significant impacts to the road traffic network as a result of the proposed development.</p> <p>Earthworks will have minimal impacts on adjoining premises or the streetscape.</p>

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<b>Section 6.2.6.2 Suburban neighbourhood precinct</b>		
<b>6.2.6.2.1. Purpose - Suburban neighbourhood precinct</b>		
m. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.	Y	The proposed development, by its nature, will not involve activities that may result in the cause of nuisance by way of aerosols, fumes, particles or smoke. Light and odour (from waste bins) can be managed and controlled by way of conditions to ensure no nuisance is created and are recommended in any approval given.  The applicant has sufficiently demonstrated that noise impacts associated with the Child care centre use will be minimised through the siting and orientation of the built form and play areas, and acoustic barriers.
n. 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.	Y	The applicant has sufficiently demonstrated that noise impacts associated with the Child care centre use will be minimised through the siting and orientation of the built form and play areas, and acoustic barriers. The noise anticipated from the Child care centre use will be consistent and not out of character for the immediate locality, considering the site is adjacent to the Eatons Hill State School.
o. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	N/A	
p. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.	N/A	
q. Development avoids areas subject to constraint, limitation, or environmental value... ..:	N/A	
r. Development in the Suburban neighbourhood precinct includes 1 or more of the following:  Child care centre	Y	The proposed use for a Child care centre is identified as development that is consistent and anticipated within the Suburban neighbourhood precinct of the General residential zone.

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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 purpose of the code.

2.5 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).

2.5.1 *Levied Charge*

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal and has been calculated taking into consideration any applicable credits.

2.5.2 *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

The land is currently being used for 2 Dwelling Houses, each having 3 or more bedrooms. Accordingly, the credit available under this option is \$36,813.18 (2 x \$18,406.59).

(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 \$36,813.18 (2 x \$18,406.59) 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 28 May 2021. This rate will be automatically indexed in accordance with section 112 of the Act.

2.5.3 *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.

2.5.4 *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;

- 1 (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

- 2 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.

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

2.6 Recording of particular approvals on the MBRC Planning Scheme  
Not Applicable in this instance.

2.7 Referrals  
2.7.1 *Council Referrals*

**2.7.1.1 Development Engineering**

**Traffic**

1. A Traffic Report has been provided in support of the application. The report addressed site access, on-site parking, service vehicles and external traffic impacts. The driveway is located directly opposite Avandel Court. The proposed location is supported by the Registered Professional Engineer of Queensland (RPEQ) stating that sightlines are satisfactory, and that as Avandel Court provides access to only nine dwellings, the location is optimal and represents the safest outcome for all road users.
2. The report also notes that all staff bays are 5.4m long however the layout plan shows the bays on the left side are 4.8m long. This allows for overhang past the kerb of 600mm, which is acceptable.
3. The service vehicle for this type of development is an SRV. There are no issues with manoeuvring of this type of vehicle on site.
4. A condition of approval has been added to restrict right turns from the site in peak school times (8:00 - 9:00am and 2:30 - 3:30pm, Monday to Friday) as recommended in the Traffic Report and confirmed by Council officers as warranted.

**Stormwater**

A Stormwater Management Plan dated 14 Oct 2020 by MPN Consulting has been submitted in support of the application.

*Quantity Component*

5. It is proposed to provide an underground on-site detention (OSD) facility to manage the increased flow rates due to the increased roof and hardstand areas compared to the existing residential dwelling properties. The OSD is proposed to have a maximum detention compartment volume of about 33m<sup>3</sup> and staged outlets of varying orifice diameters. The site stormwater is proposed to discharge directly to a new kerbside gully pit that in turn is connected to an existing gully pit.

*Quality Component*

6. The aggregate area of the site is below the threshold value that would require formal stormwater quality treatment. The development proposes to apply best management practices on the site. The solution is considered appropriate and acceptable.

The report is acceptable to Council officers and it is conditioned that the applicant implement all recommendations in the report.

**2.7.1.2 Environmental Health**

**Lighting**

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

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**Noise**

2. An Acoustic Report prepared by Acoustic Works Pty Ltd dated 20 October 2020, recommends ways to ameliorate impacts that are considered acceptable. The recommendations include acoustic barriers in various locations as well as operational matters for activities such as:
- limiting the use of the outdoor play areas;
  - waste collection to be conducted in accordance with surrounding residences; and
  - onsite mechanical plant to be designed and installed in accordance with the noise criteria outlined in the report.

The proposed barriers include sections that are 3.0m and 2.4m in height and it is recommended that those sections above 2.0m be constructed of a transparent material to minimise visual impacts. As such, it is conditioned that the applicant implement all recommendations outlined in the Acoustic Report including the additional transparency requirement.

**Waste Management**

3. A waste management program has been provided and is acceptable for the proposed use. The development will have a screened enclosure on the premises where bins will be serviced from the kerbside 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 such, an advice condition has been included for a Food Business License.

**2.7.1.3 External Specialist - Traffic and Transport Engineering**

In response to Council officer's and submitter's concerns, an External Traffic Engineer was engaged to peer review the proposed development, specifically in terms of the proposed car parking numbers. Initially, the applicant proposed 21 car parking spaces for 105 children and 14 staff, relying on Brisbane City Council's car parking rate of 1 space per 5 children.

The review provided several recommendations of parking rates based on recent parking data as part of an active Planning and Environment Court matter. The recommendations of this peer review were outlined to the applicant as a suitable alternative as Council officers did not accept the applicant's original representations. The scale of the development has reduced from 105 to 95 children (10% reduction) and the number of car parking spaces increased from 21 to 28 (33% increase). Overall, the car parking rate is 1 per 7.3 children and 1 per staff member or alternatively, 1 per 3.4 children.

**2.7.2 Referral Agencies**

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

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

**2.7.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**2.7.2.3 Third Party Agencies**

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

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2.8 Public Consultation

2.8.1 *Public Notification Requirements under the Development Assessment Rules*

- (a) Public Notification was served on all adjoining landowners on 26 November 2020.
- (b) The development application was advertised in the Northwest News (online) on 27 November 2020.
- (c) A notice in the prescribed form was posted on the relevant land on 30 November 2020 and maintained for a period of 15 business days until 18 December 2020.

2.8.2 *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		29
	Petition	266	1
Not Properly Made	Letter, Email, Fax		2
	Petition	-	0
<b>Total</b>			<b>32</b>

The matters raised within the submission(s) are outlined below:

Assessment of Submissions
<u>Issue - Safety Risk</u>
<ul style="list-style-type: none"> <li>• <i>The proposed development will result in increased road traffic congestion, which in turn will increase the likelihood of traffic accidents.</i></li> <li>• <i>Concerns raised over the proposed child care centre risking child and pedestrian safety, particularly as a result of the increased road traffic that the development will likely generate.</i></li> <li>• <i>Historical accounts of road traffic accidents involving school children detailed. The proposed child care centre will increase the likelihood of similar events.</i></li> <li>• <i>Streets lined with parked vehicles reduces pedestrian sightlines, particularly when crossing roads, creating an unsafe pedestrian environment. The proposed child care centre will exacerbate this issue.</i></li> <li>• <i>Sightlines from residential driveways to oncoming traffic are obscured by vehicles parked along the street. The proposed child care centre will exacerbate this issue.</i></li> <li>• <i>The location of the proposed access driveway inhibits sightlines along Marilyn Terrace, representing a safety risk to both pedestrians and road users. No alternative location for the access driveway due to the curvature of the road.</i></li> <li>• <i>The Applicant has not identified a safe, off-site assembly point that is capable of accommodating 105 children plus staff that is to be used in the event of an evacuation.</i></li> <li>• <i>Safety risk imposed by excessively high boundary fences/walls.</i></li> <li>• <i>Concerns raised over the health impact of increased traffic-related air and noise pollution.</i></li> <li>• <i>Footpath conditions near the school have deteriorated as a result of (illegally) parked vehicles, presenting an imminent trip hazard/safety risk to pedestrians.</i></li> </ul>
<b><u>Discussion</u></b>

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**Assessment of Submissions**

Eatons Hill State School is located on Marylin Terrace which has a speed limit of 40km/h. It is not anticipated that children from the Child care centre will be walking along the street or between the centre and school as children are required to be signed in and out of all child care centres. As such, when outside of the centre, children will be accompanied by an adult/guardian.

The applicant has provided a Traffic Impact Assessment (TIA) that has demonstrated the development will not significantly impact or increase the existing traffic conditions.

An off-site assembly area is not a town planning consideration as it is managed by other legislation dealing with child safety and fire control.

The proposed development includes a 1.2m high fence on top of retaining walls. The combined height does not exceed 2m above ground level and is not excessive when consideration is given to the site topography.

A pedestrian footpath exists along the western/southern side of Marylin Terrace to assist in pedestrian movement and safety. In accordance with the Planning Scheme Policy - Integrated Design (Appendix A) a pedestrian footpath is only required on one side of the carriageway however in this instance as the uses are not only Dwelling Houses in a conventional residential setting, if the application were approved it is recommended that a condition be applied requiring a footpath be provided along the frontage of the site and extend to Queen Elizabeth Drive.

These are not grounds to warrant refusal of the development application.

**Issue - Traffic, access and car parking**

- *Concerns have been raised in relation to traffic congestion and safety. Particularly, in that existing conditions, primarily in relation to school traffic, will be exacerbated with the proposal.*
- *Road traffic queuing for the Eatons Hill State School pick-up/drop-off zone often spills onto Queen Elizabeth Road - the main thoroughfare for the estate to the south - resulting in a significant negative impact on road network efficiency.*
- *Cars associated with existing school traffic often use residential driveways to turnaround in. This is said to inhibit access/egress to/from private property.*
- *Concerns raised over the accuracy of the data/ findings in the traffic impact assessment report.*
- *Concerns were raised in relation to the shortfall of car parking spaces to facilitate the development and as such, non-compliance with the MBRC Planning Scheme.*
- *Existing road traffic congestion inhibits continuous access for emergency vehicles.*
- *Existing road traffic congestion has already necessitated involvement from the Queensland Police Service, the Principal of the Eatons Hill State School and the local Councillor.*
- *The proposed child care centre's hours of operation will extend peak traffic hours previously established by the Eatons Hill State School.*
- *Q Traffic's traffic impact assessment report fails to address how road traffic will be managed during the construction phase of the proposed child care centre.*

**Discussion**

It is noted that the development will contribute to traffic in the area as would any development and it is known that existing traffic congestion in the area already exists that is caused by the school at its peak drop off and pick up times. However, the applicant has provided a Traffic Impact Assessment (TIA) that has demonstrated the development will not significantly impact or increase the existing traffic conditions associated with the Eatons Hill State School. The report has been certified by a Registered Professional Engineer of Queensland (RPEQ) and has suitably demonstrated compliance with the

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<p><b>Assessment of Submissions</b></p>
<p>MBRC Planning Scheme. Council traffic engineers have reviewed the TIA and share the view that the proposal will not result in a discernible traffic impact based on its scale and the probability that vehicles attending the Child Care centre may already be attending the street to drop off/collect siblings at the Eatons Hill State School.</p> <p>The number of car parking spaces has also been increased from 21 to 28 spaces (a 33% increase) after public notification concluded in response to concerns raised by Council officers and submitters in combination with a 10% reduction in child places. The number of spaces is sufficient for the scale of the development based on an external peer review as discussed in section 2.7.1.3 of this report.</p>
<p><b><u>Issue - Bicycle parking</u></b></p>
<ul style="list-style-type: none"> <li>• <i>Concern raised over the lack of bicycle parking/storage facilities in the proposed development.</i></li> </ul> <p><b><u>Discussion</u></b></p> <p>A condition of approval has been included requiring the applicant to provide bicycle parking facilities in accordance with the MBRC Planning Scheme. Sufficient storage areas have been provided within the proposed staff rooms.</p>
<p><b><u>Issue - Failure to establish need</u></b></p>
<ul style="list-style-type: none"> <li>• <i>There is concern that the immediate community is already serviced by multiple child care centres and/or kindergartens and that the proposed development is not needed.</i></li> <li>• <i>The existing child care centres in the area are currently operating at a reduced capacity. An additional child care centre in this location would threaten the continued viability of existing operations.</i></li> </ul> <p><b><u>Discussion</u></b></p> <p>There is no requirement in the MBRC Planning Scheme for the applicant to demonstrate economic or community need for the proposed development. The applicant has identified that there is sufficient need for the proposed development to warrant a development application.</p>
<p><b><u>Issue - Infrastructure</u></b></p>
<ul style="list-style-type: none"> <li>• <i>Concerns raised that the demand for infrastructure (i.e. sewerage, water) exceeds the current supply. The associated issues will be exacerbated with population increase/the proposed child care centre.</i></li> </ul> <p><b><u>Discussion</u></b></p> <p>A number of submissions raised concerns in relation to sewerage infrastructure and potential for the development to impact the capacity and efficiency of the network. The site is located within Unitywater's netserv connection policy area, being currently connected to sewer and water. A separate application to Unitywater will be required for any changes to the water and sewer connections at the site with Unitywater having the opportunity to require any upgrades needed to accommodate the development.</p>
<p><b><u>Issue - Privacy and Amenity</u></b></p>



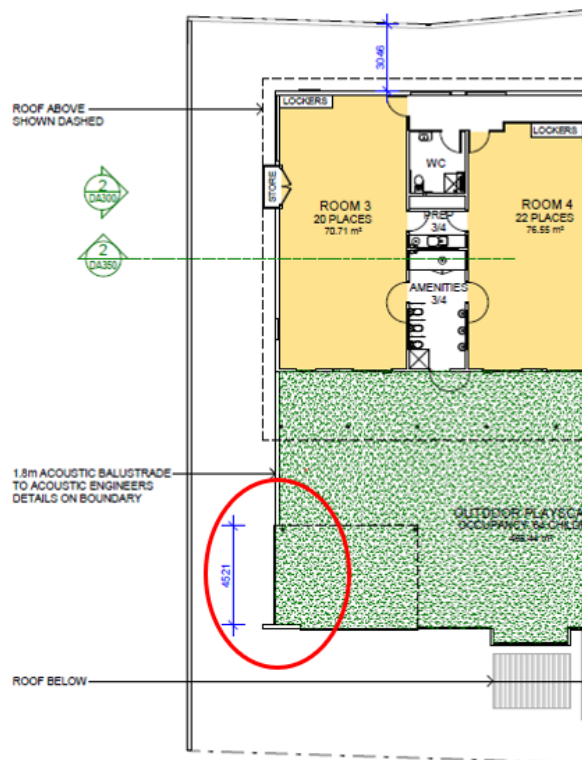
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**Assessment of Submissions**

- Concerns raised that the proposed child care centre will overlook habitable rooms and private open space areas of existing dwellings on the adjoining properties. The proposed barrier, which comprises glass panelling, will not mitigate this impact.
- The proposed child care centre will have a negative impact on the visual amenity of adjacent/adjoining properties.
- Construction-related impacts (e.g. dust, vibration, slippage, settlement) to have a negative effect on the livelihood of existing residents.
- Loss of amenity as a result of the construction of a 3m-high wall along the boundary of the adjoining residential properties.
- Concerns raised that the proposed child care centre will overshadow the existing dwellings on the adjoining properties and impact on their access to sunlight.

**Discussion**

The proposed development has been sited to orientate play areas to the street to avoid adverse impacts on the adjoining neighbours. Overlooking to the adjoining neighbours will be minimal in that high-level windows are proposed along the northern and western elevations. The proposed glazing within the acoustic barriers are a positive outlook for the development in that it will break up the solid material and allow surveillance to the street. The glazed acoustic barrier along the western elevation is for a small portion of the outdoor play area and will adjoin the driveway and garage of the adjoining dwelling. As such, will not impact on their amenity in terms of privacy and access to sunlight.



1 FIRST FLOOR DA  
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<b>Assessment of Submissions</b>
<p>Further, the development is situated south/west from the adjoining Dwelling houses and is within the maximum height limit of 8.5m above ground level, as such, the development will not overshadow the adjoining residential dwellings.</p> <p>The combined height of retaining walls and fences will not exceed 2m above natural ground level and as such will not adversely impact on the adjoining neighbours. Landscaping buffers have been provided along the boundaries to balance the built form.</p> <p>Due to the site's location and concerns with traffic, car parking and construction impacts, a construction management plan is recommended to be included as a condition into any approval given to manage potential impacts.</p>
<b>Issue - Noise</b>
<ul style="list-style-type: none"> <li>• <i>The proposed child care centre is expected to generate substantial noise, during its construction and operation, of which will be to the detriment of adjoining property owners' amenity/health/lifestyle.</i></li> <li>• <i>Concern raised over the 'other' noises generated by the proposed child care centre outside of operating hours (e.g. car engines, car doors, staff talking) and how these will negatively impact adjoining property owners.</i></li> <li>• <i>Child care centres involve sensitive uses (i.e. 'quiet time' for naps) of which are not compatible with the ringing bells of the nearby school.</i></li> <li>• <i>The proposed acoustic barriers that are to be constructed to "noise sensitive residences" will have a lower surface density (10kg/m<sup>2</sup>) that was recommended in the Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment report (Version 3) (15kg/m<sup>2</sup>). The proposed acoustic barriers will therefore reduce less sound.</i></li> <li>• <i>Concern raised that the acoustic report prepared by AcousticWorks relies on out-of-date data (i.e. Version 2 of the above-mentioned AAAC report). This report also relies on the bottom of the range data in order to support their claims.</i></li> <li>• <i>Uncertainty over the number and location of required air-conditioning units.</i></li> </ul> <p><b><u>Discussion</u></b></p> <p>Council's Environmental Health Officer has assessed the Acoustic Report provided with the application and determined that the report is suitable. The report includes recommendations to ameliorate noise impacts from the proposed development and as such, the report is included in the approval with the applicant to carry out the development in accordance with those recommendations.</p> <p>The Acoustic Report together with recommended conditions associated with the operation of the Child Care Centre use, effectively mitigates noise impacts to and from the proposed development.</p> <p>A condition of approval includes air-conditioning units to be screened to ensure minimal impacts on the adjoining neighbours and the streetscape.</p>
<b>Issue - Compliance with the MBRC Planning Scheme</b>
<ul style="list-style-type: none"> <li>• <i>Concerns that the proposed child care centre is inconsistent with:</i> <ul style="list-style-type: none"> <li>○ <i>The Strategic Framework of the MBRC Planning Scheme, namely the Specific Outcomes of the Suburban neighbourhood place type element of</i></li> </ul> </li> </ul>

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<b>Assessment of Submissions</b>
<p><i>the MBRC Place Model and the Specific Outcomes of the Settlement pattern and urban form element (Neighbourhood hub requirement).</i></p> <ul style="list-style-type: none"> <li>○ <i>The General residential zone (Suburban neighbourhood precinct) code within the MBRC Planning Scheme.</i></li> <li>• <i>The proposed child care centre should be identified as a “Community Activity” under the MBRC Planning Scheme.</i></li> </ul>
<p><b><u>Discussion</u></b></p> <p>The applicant has sufficiently demonstrated compliance with the relevant provisions of the MBRC Planning Scheme, including the General residential zone code, as outlined in this report. Schedule 1 - Definitions of the MBRC Planning Scheme outlines that a Child care centre is a Community Activity where in the General residential zone.</p>
<b>Issue - Building Design and Site Layout</b>
<ul style="list-style-type: none"> <li>• <i>New development should be sympathetic to the existing residential character of the Suburban neighbourhood precinct location. The proposal fails to achieve a design that fits in with the locality, particularly in terms of its bulk and scale.</i></li> <li>• <i>Concern raised about the loss of vegetation and the impact that this will have on the area’s image/appearance. The proposed landscaping will take years to mature.</i></li> <li>• <i>Site cover has been misrepresented by the Applicant. It is said to be 1,087m<sup>2</sup> (73.5%) and not 775m<sup>2</sup> (52%).</i></li> <li>• <i>The proposed bin storage areas require a garbage truck to stop in an unsafe location during collection.</i></li> <li>• <i>Failure to identify the location of the booster transformer for the proposed child care centre.</i></li> <li>• <i>Failure to identify a pick up and drop off location for the proposed child care centre.</i></li> </ul>
<p><b><u>Discussion</u></b></p> <p>The proposed development incorporates a high-quality built form outcome that positively addresses the street. The large upper storey play areas are orientated to overlook Marylin Terrace in a style that replicates a residential verandah with a mixture of solid and glazed screening/acoustic fencing. The built form is low-rise in scale being wholly under the 8.5m building height limit and the proposed materials and building elements include lightweight weatherboard cladding, gable roof forms and large eaves to reflect the surrounding residential locality.</p> <p>The proposed site cover has been calculated in accordance with the definition under the MBRC Planning Scheme and is approximately 52% of the subject site (775m<sup>2</sup>). The General residential zone code does not outline a maximum site cover for non-residential uses, however, Council officers consider that the site cover is suitable in that it is consistent with the residential character and does not result in an over development of the site. Landscaping has been provided along the site boundaries to balance the built form and contribute positively to the adjoining neighbours and to the street. The approved Landscape concept plans outline the stock size for the proposed plant species which are in line with the Planning Scheme Policy - Integrated Design (Appendix D).</p> <p>The proposed development will have kerbside refuse collection. The bin storage is located on the subject site appropriately in that it will not impact on adjoining neighbours and will be appropriately screened from the street. A booster and/or transformer has not been identified for the proposed development however if required, they will need to be accommodated in the design of the development without impacting on the other elements of any approval given.</p>

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<b>Assessment of Submissions</b>
<p>A drop off and pick up facility is not appropriate for the Child care centre use as parents/guardians are required to sign children in and out of centres. Further, having a pick up and drop off location would be visually dominant to the street and not consistent with the residential scale and locality.</p>
<b>Issue - Compromised Solution</b>
<ul style="list-style-type: none"> <li><i>Traffic calming/controlling measures (e.g. road signage, speed bumps, pedestrian crossings) must be incorporated into the development scheme, if approved, to preserve the safety of both pedestrians and road users.</i></li> </ul> <p><b>Discussion</b></p> <p>Traffic controlling measures that are recommended in the Traffic Report have been conditioned to ensure they are implemented into the development. This includes restricting right turns out of the development during school peak times to minimise impacts to traffic congestion.</p>
<b>Issue - Earthworks / Site topography</b>
<ul style="list-style-type: none"> <li><i>Concerns raised that the natural ground level shown on the architectural drawings is outdated and does not accurately reflect existing site conditions/changes to the topography.</i></li> <li><i>Earthwork required on-site to negatively impact the existing retaining walls constructed on the adjoining properties.</i></li> </ul> <p><b>Discussion</b></p> <p>The site has been surveyed and the contours shown on the plans align to Council's Lidar contour mapping.</p> <p>A condition of approval has been included requiring the applicant to lodge an Operational works application for all retaining structures on the site. These structures are required to be designed, prepared and certified by a Registered Professional Engineer of Queensland (RPEQ) to ensure they are in accordance with Australian Standards, Building Code requirements and in accordance with the approved plans.</p>
<b>Issue - Stormwater</b>
<ul style="list-style-type: none"> <li><i>Stormwater flow during rainfall events for both pre- and post-development has been misrepresented.</i></li> <li><i>Fear that overland flow will be directed onto adjoining properties as the proposed stormwater management system is inadequate.</i></li> </ul> <p><b>Discussion</b></p> <p>The applicant has provided a Stormwater Management Plan in support of the proposed development. The SMP outlines that an underground on-site detention facility is proposed to manage the increased flow rates due to the increased roof and hardstand areas compared to the existing residential dwelling properties. Stormwater will then discharge directly to a new kerbside gully pit that in turn is connected to an existing gully pit.</p> <p>The SMP has satisfactorily demonstrated compliance with the MBRC Planning Scheme and is included in the approved plans and documents. Further, a condition of approval will require the SMP to be implemented and to be certified by a RPEQ.</p>

ITEM 4.1 DA/42105/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (95 CHILDREN) - 12 & 14 MARYLIN TERRACE, EATONS HILL - 62223057 (Cont.)

<b>Assessment of Submissions</b>
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2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 21 December 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.

2.9 Other Matters  
None identified.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

The applicant (and submitter/s) 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  Nil identified

3.5 Delegated Authority Implications  Nil identified

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) Permit conditions require infrastructure contributions to Council.

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 scheme policies and provisions.

3.9 Social Implications

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

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Refer to clause 2.8.

**SUPPORTING INFORMATION**

**Ref: [62223078](#), [62341756](#), [62341762](#), [62341763](#), [62341764](#), [62396601](#)**

The following list of supporting information is provided for:

**ITEM 4.1**

**DA/42105/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (95 CHILDREN) - 12 & 14 MARYLIN TERRACE, EATONS HILL**

**#1 Aerial Map**

**#2 Zoning Map**

**#3 Locality Plan**

**#4 Proposed Architectural Plans**

**#5 Proposed Landscape Concept Plans**

**#6 Proposed Stormwater Management Plan**

**#7 Proposed Acoustic Report**

**#8 Submissions**

**ITEM 4.2**

**DA/42562/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (45 CHILDREN) - 43 EVERSLEIGH ROAD, SCARBOROUGH**

**APPLICANT: CDEC CAPITAL PTY LTD**  
**OWNER: MICHAEL AND NELIA GLASE**

Meeting / Session: 4 PLANNING  
Reference: 62311110: 21 June 2021 – Refer Supporting Information 62311109, 62394953 & 62395459  
Responsible Officer: Cherise Ayling, Senior Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	CEDV Capital Pty Ltd C/- SOL Consulting Pty Ltd
<b>Lodgement Date:</b>	11 December 2020
<b>Properly Made Date:</b>	15 December 2020
<b>Confirmation Notice Date:</b>	23 December 2020
<b>Information Request Date:</b>	14 January 2021
<b>Info Response Received Date:</b>	8 March 2021
<b>Public Notification Dates:</b>	12 March 2021 - 1 April 2021
<b>No. of Submissions:</b>	Properly Made: 3 Not Properly Made: 0
<b>Decision Due Date:</b>	27 May 2021

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 6
<b>Property Address:</b>	43 Eversleigh Road, Scarborough
<b>RP Description</b>	Lot 6 RP81004
<b>Land Area:</b>	680m <sup>2</sup>
<b>Property Owner</b>	Michael and Nelia Glase

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	MBRC Planning Scheme
<b>Planning Locality / Zone</b>	General Residential Zone - Suburban Neighbourhood Precinct
<b>Level of Assessment:</b>	Impact and Consistent

This application seeks a Development Permit for a Material Change of Use for a Child Care Centre at 43 Eversleigh Road, Scarborough formally described as Lot 6 RP81004.

The site is located within the General residential zone - Suburban neighbourhood precinct in the Moreton Bay Regional Council (MBRC) Planning Scheme, located over a single lot along the southern side of Eversleigh Road adjacent to Scarborough State School. It is proposed to demolish the existing two-storey Dwelling House and construct a two storey Child Care Centre catering for forty-five (45) children. The Centre is proposed to be constructed as a two-storey building, reflective of a residential dwelling, with a total of thirteen (13) on-site car parking spaces to be provided relying on the use of 5 mechanical car stackers.

## Moreton Bay Regional Council

**ITEM 4.2 DA/42562/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (45 CHILDREN) - 43 EVERSLEIGH ROAD, SCARBOROUGH - 62311110 (Cont.)**

The application was publicly advertised with three (3) properly made submissions received. The proposed development is consistent with the intent of the Moreton Bay Regional Council (MBRC) Planning Scheme, and is recommended to be approved, subject to conditions.

This report is being presented to the Council for decision as the proposal has raised community concerns and in accordance with the delegations to Council officers, the Divisional Councillor has requested that the development application be determined by the Council instead of under Council officer delegation. Therefore, Council is now the authorised entity 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 Child Care Centre (45 Children) at 43 Eversleigh Road, Scarborough, described as Lot 6 RP81004, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Site Plan	SK 01 Rev. O	Creative Innovation Architects	04/06/2021
Detailed Floor Plan	SK 02 Rev. O	Creative Innovation Architects	04/06/2021
Upper Floor Plan	SK 03 Rev. O	Creative Innovation Architects	04/06/2021
North & East Elevation	SK 04 Rev. O	Creative Innovation Architects	04/06/2021
South & West Elevation	SK 05 Rev. O	Creative Innovation Architects	04/06/2021
Roof Plan	SK 06 Rev. O	Creative Innovation Architects	04/06/2021
Section A & B	SK 07 Rev. O	Creative Innovation Architects	04/06/2021
Section C	SK 08 Rev. O	Creative Innovation Architects	04/06/2021
Traffic Report Letter	21-335 RFI RESPONSE FINAL	PTT Traffic and Transport Engineering	19/02/2021
Noise Assessment Report	5506R1	Noise Measurement Services	24/02/2021

**Conditions**

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1.</b>	<b>Approved Plans and/or Documents</b>	
A	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.



ITEM 4.2 DA/42562/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (45 CHILDREN) - 43 EVERSLEIGH ROAD, SCARBOROUGH - 62311110 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
B	Submit to the Council for its records a 3D digital copy of the final development approval plans for any building approved on the site to be created in .SKP or .DAE file format if not previously submitted to the Council.  Note: Refer to <a href="https://www.moretonbay.qld.gov.au/Services/Building-Development/DA-Lodgement/3D-Model-Submission">https://www.moretonbay.qld.gov.au/Services/Building-Development/DA-Lodgement/3D-Model-Submission</a> for more details.	Prior to the giving of any approval for Building Works.
<b>2.</b>	<b>Premises Hours of Operation</b>	
A	Limit the hours of operation to between 6am to 7pm Monday to Sunday.	At all times.
B	The use of the outdoor play areas is limited to 7am to 6pm.  Note: This part of the condition is consistent with the recommendations of the approved Acoustic Report.	
<b>3.</b>	<b>Operating Capacity</b>	
	Ensure the capacity of the Child Care Centre is limited to a maximum of forty-five (45) children on site at any one time.	Prior to commencement of use and to be maintained at all times.
<b>4.</b>	<b>On-Site Car Spaces</b>	
A	Provide vehicle spaces on the site in accordance with the approved plans and as outlined within other conditions of this development approval that are specific to the use of the proposed Mechanical Car Stackers.	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>5.</b>	<b>On-site Mechanical Car Stacker</b>	
A	Design, construct, implement and maintain on site a mechanical car stacker system integrated within the development at no cost to Council. The car stacker system is to include the following as a minimum, unless otherwise agreed to in writing by Council:  1. Car stacker systems are to be installed in the locations generally shown on the approved plans being a minimum of 5; 2. Information must be displayed in a prominent location adjacent to the car stackers detailing; (a) the operation and maintenance procedures of each car stacker; and	Prior to commencement of use and for (A) to be maintained at all times.

ITEM 4.2 DA/42562/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (45 CHILDREN) - 43 EVERSLEIGH ROAD, SCARBOROUGH - 62311110 (Cont.)

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
<p>(b) whether the lower level of the car stacker is vacant or occupied.</p> <p>3. Users must be inducted on how to safely operate the car stackers.</p> <p>4. Car stacker systems are to accommodate B99 vehicles of a 2 metre height as defined in AS2891.1.</p> <p>5. The clearance height within the stacker system must be displayed at the entrance to the stacker system.</p> <p>6. The lower level of the car stacker is only to be used by staff members and not to be operated by visitors. Once parked, the stacker (carrying the staff member's vehicle) is to be lowered as soon as possible so that the upper level is freely available to any other person.</p> <p>7. Visitor cars are not to be raised at any time.</p> <p>8. The car stackers are to be lowered throughout the day (except when a staff member is parking their vehicle or collecting their vehicle from the lower level) and at the end of each business day.</p> <p>9. Staff are to park their vehicle on the lower levels of the car stackers only and can only park their vehicle on an upper level when all of the lower levels are occupied.</p> <p>10. A backup system in dealing with any mechanical or computer failures (e.g. motor / circuit board burnout), electrical outages, damage (e.g. vehicle collision with a stacker) or the like.</p>	
<p>B Submit to the Council a management plan for the operation of the car stackers incorporating, but not limited to, the items outlined in A above as well as the following;</p> <ol style="list-style-type: none"> <li>1. Maintenance obligations; and</li> <li>2. Training procedures; and</li> <li>3. An obligation to operate all 5 car stackers at all times other than when requiring maintenance, damaged or the like and an obligation to ensure any maintenance or damage is done / repaired as soon as possible.</li> </ol>	
<p>C Obtain approval from Council for the management plan outlined in B above that may or may not include conditions.</p>	
<p>D Implement the requirements and recommendations of the approved management plan for the operation of the car stackers.</p>	At all times.
<b>6. Bicycle Parking Facilities</b>	
<p>Install secure bicycle parking facilities for a minimum of two (2) bicycles.</p>	Prior to commencement of use and to be maintained at all times.

ITEM 4.2 DA/42562/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (45 CHILDREN) - 43 EVERSLEIGH ROAD, SCARBOROUGH - 62311110 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	
<b>7.</b>	<b>Bicycle End of Trip Facilities</b>	
	Unless otherwise agreed to in writing by Council,  3. Provide four (4) storage lockers which have the minimum dimensions of 900mm (height) x 300mm (width) x 450mm (depth). 4. Provide one (1) shower in a toilet facility on the site with a minimum 3-star Water Efficiency Labelling and Standard (WELS) rating shower head.	Prior to commencement of the use and to be maintained at all times.
<b>8.</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 and to be maintained at all times.
<b>9.</b>	<b>Pedestrian Pathway</b>	
A	Provide a pedestrian pathway adjoining the car parking area as demonstrated on the approved plans. The pathway must be differentiated in colour and/or texture from the driveway surface. Where the pathway is adjacent to a car stacker, install a barrier or fence having a height of no more than 1.2 metres between the pathway and stacker.	Prior to commencement of use and to be maintained at all times.
B	Construct, at no cost to Council, a 2.5 metre wide reinforced concrete pathway along the full frontage of the site that is to extend to the west (approximately 12m) and connect to the existing footpath in front of the Scarborough State School.  This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	Prior to commencement of use.
<b>10.</b>	<b>Fencing</b>	
A	Install fencing in accordance with the approved plans, including the approved noise assessment report. In addition, ensure the acoustic fence along the western boundary of the site is transparent for the portion of the fence above a height of 1.2m metres above ground level for a minimum distance of 3.0 metres from the road frontage.	Prior to commencement of use and to be maintained at all times.
B	Unless otherwise agreed to in writing by Council, ensure that the front timber fencing and wall of the bin enclosure is stained/painted. Additional treatments are to be provided to the fence/wall to provide visual interest until a	Prior to commencement of use and to be maintained until the landscaping has grown to a height that sufficiently screens the fence/wall.

ITEM 4.2 DA/42562/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (45 CHILDREN) - 43 EVERSLEIGH ROAD, SCARBOROUGH - 62311110 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	time that the landscaping has grown to a height that sufficiently screens the fence/wall.  Note: A separate fencing plan may be submitted to Council to confirm that appropriate treatments will be provided as required by this condition.	
<b>11.</b>	<b>Colours, Materials and Finishes</b>	
	Unless otherwise agreed to in writing by Council, implement the colours, materials and finishes as generally shown on the approved plans.	Prior to commencement of use and to be maintained at all times.
<b>12.</b>	<b>Landscaping Plan</b>	
A	Unless otherwise agreed to in writing by Council, provide landscaping on site generally in accordance with the approved plans and Planning Scheme Policy - Integrated Design Appendix D - Landscaping. Specifically,  1. Pot size detailed in Section 4.2; 2. Plant density detailed in Section 4.3; and 3. Plan selection and species detailed in Section 4.4.	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>13.</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>14.</b>	<b>Screening of Loading Facilities / Plant Areas</b>	
A	Screen Plant Areas, Refuse Storage and Other Outdoor Storage Facilities on the site from direct view from adjoining neighbours and any adjoining road or public space.	Prior to commencement of use and to be maintained at all times.
B	Provide a curtain, or similar screening device to hang from the roof of the underground carparking area sufficient to ensure the undercroft of the building (plumbing, electrical, telecommunications and other services, etc) are all screened from being visible when standing at the road frontage.	
<b>15.</b>	<b>Privacy</b>	

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<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
A	Provide privacy screening or alternate treatments to the windows in the southern and eastern elevations of the upper floor of the building, noting this does not include the outdoor play area.	Prior to the commencement of the use and to be maintained at all times.
B	Treatments may consist of one or more of the following: <ol style="list-style-type: none"> <li>4. Sill heights at a minimum of 1.5 metres above floor level; or</li> <li>5. Fixed, tinted or opaque glazing in at least any part of the fixed window between the floor level of the building and 1.5m above the floor; or</li> <li>6. External screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.</li> </ol>	
<b>16.</b>	<b>On Site Services</b>	
	Ensure rainwater tanks, hot water tanks, gas bottles and air conditioners are, unless otherwise agreed to in writing by Council: <ol style="list-style-type: none"> <li>3. Located in the rear setback; or</li> <li>4. Located in the side boundaries and screened (e.g. fencing or landscaping) from view of adjoining neighbours or any road frontage; or</li> <li>5. Entirely underground where located in the front setback.</li> </ol>	Prior to commencement of use and to be maintained.
<b>17.</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>7. a reticulated water supply network connection is available to the land; and</li> <li>8. a sewerage network connection is available to the land; and</li> <li>9. all the requirements of Unitywater have been satisfied.</li> </ol>	Prior to commencement of use.
<b>18.</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:	Prior to commencement of the use.

ITEM 4.2 DA/42562/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (45 CHILDREN) - 43 EVERSLEIGH ROAD, SCARBOROUGH - 62311110 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	<p>3. Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and</p> <p>4. 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.</p>	
B	<p>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.</p> <p>Note: A template for certification is available from council for the purpose of this condition.</p>	
<b>19.</b>	<b>Telecommunications Internal Wiring</b>	
A	<p>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 for 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.</p>	Prior to commencement of use.
B	<p>Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.</p> <p>Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.</p>	
<b>20.</b>	<b>Electricity</b>	
A	<p>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.</p>	Prior to commencement of use.
B	<p>Provide an underground electricity supply connection to the development.</p>	
C	<p>Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.</p>	
<b>21.</b>	<b>Electrical Transformer</b>	

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	<p>Ensure any PAD Mount transformer visible from a public road is painted or has a film applied to it with a mural on all sides that integrates the infrastructure into the location of being adjacent to community activities. Concepts for the mural are to be approved by the Council in writing and align with the use of the land as child caring, child education, community uses or the like e.g. children playing, children learning, people congregating / moving, or the like. Examples are shown in the images below:</p>	Prior to commencement of use.
		
<b>ENVIRONMENTAL HEALTH</b>		
<b>22.</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 for parts A and B to be maintained at all times.
B	Ensure all external lighting in the basement car parking area, excluding any emergency lighting, remains off during the period between 9pm on one day to 6am the following day unless approved otherwise by the Council in writing.	
C	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).	
<b>23.</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 for part A 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.	
<b>24.</b>	<b>Acoustic Attenuation Measures</b>	
A	Provide the following acoustic attenuation measures as specified in the approved Noise Assessment Report:	Prior to commencement of use and for parts A, B and C to be maintained at all times.



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CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
	<ol style="list-style-type: none"> <li>1. Acoustic barriers;</li> <li>2. Acoustic building treatments;</li> <li>3. Mechanical plant equipment including air conditioning that is designed, sited and acoustically treated in order to achieve the specified noise limits; and</li> <li>4. Mechanical ventilation or air-conditioning to specified rooms.</li> </ol>
B	Ensure all portions of the acoustic barrier shown on the proposal plans as being transparent, are constructed with transparent materials.
C	Install car stacker equipment that is designed to achieve the noise limits specified in the approved Noise Assessment Report and the other requirements of this condition, sufficient to ensure they do not cause an impact on surrounding noise sensitive uses.
D	Provide certification from a suitably qualified person that the attenuation measures have been installed/ implemented in accordance with the specifications of the approved Noise Assessment Report and the above clauses (A), (B) and (C).  Note: Results of on-site noise monitoring of mechanical plant and equipment, including air conditioning and car stackers is to be provided.
<b>25.</b>	<b>Waste Management Plan</b>
A	Implement the waste management arrangements identified on the approved plan.  Note: This development will use wheelie bins serviced at the kerbside of Eversleigh Road.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.
D	Provide a refuse enclosure with solid walls on eastern, southern and northern sides and an attached sealed roof.
<b>DEVELOPMENT ENGINEERING</b>	
<b>26.</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.
<b>27.</b>	<b>Alterations and Relocation of Existing Services</b>



## Moreton Bay Regional Council

**ITEM 4.2 DA/42562/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (45 CHILDREN) - 43 EVERSLEIGH ROAD, SCARBOROUGH - 62311110 (Cont.)**

<b>CONDITION</b>	<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</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.
<b>28.</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.
<b>29.</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 such as the following:</p> <ol style="list-style-type: none"> <li>1. Material delivery and storage locations to ensure they do not cause conflict with the operations of the school;</li> <li>2. Waste locations and collection details to ensure they do not cause conflict with the operations of the school;</li> <li>3. Construction office accommodation;</li> <li>4. Contractor / tradesman vehicle parking arrangements that are not to occur 8-9am and 2:30-3:30pm Monday to Friday (excluding Scarborough State School holidays).</li> <li>5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday.</li> <li>6. Deliveries of material and concrete pours are to be outside of school times (8-9am and 2:30-3:30pm Monday to Friday excluding Scarborough State School holidays).</li> <li>7. Cranes are not to be parked outside of the site during school times (8-9am and 2:30-3:30pm Monday to Friday excluding Scarborough State School holidays).</li> </ol> <p>The CMP is to include a site layout plan identifying these areas.</p> <p>Notes: (vi) Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic</p>

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CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
concrete pours for basements and suspended floor slabs) (vii) Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable (viii) 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 (ix) Materials unloading and loading must occur on-site unless prior written approval is given by Council. (x) All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.	
B	Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.
<b>30.</b>	<b>Driveway Crossover</b>
A	Construct a driveway crossover to the site in accordance with the approved plans and documents of the development approval and IPEAQ Standard Drawing RS-051.
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.
<b>31.</b>	<b>Existing Driveway Crossover</b>
	Remove completely all redundant driveway crossovers fronting the development site. Reinststate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.
<b>32.</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.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	have been designed and constructed in accordance with this permit condition.	
<b>33.</b>	<b>On Road Parking Bays</b>	
A	Relocate one on-road parking bay from the site frontage to a location approximately 30m to the east, as shown in Fig 5 in the Approved Traffic Report letter and in accordance with the approved plans and documents of development and the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD).	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.	

ADVICES	
<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</p>

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	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.
<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 Food Act 2006, Australia and New Zealand Food Standards Code and AS 4674 – Design, construction and fit-out of food premises (or equivalent).</p>

- B. 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*.
- C. 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 Child Care 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>	<ul style="list-style-type: none"> <li>• Building Works – Development Permit (Building Act)</li> </ul>
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There were three (3) properly made submissions about this application.

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**REPORT DETAIL**

**1. Background**

There is no relevant development history for the subject site.

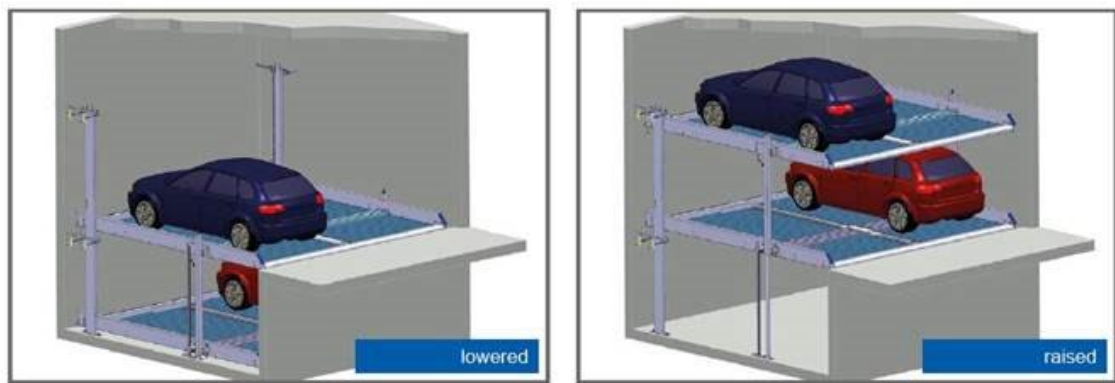
**2. Explanation of Item**

**2.1 Proposal Description**

This application seeks a Development Permit for a Material Change of Use for a Child Care Centre (45 children) at 43 Eversleigh Road, Scarborough. The proposal involves the removal of an existing two storey residential dwelling house to be replaced with a two storey Child Care Centre accommodating forty-five (45) children and up to 6 staff.

The proposed development consists of a two-storey built form and features children play areas on both the ground level and upper level verandah that overlooks the Eversleigh Road frontage. The built form includes features to replicate a residential building scale with the use of weatherboard cladding, a verandah, gable roof forms and the like. In addition, acoustic screening required along the upper level verandah / play area includes both glazed/transparent materials to maintain a residential appearance from the road frontage.

When the application was originally lodged and during formal public notification, only 9 on site visitor car parking spaces were proposed by the applicant (applying the Brisbane City Council rate of 1 per 5 children) however as a result of ongoing discussions with Council officers, the applicant has agreed to increase the number of on site car parking spaces to 13 with 5 of those car parking spaces proposed to be delivered through the use of car stackers that will be located on the western side of the site, adjacent to the Scarborough State School and not residential neighbours. Images of the car stackers are shown in the image below.



**2.2 Description of the Site and Surrounds**

**2.2.1 Current use of the subject and surrounding land**

The site currently contains a Dwelling House that will be removed to facilitate the proposed Child Care Centre. Existing Dwelling Houses are located to the east and south of the development site, with Scarborough State School adjoining the property to the west.

**2.2.2 Topography**

The site falls from north-west to south-east, however the grade is relatively flat and therefore with regards to drainage it is feasible to grade the development to the road frontage at the kerb



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2.2.3 Access Improvements

Access to the existing dwelling is via a driveway from Eversleigh Road. This application proposes to relocate the existing driveway slightly to the west resulting in the removal of one (1) on-street parking bay. A recommended condition of this report for any approval given requires the relocation of this on-street car parking bay to a location approximately 30m to the east of the site.

An existing pedestrian footpath, approximately 1.5m wide, runs for the full frontage of the site. In accordance with Overlay Map - Road Hierarchy, Eversleigh Road is a Council district collector road and therefore in accordance with Council's Planning Scheme Policy (PSP) for Integrated Design - Appendix A (Streets, Rods & Utilities) the road typology is a District Collector. In accordance with the typology attributes, this includes a minimum 2.5m wide pathway on both sides of the carriageway. As the existing footpath has a width below the typology standards, a recommended condition requires the provision of a 2.5m wide footpath in front of the development site and is to connect to the existing 2.5m wide footpath in front of the school. This requires an approximate extension of approximately 12m to the west past the development site.



2.3 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>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

2.3.1 *South East Queensland Regional Plan*

The site is located in the Urban Footprint. 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.

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2.4 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.

2.4.1 *Strategic Framework*

In accordance with section 1.7.2 of the planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework. The site is within the Suburban Neighbourhood Place Type under the Strategic Framework of the Moreton Bay Regional Council (MBRC) Planning Scheme. Upon review of the proposed development, it achieves the intent of the Suburban Neighbourhood Place Type element (3.14.8) of the Strategic Framework by providing a community activity that will service daily convenience needs of the community with a design that reflects the existing low-rise built form of the residential neighbourhood.

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

2.4.2 *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/ Local Plan Code</b>		
General Residential Zone Code - Suburban Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3, PO5, PO15, PO67, PO69, PO72, PO73, PO74, PO76, PO80, PO81

The assessment of the development proposal against the Performance Outcomes of the applicable code is discussed below in section 2.4.3.

2.4.3 *Performance Outcome Assessment*

Performance Outcome	Example
<b>General Residential Zone Code - Suburban Neighbourhood Precinct</b>	
<b>PO3</b> The height of non-residential buildings does not adversely affect amenity of the area or of adjoining properties and positively contributes to the intended built form of the surrounding area.	<b>E3</b> Building height does not exceed the maximum height identified on Overlay map - Building heights except for architectural features associated with religious expression on Place of worship <sup>(60)</sup> and Educational establishment <sup>(24)</sup> buildings.

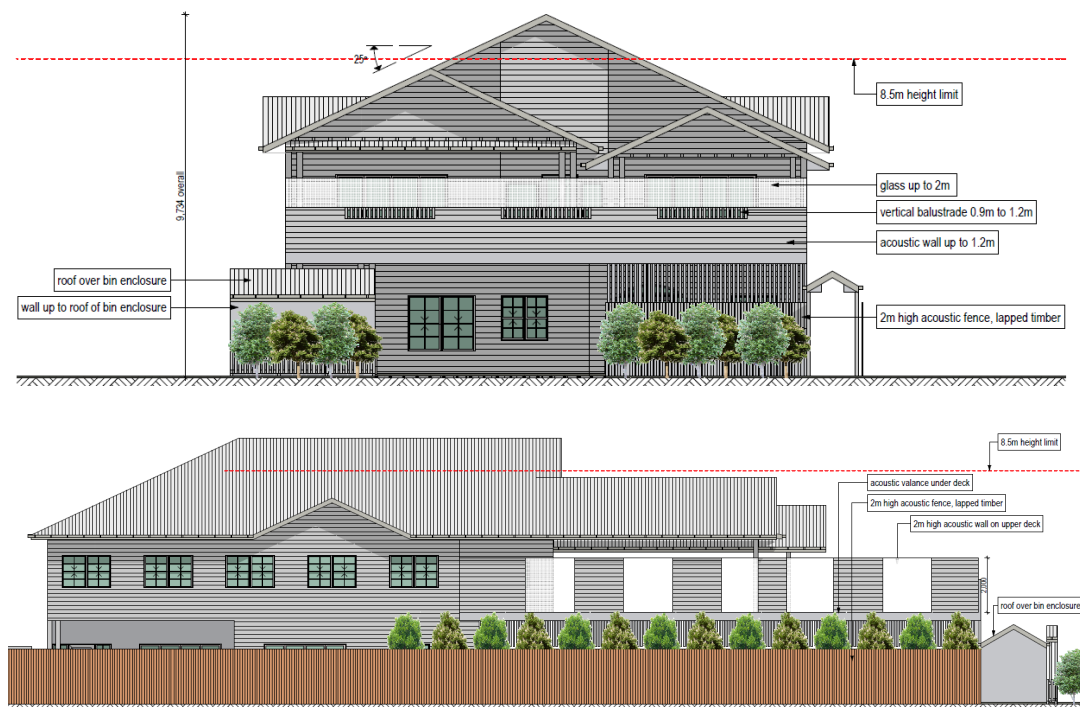
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Performance Outcome	Example
<p>Note - To demonstrate compliance with the above a visual impact assessment may be required in accordance with Planning scheme policy - Residential design. Visual impact assessments will require the consideration of all built form matters (e.g. height, setbacks, site cover, building bulk and mass, articulation, roof form and other design aspects) from a variety of perspectives to ascertain if the proposal will result in a positive contribution.</p>	

**Performance Outcome Assessment**

This application seeks to construct a Child Care Centre having a maximum building height of 9.734m, marginally exceeding the 8.5m height limit as nominated on the Council's Overlay Map - Building Heights.

Although over the suggested building height by 1.234m, the over height component only relates to the roof ridgeline being a small section of the roof form that is central to the development site. The below images demonstrate the part of the roof proposed above 8.5m with a red dotted line. The proposed Child Care Centre has been designed to reflect a Dwelling House and therefore, although part of the roof exceeds 8.5m, the building will not adversely affect the amenity of the area of adjoining properties and will contribute to the intended built form of the surrounding area. It is also relevant to note that the applicant could have made changes to the proposal to achieve compliance by reducing the roof pitch to make it flatter, however the 25 degree roof pitch as proposed is common to traditional residential dwellings. In order to maintain that character, Council officers are satisfied that being limited to the ridgeline and centrally located will not have an adverse impact on the amenity of the area. Therefore, the proposal complies with the Performance Outcome.





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Performance Outcome	Example
<p><b>PO5</b> Front setbacks ensure non-residential buildings address and actively interface with streets and public spaces.</p>	<p><b>E5.1</b> For the primary street frontage buildings are constructed:</p> <ul style="list-style-type: none"> <li>a. to the property boundary; or</li> <li>b. setback a maximum of 3m from the property boundary, where for the purpose of outdoor dining.</li> </ul>
<p><i>Performance Outcome Assessment</i></p>	
<p>A performance solution is sought as the proposed Child Care Centre will be setback 2.8m from the road frontage and not constructed on the property boundary.</p> <p>Although setback from the road frontage, the development has been designed to reflect a Dwelling House and provides a large upper storey play area, similar to a residential verandah, that directly overlooks the street. Further, the proposed setback is generally consistent with other front setbacks of residential dwellings within the street and therefore provides a cohesive interface with Eversleigh Road. It is also noted that the Dwelling House Code within the MBRC Planning Scheme suggests a 3m setback to the outermost projection for dwellings and therefore the proposed setback is consistent with any future residential building work that may occur.</p> <p>Overall, the development continues to provide an active interface with the street and public spaces therefore complying with the Performance Outcome.</p>	
<p><b>PO15</b></p> <p>Sensitive land uses are provided with an appropriate acoustic environment within designated external private outdoor living spaces and internal areas while:</p> <ul style="list-style-type: none"> <li>c. contributing to safe and usable public spaces, through maintaining high levels of surveillance of parks, streets and roads that serve active transport purposes (e.g. existing or future pedestrian paths or cycle lanes etc);</li> <li>d. maintaining the amenity of the streetscape.</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Note - A noise impact assessment may be required to demonstrate compliance with this PO. Noise impact assessments are to be prepared in accordance with Planning scheme policy - Noise.</p> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Note - Refer to Planning Scheme Policy – Integrated design for details and examples of noise attenuation structures.</p> </div>	<p><b>E15.2</b></p> <p>Noise attenuation structures (e.g. walls, barriers or fences):</p> <ul style="list-style-type: none"> <li>d. are not visible from an adjoining road or public area unless: <ul style="list-style-type: none"> <li>i. adjoining a motorway or rail line; or</li> <li>ii. adjoining part of an arterial road that does not serve an existing or future active transport purpose (e.g. pedestrian paths or cycle lanes) or where attenuation through building location and materials is not possible.</li> </ul> </li> <li>e. do not remove existing or prevent future active transport routes or connections to the street network;</li> <li>f. are located, constructed and landscaped in accordance with Planning scheme policy - Integrated design.</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Note - Refer to Planning scheme policy – Integrated design for details and examples of noise attenuation structures.</p> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Note - Refer to Overlay map – Active transport for future active transport routes.</p> </div>

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Performance Outcome	Example
<i>Performance Outcome Assessment</i>	
<p>The proposal includes noise attenuation structures that will be visible from the Eversleigh Road frontage as discussed below.</p> <p>In accordance with the submitted acoustic report, a 2m high acoustic barrier is required along the Eversleigh Road frontage as well as the eastern, western and southern boundaries of the site. At the road frontage, the acoustic fence along the western side of the driveway crossover will be constructed of lapped timber and setback from the road approximately 1m to provide a landscaping screen that will soften the acoustic structure. The eastern side of the driveway crossover consists of a 2m high wall forming part of the refuse enclosure that will be setback 400mm to allow the provision of landscaping. It is a recommended condition of this report that if the application is approved that at the road frontage, the timber acoustic fence and wall of the refuse enclosure be stained/painted, and a feature/treatment be applied to provide visual interest and articulation until a time when the landscaping sufficiently screens the fence/wall. The other boundaries will have a standard 2.0m high acoustic fence to mitigate any noise from the development affecting adjoining properties.</p> <p>In addition, the submitted acoustic report recommends a 2m high acoustic wall along the upper level play area/verandah. The proposal plans demonstrate a variation in materials such as vertical and horizontal cladding, as well as areas of glazing/transparent material to ensure causal surveillance. Further, the built form has been designed to reflect a residential dwelling and therefore the design and materials proposed is consistent with the residential environment and maintains the amenity of the streetscape. It is also proposed that an acoustic curtain below the upper level be installed along the eastern boundary to further mitigate any noise from the development impacting on the neighbour.</p> <p>Overall, with recommended conditions and compliance with the conditions being achieved, if approved, the proposal can comply with the Performance Outcome.</p>	
<p><b>PO67</b> Community activities:</p> <ul style="list-style-type: none"> <li>f. are located to: <ul style="list-style-type: none"> <li>i. cluster with other non-residential activities to form a neighbourhood hub (this may include being located within or adjacent to an existing neighbourhood hub); or</li> <li>ii. if establishing a new neighbourhood hub (as described in the PO below) be on a main street;</li> </ul> </li> <li>g. are located on allotments that have appropriate area and dimensions for the siting of: <ul style="list-style-type: none"> <li>i. buildings and structures;</li> <li>ii. vehicle servicing, deliveries, parking, manoeuvring and circulation;</li> <li>iii. landscaping and open space including buffering;</li> </ul> </li> <li>h. are of a small scale, having regard to the surrounding character;</li> <li>i. are serviced by public transport;</li> <li>j. do not negatively impact adjoining residents or the streetscape.</li> </ul>	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
<p>The surrounding neighbourhood includes the Scarborough State School to the west and numerous neighbourhood hubs along Oxley Avenue being 85m to the east. The proposed development is well-located and immediately adjacent to the school to commence clustering and the creation of a neighbourhood hub as required by the Performance Outcome. The development application has demonstrated the subject site to be appropriate as it includes a low-rise built form, required vehicle servicing, parking and manoeuvring on site as well as adequate landscaping to provide screening to adjoining residential properties. The subject site is well serviced by established public transport infrastructure, with bus stops located on Oxley Avenue. Furthermore, the proposed built form incorporates architectural design features that are consistent with a residential dwelling including lightweight weatherboard cladding, an upper storey verandah play area and gable roof form.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p><b>PO69</b> The expansion (into adjoining lots) of existing neighbourhood hubs or the establishment of a new neighbourhood hub must:</p> <ul style="list-style-type: none"> <li>f. adjoin or address a park, public open space or include privately owned civic or forecourt space having a minimum area of 400m<sup>2</sup>;</li> <li>g. be located on the corner of a sub-arterial or collector road;</li> <li>h. form a 'Main street' having a maximum length of 200m;</li> <li>i. be centrally located within an 800m radial catchment;</li> <li>j. be separated from other neighbourhood hubs and centres by 1600m, measured from the centre of each neighbourhood hub or centre.</li> </ul>	<p>No example is provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development results in the creation of a new neighbourhood hub, however, does not comply with the performance criteria outlined in items a – e.</p> <p>As the proposal does not comply with this Performance Outcome an assessment against the Overall Outcomes is required and is discussed in the following section of this report.</p>	
<p><b>PO72</b> Non-residential uses (excluding a Service station) address and activate streets and public spaces by:</p> <ul style="list-style-type: none"> <li>g. ensuring buildings and individual tenancies address street frontage(s), civic space and other areas of pedestrian movement;</li> <li>h. new buildings adjoin or are within 3m of the primary frontage(s), civic space or public open space;</li> </ul>	<p>No example provided.</p>

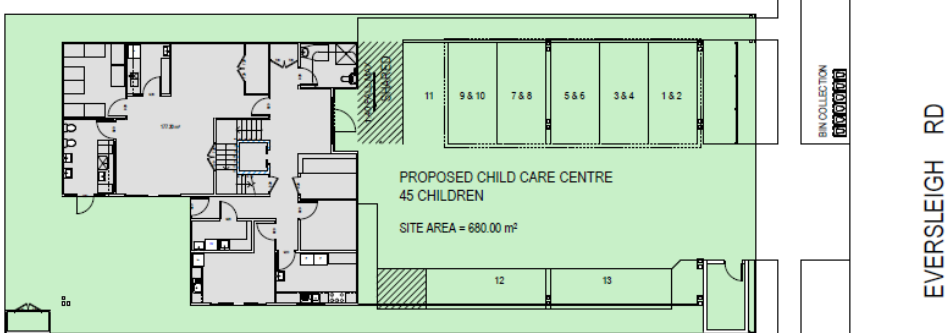
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Performance Outcome	Example
<ul style="list-style-type: none"> <li>i. locating car parking areas and drive-through facilities behind or under buildings to not dominate the street environment;</li> <li>j. establishing and maintaining interaction, pedestrian 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>k. providing visual interest to the façade (e.g. Windows or glazing, variation in colours, materials, finishes, articulation, recesses or projections);</li> <li>l. establishing and maintaining human scale.</li> </ul>	
<i>Performance Outcome Assessment</i>	
<p>The proposed development addresses and activates the street through the following design outcomes:</p> <ul style="list-style-type: none"> <li>1. The provision of an upper level play area overlooking Eversleigh Road that incorporates a variation in materials such as vertical and horizontal cladding, as well as areas of glazing/transparent material to provide visual interest to the façade and ensure causal surveillance;</li> <li>2. The upper level play area/verandah is located within 3m of the road frontage, with the Centre’s car parking area located below the upper level and behind an acoustic fence therefore not dominating the street environment;</li> <li>3. Pedestrian connectivity is provided through a separate entrance point along the western side of the boundary.</li> </ul> <p>Based on the above design outcomes, compliance with the Performance Outcome is achieved.</p>	
<p><b>PO73</b> All buildings exhibit a high standard of design and construction, which:</p> <ul style="list-style-type: none"> <li>i. add visual interest to the streetscape (e.g. variation in materials, patterns, textures and colours, cantilevered awning);</li> <li>j. enable differentiation between buildings;</li> <li>k. contribute to a safe environment;</li> <li>l. incorporate architectural features within the building facade at the street level to create human scale (e.g. cantilevered awning);</li> <li>m. include building entrances that are readily identifiable from the road frontage;</li> <li>n. locate and orientate to favour active and public transport usage by connecting to pedestrian footpaths on the street frontage and adjoining sites;</li> </ul>	<p>No example provided.</p>

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Performance Outcome	Example
<ul style="list-style-type: none"> <li>o. incorporate appropriate acoustic treatments, having regard to any adjoining residential uses;</li> <li>p. facilitate casual surveillance of all public spaces.</li> </ul>	
<i>Performance Outcome Assessment</i>	
<p>The development incorporates a high-quality built form outcome that addresses the public realm and positively contributes towards the streetscape through the following design outcomes:</p> <ol style="list-style-type: none"> <li>1. A large upper storey play area that overlooks Eversleigh Road consisting of transparent materials to address and provide activation with the public realm;</li> <li>2. Car parking is located under the upper level play area of the building and will be located behind acoustic fencing and landscaping;</li> <li>3. Appropriate acoustic measures are to be provided to ensure the residential amenity of the adjoining properties. This includes acoustic fencing, an acoustic barrier around the upper level play area and a valance on the eastern side of the car parking area;</li> <li>4. Separate pedestrian entrance point has been provided along the western side of the boundary.</li> <li>5. The proposed built form has been designed to reflect a residential dwelling that is low-rise in scale and positively addresses the street. The proposed materials and built form elements reflect that of a dwelling with weatherboard cladding, glazing, gable roof forms and large eaves proposed.</li> </ol> <p>Based on the above design outcomes, compliance with the Performance Outcome is achieved.</p>	
<p><b>PO74</b> Development provides functional and integrated car parking and vehicle access, that:</p> <ul style="list-style-type: none"> <li>f. prioritises the movement and safety of pedestrians between the street frontage and the entrance to the building;</li> <li>g. provides safety and security of people and property at all times;</li> <li>h. does not impede active frontage and active transport options;</li> <li>i. does not impact on the safe and efficient movement of traffic external to the site;</li> <li>j. is consolidated and shared with adjoining sites wherever possible.</li> </ul>	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	
<p>The proposal provides a single vehicle access point directly from Eversleigh Road. The car parking area for the development is located under the upper level play area and will be located behind acoustic fencing and landscaping therefore not dominating the street environment. A pedestrian access point is provided along the western boundary of the site that is separate to the car parking area, therefore prioritising the movement and safety of pedestrians between the street frontage and entrance to the building.</p> <p>Overall, the development has been designed to provide functional and integrated car parking and vehicle access and therefore compliance with the Performance Outcome is achieved.</p>	

ITEM 4.2 DA/42562/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (45 CHILDREN) - 43 EVERSLEIGH ROAD, SCARBOROUGH - 62311110 (Cont.)

Performance Outcome	Example
<p><b>PO76</b> The number of car parking spaces is managed to:</p> <ul style="list-style-type: none"> <li>f. avoid significant impacts on the safety and efficiency of the road network;</li> <li>g. avoid an oversupply of car parking spaces;</li> <li>h. avoid the visual impact of large areas of open car parking from road frontages and public areas;</li> <li>i. promote active and public transport options;</li> <li>j. promote innovative solutions, including on-street parking and shared parking areas.</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Note - Refer to Planning scheme policy - Integrated transport assessment for guidance on how to achieve compliance with this outcome.</p> </div>	<p><b>E76.1</b> Car parking is provided in accordance with Schedule 7 - Car parking.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Note - The above rates exclude car parking spaces for people with a disability required by Disability Discrimination Act 1992 or the relevant disability discrimination legislation and standards.</p> </div>
<p><i>Performance Outcome Assessment</i></p>	
<p>This application seeks a performance solution to allow an alternate car parking rate than what is proposed within Schedule 7 - Car Parking of the MBRC Planning Scheme.</p> <p>Schedule 7 - Car parking suggests a car parking rate of 1 per 5 children and 1 per staff. Based on the proposal for 45 children and 6 staff, this equates to a total of 15 on-site car parking spaces. The proposed development seeks to provide a total of thirteen (13) on-site car parking spaces, representing a rate of approximately 1 space per 6.5 children and 1 per staff, or alternatively 1 space per 3.45 children.</p> <p>In order to achieve a total of thirteen (13) on-site car parking spaces, five (5) of these spaces are proposed to be delivered by way of mechanical car stackers. These stackers are proposed to be lowered so that vehicles are below the ground level and never visible “up in the air”. If approved, conditions recommended to be applied to any approval are that the car stacker system be designed to certain standards/requirements with the submission of a management plan to Council for approval to ensure appropriate measures are put in place. The location and design of the car stackers are shown below;</p> <div style="text-align: center;">  <p>The diagram shows a site plan for a proposed child care centre. The building footprint is on the left. To the right, there are parking spaces labeled 11, 12, and 13. Space 11 is a long row of five spaces with dimensions 9.6 10, 7.8 6, 5.8 6, 3.8 4, and 1.8 2. Spaces 12 and 13 are located below space 11. A 'BIN COLLECTION' area is shown to the right of the parking spaces. 'EVERSLEIGH RD' is labeled vertically on the far right. Text in the center of the plan reads: 'PROPOSED CHILD CARE CENTRE 45 CHILDREN SITE AREA = 680.00 m²'.</p> </div>	

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Performance Outcome	Example
<p data-bbox="469 427 1267 853"> </p> <p data-bbox="316 887 1417 1189">                     It is noted that as part of another Child Care Centre application in the region (12-14 Marylin Terrace, Eatons Hill), Council officers sought an independent peer review of car parking rates to identify if an alternate car parking rate would be suitable. The review provided several recommendations of parking rates based on recent parking data obtained as part of an active Planning and Environment Court matter involving the Sunshine Coast Regional Council in response to the Sunshine Coast Regional Council refusing a development application for a Child Care Centre adjacent to a school due to various factors including carparking. This data was more recent and far more accurate than previous data provided by the applicant through traffic impact assessments and was taken of other Child Care Centres (on the Sunshine Coast).                 </p> <p data-bbox="316 1223 1417 1464">                     Therefore, based on the recommendations of the peer review, it is recommended that the proposed rate of 1 space per 3.45 children be accepted in this instance. This rate is considered appropriate to avoid impacts on the road network and to avoid an oversupply of car parking spaces. It is recognised that the development site adjoins the Scarborough State School and that there are existing traffic impacts in this immediate area relating to peak times of the school. However, this Child Care Centre is a relatively small Centre (45 children) when compared to others in the area (as shown below) and will provide an opportunity for families to complete one (1) stop for both the school and Child Care Centre.                 </p> <p data-bbox="316 1498 903 1527"> <u>Approved Child Care Centre - Children Numbers:</u> </p> <ol data-bbox="316 1534 1118 1637" style="list-style-type: none"> <li>48 Cardinal Crescent, Newport = 91 children (DA/38459/2019)</li> <li>608 Oxley Avenue, Scaborough = 90 children (DA/35570/2018)</li> <li>307 Oxley Avenue, Margate = 132 children (DA/37464/2018)</li> </ol> <p data-bbox="316 1666 1417 1756">                     Overall, if approved, with a recommended condition relating to the design and management of the car stackers and compliance with the condition achieved, the proposal complies with the Performance Outcome.                 </p>	
<p data-bbox="316 1794 756 1850"> <b>PO80</b> On-site landscaping is provided, that:                 </p> <ol data-bbox="347 1883 863 2054" style="list-style-type: none"> <li>a. is incorporated into the design of the development;</li> <li>b. reduces the dominance of car parking and servicing areas from the street frontage;</li> <li>c. retains mature trees wherever possible;</li> </ol>	<p data-bbox="903 1794 1161 1823">No example provided.</p>

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Performance Outcome	Example
<p>d. does not create safety or security issues by creating potential concealment areas or interfering with sightlines;</p> <p>e. maintains the achievement of active frontages and sight lines for casual surveillance.</p> <p>Note - All landscaping is to accord with Planning scheme policy - Integrated design.</p>	
<i>Performance Outcome Assessment</i>	
<p>The proposal plans demonstrate areas of landscaping along the frontage and eastern side of the site. The landscaping along the frontage of the site provides screening to the acoustic fence required to be constructed in accordance with the submitted acoustic report. Further, the landscaping proposed will not create safety or security issues, with play areas overlooking the street for casual surveillance.</p> <p>Therefore, compliance with the Performance Outcome is achieved.</p>	
<p><b>PO81</b> Surveillance and overlooking are maintained between the road frontage and the main building line.</p>	<p><b>E81</b> No fencing is provided forward of the building line.</p>
<i>Performance Outcome Assessment</i>	
<p>This application seeks to incorporate fencing forward of the building, with an acoustic fence to be constructed along the frontage of the site although setback to allow the provision of landscaping. The fencing however does not extend across the full frontage with view lines available at the vehicle cross over. The proposal incorporates windows on the lower level that align with the driveway location therefore allowing surveillance and overlooking from the lower level.</p> <p>In addition, and more relevantly, the design of the Child Care Centre incorporates a large upper level play area that will provide surveillance and overlooking of Eversleigh Road and beyond.</p> <p>Therefore, compliance with the Performance Outcome is achieved.</p>	

2.4.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome PO69 of the General Residential Zone Code - Suburban Neighbourhood Precinct. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows:

Section 6.2.6.2 Suburban neighbourhood precinct 6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
<p>s. The suburban neighbourhood precinct consists of a primarily residential urban fabric providing predominantly low density, low rise, detached housing on a variety of lot sizes with a maximum site density of 15 dwellings per hectare or a maximum site density</p>	<p>N/A</p>	



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Section 6.2.6.2 Suburban neighbourhood precinct		
6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
of 75 dwellings per hectare if complying with b. v. below.		
t. Residential activities consist of: <ul style="list-style-type: none"> <li>vii. Detached dwelling houses, predominantly on traditional lots;</li> <li>viii. Detached dwelling houses on narrow lots and Dual Occupancies where they are dispersed within the streetscape or are located within easy walking distance to services (centre, public transport node, community facilities) or park;</li> <li>ix. Domestic outbuildings are subordinate in appearance and function to the dwelling;</li> <li>x. Retirement facilities, Residential care facilities, and Relocatable home parks are located within easy walking distance of a centre;</li> <li>xi. Multiple dwellings, Rooming accommodation, short-term accommodation and tourist park only establish where they will support a higher order or district centre or a train station by being adjacent (within 400m walking distance) to that higher order or district centre or train station.</li> <li>xii. The built form of concentrated residential uses and managed communities (e.g. multiple dwellings, retirement facilities, residential care facilities, relocatable home parks) are designed to integrate with the surrounding neighbourhood.</li> </ul>	N/A	
u. The design, siting and construction of residential uses are to: <ul style="list-style-type: none"> <li>xii. contribute to an attractive streetscape with priority given to pedestrians;</li> <li>xiii. encourage passive surveillance of public spaces;</li> <li>xiv. result in privacy and residential amenity consistent with the low density residential character of the area;</li> </ul>	N/A	

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Section 6.2.6.2 Suburban neighbourhood precinct		
6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
<ul style="list-style-type: none"> <li>xv. provide a diverse and attractive built form;</li> <li>xvi. provide a low rise built form compatible with its surrounds;</li> <li>xvii. incorporate sub-tropical urban design principles that respond to local climatic conditions;</li> <li>xviii. incorporate sustainable practices including maximising energy efficiency and water conservation;</li> <li>xix. incorporate natural features and respond to site topography;</li> <li>xx. cater for appropriate car parking and manoeuvring areas on site;</li> <li>xxi. be of a scale and density consistent with the low density residential character of the area;</li> <li>xxii. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure.</li> </ul>		
<ul style="list-style-type: none"> <li>v. Home based business can only be established where the scale and intensity of the activity does not detrimentally impact upon the character and amenity associated with the surrounding area. Specifically, Home based business does not include the sale or restoration of more than 4 vehicles in any calendar year or, undertake a mechanical repairs or panel beating activity associated with a business at the subject premises.</li> </ul>	N/A	
<ul style="list-style-type: none"> <li>w. Non-residential uses in the suburban neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.</li> </ul>	Y	The proposed development is a Child Care Centre being a use defined as a community activity in the MBRC Planning Scheme.
<ul style="list-style-type: none"> <li>x. Community activities:                             <ul style="list-style-type: none"> <li>iv. establish in a location that may be serviced by public transport;</li> <li>v. do not negatively impact adjoining residents or the streetscape;</li> <li>vi. do not undermine the viability of existing or future centres.</li> </ul> </li> </ul>	Y	The proposed development is located adjacent to the Scarborough State School. The site is in proximity to two (2) public transport bus stops. The nearest located along Oxley Avenue, approximately 100m from the site, with another bus stop on Scarborough Road, approximately 350m from the development site.

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Section 6.2.6.2 Suburban neighbourhood precinct		
6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
		<p>The proposal is supported by an Acoustic Report that has sufficiently demonstrated that noise impacts from the Child Care Centre will not adversely impact on the adjoining residents through the provision of acoustic fencing and barriers.</p> <p>The proposal will not undermine the viability of existing centres as it is proposing a small, boutique style Child Care Centre that is suited to being co-located with the existing Educational Establishment (Scarborough State School).</p> <p>Therefore, the proposal complies with the Overall Outcome.</p>
<p>y. Corner stores may establish as standalone uses (not part of a neighbourhood hub) where:</p> <p>iv. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region;</p> <p>v. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. The corner store should not be within 1600m of another corner store, neighbourhood hub or centre measured from the centre of the corner store, neighbourhood hub or centre;</p> <p>vi. they are appropriately designed and located to include active frontages.</p>	N/A	
<p>z. Retail and commercial activities (excluding Service stations):</p> <p>vi. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub;</p> <p>vii. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange;</p>	N/A	

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Section 6.2.6.2 Suburban neighbourhood precinct		
6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
<ul style="list-style-type: none"> <li>viii. are of a small scale, appropriate for a neighbourhood hub;</li> <li>ix. do not negatively impact adjoining residents or the streetscape;</li> <li>x. are subordinate in function and scale to all centres within the region.</li> </ul>		
<p>aa. Service stations:</p> <ul style="list-style-type: none"> <li>vi. establish where they will not disrupt, fragment or negatively impact active frontages (e.g. within a neighbourhood hub);</li> <li>vii. establish on heavily trafficked roads where the amenity of surrounding residential uses is already subject to impacts by road vehicle noise;</li> <li>viii. establish in locations that will not have a negative impact on the street environments intended to include active frontages (e.g. Neighbourhood hubs or centres);</li> <li>ix. do not negatively impact adjoining residents or the streetscape;</li> <li>x. ancillary uses or activities only service the convenience needs of users.</li> </ul>	N/A	
<p>bb. The design, siting and construction of non-residential uses:</p> <ul style="list-style-type: none"> <li>vii. maintains a human scale, through appropriate building heights and form;</li> <li>viii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces (excluding Service stations);</li> <li>ix. provides for active and passive surveillance of road frontages, movement corridors and public spaces;</li> <li>x. promotes active transport options and ensures an oversupply of car parking is not provided;</li> <li>xi. locates car parking so as not to dominate the street;</li> </ul>	Y	<p>The design and siting of the proposed Child care centre is appropriate for the residential locality in that it has play areas facing the street for casual surveillance. The proposed built form and building materials contribute to providing a development that is of a scale consistent with the residential Dwelling houses.</p> <p>Landscaping has been provided along the frontage of the site to balance the built form and contribute positively to the street.</p> <p>Car parking is within an undercroft area that is not visually dominant when viewed from the street and the proposed number of spaces for</p>

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Section 6.2.6.2 Suburban neighbourhood precinct		
6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
<p>xii. does not result in large internalised shopping centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking.</p>		<p>the facility are appropriate to facilitate the development. The site is appropriately located in that it is adjacent to the Scarborough State School and within proximity to two (2) bus stops.</p> <p>Therefore, the proposal complies with the Overall Outcome.</p>
<p>cc. Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where:</p> <p>vi. it is of a scale that remains subordinate to all centres within the region;</p> <p>vii. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node;</p> <p>viii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. New neighbourhood hubs are to service a currently unserved catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or centre measured from the centre of each hub or centre;</p> <p>ix. for a new neighbourhood hub, it is located on sub-arterial or collector road;</p> <p>x. they are appropriately designed and located to include active frontages around a 'main street' core and are staged where relevant to retain key (highly accessible) sites for long term development.</p>	<p>Y</p>	<p>The proposal is a community activity immediately adjacent to an existing standalone mapped community activity that combined by definition under the planning scheme is arguably the creation of a neighbourhood hub being;</p> <p><i>“A cluster of non-residential uses. A conveniently located public place that is recognised and valued in the local community as a gathering place for people, and an access point for a wide range of community activities, programs, services and events”</i></p> <p>Having regard to the Overall Outcome, the proposal is simply 2 community activities (being essentially non retail) that will be subordinate to other neighbourhood hubs and will not cause or result in catchment overlap based on the nature of the uses (school and child care centre) that based on the nature of the uses warrants proximity to other hubs that can compliment the 2 community activities.</p> <p>Eversleigh Road is a District Collector and therefore a higher order road satisfying clause (iv) .</p> <p>Lastly, the proposal is well designed with the upper level play area activating the frontage that in combination with the pedestrian entrance will assist in creating a 'main street' presence for the</p>

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Section 6.2.6.2 Suburban neighbourhood precinct		
6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
		community activities to Eversleigh Road.  Therefore, the proposal complies with the Overall Outcome.
dd. General works associated with the development achieves the following: <ul style="list-style-type: none"> <li>vi. 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>vii. the development manages stormwater to:                             <ul style="list-style-type: none"> <li>E. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</li> <li>F. prevent stormwater contamination and the release of pollutants;</li> <li>G. maintain or improve the structure and condition of drainage lines and riparian areas;</li> <li>H. avoid off-site adverse impacts from stormwater.</li> </ul> </li> <li>viii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</li> <li>ix. the development ensures the safety, efficiency and useability of access ways and parking areas;</li> <li>x. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</li> </ul>	Y	The development provides a high standard of services and infrastructure to facilitate the Child Care Centre.  Stormwater will be managed appropriately to ensure stormwater discharge does not adversely impact on downstream properties.  The development will not result in unacceptable impacts on the capacity and safety of the external road network and ensures the safety, efficiency and useability of pedestrian access and car parking areas.  Any earthworks will have minimal impacts on adjoining premises or the streetscape.  Therefore, the proposal complies with the Overall Outcome.
ee. Activities associated with the use do not cause a nuisance by way of	Y	The proposed development will not involve activities that may result in

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Section 6.2.6.2 Suburban neighbourhood precinct		
6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
aerosols, fumes, light, noise, odour, particles or smoke.		<p>the cause of nuisance by way of aerosols, fumes, particles or smoke.</p> <p>Light and odour (from waste bins) can be managed and controlled by way of conditions to ensure no nuisance is created and are recommended in any approval given.</p> <p>The applicant has sufficiently demonstrated that noise impacts associated with the Child Care Centre use will be minimised through the siting and orientation of the built form, play areas and acoustic barriers.</p> <p>Therefore, compliance with the Overall Outcome is achieved.</p>
ff. 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.	Y	<p>The applicant has sufficiently demonstrated that noise impacts associated with the Child Care Centre use will be minimised through the siting and orientation of the built form and play areas, and acoustic barriers.</p> <p>Therefore, compliance with the Overall Outcome is achieved.</p>
gg. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	N/A	
hh. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.	N/A	
ii. Development avoids areas subject to constraint, limitation, or environmental value...	N/A	
jj. Development in the Suburban Neighbourhood Precinct includes 1 or more of the following:  Child Care Centre	Y	A Child Care Centre is identified as a use that is consistent and anticipated within the Suburban Neighbourhood Precinct of the General residential zone.



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Section 6.2.6.2 Suburban neighbourhood precinct		
6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
		Therefore, compliance with the Overall Outcome is achieved.

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

2.5 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).

2.5.1 Levied Charge

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal and has been calculated taking into consideration any applicable credits or offsets.

2.5.2 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

The land is currently being used for a Dwelling House having 3 or more bedrooms. Accordingly, the credit available under this option is \$18,406.59 based on a 3-bedroom residential dwelling and the proportional split stated in Table 3 of the CR.

(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 \$18,406.59 based on a 3-bedroom residential dwelling and the proportional split stated in Table 3 of the CR.

2.5.3 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.

2.5.4 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;

- (1) (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



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AND

- (2) 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.

2.6 Recording of particular approvals on the MBRC Planning Scheme  
Not Applicable in this instance.

2.7 Referrals  
*2.7.1 Council Referrals*

***2.7.1.1 Development Engineering***

Traffic, Access & Parking

The arrangement of the driveway and refuse collection area has resulted in a requirement to rearrange the on-road parking bays, with a recommended condition of this report including a condition to relocate the on-road car parking bay.

***2.7.1.2 Environmental Health***

The application was referred to Environmental Health for review. The following comments were provided:

Acoustic Amenity

A Noise Assessment Report by Noise Measurement Services has been provided in support of the development application. The report has correctly referenced Planning Scheme Policy - Noise and adequately evaluated the potential acoustic impacts to and from the proposed Child Care Centre. It was determined that noise attenuation measures were required in order to ameliorate some impacts. These measures included the installation of acoustic barriers and building treatments. The findings of the report are accepted and a recommended condition requires the acoustic attenuation measures to be provided in accordance with the recommendations of the report.

Waste Management

The applicant is proposing to use individual wheelie bins for the centre. These will be serviced at the kerbside of Eversleigh Road. A bin storage area is provided at the front of the site. To ensure odour nuisance does not result, the bin storage area is enclosed on three (3) sides and has a roof.

The proposed refuse arrangements are accepted and therefore a recommended condition requires the development to manage waste in accordance with the waste management arrangements identified on the approved plan and provide a bin wash down facility.

*2.7.2 Referral Agencies*

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

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

***2.7.2.2 Advice Agencies***

There were no Advice Agencies involved in assessing this application.

ITEM 4.2 DA/42562/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (45 CHILDREN) - 43 EVERSLEIGH ROAD, SCARBOROUGH - 62311110 (Cont.)

**2.7.2.3 Third Party Agencies**

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

**2.8 Public Consultation**

*2.8.1 Public Notification Requirements under the Development Assessment Rules*

- (a) Public Notification was served on all adjoining landowners on 11 March 2021.
- (b) The development application was advertised in the Redcliffe and Bayside Herald on 11 March 2021.
- (c) A notice in the prescribed form was posted on the relevant land on 11 March 2021 and maintained for a period of 15 business days.

*2.8.2 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		3
	Petition	0	0
Not Properly Made	Letter, Email, Fax		0
	Petition	0	0
<b>Total</b>			<b>3</b>

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p><b>Issue - Traffic Congestion</b></p> <ul style="list-style-type: none"> <li>• Increased traffic congestion due to the proposed Child Care Centre being directly adjacent to a large Primary School</li> <li>• As residents of 20 years we are very aware of the critical state of traffic flow especially during Scarborough school start and finish times</li> <li>• Parents already illegally park rather than walk 50 metres</li> <li>• It is not difficult to anticipate that the proposed new facility will significantly amplify the current parking stress as it concentrates the need for access to a very small area already stressed</li> <li>• It is realised that some parents will be utilising this facility at times other than regular school times but it's obvious many will seek access during school times</li> <li>• The proposals statement of the anticipated hours of high access being different from school times is not reassuring as I suspect those statistics are based on situations where Day Care Centres are not located directly adjacent to a large school</li> <li>• The proposed Child Care Centre plan does provide some off street parking. It is extremely difficult to envisage parents utilising this especially at busy times as the footpath and road is packed making entering and leaving very difficult and potentially dangerous especially for young, unaccompanied school children</li> <li>• Anecdotal evidence from teachers of the school indicates problems with their dedicated driveway into their onsite parking, where parents often will park in the driveway, thus making access very difficult. Perhaps not an overreach to anticipate similar problems with the Centre</li> <li>• Proximity to the school makes drop offs and pickups almost impossible</li> <li>• The traffic around the school is already bad and such a proposed Centre would only heighten the problem</li> </ul>

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Assessment of Submissions
<ul style="list-style-type: none"> <li>Teachers already park in the side streets with the need for policing and I would see this becoming a further issue for the area and stretching public resources further</li> </ul>
<p><b>Discussion:</b></p> <p>The submitter concerns are acknowledged, and it is recognised that the existing school traffic would create congestion at peak times. It is further recognised that the addition of a Child Care Centre may create additional traffic impacts through peak times when parents are dropping off and picking up their children. However, there is also potential for some families who already attend the school to complete one (1) stop for both the school and Child Care Centre. Further, the proposed Child Care Centre only seeks to cater for forty-five (45) children which is smaller than other centres within the region as shown below:</p> <ol style="list-style-type: none"> <li>Newport Child Care Centre - 48 Cardinal Crescent = 91 children (DA/38459/2019)</li> <li>608 Oxley Avenue, Scaborough = 90 children (DA/35570/2018)</li> <li>307 Oxley Avenue, Margate = 132 children (DA/37464/2018)</li> </ol> <p>The development proposes a total of thirteen (13) on-site car parking spaces that was increased from the nine (9) originally proposed when the development application was publicly notified. This now includes the provision of five (5) car stackers that will be used along the boundary adjoining the existing school (not adjoining existing residents). The applicant has advised that a total of six (6) staff will be on-site during the peak morning and afternoon drop off and pick up periods. This therefore provides a total of seven (7) car parking spaces to be utilised by parents in peak times.</p> <p>The Planning Scheme seeks Child Care Centre's to provide on-site car parking at a rate of one (1) per staff and one (1) per five (5) children, equating to fifteen (15) spaces in this instance (45 children; 6 staff). As thirteen (13) spaces are to be provided a performance solution is sought to allow the slightly reduced number of car parking spaces (shortfall of 2).</p> <p>As discussed in the assessment of the proposal against Performance Outcome PO76 above in section 2.4.3 of this report, a peer review of the car parking supply for a different proposal adjacent to a school has recommended a car parking rate of 1 space per 3.42 children. When applying that rate to this proposed Child Care Centre consisting of 45 children, thirteen (13) on-site car parking spaces are required noting that includes provision for staff parking. It is on this basis that Council officers have negotiated with the applicant to increase the originally proposed 9 spaces to 13 representing a 45% increase.</p> <p>In reference to traffic, Council offices have assessed the proposal and as Eversleigh Road is a District Collector Road with a carriageway width of 13.5m along the frontage of the site, the road has been determined to have sufficient capacity to accommodate the demands of the development without safety concerns or risks at the driveway access location.</p> <p>Overall, although it is recognised that the existing school traffic creates congestion at peak times and that the proposal may add in some small way to the traffic, the proposed Child Care Centre is a relatively small centre and provides appropriate on-site car parking to cater for the demand of the centre with Eversleigh Road itself having sufficient carrying capacity.</p> <p>Therefore, the items raised are not sufficient grounds for refusal of the application.</p>

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Assessment of Submissions
<p><b>Issue - Amenity</b></p> <ul style="list-style-type: none"><li>• On a study of the plans it appears the construction will come within 3 metres of my property back boundary. As it will be a double storey building with classrooms on the top level privacy at the back of my property will be lost</li><li>• Noise will likely carry from the top level down over the boundary fence</li><li>• Council needs to consider its rate payers and allow them peaceful enjoyment of their property</li><li>• I would also be concerned with the height of the boundary fencing. There appears to be a lack of sound proofing from around the back play area which will be disturbing to neighbours on all sides. I know we are located beside the Scarborough State School, however it has been designed that all major play areas are in spaces away from residential housing</li><li>• Where will the air conditioning units be located? The constant humming noise from the commercial equipment can be extremely annoying both day and night</li></ul>
<p><b>Discussion:</b></p> <p>This application seeks to demolish an existing 2 storey Dwelling house and construct a 2 storey Child Care Centre. The site adjoins the Scarborough State School to the west, with existing residential dwellings to the east and south.</p> <p>It is acknowledged that there are potential amenity issues that can arise with the commencement of a Child Care Centre. To address any potential noise concerns, the applicant has as part of the application submitted a Noise Assessment Report that provides recommendations as to how the proposal can prevent any potential noise impacts.</p> <p>Recommendations of the report includes the following (also refer to below images):</p> <ol style="list-style-type: none"><li>i. provision of a 2m high acoustic fence around the east, west and south of the site, with a portion of acoustic fence at the front of the site;</li><li>ii. provision of upper floor acoustic screening (around outdoor play areas);</li><li>iii. 0.8m acoustic valance adjacent to the two (2) car parking spaces adjoining the residential dwelling to the east; and</li><li>iv. Limit the use of the outdoor play areas to the hours of 7am to 6pm.</li></ol> <p>If this application is approved, it is recommended that a condition of any approval require the use to comply with the recommendations of this Noise Assessment Report.</p>

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Ground level

First level

A concern has also been raised with regards to the location and running of air conditioning units. The submitted noise report has indicated that the precise type and siting of air conditioning plant has not been determined at this stage and that a detailed plant noise assessment can be conducted, if required, at the Building Approval stage. In order to ensure no amenity issues arise relating to mechanical ventilation or air-conditioning, if approved, it is recommended a condition be applied requiring the results of on-site noise monitoring of mechanical plant and equipment including air conditioning and car stackers be provided to Council with mitigation measures to ensure there is no impact on neighbours.

With regards to privacy, it is acknowledged that windows are proposed at the rear of the building on the top level (refer to below image). However, a 3m setback has been proposed and is appropriate with the dwelling on the southern adjoining lot setback approximately 9m from their rear boundary. Further, if a new Dwelling house were to be constructed on this lot it could have a similar setback in accordance with the requirements of the Queensland Development Code. If approved, it is recommended a condition be applied to any approval given requiring privacy screening in any windows on the upper southern and eastern elevations of the building to limit any overlooking to the private open space of neighbours.

Overall, the items raised are not sufficient grounds for refusal of the application particularly with the inclusion of recommended conditions relating to acoustic amenity.

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Assessment of Submissions
<p><b>Issue - Need</b></p> <ul style="list-style-type: none"> <li>• There is another Child Care Centre within minutes of this place that was only opened this year</li> <li>• The school already has before and after care available</li> <li>• With a Child Care Centre already within 500m of the Scarborough State School, does the area warrant another Centre</li> </ul>
<p><b>Discussion:</b></p> <p>The comments received by the submitters are acknowledged and it is recognised that a Child Care Centre has commenced operating at 607 Oxley Avenue, Scarborough. Further, it is understood that Scarborough State School collaborates with the PCYC to provide outside school hours care.</p> <p>However, the MBRC Planning Scheme does not require the submission of a needs assessment to demonstrate the economic need and viability of a Child Care Centre and therefore this is not a planning matter to be considered.</p> <p>Therefore, the items raised are not sufficient grounds for refusal of the application.</p>

2.8.3 *Notice of Compliance*

The Notice of Compliance was received by Council on 6 April 2021. 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.

2.9 Other Matters  
None identified.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

The applicant and submitters 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  Nil identified

3.5 Delegated Authority Implications  Nil identified

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) Permit conditions require infrastructure contributions to Council.

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay Region.

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3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Refer to clause 2.8.

**SUPPORTING INFORMATION**

**Ref: [62311109](#), [62394953](#) & [62395459](#)**

The following list of supporting information is provided for:

**ITEM 4.2**

**DA/42562/2020/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (45 CHILDREN) - 43 EVERSLEIGH ROAD, SCARBOROUGH**

**#1 Aerial Map**

**#2 Zoning Map**

**#3 Locality Plan**

**#4 Approved Plans**

**#5 Submissions**



**ITEM 4.3**

**DA/42661/2020/V23R - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK AND SALES OFFICE (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (1 INTO 102 LOTS) - DIVISION 9 - LOT 1 WARNER ROAD, WARNER (LOT 1 RP92508)**

**APPLICANT: Ausbuild Development Corp Pty Ltd ACN 168 741 455 C/- Peakurban Pty Ltd PO Box 1344**

**OWNER: Ausbuild Development Corp No 11 Pty Ltd**

Meeting / Session: 4 PLANNING  
Reference: 61883228 : 30 June 2021 – Refer Supporting Information 62372509, 62372528, 62372543, 62372561 & 62456838  
Responsible Officer: WM, Principal Planner (PL Development Services)

**Executive Summary**

This report is being presented to the Council for a decision as it involves a variation to Council’s Planning Scheme and Council officers do not have delegation to decide variation development applications. Therefore, Council is the only entity authorised to decide the development application.

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Ausbuild Development Corp Pty Ltd ACN 168 741 455 C/- Peakurban Pty Ltd PO Box 1344
<b>Lodgement Date:</b>	22 December 2020
<b>Properly Made Date:</b>	14 January 2021
<b>Confirmation Notice Date:</b>	29 January 2021
<b>Information Request Date:</b>	5 February 2021
<b>Info Response Received Date:</b>	1 March 2021
<b>Public Notification Dates:</b>	8 March 2021 to 23 April 2021
<b>No. of Submissions:</b>	Properly Made: 817 Not Properly Made: 21 Total: 838
<b>Decision Due Date:</b>	21 July 2021

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	9
<b>Property Address:</b>	Lot 1 Warner Road, Warner
<b>RP Description</b>	Lot 1 RP92508
<b>Land Area:</b>	11.3995ha
<b>Property Owner</b>	Ausbuild Development Corp No 11 Pty Ltd

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	MBRC Planning Scheme v4
<b>Planning Locality / Zone</b>	Rural Residential zone
<b>Level of Assessment:</b>	Impact, Variation

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This development application seeks;

- (a) a Preliminary Approval for a Material Change of Use for Dwelling Houses, Home Based Business, Park and Sales Office (including a variation request to vary the effect of the MBRC Planning Scheme 2016); and
- (b) Reconfiguring a Lot - Development Permit for Subdivision (1 into 102 lots)

at Lot 1 Warner Road, Warner (**Site**).

The application was properly made on 14 January 2021 and has undergone Impact Assessment with public notification occurring between 8 March 2021 and 23 April 2021. A total of 838 submissions were received of which 817 were properly made and 21 not properly made. Of the 817 properly made submissions, 382 were opposed to the development application while 434 were in support, with 1 submission being neutral. The application has progressed to the decision part of the assessment process and has been referred to Council for a decision as Council officers do not have delegation to determine the development application as it contains a variation request.

#### OFFICER'S RECOMMENDATION

- A. That Council approve the development application for a Preliminary Approval for a Material Change of Use for Dwelling Houses, Home Based Businesses, Park and a Sales Office at Lot 1 Warner Road, Warner more accurately described as Lot 1 RP92508, subject to the Conditions contained in Annexure A to this report; and
- B. That Council approve the Variation Request to vary the effect of the MBRC Planning Scheme in the manner specified in Annexure B to this report; and
- C. That Council approve the development application seeking a Development Permit for Reconfiguring a Lot (1 into 102 lots) at Lot 1 Warner Road, Warner more accurately described as Lot 1 RP92508, subject to the Plans/Documents and Conditions contained in Annexure C to this report; and
- D. That a Decision Notice be given to the applicant about the decisions made under Items A, B & C that is to include the information contained in Annexure D to this report; and to publish to the Council website the Council report for this application as part of the statement of reasons; and
- E. That once the development approval takes effect, that under section 89 of the *Planning Act 2016* the development is to be noted on the Moreton Bay Regional Council Planning Scheme due to the approval including a variation approval given under section 61 of the *Planning Act 2016*; and that a notice be given of the notation and the premises to which the note relates to the Chief Executive.

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## **REPORT DETAIL**

### **1. Background**

The site is zoned Rural Residential and is affected by the Rural residential lot sizes overlay map specifying that the site should not be subject to further rural residential reconfiguration. The Purpose of the Rural Residential zone code states at overall outcome 3.e. that *“Development does not fragment, pre-empt or compromise the potential for development in areas identified as potential future growth fronts for urban purposes beyond the life of the planning scheme”*. A note below this outcome then states; *“The potential future growth areas are shown on Overlay map - Rural residential lot sizes as having no further subdivision”*. Therefore, the identification of the site on the Rural Residential Lot Size overlay as no further reconfiguration is an indicator of the intent for the site as being a potential future growth area.

Section 3.13.4.4.1.9 of the Planning Scheme identifies the Warner Investigation Area (**WIA**), bounded by Kremzow Road to the north, Old North Road and South Pine Road to the east, Eatons Crossing Road in the south and existing rural residential development to the west as an area for further investigations to determine its development potential and future use. The majority of the area, in the vicinity of Warner Road and to the south, is expected by the planning scheme to remain largely rural residential in nature until the area can be developed in an efficient and cohesive manner. The Investigation Area is mapped on the Planning Scheme Strategic Framework Map.

As a result of this designation within the Planning Scheme, Council commenced a structure planning process with landowners in the WIA, Unity Water and the Department of Transport and Main Roads. It was subsequently concluded as a result of that work that subject to appropriate upgrading of the existing infrastructure networks, that parts of the area were suitable for urban residential development. A major amendment to the Planning Scheme was then commenced by the previous Council that would, inter alia, include land in the WIA (including the Site) within the Emerging Community zone, Transition precinct. As a consequence of public consultation and community feedback on the draft amendment, the area to be included was reduced to that generally north of Conflagration Creek. The Emerging Community zone, Transition precinct would have identified the land as suitable for future urban development subject to infrastructure servicing limitations or site constraints.

On 14 December 2017, MBRC formally resolved to proceed with the major amendment to its planning scheme including the WIA amendments. The whole of the proposed major amendment to the Planning Scheme was refused by the State Government in October 2018. Relevantly, the letter of decision by the Minister to the Council makes no specific reference to the WIA but instead more broader matters.

As a result, and since then, MBRC has seen individual landowners lodge separate and concurrent development applications for residential uses on land contained in the WIA. Two variation applications are now approved; one via Appeal to the Planning and Environment Court after refusal by Council (**Ausbuild 1**) while the other remains within the applicant’s appeal period as conditions of approval are being negotiated with Council officers (CSR). This is the first variation application in the area that has been lodged over land in the Rural Residential zone (previous applications have been made over land located in the Industry Zone).

### **The Proposal**

In order to achieve residential uses (Houses) on Site, the application seeks initially to vary the effect of the MBRC planning scheme by applying the General Residential zone - Next Generation Neighbourhood precinct to 6.0886 hectares with the Environmental Management and Conservation Zone proposed to apply to 3.84 hectares and the Recreation and Open Space zone proposed to apply to 1.3724 hectares. This is shown in the image below;

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In addition, the proposal, as discussed in more detail in section 3.3.2 of this report, seeks to also vary the effect of the following overlays:

- (i) Environmental Areas Overlay; and
- (ii) Bushfire Hazard Overlay.

Lastly, the proposal as discussed in section 3.3.2.2 of this report also seeks to amend Table 9.3.1.5 in the Dwelling House Code by proposing alternative side and rear boundary setbacks of future dwelling houses on the proposed lots.

The application then seeks a Preliminary Approval for a Material Change of Use for Dwelling Houses, Home Based Business, Park and Sales Office. Dwelling Houses are proposed to be delivered in the General Residential Zone portion of the site at a density consistent with the Next Generation Neighbourhood Precinct at a density of no greater than 16.75 lots/ha consistent with the Ausbuild 1 approval to the immediate east. Home Based Businesses and any Sales Office would also be limited to this portion of the site. The Park land use is proposed instead to be delivered in the proposed Recreation and Open Space Zone portion of the site.

A Development Permit for Reconfiguring a lot is then sought which will be undertaken in stages whereby the first stage (2A) involves a 1 lot into 5 management lot subdivision as shown in Figure 1 below.

This will provide for one management lot (proposed Lot 5) to be further subdivided for residential allotments that have been labelled on the detailed subdivision plans as Stages 3 & 4 (refer to Figure 2 below) of the overall Ausbuild development, where Stages 1 and 2 are within the Ausbuild 1 approval to the immediate east that this development will connect to. In reference to the other proposed management lots, proposed Lots 2 and 3 will be transferred to the Council as park lots for a new Local Park while proposed Lot 1 will be transferred to the Council as an Environmental Management and Conservation lot being the location of identified Wallum Froglets as well as part of an east/west koala corridor.

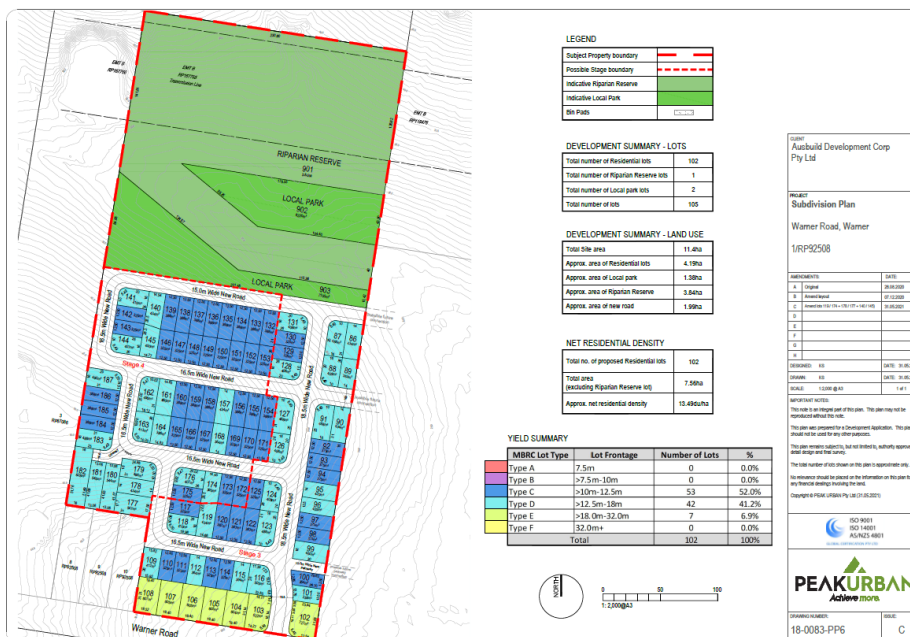
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Proposed Lot 4 will be dedicated as new road to provide a physical and legal connection between the Ausbuild 1 approval to the east and the proposed Local Park (Lots 2 and 3). The management lot subdivision is also necessary as it is a requirement of the Ausbuild 1 development approval that the dedication of Lot 4 as road reserve and transfer of Lots 1, 2 and 3 to Council is to occur before or concurrently with any residential lot being created in the Ausbuild 1 development.



**Figure 2: Stage 2A Subdivision Plan**

Subsequent to Stage 2A being carried out, it is then proposed to carry out Stages 3 and 4 of the reconfiguration that involves the creation of 102 residential lots (Figure 2). As shown on the plan, none of the proposed lots are to have a frontage of less than 10 metres and all of the proposed lots along the Warner Road frontage will have a minimum size of 600m<sup>2</sup>. The proposal is consistent with and connects to the previously approved Ausbuild 1 development.



**Figure 3: Stage 3 & 4 Subdivision Plan**

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**2. Explanation of Item**

**2.1 Description of the Site and Surrounds**

The Site is located within close proximity to a diverse range of land uses such as:

- Rural residential land uses to the south and west;
- Approved residential development at Lot 2 and 54 Warner Road, Warner (**Ausbuild 1**);
- Former extractive resources and sand blasting to the north (CSR and Mordar Investments sites respectively);
- Warner Lakes residential estates located approximately 1km to the north;
- The greater Brendale Industrial Area located approximately 1km to the north-east;
- The South Pine Sporting Complex and Wantima Country Club located approximately 700m and 1.5km to the south east.

The Site is also located in close proximity to transport infrastructure and services including:

- Strathpine Train Station is located approximately 3km to the north-east; and
- Eatons Hill State School and the Eatons Hill Woolworths are located approximately 2 km to the south; and
- Strathpine Retail/Commercial Area (Strathpine Centre) is located approximately 3km to the north-east.

Directions	Planning Scheme Zone	Current Land Use
North	Industry	Vacant land (Mordar former sandblasting)
South	Rural Residential	Rural residential detached dwellings
East	<ul style="list-style-type: none"> <li>• General Residential - Next Generation Neighbourhood Precinct;</li> <li>• General Residential - Suburban Neighbourhood Precinct;</li> <li>• Industry (Light Industry); and</li> <li>• Rural Residential.</li> </ul>	<ul style="list-style-type: none"> <li>• General residential - Dwelling Houses;</li> <li>• Industry - General industrial activities;</li> <li>• Rural residential - generally vegetated Site.</li> </ul>
West	Rural Residential	Rural residential detached dwellings

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

The *Planning Regulation 2017* (the Regulation) prescribes Assessment Benchmarks that the assessment must be carried out against, that are additional or alternative to the Assessment Benchmarks contained in the MBRC Planning Scheme.

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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> <u>From Schedule 10 of the Regulation:</u> <ul style="list-style-type: none"> <li>• Part 10: Koala Habitat Area – Schedule 10 of the <i>Planning Regulation 2017</i></li> </ul>
<b>SEQ Regional Plan Designation:</b>	<ul style="list-style-type: none"> <li>• Urban Footprint</li> </ul>
<b>Koala Habitat Designation:</b>	<ul style="list-style-type: none"> <li>• Priority Koala Assessable Development Area</li> </ul>

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 benchmark - liveable communities</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from <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> </ul>	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.

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	<p>(d) the release and mobilization of nutrients and sediments.</p> <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>	
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <p>(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is:</p> <p>(a) coastal dependent development; or</p> <p>(b) temporary, readily relocatable or able to be abandoned development; or</p> <p>(c) essential community infrastructure; or</p> <p>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</p> <p>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) 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> <p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply based on the technical reports submitted with the development application.</p>



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	<p>(5) 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>(6) 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>(7) 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>	
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	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.

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

Koala Habitat Area

The site is located in a Priority Koala Assessable Development Area or 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.

**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**

In accordance with section 1.7.2 of the MBRC Planning Scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework.

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.

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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 (SEQ Regional Plan)* 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.

Section 3.14 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 Rural Residential Place Type of the MBRC Planning Scheme while also being identified as an Investigation Area.

While an assessment against section 3.14 has been made, an assessment has also been made against those Strategic Outcomes applicable to the proposal and are discussed as follows:

Strategic Outcome	Comply	Assessment
<b>Theme - Sustainability and Resilience</b>		
<p><i>Design and site development and infrastructure using sustainability and urban design principles to reflect the Region's subtropical climate, reinforce local character and achieve innovation and design excellence.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>All development, including buildings and infrastructure, will incorporate subtropical design principles, including orientation, siting and passive climate control, in the planning, design and delivery process to minimise land consumption and service costs and improve design of new development;</li> <li>The design and orientation of all buildings and allotments will take advantage of the Region's climate and reduce the use of energy, especially for cooling and heating, in accordance with sub-tropical design principles and climate smart initiatives;</li> <li>The level of water and energy consumption will be reduced by:</li> </ol>	<b>Yes</b>	<p>The proposal seeks a Preliminary Approval for a Material Change of Use for Dwelling Houses, Home Based Business, Park and Sales Office (including a variation request to vary the effect of the MBRC Planning Scheme 2016) and a Reconfiguring a Lot - Development Permit for Subdivision (1 into 102 lots). Accordingly, there is no specific building design elements to the proposal submitted. However, the layout of the development and the proposed provision of infrastructure is consistent with the urban design principles and sustainability requirements articulated in the codes and policies in the MBRC Planning Scheme.</p> <p>The orientation of the lots is developed in a manner which takes advantage of the region's climate.</p> <p>The development outcomes will result in the delivery of affordable residential lots to help meet the housing needs of the community while also providing rehabilitated / revegetated land to the community for environmental purposes</p>

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Strategic Outcome	Comply	Assessment
<p>a. encouraging the use of climate smart initiatives;</p> <p>b. implementing the Moreton Bay Regional Council's Total Water Cycle Management Plan; and</p> <p>c. avoiding land use change and development that has adverse impacts on land, water and air quality and is associated with environment, health and safety concerns; and</p> <p>4. Development outcomes are focused on creating multiple benefits to the community, the economy and the environment.</p>		<p>supported by the infrastructure necessary.</p>
<p><i>Greenhouse gas emissions are reduced from development, land management and other planning decisions in the region.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Support relevant sustainable/ alternative energy strategies, policies and projects that assist in the production of a decentralised energy grid and support smart grid initiatives;</p> <p>2. Incorporate planning and design measures in development, land management and other planning decisions to reduce greenhouse gas emissions in accordance with climate smart design principles, Next Generation Planning handbook planning principles and smart growth principles;</p> <p>3. Reduce greenhouse gas emissions from transport fuel consumption by adopting patterns of urban development that reduce the need to travel and the distance travelled and by facilitating an increase in provision of active and public transport alternatives;</p> <p>4. Improve energy efficiency through siting, design, construction and use of demand management technologies to reduce greenhouse gas emissions from electricity use;</p> <p>5. Increase the local provision of renewable energy and low emission technology in appropriate locations;</p>	<p><b>Yes</b></p>	<p>The proposed development reflects the principles of reducing greenhouse gas emissions by providing active transport infrastructure. Similarly, the proposal will designate 3.84ha as Environmental Management and Conservation zone and 1.38ha of local recreation park.</p>

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Strategic Outcome	Comply	Assessment
<p>6. Increase stored carbon through the retention or planting of trees or other vegetation, and other land management practices that also provide sustainability and amenity outcomes; and</p> <p>7. Develop urban and peri-urban agriculture strategies, policies and projects that support local sustainable commercial and community food growing in the region to assist in reducing emissions and transport costs.</p>		
<p><i>The resilience of communities, development, essential infrastructure, natural environments and economic sectors to natural hazards including projected changes in weather is increased.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Respond to the risk from natural hazards, including projected changes in weather, by avoiding areas with high exposure and establishing adaptation strategies to minimise vulnerability to riverine flooding, storm tide, coastal erosion, bushfires and landslides;</p> <p>2. Respond to the risk from natural hazards, including projected changes in weather, by establishing adaptation strategies to minimise vulnerability to heatwaves and high temperatures, reduced and more variable rainfall, cyclones and severe winds, and severe storms and hail; and</p> <p>3. Recognise and respond to changes in urban climates due to land use conversion and urban heat island effect from increased development intensity.</p>	<p><b>Yes</b></p>	<p>The single critical natural hazard applicable to the Site is bushfire, the overlay map of which is proposed to be varied as part of this application.</p> <p>Significant variations to the Bushfire Hazard Overlay map are proposed with the development proposal based on a site specific assessment in combination with the development of a Bushfire Hazard and Mitigation Plan for the Site. Site specific responses are proposed to minimise bushfire risks from the existing vegetation to be retained and revegetated corridors that are proposed.</p>
<p><i>Identify people, economic sectors and areas that are at risk due to oil supply vulnerability and increase their resilience to the effects of oil supply vulnerability.</i></p> <p><u>Specific Outcomes</u></p>	<p><b>Yes</b></p>	<p>The proposed development responds to oil supply vulnerability by providing active transport infrastructure and being located in an area in close proximity to commercial and employment centres, schools and the like.</p>

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Strategic Outcome	Comply	Assessment
<p>Manage risks and reduce impacts on people, economic sectors and areas from the effects of oil supply vulnerability by:</p> <ul style="list-style-type: none"> <li>a. Designing development to encourage walking, cycling and public transport use to access local shopping facilities and employment locations, and early provision of public transport services;</li> <li>b. ensuring transport infrastructure and service investment actively reduces oil dependence, particularly for trips that could be undertaken by public or active transport; and</li> <li>c. reducing the length of trips and dependence on oil by localising access to goods, services and employment opportunities.</li> </ul>		<p>The subject site is within 900 metres of a public transport route on South Pine Road.</p>
<p><i>The adverse effects of development on land, air quality and noise levels are avoided in the first instance, mitigated and managed to within acceptable levels and environmental harm is avoided.</i></p> <p><u>Specific Outcomes</u></p> <ul style="list-style-type: none"> <li>1. Development minimises the adverse effects of land degradation;</li> <li>2. In areas where land degradation has occurred, the land is restored to a healthy, self-sustainable and stable condition;</li> <li>3. Development does not lead to adverse impacts on air quality by contamination; and</li> <li>4. Development does not lead to environmental harm or nuisance through unacceptable levels of noise.</li> </ul>	<p><b>Yes</b></p>	<p>Substantial areas of land are proposed to be transferred to the Council with the development proposal and previously cleared areas are proposed to be revegetated to resemble their original regional ecosystem.</p> <p>Given the proposed use, being primarily residential allotments, no Noise Impact Assessment was required as it is expected that noise pollution as a result of the proposal would be low and consistent with the amenity of the area.</p>
<p><b>Theme - Natural Environment and Landscape</b></p>		
<p><i>Biodiversity and associated ecosystem services of the Moreton Bay Region will be protected, managed and enhanced, and resilience of ecosystems (including sub-tidal ecosystems) to the impacts of changing weather patterns and other environmental challenges will be maximised.</i></p> <p><u>Specific Outcomes</u></p> <ul style="list-style-type: none"> <li>1. The Region's current network of protected areas will be conserved</li> </ul>	<p><b>Yes</b></p>	<p>The proposed development will remove 30 Non-Juvenile Koala Habitat Trees (NJKHTs); but will transfer to the Council 3.84ha of revegetated and rehabilitated land. Comparatively to what is currently on the Site, being grassed and vastly cleared of vegetation, it is a positive result for the natural environment and landscape.</p> <p>The revegetation will supplement the existing dense vegetation directly north</p>

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Strategic Outcome	Comply	Assessment
<p>and expanded to achieve viable representations of all the Region's currently identified and future regional ecosystems to ensure biodiversity resilience and ongoing provision of ecosystem services;</p> <p>2. Ecological connectivity to improve ecological robustness and resilience to changing weather patterns and other threats will be maintained and improved through retention of native vegetation, managed regrowth and rehabilitation; the use of mechanisms such as development offset and mitigation contributions and non-planning scheme measures such as voluntary agreements and Land for Wildlife programs;</p> <p>3. The green infrastructure network within the urban footprint will be incorporated into the design of development in a way that complements and supports the intended urban design outcomes for the relevant place and also allows for an ongoing supply of ecosystem services to the community and to conserve biodiversity values. In order of priority the actions to be taken are:</p> <ul style="list-style-type: none"> <li>a. protection of existing natural areas or land adjacent to natural areas not already protected in perpetuity;</li> <li>b. rehabilitation of degraded natural areas; then</li> <li>c. habitat enhancement of priority species and ecosystems; and</li> </ul> <p>4. Where an area within the green infrastructure network is not incorporated into the design of development but is allowed to be cleared, the effect of this clearing may be required to be offset in an environmental offset area as identified in Planning scheme policy - Environmental areas and corridors, Section 11.3 Offset receiving site location hierarchy.</p>	Comply	<p>east of the Site and seek to extend an important fauna corridor in the area contributing to the creation of an extended green infrastructure corridor.</p> <p>The proposal achieves the Strategic Outcomes.</p>

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Strategic Outcome	Comply	Assessment
<p><i>Koala population viability within the Moreton Bay Region will be maintained and improved.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Strategic koala habitat networks will be conserved and expanded to ensure strong and safe habitat and linkages for koalas across our Region;</li> <li>2. Development in koala movement areas or near to koala habitat areas and corridors will incorporate koala design principles to reduce threats to koalas, integrating green infrastructure that maximises koala movement across the landscape, such as koala friendly fencing, culverts and land bridges; and</li> <li>3. Where vegetation within priority species habitat (refer to Planning scheme policy - Environmental areas and corridors, Section 3 Priority and other native species, and Section 14 List of priority species of Moreton Bay) and movement areas is removed an offset will be sought for placement within an environmental offset area as identified in Planning scheme policy - Environmental areas and corridors, 11.3 Offset receiving site location hierarchy.</li> </ol>	<p><b>Yes</b></p>	
<p><b>Theme - Strong Communities</b></p>		
<p><i>Utilise the principles of urban design to promote healthy and safe communities.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Sustainability and urban design principles and the standards of universal access and safety will be used to create built environments conducive to physical activity and public environments accessible by all people;</li> <li>2. Development and provision of infrastructure will help to deliver a healthy and safe built environment, encouraging healthy lifestyle choices;</li> <li>3. Appropriate consideration of social needs will occur for major new development; and</li> </ol>	<p><b>Yes</b></p>	<p>No built form is proposed in the Material Change of Use component, including the variation, of the development application.</p> <p>The proposed reconfiguration is however consistent with the MBRC Planning Scheme in proposing an interconnected grid layout of subdivision with active transport connections in and around the Site as well as beyond the Site to provide walking and cycling thereby ensuring that the proposal is consistent with the Strategic Outcomes.</p>

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Strategic Outcome	Comply	Assessment
4. Community facilities in appropriate locations will be available for emergency purposes during and after natural disasters.		
<p><i>Provision of a well connected, diverse and accessible public open space network.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Accessible, diverse and quality useable open space that provides for the health, recreation and leisure needs of the current and future communities is maintained and enhanced;</li> <li>2. Passive and active recreation areas and community greenspaces provide a pleasant experience for residents and visitors and enhance the sense of place and community identity;</li> <li>3. Connectivity of the open space network and community greenspaces is provided within and between the Regional Landscape and Rural Production Area, Rural Living Area and Urban Footprint;</li> <li>4. Well-designed accessible public places will be required to be provided in all new growth areas; and</li> <li>5. Council will identify a diverse network of open spaces across the Region catering for specific needs of the community including inclusive all-ability playgrounds, botanic gardens, natural playgrounds and community gardens.</li> </ol>	Yes	<p>The proposal is to apply the provisions of the Environmental Management and Conservation zone to 3.84ha that is also to be rehabilitated and revegetated to create a publicly owned fauna corridor focused on koalas movements that will also be accessible to the public via walking trails as an extension of the existing open space network.</p> <p>A Landscape Concept Package has been prepared and submitted to the Council to support and demonstrate the proposal will achieve the accessibility standards in the Council's Planning Scheme Policy.</p> <p>The proposal is to also transfer 1.38ha of land to the Council as a Local Recreation Park with playground facilities to meet the recreational needs of future residents in the development. The proposal will achieve the Strategic Outcomes of this theme.</p>
<p><i>Provide an integrated, high-quality, urban community greenspace network to cater for recreational and environmental needs in existing and new neighbourhoods.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Identify and respond to community needs for urban community greenspace generated as a result of urban development, especially in areas targeted for redevelopment, infill and new walkable neighbourhoods;</li> <li>2. Ensure urban community greenspace is integrated into the planning, design and development of existing</li> </ol>	Yes	



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Strategic Outcome	Comply	Assessment
<p>neighbourhoods targeted for infill and redevelopment and new walkable neighbourhoods to provide for land use efficiencies and long-term sustainability;</p> <p>3. Respond to growth in a co-ordinated manner, with place and function as a focus through the use of open space typologies in regard to defined place types;</p> <p>4. Create a more flexible open space planning framework that responds to increased residential populations and changing demographic compositions; and</p> <p>5. Encourage the shared use of open space where appropriate through the development of design principles for new open space.</p>		
<p><i>Provide for a variety of outdoor recreation opportunities including recreation trails and camping areas to meet community demands.</i></p> <p><u>Specific Outcomes</u></p> <p>1. A variety of outdoor recreation opportunities is provided to meet community demands;</p> <p>2. Identify possible locations for hard to locate sports within the inter-urban break;</p> <p>3. Provide a range of recreational trails for a range of users in diverse settings that range from urban to natural;</p> <p>4. Provide facilities and areas that allow equitable use by a broad range of active sport, recreation and community activities, including:</p> <p>a. venues for organised and informal activities;</p> <p>b. civic and cultural activities including festival and public events;</p> <p>c. coastal foreshores and esplanades; and</p> <p>d. high impact sporting and recreational uses in appropriate locations; and</p> <p>5. Provide recreational experiences that promote a healthier lifestyle including</p>	<p><b>Yes</b></p>	

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Strategic Outcome	Comply	Assessment
recreational trails, passive parkland and formal sporting facilities.		
<p><i>A variety of housing options is provided to meet diverse community needs and achieve housing choice and affordability.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Council's planning initiatives are primarily aimed at increasing population in close proximity to services, public transport and employment to make the overall cost of living more affordable by reducing overall lifestyle costs, particularly transport costs, energy costs by requiring services and facilities close to where people live;</li> <li>2. Significant housing development will continue across the region with a greater range of housing types being built in new developments and in established areas targeted for infill and redevelopment;</li> <li>3. New housing developments will be planned, designed and delivered taking into account the neighbourhood and place type, existing and future housing needs in the area, and the connectivity and accessibility required to create a walkable neighbourhood and encourage active transport;</li> <li>4. Council will support the provision of affordable housing through community-based, not-for-profit entities and housing cooperatives and the private sector;</li> <li>5. All major new developments will be encouraged to incorporate a greater range of housing types and affordable housing products that demonstrate housing affordability, including appropriate housing for the entry buyer and low-income housing markets and demographic mix;</li> <li>6. Council will lobby the other levels of government regarding decisions on the disposal or redevelopment of government property and surplus land to include consideration of the</li> </ol>	Yes	<p>The proposal provides lots ranging from 325m<sup>2</sup> to 828m<sup>2</sup> that support both housing diversity and affordability and have the appropriate dimensions in accordance with the Planning Scheme to accommodate private open space.</p> <p>The proposal also provides active transport linking the development to South Pine Road along Warner Road where public transport is available.</p> <p>The Site is located approximately 1.6km from Eatons Hill that accommodates significant commercial and community uses including supermarkets, retail shops, a hotel, educational facilities, places of worship and the like as well as major district sporting facilities. The Brendale Industrial estate being one of the major employment areas in the region is also located approximately 1.6km away from the Site.</p> <p>The Site is well located for residential development that has been recognised elsewhere in the MBRC Planning Scheme confirming the development of the Site for residential purposes is consistent with the Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<p>opportunity for that land to be used for affordable housing purposes; and</p> <p>7. Appropriate 'private open space' is provided in the development of all housing products.</p>		
<b>Theme - Settlement Pattern and Urban Form</b>		
<p><i>A more compact urban form is developed within the urban footprint by a program of urban design and sustainability principles aimed at increasing the jobs and people per hectare in targeted locations (to help achieve Council's long term 70% local employment target), creating walkable communities, and a viable quality transit system.</i></p> <p><u>Specific Outcomes</u></p> <p>1. A more efficient land use and development pattern will be achieved progressively over time by:</p> <ul style="list-style-type: none"> <li>a. limiting new urban development occurring outside the Urban Footprint to land in an Identified Growth Area and part of new master planned walkable and transit-based neighbourhoods which are contiguous with existing neighbourhoods wherever possible;</li> <li>b. encouraging more intense development and a greater mix of uses at targeted locations within the Urban Footprint;</li> <li>c. requiring new development to be integrated into existing neighbourhoods in a spatially cohesive manner to help create walkable communities with an emphasis being placed on active transport and access by transit; and</li> <li>d. directing growth away from areas of higher risk of natural hazards, given that urban land allocations outside these areas are sufficient to accommodate growth beyond the life of the planning scheme.</li> </ul> <p>2. Ensure that new development and redevelopment in established urban areas reinforces the strengths and</p>	<p><b>Yes</b></p>	<p>The proposal provides suitable road connections and an upgrade to the active transport network along Warner Road supporting and encouraging safe movement through the community.</p> <p>The proposal will establish a next generation style neighbourhood with lots ranging from 325m<sup>2</sup> to 828m<sup>2</sup> which supports both housing diversity and affordability.</p> <p>The proposal is consistent with the Strategic Outcomes for the theme.</p>

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Strategic Outcome	Comply	Assessment
<p>individual character of the urban area in which the development occurs;</p> <p>3. Target growth in locations within the Urban Footprint in growth areas and in investigation areas that provide superior transportation choices or otherwise reduce car use, particularly through supporting growth in targeted established urban areas and redevelopment in and around existing urban centres and along priority transit networks and other high-frequency transit corridors;</p> <p>4. Within the Urban Footprint, Council will consolidate and maintain rural residential development in the identified rural residential areas in locations where this form of development will not compromise the orderly, progressive and efficient expansion of the urban area and its associated infrastructure networks;</p> <p>5. Development in the Urban Footprint, in growth areas and in investigation areas protects agricultural land outside the Urban Footprint with the onus of buffering placed on land in the Urban Footprint, growth areas and in investigation areas.</p> <p>6. New industrial land uses are appropriately separated from sensitive land uses; and</p> <p>7. New development including sensitive land uses recognises existing industrial development and includes appropriate separation measures</p>		
<p><i>New master planned walkable neighbourhoods, activity centres and enterprise and employment areas served by public transport have a role to play in helping to accommodate regional dwelling and employment targets and require comprehensive planning to coordinate future development with infrastructure delivery.</i></p> <p><u>Specific Outcomes</u></p> <p>1. New urban development will be supported in greenfield locations with available infrastructure capacity or</p>	<p><b>Yes</b></p>	<p>All the required services and infrastructure needed to facilitate development will be made available to the Site, including a network of green infrastructure and recreational facilities.</p> <p>The proposal demonstrates a suitable and integrated road hierarchy in addition to a pathway network proposed for the development.</p> <p>The proposal provides suitable road connections and an upgrade to the active transport network along Warner Road</p>

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Strategic Outcome	Comply	Assessment
<p>where infrastructure capacity can be provided efficiently and cost effectively and without creating disadvantage to current and planned priority infrastructure areas;</p> <p>2. New development and land use patterns that would compromise or constrain the efficient expansion of the infrastructure system and services required to service development and/or the corridors required for provision of infrastructure will be discouraged;</p> <p>3. Development within new greenfield developments and rural residential transition areas is to be designed and developed as part of a future transit based walkable neighbourhood and as such must provide pedestrian, cycle, local road, open space and waterway connectivity, within the neighbourhood and adjacent areas in accordance with the specific outcomes of the relevant place types;</p> <p>4. Urban development of greenfield areas will not be supported unless it is designed and developed as a series of transit based walkable neighbourhoods and with an appropriate network of centres, public spaces and pedestrian, cycle, local road, green infrastructure, within the neighbourhood and to adjacent areas in accordance with the specific outcomes of the relevant place types and local plan strategies;</p> <p>5. New "15 minute" walkable neighbourhoods will include a diversity of uses and employment opportunities at a minimum of 35 people and jobs per hectare to support viable public transport services and walkable communities and encourage active transport. These new neighbourhoods will be designed around local centres and neighbourhood hubs and include a range of community facilities and services and public spaces required by the local community. A range of</p>		<p>supporting and encouraging safe movement through the community.</p> <p>The proposal will establish a next generation style neighbourhood with lots ranging from 325m<sup>2</sup> to 828m<sup>2</sup> which supports both housing diversity and affordability.</p> <p>As stated previously, the Site is well located due to its proximity to commercial, community and employment uses supporting the development of the land for residential purposes.</p> <p>The proposal is consistent with the Strategic Outcomes.</p>

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Strategic Outcome	Comply	Assessment
<p>different housing types will be provided on a range of lot sizes. Pedestrian and cycle way networks and local road systems will be designed to maximise connectivity;</p> <p>6. Greenfield development sites will be designed to demonstrate best practice in community services, urban green infrastructure, communication, mobility, energy efficiency, water cycle management and waste management; and</p> <p>7. Urban development avoids areas of higher natural hazard risk and otherwise ensures development subject to natural hazards is compatible with the risk presented to protect people, property and infrastructure.</p>		
<b>Theme - Employment Location</b>		
<b>Theme - Rural Futures</b>		
<b>Theme - Natural Resources</b>		
<b>Theme - Integrated Transport</b>		
<p><i>Plan for a more compact settlement pattern and urban form to encourage sustainable travel patterns: reducing the need to make trips by any motorised form and to reduce the length of motorised trips.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Support transit oriented communities at locations with high frequency public transport services and access to good quality and safe cycling and walking routes;</li> <li>2. Sufficient infrastructure is provided to connect communities and increase self-containment in the region;</li> <li>3. Reduce the length and reduce the frequency of car trips;</li> <li>4. Reduce the length and increase the frequency of public transport trips;</li> <li>5. Increase the length and increase the frequency of walking and cycling trips;</li> <li>6. End of trip facilities are provided in public and private developments in</li> </ol>	<p><b>Yes</b></p>	<p>As stated above, the proximity of the Site to public transport, commercial and community centres as well as places of employment supports the creation of a more compact settlement pattern in the region, with the development having the infrastructure necessary to support it, having regard to its context in the natural landscape.</p> <p>The proposal is consistent with the Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<p>activity centres to encourage walking and cycling;</p> <p>7. Complementary land uses are provided in close proximity to each other, encouraging shorter trips and a higher level of linked trips (e.g. child-care facilities, open space and shops located close to work-places) and providing opportunities for communal parking;</p> <p>8. Ensure new development is serviced with new public transport routes, facilities and high frequency services, including priority transit corridors, to establish improved mode share at an early stage; and</p> <p>9. Appropriate fauna management practices are implemented where necessary to protect wildlife.</p> <p>10. Appropriate measures are implemented where necessary to protect water quality in drinking water catchments.</p>		
<p><i>Influence sustainable travel behaviour by creating attractive places to walk and cycle.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Provide good quality urban design to encourage Crime Prevention Through Environmental Design principles to improve the design quality of public space;</p> <p>2. Activate areas to encourage a sense of community, creating a feeling of safety and encouraging more people to walk;</p> <p>3. Pedestrian and cycle routes and associated infrastructure are well managed and maintained;</p> <p>4. Promote the health aspects of walking and cycling; and</p> <p>5. Provide best practice design of the transport network to reduce accidents and improve safety, particularly related to pedestrians and cyclists.</p>	<p><b>Yes</b></p>	<p>The development proposes through its subdivision component a layout of development with integrated and connected local roads supported by a network of active transport paths. Internal roads are proposed adjacent to proposed areas of public open space to enhance casual surveillance of the public open space to ensure CPTED outcomes are achieved. The development if approved, would encourage and support active transport and is therefore consistent with the Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<b>Theme - Infrastructure</b>		
<p><i>Use infrastructure to support desired regional growth and help create a more compact urban pattern, cohesive urban and rural communities, and regional economic development.</i></p> <p>1. Council is approaching the challenge of growth management by adopting smart growth principles and the MBRC Place Model. This model will integrate land uses, transport and infrastructure to promote a more compact urban form, including increased availability and diversity of housing for people of all income levels, walkable neighbourhoods, creating distinctive and attractive mixed use communities, access to a variety of transportation choices, reduced car dependency, protecting our natural landscapes, targeting new development to accessible infill locations and prioritising use of existing infrastructure.</p>	<b>Yes</b>	<p>As stated above in the assessment of the proposal against other Themes, the proposal will utilise existing infrastructure and provide improvements to the networks where it is needed including the green infrastructure network, consistent with this Strategic Outcome.</p>
<p><i>Facilitate access to high-speed broadband telecommunications.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Council is supportive of high speed internet access for all and encourages the roll out of the high speed broadband services throughout the Region including access for the more remote rural areas; and</p> <p>2. Council will continue to monitor the growth of the digital economy and its potential impacts on lifestyles and development within the Region and will seek to identify opportunities provided by the new economy to support greater levels of economic development/job self containment within the Region and opportunities for telecommuting to replace commuter travel to the city.</p>	<b>Yes</b>	<p>While not applicable to the Material Change of Use component of the development application, the subdivision component of the development proposal will require the residential lots to be connected to the broadband network.</p>
<b>Theme - Water Management</b>		
<p><i>Floodplains in the region will be managed for the long-term benefit of the community</i></p>	<b>Yes</b>	<p>The Site is not affected by flooding hazard.</p>



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Strategic Outcome	Comply	Assessment
<p><i>such that hazards to people and damages to property and infrastructure are minimised and the intrinsic environmental values of the floodplain are protected.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. The natural function of the Region's floodplains are preserved and enhanced;</li> <li>2. The different flood behaviour that occurs across the region in a variety of events, up to and including the probable maximum flood, are recognised and planned for; and</li> <li>3. Land use planning and development controls minimise both the exposure of people to flood hazard and the potential damages to property and infrastructure.</li> </ol>		
<p><i>Ensure development is appropriately planned, designed, constructed, operated and maintained to manage stormwater and wastewater in order to protect the environmental values.</i></p> <ol style="list-style-type: none"> <li>1. Incorporate water sensitive urban design principles into urban developments to reduce the impact of stormwater run-off and associated pollutants generated from urbanised areas, including:               <ol style="list-style-type: none"> <li>a. naturalising stormwater run-off, rather than rapidly conveying stormwater;</li> <li>b. rainwater tanks to conserve potable water supplies;</li> <li>c. vegetated swales and buffer strips to reduce flow velocities and filter pollutants;</li> <li>d. water-efficient landscaping;</li> <li>e. at-source stormwater treatment through streetscape bioretention/rain gardens;</li> <li>f. constructed stormwater wetlands to treat run-off from larger catchments;</li> <li>g. protecting water-related environmental, recreational and cultural values;</li> </ol> </li> </ol>	Yes	While not applicable to the Material Change of Use component of the development application, the subdivision component of the development proposal will provide stormwater solutions that achieve state and local government requirements with large areas of land proposed to be transferred to the Council being revegetated and having broader benefits to improving water quality in the catchment.

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Strategic Outcome	Comply	Assessment
<ul style="list-style-type: none"> <li>h. stormwater harvesting for various uses in localised catchments; and</li> <li>i. greywater re-use and on-site sewerage treatment facilities.</li> </ul>		
<b>Theme - Planning Areas</b>		
<b>Element - Strathpine planning area</b>		
<p><b>Specific Outcomes - Natural environment and landscape</b></p> <ol style="list-style-type: none"> <li>1. The planning area includes significant natural features and green infrastructure. These areas include:               <ol style="list-style-type: none"> <li>a. the waterways of the North Pine and South Pine Rivers, Cabbage Tree Creek and Kedron Brook; and</li> <li>b. areas protected because of their conservation significance including Bunyaville State Forest. These areas will be protected by their inclusion in the Mountain ranges, forests and waterways place type and the Coast and riverlands place type which exclude development incompatible with protecting the significant values of these areas;</li> </ol> </li> <li>2. The planning area contains many green infrastructure components, including waterways, core environmental areas, terrestrial environmental corridors, parks, linear open spaces, urban forests and street trees. The design and development of concept plans for growth areas at Warner and Joyner will incorporate green infrastructure network elements wherever possible; and</li> <li>3. Strategic koala habitat networks in this planning area are critical to ensuring strong and safe habitat linkages for koalas in the longer term. Identified core koala habitat areas and koala movement and dispersal corridors will be protected and development will rehabilitate and reinstate the regional ecosystem values in these identified areas. In areas where clearing of koala habitat is required to achieve good quality urban design outcomes, offsets will</li> </ol>	<p><b>Yes</b></p>	<p>As stated previously, while the proposal will result in the removal of 30 Non-Juvenile Koala Habitat Trees (<b>NJKHTs</b>), some 3.84ha of land will be revegetated and transferred to the Council as a public asset.</p> <p>The land will extend and enhance the existing open space networks and represent a significant contribution to the green infrastructure network.</p>

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Strategic Outcome	Comply	Assessment
be required into an identified environmental offsets area.		
<p><b>Specific Outcomes - Strong communities</b></p> <ol style="list-style-type: none"> <li>1. The planning area provides for a diverse range of housing choice in terms of type, density, layout and affordability to cater for a demographically and socio-economically diverse population within the Rural residential, Suburban neighbourhood, Next generation neighbourhood, Urban neighbourhood and Activity centre place types;</li> <li>2. The planning area provides for the development of an appropriate range of community facilities and services, sporting and recreational facilities, open space and parkland to cater for the planning area's community;</li> <li>3. Special places that contribute to the unique identity of the planning area include the South Pine Sporting Complex, private sport and recreation area, Energex site and wastewater treatment plant at Brendale, James Drysdale Recreation Reserve at Bunya and Pine Rivers Park at Strathpine. These facilities have a unique role to play in respect to opportunities for sport and recreation and planning area infrastructure which this plan seeks to protect. These have been allocated to Special area place types in the urban structure;</li> <li>4. The planning area falls within the regional character area of urban corridor. New development will contain high quality built form and landscapes consistent with provisions of the Moreton Bay Regional Council Urban Design Charter and the Subtropical Design in South East Queensland: A Handbook for Planners, Developers and Decision Makers;</li> <li>5. Residential areas will be generously landscaped and linked to one another</li> </ol>	Yes	<p>The proposal provides lots ranging from 325m<sup>2</sup> to 828m<sup>2</sup> which supports both housing diversity and affordability.</p> <p>The Site is located within an established locality being situated within close proximity of the community, educational, retail, commercial and business uses existing within the neighbouring localities of Warner, Brendale, Strathpine and Bray Park.</p>

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Strategic Outcome	Comply	Assessment
<p>by a continuous open space system including parks and playing fields; and</p> <p>6. Sites of local heritage significance are located within the planning area. Development that has the potential to impact upon the heritage listed sites will require a Heritage Impact Assessment as part of the approval process.</p>		
<p><b>Specific Outcomes - Settlement pattern and urban form</b></p> <p>1. ... ..; and</p> <p>2. ... ..; and</p> <p>3. Next generation neighbourhood areas at Strathpine, Bray Park, Joyner, Warner, Albany Creek and the Hills District will be developed as well planned and attractive refurbished residential neighbourhoods providing a diverse range of residential opportunities at densities that support the provision of community facilities and services and viable local centres. The local centres will generally be located on central intersections with good accessibility and visibility, in locations that support active transport and a network of well connected and attractive streets and open spaces within the neighbourhoods;</p> <p>4. ... ..</p> <p>5. ... ..</p> <p>6. ... ..</p> <p>7. ... ..</p> <p>8. ... ..</p> <p>9. An investigation area has been identified at Warner. The area is bound by Kremzow Road to the north, Old North Road and South Pine Road to the east, Eatons Crossing Road in the south and existing rural residential development to the west. Further investigations will be required to determine the development potential and future use of this area. The majority of the area, in the vicinity of Warner Road and to the south, is likely to remain largely rural</p>	<p><b>Yes</b></p>	<p>As discussed above, the subdivision component of the development application will deliver the outcomes expected in the planning scheme for a Next Generation Neighbourhood.</p> <p>Section 1 of this report refers to the recent history of planning for the Site as a part of the Investigation area for Warner that has become known as the Warner Investigation Area (<b>WIA</b>).</p> <p>While the major amendment to the MBRC Planning Scheme was refused by the State government in October 2018, the planning scheme remains in effect supporting the investigation of the area for residential purposes. The current proposal is consistent with the WIA investigations that were undertaken by the Council prior to the proposed major amendment to the MBRC Planning Scheme, that was refused by the State government for other reasons.</p>

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Strategic Outcome	Comply	Assessment
residential in nature until the area can be developed in an efficient and cohesive manner.		
<b>Theme - MBRC Place Model</b>		
<b>Element - Next generation neighbourhood place type</b>		
<p><b>Specific Outcomes - Sustainability and resilience</b></p> <ol style="list-style-type: none"> <li>Buildings on small to medium sized lots and in medium density developments are interspersed with private open space and trees and respond to local climate conditions by allowing flow of breezes, natural ventilation and light;</li> <li>Residential developments are designed to allow footpaths suitable for extensive native vegetation and appropriate shade trees;</li> <li>Dwellings are to be designed and sited so as to minimise energy requirements and provide a high standard of residential amenity; and</li> <li>Development is designed to avoid exposure to flood and storm tide inundation events and coastal erosion.</li> </ol>	Yes	Refer to the assessment above against the Sustainability and Resilience Theme.
<p><b>Specific Outcomes - Natural environment and landscape</b></p> <ol style="list-style-type: none"> <li>Open space network incorporates natural and semi-natural parklands that form part of environmental corridors within the green infrastructure network;</li> <li>The green infrastructure network is incorporated into the design of new development and rehabilitated in accordance with green infrastructure network detailed maps. Where native vegetation is to be cleared in order to achieve high quality urban design outcomes and offsets are required these are to be located within environmental offset areas as identified in Planning scheme policy - Environmental areas and corridors, 11.3 Offset receiving site location hierarchy;</li> </ol>	Yes	Refer to the assessment above against the Natural environment and landscape Theme.

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Strategic Outcome	Comply	Assessment
<p>3. Open space and natural environmental areas within these areas are complemented by the private 'greening' of yard space on private property and street trees. Residents experience a high level of on-site residential amenity; and</p> <p>4. Development is designed to incorporate natural features and respond to topography.</p>		
<p><b>Specific Outcomes - Strong communities</b></p> <p>1. Schools, pre-schools, child care centres, place of worship, community health services and other community activities provide informal and safe meeting places for residents whilst serving daily convenience needs;</p> <p>2. An extensive range of active and passive open space and recreation areas for use by local residents are an integral part of these places within walking distance of most homes along lineal green corridors and tree lined streets; and</p> <p>3. Informal recreation experiences are predominantly provided, with formal recreation opportunities provided in some circumstances</p>	Yes	Refer to the assessment above against the Strong communities Theme
<p><b>Specific Outcomes - Settlement pattern and urban form</b></p> <p>1. Next generation places cater for a mix of dwellings on a variety of lot sizes, small lot/zero lot line housing, rear lane housing, dual occupancies, medium density residential units and housing for older persons;</p> <p>2. Development across a Next generation neighbourhood place type has a minimum density of 35 people and/or jobs per hectare (for people this equates to a net residential density of 15 – 25 dwellings per hectare);</p> <p>3. Adaptable housing is encouraged in response to changing housing needs;</p> <p>4. Community activities (schools, pre-schools, child care centres, places of</p>	Yes	Refer to the assessment above against the Settlement pattern and urban form Theme.

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Strategic Outcome	Comply	Assessment
<p>worship, community health services and other community activities) are designed to have a low rise built form on landscape sites. They may be clustered together, in or adjacent to neighbourhood hubs or local centres, or dispersed within the area. Where they are dispersed within the area they are located on main through streets or central intersections;</p> <p>5. Buildings address the street and non-residential uses have active street frontages;</p> <p>6. At least one local centre or neighbourhood hub is conveniently located within the neighbourhood. Local centres and neighbourhood hubs create a series of 15 minute walkable neighbourhoods. Convenient locations for local centres and neighbourhood hubs are on main through streets or on central intersections and within a 15 minute walking distance and responsive to active transport;</p> <p>7. Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub, or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met:</p> <ul style="list-style-type: none"> <li>a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services, and community activities;</li> <li>b. it is conveniently located on a main through street and/or adjoins or is opposite to a public transport node;</li> <li>c. the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses;</li> <li>d. a new local centre or neighbourhood hub is to service an un-serviced catchment and is</li> </ul>		

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Strategic Outcome	Comply	Assessment
<p>located to form 15 minute walkable neighbourhoods, with the local centre or neighbourhood hub central to that neighbourhood;</p> <p>e. they are appropriately designed to have high quality urban design outcomes.</p> <p>8. New development should have regard to the existing character of the Next generation neighbourhood, however high quality urban design outcomes have priority.</p>		
<p><b>Specific Outcomes - Integrated transport</b></p> <p>1. Next generation neighbourhoods have a well-connected, permeable, legible and grid-like network of streets and active transport linkages that provide direct and easily understood choices of routes to walk, cycle, take public transport and drive to multiple destinations within the neighbourhood. Cul-de-sacs are not the dominant form of street network;</p> <p>2. The active transport network is integrated with public transport infrastructure so that all homes are within 400metres of a bus stop; and</p> <p>3. Local centres, local concentrations of employment and other local attractors are within 15 minutes of all residents by walking, cycling or public transport.</p>	Yes	Refer to the assessment above against the Integrated Transport Theme.
<p><b>Specific Outcomes - Infrastructure</b></p> <p>1. Next generation neighbourhoods have the level of service of infrastructure provision necessary to support growth, increased intensity of activity and adaptation to change over time and to create a safe and attractive public realm; and</p> <p>2. Next generation neighbourhood places include electricity, gas, telecommunications and high speed broadband to support residential and business needs.</p>	Yes	Refer to the assessment above against the infrastructure Theme.
<p><b>Specific Outcomes - Water management</b></p>	Yes	Refer to the assessment above against the Water management Theme



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Strategic Outcome	Comply	Assessment
1. Adequate potable water supply, sewerage and appropriate stormwater infrastructure is provided to create a safe environment during rain events whilst protecting receiving environments; and 2. Water sensitive urban design measures are incorporated into development, including, where possible, the retention and rehabilitation of riparian vegetation to protect and enhance the water quality in the Region's waterways and drinking water catchments.		

Accordingly, based on the assessment above the proposal is consistent with the Strategic Outcomes of the Strategic Framework of the Moreton Bay Regional Council Planning Scheme.

While the Site is located in the Rural Residential Place Type, it is identified as part of an area that will be investigated by the Council for its potential for future development. As discussed in Section 1 of this report, that investigation was done and informed a proposed major amendment to the MBRC Planning Scheme that was refused by the State government. This proposal is consistent with the outcomes of that investigation.

Therefore, for these reasons, the proposal is arguably consistent with the Strategic Framework despite its location in the Rural Residential Place Type.

**2.3.2 Variation Request**

This application includes a variation request defined in the *Planning Act 2016* to mean the *part of a development application for a preliminary approval for premises that seeks to vary the effect of any local planning instrument in effect for the premises.*

Section 61(2) of the *Planning Act 2016* specifies that when assessing the variation request, the assessment manager must consider:

- (a) the result of the assessment of that part of the development application that is not the variation request; and
- (b) the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and
- (c) the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and
- (d) any other matter prescribed by regulation.

An assessment of the variation request to vary the effect of the MBRC Planning Scheme to have essentially the General Residential zone - Next Generation Neighbourhood precinct and Environmental Management and Conservation zone apply to the land as well as variations to the overlay maps and other components of the planning scheme as referred to in Section 1 has been undertaken and is discussed below.

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**2.3.2.1 Result of Assessment of the other aspects of the Development Application**

In this Development Application, the other aspects as discussed earlier in this Assessment Report are twofold; firstly, a Preliminary Approval for A Material Change of Use for Dwelling Houses, Home Based Business, Park and Sales Office (including a variation request to vary the effect of the MBRC Planning Scheme 2016) and a Reconfiguring a Lot - Development Permit for Subdivision (1 into 102 lots) varying in size from 325m<sup>2</sup> to 828m<sup>2</sup>.

As discussed in section 3.1 of this Assessment Report, the Site is located in proximity to major centres, employment areas, community and recreation facilities and major transport corridors. In addition, residential estates of a similar nature and density exist approximately 1km to the north of the Site. As mentioned in section 1 of this report, the Council had also in late 2017 proposed to amend the MBRC Planning Scheme to include the land into the Emerging Community zone recognising its suitability for residential purposes. On this basis, an assessment of the proposed land uses and subdivision has determined them to be appropriate, subject to addressing the relevant criteria in the MBRC Planning Scheme. The proposed variation is consistent with these land uses and the proposed lot layout.

**2.3.2.2 Consistency with the rest of the MBRC Planning Scheme**

The first aspect of the Variation Request is to vary the effect of the Moreton Bay Regional Council Planning Scheme to apply the General Residential zone - Next Generation Neighbourhood precinct in part, the Environmental Management and Conservation zone in part and the Sport and Recreation Zone in part to Lot 1 RP92508 as shown on the proposal plan. Applying these zones is consistent with those applied to the adjoining Ausbuild 1 development approval to the east and CSR development approval to the north east. The Environmental Management and Conservation zone and the Sport and Recreation Zone are obvious and logical, reflecting the proposal to transfer that land to Council for the purposes specific to the proposed zones. The General Residential zone - Next Generation Neighbourhood precinct is consistent with the rest of the MBRC Planning Scheme on the basis of accommodating infill residential development to assist the Council in achieving its SEQ regional plan dwelling house targets. The appropriateness of the Next Generation Precinct as opposed to the Suburban Neighbourhood Precinct is discussed below in section 3.7.2 of this report.

In addition to the zone variations proposed, variations are also proposed to 2 Overlays and the Dwelling House Code. These are discussed below.

**Environmental Areas Overlay**

The existing Environmental Areas Overlay as it applies to the Site is shown below in Figure 3;

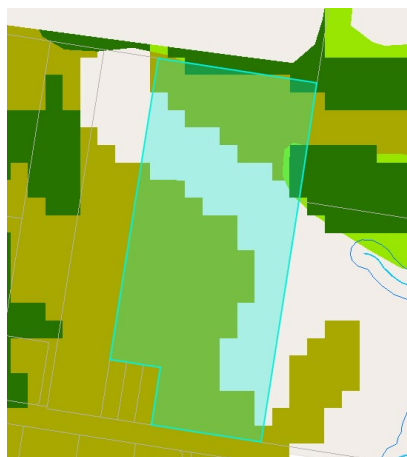


Figure 4: Environmental Areas Overlay Map

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The proposed Environmental Areas Overlay map is shown below in Figure 4.

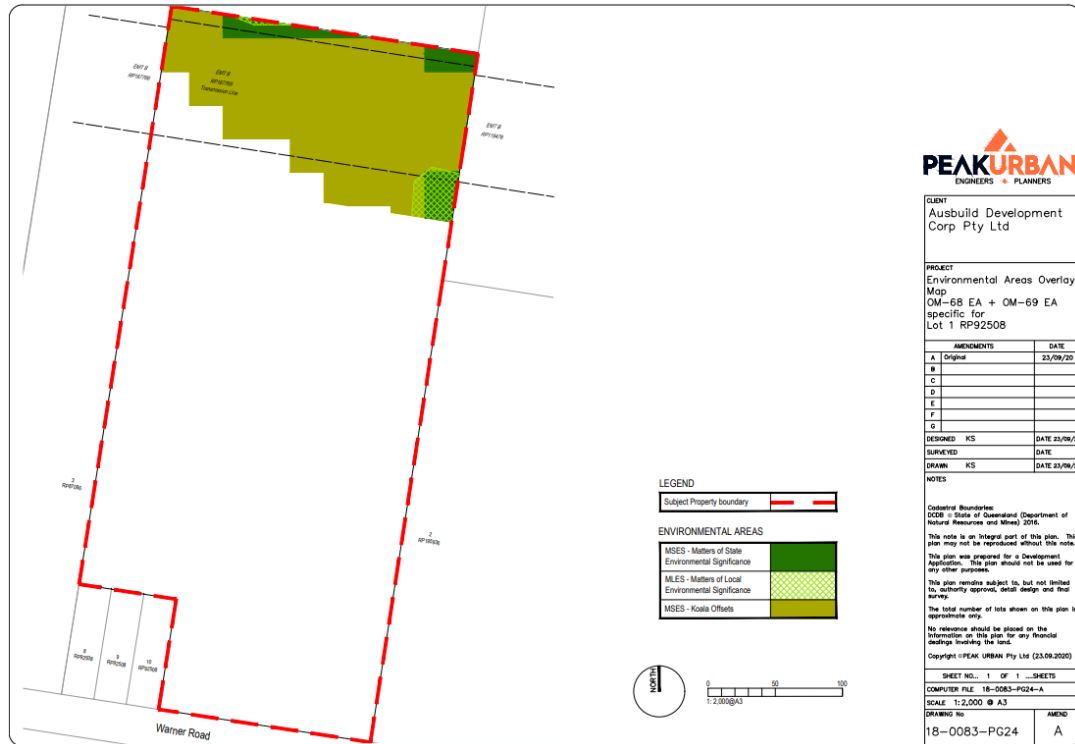


Figure 5: Proposed Environmental Areas Overlay (Peak Urban, 2020)

The Site is mapped under the Environmental Areas Overlay as containing:

- areas of Matters of State Environmental Significance (MSES) along the northern border and in the east of the Site;
- MSES Koala Offset in the south west of the Site; and
- MLES in the north of the Site.

The applicant seeks to apply an alternative Environmental Areas Overlay map to align the High Value MSES and MLES areas with the results of a Koala Habitat Value amendment request as per Schedule 11 of the *Planning Regulation 2017*. Further the applicant seeks to remove the MLES W3 Waterway and Waterway Buffer from the Conflagration Creek Tributary in the north of the Site as there are no on ground features of a waterway in the mapped location.

The site contains scattered non-juvenile koala habitat trees over mostly cleared paddocks. Koalas have also been recorded as utilising the site for movement to more vegetated areas in the north west and to the south of Warner Road.

The proposed development will require the removal of 30 NJKHTs and no more than 6 identified MBRC defined habitat trees in the south of the site.

However, on balance the proposed development will enhance koala habitat networks within the region through the imposition of the 3.838 ha Environmental and Conservation Protection zoning in the north of the site. Revegetation and transfer to Council of these areas will ensure protection and enhancement of koala habitat and movement opportunities to the east and west of the site as well as directing Koala movement to a safe fauna underpass under Warner Road, to connect to vegetation in the south of the site.

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The variation is therefore seeking to give effect to the updated Environmental Areas Overlay map, due to sufficient technical information being provided to demonstrate that the actual environmental values present on the Site are less than how it is currently mapped.

**Bushfire Hazard Overlay**

The existing Bushfire Hazard Overlay as it applies to the Site is shown below in Figure 5:

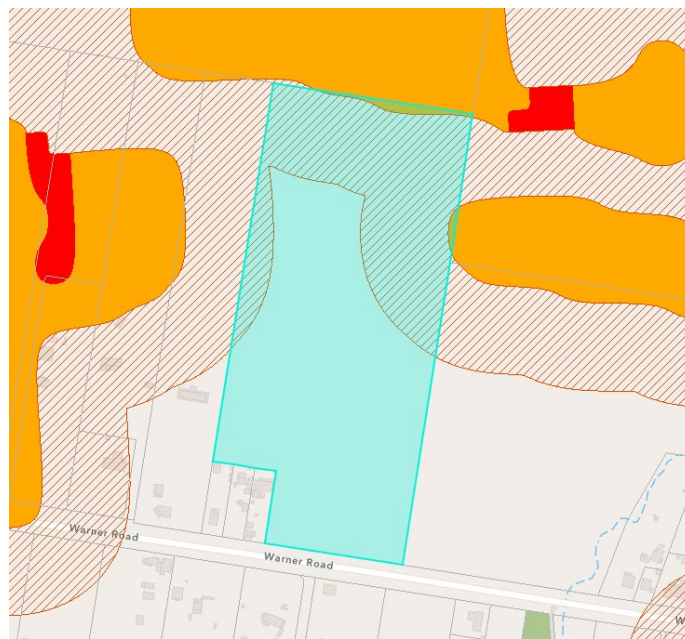


Figure 6: Bushfire Hazard Overlay Map

The proposed Bushfire Hazard Overlay map is provided in Figure 6.

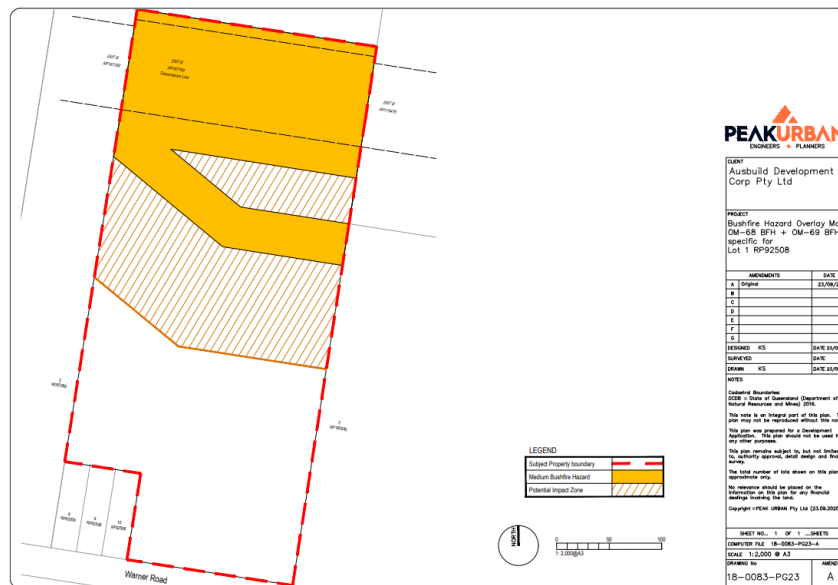


Figure 7: Proposed Bushfire Hazard Overlay (Peak Urban, 2020)

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The applicant seeks to apply an alternative Bushfire Hazard Overlay map to respond to the outcomes of the proposed development. Significant planting is proposed to the north of the site creating in the future a fire source and as a result, the current Bushfire Hazard Overlay mapping is not accurate and therefore must be updated to reflect this change.

The variation is therefore seeking to give effect to the updated Bushfire Hazard Overlay map due to the increased vegetation proposed on Site and the changing bushfire conditions.

Dwelling House Code

A part of the variation application is to vary the effect of Table 9.3.1.5 (Figure 7) as it relates to the side and rear boundary setbacks of future dwelling houses on the proposed lots. The applicant has submitted information to show that it is often making and having approved by Council on a Site by Site basis dwelling house relaxations that could otherwise be avoided. A review by Council officers of another development project being delivered by the same applicant has verified that positive outcomes are able to still be achieved with the reduced setbacks that are essentially setbacks to the wall instead of the outermost projection (OMP). Accordingly, the amendment to the Dwelling House Code is generally consistent with the rest of the MBRC Planning Scheme given the outcome is being approved by Council elsewhere on a Site by Site basis. This approach is consistent with what was approved in the Ausbuild 1 development approval at Lot 2 and 54 Warner Road, Warner.

The proposed amended Table 9.3.1.5 is shown below with the changes being made only in the 9<sup>th</sup> and 10<sup>th</sup> columns from the left.

Setbacks for Warner Road Development										
Height of wall	Frontage Primary			Frontage Secondary to street			Frontage Secondary to Lane To wall and covered car parking space	Side Non-built to boundary (To Wall)	Rear (To Wall)	Trafficable water body to OMP and wall
	To wall	To OMP	To covered car parking space and domestic outbuildings (measured to garage door or support posts).	To wall	To OMP	To covered car parking space and domestic outbuildings (measured to garage door or support posts).				
Less than 4.5m	Min 3m	Min 2m	Min 5.4m*	Min 1.5m	Min 1m	Min 5.4m*	Min 0.5m	Lots <16m wide: Min 1.0m	Lots <16m wide: Min 1.0m	Min 4.5m
								Lots 16m and wider: Min 1.2m	Lots 16m and wider: Min 1.2m	
4.5m to 8.5m	Min 3m	Min 2m	N/A	Min 1.5m	Min 1m	N/A	Min 0.5m	Lots <16m wide: Min 1.0m	Lots <16m wide: Min 1.0m	Min 4.5m
								Lots 16m and wider: Min 1.5m	Lots 16m and wider: Min 1.5m	
Greater than 8.5m	Min 6m	Min 5m	N/A	Min 3m	Min 2m	N/A	Min 0.5m	Lots <16m wide: Min 1.5m	Lots <16m wide: Min 1.5m	Min 4.5m
								Lots 16m and wider: Min 2.0m	Lots 16m and wider: Min 2.0m	

\*Note - The minimum setback to covered car parking spaces may be reduced to 4.5m where:

- the primary or secondary frontage of the lot adjoins a road reserve with a minimum rear verge width of 1m or greater and includes a footpath with a width of 2m or greater;
- the lot has a primary frontage greater than 7.5m and no greater than 10m (Lot type B).

**Figure 8: Proposed Amendments to the Dwelling House Code**

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The variation is therefore seeking to give effect to the varied Dwelling House Code.

In summary, all of the proposed variations are consistent with the rest of the MBRC Planning Scheme.

**2.3.2.3 Effect of the variations on submission rights**

The current zoning of the land allows a Dwelling House to be erected with setbacks and ancillary buildings such as sheds commensurate with that zoning whereas with the benefit of the variation they would be able to proceed with smaller setbacks with lower limits on the size and scale of ancillary buildings. On this aspect, members of the public would continue to not be able to make a submission and there are no changes to the level of assessment. However, the variation to the General Residential Zone will allow a much higher number / density of Dwelling Houses to be erected than would otherwise be possible in the Rural Residential zone.

As this variation request has been made as part of the development application for a Preliminary Approval for Dwelling Houses, Home Based Business, Park and Sales Office and concurrently with the development application seeking a Development Permit for Reconfiguring a Lot to subdivide the land into 102 residential lots, members of the public have a clear appreciation and understanding of what is proposed and the future density of development. Being fully informed, the community has had an opportunity to make a submission now with that opportunity no longer existing if the development application is approved. This is reasonable. In addition, the variation request relates only to a limited number of proposed land uses, and therefore other land uses (such as Multiple Dwelling) have not been contemplated and will not receive the benefit of the variation.

Therefore, whilst the proposed variation will remove the opportunity in the future for submissions to be made about Dwelling Houses on the Site, the concurrent applications provide sufficient information to enable members of the public to raise those concerns in respect of those uses.

Equally, in respect to the proposed variations to the numerous overlay maps and specific code provisions, the effect of those variations is clear in the development application and opportunities to raise concerns now exist and have been made by submitters. Further, the effect of these changes are inconsequential as the application of the aforementioned varied overlays do not influence the level of assessment and therefore the opportunity for public input remains the same.

**2.3.2.4 Any other matter prescribed by regulation**

The corresponding section 32 of the *Planning Regulation 2017* provides guidance on assessing variation requests specifically in relation to section 61(2)(d) of the *Planning Act 2016*:

**32 Assessing variation requests—Act, s 61**

*For section 61(2)(d) of the Act, an assessment manager must consider the following matters when assessing a variation request, to the extent the matter is relevant to the request—*

- (a) the common material;*
- (b) the regional plan for a region;*
- (c) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;*
- (d) any temporary State planning policy.*

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The common material is a defined term of the *Planning Regulation 2017*, meaning:

**common material**, for a development application, means—

- (a) all the material about the application that the assessment manager receives before the application is decided, including—
  - (i) any material relating to a proposed development application that is substantially similar to the development application as made; and
  - (ii) any material attached to, or given with, the development application; and
  - (iii) any material relating to the application given to the assessment manager after the application is made; and
  - (iv) any referral agency's response, including any advice or comment given by a referral agency and any response given under section 57 of the Act; and
  - (v) any properly made submissions about the application, other than a submission that is withdrawn; and
  - (vi) any other submission about the application that the assessment manager has accepted; and
  - (vii) any other advice or comment about the application that a person gives to the assessment manager; and
- (b) if a development approval for the development is in effect—the approval; and
- (c) an infrastructure agreement applying to the premises.

As part of the development application process, any material relating to, attached to, or given with the development application has been assessed.

The application was referred to Powerlink as a referral agency who advised the Council that it had no objection to the development proposal.

All properly made and or accepted submissions were considered throughout the development assessment process.

An infrastructure agreement applies to site and is discussed in detail in section 3.8 of this report.

Accordingly, the development application is compliant with Section 32(a) of the *Planning Regulation 2017*.

The South East Queensland Regional Plan has been considered in Section 3.2.2 of this Assessment Report and accordingly, the development application is compliant with Section 32(b) of the *Planning Regulation 2017*.

The State Planning Policy is considered in Section 3.2.1 of this Assessment Report and accordingly, the development application is compliant with Section 32(c) of the *Planning Regulation 2017*.

No temporary State Planning Policy is applicable to the Site and therefore the development application is compliant with Section 32(d) of the *Planning Regulation 2017*.

Having carried out the assessment of the Variation Request, it has been demonstrated that;

- (a) It is aligned with the proposed uses contained in the Material Change of Use - Preliminary Approval and Reconfiguring a Lot components of the development application; and
- (b) It is consistent with the rest of the MBRC Planning Scheme; and
- (c) The effect of the variation on submitters rights is acceptable as submitters with concerns have had the opportunity to make a submission about this development application; and

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- (d) The development application is compliant with the other matters as prescribed in Section 32 of the *Planning Regulation 2017*.

Accordingly, the variation request has demonstrated it warrants favourable consideration.

2.3.3 Assessment of Applicable Codes

Code Compliance Summary

As the development proposal to vary the effect of the planning scheme by applying the General Residential Zone - Next Generation Neighbourhood precinct, Environmental Management and Conservation Zone and Sport and Recreation Zone is consistent with the Strategic Framework and what is proposed, it is only necessary to carry out the code assessment against the codes relevant to those zones and precincts.

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/ Local Plan Code</b>		
General Residential Zone Code - Next Generation Neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO4, PO48.
Environmental Management and Conservation Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
Sport and Recreation Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
<b>Development Codes</b>		
Reconfiguring a lot Code - General Residential Zone - Next Generation Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3, PO4, PO8, PO30, PO31, PO32, PO33, PO66, PO67, PO86, PO87, PO88, PO89, PO90, PO91, PO92.

The assessment of the development proposal against the Performance Outcomes of the applicable codes is discussed below in section 3.3.4.

2.3.4 Performance Outcome Assessment

Performance Outcome	Example
<b>General Residential Zone Code - Next Generation Neighbourhood Precinct</b>	
PO4	E4.1



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Performance Outcome	Example
<p>Residential buildings and structures are setback to:</p> <ul style="list-style-type: none"> <li>a. be consistent with the low to medium density next generation neighbourhood character intended for the area, where buildings are positioned closer to the footpath to create more active frontages and maximise private open space at the rear;</li> <li>b. result in development not being visually dominant or overbearing with respect to the streetscape and the adjoining sites;</li> <li>c. maintain private open space areas that are of a size and dimension to be usable and functional;</li> <li>d. maintain the privacy of adjoining properties;</li> <li>e. ensure parked vehicles do not restrict pedestrian and traffic movement and safety;</li> <li>f. limit the length, height and openings of boundary walls to maximise privacy and amenity on adjoining properties;</li> <li>g. provide adequate separation to particular infrastructure and waterbodies to minimise adverse impacts on people, property, water quality and infrastructure;</li> <li>h. ensure built to boundary walls do not create unusable or inaccessible spaces and do not negatively impact the streetscape character, amenity or functionality of adjoining properties.</li> </ul>	<p>Setbacks (excluding built to boundary walls) comply with Table 6.2.6.3.3 'Setbacks - Setback (Residential uses).</p> <p><b>E4.2</b> Buildings (excluding class 10 buildings and structures) ensure that built to boundary walls are:</p> <ul style="list-style-type: none"> <li>a. of a length and height in Table 6.2.6.3.4 'Built to boundary walls (Residential uses)';</li> <li>b. setback from the side boundary: <ul style="list-style-type: none"> <li>i. not more than 20mm; or</li> <li>ii. if a plan of development shows only one built to boundary wall on the boundary, not more than 150mm;</li> </ul> </li> <li>c. on the low side of a sloping lot.</li> </ul>
<b>Performance Outcome Assessment</b>	
<p>A part of the variation application is to vary the effect of Table 6.2.6.3.4 as it relates to the side boundary setbacks of future dwelling houses on the proposed lots. The applicant has submitted information to show that it is often making and having approved on a Site by Site basis dwelling house relaxations that could otherwise be avoided. A review by Council officers of another development project being delivered by the same applicant at Greensill Road, Albany Creek has verified that positive outcomes are able to still be achieved with the reduced setbacks that are essentially setbacks to the wall instead of the outermost projection (OMP). The amended setbacks will deliver dwelling house outcomes consistent with what is sought by the Performance Outcome. The amendment to the Dwelling House Code is also consistent with what was approved in the neighbouring Ausbuild 1 approval.</p>	

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Performance Outcome	Example
<p><b>PO48</b> The scale and intensity of the Home Based Business:</p> <ul style="list-style-type: none"> <li>a. is compatible with the physical characteristics of the site and the character of the local area;</li> <li>b. is able to accommodate anticipated car parking demand and on-site manoeuvring without negatively impacting the streetscape or road safety;</li> <li>c. does not adversely impact on the amenity of the adjoining and nearby premises;</li> <li>d. remains ancillary to the residential use of the dwelling house;</li> <li>e. does not create conditions which cause hazards or nuisances to neighbours or other persons not associated with the activity;</li> <li>f. ensure employees and visitor to the Site do not negatively impact the expected amenity of adjoining properties;</li> <li>g. ensure service and delivery vehicles do not negatively impact the amenity of the area.</li> </ul>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>Any future proposal for a Home-Based Business will be assessable against this provision and therefore, for the purpose of this assessment the proposal accords with PO48.</p>	

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Performance Outcome	Example
<b>Reconfiguring a lot Code - General Residential Zone - Next Generation Neighbourhood Precinct</b>	
<p><b>PO3</b> Reconfiguring a lot provides for a variety of housing options, by way of a mix of lot sizes and dimensions consistent with the medium density character of the precinct, whilst facilitating delivery of diversity within the streetscape.</p>	<p><b>E3.1</b> For reconfiguring a lot which creates in excess of 5 new lots, a mix of lot types in accordance with 'Table 9.4.1.6.3.3 - Lot Types' are to be incorporated into the development as follows:</p> <ul style="list-style-type: none"> <li>• 5 - 10 lots - 2 lot types</li> <li>• 11 - 20 lots - 3 lot types</li> <li>• 21 - 50 lots - 4 lot types (must include lot type A)</li> <li>• &gt;50 lots - 5 lot types (must include lot type A)</li> </ul> <p><b>E3.2</b> For reconfiguring a lot which creates in excess of 20 new lots, the following minimum percentages of lot types in accordance with 'Table 9.4.1.6.3.3 - Lot Types' apply:</p> <ul style="list-style-type: none"> <li>• Lot Type A - 10% of new lots and Lot Type F - 5% of new lots; or</li> <li>• Lot Type A - 15% of new lots and Lot Type F - 2% of new lots; or</li> <li>• Lot Type A - 15% of new lots and Lot Type B - 15% of new lots.</li> </ul>
<i>Performance Outcome Assessment</i>	
<p>The proposal provides three lot types, being 53 type C's, 42 type B's and 7 type E's which does not accord with the requirements of E3.1 or E3.2.</p> <p>A common theme of a significant number of submissions against the proposal was that the area is made up primarily of rural residential allotments and that the area should promote lots as large as feasible. This is represented in the type E lots fronting Warner Road.</p> <p>Accordingly, while the proposal does not provide the complete range of lot widths contemplated by the precinct, in this instance the lot type mix provides for a sufficient variety of housing options and diversity within the streetscape with lots varying in area of 325m<sup>2</sup> to 828m<sup>2</sup> and therefore accords with the requirements of PO3.</p>	
<p><b>PO4</b> A range of different lots are distributed throughout the development with no one lot type concentrated within a single location, to create diversity within the streetscape and minimise conflicts between vehicle access and on street parking.</p>	<p><b>E4.1</b> Where not accessed via a laneway, a maximum of 4 adjoining lots of the same type in accordance with 'Table 9.4.1.6.3.3 - Lot Types' are proposed where fronting the same street.</p>
<i>Performance Outcome Assessment</i>	
<p>The proposal provides 8 lot type C's in a row twice and provides 6 lot type E's fronting Warner Road which does not accord with the requirements of E4.1.</p>	

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Performance Outcome	Example
<p>As mentioned in the assessment of PO3 above, a common theme of a significant number of submissions against the proposal was that the area is made up primarily of rural residential allotments and that the area should promote lots as large as feasible. This is represented in the type E lots fronting Warner Road.</p> <p>In this instance, the proposal provides a sufficient range of lots throughout the development creating diversity whilst avoiding the imposition of lot type A's and B's and therefore meets the requirements of PO4.</p>	
<p><b>PO8</b></p> <ul style="list-style-type: none"> <li>a. <b>Lot layout and design avoids the impacts of cutting, filling and retaining walls on the visual and physical amenity of the streetscape, each lot created and of adjoining lots ensuring, but not limited to, the following:</b></li> <li>b. <b>The likely location of private open space associated with a Dwelling House on each lot will not be dominated by, or encroached into by built form outcomes such as walls or fences;</b></li> <li>c. <b>Walls and/or fences are kept to a human scale and do not represent barriers to local environmental outcomes and conditions such as good solar access and access to prevailing breezes; and</b></li> <li>d. <b>The potential for overlooking from public land into private lots is avoided wherever possible; and</b></li> <li>e. <b>Lot design is integrated with the opportunities available for Dwelling House design to reduce impacts.</b></li> </ul>	<p><b>E8.1</b> Lot layout and design ensures that a lot has a maximum average slope of 1:15 along its long axis and 1:10 along its short axis.</p> <hr/> <p><b>E8.2</b> Retaining walls and benching and associated cutting, filling and other earthworks associated with reconfiguring a lot are limited to:</p> <ul style="list-style-type: none"> <li>a. a <b>maximum</b> vertical dimension of 1.5m from ground level for any single retaining structure; or</li> <li>b. <b>where</b> incorporating a retaining structure greater than 1.5m in height, the retaining wall is stepped, terraced and landscaped as follows: <ul style="list-style-type: none"> <li>i. <b>maximum</b> 1m vertical, minimum 0.5m horizontal, maximum 2m vertical (refer figure below);</li> <li>ii. <b>Maximum</b> overall structure height of 3m; or</li> </ul> </li> <li>c. where <b>incorporating</b> benching along the short axis (from side to side boundary) of a lot: <ul style="list-style-type: none"> <li>i. The difference between levels at each boundary is no greater than 4m per lot;</li> <li>ii. each bench has a maximum height of 2m (refer Figure below); or</li> </ul> </li> <li>d. where <b>incorporating</b> benching along the long axis (from front to rear boundary): <ul style="list-style-type: none"> <li>i. each bench has a maximum height of 2m;</li> <li>ii. lots orientate up/down the slope (refer Figure below)</li> </ul> </li> </ul>
<i>Performance Outcome Assessment</i>	
<p>Given the topography of the site, the proposed retaining throughout the site does not accord with the requirements of E8.2.</p> <p>In designing the subdivision, an outcome more aligned to the Example was possible however resulted in a high retaining wall existing between the proposed Local Park and the internal road as well as not having a road on the western boundary of the site. In resolving those issues, has required the height of some retaining walls in a single section to range in height of up to 2m, however in assessing the proposal against PO8, subject to a condition ensuring adequate terracing throughout the proposal with landscaping, the proposal can comply with the Performance Outcome.</p>	

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Performance Outcome	Example
<b>PO30</b> A hierarchy of Park and open space is provided to meet the recreational needs of the community.	No example provided.
<b>PO31</b> Park is to be provided within walking distance of all new residential lots.	No example provided.
<b>PO32</b> Park is of a size and design standard to meet the needs of the expected users.	No example provided.
<b>PO33</b> Parks are designed and located to be safe and useable for all members of the community with high levels of surveillance, based on Crime Prevention Through Environmental Design principles, and access.	<b>E33.1</b> Local and district Parks are bordered by streets and lots orientated to address and front onto Parks and not lots backing onto or not addressing the Park wherever possible.
	<b>E33.2</b> Where lots do adjoin local and district Parks, and fencing is provided along the Park boundary, it is located within the lot and at a maximum height of 1m.
	<b>E33.3</b> The design of fencing and retaining features allows for safe and direct pedestrian access between the Park and private allotment through the use of private gates and limited retaining features along Park boundaries.
<i>Performance Outcome Assessment</i>	
A local park is proposed within the Site. The delivery of the open space was secured by way of an Infrastructure Agreement between the applicant and the Council (as discussed in greater detail in section 3.8 of this report) and ensures that the proposal achieves compliance with the Performance Outcomes as well as the Desired Standards of Service in the Council's Local Government Infrastructure Plan ( <b>LGIP</b> ).	
<b>PO66</b> No new boundaries are located within 2m of High Value Areas.	No example provided
<b>PO67</b> Lots are designed to: a. minimise the extent of encroachment into the MLES waterway buffer or a MLES wetland buffer; b. ensure quality and integrity of biodiversity and ecological values is not adversely impacted upon but are maintained and protected; c. incorporate native vegetation and habitat trees into the overall subdivision design, development	<b>E67</b> Reconfiguring a lot ensures that no additional lots are created within a Value Offset Area.

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Performance Outcome	Example
<p>layout, on-street amenity and landscaping where practicable;</p> <p>d. provide safe, unimpeded, convenient and ongoing wildlife movement;</p> <p>e. avoid creating fragmented and isolated patches of native vegetation;</p> <p>f. ensuring that soil erosion and land degradation does not occur;</p> <p>g. ensuring that quality of surface water is not adversely impacted upon by providing effective vegetated buffers to water bodies.</p> <p>AND</p> <p>Where development results in the unavoidable loss of native vegetation within a MLES waterway buffer or a MLES wetland buffer, an environmental offset is required in accordance with the environmental offset requirements identified in Planning scheme policy - Environmental areas</p>	
<i>Performance Outcome Assessment</i>	
<p>The applicant seeks to amend the Environmental Areas Overlay map to change the High Value MSES and MLES areas to be consistent with the results of a Koala Habitat Value amendment request as per Schedule 11 of the <i>Planning Regulation 2017</i>.</p> <p>The proposed changes align with the approved Property Map of Assessable Vegetation (<b>PMAV</b>) of existing vegetation to the north of the lot. The PMAV amendment request was granted by the Department of Resources Mines and Energy (DNRME) in 2016 (Reference 2016/004109). A ground truthing site visit by MBRC Environmental Planning was conducted on 29th August 2019. MBRC Environmental Planning has subsequently agreed to the proposed mapping changes.</p> <p>The variation is therefore seeking to give effect to the updated Environmental Areas Overlay map due to sufficient technical information being provided to demonstrate that the actual environmental values present on the Site are less than how it is currently mapped.</p> <p>The application is therefore compliant with PO66 and PO67.</p>	
<p><b>PO86</b> Development:</p> <p>a. minimises the risk to persons from overland flow;</p> <p>b. does not increase the potential for damage from overland flow either on the premises or on a surrounding property, public land, road or infrastructure.</p>	<p>No example provided.</p>
<p><b>PO87</b> Development:</p>	<p><b>E87</b></p>

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Performance Outcome	Example
<p>a. maintains the conveyance of overland flow predominantly unimpeded through the premises for any event up to and including the 1% AEP for the fully developed upstream catchment;</p> <p>b. does not concentrate, intensify or divert overland flow onto an upstream, downstream or surrounding property.</p>	<p>Development ensures that any buildings are not located in an Overland flow path area.</p>
<p><b>PO88</b> Development does not:</p> <p>a. directly, indirectly or cumulatively cause any increase in overland flow velocity or level;</p> <p>b. increase the potential for flood damage from overland flow either on the premises or on a surrounding property, public land, road or infrastructure.</p>	<p>No example provided.</p>
<p><b>PO89</b> Development ensures that overland flow is not conveyed from a road or public open space onto a private lot, unless the development is in a Rural zone</p>	<p><b>E89</b> Development ensures that overland flow paths and drainage infrastructure is provided to convey overland flow from a road or public open space area away from a private lot, unless the development is in the Rural zone.</p>
<p><b>PO90</b> Development ensures that Council and inter-allotment drainage infrastructure, overland flow paths and open drains through private property cater for overland flows for a fully developed upstream catchment flows and are able to be easily maintained.</p>	<p><b>E90.1</b> Development ensures that roof and allotment drainage infrastructure is provided in accordance with the following relevant level as identified in QUDM:</p> <p>a. Urban area – Level III;</p> <p>b. Rural area – N/A;</p> <p>c. Industrial area – Level V;</p> <p>d. Commercial area – Level V.</p> <p><b>E90.2</b> Development ensures that all Council and allotment drainage infrastructure is designed to accommodate any event up to and including the 1% AEP for the fully developed upstream catchment.</p>
<p><b>PO91</b> Development protects the conveyance of overland flow such that easements for drainage purposes are provided over:</p> <p>a. a stormwater pipe if the nominal pipe diameter exceeds 300mm;</p> <p>b. an overland flow path where it crosses more than one property; and</p>	<p>No example provided</p>

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Performance Outcome	Example
c. inter-allotment drainage infrastructure.	
<p><b>PO92</b></p> <p><b>Development for a Park ensures that the design and layout responds to the nature of the overland flow affecting the premises such that:</b></p> <p>a. <b>public benefit and enjoyment is maximised;</b></p> <p>b. <b>impacts on the asset life and integrity of park structures is minimised;</b></p> <p>c. <b>maintenance and replacement costs are minimised.</b></p>	<p><b>E92</b></p> <p>Development for a Park ensures works are provided in accordance with the requirements set out in Appendix B of the Planning scheme policy - Integrated Design.</p>
<i>Performance Outcome Assessment</i>	
<p>A Stormwater Management Plan has been submitted in support of the development proposal demonstrating substantial compliance with the Performance Outcomes however as some minor amendments to the report are necessary, it is recommended that if the proposal is approved that it be conditioned to require an amended Stormwater Management Plan be submitted to Council for approval.</p>	
<p>The proposal will meet the requirements of Performance Outcomes PO86-PO92.</p>	

2.3.5 Overall Outcome Assessment

Due to the nature of the development application, being a Material Change of Use - Preliminary Approval for Dwelling Houses, Home Based Business, Park and Sales Office and a request to vary the MBRC Planning Scheme to include the Site in the General Residential zone - Next Generation Neighbourhood precinct, Environmental Management and Conservation zone and Sport and Recreation Zone and vary the effect of two Overlay Maps and the Dwelling House Code, and a Reconfiguring a Lot - Development Permit for Subdivision (1 into 102 lots), the proposal is required to be assessed against the applicable Overall Outcomes of the codes as follows noting that the assessment has been limited to only those applicable to the proposal.

Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
a. The Next generation neighbourhood precinct supports site densities between 15 and 75 dwellings per hectare.	Yes	The proposal achieves a net residential density of 16.75 lots per hectare. A common theme of a significant number of submissions against the proposal was that the area is made up primarily of rural residential allotments and that the area should be developed as larger lots. The applicant has proposed larger lots along the Warner Road frontage to create a less dense perception / streetscape to Warner Road that many local residents travel along with an outcome the same as



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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
		what has been approved on the adjoining land to the east (Ausbuild 1). The proposal achieves the density at the lower part of the range anticipated for the precinct.
b. Neighbourhoods will have a mix of residential uses, tenure and densities on a variety of lot sizes providing housing choice and affordability for different lifestyle choices and life stages to meet diverse community needs.	Yes	The proposal provides lots ranging from 325m <sup>2</sup> to 828m <sup>2</sup> which supports both housing diversity and affordability.
c. Neighbourhoods are designed to provide well-connected, safe and convenient movement and open space networks through interconnected streets and active transport linkages that provide high levels of accessibility between residences, open space areas and places of activity	Yes	The lot layout provided accords with the Planning Scheme and provides well-connected, safe and convenient movement through interconnected streets.
j. General works associated with the development achieves the following: <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</li> </ul> </li> </ul>	Yes	Assessed as part of detailed development application and will be reflected in the recommended conditions of any approval.

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
drainage lines and riparian areas; D. avoid off-site adverse impacts from stormwater. iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network; iv. the development ensures the safety, efficiency and useability of access ways and parking areas; v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.		

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).

In addition, section 45 (5) of the *Planning Act 2016* states the assessment may be carried out against, or having regard to, any other relevant matter other than a person's personal circumstances, financial or otherwise. The other relevant matters to which regard may be had in the assessment of the proposed development, are discussed in section 3.8 of this report.

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*

Schedule 2 of the Lot 2 and 54 Warner Road Infrastructure Agreement 2020 between Moreton Bay Regional Council and Ausbuild Development Corp Pty Ltd (CAN 168 741 455) (**Infrastructure Agreement**), states that should the proponent provide the Work Contributions and the Land Contributions in accordance with the Infrastructure Contributions Schedule in the Infrastructure Agreement, together with the Frontage Works for this site, Council agrees to reduce the levied charge in an Infrastructure Charging Instrument (being an infrastructure charges notice) for development of the land to zero. Accordingly, the levied charge will be zero on the basis of a recommended condition requiring the development to comply with the obligations of the Infrastructure Agreement.

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:

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(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 \$30,677.65 based on the proportional split stated in Table 3 of the CR. However, as mentioned in section 3.4.1 above, an Infrastructure Agreement is in effect and this credit has been accounted for in the Infrastructure Agreement and is therefore not available.

**2.4.3 Levied Charge Offset or Refund**

Any Trunk Infrastructure requirements have been accounted for in the Infrastructure Agreement referred to in section 3.4.1 above. There is no provision for any refund.

**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;

- 1 (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

- 2 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**

In accordance with section 89 of the *Planning Act 2016*, the approval is required to be noted on Schedule 4 of the MBRC Planning Scheme as the development approval would be a variation approval given under section 61 of the *Planning Act 2016*.

**2.6 Referrals**

**2.6.1 Internal Council Referrals**

**2.6.1.1 Development Engineering**

**Traffic, Access & Parking**

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An amended Engineering Service report is necessary to confirm that the proposed layout and road reserve will not have any negative impacts on the functionality and performance of the intended street network, including vehicular movement, the provision of service corridors for sewerage, water, electrical and communications and other street furniture to accord with MBRC requirements.

An amended Engineering Service Report is required to show that the Modified Contemporary Residential Road (Local Collector - major access street running north-south) has the following attributes:

- a. Pavement width is 9.0m that includes a 2.4m wide roadside parking lane.
- b. Immediately in front of proposed Lots 87, 88, 91 through to 102, a 4.5m wide road verge with a 1.5m wide concrete footpath. The footpath is required to be set back 1.5m behind the kerb line. On the other side, a 5m wide road verge is required with a 2.0m wide concrete footpath. The footpath is to be set back by 1.5m behind the kerb line.

To prevent development construction traffic passing through the rural residential area to the west and to address resident concerns, it is recommended that the development be conditioned to limit construction vehicle access from Coorparoo Road only.

**Stormwater / Flooding**

Three bio-retention basins within the adjacent proposed development located on Lot 2 on RP195936 (Stage 1 and 2 of full development referred to as Ausbuild 1) are adequately sized to effectively mitigate the pollutant loads generated from the subject site development (Stage 3 and 4) to the SPP pollutant load reduction targets.

The proposed development will achieve no-worsening of the upstream and downstream waterways through the implementation of an updated Drainage Investigation Area Master Plan referenced as 6326-01\_R3\_V05 dated 24/02/21 by Water Technology.

A Site Specific Stormwater Management Plan (SMP) is required demonstrating that stormwater (overland flow) coming to the site (all along the western boundary) is appropriately captured and handled within the subject site and then discharged to a lawful point of discharge.

**2.6.1.2 Environmental Health**

**Waste Management**

Each dwelling will have 2 wheelie bins which require 2 metres of space at the kerbside and serviced by a left side loading 12.5m long HRV where the driver does not leave the vehicle.

It is acknowledged that there are lots located on a dead-end street where a HRV cannot access the bins for these lots. Therefore, bin pads have been indicated on the plans for the lots that will be affected. The bin pads must be wide enough to accommodate the required number of bins for the affected lots.

**2.6.1.3 Environmental Planning**

The proposed development been assessed against the provisions of the Strategic Framework (Part 3); Reconfiguring a lot - Rural Residential Zone Code (9.4.1.11); the General Residential Zone (Next Generation Neighbourhood Precinct) (6.2.6.3); the Recreation and Open Space Zone (6.2.9); and the Environmental and Conservation Zone (6.2.4) Codes of the current planning scheme.

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The environmental factors of the proposed development are compliant with the strategic framework; purpose statement of the overall outcomes and the assessment benchmarks set out in the assessable development tables of the relevant zone codes.

Based on the environmental assessment, the site is not mapped as containing any State environmental constraints. Although the site is mapped as containing High Value MSES, and MSES Koala Offsets under the current Planning Scheme Mapping, MSES values are reflective of superseded State Koala Habitat Mapping and associated legislation. Changes to the MBRC Planning Scheme Overlays to reflect state mapping, occur during Planning Scheme amendments and therefore are yet to reflect the changes to the State Mapping.

Environmental Planning is satisfied the proposed development avoids areas of high ecological significance by locating new buildings, ovals, carparking and the associated civil works for stormwater management and earthworks within areas that are largely clear of any vegetation.

Mapped MLES polygons under the Environmental Areas Overlay, as well as mapped Strategic Framework - Ecological Corridors, are proposed to be retained and enhanced as part of a 5.215Ha Environmental Conservation zone and Open Space in the north of the lot.

The site does contain scattered non-juvenile koala habitat trees (NJKHT's) over mostly cleared paddocks. Koalas have also been recorded as utilising the site for movement to more vegetated areas in the north west and to the south of Warner Road.

The proposed development will require the removal of 30 NJKHTs and no more than 6 identified MBRC defined habitat trees in the south of the site.

However, Environmental Planning is satisfied the proposed development will enhance koala habitat networks within the region through the imposition of the 3.838 ha Environmental and Conservation Protection Zoning in the north of the site. Revegetation and rezoning of these areas will ensure protection and enhancement of koala habitat and movement opportunities to the east and west of the site as well as directing Koala movement to a safe fauna underpass under Warner Road, to connect to vegetation in the south of the site.

The EAR has also identified Wallum Froglet (*Crinia tinnula*) habitat within the drainage feature in the north of the site. Wallum Froglet is listed as a threatened species under the *Nature Conservation Act 1992* and is also listed as an MBRC Priority Species.

Environmental Planning is satisfied the areas of identified Wallum Froglet habitat will be rehabilitated and protected within the proposed Environmental Management and Conservation zone portion of the site.

The Applicant is also proposing the provision of open space networks adjacent to core environmental areas to protect ecologically significant areas from edge effects. Furthermore, the applicant proposes to include refuge poles within the riparian reserve to provide steppingstone habitat for wildlife until the revegetation plantings are mature. As well as the provision of a raised boardwalk over the retained Wallum Froglet Area and Koala exclusion fencing to restrict domestic dogs from entering the wildlife corridor and the likelihood of Koala's entering the residential development which will reduce the risk of vehicle strike.

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As the proposed retention and enhancement of Environmental Areas in the north of the site are a continuation of wildlife corridors to the east of the site, koala's will be afforded safe fauna passage under Warner Road through the construction of a fauna friendly underpass. Arboreal species will also be afforded safe movement to vegetation in the south of Warner Road (as evidenced in the approved EAR for DA/38356/2019/V2L) through the provision street trees planted in close proximity to the road to allow for canopy connectivity.

Also, vegetation immediately to the east of the site on Lot 3 SP174984 and Lot 4 SP174985, as well as on Lot 5 SP174986, within Lowan Street Reserve to the west and vegetation on lots south of Kremzow Road, is known to contain Core Koala habitat. Environmental Planning is satisfied that denser vegetated Koala habitat and movement opportunity's within properties surrounding the site, will not be impacted by the development and will benefit from the proposed development creating safer movement corridors to intact vegetation to the east, north west and south of the site.

Furthermore, the submitted Bushfire Management Plan demonstrates the proposed development provides appropriate setbacks and buffers, adequate water supply, good access provisions and minimisation of ground fuels, to ensure that a Bushfire Risk is minimised.

Based on the environmental assessment, the proposed development should be approved subject to conditions.

#### 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**

###### Powerlink

Council was advised on 16 February 2021 that the Advice Agency has no objection to the proposal. The advice agency has recommended a number of conditions be included in Council's decision notice however as they simply relate to compliance with state legislation and existing easement obligations, there is no need to include them as they are already required to be complied with.

##### **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 5 March 2021.
- (b) The development application was advertised in the City North News on 6 March 2021.
- (c) A notice in the prescribed form was posted on the relevant land on 6 March 2021 and maintained for a period of 30 business days.

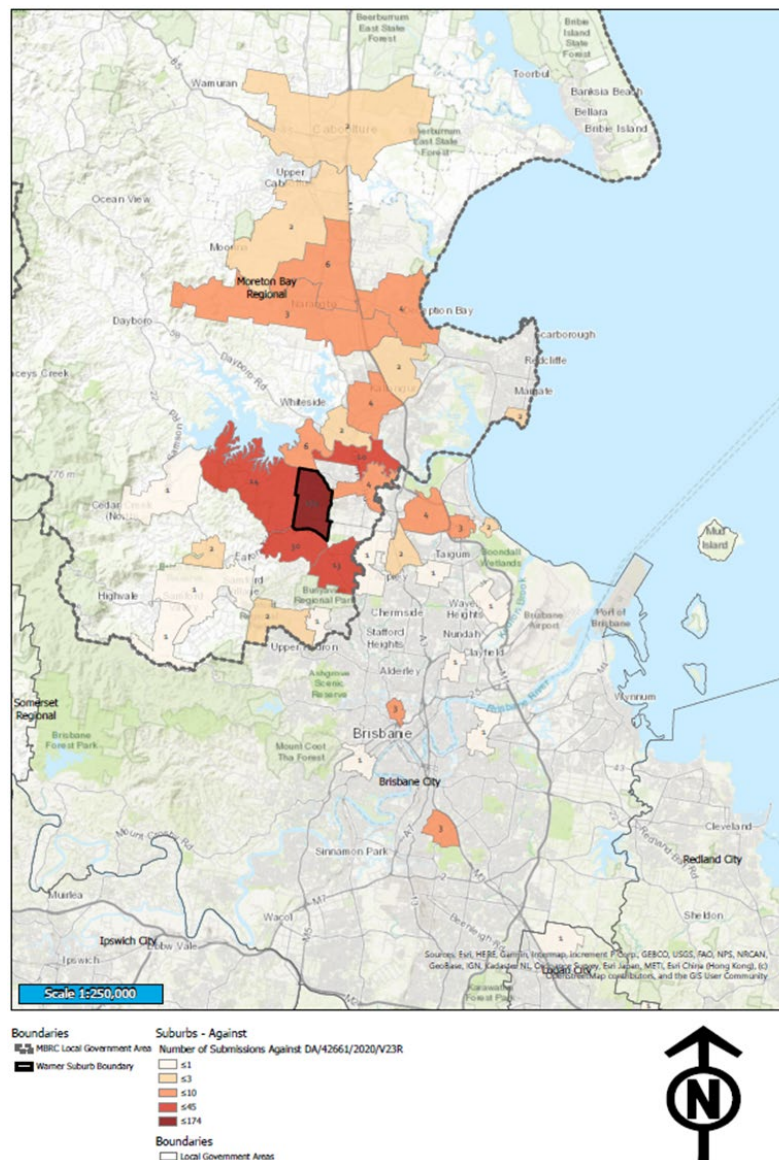
##### *2.7.2 Submissions Received*

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

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Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax	817	817
	Petition	0	0
Not Properly Made	Letter, Email, Fax	21	21
	Petition	0	0
<b>Total</b>		<b>838</b>	<b>838</b>

Of the 817 properly made submissions, 382 were opposed to the development application while 434 were in support, with 1 submission being neutral. In understanding the origins of the submissions lodged both for and against, they have been mapped as shown below in Figures 8 and 9.





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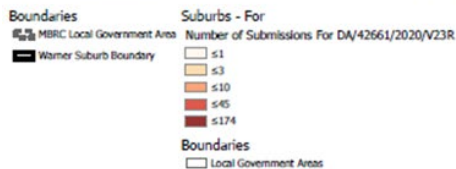
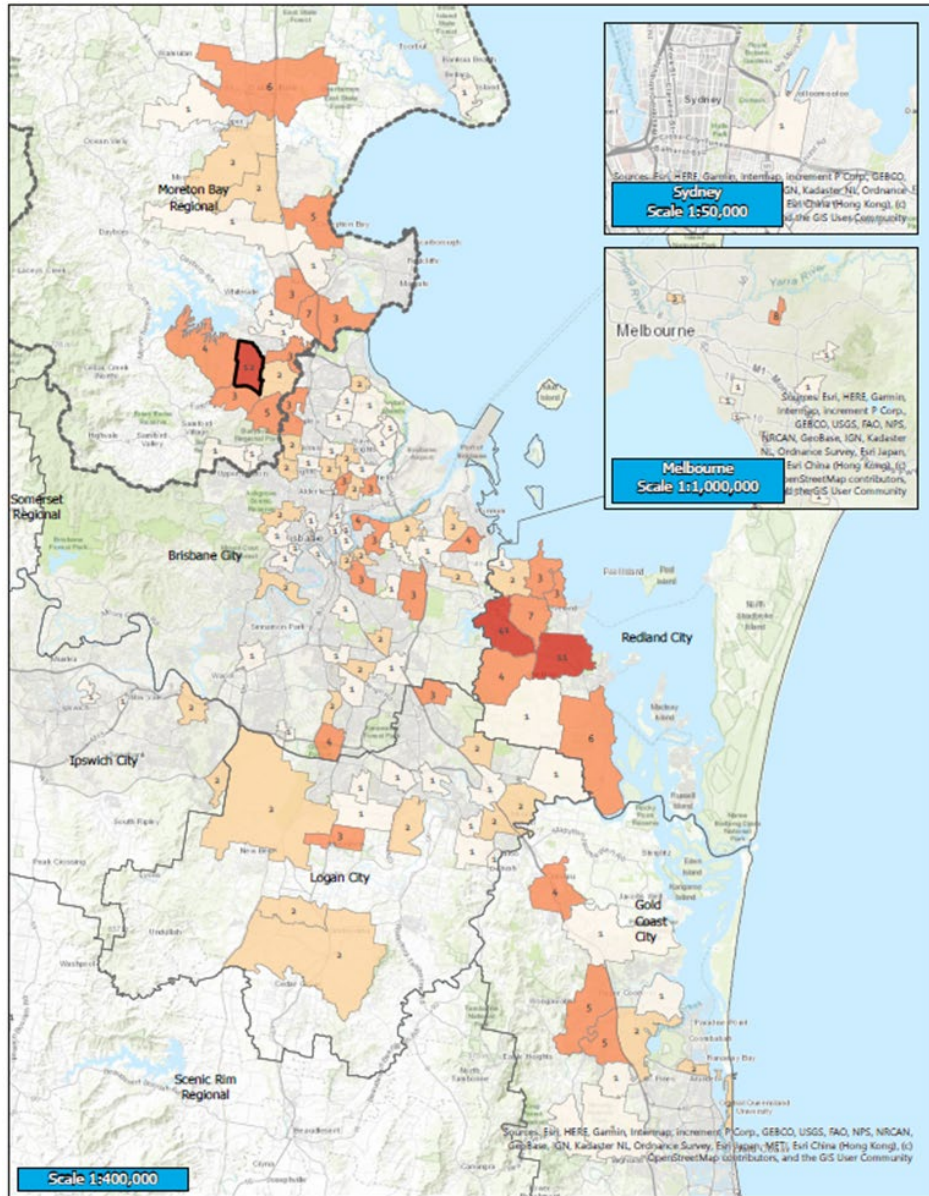


Figure 10: Submissions Supporting



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The matters raised within the submission(s) are outlined below:

Assessment of Submissions
<b>Issue - Inconsistency with the MBRC Planning Scheme</b>
<p>Submitters raised the following concerns in relation to inconsistency with the MBRC Planning Scheme:</p> <ul style="list-style-type: none"> <li>• <i>The proposed development compromises the long-term intent of the Rural Residential Zone in the surrounding properties and district; sets a precedent for the zone.</i></li> <li>• <i>Small lot housing provided is inconsistent with established character of area</i></li> <li>• <i>The proposed development does not provide the transition between the low-density character and amenity of adjacent properties to the proposed higher densities which is sought after in the MBRC Planning Scheme.</i></li> <li>• <i>The proposed development seeks to radically change the zoning of Rural Residential to [General Residential] Next Generation Neighbourhood.</i></li> <li>• <i>The site is identified as an “Investigation Area” under the MBRC Planning Scheme and recommended that development not occur until such time that the investigation has been completed and a proposal is available for public comment.</i></li> <li>• <i>Inconsistency with Strategic Outcomes of the MBRC Planning Scheme, specifically sections 3.6.5 (dealing with Infill development occurring in appropriate locations and ways) and 3.14.1.8 (concerning the next generation place type).</i></li> <li>• <i>One submitter drew attention to a recent P&amp;EC decision (Transpunt No. 14 Pty Ltd v Moreton Bay Regional Council [2021] QPEC 4) on a proposed residential subdivision in the Rural Residential Zone of the MBRC Planning Scheme. The council refusal was upheld by the court on the following grounds:</i> <ul style="list-style-type: none"> <li>○ <i>The development would compromise the Council’s ability to undertake effective structure planning in the area;</i></li> <li>○ <i>There was no genuine planning need for the development;</i></li> <li>○ <i>By leapfrogging over other undeveloped land, the development would create a de facto planning strategy; and</i></li> <li>○ <i>Significant non-compliance with the provisions of the MBRC Planning Scheme that could not be resolved with the imposition of development conditions.</i></li> </ul> </li> <li>• <i>The proposed development compromises the planning intent of the Rural Residential Zone, of which is purposed with [limiting] “non-residential uses to those of low intensity, size and scale and ensure they have minimal nuisance and adverse impacts on the amenity and character of the Rural residential zone..</i></li> <li>• <i>Good planning dictates that development must be right for the context in which it is proposed.</i></li> </ul> <p><u>Comment:</u> The Site is located in proximity to major centres, employment areas, community and recreation facilities and major transport corridors. As mentioned in section 1 of this Assessment Report, the Council has undertaken an investigation of the WIA which informed Council's proposal for a major amendment to the MBRC Planning Scheme to include the land (including the Site) in the Emerging Community Zone. The investigation recognised the suitability of the land (including the Site) for residential purposes. An assessment of the proposed land uses and subdivision for the purposes of the development application has also determined them to be appropriate, subject to addressing the relevant criteria in the MBRC Planning Scheme (addressed earlier in this Assessment Report). The proposed variation is consistent with these land uses and the proposed lot layout and therefore the proposed development does not compromise the long-term intent of this area. With the 2 previous development approvals given by the Council to date (CSR and Ausbuild 1), this proposal being located north of Warner Road represents what could be described as the</p>

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**Assessment of Submissions**

3<sup>rd</sup> of 4 pieces of the WIA landholdings between Kremzow Road in the North, Old North Road in the east, Warner Road to the south and the protected environmental corridor to the west. The 4<sup>th</sup> piece is the Mordar development application presently in the Decision Stage. It therefore represents a logical piece of the northern part of the WIA appropriate in being developed for an urban purpose.

Council officers have undertaken an assessment of the Strategic Framework in section 2.3.1 of this report.

Councils officers note the submitter’s reference to the recent Planning and Environment Court case *Transpunt No. 14 Pty Ltd v Moreton Bay Regional Council* [2021] QPEC 4. The view of Council officers is that the proposals are not the same and there are material differences particularly in respect to the degree of planning that had been done for the area and the proximity of the land to supporting uses and services. Relevantly, as a result of agreements entered into about the provision of infrastructure by that proponent post the judgement, that development has now been approved. As a development application to be considered on its merits, these matters are not sufficient grounds to warrant refusal of the development application.

**Issue - Community Consultation**

Submitters raised the following concerns in relation to the Community Consultation:

- *Existing community have not been involved in the structure planning process for Warner, despite reports to the contrary (reference made to PeakUrban’s town planning report, specifically p. 192). Community consultation in structure planning exercises is required under the MBRC Planning Scheme.*
- *Community consultation held after submission period had ended to discuss the wider development*
- *The Applicant has not engaged with the local community with respect to feedback and ideas (comparison made to CSR).*
- *Ausbuild refusing to participate in community engagement processes indicative of their own acceptance that they are seeking to establish a precedent ruling against the current zoning of the area.*

Comment:

There is no legislative obligation requiring a developer to undertake community consultation outside of, or in addition to, the statutory Public Notification process that was undertaken for this application. It is at the discretion of the developer as to how much additional community consultation they undertake in addition to whatever their statutory obligations under the *Planning Act 2016* are. It is known however that the developer did prepare and distribute by letter box drop at least 1 newsletter and did maintain a website that while not community engagement to the same level / standard carried out by CSR, it was additional to the minimum requirements under the legislation.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Issue - Neighbourhood Design (Car Parking)**

Submitters raised the following concerns in relation to Car Parking:

- *Comments made about narrow road alignments within development and how this results in issues with car parking in other high-density estates (most occupiers have multiple vehicles).*

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**Assessment of Submissions**

- *The Applicant proposes narrow verge widths, of which limit opportunities for on-street parking; negatively impacts safety of pedestrians and other road users as well as emergency services response times.*
- *No car parking provided for park users.*
- *Councillors made a promise last election to fix street parking.*

Comment:

Council officers note the communities concern regarding the road and verge alignments however do not share those concerns as under the MBRC Planning Scheme, carriageways are required to be a minimum of 8m wide with verges of at least 4m in width. An 8m carriageway is sufficient to allow a single car to park in the street and have 2 passing vehicle. The verges are also sufficient to accommodate services, street trees and footpaths in accordance with the requirements of the MBRC Planning Scheme applied throughout the Moreton Bay Region.

In addition, as only a Local Park is proposed to service the immediate local catchment with a network of footpaths to be provided, the planning scheme promotes persons walking to the Local Park rather than driving. It is also not a requirement of the Council's Desired Standards of Service to provide car parking for a Local Park.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Issue - Koala Habitat**

Submitters raised the following concerns in relation to Koala Habitat:

- *Proposal includes limited koala fencing generally and no koala fencing to existing properties to the southwest.*
- *Concern raised that the proposal does not include recommendations about managing increased threats of dog/cat predation and car strikes to koala populations.*
- *Proposal does not make a "real contribution" to sustaining koala habitat areas.*
- *Revegetation to occur on "useless" land (e.g. easements, land needed to manage overland flow) and will take a significant period of time before it is habitable.*
- *Koala populations in the Pine Rivers/SEQ area are in decline; the proposed development will accelerate the rate of decline.*
- *Previous approvals (e.g. "Sandblasters" and "Quarry") were granted on the basis that their environmental impact would be offset by the retention of vegetation to the south of the powerline easement (i.e. the proposed development site).*
- *Urbanisation and tree-clearing attributed to decline of koala populations in SEQ.*
- *Concern raised that Ausbuild are relying on future support from Powerlink (yet to be confirmed) for koala-friendly vegetation planting within their easement.*
- *The trees that the Developer intends to use for replacement koala habitat (i.e., Eucalyptus kabiana) have been in short supply; no evidence that these will be available for use.*

Comment:

The landscape concept plans include the provision of Koala Refuge Poles within the conservation zone to allow for continued safe koala movement, until such time as the revegetation plantings have matured. Further, koala exclusion fencing will be provided along the interface of the conservation zone and urban areas to exclude dogs from the wildlife corridor and stop koalas from entering urban areas which include threats such as vehicle strike.

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**Assessment of Submissions**

As the Environmental Areas in the north of the site are a continuation of wildlife corridors to the east of the site, koala's will be afforded safe fauna passage under Warner Road through the construction of a fauna friendly underpass. Further, vegetation immediately to the east of the site on Lot 3 SP174984 and Lot 4 SP174985, as well as on Lot 5 SP174986, within Lowan Street Reserve to the west and vegetation on lots South of Kremzow Road, is known to contain Core Koala habitat.

More vegetated Koala habitat and movement opportunity's within properties surrounding the site will not be impacted by the development and will benefit from the site creating safer movement corridors for more intact vegetation to the east, north west and south of the site. Revegetation will also be required to be carried out that will be a condition of approval and it will be incumbent on the applicant to source the relevant plant species. It is an incorrect statement that all of the land is encumbered by easements and useless, as opportunities for koala safe movement will be available.

Therefore, these matters are not sufficient grounds for refusal of the development application.

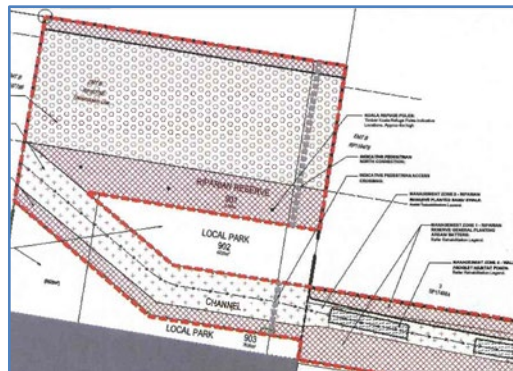
**Issue - Connection to Active and Public Transport Networks**

Submitters raised the following concerns in relation to the Active and Public Transport Networks:

- *No active transport/pedestrian connection between the proposed development and other planned estates (e.g. "Sandblasters" and "Quarry").*
- *Development application suggests that footpath to be provided to the site's frontage to Warner Road only with no connection to Old North Road (route fragmentation).*
- *Proposal does not provide for public transport connections and is unable to deliver the level of service that is promised in Next Generation Neighbourhood zoning.*
- *The development does not include provision for adequate access to public transport.*
- *No arrangement provided to connect future residents to the bus stop on the other side of Old North Road.*

Comment:

Within the Infrastructure Agreement entered into between the applicant and Council, a pedestrian connection north to the Mordar (sandblasters) land is to be provided as shown below;



Active transport will also be provided along the frontage of the site through an unconstructed section of Warner Rad to the intersection of South Pine Road and Old North Road.

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<b>Assessment of Submissions</b>
<p>While public transport is administered by the State Government and is outside of the scope of this assessment, the upgrades to Warner Road and the intersection of Coorparoo Road and South Pine Road will allow public transport to use Warner Road if ever sought. In time, this may be triggered by the size of the local population and/or travel trip choices. In addition, a bus route (338) exists at South Pine Road.</p> <p>Therefore, these matters are not sufficient grounds for refusal of the development application.</p>
<b>Issue - Environmental Impact</b>
<p>Submitters raised the following concerns in relation to Environmental Impact:</p> <ul style="list-style-type: none"> <li>• <i>Threatened flora and fauna have not been mapped; mapping understood to be a requirement.</i></li> <li>• <i>Impacts to threatened flora and fauna have not been quantified.</i></li> <li>• <i>Concern raised that environmental impacts of development have received piecemeal consideration; impacts assessed on a site-by-site basis and not holistically.</i></li> <li>• <i>Concern raised about the loss of habitat for threatened fauna, specifically the Koala, Wallum Froglet, Powerful Owl and White-Bellied Sea Eagle.</i></li> <li>• <i>The Applicant's Ecological Report (2015) is outdated; does not reflect current ecological values.</i></li> <li>• <i>QLD Government koala mapping/recordkeeping does not reflect the value of this habitat.</i></li> <li>• <i>No wildlife passages provided to ensure animals can safely cross adjoining roads.</i></li> <li>• <i>A submission included a statement from a professional veterinarian which noted that wildlife do not "just move on" once we clear bushland, rather they die "either immediately during the destruction of their habitat, or eventually due to exposure to predators, lack of food or the sheer stress associated with losing their environment".</i></li> <li>• <i>Impact of increasing development in area already being felt; a handful of submitters (local residents) noted that they had new animal species entering their properties</i></li> </ul> <p><u>Comment:</u> The most recent Ecological Assessment Report (EAR) is dated 24 September 2020. Whilst the EAR refers to surveys undertaken in 2015, the EAR also stipulates that 'several additional spot check surveys and assessments have been undertaken since this time. The EAR also includes a tree survey dated 9th September 2020 and a chronological listing of changes to vegetation that have occurred on and around the site from 1955 to 2018.</p> <p>The Neighbouring Approval which adjoins the Site to the east (Ausbuild 1) includes extensive rehabilitation of the Conflagration Creek Riparian Corridor in the east and to the north of the site, which also extends into the northern areas of the subject site. This development application has included the rehabilitation of the riparian reserve within the north of Site.</p>

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**Assessment of Submissions**

**WARNER ROAD** **OVERALL FENCE LAYOUT PLAN**

The plan shows a site with a red dashed line for 'Site extents'. A yellow dashed line indicates '1.8M HIGH FEATURE KOALA EXCLUSION FENCING' along the perimeter and internal boundaries. A legend explains this fencing is for a 'rehabilitation corridor' using 'Timber posts capped with aluminium flashing facing the riparian reserve to ensure koala climbing is prevented'. A black line represents a 'FAUNA UNDERPASS' under Warner Road, with a note to 'Refer Engineering Drawings'. A circular inset shows a close-up of the 'FEATURE KOALA EXCLUSION FENCE' with a koala on a post. A note indicates 'ONE WAY CLIMBING POLES INSTALLED ON ROAD SIDE OF FENCE'.

The proposed development extends the wildlife movement corridors in the east of the site. The approved EAR for Ausbuild 1 explains that as well as a fauna underpass under Warner Road for safe terrestrial species movement, trees will be established in close proximity to the road to provide canopy connectivity over the road for safe movement of arboreal species to vegetation in the south of Warner Road.

In regard to the existing flora on site, due to the changes in vegetation over time, it is evident that vegetation communities are limited to scattered trees with limited understory species. The proposed development will result in the loss of 30 scattered sclerophyll trees over pasture and no more than 6 identified habitat trees.

In regards to the Wallum Froglet, identified Wallum Froglet habitat is proposed to be retained and enhanced and a condition of approval is to provide evidence of a rehabilitation permit for tampering with Wallum Froglet Habitat, by way of a High-Risk Species Management Plan approved by the Department of Environment and Science.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Issue - Infrastructure**

Submitters raised the following concerns in relation to Infrastructure:

- *Concern raised that the proposal does not address the issue of infrastructure (schools, hospitals, train station parking, roads) that will be required to support future population growth.*
- *The proposed development will be at a considerable distance from transport and other vital community infrastructure.*
- *Existing schools will be unable to cope with additional demand generated by the proposed development.*
- *Recent publication from the RACQ, which identified the South Pine Road/Eatons Crossing Road intersection as the State's fifth most congested road, to substantiate their claim that the proposed development would exacerbate local traffic problems.*

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**Assessment of Submissions**

- *Trains are already full during peak times; the proposed development will exacerbate this issue.*
- *Parking at train stations already constrained; further congestion likely to deter public transport use.*
- *Medium/High density housing is typically located near transport corridors*

Comment:

In relation to roads, the signalisation of Coorparoo Road with South Pine Road will be delivered by the applicant as part of the Ausbuild 1 development to alleviate both the impacts on the road network directly east of the development and the long-term impacts on the surrounding road network (both local and State controlled). The proposed frontage works and upgrade to Warner Road east of the development along with signalised Coorparoo Road intersection with South Pine Road will provide an improved and more direct access to the major road network and limited development traffic is anticipated to travel west. Upgrading of Warner Road to the west of the development is not required.

Significant assessment has been undertaken in respect to all traffic and transport considerations as a result of the proposal as detailed in this Assessment Report.

In relation to public transport, this proposal does not warrant a new public transport route (i.e. busses) directly servicing only the Site. There are existing public transport routes on South Pine Road which will service the development in addition to the existing infrastructure in the Strathpine, Brendale and Albany Creek suburbs. The development also provides the opportunity for Translink to introduce a bus route if demand warrants it.

The perceived overcrowding of the State controlled road network and public transport services is outside of the scope of this assessment.

Schools, hospitals and trains are administered by the State Government and are therefore outside of the scope of this assessment however Eatons Hill State school is located within 2km of the site and a private hospital and rail station is available at Strathpine being in the vicinity of 6km to the east.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Issue - Traffic**

Submitters raised the following concerns in relation to Traffic:

- *The proposed development will generate several negative externalities, such as congestion (concern expressed about Warner Road and the intersection of Coorparoo Road/South Pine Road) and road accidents.*
- *Inclusion of traffic lights at the Coorparoo Road/South Pine Road intersection will delay traffic on South Pine Road.*

Comment:

In relation to roads, the signalisation of Coorparoo Road with South Pine Road will be delivered by the applicant as part of the Neighbouring Ausbuild 1 Approval to alleviate both the impacts on the road network directly east of the development and the long-term impacts on the surrounding road network (both local and State controlled). The proposed frontage works and upgrade to Warner Road east of the development along with the signalised Coorparoo Road intersection with South Pine Road will provide an improved and more

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**Assessment of Submissions**

direct access to the major road network and limited development traffic is anticipated to travel west. Upgrading of Warner Road to the west of the development is not required.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Issue - Amenity**

Submitters raised the following concerns in relation to Amenity:

- *Landscape buffers are not provided to adjoining properties.*
- *Adjoining properties do not have sewerage connections - risk of black/grey water (which is released via trenches) entering the development site.*
- *Increased crime rates in areas with higher density living; potential to impact on localised feelings of safety and pride of place.*
- *The proposed development will compromise the amenity of local residents and negatively impact on their attachment to the area.*
- *Potential for an "urban heat island" effect to occur due to the increase in impervious surface area.*
- *The proposed development will result in noise levels that incompatible with existing rural residential land uses.*
- *The area lacks both after-school entertainment options for schoolchildren and public transport; these deficiencies were cited as being potential catalysts for youth delinquency.*
- *Increased traffic will negatively impact on the amenity of local residents.*

Comment:

Council officers note the concern of the submitters in regard to maintaining the rural residential character / amenity of the area.

The Engineering Services Report provided by the applicant confirms that the required stormwater infrastructure to service the development can and will be provided with only small technical amendments required to the proposed Stormwater Management Plan. All infrastructure requirements of the proposal will fully comply with the infrastructure and servicing requirements of the Planning Scheme, Australian Standards and other relevant guidelines where appropriate.

Assessment of a perceived increase in crime rates as a result of the proposal is outside of the scope of this Assessment Report however it is not substantiated that the development as proposed generates or attracts crime or anti-social behaviour.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Issue - Neighbouring Approval**

Submitters raised the following concerns in relation to the Neighbouring Approval:

- *A large number of submissions drew attention to the previous application that was made over Lot 2 & 54 Warner Road, Warner and refused unanimously by Councillors for reasons such as: incompatible with adjoining land uses, concerns for local wildlife (mainly the Koala and Wallum Froglet), no town planning or economic need, absence of useful public space, did not meet community's reasonable expectations for development, and unable to achieve compliance with relevant assessment benchmarks even with the imposition of development conditions.*



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**Assessment of Submissions**

- *One submitter stressed the importance of consistency in the Councillors' decision-making.*

Comment:

Council officers note the submitters desire for a consistent decision making approach to what which was undertaken by the Councillors for the neighbouring approval however that decision was appealed to the Planning and Environment Court and as a result of changes made to that proposal that have been applied to this proposal, it was approved and therefore arguably, to be consistent, this proposal should be supported.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Issue - Property Values**

Submitters raised the following concerns in relation to the perceived reduction in property values of the surrounding neighbourhood:

- *Urban housing will negatively impact the value of adjoining properties.*

Comment:

The perceived reduction in property values of the existing surrounding neighbourhoods is outside of the scope of development application assessment.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Issue - Perceived Compromised Solution**

Submitters raised the following concerns in relation to a perceived compromised solution:

- *General expression for meaningful public consultation with regards to the following issues:*
  - *Access to public transport*
  - *Structuring planning*
  - *Urban design, specifically internal road widths and car parking provision*
  - *Revegetation strategies*
- *General Residential (Suburban Neighbourhood) zoning viewed as being more appropriate in this situation as it encourages lower density development, of which would serve as a buffer to established rural residential properties.*
- *General Residential (Suburban Neighbourhood) zoning would also provide more opportunities to retain non-juvenile koala habitat trees.*

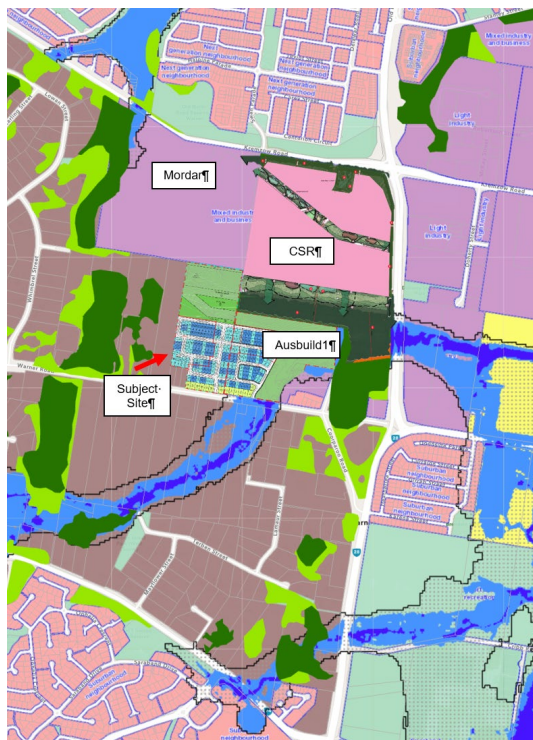
Comment:

Council notes the submitters point regarding the benefits of a General Residential zone - Suburban Neighbourhood precinct instead of the General Residential zone - Next Generation neighbourhood precinct as applied for. In giving consideration to this issue, Council officers have given consideration to the broader area and what can be described as the balance of zones / precincts. The subject site is within what can be described as the northern part of the Warner Investigation Area (WIA) bounded by Kremzow Road to the north, Old North Road to the east, Warner Road to the south and the Lowan Reserve environmental corridor to the west. To the north of Kremzow Road is Warner Lakes located in the Next Generation Neighbourhood Precinct and the approvals given to date (CSR and Ausbuild 1) in this northern part of the WIA are essentially extensions of that precinct to the south. As shown in the image below, the current proposal is a logical

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**Assessment of Submissions**

extension of the precinct already commenced with those 2 development approvals and applying the Suburban Neighbourhood Precinct instead is unnecessary as a buffer or transition to the Rural Residential areas to the west exists. The proposal is contiguous and consistent with other development approvals of the same nature and therefore it is logical to apply the Next Generation Precinct instead of the Suburban Neighbourhood Precinct.



In relation to meaningful community consultation, again it is at the discretion of the developer as to how much additional community consultation they undertake prior to and during the application process. The only obligation on the applicant is the formal public notification actions and period being the time when the community gets its opportunity to voice its concerns as legislated under the *Planning Act 2016* and the applicant has complied with that obligation.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Issue - Miscellaneous**

Submitters raised the following miscellaneous concerns:

- *Development restricts public access to a heritage place, being a “historical well”. This issue is not addressed within the present application.*
- *Several submitters made calls for further investigation into the local heritage significance of the above-mentioned well.*
- *Only Ausbuild stand to benefit from this development.*
- *Development does not represent a balanced decision in the public interest.*

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**Assessment of Submissions**

- *Several adjoining property owners acknowledged that they have been in contact with Ausbuild and are currently in the process of negotiating conditions of support.*
- *Council needs to find a balance between economic growth and projected growth in the region. There is also a need to ensure that a variety of housing typologies are provided for near major employment centres.*

Comment:

While there may have been a well used on the property historically, it is of no heritage significance under the Council's planning scheme or state legislation.

Council officers note the community's concern regarding Ausbuild benefiting from the development and the proposal lacking a balanced consideration of public interest in their view however Ausbuild are the owners of the property and developers, and it stands to reason that they would be the primary beneficiary of any development of the site having taken all of the risks in developing the site.

These matters are not sufficient grounds for refusal of the development application.

**Support - Economic Development and Housing Supply**

Submitters provided support of the development in relation to economic development and housing supply:

- *The new community and population growth will provide support to local businesses, industry and services.*
- *Development is in close proximity to strong local employment centres; advances a live-work-play community.*
- *The development is required to address the shortage of affordable housing stock.*
- *The development will provide opportunities for young people, families, downsizers, first home buyers, low-income households, etc. to break into the property market.*
- *Community will benefit from the infrastructure (e.g. park, cycleways, pedestrian pathways, flood management, upgrades to the existing road network, environmental corridors) that will be provided for in the development.*
- *Development provides a range of different lot types supported by open space.*
- *Ausbuild is a family-owned business with a good track record in delivering vibrant communities and quality housing designs.*

Comment:

Council officers note the items of support in relation to economic development and housing supply.

**Support - Neighbourhood Design**

Submitters provided support of the development in relation to neighbourhood design:

- *A large number of submitters viewed the proposed development as being sympathetic to its rural residential setting, noting that the larger-sized lots along Warner Road were "in keeping with the surrounding larger rural residential lots that currently exist".*
- *Design of development responsive to key environmental attributes of the site and surrounding area; appropriate development footprint to mitigate impact.*
- *Support for the proposed park; comment made that the area lacks this type of social infrastructure.*

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<b>Assessment of Submissions</b>
<p><u>Comment:</u> Council officers note the items of support in relation to neighbourhood design.</p>
<b>Support - Environmental Impact</b>
<p>Submitters provided support of the development in relation to the environmental impact:</p> <ul style="list-style-type: none"> <li>• <i>Coordinated approach to koala habitat regeneration will result in a “substantial wildlife corridor”.</i></li> <li>• <i>Support for the proposed riparian reserve which will provide habitat for the Wallum Froglet and other local fauna species.</i></li> <li>• <i>A large number of submitters pointed out that the Australian Government Department of Agriculture, Water and Environment had previously granted approval in July 2020 under the Environmental Protection and Biodiversity Conversation Act 1999 (Cth) [EPBC Act] for residential development and associated infrastructure on Lot 1, Lot 2 &amp; 54 Warner Road, Warner.</i></li> </ul> <p><u>Comment:</u> Council officers note the items of support in relation to environmental impact.</p>
<b>Support - Roads and Traffic</b>
<p>Submitters provided support of the development in relation to the roads and traffic:</p> <ul style="list-style-type: none"> <li>• <i>Support for the proposed upgrades to Warner Road and the Old North Road intersection; cited benefits include increased safety and further peace of mind.</i></li> </ul> <p><u>Comment:</u> Council officers note the items of support in relation to roads and traffic.</p>
<b>Support - Stormwater Management</b>
<p>Submitters provided support of the development in relation to the stormwater management:</p> <ul style="list-style-type: none"> <li>• <i>The proposed development will “suitably accommodate and manage stormwater flows from the site and upstream properties”.</i></li> <li>• <i>Proposal viewed as a permanent solution to the area’s perennial flood problem.</i></li> <li>• <i>A handful of submitters appreciated the retention of natural flow path/drainage features in the proposed development.</i></li> </ul> <p><u>Comment:</u> Council officers note the items of support in relation to stormwater management.</p>
<b>Support - Rebuttal Against Opposition Pro Forma</b>
<p>Submitters provided support of the development in response to the pro forma submission in opposition to the proposal which constituted a significant number of submissions against the proposal:</p> <ul style="list-style-type: none"> <li>• <i>Revegetation does not necessarily take years to grow; this point addressed in the EPBC submissions process (report “available upon request”). The proposed revegetation represents an improvement on existing conditions, so as to justify the wait.</i></li> <li>• <i>Development allows for the creation of an east-west habitat link.</i></li> <li>• <i>The assessment of ecological impacts, mitigation, and compensatory measures has been conducted in a coordinated manner.</i></li> </ul>

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**Assessment of Submissions**

- *Koala habitat offsets provided at a greater rate than what is mandated by the State.*
- *The overall environmental management strategy has been approved by the State through a Species Management Program.*
- *The proposed development includes the provision of significant public open space.*

Comment:

Council officers note the response to the pro forma submission in opposition to the proposal.

**Issues from Not Properly Made Submissions**

The following items were taken from submissions that were deemed not properly made for various reasons:

- *Compromised Solution*
  - *Lots fronting Warner Road must seek access from internal roads for safety reasons.*
  - *Lots should be minimum 500m<sup>2</sup> in size.*
  - *Garages to be setback minimum 6m from road frontages to allow for on-site car parking.*
  - *In relation to regenerative koala habitat provision, VIC requires one (1) canopy tree per lot; NSW required two (2) per lot in the Campbelltown koala area.*
  - *Koala fencing to be provided to Warner Road only, to avoid full enclosure*
  - *Internal roads should be wide enough to accommodate a garbage truck and two parked cars.*
  - *Parkland should be named after "Archibald Fogarty", a historic landowner.*
  - *The two (2) historic trees located in the southeast corner of the site should be retained.*

Comment:

Council officers note the not properly made submissions items.

**2.7.3 Notice of Compliance**

The Notice of Compliance was received by Council on 27 April 2021. 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**

*Infrastructure Agreement*

Relevantly, the abovementioned Ausbuild 1 approval borders this development application to the east at Lot 2 and 54 Warner Road, Warner (**Neighbouring Approval**). As part of the Neighbouring Approval, Council entered into an Infrastructure Agreement with the developer whereby the developer is to provide the following:

- (i) Upgrade to existing trunk stormwater box-culverts identified in the Council's LGIP in Warner Road that presently do not meet the Desired Standards of Service;
- (ii) Construction of a fauna underpass under Warner Road;
- (iii) Reconstruction of 350m of Warner Road;
- (iv) Revegetation and rehabilitation of the riparian corridor in Lot 2 Warner Road, Warner;
- (v) Dedication of 7 hectares to Council in fee simple on trust as Environmental Management and Conservation Precinct;

*ITEM 4.3 DA/42661/2020/V23R - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK AND SALES OFFICE (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LOT - DEVELOPMENT - 61883228 (Cont.)*

- (vi) Construction of 3 bio-retention basins;
- (vii) Signalisation of the Coorparoo Road and South Pine Road intersection;
- (viii) Construction of a 2.5m wide shared off-street cycle ways and pathways across the frontage of the site to Warner Road extending to Old North Road having a total length of 703 metres;
- (ix) An upgrade of Warner Road between the subject site and Coorparoo Road;
- (x) Dedication of 1.3724ha of land to the Council for a Local Recreation Park from the subject site;
- (xi) Contribution of \$267,000 excluding GST towards embellishments for the Local Recreation Park;
- (xii) Dedication of 3.84ha of land from the subject site as Environmental Management and Conservation;
- (xiii) Contribution of temporary koala exclusion fencing during construction;
- (xiv) Contribution of 50 x 25 litre advanced tree stock in the area.

These items benefit the current application and further, items such as the Local Recreation Park for example are to be provided on the land subject to this application. It is also recommended that if this application is approved, it be required as a condition of approval that the developer comply with this Infrastructure Agreement.

### **3. Strategic Implications**

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

The applicant (and submitter/s) 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**

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.

#### **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.

*ITEM 4.3 DA/42661/2020/V23R - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK AND SALES OFFICE (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LOT - DEVELOPMENT - 61883228 (Cont.)*

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Refer to clause 3.7.

**SUPPORTING INFORMATION**

**Ref: [62372509](#), [62372528](#), [62372543](#), [62372561](#) & [62456838](#)**

The following list of supporting information is provided for:

**ITEM 4.3**

**DA/42661/2020/V23R - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK AND SALES OFFICE (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LOT - DEVELOPMENT**

***#1 Annexures***

***#2 Engineering Services Report***

***#3 Approved Plans***

***#4 Plans to be amended***

***#5 Submissions***



**ITEM 4.4**  
**INCENTIVISING INFILL DEVELOPMENT POLICY**

*Meeting / Session:* 4 PLANNING  
*Reference:* 62321593: 22 June 2021 **Refer Supporting Information 62321592**  
*Responsible Officer:* CQ, Coordinator Specialist Assessment (PL Development Services)

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**Executive Summary**

The Incentivising Infill Development Policy 2150-096 has an application expiration date of 30 June 2021 and a construction expiration date of 31 December 2021. It is recommended that the policy construction timeframe only be extended for an additional 12 months to utilise the committed funding.

**OFFICER'S RECOMMENDATION**

That the Incentivising Infill Development Policy 2150-096 ("Policy") and associated Policy Directive 2160-025 ("Policy Directive") are amended by:

- a) extending the construction timeframe by a year by amending "building work to be substantially commenced by 31 December 2021" to "building work to be substantially commenced by 31 December 2022"; and
- b) accepting the applications noted in table 2(c) pending 'development approval', that meet all other policy requirements where the only reason that they have not already been decided is due to ongoing infrastructure negotiations involving the State Government and/or the Council.

ITEM 4.4 INCENTIVISING INFILL DEVELOPMENT POLICY - 62321593 (Cont.)

**REPORT DETAIL**

**1. Background**

Council's Incentivising Infill Development Policy (the Policy) commenced on 1 July 2017 for an initial period of two (2) years. The Policy, similar, to other policies in other Local Government areas is to incentivise the right development in the right location. The policy is to provide financial incentive, by refunding application fees and discounting 100% of infrastructure charges, for eligible developments. Eligible developments must also be in eligible areas which at present are Strathpine, Caboolture and in and around the Redcliffe Peninsular Rail Corridor. These areas were developed and identified in concert with Unitywater.

The Policy had an initial end term for applications to be accepted under it (30 June 2019) and approved developments required to be substantially commenced by 31 December 2019.

On 20 August 2019 Council adopted to extend the policy terms to accept applications made to 30 June 2021 and approved developments required to be substantially commenced by 31 December 2021.

A Council briefing was conducted on 15 June 2021 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

<i>BRIEFING 3 INCENTIVISING INFILL POLICY REVIEW / RECOMMENDATION</i>
<b>EXTRACT TO BE INCLUDED IN OFFICER'S REPORT</b>
<b>The CEO noted the way forward:</b>
Options were discussed at the briefing in relation to the Incentivising Infill Policy and it was noted to: Extend only the construction timeframe by a further one year and accept applications pending development approval that meet all other policy requirements where the only reason that they have not already been decided is due to ongoing infrastructure negotiations involving the State Government and/or the Council.

**2. Explanation of Item**

The implementation and success of the policy was reviewed in May this year. Interest regarding the Policy has been high since its inception. At the current time, approximately \$9.6 million of the \$10 million pool is either 'under consideration', or 'approved'. This represents uptake of 96% of the \$10 million pool. Furthermore, the Policy has yielded some excellent development results on the ground.

- a) Approximately \$2.1 million, 20% of the \$10 million pool is approved, constructed or under construction and are expected to meet all conditions of approval under the Policy.

DA Reference	Address	Description	Applicant Name	Total Fees and Infrastructure charges
DA/33222/2016/V2M	738 Gympie Road, Lawnton	Multiple dwelling (12 Units)	Strathsind Pty Ltd	\$154,663.37
DA/34543/2017/V2K	83-97 King Street, Caboolture	Residential Care Facility, Community Use, Place of Worship & Park	RSL Care RDNS Ltd	\$426,412.99
DA/37363/2018/V23P	15 Rowe Street, Caboolture	Multiple Dwelling, Residential Care Facility, Retirement Facility, Relocatable Home Park, Office, Shop and Food & Drink and Reconfiguring a lot - Subdivision (1 into 5 lots)	Nusoho Pty Ltd c/- Place Design Group	\$1,541,120.15

ITEM 4.4 INCENTIVISING INFILL DEVELOPMENT POLICY - 62321593 (Cont.)

- b) Approximately \$4.8 million, 50% of the \$10 million pool is approved, under construction or construction will commence this year however are unlikely to meet the expected construction timeframes stated in the Policy.

DA Reference	Address	Description	Applicant Name	Total Fees and Infrastructure charges
DA/33806/2017/V23R	34-40 Bietz Street & 5 Bland Street, Strathpine	Residential Care Facility (96 beds)	Ed Dycueco	\$465,766.59
DA/37862/2019/V2L	11 Buchanan Street, Rothwell	Residential Care facility	DAM26 Project Development & Management	\$601,795.47
DA/39309/2019/V2H	1725 Anzac Avenue, Mango Hill	Residential Care Facility	Linear Properties	\$1,300,204.17
DA/39269/2019/V24R and DA/39151/2019/V23C	1725 & 1729 Anzac Avenue, Mango Hill	Retirement Facility	Linear Properties	\$2,030,032.97
DA/39958/2019/V2M	11 & 21 Lakeside Crescent, Mango Hill	Material Change of Use - Development Permit for Multiple Dwellings	Solido Investment Nominees Pty Ltd	\$465,123.80
DA/42236/2020/V23C	1737 Anzac Avenue, Mango Hill	Material Change of Use - Development Permit for Office	Keymax Building Group	\$460,233.00

- c) Approximately \$2.7 million, 30% of the \$10 million pool is pending development approval in the PDA due to ongoing infrastructure negotiations and will not meet the policy development approval timeframe or the construction timeframe.

DA Reference	Address	Description	Applicant Name	Total Fees and Infrastructure charges
DA/38673/2019/V2K	1059 Anzac Ave, Petrie	Rooming accommodation and office - Mill PDA	K4KFin Pty Ltd & EPG The Mill Pty Ltd and Longfield Land Company Pty Ltd	\$2,739,399.50

Based on this review, Officer's recommend extending the policy construction timeframe only for a further 12 months. Should all the current approved proposals under the policy be genuine developments, the extended construction timeframe is achievable for them and 96% of the committed fund will be used, meeting the Policy objective.

Officers have prepared amendments to the policy as per attached supporting information.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

The policy has been developed in accordance with the *Local Government Act 2009* and the Local Government Regulation 2012.

*ITEM 4.4 INCENTIVISING INFILL DEVELOPMENT POLICY - 62321593 (Cont.)*

- 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  
The incentives framework is already considered in the budget and no additional adjustments to the budget are being sought.
- 3.7 Economic Benefit Implications  
This policy has the potential to bring forward new development and benefit the local economy with creation of construction jobs, construction spend and additional expenditure within the region. This has already been seen with over \$70M dollars' worth of projects being brought forward. The inclusion of Arana Hills is likely to assist in economic benefits for this part of the region.
- 3.8 Environmental Implications  Nil identified
- 3.9 Social Implications  Nil identified
- 3.10 Human Rights Implications  
Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.
- 3.11 Consultation / Communication  
Councillors, the Executive Leadership Team and the respective Council officers have been consulted in the preparation of this report.

**SUPPORTING INFORMATION**

**Ref: [62321592](#)**

The following list of supporting information is provided for:

**ITEM 4.4  
INCENTIVISING INFILL DEVELOPMENT POLICY**

**#1 Policy**

**#2 Directive**

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**5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION**

**(Cr M Gillam)**

**ITEM 5.1**

**LEASE RENEWAL - ARTISANS' GUILD OF CABOOLTURE AND DISTRICT INCORPORATED**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 62264833 : 1 July 2021 - **Refer Supporting Information 62264835**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

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**Executive Summary**

This report seeks Council's approval for the provision of a lease to Artisans' Guild of Caboolture and District Incorporated at 1-17 Maitland Road, Burpengary East (Division 2) (*refer Supporting Information #1*).

This matter is reported to Council as section 236(2) of the Local Government Regulation 2012 requires Council resolution to apply the exception under section 236(1)(b)(ii) to dispose of land and buildings (via a lease to a community organisation) other than by tender or auction.

**OFFICER'S RECOMMENDATION**

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, the Artisans' Guild of Caboolture and District Incorporated be granted a lease over an area at 1-17 Maitland Road, Burpengary East (*refer Supporting Information #1*) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. 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.

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ITEM 5.1 LEASE RENEWAL - ARTISANS' GUILD OF CABOOLTURE AND DISTRICT INCORPORATED - 62264833  
(Cont.)

**REPORT DETAIL**

**1. Background**

The Artisans' Guild of Caboolture and District Incorporated (the organisation) has held a lease with Council over a building at 1-17 Maitland Road, Burpengary East (*refer Supporting Information #1*) for the purpose of conducting art classes and exhibitions. The current lease is due to expire on 30 November 2021.

In accordance with the Old Bay Road Community Facility Master Plan 2013, in August 2018, Council undertook building extension works at the site to increase the capacity of the facility. The works included a large extension to the front of the existing building to accommodate a new workshop space, a new kitchen, storerooms and amenities. The organisation has occupied the extended area since the works were completed, however this area of occupation was never formalised under a lease agreement.

**2. Explanation of Item**

The organisation has made application to Council seeking renewal of its lease at 1-17 Maitland Road, Burpengary East under Council's Community Leasing Policy (2150-079). As part of the lease renewal process, Council officers identified the organisation's occupation of the building extension and the need to include this area into the organisation's future lease. Following discussion with the organisation regarding its requested lease renewal, the organisation has confirmed its desire to be granted a lease over a revised area inclusive of the building extension.

The inclusion of the building extension will see the organisation's lease area increase by approximately 275m<sup>2</sup>, representing an increase of approximately 40% in comparison to its existing lease. In accordance with Council's Community Lease Renewals Policy Directive (No. 2160-024), due to the size of the lease area increase being greater than 20% of the organisation's original lease area, Council must consider the renewal at a General Meeting. Accordingly, this report recommends that Council approves the granting of a new lease to the Artisans' Guild of Caboolture and District Incorporated over the area identified in *Supporting Information #1* under the terms and conditions of Council's Community Leasing Policy (2150-079). Further, it is recommended that this lease be for a period of five years.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

The Council must comply with the *Local Government Act 2009* and the Local Government Regulation 2012 when it disposes of valuable non-current assets. In accordance with section 224(6) of the Regulation, the disposal of a valuable non-current asset includes the disposal of all or any part of an interest in the asset (for example the grant of a lease over land or a building).

Section 236(2) of the Regulation provides that the exception in section 236(1)(b)(ii) of the Regulation applies only if the Council has decided by resolution that it may apply. By resolving that the exception applies, Council can dispose of the land and buildings (via a lease to a community organisation) other than by tender or auction. The organisation identified in this report is a community organisation for the purposes of the Regulation.

**3.2 Corporate Plan / Operational Plan**

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

**3.3 Policy Implications**

The terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (2150-079).

**3.4 Risk Management Implications**

Nil identified

**3.5 Delegated Authority Implications**

As per Officer's Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

*ITEM 5.1 LEASE RENEWAL - ARTISANS' GUILD OF CABOOLTURE AND DISTRICT INCORPORATED - 62264833  
(Cont.)*

3.6 Financial Implications  Nil identified

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

The issuing of a lease to the Artisans' Guild of Caboolture and Districts Incorporated will provide the organisation with facilities to support its operations.

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Cr Mark Booth (Division 2)

Relevant Council Departments

Artisans' Guild of Caboolture and Districts Incorporated



**SUPPORTING INFORMATION**

**Ref: [62264835](#)**

The following list of supporting information is provided for:

**ITEM 5.1**

**LEASE RENEWAL - ARTISANS' GUILD OF CABOOLTURE AND DISTRICT INCORPORATED**

***#1 Artisans' Guild of Caboolture and Districts Incorporated - Current and proposed lease area***

## ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 62424241 : 8 July 2021 - Refer **Confidential Supporting Information 62424307 and Supporting Information 62424320**  
*Responsible Officer:* MM, Manager - Community Services, Sport and Recreation (CES Community Services, Sport & Recreation)

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### Executive Summary

At its 7 October 2020 General Meeting, Council resolved to invite Expressions of Interest (EOI), followed by written tenders, from specialist child care providers (in particular targeting the non-profit sector) to assume the future governance and management of Council's Birralee Child Care Centre (BCCC). Following the initial EOI process, Council shortlisted one (1) provider, The Creche and Kindergarten Association Limited (C&K), and invited the organisation to submit a written tender for Council's consideration. On 14 January 2021, Council received a tender submission from C&K.

During the period of 15 January 2021 to 7 July 2021, Council entered into discussions with C&K regarding their tender submission and proposed future governance and management arrangements for BCCC. Following these discussions, Council received an updated tender submission from C&K, which subsequently progressed for evaluation by Council's Tender Assessment Panel.

This report recommends that C&K's updated tender submission be accepted, and that Council proceed with the transition of Birralee Child Care Centre's governance and management to C&K at a date mutually agreed by Council's Chief Executive Officer and C&K.

### OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3 of this report, the tender for the '*Future Governance and Management of Birralee Child Care Centre (MBRC010509)*' be awarded to The Creche and Kindergarten Association Limited.
3. That Council enter into a Services Transmission Deed (Agreement) with The Creche and Kindergarten Association Limited for the '*Future Governance and Management of Birralee Child Care Centre*' as described in this report, and proceed with the transition of the Birralee Child Care Centre's governance and management at a date mutually agreed by the parties.
4. 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 The Creche and Kindergarten Association Limited for the '*Future Governance and Management of Birralee Child Care Centre*' and any required variations of the Agreement on the Council's behalf, as described in this report.
5. That, subject to recommendations 2, 3, 4 and 6 of this report, The Creche and Kindergarten Association Limited be granted a lease over an area at 1-7 Samantha Court, Ferny Hills (*refer Supporting Information #2*) for a period of fifteen years.
6. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
7. 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 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241  
(Cont.)*

**REPORT DETAIL**

**1. Background**

Council has owned and operated the 65-place Birralee Child Care Centre (BCCC) located at 1-7 Samantha Court, Ferny Hills since 1977. The centre provides high-quality long day care services and a Queensland Government accredited kindergarten program for families across both the Moreton Bay Region and Brisbane City local government areas.

Over its forty-four (44) years of operation, BCCC has built a strong reputation in the local child care sector for providing high-quality early childhood education and care services. This is evidenced by the centre's 100% occupancy rate and National Quality Framework Assessment Rating of 'Exceeding'.

BCCC is best described as a community-based non-profit child care centre, operating under public governance and administration. When originally established by Council in 1977, it is understood that very few child care providers were in existence, and the availability of this service type to residents was limited. Accordingly, it was determined by the former Pine Rivers Shire Council that a centre-based child care service would be established under Council's management for the benefit of residents.

In today's context, the Moreton Bay Region is well serviced by a large, dynamic and highly competitive specialist child care sector. Council's contribution to the availability of child care services across the region is considered minor, with all other services being delivered by non-profit community organisations or for-profit businesses.

Whilst common place in the 1980s, the direct governance and management of child care centres by major Queensland local governments is, in the modern day, irregular. Currently, Moreton Bay Regional Council (MBRC) is the only major local government in South-East Queensland (SEQ) still directly delivering child care services. All others, inclusive of Sunshine Coast Regional Council in 2010, have since transitioned the delivery of their services to alternate specialist providers. It is understood that the primary drivers for this sectoral change are:

- Child care centres now operate within a highly competitive marketplace, creating challenge for councils with regards to competitive neutrality and National Competition Policy compliance;
- The commercial and non-profit sectors are generally more responsive and agile in the direct delivery of child care services;
- Operating costs for child care centres in a local government context are higher than that of non-public sectors. This can constrain the growth and service potential of centres; and
- Child care is no longer considered to be the core business of Queensland local governments.

In 2020, officers undertook a review of the BCCC's operations with the view to better understanding the governance and management arrangements that would best support the future provision of high-quality child care services to BCCC customers. The core findings of this review are detailed in Table 1.1 below.

Table 1.1 - Governance and management review core findings

No.	Review Finding	Detail
1.	A strong and diverse child care sector	Today, the Moreton Bay Region child care sector has considerable strength, depth and diversity. With the exception of Council's BCCC, all other child care centres in the Region operate under the governance and management of either specialist non-profit or commercial child care providers. Council is no longer required to contribute towards the availability of child care services to residents.
2.	Not a Queensland local government core service	The direct provision of child care services is not considered a core deliverable of Queensland local governments. Moreton Bay Regional Council is currently the only major SEQ council still directly delivering

ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241  
(Cont.)

No.	Review Finding	Detail
		<p>child care services. In recent decades, all other SEQ councils (with the exception of Lockyer Valley Regional Council who continues to manage one service) have transitioned the delivery of their child care services to alternate specialist child care providers.</p>
3.	Service potential limitations	<p>The child care industry is a dynamic, everchanging and heavily regulated sector. Accordingly, services are required to be agile and responsive to the needs of customers, marketplace competition and legislative reforms.</p> <p>As child care services are not considered the core business of Council, its governance and administrative structures are not established in ways that best support the delivery of this service type. This may be considered a limiting factor in the service's ability to grow and diversify its services to customers into the future.</p>
4.	Competitive neutrality	<p>As a public entity, Council has responsibilities under the National Competition Policy to apply principles of competitive neutrality in its delivery of business activities that compete in the open marketplace.</p> <p>BCCC operates in a highly competitive market alongside many local child care businesses and community organisations. As a public-sector entity, Council endeavours wherever possible to minimise its direct competition with industry.</p> <p>Whilst BCCC has not previously been the subject of competitive neutrality concerns, there remains a risk that local child care businesses may perceive BCCC as having a competitive advantage due to its public governance and management.</p>
5.	Risk profile	<p><u>Compliance risk</u> As a heavily regulated industry, the operations of BCCC requires Council to closely monitor the centre's compliance with various regulatory and service quality frameworks. Whilst every endeavour is made to ensure BCCC's compliance, there remains a level of risk to Council due to the focus of its governance and administrative structures being on Council core business, rather than the child care industry.</p> <p><u>Liability risk</u> BCCC is fully compliant with the <i>Childcare Regulation 2003</i> and maintains a comprehensive suite of policies and procedures that minimise risks to children. However, as is the case with all child care centres, there remains a risk that a child whilst under the care of Council's BCCC may suffer a serious injury or death. This risk is identified in Council's Corporate Risk Register as a 'Medium' risk.</p> <p><u>Financial risk</u> Whilst BCCC has generally operated at a cost-neutral or better operating position, there remains a risk that due to the high operating costs, subsidisation of the service by Council may be required into the future.</p> <p><u>Key person dependency risks</u></p>

*ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241  
(Cont.)*

No.	Review Finding	Detail
		<p>As an operator of only one medium sized childcare centre, Council has a critical dependence on a small number of specialist staff to manage the BCCC's operations.</p> <p>Unlike many major child care providers that operate multiple centres, Council does not have a breadth of specialist industry skills and knowledge within its broader workforce.</p>

Council briefings were conducted on 5 August and 16 September 2020 for the purpose of providing information and advice to Council regarding the review findings. In line with Council's decision-making framework, extracts from the minutes of these briefings are provided below.

5 August 2020 Council Briefing - Birralee Child Care Centre - Governance and Management Review

The CEO noted the way forward:

- That the Manager Community Services, Sport and Recreation to provide Council with a detailed transition methodology and also a communications plan prior to consideration to adopt an EOI at a future General Meeting.

16 September 2020 Council Briefing - Birralee Child Care Centre - Governance and Management Review

The CEO noted the way forward:

- The Transition Methodology and Communications Plan as presented was noted by Council.
- The initial Council resolution to invite Expressions of Interest is to be submitted to the General Meeting of 7 October 2020. This will alter the indicative timelines provided in the Briefing Note accordingly.

At its 7 October 2020 General Meeting, Council resolved to invite EOIs followed by written tenders from specialist child care providers, in particular targeting the non-profit sector. The following resolution appears on minute page 20/1790 of the General Meeting of Council held 7 October 2020, Item C.1 - Services Review.

RESOLUTION

1. That in accordance with s228 of the Local Government Regulation 2012, Council commences a tender process for the Council Services identified in the accompanying officer's report.
2. That in accordance with s228(3)(a) of the Local Government Regulation 2012, Council decides it would be in the public interest to invite Expressions of Interest before inviting the written tenders.
3. That, in accordance with s228(3)(b) of the Local Government Regulation 2012, Council record its reasons for resolving to invite Expressions of Interest before inviting written tenders, as follows:
  - a) to enable Council to canvass the interest and capacity of providers outside Council in relation to the Council Services identified in the accompanying officer's report having regard to Council's desired terms, prior to inviting written tenders;
  - b) to reduce for providers the time and expense associated with preparing a full tender response where such a response may not be required following the preparation of a short list from which written tenders will be invited; and
  - c) to maximise Council's resources in the tender process.

*ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241  
(Cont.)*

4. That in accordance with s228(6) of the Local Government Regulation 2012, Council prepares a short list from those providers who respond to the invitation for Expressions of Interest and invite written tenders from those providers.
  5. That the Chief Executive Officer be authorised to take all action necessary to undertake the Expressions of Interest and tender processes as described in this report.
  6. That a report be tabled at a future General Meeting detailing the evaluation outcomes of the tender process for Council's further consideration.
  7. That the full contents of this report be made public (through publication on Council's website) in seven days to enable appropriate communications to be undertaken.
- NB: This report was uploaded to Council's website on 14.10.2020

This report detailed Council's desire to achieve a smooth transition of BCCC services for staff, customers and Council. Specifically, the following five (5) Desired Transition Outcomes were noted for investigation throughout the EOI and tender processes:

1. Continuity of high-quality services to BCCC customers;
2. Retainment of BCCC's community-based status and ethos;
3. Transition of BCCC employees to the new provider on terms acceptable to Council;
4. Transmission of all relevant Council assets to the new provider for continued deployment in the delivery BCCC services to customers; and
5. Retention of the Birralee Child Care Centre brand.

**2. Explanation of Item**

Following an initial Expressions of Interest (EOI) process undertaken during the period of 17 October and 2 November 2020, Council invited one (1) organisation, The Creche and Kindergarten Association Limited (C&K), to submit a written tender for Council's consideration. On 14 January 2021, Council received an initial tender submission from C&K.

Between the period of 15 January and 7 July 2021, Council and C&K entered into discussions regarding the proposed transition arrangements detailed in the tender response received by Council. Throughout these discussions, further due diligence investigations were undertaken by both parties.

On 4 April 2021, a Council briefing was conducted for the purpose of providing Council with an update on the discussions between the two parties. In line with Council's decision-making framework, an extract from the minutes of this briefing is provided below.

**4 April 2021 Council Briefing - Birralee Child Care Centre Governance and Management Tender**

A briefing was provided to Council regarding the current status of negotiations with C&K and the next steps in the tender process.

The CEO noted the way forward:

- Council noted the next steps.

Following the conclusion of discussions between Council and C&K, Council received an updated tender submission from the organisation. This tender submission progressed to a Tender Assessment Panel meeting on 7 July 2021 where it was evaluated with consideration to the Desired Transition Outcomes as noted above, and the following evaluation criteria:

- Relevant experience;
- Transition arrangements;
- Financial sustainability;

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*ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241  
(Cont.)*

- Demonstrated understanding; and
- Environmental Sustainability.

Established in 1907, C&K are a Queensland-based non-profit early childhood education and care (ECEC) provider that operates over 330 kindergartens and long day child care centres state-wide. C&K are widely regarded as an industry leader in the provision of high-quality services, which is evidenced by the high proportion of their services which operate with a National Quality Rating of 'Exceeding' (60% - double the national average).

As one of the largest ECEC providers in Australia (providing education and care to over 18,000 children annually), C&K offers an extensive suite of specialist corporate services that support the day to day operations of its centres. These include but are not limited to: sector specific recruitment and onboarding services; payroll; facilities management; Information Technology support; staff backfill and relief services; finance / accounts management; business development and strategy; curriculum and inclusion support; and service quality and regulatory compliance support.

Should its tender be accepted, C&K would assign a dedicated Children's Services Area Manager to oversee the governance and management changeover, ensuring a smooth and incremental transition for staff, children and families. In addition, an Early Childhood Pedagogy Advisor will be assigned to the service to provide expertise, mentoring and advice to all BCCC staff.

Provided in *Confidential Supporting Information #1* is an overview of the alignment between the core transition terms of C&K's updated tender response, and Council's Desired Transition Outcomes for BCCC services, staff and customers. One such transition term proposed by C&K is that Council grant a lease to C&K for utilisation of Birralee Child Care Centre facilities, located at 1-7 Samantha Court, Ferny Hills (*refer Supporting Information #2*). It is proposed that the terms and conditions of this lease be in accordance with Council's Community Leasing Policy (No. 2150-079) and for a period of 15-years.

As a result of the tender evaluation process, C&K's submission received an evaluation score of 80 out of 100 and is considered to meet all five (5) of Council's Desired Transition Outcomes. Accordingly, it is the recommendation of the Tender Assessment Panel and this report that Council accept C&K's updated tender submission and proceed with the transition of BCCC services. Further it is recommended that Council's Chief Executive Officer be authorised to finalise the terms of the transition, including determining a transition date in consultation with C&K.

### **3. Strategic Implications**

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

The Council must comply with the Local Government Act 2009 and the Local Government Regulation 2012 when it disposes of valuable non-current assets. Under section 224(6) of the Regulation, the disposal of a valuable non-current asset includes the disposal of all or any part of an interest in the asset (including, for example the grant of a lease over land or a building).

In accordance with section 227 of the Regulation Council can enter into a valuable non-current asset contract after inviting written tenders for the contract. Section 228 allows Council to dispose of a valuable non-current asset via a tender process following an Expressions of Interest campaign. Council has followed this process for the disposal of the assets (i.e. Birralee Child Care Centre). If the Council decides to accept a tender, it must accept the tender most advantageous to it, having regard to the sound contracting principles (s 228(9)).

Section 236(1)(b)(ii) of the Regulation provides an exception to the requirement that a valuable non-current asset be disposed of by tender or auction. Section 236(2) of the Regulation provides that the exception in section 236(1)(b)(ii) of the Regulation applies only if the Council has decided by resolution that it may apply. By resolving that the exception applies, Council can dispose of the land and buildings via a lease to a community organisation. The Creche and Kindergarten Association Limited is a community organisation for the purposes of the Regulation.

ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241  
(Cont.)

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - places to discover, learn, play and imagine.

3.3 Policy Implications

The 'Future Governance and Management of Birralee Child Care Centre' EOI and tender process has been undertaken in accordance with the provisions of Council's Procurement Policy (2150-006).

Further, the terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (2150-079).

3.4 Risk Management Implications

Should Council support the recommendations of this report and proceed with the transition of BCCC services to C&K, the following risks and related mitigation strategies have been noted.

Risks	Risk explanation and mitigation strategies
Customer impacts	<p>There is a risk that changes resulting from the transition of services to C&amp;K may negatively impact customers.</p> <p>To mitigate this risk, Council has negotiated various transition provisions with C&amp;K that will enable continuity of services to customers (<i>refer Confidential Supporting Information #1</i>).</p>
Workforce impacts	<p>There is a risk that the transition of services to C&amp;K may negatively impact BCCC employees.</p> <p>To reduce this risk, Council has negotiated various transition provisions related to BCCC employees (<i>refer Confidential Supporting Information #1</i>).</p>
Service quality impacts	<p>There is a risk that the high quality of services historically provided to customers may be negatively impacted by the transition of services to C&amp;K.</p> <p>To mitigate this risk, Council has negotiated various transition provisions related to the continuation of BCCC's service quality (<i>refer Confidential Supporting Information #1</i>). In addition, C&amp;K's significant experience and expertise in the industry of early childhood education and care is considered to strongly position the organisation to maintain and / or increase the high quality of services provided by BCCC to customers.</p>

3.5 Delegated Authority Implications

As per recommendations 4 and 7 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the Services Transmission Deed (Agreement) and lease referred to in this report.

3.6 Financial Implications

Under the transition arrangements proposed by C&K, various consumables, equipment and assets used exclusively in the delivery of BCCC services will be transitioned to C&K for continued use in the delivery of BCCC services to customers (*refer Confidential Supporting Information #1*). The value of these assets is unable to be accurately quantified given their individual low values.

BCCC has historically operated at a cost neutral or better financial position.



*ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241  
(Cont.)*

Following the proposed transition of BCCC services to C&K, all revenues and expenses directly related to BCCC operations will be the responsibility of C&K.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

As an industry leading specialist early childhood education and care provider, C&K is considered to be well positioned to assume the future governance and management of BCCC and continue the provision of high quality services to current and future customers.

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

**Internal**

- Chief Executive Officer
- Director - Community and Environmental Services
- Legal Services Department
- Procurement Development Department
- Community Services, Sport and Recreation Department
- All Councillors - Various Council Briefings as detailed in this report.

**External**

- The Creche and Kindergarten Association Limited
- Queensland Government Department of Early Childhood Education and Care

**SUPPORTING INFORMATION**

**Ref: [62424320](#)**

The following list of supporting information is provided for:

**ITEM 5.2**

**BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT  
ARRANGEMENTS**

***#2 Birralee Child Care Centre - 1-7 Samantha Ct Ferny Hills - Proposed lease area***

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**6 FINANCE & CORPORATE SERVICES SESSION**

**(Cr M Constance)**

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**ITEM 6.1**

**AUDITOR-GENERAL SECOND INTERIM OBSERVATION REPORT 2020/21**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* 62356352 : 28 June 2021 - **Refer Supporting Information 62356432**  
*Responsible Officer:* DC, Manager Accounting Services (FCS Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Auditor-General's second interim observation report relating to the audit of Council's Financial Statements for 2020/21.

**OFFICER'S RECOMMENDATION**

That the Auditor-General's second interim observation report relating to the audit of Council's 2020/21 Financial Statements be received.

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ITEM 6.1 AUDITOR-GENERAL SECOND INTERIM OBSERVATION REPORT 2020/21 - 62356352 (Cont.)

**REPORT DETAIL**

**1. Background**

The Auditor-General must prepare an observation report about the audit of a local government's financial statements in accordance with section 54 of the *Auditor-General Act 2009*.

In accordance with the Local Government Regulation 2012, the Mayor must present the Auditor-General's observation report about the audit of the Council.

The audit of Council's Financial Statements for 2020/21 occurs over a number of phases. Queensland Audit Office (QAO) commenced planning work in December 2020 with the first interim audit undertaken from mid-February to early March 2021. The first interim observation report was provided to Council at the General Meeting held on April 28, 2021

**2. Explanation of Item**

The second interim audit was conducted in early June 2021, the purpose being to confirm the operating effectiveness of Council's internal controls and perform further substantive procedures.

No new internal control deficiencies were noted from testing conducted during the second interim visit.

The status of audit findings previously reported is outlined in the supporting information (page 3). Of the four deficiencies identified, three are resolved (two pending QAO's verification) with one outstanding.

Full details are provided in the supporting information.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

The observation report is a report prepared by the Auditor-General in accordance with section 54 of the *Auditor-General Act 2009*.

In accordance with section 213(3) of the Local Government Regulation 2012, the Mayor must present the Auditor-General's observation report at the next ordinary meeting of the local government

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

The Auditor-General's Observation Report assesses the risks and possible implications associated with deficiencies and matters observed during the audit of the financial statements. Observations identified can be significant deficiencies, deficiencies, financial reporting matters or other matters. Management provides responses to recommendations suggested in the observation report which have a due date for completion with a view to reducing or eliminating the risk associated with the observations raised.

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

The QAO Audit Fee was estimated to be in the amount of \$240,000 (exclusive of GST) at the time the External Audit Plan was agreed to with Council in January 2021. As at the date of this report there is no change to the estimate.

3.7 Economic Benefit Implications

Nil identified

*ITEM 6.1 AUDITOR-GENERAL SECOND INTERIM OBSERVATION REPORT 2020/21 - 62356352 (Cont.)*

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Chief Executive Officer, Director Finance and Corporate Services, Manager Governance and Executive Services, Financial Operations Manager.

**SUPPORTING INFORMATION**

**Ref: [62356432](#)**

The following list of supporting information is provided for:

**ITEM 6.1**

**AUDITOR-GENERAL SECOND INTERIM OBSERVATION REPORT 2020/21**

***#1 QAO second interim management report***

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

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Consideration of notified general business items (including reports on significant regional achievements) or responses to questions taken on notice.

**ITEM 12.1  
COMMUNITY CONSULTATION TO RECOGNISE WOMEN OF THE MORETON BAY REGION**

Proposed motion from **Cr Matt Constance and Cr Cath Tonks**.

The State Government has recently announced that from February 2022, Councils across Queensland will be able to apply for grants to erect statues acknowledging the contribution of women in our community.

**MOTION**

**That Council commence community consultation to identify a suitable person and potential locations to assist in preparing a submission when more details about the program become available.**

**13. CLOSED SESSION**

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*(s254J 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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**14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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**ITEM C.1 – CONFIDENTIAL**

**PROPERTY ACQUISITION FOR DESIGNATION AS A PARK**

**Meeting / Session:** 2 INFRASTRUCTURE PLANNING

**Reference:** 62024311 : 14 May 2021 - Refer **Confidential** Supporting Information  
62024269

**Responsible Officer:** WM, Park & Recreation Planning Manager (IP Parks & Recreation Planning)

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**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

This report seeks Council approval to commercially acquire part of land for the purpose of a park.



**ITEM C.2 – CONFIDENTIAL**

**PROPOSED ACQUISITION OF LAND FOR DESIGNATION AS A PATHWAY**

**Meeting / Session:** 2 INFRASTRUCTURE PLANNING

**Reference:** 61977684 : 9 June 2021 - Refer **Confidential** Supporting Information  
61675848; 61863089; 61863093; 61811099; 61811103

**Responsible Officer:** WM, Manager Parks and Recreation Planning (IP Infrastructure Planning)

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**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

This report seeks Council approval to commercially acquire land for a pathway on the terms detailed in this report.

**ITEM C.3 – CONFIDENTIAL**

**LAND ACQUISITION FOR PURPOSES RELATING TO THE ENVIRONMENT**

**Meeting / Session:** 2 INFRASTRUCTURE PLANNING

**Reference:** 62355348 : 28 June 2021 Refer **Confidential** Supporting Information  
62325145; 62318457

**Responsible Officer:** WM, Manager Parks and Recreation Planning (IP Parks & Recreation Planning)

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**Basis of Confidentiality**

Pursuant to s254J(3)(g) of the Local Government Regulation 2012, as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

This report seeks Council's approval for the commercial acquisition of land for purposes relating to the environment.

**ITEM C.4 – CONFIDENTIAL**

**PROPERTY ACQUISITION FOR DESIGNATION AS ROAD RESERVE**

**Meeting / Session:** 5 COMMUNITY & ENVIRONMENTAL SERVICES

**Reference:** 62205529: 14 July 2021 - Refer **Confidential** Supporting Information  
62205530

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

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**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

This report seeks Council's approval for the commercial acquisition of land for dedication as road reserve, on the terms detailed in this report.

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**14b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.



**MINUTES**  
**SPECIAL MEETING**

**Friday 18 June 2021**  
commencing at 9:08am

Strathpine Chambers  
220 Gympie Road, Strathpine

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**Membership = 13**  
Mayor and all Councillors

**UNCONFIRMED**

LIST OF ITEMS

STATEMENT - ATTENDEES AND LIVESTREAMING

- |    |                                    |            |
|----|------------------------------------|------------|
| 1. | <b>ACKNOWLEDGEMENT OF COUNTRY</b>  | <b>846</b> |
| 2. | <b>OPENING PRAYER / REFLECTION</b> | <b>846</b> |
| 3. | <b>ATTENDANCE &amp; APOLOGIES</b>  | <b>846</b> |
| 4. | <b>PURPOSE OF MEETING</b>          | <b>847</b> |

**FINANCE & CORPORATE SERVICES SESSION (Cr M Constance) 847**

- 4.1. Adoption of Moreton Bay Regional Council Budget and Operational Plan 2021-2022 (62189674 - official version - Attachment #1)

**RESOLUTION 1**

**RESOLUTION 2**

**RESOLUTION 3**

**RESOLUTION 4**

**RESOLUTION 5**

**RESOLUTION 6**

**RESOLUTION 7**

**RESOLUTION 8**

**RESOLUTION 9**

**RESOLUTION 10**

**RESOLUTION 11**

**RESOLUTION 12**

**RESOLUTION 13**

**RESOLUTION 14**

**RESOLUTION 15**

**RESOLUTION 16**

**RESOLUTION 17**

- 4.2. Statement of Estimated Financial Position for the 2020/21 Financial Year (62004207, 62071841)

**RESOLUTION 18**

REPORT DETAIL

- 4.3. Budget Speech
- 4.4. Closure

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## **ATTENDEES AND LIVESTREAMING**

The meeting was live streamed and the video recording of the meeting available on the council's website.

Attendees must be aware that incidental capture of an image or sound of persons in the public gallery, may occur.

By remaining at the meeting attendees consent to being filmed and the possible use of their image and sound being published in the live streaming and recorded video of this meeting.

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### **1. ACKNOWLEDGEMENT OF COUNTRY**

Cr Matt Constance provided the Acknowledgement of Country.

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### **2. OPENING PRAYER / REFLECTION**

The Mayor provided the opening prayer / reflection for the meeting.

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### **3. ATTENDANCE & APOLOGIES**

#### **Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)  
Cr Brooke Savige  
Cr Mark Booth  
Cr Jodie Shipway  
Cr Sandra Ruck  
Cr Karl Winchester  
Cr Denise Sims (Deputy Mayor)  
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)
Chief Economic Development Officer	(Mr Paul Martins)
Acting Manager Strategy & Engagement	(Mr Darren Dallinger)
Meeting Support	Hayley Kenzler

#### **Apologies:**

Cr Adam Hain

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#### 4. PURPOSE OF MEETING

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The Mayor stated the purpose of the special meeting.

The purpose of this meeting is:

**The adoption of the Moreton Bay Regional Council Budget and Operational Plan 2021/22 and receipt of the Statement of Estimated Financial Position for the 2020/21 Financial Year.**

The Mayor made the following introductory comments:

*“Councillors, thank you for being here today for what will be a cornerstone Budget of our region’s future.*

*While the world has changed since the Covid-19 pandemic hit, Australian governments have deftly stayed ahead of the many challenges the virus has brought with it.*

*We have contained its spread, but economies around the world have not escaped its impacts.*

*To outline the fiscal challenges this presents I’d like to hand over to Councillor Matt Constance - Council’s Portfolio Councillor for Finance and Corporate Services - to introduce the motions regarding Moreton Bay Regional Council’s Budget and Operational Plan for the financial year commencing 1 July 2021.”*

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#### FINANCE & CORPORATE SERVICES SESSION

(Cr M Constance)

Portfolio Councillor - Cr Matt Constance, thanked the Mayor making the following observations before formally moving into discussion of the motions and the Mayor’s budget speech relating to adoption of the Moreton Bay Regional Council Budget and Operational Plan for the financial year commencing 1 July 2021:

*“Thank you, Mr Mayor.*

*You are right that the financial impacts of coronavirus are unavoidable.*

*But I’m pleased to say our CEO and finance team have worked incredibly hard and successfully delivered on our request to ensure any rates rise would be reasonable.*

*General rates for an owner-occupied house will increase 3.6 per cent and average total rates for an owner-occupied house will increase 3.9 per cent.*

*To minimise the rates rise we will be increasing Council borrowings this year by \$50 million, which we are able to do because of the strong financial position we are in.*

*This means we will have an operating surplus of \$55.3 million, which is a very healthy position.*

*I want to pause for a moment Mr Mayor and let that sink in. Because that is another Operating Surplus.*

*With this budget we deliver our 12<sup>th</sup> consecutive operating surplus. And we do so while growing our staffing base and investing in them to meet the needs of our growing community.*

*And we do it most importantly by delivering the infrastructure our community will need for the future.*

*We deliver this 12<sup>th</sup> operating surplus because of the bold and brave decisions of councillors who have gone before us and those who sit in the chamber today.*



*This is an impressive achievement for any Council and places our Council, the Moreton Bay Regional Council, as one of the strongest fiscally in the state and why during the disrupted year we have just seen, we still have been able to provide and deliver more infrastructure and provide more support for our community than ever before.*

*Mr Mayor and Councillors, there will be an overall decrease in our cash position this year of \$45 million this coming financial year, but that is because we have saved for the rainy day.*

*Just like a family puts money aside in their household for a rainy day to invest in a new car, or a house or a TV, it is time some of our savings to be invested on our next stages of region building infrastructure.*

*And Mr Mayor we will continue spending and investing more to support our community and support our economy to bounce back, which is absolutely the right thing to do through this crisis.*

*The investments be underpinned by and be guided by our Regional Economic Development Strategy Launched earlier this year and our growth management strategies moving forward.*

*As indicated in the Budget and Operational Plan, Council will again exceed all statutory benchmarks regarding operating surplus, net financial liabilities and asset sustainability ratios over the ten-year long term financial forecast."*

#### **4.1. Adoption of Moreton Bay Regional Council Budget and Operational Plan 2021-2022 (62189674 - official version - Attachment #1)**

Under section 104 of the *Local Government Act 2009* and section 170 of the *Local Government Regulation 2012*, the Council is required to adopt, for each financial year, after 31 May before the financial year and before 1 August in the financial year, a budget and revenue statement which complies with the *Local Government Regulation 2012*.

Under section 104 of the *Local Government Act 2009* and section 174 of the *Local Government Regulation 2012*, the local government is required to prepare and adopt an operational plan each financial year. Under section 175 of the *Local Government Regulation 2012*, the operational plan must be consistent with the annual budget and state how the Council will progress the implementation of its corporate plan during the period of the operational plan and manage operational risks.

In this regard a document titled "Moreton Bay Regional Council Budget and Operational Plan 2021-2022" containing the required documents for the 2021/22 financial year, is tabled as an attachment to this item.

#### **RESOLUTION 1**

**Moved by Cr Jodie Shipway**

**Seconded by Cr Brooke Savige**

**CARRIED 12/0**

**That pursuant to section 104 of the *Local Government Act 2009* and section 170 of the *Local Government Regulation 2012*, the budget for the financial year ending 30 June 2022, incorporating statements of income and expenditure, cash flow, changes in equity and financial position and a long-term financial forecast, a revenue statement and a revenue policy, as contained in the Moreton Bay Regional Council Budget and Operational Plan 2021-2022 document, be adopted.**

**RESOLUTION 2**

Moved by Cr Mick Gillam

Seconded by Cr Darren Grimwade

CARRIED 12/0

That pursuant to section 94 of the *Local Government Act 2009* and section 80 of the *Local Government Regulation 2012*, the Council resolves to levy the differential general rates for the 2021/22 financial year as set out in the Revenue Statement contained in the Moreton Bay Regional Council Budget and Operational Plan 2021-2022 document.

**RESOLUTION 3**

Moved by Cr Tony Latter

Seconded by Cr Cath Tonks

CARRIED 12/0

That pursuant to section 81 of the *Local Government Regulation 2012*, the Council resolves that the rating categories of rateable land in its local government area and a description of each of the rating categories for 2021/22, be as follows:

**Residential Single Dwellings**

Category	Description
R1 Single Residential – Owner occupied/ single household	Land which contains a single residence that is not part of a community title scheme and is: (a) used by the property owner or at least one of the property owners as their principal place of residence; and (b) otherwise occupied <b>only</b> by members of a single household that includes the resident property owner or owners.
R2 Single Residential – otherwise occupied	Land which contains a single residence that is not part of a community title scheme and where the use and occupation of the land do not comply with <b>both</b> paragraph (a) <b>and</b> paragraph (b) in the Description for Category R1.

**Interpretation for R1 and R2 categories**

The category descriptions for Categories R1 and R2 must be read with the following definitions and explanation, which form part of the descriptions.

Meaning of single residence

A **single residence** must be a dwelling. A “dwelling” is a self-contained residence which includes all of the following:

- (a) food preparation facilities;
- (b) a bath or shower;
- (c) a toilet and wash basin; and
- (d) clothes washing facilities.

A dwelling may comprise 2 or more buildings if:

- (a) one or more of the buildings is not itself a dwelling, because it does not include all of the things stated in the definition of “dwelling”;
- (b) taken together, the buildings do include all of those things; and
- (c) the buildings are designed located and configured to facilitate common and shared use of all those things by the residents of a single household.

A **single residence** may consist of only one dwelling, but may also include a **secondary dwelling** that is part of the **single residence**.

A **secondary dwelling** is part of a **single residence** only if it is a dwelling that:

- (a) is substantially smaller in size, including having a substantially smaller gross floor area, than the other dwelling on the land (the "*primary dwelling*");
- (b) obtains access from the driveway giving access to the primary dwelling;
- (c) is not separately metered or charged for water, electricity, and other utility services;
- (d) is used in conjunction with and in a way that is subordinate to the use of the primary dwelling; and
- (e) is located, oriented and configured so as to have a relationship and association with the primary dwelling such that both dwellings may be conveniently used and occupied by members of a single household.

A **secondary dwelling** which is part of a **single residence** may be a separate freestanding building, or may be constructed within the building envelope of, or attached to, the primary dwelling.

However, there may be scenarios under which the property owner resides in either the primary or secondary dwelling as his or her principal place of residence, but the other dwelling (either primary or secondary) is occupied by person/s who are not part of the property owner's household. In that scenario, Category R2 will apply, even though the occupier of one of the dwellings is not a part of the household of the owner.

Similarly, there may be scenarios where no part of a property which may otherwise be a single residence, including a secondary dwelling, is occupied by the property owner, including members of the owner's household, as their principal place of residence, however both dwellings are occupied by a single household. In that situation Category R2 will also apply.

However, Category R2 does not apply where no part of a property which may otherwise be a single residence, including a secondary dwelling, is occupied by the property owner, including members of the owner's household, as their principal place of residence, and both dwellings are not occupied by a single household. In those circumstances, the property will be rated under the Multi-Residential F2 differential rating category in respect of which further explanation is provided below.

#### Meaning of **principal place of residence**

A single residence is used by the **property owner** as his or her **principal place of residence** if the owner ordinarily or predominantly lives (including but not limited to eating and sleeping) at the residence on a daily basis, and does not ordinarily live anywhere else. A **property owner** can only have one **principal place of residence** at any point in time. Only a natural person can have a **principal place of residence**.

For determining whether a single residence is a **property owner's** principal place of residence the Council may have regard to:

- (a) the length of time the person has occupied the residence;
- (b) the place of residence of the person's family;
- (c) whether the person has moved his or her personal belongings into the residence;
- (d) the person's address on the electoral roll;
- (e) whether services such as telephone, electricity and gas are connected to the residence in the person's name;
- (f) any other matter relevant to the question of where the person ordinarily or predominantly lives.

#### Meaning of **property owner**

For Category R1, a **property owner** is ordinarily a natural person who is the "*owner*" liable to pay general rates under the LGA and LGR.

However, a natural person under a legal disability who is not the owner liable to pay general rates under the LGA and LGR is taken to be the **property owner** for the purpose of applying Category R1 if all of the following criteria and requirements are met:

- (a) the owner liable to pay general rates under the LGA and LGR holds title to the land as trustee for the person;
- (b) the trustee holds title wholly or predominantly for the purpose of managing the affairs of the person by reason of that person's (legal, physical or other relevant) disability;

- (c) the person (alone or with others) is beneficially entitled to an ownership interest in the land; and
- (d) the trustee provides the Council, if it so requests, with a statutory declaration verifying paragraphs (a) to (c), and also annexing and verifying a copy of the relevant deed or instrument of trust.

In addition, if the **property owner** under that extended definition is receiving a pension under Commonwealth law as confirmed by the Centrelink Confirmation eService, the property owner will be considered eligible to receive the Council Pensioner concession, identified as Concession 1 in this Revenue Statement, even though the person does not qualify for the Queensland Government Pensioner Rate Subsidy Scheme (Scheme), so long as the person's circumstances are otherwise in accordance with the requirements and restrictions stated hereafter for that concession.

Meaning of **single household**

For Category R1 and R2, land is occupied by members of a **single household** only if all persons ordinarily or regularly residing at the land do so under living arrangements involving ongoing collective sharing of, and commonality in, day to day living arrangements such as meals, household work, social interaction and mutual support, as a single domestic unit comprising, or exhibiting the ordinary characteristics of, a family unit.

Particular extended application of Category R1

Upon the death of the last living **property owner** of land in Category R1, the land is taken to continue to meet the description for Category R1 until the earliest to occur of the following events:

- (a) a change of ownership of the land (other than a transfer to executors or trustees of the estate of the deceased property owner **merely** for the purpose of estate administration);
- (b) the land being occupied and used under a tenancy entered into by the executors or trustees on behalf of the estate of the deceased property owner; or
- (c) the expiration of 2 clear calendar quarters after the quarter which includes the date of death of the deceased **property owner**.

Upon the occurrence of the relevant event, the land will be re-categorised (if necessary) based upon its use at that time.

**Further explanatory note for R categories generally:** If there is a second dwelling on the land but it does not meet the definition and requirements above for a **secondary dwelling**, the land cannot be categorised as R1 or R2. In such a case, the land is used for *Multi Residential Dwellings (Flats)* and will be categorised F2.

Also, if there are 3 or more dwellings on the land, the land is used for *Multi Residential Dwellings (Flats)* and will be categorised under the appropriate "F" category. That is so even if one of the dwellings otherwise meets the definition and requirements for a **secondary dwelling**.

**Residential Units (Community Title)**

<b>Category</b>	<b>Description</b>
U10 Units 1 – Owner occupied	<p>A single residential building unit which is part of a community title scheme where:</p> <ul style="list-style-type: none"> <li>(a) the building unit is used by the property owner or at least one of the property owners as their principal place of residence; and</li> <li>(b) the rateable value per square metre of the scheme land on which the complex is constructed is equal to or greater than \$900 per square metre; and</li> <li>(c) the area of the scheme land on which the complex is constructed is greater than 350 square metres.</li> </ul>

Category	Description
U2O Units 2 – Owner Occupied	A single residential building unit which is part of a community title scheme where: <ul style="list-style-type: none"> <li>(a) the building unit is used by the property owner or at least one of the property owners as their principal place of residence; and</li> <li>(b) the rateable value per square metre of the scheme land on which the complex is constructed is greater than or equal to \$750 per square metre and less than \$900 per square metre; and</li> <li>(c) the area of the scheme land on which the complex is constructed is greater than 350 square metres.</li> </ul>
U3O Units 3 – Owner Occupied	A single residential building unit which is part of a community title scheme where: <ul style="list-style-type: none"> <li>(a) the building unit is used by the property owner or at least one of the property owners as their principal place of residence; and</li> <li>(b) (i) the rateable value per square metre of the scheme land on which the complex is constructed is greater than or equal to \$600 per square metre and less than \$750 per square metre; or (ii) the rateable value per square metre of the scheme land on which the complex is constructed is greater than or equal to \$750 per square metre and the area of the scheme land on which the complex is constructed is less than or equal to 350 square metres.</li> </ul>
U4O Units 4 – Owner Occupied	A single residential building unit which is part of a community title scheme where: <ul style="list-style-type: none"> <li>(a) the building unit is used by the property owner or at least one of the property owners as their principal place of residence; and</li> <li>(b) the rateable value per square metre of the scheme land on which the complex is constructed is greater than or equal to \$500 per square metre and less than \$600 per square metre.</li> </ul>
U5O Units 5 – Owner Occupied	A single residential building unit which is part of a community title scheme where: <ul style="list-style-type: none"> <li>(a) the building unit is used by the property owner or at least one of the property owners as their principal place of residence; and</li> <li>(b) the rateable value per square metre of the scheme land on which the complex is constructed is greater than or equal to \$85 per square metre and less than \$500 per square metre.</li> </ul>
U6O Units 6 – Owner Occupied	A single residential building unit which is part of a community title scheme where: <ul style="list-style-type: none"> <li>(a) the building unit is used by the property owner or at least one of the property owners as their principal place of residence; and</li> <li>(b) the rateable value per square metre of the scheme land on which the complex is constructed is less than \$85 per square metre.</li> </ul>
U1N Units 1 – Non Owner Occupied	A single residential building unit which is part of a community title scheme where: <ul style="list-style-type: none"> <li>(a) the building unit is <b>not</b> used by the property owner or at least one of the property owners as their principal place of residence; and</li> <li>(b) the rateable value per square metre of the scheme land on which the complex is constructed is equal to or greater than \$900 per square metre; and</li> <li>(c) the area of the scheme land on which the complex is constructed is greater than 350 square metres.</li> </ul>

<b>Category</b>	<b>Description</b>
U2N Units 2 – Non Owner Occupied	A single residential building unit which is part of a community title scheme where: <ul style="list-style-type: none"> <li>(a) the building unit is <b>not</b> used by the property owner or at least one of the property owners as their principal place of residence; and</li> <li>(b) the rateable value per square metre of the scheme land on which the complex is constructed is greater than or equal to \$750 per square metre and less than \$900 per square metre; and</li> <li>(c) the area of the scheme land on which the complex is constructed is greater than 350 square metres.</li> </ul>
U3N Units 3 – Non Owner Occupied	A single residential building unit which is part of a community title scheme where: <ul style="list-style-type: none"> <li>(a) the building unit is <b>not</b> used by the property owner or at least one of the property owners as their principal place of residence; and</li> <li>(b) (i) the rateable value per square metre of the scheme land on which the complex is constructed is greater than or equal to \$600 per square metre and less than \$750 per square metre; or (ii) the rateable value per square metre of the scheme land on which the complex is constructed is greater than or equal to \$750 per square metre and the area of the scheme land on which the complex is constructed is less than or equal to 350 square metres.</li> </ul>
U4N Units 4 – Non Owner Occupied	A single residential building unit which is part of a community title scheme where: <ul style="list-style-type: none"> <li>(a) the building unit is <b>not</b> used by the property owner or at least one of the property owners as their principal place of residence; and</li> <li>(b) the rateable value per square metre of the scheme land on which the complex is constructed is greater than or equal to \$500 per square metre and less than \$600 per square metre.</li> </ul>
U5N Units 5 – Non Owner Occupied	A single residential building unit which is part of a community title scheme where: <ul style="list-style-type: none"> <li>(a) the building unit is <b>not</b> used by the property owner or at least one of the property owners as their principal place of residence; and</li> <li>(b) the rateable value per square metre of the scheme land on which the complex is constructed is greater than or equal to \$85 per square metre and less than \$500 per square metre.</li> </ul>
U6N Units 6 – Non Owner Occupied	A single residential building unit which is part of a community title scheme where: <ul style="list-style-type: none"> <li>(a) the building unit is <b>not</b> used by the property owner or at least one of the property owners as their principal place of residence; and</li> <li>(b) the rateable value per square metre of the scheme land on which the complex is constructed is less than \$85 per square metre.</li> </ul>

**Interpretation for U1O to U6N categories**

The category descriptions for Categories U1O to U6N must be read with the following definitions and explanation, which form part of the descriptions. Some of the definition and explanation applies only to Categories U1O to U6O.

Meaning of **complex**

**Complex** means all of the buildings and other structures constructed on the scheme land.

Meaning of **principal place of residence**

A **single residential building unit** is used by the **property owner** as his or her **principal place of residence** if the owner ordinarily or predominantly lives (including but not limited to eating and sleeping) at the unit on a daily basis, and does not ordinarily live anywhere else. A **property owner** can only have one **principal place of residence** at any point in time. Only a natural person can have a **principal place of residence**.



For determining whether a building unit is a **property owner's** principal place of residence the Council may have regard to:

- (a) the length of time the person has occupied the residence;
- (b) the place of residence of the person's family;
- (c) whether the person has moved his or her personal belongings into the residence;
- (d) the person's address on the electoral roll;
- (e) whether services such as telephone, electricity and gas are connected to the residence in the person's name;
- (f) any other matter relevant to the question of where the person ordinarily or predominantly lives.

### Meaning of **property owner**

For Categories U1O to U6O, a **property owner** is a natural person who is the **owner** liable to pay general rates under the LGA and LGR.

However, a natural person under a legal disability who is not the owner liable to pay general rates under the LGA and LGR is taken to be the **property owner** for the purpose of applying Categories U1O to U6O if all of the following criteria and requirements are met:

- (a) the owner liable to pay general rates under the LGA and LGR holds title to the land as trustee for the person;
- (b) the trustee holds title wholly or predominantly for the purpose of managing the affairs of the person by reason of that person's (legal, physical or other relevant) disability;
- (c) the person (alone or with others) is beneficially entitled to an ownership interest in the land;
- (d) the trustee provides the Council, if it so requests, with a statutory declaration verifying the foregoing matters, and also annexing and verifying a copy of the relevant deed or instrument of trust.

In addition, if the **property owner** under that extended definition is receiving a pension under Commonwealth law as confirmed by the Centrelink Confirmation eService, the property owner will be considered eligible to receive the Council Pensioner concession, identified as Concession 1 in this Revenue Statement, even though the person does not qualify for the Queensland Government Pensioner Rate Subsidy Scheme (Scheme), so long as the person's circumstances are otherwise in accordance with the requirements and restrictions stated hereafter for that concession.

### Particular extended application of Categories U1O to U6O

Upon the death of the last living **property owner** of land in any of Categories U1O to U6O, the land is taken to continue to meet the description for the relevant Category until the earliest to occur of the following events:

- (a) a change of ownership of the land (other than a transfer to executors or trustees of the estate of the deceased property owner merely for the purpose of estate administration);
- (b) the land being occupied and used under a tenancy entered into by the executors or trustees on behalf of the estate of the deceased property owner; or
- (c) the expiration of 2 clear calendar quarters after the quarter which includes the date of death of the deceased **property owner**.

Upon the occurrence of the relevant event, the land will be re-categorised (if necessary) based upon its use at that time.

### Meaning of **scheme land**

**Scheme land** has the meaning given by the *Body Corporate and Community Management Act 1997*.

### Meaning of **single residential building unit**

A **single residential building unit** (or **building unit**) is a lot under the *Body Corporate and Community Management Act 1997* which is used as a residence, regardless of whether the residence is part of a building, attached to one or more other units (or other buildings) or free-standing.

A lot under the *Body Corporate and Community Management Act 1997* which contains a building comprising multiple residences is not a single residential building unit. It falls under and will be categorised under an appropriate “F” Category.

**Multi Residential Dwellings (Flats)**

Category	Description
F2	where the number of dwellings on the land is equal to 2
F3	where the number of dwellings on the land is equal to 3
F4	where the number of dwellings on the land is equal to 4
F5	where the number of dwellings on the land is equal to 5
F6	where the number of dwellings on the land is equal to 6
F7	where the number of dwellings on the land is equal to 7
F8	where the number of dwellings on the land is equal to 8
F9	where the number of dwellings on the land is equal to 9
F10	where the number of dwellings on the land is equal to 10
F11	where the number of dwellings on the land is equal to 11
F12	where the number of dwellings on the land is equal to 12
F13	where the number of dwellings on the land is equal to 13
F14	where the number of dwellings on the land is equal to 14
F15	where the number of dwellings on the land is equal to 15
F16	where the number of dwellings on the land is equal to 16
F17	where the number of dwellings on the land is equal to 17
F18	where the number of dwellings on the land is equal to 18
F19	where the number of dwellings on the land is equal to 19
F20	where the number of dwellings on the land is equal to 20
F21	where the number of dwellings on the land is equal to 21
F22	where the number of dwellings on the land is equal to 22
F23	where the number of dwellings on the land is equal to 23
F24	where the number of dwellings on the land is equal to 24
F25	where the number of dwellings on the land is equal to 25
F26	where the number of dwellings on the land is equal to 26
F27	where the number of dwellings on the land is equal to 27
F28	where the number of dwellings on the land is equal to 28
F29	where the number of dwellings on the land is equal to 29
F30	where the number of dwellings on the land is equal to 30
F31	where the number of dwellings on the land is equal to 31
F32	where the number of dwellings on the land is equal to 32
F33	where the number of dwellings on the land is equal to 33
F34	where the number of dwellings on the land is equal to 34
F35	where the number of dwellings on the land is equal to 35
F36	where the number of dwellings on the land is equal to 36
F37	where the number of dwellings on the land is equal to 37
F38	where the number of dwellings on the land is equal to 38
F39	where the number of dwellings on the land is equal to 39
F40	where the number of dwellings on the land is equal to 40
F41	where the number of dwellings on the land is equal to 41
F42	where the number of dwellings on the land is equal to 42
F43	where the number of dwellings on the land is equal to 43
F44	where the number of dwellings on the land is equal to 44
F45	where the number of dwellings on the land is equal to 45
F46	where the number of dwellings on the land is equal to 46
F47	where the number of dwellings on the land is equal to 47
F48	where the number of dwellings on the land is equal to 48
F49	where the number of dwellings on the land is equal to 49
F50	where the number of dwellings on the land is equal to 50
F51	where the number of dwellings on the land is equal to 51
F52	where the number of dwellings on the land is equal to 52
F53	where the number of dwellings on the land is equal to 53
F54	where the number of dwellings on the land is equal to 54



Category	Description
F55	where the number of dwellings on the land is equal to 55
F56	where the number of dwellings on the land is equal to 56
F57	where the number of dwellings on the land is equal to 57
F58	where the number of dwellings on the land is equal to 58
F59	where the number of dwellings on the land is equal to 59
F60	where the number of dwellings on the land is equal to 60
F61	where the number of dwellings on the land is equal to 61
F62	where the number of dwellings on the land is equal to 62
F63	where the number of dwellings on the land is equal to 63
F64	where the number of dwellings on the land is equal to 64
F65	where the number of dwellings on the land is equal to or greater than 65

**Interpretation for F2 to F65 categories**

The category descriptions for Categories F2 to F65 must be read with the following definitions and explanation, which form part of the descriptions.

**Meaning of *dwelling***

A **dwelling** is a self-contained residence which includes all of the following:

- (a) food preparation facilities;
- (b) a bath or shower;
- (c) a toilet and wash basin; and
- (d) clothes washing facilities.

For Categories F2 to F65:

- a **dwelling** may form part of a building containing other dwellings (and/or other uses), be attached to one or more other dwellings or other buildings or be free-standing;
- a lot in a community title scheme which contains only a single residence is not a **dwelling** for the F categories, (and will be categorised under one of the U Categories as *Residential Units (Community Title)*).
- however, a lot in a community title scheme which contains a building comprising more than one **dwelling** is within the F categories, and will be categorised under one of Categories F2 to F65 accordingly, based on the number of dwellings on the lot.

A secondary dwelling forming part of a **single residence** as defined for the purposes of Categories R1 and R2 is not a **dwelling** for Category F2, unless none of the owners of the property occupy either dwelling and both the primary and secondary dwellings are not occupied by a single household. Therefore, to avoid doubt, Categories F2 to F65 (as appropriate) otherwise apply to rateable land which contains 2 or more dwellings (whether free-standing or otherwise). This will include situations where a property contains a primary and secondary dwelling, but neither is occupied by the owner or members of the owner's household as their principal place of residence and both the primary and secondary dwellings are not occupied by a single household. Neither category R1 or R2 applies in those circumstances. Category F2 applies in those circumstances.

**Explanatory note for F categories generally:** Generally, this category applies to land contained in a single valuation and rates assessment if the land contains more than one dwelling. The use of the term "*Flats*" in the heading is merely for broad general guidance of ratepayers, helping to distinguish the F Categories from the U Categories for single residence community title lots, and does not limit the defined meaning of **dwelling**.

If there are only 2 **dwellings** on the land and one of the dwellings is a **secondary dwelling** as defined and explained in the definitions and explanation for the *Residential Single Dwellings (R)* Categories, the land is not used for *Multi Residential Dwellings (Flats)*, and will fall within Category R1 or R2. However, that is only the case where at least one of the dwellings is occupied by the owner as their principal place of residence, or where a property owner does not reside in either dwelling but both dwellings are used as a single household.

If there are 2 dwellings on the land but neither is occupied by the owner or members of the owner's household as their principal place of residence, and the occupiers of both dwellings do not constitute a single household, the land is to be categorised under the F2 *Multi Residential Dwellings (Flats)* category, and will be rated accordingly.

If there are 3 or more dwellings on the land, the land is used for *Multi Residential Dwellings (Flats)* and will be categorised under the appropriate "F" category above. That is so even if one of the dwellings otherwise meets the definition and requirements for a **secondary dwelling** as defined and explained in the definitions and explanation for the *Residential Single Dwellings (R)* Categories.

#### Vacant Land

Category	Description
VL1	Land with a rateable value less than \$1,000,000 that meets the criteria or use description that corresponds with the following Land Use Code identifiers:  01 – Vacant Urban Land 94 – Vacant Rural Land
<i>Classes of capping for the VL1 differential general rating category:</i> 1. Where the land is owned solely by a natural person or natural persons a cap percentage of 9 percent applies. 2. Where the land is <b>not</b> owned solely by a natural person or natural persons, <b>no</b> cap percentage applies.	
VL2	Land with a rateable value greater than or equal to \$1,000,000 but less than \$2,500,000 that meets the criteria or use description that corresponds with the following Land Use Code identifiers:  01 – Vacant Urban Land 94 – Vacant Rural Land
<i>Classes of capping for the VL2 differential general rating category:</i> 1. Where the land is owned solely by a natural person or natural persons a cap percentage of 20 percent applies. 2. Where the land is <b>not</b> owned solely by a natural person or natural persons, <b>no</b> cap percentage applies.	
VL3	Land with a rateable value greater than or equal to \$2,500,000 that meets the criteria or use description that corresponds with the following Land Use Code identifiers:  01 – Vacant Urban Land 94 – Vacant Rural Land

Note: Discounting for Subdivided Land – Pursuant to Chapter 2, (sections 49 to 51) of the *Land Valuation Act 2010* the Council is required to discount the rateable value of certain land when levying rates. If these provisions apply to any rateable land the minimum general rate levy and any limitation on an increase to rates and charges, (capping) will not apply to that land.

#### Sporting Clubs and Community Groups

Category	Description
SC1	Land used for sports clubs and facilities including land that meets the criteria or use description that corresponds with the following Land Use Code identifiers:  48 – Sports Clubs/Facilities 50 – Other Clubs (non business)

#### Retirement Villages

Category	Description
RV1	Land which contains a single residential dwelling in a retirement village complex, and is part of a community titles scheme where the retirement village is registered under the <i>Retirement Villages Act 1999</i> .

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Category	Description
Category RV2 to Category RV45	Land which contains a retirement village where:  (a) The retirement village is registered under the <i>Retirement Villages Act 1999</i> ; and (b) Dwellings within the retirement village complex are not part of a community titles scheme;  and:
RV2	the retirement village has less than 10 independent living dwellings
RV3	the retirement village has greater than or equal to 10 and less than 20 independent living dwellings
RV4	the retirement village has greater than or equal to 20 and less than 30 independent living dwellings
RV5	the retirement village has greater than or equal to 30 and less than 40 independent living dwellings
RV6	the retirement village has greater than or equal to 40 and less than 50 independent living dwellings
RV7	the retirement village has greater than or equal to 50 and less than 60 independent living dwellings
RV8	the retirement village has greater than or equal to 60 and less than 70 independent living dwellings
RV9	the retirement village has greater than or equal to 70 and less than 80 independent living dwellings
RV10	the retirement village has greater than or equal to 80 and less than 90 independent living dwellings
RV11	the retirement village has greater than or equal to 90 and less than 100 independent living dwellings
RV12	the retirement village has greater than or equal to 100 and less than 110 independent living dwellings
RV13	the retirement village has greater than or equal to 110 and less than 120 independent living dwellings
RV14	the retirement village has greater than or equal to 120 and less than 130 independent living dwellings
RV15	the retirement village has greater than or equal to 130 and less than 140 independent living dwellings
RV16	the retirement village has greater than or equal to 140 and less than 150 independent living dwellings
RV17	the retirement village has greater than or equal to 150 and less than 160 independent living dwellings
RV18	the retirement village has greater than or equal to 160 and less than 170 independent living dwellings
RV19	the retirement village has greater than or equal to 170 and less than 180 independent living dwellings
RV20	the retirement village has greater than or equal to 180 and less than 190 independent living dwellings
RV21	the retirement village has greater than or equal to 190 and less than 200 independent living dwellings
RV22	the retirement village has greater than or equal to 200 and less than 210 independent living dwellings
RV23	the retirement village has greater than or equal to 210 and less than 220 independent living dwellings
RV24	the retirement village has greater than or equal to 220 and less than 230 independent living dwellings
RV25	the retirement village has greater than or equal to 230 and less than 240 independent living dwellings
RV26	the retirement village has greater than or equal to 240 and less than 250 independent living dwellings
RV27	the retirement village has greater than or equal to 250 and less than 260 independent living dwellings
RV28	the retirement village has greater than or equal to 260 and less than 270 independent living dwellings
RV29	the retirement village has greater than or equal to 270 and less than 280 independent living dwellings

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<b>Category</b>	<b>Description</b>
RV30	the retirement village has greater than or equal to 280 and less than 290 independent living dwellings
RV31	the retirement village has greater than or equal to 290 and less than 300 independent living dwellings
RV32	the retirement village has greater than or equal to 300 and less than 310 independent living dwellings
RV33	the retirement village has greater than or equal to 310 and less than 320 independent living dwellings
RV34	the retirement village has greater than or equal to 320 and less than 330 independent living dwellings
RV35	the retirement village has greater than or equal to 330 and less than 340 independent living dwellings
RV36	the retirement village has greater than or equal to 340 and less than 350 independent living dwellings
RV37	the retirement village has greater than or equal to 350 and less than 360 independent living dwellings
RV38	the retirement village has greater than or equal to 360 and less than 370 independent living dwellings
RV39	the retirement village has greater than or equal to 370 and less than 380 independent living dwellings
RV40	the retirement village has greater than or equal to 380 and less than 390 independent living dwellings
RV41	the retirement village has greater than or equal to 390 and less than 400 independent living dwellings
RV42	the retirement village has greater than or equal to 400 and less than 410 independent living dwellings
RV43	the retirement village has greater than or equal to 410 and less than 420 independent living dwellings
RV44	the retirement village has greater than or equal to 420 and less than 430 independent living dwellings
RV45	the retirement village has greater than or equal to 430 independent living dwellings

**Interpretation**

**Independent living dwelling** means a dwelling (eg. detached houses, townhouses or units) that is self-contained and for which some level of support is or may be provided to residents, but that support is intended to be minimal or in emergent circumstances because the primary intent of the retirement village scheme is to enable independent living.

**Relocatable Home Parks**

<b>Category</b>	<b>Description</b>
Category RH1 to Category RH44	Land which is used primarily as a relocatable home park and that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  49A – Multi Residential (Relocatable Home Parks);  and:
RH1	the relocatable home park has less than 10 sites
RH2	the relocatable home park has greater than or equal to 10 and less than 20 sites
RH3	the relocatable home park has greater than or equal to 20 and less than 30 sites
RH4	the relocatable home park has greater than or equal to 30 and less than 40 sites
RH5	the relocatable home park has greater than or equal to 40 and less than 50 sites
RH6	the relocatable home park has greater than or equal to 50 and less than 60 sites
RH7	the relocatable home park has greater than or equal to 60 and less than 70 sites
RH8	the relocatable home park has greater than or equal to 70 and less than 80 sites
RH9	the relocatable home park has greater than or equal to 80 and less than 90 sites
RH10	the relocatable home park has greater than or equal to 90 and less than 100 sites
RH11	the relocatable home park has greater than or equal to 100 and less than 110 sites
RH12	the relocatable home park has greater than or equal to 110 and less than 120 sites
RH13	the relocatable home park has greater than or equal to 120 and less than 130 sites
RH14	the relocatable home park has greater than or equal to 130 and less than 140 sites

Category	Description
RH15	the relocatable home park has greater than or equal to 140 and less than 150 sites
RH16	the relocatable home park has greater than or equal to 150 and less than 160 sites
RH17	the relocatable home park has greater than or equal to 160 and less than 170 sites
RH18	the relocatable home park has greater than or equal to 170 and less than 180 sites
RH19	the relocatable home park has greater than or equal to 180 and less than 190 sites
RH20	the relocatable home park has greater than or equal to 190 and less than 200 sites
RH21	the relocatable home park has greater than or equal to 200 and less than 210 sites
RH22	the relocatable home park has greater than or equal to 210 and less than 220 sites
RH23	the relocatable home park has greater than or equal to 220 and less than 230 sites
RH24	the relocatable home park has greater than or equal to 230 and less than 240 sites
RH25	the relocatable home park has greater than or equal to 240 and less than 250 sites
RH26	the relocatable home park has greater than or equal to 250 and less than 260 sites
RH27	the relocatable home park has greater than or equal to 260 and less than 270 sites
RH28	the relocatable home park has greater than or equal to 270 and less than 280 sites
RH29	the relocatable home park has greater than or equal to 280 and less than 290 sites
RH30	the relocatable home park has greater than or equal to 290 and less than 300 sites
RH31	the relocatable home park has greater than or equal to 300 and less than 310 sites
RH32	the relocatable home park has greater than or equal to 310 and less than 320 sites
RH33	the relocatable home park has greater than or equal to 320 and less than 330 sites
RH34	the relocatable home park has greater than or equal to 330 and less than 340 sites
RH35	the relocatable home park has greater than or equal to 340 and less than 350 sites
RH36	the relocatable home park has greater than or equal to 350 and less than 360 sites
RH37	the relocatable home park has greater than or equal to 360 and less than 370 sites
RH38	the relocatable home park has greater than or equal to 370 and less than 380 sites
RH39	the relocatable home park has greater than or equal to 380 and less than 390 sites
RH40	the relocatable home park has greater than or equal to 390 and less than 400 sites
RH41	the relocatable home park has greater than or equal to 400 and less than 410 sites
RH42	the relocatable home park has greater than or equal to 410 and less than 420 sites
RH43	the relocatable home park has greater than or equal to 420 and less than 430 sites
RH44	the relocatable home park has greater than or equal to 430 sites

**Caravan Parks**

Category	Description
CP1	Land which is used primarily as a caravan park including land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  49 – Caravan Park

**Bed and Breakfasts**

Category	Description
BB1	Land which is used to a material extent as Bed and Breakfast accommodation including land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  9 – Bed and Breakfast

**Rural Agricultural**

Category	Description
RA1	Land valued by the Department of Natural Resources, Mines and Energy (DNRME) as land used for farming under Chapter 2, (sections 45 to 48), of the <i>Land Valuation Act 2010</i> and that meets the criteria or use description that corresponds with the following Land Use Code Identifiers:  Sheep Grazing 60 – Sheep Grazing – Dry 61 – Sheep Breeding  Cattle Grazing 64 – Breeding

Category	Description
	65 – Breeding and Fattening 66 – Fattening 67 – Goats  Dairy Cattle 68 – Milk – Quota 69 – Milk – No Quota 70 – Cream  Agricultural 71 – Oil Seed 73 – Grains 74 – Turf Farms 75 – Sugar Cane 76 – Tobacco 77 – Cotton 78 – Rice 79 – Orchards 80 – Tropical Fruits 81 – Pineapples 82 – Vineyards 83 – Small Crops and Fodder – Irrigation 84 – Small Crops and Fodder – Non Irrigation  Other Rural Uses 85 – Pigs 86 – Horses 88 – Forestry and Logs 89 – Animal Special 90 – Stratum 93 – Peanuts

**Poultry Farms**

Category	Description
PF1	Land which is used as a Poultry Farm including land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  87A – Poultry  and: The Poultry Farm is an Environmentally Relevant Activity under the <i>Environmental Protection Act 1994</i> with a threshold for farming more than 200,000 birds.
PF2	Land which is used as a Poultry Farm including land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  87B – Poultry  and: The Poultry Farm is an Environmentally Relevant Activity under the <i>Environmental Protection Act 1994</i> with a threshold for farming more than 1,000 and less than or equal to 200,000 birds.
PF3	Land which is used as a Poultry Farm including land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  87 – Poultry  and: The Poultry Farm farms 1,000 birds or less.



**Light Commercial**

<b>Category</b>	<b>Description</b>
LC1	<p>Land which is used for light commercial purposes including land that meets the criteria or use description that corresponds with the following Land Use Code Identifiers:</p> <ul style="list-style-type: none"> <li>07 – Guest House/Private Hotel</li> <li>11 – Shops</li> <li>16 – Drive-in Shopping Centre/Group of Shops</li> <li>17 – Restaurant</li> <li>18 – Special Tourist Attraction</li> <li>21 – Residential Institution (non medical care)</li> <li>22 – Car Parks</li> <li>23 – Retail Warehouse</li> <li>25 – Professional Offices</li> <li>26 – Funeral Parlours</li> <li>27 – Hospitals, Convalescence Homes (medical care)(private)</li> <li>28 – Warehouse and Bulk Stores (and the building/s on the land have a gross floor area less than or equal to 10,000 square metres)</li> <li>29 – Transport Terminal</li> <li>32 – Wharves</li> <li>33 – Builders Yard, Contractors</li> <li>34 – Cold Stores - Ice Works</li> <li>36 – Light Industry</li> <li>38 – Advertising - Hoarding</li> <li>39 – Harbour Industries</li> <li>41 – Child Care Excluding Kindergarten</li> <li>44 – Nurseries (plants)</li> <li>45 – Theatres, Cinemas</li> <li>46 – Drive-in Theatre</li> <li>56 – Showgrounds, Racecourse, Airfields</li> <li>58 – Educational Including Kindergarten</li> <li>95 – Reservoir, Dam, Bores</li> <li>96 – Public Hospital</li> <li>97 – Welfare Home/Institution</li> <li>99 – Community Protection Centre</li> </ul>

**Outdoor Sales Areas**

<b>Category</b>	<b>Description</b>
OSA1	<p>Land which is used for outdoor sales purposes being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:</p> <p>24 – Sales Area Outdoors (dealers, boats, cars, etc);</p> <p>and:</p> <p>The area of the physical land parcel is equal to or greater than 4,000 square metres.</p>
OSA2	<p>Land which is used for outdoor sales purposes being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:</p> <p>24 – Sales Area Outdoors (dealers, boats, cars, etc);</p> <p>and:</p> <p>The area of the physical land parcel is less than 4,000 square metres.</p>

**Marina**

<b>Category</b>	<b>Description</b>
MA1	Land which is used for marina purposes being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  20 – Marina

**Drive Through Restaurants**

<b>Category</b>	<b>Description</b>
DTR1	Land which is used for Drive Through Restaurant purposes being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  17A – Drive Through Restaurants

**Motels**

<b>Category</b>	<b>Description</b>
Category M3 to Category M55	Land which is used for Motel purposes being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  43 – Motels  and:
M3	where the number of rooms is equal to or less than 3
M4	where the number of rooms is equal to 4
M5	where the number of rooms is equal to 5
M6	where the number of rooms is equal to 6
M7	where the number of rooms is equal to 7
M8	where the number of rooms is equal to 8
M9	where the number of rooms is equal to 9
M10	where the number of rooms is equal to 10
M11	where the number of rooms is equal to 11
M12	where the number of rooms is equal to 12
M13	where the number of rooms is equal to 13
M14	where the number of rooms is equal to 14
M15	where the number of rooms is equal to 15
M16	where the number of rooms is equal to 16
M17	where the number of rooms is equal to 17
M18	where the number of rooms is equal to 18
M19	where the number of rooms is equal to 19
M20	where the number of rooms is equal to 20
M21	where the number of rooms is equal to 21
M22	where the number of rooms is equal to 22
M23	where the number of rooms is equal to 23
M24	where the number of rooms is equal to 24
M25	where the number of rooms is equal to 25
M26	where the number of rooms is equal to 26
M27	where the number of rooms is equal to 27
M28	where the number of rooms is equal to 28
M29	where the number of rooms is equal to 29
M30	where the number of rooms is equal to 30
M31	where the number of rooms is equal to 31
M32	where the number of rooms is equal to 32
M33	where the number of rooms is equal to 33



<b>Category</b>	<b>Description</b>
M34	where the number of rooms is equal to 34
M35	where the number of rooms is equal to 35
M36	where the number of rooms is equal to 36
M37	where the number of rooms is equal to 37
M38	where the number of rooms is equal to 38
M39	where the number of rooms is equal to 39
M40	where the number of rooms is equal to 40
M41	where the number of rooms is equal to 41
M42	where the number of rooms is equal to 42
M43	where the number of rooms is equal to 43
M44	where the number of rooms is equal to 44
M45	where the number of rooms is equal to 45
M46	where the number of rooms is equal to 46
M47	where the number of rooms is equal to 47
M48	where the number of rooms is equal to 48
M49	where the number of rooms is equal to 49
M50	where the number of rooms is equal to 50
M51	where the number of rooms is equal to 51
M52	where the number of rooms is equal to 52
M53	where the number of rooms is equal to 53
M54	where the number of rooms is equal to 54
M55	where the number of rooms is equal to or greater than 55

**Hotels and Licensed Clubs**

<b>Category</b>	<b>Description</b>
HLC1	Land which is used for Hotel/Tavern purposes being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  42 – Hotel/Tavern
HLC2	Land which is used for a Licensed Club being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  47A – Licensed Club  and: The Licensed Club has greater than 265 gaming machines.
HLC3	Land which is used for a Licensed Club being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  47B – Licensed Club  and: The Licensed Club has greater than 100 and equal to or less than 265 gaming machines.
HLC4	Land which is used for a Licensed Club being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  47C – Licensed Club  and: The Licensed Club has equal to or less than 100 gaming machines.

**Telco/Transformer Sites**

<b>Category</b>	<b>Description</b>
T1	Land which is used for a Telecommunications or Transformer site being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  91 – Telco/Transformer Sites

**Service Stations**

<b>Category</b>	<b>Description</b>
SS1	Land which is used for a Service Station being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  30A – Service Station; and:  (a) The total area of the land is equal to or greater than 50,000 square metres; and (b) The fuel storage capacity of the Service Station is equal to or greater than 300,000 litres.
SS2	Land which is used for a Service Station being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  30B – Service Station;  and: The land is not contained in SS1.

**Drive-in Shopping Centre/Group of Shops**

<b>Category</b>	<b>Description</b>
S1S Super Regional	Land which is used for a Drive-in Shopping Centre/Group of Shops being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  16F – Drive-in Shopping Centre / Group of Shops;  and: The total lettable area of the drive in shopping centre/group of shops is equal to or greater than 70,000 square metres.
S2S Major Regional	Land which is used for a Drive-in Shopping Centre/Group of Shops being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  16A – Drive-in Shopping Centre / Group of Shops;  and: The total lettable area of the drive in shopping centre/group of shops is less than 70,000 square metres and equal to or greater than 50,000 square metres.
S3S Regional	Land which is used for a Drive-in Shopping Centre/Group of Shops being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  16B – Drive-in Shopping Centre / Group of Shops;  and: The total lettable area of the drive in shopping centre/group of shops is less than 50,000 and equal to or greater than 40,000 square metres.

<b>Category</b>	<b>Description</b>
S4S Sub Regional A	Land which is used for a Drive-in Shopping Centre/Group of Shops being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  16C – Drive-in Shopping Centre / Group of Shops;  and: The total lettable area of the drive in shopping centre/group of shops is less than 40,000 and equal to or greater than 20,000 square metres.
S5S Sub Regional B	Land which is used for a Drive-in Shopping Centre/Group of Shops being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  16D – Drive-in Shopping Centre / Group of Shops;  and: The total lettable area of the drive in shopping centre/group of shops is less than 20,000 and equal to or greater than 10,000 square metres.
S6S Local Shopping Centre A	Land which is used for a Drive-in Shopping Centre/Group of Shops being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  16E – Drive-in Shopping Centre / Group of Shops;  and: The total lettable area of the drive in shopping centre/group of shops is less than 10,000 and equal to or greater than 3,000 square metres.
S7S Local Shopping Centre B	Land which is used for a Drive-in Shopping Centre/Group of Shops being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  16G – Drive-in Shopping Centre / Group of Shops;  and: The total lettable area of the drive in shopping centre/group of shops is less than 3,000 and equal to or greater than 1,300 square metres, and the size of the physical land parcel is greater than 4,000 square metres.

**Mega Store Retailers**

<b>Category</b>	<b>Description</b>
S4M Mega Store Retailer - Sub Regional A	Land which is used for a large or “mega” store retail purposes being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  16M - Mega Store Retailer (single retailer with total floor area equal to or greater than 20,000 square metres).
S5M Mega Store Retailer - Sub Regional B	Land which is used for a large or “mega” store retail purposes being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  16S – Mega Store Retailer (single retailer with total floor area greater than or equal to 10,000 square metres and less than 20,000 square metres).
S6M Mega Store Retailer - Local A	Land which is used for a large or “mega” store retail purposes being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  16T - Mega Store Retailer (single retailer with total floor area greater than or equal to 3,000 square metres and less than 10,000 square metres).
S7M Mega Store Retailer - Local B	Land which is used for a large or “mega” store retail purposes being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  16U - Mega Store Retailer (single retailer) with total floor area greater than or equal to 1,300 square metres and less than 3,000 square metres and the size of the physical land parcel is greater than 4,000 square metres.

**Heavy Commercial**

<b>Category</b>	<b>Description</b>
HC1 Heavy Commercial 1	Land which is used for an oil depot or refinery or a noxious or offensive industry including an abattoir, being land that meets the criteria or use description that corresponds with the following Land Use Code Identifiers:  31 – Oil Depot and Refinery; or 37 – Noxious/Offensive Industry (including Abattoir)  and: The rateable value of the land is greater than \$15,000,000.
HC2 Heavy Commercial 2	Land which is used for an oil depot or refinery or a noxious or offensive industry including an abattoir, being land that meets the criteria or use description that corresponds with the following Land Use Code Identifiers:  31 – Oil Depot and Refinery; or 37 – Noxious/Offensive Industry (including Abattoir)  and: The land is not contained in HC1.
HC3 Extractive Industries	Land which is used for extractive industry being land that meets the criteria or use description that corresponds with the following Land Use Code Identifier:  40 – Extractive
HC4 Concrete Batching / Asphalt Manufacturing	Land which is used for concrete batching plant or asphalt manufacturing being land used for those purposes and that otherwise meets the criteria or use description that corresponds with the following Land Use Code Identifier:  35 – General Industry
HC5 Large Commercial / Industrial	Land which is used for large scale commercial or industrial purposes being land used for those purposes and that otherwise meets the criteria or use description that corresponds with the following Land Use Code Identifiers:  28A - Warehouse and Bulk Stores 36A – Large Industry  and: The building/s on the land have a gross floor area greater than 10,000 square metres.

**Land not otherwise categorised**

<b>Category</b>	<b>Description</b>
O1	Land not contained in any other differential rating category and the rateable value of the land is less than \$1,000,000
<i>Classes of capping for the O1 differential general rating category:</i> 1. Where the land is owned solely by a natural person or natural persons a cap percentage of 9 percent applies. 2. Where the land is <b>not</b> owned solely by a natural person or natural persons, <b>no</b> cap percentage applies.	
O2	Land not contained in any other differential rating category and the rateable value of the land is greater than or equal to \$1,000,000 but less than \$2,500,000
<i>Classes of capping for the O2 differential general rating category:</i> 1. Where the land is owned solely by a natural person or natural persons a cap percentage of 20 percent applies. 2. Where the land is <b>not</b> owned solely by a natural person or natural persons, <b>no</b> cap percentage applies.	
O3	Land not contained in any other differential rating category and the rateable value of the land is greater than or equal to \$2,500,000

“**Land Use Code Identifiers**” are numerical codes applied to land based on their land use as revealed by Council records. They are formally issued by the State Government (Valuer-General) based in part on information supplied by the Council. They are then assigned to individual parcels in the Council’s land record. They are generally accurate to **identify** the relevant land use, and therefore to identify the category into which rateable land should be categorised. However, they are descriptive of land uses and not necessarily conclusive. The correct rating category for rateable land is always based on its actual land use as related to the category which covers that land use. Disputes in that regard are not conclusively resolved by land use code identifiers, but, through the objection and appeal process, by the true facts of land use.

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**RESOLUTION 4**

Moved by Cr Mark Booth

Seconded by Cr Jodie Shipway

CARRIED 12/0

That pursuant to section 93(3)(i) of the *Local Government Act 2009* the Council resolves that the following properties are exempt from General Rates for charitable purposes:

- Lot 2 SP 262249
- Lot 3 RP 160412
- Lot 4 RP 889690
- Lot 10 SP 191312

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**RESOLUTION 5**

Moved by Cr Mick Gillam

Seconded by Cr Jodie Shipway

CARRIED 11/1

*Cr Brooke Savige voted against the motion*

That pursuant to section 94 of the *Local Government Act 2009* and section 94 of the *Local Government Regulation 2012*, the Council resolves to levy the special charges for the 2021/22 financial year as set out in the Revenue Statement contained in the Moreton Bay Regional Council Budget and Operational Plan 2021-2022 document.

The special charges set out in the Revenue Statement are:

- Rural Fire Brigade Special Charge,
- Rural Recycling and Waste Management Special Charge,
- Commercial Waste Management Special Charge,
- North Lakes Enhanced Services Special Charge,
- Newport Canal Maintenance Special Charge,
- Pacific Harbour Canal Maintenance Special Charge,
- Bribe Gardens Canal Maintenance Special Charge; and
- Redcliffe Aerodrome Special Charge.

For that purpose the rateable land to which the special charges apply and the overall plans for the services, facilities or activities to which the special charges apply be the rateable land and overall plans specified in the Revenue Statement.

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**RESOLUTION 6**

Moved by Cr Sandra Ruck

Seconded by Cr Mick Gillam

CARRIED 12/0

That pursuant to section 94 of the *Local Government Regulation 2012*, the Council resolves to adopt the overall plans, annual implementation plans and benefitted area maps specified in the Revenue Statement contained in the Moreton Bay Regional Council Budget and Operational Plan 2021-2022 document for the special charges it resolves to levy under resolution 5.

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**RESOLUTION 7**

Moved by Cr Karl Winchester

Seconded by Cr Matt Constance

CARRIED 12/0

That pursuant to section 94 of the *Local Government Act 2009* and section 99 of the *Local Government Regulation 2012*, the Council resolves to levy the utility charges for the 2021/22 financial year as set out in the Revenue Statement contained in the Moreton Bay Regional Council Budget and Operational Plan 2021-2022 document.

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**RESOLUTION 8**

Moved by Cr Cath Tonks

Seconded by Cr Karl Winchester

CARRIED 12/0

That pursuant to section 94 of the *Local Government Act 2009* and section 103 of the *Local Government Regulation 2012*, the Council resolves to levy a separate charge, Regional Infrastructure and Environment Charge, for the 2021/22 financial year as set out in the Revenue Statement contained in the Moreton Bay Regional Council Budget and Operational Plan 2021-2022 document.

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**RESOLUTION 9**

Moved by Cr Matt Constance

Seconded by Cr Tony Latter

CARRIED 12/0

That pursuant to section 116 of the *Local Government Regulation 2012*, the Council resolves to limit the increase in the differential general rates as set out in the Revenue Statement contained in the Moreton Bay Regional Council Budget and Operational Plan 2021-2022 document.

**RESOLUTION 10**

Moved by Cr Darren Grimwade  
Seconded by Cr Mark Booth

CARRIED 12/0

That pursuant to section 107 of the *Local Government Regulation 2012*, the Council resolves that rates and utility charges for the year ending 30 June 2022 will be levied quarterly and as set out in the Revenue Statement contained in the Moreton Bay Regional Council Budget and Operational Plan 2021-2022 document.

**RESOLUTION 11**

Moved by Cr Brooke Savige  
Seconded by Cr Jodie Shipway

CARRIED 12/0

That pursuant to section 122 of the *Local Government Regulation 2012*, the Council resolves to grant concessions to ratepayers as set out in the Revenue Statement contained in the Moreton Bay Regional Council Budget and Operational Plan 2021-2022 document.

**RESOLUTION 12**

Moved by Cr Mark Booth  
Seconded by Cr Denise Sims (Deputy Mayor)

CARRIED 12/0

That pursuant to section 118 of the *Local Government Regulation 2012*, the Council resolves that all rates and charges must be paid within 30 days after the rate notice for the rates and charges is issued.

**RESOLUTION 13**

Moved by Cr Jodie Shipway  
Seconded by Cr Cath Tonks

CARRIED 12/0

That pursuant to section 133 of the *Local Government Regulation 2012*, the Council resolves that all overdue rates and charges bear interest as set out in the Revenue Statement contained in the Moreton Bay Regional Council Budget and Operational Plan 2021-2022 document.

**RESOLUTION 14**

Moved by Cr Cath Tonks  
Seconded by Cr Brooke Savige

CARRIED 12/0

That pursuant to section 257 of the *Local Government Act 2009* the Council delegates to the Chief Executive Officer its powers under section 81 of the *Local Government Regulation 2012* to identify the differential rating category into which each parcel of rateable land in the Council's local government area is included by using relevant information from the Council's land record and any other information which identifies the use of rateable land.

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**RESOLUTION 15**

Moved by Cr Sandra Ruck

Seconded by Cr Matt Constance

CARRIED 12/0

That pursuant to section 104 of the *Local Government Act 2009* and section 174 of the *Local Government Regulation 2012*, the Moreton Bay Regional Council Operational Plan 2021/22, as contained in the Moreton Bay Regional Council Budget and Operational Plan 2021-2022 document, be adopted.

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**RESOLUTION 16**

Moved by Cr Tony Latter

Seconded by Cr Jodie Shipway

CARRIED 12/0

That, in accordance with section 47(7) of the *Local Government Act 2009*, Council decides not to apply the code of competitive conduct to its prescribed business activities because those business activities are not conducted on a commercial basis or in active competition with the private sector.

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**RESOLUTION 17**

Moved by Cr Cath Tonks

Seconded by Cr Mark Booth

CARRIED 12/0

That it be recorded that in each case where a preceding Motion refers to a matter set out in the Revenue Statement contained in the Moreton Bay Regional Council Budget and Operational Plan 2021-2022 document, that matter is incorporated by reference into, and forms part of the terms and content of the motion, and will be so incorporated and form part of the terms and content of the Council's resolution to adopt the motion.

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**4.2. Statement of Estimated Financial Position for the 2020/21 Financial Year  
(62004207, 62071841)**

**Executive Summary**

The purpose of this report is to present the Council's Statement of Estimated Financial Position for 2020/21.

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**RESOLUTION 18**

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Darren Grimwade

CARRIED 12/0

That the Statement of Estimated Financial Position for the 2020/21 Financial Year as presented by the Chief Executive Officer be received.



*ITEM 4.2 STATEMENT OF ESTIMATED FINANCIAL POSITION FOR THE 2020/21 FINANCIAL YEAR (Cont.)*

**REPORT DETAIL**

**1. Background**

The Statement of Estimated Financial Position is a statement that must be presented to the Council as part of the Council's annual budget meeting and is a requirement under section 205 of the *Local Government Regulation 2012*.

**2. Explanation of Item**

The Statement of Estimated Financial Position is a document that states the estimated financial result of Council for the 2020/21 financial year.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

In accordance with section 205 of the *Local Government Regulation 2012*,

- (1) The chief executive officer must present the local government's annual budget meeting with a statement of estimated financial position.
- (2) A Statement of estimated financial position is a document stating the financial operations and financial position of the local government for the previous financial year.

**3.2 Corporate Plan / Operational Plan**

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

**3.3 Policy Implications**

Nil identified

**3.4 Risk Management Implications**

As the document presented is an estimated financial position of Council, numerous assumptions and forecasts are utilised from the quarterly review processes to arrive at the final estimated position. Whilst every effort is taken to ensure the document is as accurate as possible, variations will occur but these are not expected to be significant

**3.5 Delegated Authority Implications**

Nil identified

**3.6 Financial Implications**

As the document presented is an estimate for the financial year ending 30 June 2021, the actual results will vary once the end of the financial year concludes. These variations, however, are not expected to cause undue financial implications going forward into 2021/22.

**3.7 Economic Benefit Implications**

Nil identified

**3.8 Environmental Implications**

Nil identified

**3.9 Social Implications**

Nil identified

**3.10 Human Rights Implications**

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

**3.11 Consultation / Communication**

Director Finance and Corporate Services

#### 4.3. Budget Speech

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The Mayor (Cr Peter Flannery) provided the following budgetary speech:

*“Councillors, Moreton Bay is bouncing back!*

*After a year like no other, this year’s Budget sets out to ensure our region recovers like no other.*

*Today Council has approved a \$743 million plan to reinvent our economy with a record capital spend of \$245 million.*

*That’s \$25 million more than what was adopted in our 2020-21 Budget last year.*

*But before we reinvent our economy, we need to reinvent ourselves.*

*Changes starts at home, which is why we are going to change our governance structures to better serve our community into the future.*

*I can announce that we will be changing Council’s corporate values and establishing a new Corporate Plan for this coming financial year.*

*That’s because I want to ensure our operations are aligned with the needs and priorities of our community.*

*This change has come about thanks to the fierce advocacy of people in this room.*

*While each of the Divisions you represent is unique, there are two common themes in the projects you’ve all fought for this year:*

*The first is the need for better planning - you are determined to satisfy the expectations of your communities.*

*The second is to keep greening our region as our population grows.*

*Councillors, make no mistake, properly managing population growth will be the single greatest challenge we face in the years ahead.*

*To address these communities’ concerns about how we will do this, we will undertake a top-to-toe overhaul of our planning scheme to address issues like neighbourhood planning, carparking ratios, growth management and a review of building heights in areas of concern.*

*I am pleased to announce that Kallangur and Dakabin will be the first suburbs to undergo neighbourhood planning, and consultation on that will start shortly.*

*This is thanks to the strong support of Deputy Mayor Denise Sims.*

*She is not only passionate about restoring a sense of community in the suburbs she represents, she is determined to protect their lifestyle as more and more people move to our region.*

*That is essentially the central theme of this year’s Budget - Protecting our region as the population grows.*

*So you will see that the second biggest allocation of funds this year is for our parks and environment, with an impressive \$61 million spend.*

*This is in direct response to understandable local concerns about the impacts of development.*

*To mitigate this, not only will we be planting 148,000 trees this financial year, we will also be ramping our efforts to purchase and protect vulnerable environments and wildlife habitat from private development.*

*So we have increased the regional infrastructure environment charge from \$84 to \$90 per property this year.*

*This means that Council will have \$2.9 million available for land acquisitions, green infrastructure maintenance and renewal.*

*I want every decision and every action of this Council to be viewed through the prism of community service.*

*And I thank you for your support in this.*

*Fiscal Arrangements*

*Now before I go on to talk about the fiscal settings of this Budget, the challenges of Covid-19 must be acknowledged.*

*Fortunately, Moreton Bay Region has been at the forefront of this fight from the start.*

*I want to commend the Queensland Government for being the first in our Commonwealth to declare a public health emergency back in January 2020.*

*And I'm proud to say Moreton Bay Region acted immediately after that to get millions of dollars in financial assistance to our residents and businesses in March.*

*This Council invested almost \$40 million to stimulate our economy through every mechanism available to us.*

*We provided two years of rates relief, we waived licensing fees for hospitality businesses, and invested in community infrastructure grants to support local clubs and organisations.*

*Twelve months on, the economy is in a very strong position and we have seen growth particularly, in the housing and property sector.*

*On that point, I also want to acknowledge the Federal Government for their economic response.*

*The housing boom we are enjoying is thanks to their intervention which saved jobs and kept our economy strong - like Job Keeper, Job Seeker and of course the HomeBuilder initiative.*

*Rates*

*Against the backdrop of these complicated pressures, the hardest thing to balance this financial year has been keeping rates low while also spending enough to keep our resurgent economy charging.*

*In Moreton Bay region, rates account for 50% of our revenue.*

*We do not take this lightly, in fact it was the most important consideration with regards to the increase in required revenue.*

*So I would like to express my thanks to Council staff and Councillors for the significant amount of effort that has gone into this budget.*

*We will be increasing the average total rates bill by \$1.20 per week, that's 3.9%*

*I'm proud to say that not only have we minimised the rate rise, we've also retained all of the rebates that are paid to pensioners.*

*That includes the \$250 rebate for full pensioners and \$100 rebate for part-pensioners that we introduced in the last year.*

*While Councillor Brooke Savige represents Division 1, the entire region can thank her for the continued advocacy on this issue.*

*She had been campaigning for part-pensioner rebates since being elected in 2016.*

Environment

*Now everyone in this room is passionate about the spectacular beauty of our region and we know how important it is for Councils to protect their local ecosystems.*

*This year we will go further than ever before with new initiatives to protect the homes of native wildlife, as we build new homes to accommodate our growing population.*

*I can announce today that we currently have 4 hectares of land under contract in Caboolture, to protect an ecosystem used by vulnerable species like koalas and the Wallum Frog.*

*This will be the second purchase under our new land buyback scheme, following the 4.1 hectares of land we secured in Clear Mountain to link local parks and reserves into a green corridor.*

*I want to acknowledge the passionate persistence of Councillor Cath Tonks for the success of this program.*

*Anyone who knows her, knows her determination to green our region as we grow especially in Division 9 - we are connected between some of our most popular suburbs to the Hinterland belt, which provides habitat for countless wildlife like koalas.*

*Now Koalas get a lot of attention and while I'm thrilled as Mayor to be able to boast that we are the home to the most successful koala breeding program in the country, I want to stress that we haven't forgotten our marine ecosystems.*

*We will spend \$1 million rehabilitating and revegetating our waterways and we will spend \$105,000 installing turtle sensitive lighting in areas like Bribie Island and Redcliffe.*

*This will ensure baby turtles follow the light of the moon out to the ocean, rather than being disoriented by street lights or houses.*

*I love it when smart technologies can deliver smart outcomes like this, and in Division 6 Councillor Karl Winchester is taking sustainable urban design a step further.*

*Thanks to his advocacy the Redcliffe Peninsula will re-think road planning to use trees and landscaping as part of these designs, like along Woodcliffe Crescent in Woody Point.*

*And we're going to experiment with native reeds and aquatic plants in our stormwater designs to improve the quality of water going out into Bramble Bay.*

*I know our project teams are excited to try some new ideas and I certainly hope these innovations prove successful so that they can be rolled out right across Moreton Bay Region.*

*Because as we watch the impact of COVID-19 virus around the world, and as people have been forced to spend more time at home, the importance of Council's work and the use of Council facilities has increased significantly.*

*Families are spending more time in local parks, they want more activities closer to where they live, they want more playgrounds, nature and trees.*

Sport & Outdoor Recreation

*So there's never been a more important time to invest in grassroots sport, in community facilities, and in activities.*

*One of the biggest areas for sports and community investment this year is in Division 5, where Councillor Sandra Ruck has secured millions of dollars to help get locals active in their communities.*

*There's the new Community Hall and the new Environmental Centre in Deception Bay, upgrades to Talobilla Park Softball and of course the incredible Nathan Road sports ground which we opened last year.*

*In recent years we've seen record investment in sports infrastructure and we're not taking our foot off the pedal.*

*This year's Budget commits \$8 million to invest in sports complexes and a further \$2 million in various park upgrades.*

*This is serious spending, but by looking to the future of recreation now we are making a generational investment - which Cr Matt Constance is always reminding us of.*

*His vision to reimagine what a community hub can be, like at Leslie Patrick Park and now 303 Dawson Parade in Arana Hills... is exactly what we need to push the boundaries of what Council can do.*

*This is in addition to \$100,000 for feasibility studies for water play facilities and off the back of the huge success of the water park at The Mill.*

*We are also working to increase active transport options in our region to get people out on foot, bikes, scooters, wheelchairs, skateboards, whatever!*

*We will invest an extra \$7 million into footpaths, construct an extra 23 kilometres of sidewalks.*

*Much of this will be built in Division 12, where Councillor Tony Latter has been urging us to complete the 'missing links' in pathways out west.*

*I think we can all agree he's done an exceptional job investing in lifestyle infrastructure for locals, before we get Caboolture West underway.*

*Cr Latter has also fought to rename suburbs of the Caboolture West development to not forget the local history of that area, and I can announce that today we are going out for public consultation on this proposal.*

*I urge everybody to have their say, as we start the important work of planning where roads and sports fields and community infrastructure goes... in an area that will eventually have 30,000 homes for around 70,000 people.*

Economic Development

*The Federal Budget projects that Queensland will see a net interstate migration of 86,000 over the next four years.*

*That's roughly equivalent to the net number of interstate migrants who will leave New South Wales, Western Australia and South Australia during that time.*

*When these people get to Queensland, they will want a job and they'll want somewhere to live.*

*That's why we recruited a team of experts in Economic Development, tasked with the ambitious goal of creating a \$40 billion economy with 16,000 new businesses and 100,000 new jobs.*

*That's something Councillor Adam Hain has been advocating for since he was elected.*

*Caboolture may not have a Chamber of Commerce, but they do have Councillor Hain consistently reminding us all that when business succeeds we succeed.*

*We have a duty of care to local businesses, just as we have a duty to local residents.*

*And if we're going to realise the 'Bigger, Bolder, Brighter' targets of our REDS, then we must heed the advice of our business community.*

*The fact is our region is proudly home to 29,000 businesses*

*So if we want our economy to rebound, we need to give the private sector the confidence to invest, employ, and grow here in the Moreton Bay Region.*

*That's why we recently signed up to become a Small Business Friendly Council.*

*This Council also understands the importance of contract expediency which is why we've increased the design fund that we commenced last year by adding another \$1.5 million to this important resource, bringing its total funding up to \$2.5 million.*

*This has ensured we were able to deliver projects quickly, particularly when we can seek investments from other levels of Government, developers and third parties.*

*We will remain ahead of other Councils in our ability to ensure projects are "shovel ready" - as governments likes to say - and our Local Preference Policy means more of those contracts are going to local companies.*

*The Mill*

*I've previously stated that the sleeping giant of our region's economy is The Mill precinct, and this year we awaken that beast.*

*This is an opportunity for jobs, education, and the future of our children.*

*It is an opportunity for self-containment so locals can live, work, and play closer to home - which will take significant pressure off our road network.*

*I am pleased to advise that enrolments at the Petrie Campus have eclipsed 3,000 students with 42% of those students the first in their family to attend university.*

*That means we have started a generational change that will fundamentally change the aspirations and demographics of our region.*

*These students come from every corner of our region - from Woodford to Bribie Island - from Samford to Redcliffe - and everywhere in between.*

*No other Council in Australia has an investment precinct the size of The Mill that's in such close proximity to a capital city, airport and international shipping port.*

*It's a unique opportunity to unlock numerous other opportunities like advanced manufacturing, to ensure we have smart jobs close to home.*

*And as the age old saying goes, "a high tide lifts all boats".*

*The Mill is a game changer for our entire region, and an opportunity for everybody who lives here.*

*That's why we are unrelenting in our push for the \$125 million Knowledge and Innovation Centre at The Mill, to be part of the South East Queensland City Deal.*



*This will be a major stimulant at this site and I know both the State and Federal Governments are keen to invest in smarter technologies and skills training for the jobs of tomorrow.*

*I know they won't miss this opportunity to include the Knowledge and Innovation Centre in the City Deal.*

State & Federal Relations

*The strength of our rebounding economy is thanks in no small part to our partners in the Federal and State Governments.*

*We have made it our priority since being elected to work extremely closely with both levels of Government.*

*Never before in the history of Moreton Bay Region have all 27 elected representatives from all three levels of government in this region been in the same room to tackle the big issues.*

*So we made history this year, putting politics aside to drive a regional agenda as Team Moreton Bay.*

*I sincerely commend the Morrison and the Palaszczuk Governments for their investment in Local Government.*

*They have invested significantly in us, and we have rewarded their trust in Council by being a proven delivery partner.*

*We are able to quickly deliver the infrastructure communities need, and we have worked with the State and Commonwealth Governments to deliver more than \$100 million in projects.*

*Local Government raises only 3% of all national taxation revenue and manages \$150 billion in community assets in Queensland, yet Councils are responsible for one-third of the nation's infrastructure.*

*I would strongly encourage both levels of Government to retain the allocative models of funding that have worked through COVID.*

*It would be remiss of me not to highlight the Youngs Crossing Road Project.*

*With the strong support of the Federal Member for Dickson, Minister Peter Dutton and an additional \$25 million to ensure we can deliver this project.*

*While this is important in its own right and an essential piece of infrastructure for our region, the additional funding represents 10% of last year's Capital Expenditure and enables us to deliver more projects to the community.*

*I am pleased to advise that the detailed design will be completed in September this year and construction will commence in early 2022.*

Transport and Roads

*However there's no denying that our road networks are already congested and need significant investment before developments like Caboolture West come online.*

*That's why we have continued to work with the State and Federal Governments on projects like Young's Crossing Road, the Moreton Connector and the alignment of the West Moreton Arterial, ensuring we plan for the future.*

*Council's own Capital Program for 2021-22 invests \$124 million or almost 50% into transport projects.*

*This includes investments in Old Gympie Road - of almost \$20 million.*

*We will also commence construction on Henry Road in the coming months to ensure that we will increase its flood immunity and allow people to get home from work quicker.*

*I want to acknowledge Division 4 Councillor Jodie Shipway for standing up and fighting to address historical problems in this area.*

*We all know that if you don't fix congestion problems now, they can only get worse.*

*And I don't think you can drive anywhere in North Lakes without seeing some road works that Cr Shipway has fought for.*

*We will be finalising the intersection upgrade of Boardman and Klingner Roads and will be completing almost \$5 million in road rehabilitation, intersection upgrade at Beeville Road Petrie.*

*I am pleased to see that we will again increase funding for the gravel-to-seal program for those people in our region who still drive on roads that aren't sealed.*

*This financial year we will invest another \$1.3 million to complete a further 5.2 kilometres.*

*Division 11 Councillor Darren Grimwade knows better than most how unsealed roads can damage vehicles and deter tourists.*

*So I want to acknowledge his commitment to bringing an important standard of infrastructure to country areas like Samford and Dayboro, while fighting to protect their rural lifestyles.*

*Across the entire region we will be using 40,000 tonnes of asphalt to get all the roads resurfacing done.*

*Responding to our Community*

*The fact is, in a region our size it's impossible to take a one size fits all approach to every single program.*

*For example, while road resurfacing is essential in areas like Mount Mee, residents of Griffin would probably prefer fewer roads and more parks.*

*That's why we acted on calls to increase our staffing to provide a better standard of community service, commensurate with the expectations of residents.*

*I am pleased that we now compare both favourably with other Councils both when it comes to the services we deliver, and the number of people that we have to deliver those services.*

*This is in no small part thanks to our longest serving Councillor, Mick Gillam.*

*He has been a strong voice about the need for Council to improve its level of service to our community, recognising Councils are now responsible for so much more than just 'Roads, Rates and Rubbish'.*

*We are also acting on the critical community feedback received through our landmark Moreton Says survey, about the need to better explain planning.*

*So to ensure locals can stay up-to-the-minute on every single development, plan, and strategy that impacts their property and our region, I can announce that we are developing an interactive region-wide planning map to be launched this year.*

*This is an unprecedented commitment to transparency and community engagement, which Councillor Mark Booth has argued strongly for since coming to office.*

*In fact one of the reasons why we're livestreaming this right now, to ensure everyone online can see everything we do in this Chamber.*



Conclusion

*Councillors, it takes a brave group of people to embark on such sweeping changes across almost every facet of Council.*

*So I want to say that I'm proud to lead a team that doesn't shirk the hard decisions.*

*Yes, we are delivering a record capital budget - and that is essential to ensuring our region bounces back in uncertain economic times.*

*But this year's Budget is about so much more than that.*

*We are improving our service delivery with more frontline staff.*

*We are drawing a line in the sand on planning issues, and committing to doing better for our community.*

*We have renewed our commitment to community engagement and transparency.*

*We are ramping-up our environmental protections, with real action to protect native habitats from development and plant more trees.*

*We are standing up to the single greatest challenge facing our region - managing population growth - to ensure locals will still recognise the Moreton Bay Region they love today in 20 years' time.*

*In fact, the vast majority of infrastructure funding is dedicated to projects that make a tangible difference to the liveability of our region.*

*COVID has been a strong reminder of just how important good local recreation facilities are, especially things like footpaths and playgrounds.*

*But most important is to ensure people have work in our region, which is why we introduced our new Local Procurement Policy.*

*I'm thrilled to say almost 30% of the total spend is to local suppliers and that 47% of orders raised by Council were with local suppliers.*

*Finally, I want to thank everyone in our finance team for compiling this excellent document in incredibly difficult circumstances.*

*Increasing our services and increasing our infrastructure investment while working to minimise the rate rise, as instructed by us Councillors is a difficult task.*

*So to Donna Gregory, Tony Martini, Denis Crowe, Jason Linsdell, Jackie Frost and everyone who has worked around the clock on this document. Thank you!*

*It's thanks to you that we're able to maintain good fiscal discipline while investing in the infrastructure, projects and programs our community wants.*

*Councillors, I commend this Budget to all of you and look forward to working with the community to deliver these exciting projects.*

**4.4. Closure**

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There being no further business the Chairperson closed the meeting at 9.51am.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 21/846 to 21/881 constitute the minutes of the Special Meeting of the Moreton Bay Regional Council held 18 June 2021.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 21 July 2021.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

\_\_\_\_\_  
Councillor Peter Flannery  
Mayor

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# MINUTES

## GENERAL MEETING

**Wednesday 23 June 2021**

commencing at 9.32am

Strathpine Chambers  
220 Gympie Road, Strathpine

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**Membership = 13**  
Mayor and all Councillors

**UNCONFIRMED**

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# Moreton Bay Regional Council

GENERAL MEETING - 533  
23 June 2021

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## 1. ACKNOWLEDGEMENT OF COUNTRY

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Cr Brooke Savige provided the Acknowledgement of Country.

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## 2. OPENING PRAYER / REFLECTION

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Cr Brooke Savige provided the opening prayer / reflection for the meeting.

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## 3. ATTENDANCE & APOLOGIES

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### 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 (Deputy Mayor)  
Cr Mick Gillam  
Cr Matt Constance  
Cr Darren Grimwade

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)
Acting Manager Strategy & Engagement	(Mr Darren Dallinger)
Manager Community Services, Sport & Recreation	(Mr Mark McCormack)
Meeting Support	(Larissa Kerrisk)

### Apologies:

Crs Cath Tonks and Tony Latter were representing Council at the Australian Local Government Association - 27<sup>th</sup> National General Assembly held from 20-23 June 2021 in Canberra.

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## 4. MEMORIALS OR CONDOLENCES

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Cr Ruck made special mention of the late Mr **Geoffrey Redman** who recently passed away.

Cr Ruck said that Mr Redman was a legend of the Redcliffe and Deception Bay areas, who dedicated much of his life to caring for the environment and would be remembered as a true gentleman, champion and inspiration. He was involved in many environmental groups and in 2014, was named the Healthy Land and Water Volunteer of the Year.

Cr Ruck said that Redcliffe and surrounding suburbs would not be what it is today without the work and advocacy of Mr Redman.

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



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## 5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

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### General Meeting - 9 June 2021 (Pages 21/751 - 21/845)

#### RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Sandra Ruck

CARRIED 11/0

That the minutes of the General Meeting held 9 June 2021, be confirmed.

## STATEMENT - ATTENDEES AND LIVESTREAMING

The Mayor advised that the meeting will be live streamed and the video recording of the meeting will be available on the council's website.

Attendees must be aware that incidental capture of an image or sound of persons in the public gallery, may occur.

By remaining at the meeting attendees consent to being filmed and the possible use of their image and sound being published in the live streaming and recorded video of this meeting.

---

## 6. PRESENTATION OF PETITIONS

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

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### 6.1. Petition: Ken McHugh - Alteration of unique features of Castle Hill Estate (62216160)

---

Cr Sims tabled a petition containing 27 signatures with an additional supporting document containing one signatory, received from Ken McHugh reading as follows:

*"We, the undersigned residents of Moreton Bay Regional Council, request that Council:*

*Grievance:*

*Within Castle Hill Estate MBRC to:*

- 1) Cease removal of shingle street signs,*
- 2) Reinstate all shingle street signs removed,*
- 3) Consult with constituents before a decision is made to alter other unique features of Castle Hill estate such Entry Statements, cobble stone street pavements."*

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

---

### 6.2. Petition: Danny and Rebecca Donges (62331570)

---

Cr Hain tabled a petition containing 20 signatures, received from Danny and Rebecca Donges.

**Given the nature of the matter, the petition was referred to Director Community & Environmental Services to consider operationally.**

---

**6.3. Petition: Keira Tunnah - Additional entry/exit point into the new Stodart development of Capestone (62333734)**

---

Cr Shipway tabled a petition containing 67 signatures, received from Keira Tunnah reading as follows:

*"We, the undersigned residents of Moreton Bay Regional Council, request that Council:*

- Provide an additional entry/exit point into the new Stodart development of Capestone.*
- This entry/exit point should be located off Anzac Avenue*

*Rationale:*

- Currently only entry/exit is via the St Benedict's roundabout*
- This point suffers from extreme congestion particularly at school hours*
- An additional 126 households being added will further aggravate the issue*
- An additional entry point will reduce congestion on existing [sic] points*
- An additional entry point will also increase safety and useability for residents and services*
- This is imperative for the use of emergency services at peak times"*

**Council received the petition, referring it to the Director Infrastructure Planning for investigation and report to Council, if required.**

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**6.4. Petition: Jamie Preece - Cancel footpath construction in Cuthbert Street, Albany Creek (62333994)**

---

Cr Mick Gillam, on behalf of Cr Cath Tonks who was an apology for the meeting, tabled a petition containing 15 signatures, received from Jamie Preece reading as follows:

*"Residents of Cuthbert Street Albany Creek are opposed to the proposed construction of pedestrian footpaths in our street. Some concerns for residents:*

- Increased risk of vehicle / pedestrian interaction when reversion [sic] out of driveways*
- Increased number of vehicles parked on street*
- Potential value reduction of property due to eye sore and nature strip destruction*
- Removal of trees / vegetation*
- Destruction of residents property / new driveways installed ect [sic]*
- Reduced land for families to play out the front of their homes*
- Increase in maintenance*
- Loss of accommodation to park on nature strip or across driveway*
- Increased traffic in our street posing reducing security and increased theft / damage*
- Increased littering*
- Increase in non-local traffic (quiet street will become thoroughfare)*
- No children in Cuthbert Street walk to school or go to All Saints*
- Road is wide enough to walk on shoulder safely"*

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

General Meeting - 9 June 2021 (Pages 21/751 - 21/845) STATEMENT - ATTENDEES AND LIVESTREAMING - 62227675 (Cont.)

## 7. CORRESPONDENCE

Council noted the following response to petition tabled:

### 7.1. Response to Petition: Cheryl Williams - Reduction of speed, noise abatement and painting of pedestrian crossing along Prince Edward Parade, Redcliffe (62117069)

At the General Meeting held 28 April 2021, Council received a petition from Cheryl Williams regarding the reduction of speed, noise abatement and painting of pedestrian crossing along Prince Edward Parade, Redcliffe.

A copy of Council's response to the Chief Petitioner was provided for Council's information.

## 8. NOTICES OF MOTION (Repeal or amendment of resolutions)

(s262 of the Local Government Regulation 2012)

There were no Notices of Motion.

## 9. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

*Conflicts of interest notified to the CEO where not specifically related to an item on this agenda*

### 9.1. Declarable Conflict of Interest - Cr Matt Constance

At the General Meeting held 9 June 2021, Cr Matt Constance declared a conflict of interest in relation to Craig Shim of Alphacrane, a personal friend, who was recommended for appointment as an external member to the Regional Economic Development Strategy Taskforce and elected to not participate in decisions relating to the matter.

Subsequent to the appointment process now being finalised, Cr Constance has reconsidered his previously declared conflict and Pursuant to s150EQ of the Local Government Act 2009, Cr Constance informed the meeting of a declarable conflict of interest in potential future matters relating to the Regional Economic Development Strategy Taskforce.

Cr Constance is firmly of the opinion that he could participate in decisions relating to the Regional Economic Development Strategy Taskforce and seeks Council approval to participate in decisions including discussion, debate and voting.

### **Councillor seeking to participate in the decision - eligible Councillors must decide**

#### RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Karl Winchester

CARRIED 10/0

That in accordance with s150ES of the *Local Government Act 2009*, and having considered the Councillor's conflict of interest as described, it is decided that Cr Matt Constance may participate in the decision including discussion, debate and voting on the matter as it is considered that this is in the public interest.

<p><b>FOR:</b> 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 (Deputy Mayor) Cr Mick Gillam Cr Darren Grimwade</p>	<p><b>AGAINST:</b> Nil</p>
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*Cr Matt Constance having declared a conflict of interest was not eligible to vote*

## 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 A Hain	C T Latter
<b>3 Engineering, Construction &amp; Maintenance</b>	Cr B Savige	Cr C Tonks
<b>4 Planning</b>	Cr D Grimwade	Cr K Winchester / Cr M Booth
<b>5 Community &amp; Environmental Services</b>	Cr M Gillam	Cr S Ruck
<b>6 Finance &amp; Corporate Services</b>	Cr M Constance	Cr J Shipway

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**1 GOVERNANCE & ENGAGEMENT SESSION**

(Cr P Flannery, Mayor)

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**ITEM 1.1  
REVIEW OF CORPORATE STRUCTURE**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT  
*Reference:* 62227675 : 14 June 2021 - **Refer Supporting Information 62227724, 62227788**  
*Responsible Officer:* GC, Chief Executive Officer (CEOs Office)

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**Executive Summary**

Pursuant to section 196 of the *Local Government Act 2009*, (Act), the Council must have an organisational structure that is appropriate to the performance of its responsibilities.

Council's corporate structure has been one of continuous progression to enable the ongoing delivery of services as efficiently and effectively as possible. This report provides recommendations for Council in relation to changes which will contribute to the Council's goals for effective and sustainable service delivery.

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**RESOLUTION**

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Moved by Cr Sandra Ruck

Seconded by Cr Jodie Shipway

CARRIED 11/0

1. That the corporate structure be approved as contained in supporting information #1, effective from 1 July 2021.
2. That Council reaffirms the role of Deputy Chief Executive Officer to continue to be undertaken by Anthony Martini (proposed renaming to Director Projects & Asset Services), and existing delegations relating to appointment of an acting CEO (when required), as detailed in the report.
3. That the Chief Executive Officer be authorised to do all things necessary to implement the new structure.

ITEM 1.1 REVIEW OF CORPORATE STRUCTURE - 62227675 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the corporate structure be approved as contained in supporting information #1, effective from 1 July 2021.
2. That Council reaffirms the role of Deputy Chief Executive Officer to continue to be undertaken by Anthony Martini (proposed renaming to Director Projects & Asset Services), and existing delegations relating to appointment of an acting CEO (when required), as detailed in the report.
3. That the Chief Executive Officer be authorised to do all things necessary to implement the new structure.

**REPORT DETAIL**

**1. Background**

A review of the overall corporate structure has been undertaken, and is reported to the Council for adoption.

**2. Explanation of Item**

The corporate structure has been reviewed and revised to meet the ongoing needs of the service delivery requirements of the organisation.

Ideally, a local government's organisational structure should deliver both internal and external service functions. Council's corporate structure reflects those functions based on the progressively detailed framework outlined below:

- **Directorates** - being the 5 key operational areas of Council
- **Departments** - being the key operational areas within each Directorate, as well as direct reporting teams to the CEO (Strategy & Engagement, Economic Development, Legal Services and Internal Audit) also being defined as Departments
- **Branches**
- **Sections**
- **Units**

The Executive Leadership Team (ELT) comprises the CEO, the 5 Directors and the Manager Strategy & Advocacy (proposed title) and Chief Economic Development Officer.

The recent review has identified the following proposed changes to the Directorates established within the corporate structure:

**2.1 Directorate of Engineering, Construction and Maintenance (Projects & Asset Services)**

It is proposed that the responsibilities of the Engineering, Construction & Maintenance (ECM) directorate be amended to include identified functions currently within the Infrastructure Planning directorate), and that the directorate be re-titled Projects & Asset Services (PAS).

The change is recommended because the ELT considers that the Asset Management, Capital Program Planning and Surveying & Cadastral Services functions are better aligned with the project-related functions of the current ECM directorate rather than the more strategic planning approach of the Infrastructure Planning directorate.

The proposed renaming of ECM to Projects & Asset Services represents a more contemporary and accurate name for this functional area that delivers council capital projects and undertakes maintenance of council's assets.

ITEM 1.1 REVIEW OF CORPORATE STRUCTURE - 62227675 (Cont.)

2.2 Directorate of Infrastructure Planning

This directorate currently reports direct to the Director Engineering, Construction and Maintenance.

This was established some years ago when Infrastructure Planning was first carved from the ECM directorate.

Given the passage of time, and evolution of the directorate's roles, including in relation to the Local Government Infrastructure Plan (LGIP), it is proposed that this directorate's current reporting line be amended to report direct to the CEO.

2.3 Strategy & Engagement Department (Strategy & Advocacy)

This department was also established some years ago when Council's engagement and advocacy function was in its infancy.

The proposed renaming of this department to "Strategy & Advocacy" more accurately reflects the role and is the key driver of the new Advocacy Plan.

The proposed corporate structure is provided in supporting information #1.

2.4 Deputy Chief Executive Officer / Acting Chief Executive Officer

It is proposed that Council reaffirms the role of Deputy Chief Executive Officer (DCEO) continue to be undertaken by Anthony Martini (proposed renaming to Director Projects & Asset Services).

Further, it is proposed that Council reaffirms:

- a) the previously delegated power to the CEO to appoint an acting CEO in circumstances where the CEO plans to be absent from duty and provided the CEO first consults the Mayor (Council Delegation No. 073 - refer supporting information #2), and
- b) the established default position (determined under delegation 18 March 2020) that where Council Delegation No. 073 does not apply or the Chief Executive Officer has not otherwise appointed a person to act in his role under that delegation, Council makes the following appointment to the position of acting Chief Executive Officer pursuant to section 195 *Local Government Act 2009*:
  - (i) during periods when the Chief Executive Officer is absent from duty or cannot, for any reason perform the role, the Deputy Chief Executive Officer;
  - (ii) during periods when both the Chief Executive Officer and the Deputy Chief Executive Officer are absent or when neither of them can for any reason perform the role of Chief Executive Officer, the longest serving available Council Director.

3. **Strategic Implications**

3.1 Legislative / Legal Implications

The Council must approve an appropriate organisational structure in order to comply with section 196 of the *Local Government Act 2009* (Act). Appointments to the organisational structure must be in accordance with the Act.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The structure has been developed in accordance with the provisions of the Act.

ITEM 1.1 REVIEW OF CORPORATE STRUCTURE - 62227675 (Cont.)

3.4 Risk Management Implications

There are no identified risk implications as a direct result of this report.

3.5 Delegated Authority Implications

The continual evolution of the organisational structure will allow for the proper consideration of appropriate delegations to ensure Council operates efficiently and effectively.

3.6 Financial Implications

The financial implications of the organisational structure are within the current 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

Under the *Human Rights Act 2019* (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

The proposed structure has been developed by the Chief Executive Officer in consultation with the Executive Leadership Team.

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**2 INFRASTRUCTURE PLANNING SESSION**

**(Cr A Hain)**

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No items for consideration.



**3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION****(Cr B Savige)****ITEM 3.1****SOLE SUPPLIER - CONCEPT SAFETY SYSTEMS (TRADING AS LOCATRIX) - MAINTENANCE OF EMERGENCY RESPONSE AND INDUCTION SYSTEM 'PLANSAFE'**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 62220552 : 14 June 2021  
*Responsible Officer:* WB, Technical Officer (Buildings & Facilities) (ECM Asset Maintenance)

**Executive Summary**

Maintenance of Council's Interactive Package for Emergency Response and Induction ('Plansafe') is undertaken through a maintenance agreement with Concept Safety Systems (trading as Locatrix) which is due to expire 30 June 2021.

'Plansafe' is an online system which was developed specifically for Council and installed in 2013; the system encompasses fire evacuation plans, diagrams and an online site induction program. In 2013 Council endorsed 'Concept Safety Systems' as a sole supplier to provide this service, however recently 'Concept Safety Systems' changed their trading name to 'Locatrix'. Locatrix has performed satisfactorily during this the current contract period.

Under section 235(a) of the Local Government Regulation 2012, Council may, by resolution, purchase goods and services from a single supplier without seeking competitive quotations. Such purchases may only be made where the local government is satisfied that there is only one supplier who is reasonably available.

This report seeks Council's approval that in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Locatrix is the sole supplier available to provide maintenance and support to the 'Plansafe' interactive package for emergency response and induction system at Council buildings and facilities.

**RESOLUTION****Moved by Cr Matt Constance****Seconded by Cr Adam Hain****CARRIED 11/0**

- 1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Locatrix is the sole supplier that is reasonably available to undertake the ongoing maintenance of the 'Plansafe' interactive package for emergency response and induction system at Council buildings and facilities.**
- 2. That Council enters into an agreement with Locatrix to undertake the ongoing maintenance of the 'Plansafe' interactive package for emergency response and induction system at Council buildings and facilities.**
- 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 Locatrix to undertake the ongoing maintenance of the 'Plansafe' interactive package for emergency response and induction system at Council buildings and facilities and any required variations of the agreement on Council's behalf.**

ITEM 3.1 SOLE SUPPLIER - CONCEPT SAFETY SYSTEMS (TRADING AS LOCATRIX) - MAINTENANCE OF EMERGENCY RESPONSE AND INDUCTION SYSTEM 'PLANSAFE' - 62220552 (Cont.)

### OFFICER'S RECOMMENDATION

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Locatrix is the sole supplier that is reasonably available to undertake the ongoing maintenance of the 'Plansafe' interactive package for emergency response and induction system at Council buildings and facilities.
2. That Council enters into an agreement with Locatrix to undertake the ongoing maintenance of the 'Plansafe' interactive package for emergency response and induction system at Council buildings and facilities.
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 Locatrix to undertake the ongoing maintenance of the 'Plansafe' interactive package for emergency response and induction system at Council buildings and facilities and any required variations of the agreement on Council's behalf.

### **REPORT DETAIL**

#### **1. Background**

A review was conducted in 2012 of Council's Health, Safety and Environment (HSE) approach which identified serious issues around Council's fire safety and evacuation systems and processes and its contractor management and controls.

As a result of this review, considerable changes have occurred to the way HSE practices are now undertaken in Council. The *Building Fire Safety Regulation 2008 and Australian Standard 3745-2010 and Work Health & Safety Act 2011* are the relevant legislation that deals with fire safety and evacuation and contractor requirements.

The Emergency Planning Committee (EPC) determined to investigate all issues of non-compliance and report back. As a result of the investigation, the EPC was made aware of an organisation which commercialised the Fire Emergency Program developed by the Queensland Fire and Emergency Service (QFES) to provide an effective one stop shop provider for all the issues of non-compliance faced by Council.

In 2013 Council approval was given (Council Report ENDORSED GM20130129 dated 29 January 2013) to develop, implement and maintain an online Interactive Package for Emergency Response and Induction System.

Over the past seven years, Council has continued to maintain this system with the current maintenance arrangement due to expire 30 June 2021. Ongoing maintenance of the 'Plansafe' system is require, however, is deemed to still meet Council's needs and is not planned for replacement in the near future.

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

##### **Online Site Induction Program**

**General Evacuation Instruction** – Section 35 of the *Building Fire Safety Regulation 2008* - The following instructions are to be given as soon as practicable but no later than 2 days after the person starts work in the building. A worker includes any contractor, visitor, employee or volunteer:

- The location of fire safety reference points for the building
- The procedures for evacuating the building

ITEM 3.1 SOLE SUPPLIER - CONCEPT SAFETY SYSTEMS (TRADING AS LOCATRIX) - MAINTENANCE OF EMERGENCY RESPONSE AND INDUCTION SYSTEM 'PLANSAFE' - 62220552 (Cont.)

**First Response Evacuation Instruction** – Section 36 of the Building Fire Safety Regulation 2008 – The following instructions are to be given to each person working in the building as soon as practicable, but no later than 1 month after the person starts work in the building and at intervals of no more than 2 years:

- Instruction in the use of manually operated fire alarms in the building
- Instruction in the use of fire-fighting equipment in the building

**Evacuation Coordination Instructions** - Section 38 of the Building Fire Safety Regulation 2008 - requires Council to provide formal training to the nominated building evacuation team / chief and fire wardens. Training for all individuals must occur within 3 days of nomination and refresher training every 2 years.

As contractors are considered “workers” under Primary Duty of Care - Section 19 of the Work Health and Safety Act 2011 - Council is required to ensure they are appropriately inducted and aware of the work sites and their associated risks before commencing work.

Locatrix uses the specific floor plans developed in ‘Plansafe’ which includes site and floor interactive maps that allow the individual to complete the appropriate training for their specific work site/environment to the level required by legislation. ‘Plansafe’ ensures ongoing compliance with all relevant legislation and the program is updated by the provider to reflect these changes.

As ‘Plansafe’ is an online tool, it also enables contractors, volunteers, visitors and hirers to enrol and complete the required level of site induction and first response fire training before arriving on site with all records and competency scores being retained as required for easy reporting and analysis for employees, contractors, volunteers, visitors and hirers.

‘Plansafe’ records and keeps all training records in the appropriate format so that reports advising expiry dates and training competencies can be exported. The program also allows for all training records relevant to each individual building to be held against that building so when a QFES audit occurs, all information is retained in the same location electronically so it can be provided immediately to the external auditor in the format that they require.

‘Plansafe’ ensures all required emergency training is available, site specific, auditable and immediately available for QFES as required. ‘Plansafe’ also has a history feature that retains the details of all individuals in the positions for each site; including their training records, to show Council’s previous compliance, as well as enabling quick identification of trained individuals should their assistance be required.

‘Plansafe’ ensures compliance and allows for individuals to complete the training online and ensures all site-specific risks and “intricacies” are covered for each specific role at each specific site. The training is available immediately upon taking up the position and takes approx. 45 minutes.

‘Plansafe’ is used by all Council contractors, volunteers, visitors and hirers to complete site induction to ensure individuals are aware of Council’s expectations and the basic fire training and risks associated with the work environment *before* commencing any work for Council.

On completion of induction training a certificate of completion is issued to each individual with an expiry date. This information is accessible to Council to confirm those who have current certification.

‘Plansafe’ is Locatrix’s proprietary system for Site Induction and is particular to Locatrix as the developer of the System. Locatrix has been maintaining this system, as a sole supplier, since 2013.

ITEM 3.1 SOLE SUPPLIER - CONCEPT SAFETY SYSTEMS (TRADING AS LOCATRIX) - MAINTENANCE OF EMERGENCY RESPONSE AND INDUCTION SYSTEM 'PLANSAFE' - 62220552 (Cont.)

**Fire Evacuation Plans and Diagrams**

Sections 18 and 21 of the Building Fire Safety Regulation 2008 detail the requirements of what is to be included in an evacuation diagram such as entries, exits, routes to the exit that corresponds with the location, fire equipment, alarms, assembly areas, intercommunication devices in common areas. These must be kept up to date and displayed in buildings. The building diagrams are also used by staff for emergency preparedness training referred to above.

The Building Fire Safety Regulation 2008 Act requires that all of the above information plus other information is to be collated together in a single report titled Fire Evacuation Plan (FEP).

The Evacuation Diagrams provided by Locatrix are duplicated in 'Plansafe' as interactive plans, that allow staff to check locations of fire equipment, exits and other fire related information and ensures familiarity with the layout and design for staff, contractors, volunteers and hirers.

A written FEP is required under the legislation for each building that Council occupies. 'Plansafe' contains a site specific FEP for each building and as part of maintenance reviews the FEP annually to ensure the ongoing compliance of these plans in relation to legislative requirements and building changes. The FEP is contained online within 'Plansafe'.

Maintenance includes annual building audit to ensure compliance with evacuation diagrams and FEP and updates/amendments as necessary.

'Plansafe' is Locatrix's proprietary system for Fire Evacuation Plans and Diagrams and is particular to Locatrix as developer of the System. Locatrix has been maintaining this system, as a sole supplier, since 2013.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Section 235(a) of the Local Government Regulation 2012 states that a local government may enter into a medium-sized contractual arrangement without first inviting written quotes if the local government resolves it is satisfied that there is only one supplier who is reasonably available.

**3.2 Corporate Plan / Operational Plan**

This project is consistent with the Corporate Plan outcome - Strengthening Communities: Safe neighbourhoods - a safe and resilient community.

**3.3 Policy Implications**

Compliance with Council's obligations and requirements for workplace health and safety for its employees and contractors with regards to fire safety, evacuation and (contractor) induction.

**3.4 Risk Management Implications**

There is a significant risk of monetary fines and actions against Council for failing to maintain compliance with elements of the legislation as highlighted in this report.

If an emergency occurs and causes injury or worse to any occupier of Council's buildings and Council has not been maintaining obligations under the legislation, the consequences will be significant.

Continued maintenance will ensure Council meets the legislative requirements promoting a safe work environment for staff, contractors, volunteers, hirers and members of the public.

ITEM 3.1 SOLE SUPPLIER - CONCEPT SAFETY SYSTEMS (TRADING AS LOCATRIX) - MAINTENANCE OF EMERGENCY RESPONSE AND INDUCTION SYSTEM 'PLANSAFE' - 62220552 (Cont.)

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

As this report is seeking appointment of a Sole Supplier arrangement it is therefore reported to Council for consideration.

3.6 Financial Implications

Council has an annual budget allocated of \$94,930.00 in the 21-22 Operational Budget for maintenance of 'Plansafe'; this budget allocation has been based from previous years expenditure plus increases and is deemed to be sufficient moving forward.

Once the Sole Supplier arrangement recommended in this report is adopted, a request for quotation will be sourced from Locatrix for a schedule of rates for the maintenance of 'Plansafe' with the current budget amount for 21/22 expected to be sufficient.

Maintenance will be debited to budget numbers 20692 and 20735.

3.7 Economic Benefit Implications

Continued maintenance of 'Plansafe' significantly mitigates the risk of monetary fines and or actions ensuring that Council's meets its legislative obligations.

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Maintenance of 'Plansafe' ensures that legislative requirements and industry best practice are met and continues to demonstrate Council's commitment to its obligation as an actively responsible member of the local community.

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to and human rights relevant to its decision, Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Consultation for the delivery of this program has been undertaken with relevant officers, stakeholders, department managers and the procurement section of Council.

**ITEM 3.2  
TENDER - MOUNT GLORIOUS - CAMP CONSTABLE - FACILITY  
REDEVELOPMENT**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 62218502 : 11 June 2021 - Refer **Confidential Supporting Information**  
**62210194**  
*Responsible Officer:* TT, Project Engineer (ECM Project Management)

**Executive Summary**

Tenders were invited for the 'Mount Glorious - Camp Constable - Facility Redevelopment (MBRC010797)' project. Tenders closed on the 3rd of June 2021, with a total of five tenders received, two of which were conforming.

It is recommended that the tender for the 'Mount Glorious - Camp Constable - Facility Redevelopment (MBRC010797)' project be awarded to J. Mac Constructions Pty Ltd for the sum of \$1,646,040 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

The budget amount for this project is insufficient. To allow this project to proceed, this report is provided for Council consideration to commit an additional \$25,000 in the 21-22 FY quarter two financial review process.

**RESOLUTION**

Moved by Cr Darren Grimwade

Seconded by Cr Matt Constance

CARRIED 11/0

1. That the tender for the 'Mount Glorious - Camp Constable - Facility Redevelopment (MBRC010797)' project be awarded to J. Mac Constructions Pty Ltd for the sum of \$1,646,040 (excluding GST).
2. That the Council enters into an agreement with J. Mac Constructions 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 J. Mac Constructions Pty Ltd for the 'Mount Glorious - Camp Constable - Facility Redevelopment (MBRC010797)' project and any required variations of the agreement on Council's behalf.
4. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.
5. That to allow this project to continue, Council commits to the provision of an additional \$25,000 in the 21-22 FY quarter two financial review process towards the project.



*ITEM 3.2 TENDER - MOUNT GLORIOUS - CAMP CONSTABLE - FACILITY REDEVELOPMENT - 62218502 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the tender for the 'Mount Glorious - Camp Constable - Facility Redevelopment (MBRC010797)' project be awarded to J. Mac Constructions Pty Ltd for the sum of \$1,646,040 (excluding GST).
2. That the Council enters into an agreement with J. Mac Constructions 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 J. Mac Constructions Pty Ltd for the 'Mount Glorious - Camp Constable - Facility Redevelopment (MBRC010797)' project and any required variations of the agreement on Council's behalf.
4. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.
5. That to allow this project to continue, Council commits to the provision of an additional \$25,000 in the 21-22 FY quarter two financial review process towards the project.

## **REPORT DETAIL**

### **1. Background**

The project is located at Camp Constable, Mt Glorious Road, Mt Glorious. The project scope involves demolition of aged and non-compliant infrastructure, design, documentation and statutory approval of a new Community Hall including amenities and a new play facility and car parking.

The objective of the project is to replace existing aged and non-compliant infrastructure with purpose-built facilities that meet the needs of the local community. The local community is aware that the existing hall is being demolished and will not be available for the duration of the project. The new playground will address a current deficiency for play equipment in this community.

A separate specialist demolition contractor has been engaged by Moreton Bay Regional Council (MBRC) to undertake demolition works prior to building works commencing. These demolition works are scheduled to commence early July 2021 and be completed by late July 2021.

Construction works (community hall, carpark and playground) will commence late July 2021 and is estimated to take 26 weeks to complete, which includes an allowance of 5 weeks for wet weather.



**Figure 1. Location of Works**

ITEM 3.2 TENDER - MOUNT GLORIOUS - CAMP CONSTABLE - FACILITY REDEVELOPMENT - 62218502 (Cont.)

**2. Explanation of Item**

Tenders for the 'Mount Glorious - Camp Constable - Facility Redevelopment (MBRC010797)' project closed on the 3<sup>rd</sup> of June 2021, with a total of five tenders received, two 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 highest to lowest)

RANK	TENDERER	EVALUATION SCORE (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	J. Mac Constructions Pty Ltd	100.00	107.50
2	Auzcon Pty Ltd	86.41	86.41*
3	Sina Construction	Non-Conforming	
4	Hanson Heidelberg Cement Group	Non-Conforming	
5	Holcim (Australia) Pty Ltd (trading as Humes)	Non-Conforming	

\*not within price threshold of the local preference policy

**J. Mac Constructions Pty Ltd ('JMAC')** - submitted a comprehensive tender that demonstrated their experience on projects of similar scale and complexity. A tender clarification meeting was held on 14 June 2021, at which JMAC demonstrated their experience, methodology, understanding of the project and capability in delivery of the works. JMAC provided examples of relevant project experience, including the Karawatha Forest Discovery Centre (valued at \$5.7M) for Brisbane City Council, the Yarrabilba Sports Complex (valued at \$1.3M) and Usher Park Rugby League Clubhouse (valued at \$1.2M) for Logan City Council and the Petrie Mill Oval (valued at \$8.9M) for Moreton Bay Regional Council.

The evaluation panel recommends that the tender from JMAC represents the best overall value for Council.

**Auzcon Pty Ltd ('Auzcon')** - submitted a comprehensive tender, detailing their construction methodology and demonstrating their experience on similar projects, however, no additional benefits were identified for the higher price.

**Non-Conforming Tenders** - The tenders from Sina Construction, Hanson Heidelberg Cement Group and Holcim (Australia) Pty Ltd (trading as Humes) did not provide mandatory tender documentation.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Due to the value of work being greater than \$200,000, Council called a public tender for the work through Council's eTendering Portal 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 - celebrating local arts, culture and community.

**3.3 Policy Implications**

This project/contract/initiative has been procured/sourced 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.



ITEM 3.2 TENDER - MOUNT GLORIOUS - CAMP CONSTABLE - FACILITY REDEVELOPMENT - 62218502 (Cont.)

Tenders were tested against Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

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.

A third party review of financial status has been carried out and the successful tenderer was rated 'strong'.

*Construction Risks:*

- a. The recommended tenderer will provide a program of works, safety management plan, environmental management plan, and quality management documentation (or combined integrated management plans) as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and monitored by Project Management.
- b. The recommended tender has indicated that their project of works takes into consideration the provision of appropriate resources to be able to complete the project effectively.
- c. An allowance for wet weather (5 weeks) is included in the recommended tender's construction program.
- d. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not raise any foreseen COVID-19 related impacts which would affect material supply chains and overall delivery timeframes for the project works.
- e. Development Approval DA/39572/2019/V2L for 'Material Change of Use - Development Permit for Community Use' was received 01 October 2020 to facilitate project delivery.
- f. Dilapidation inspections will be conducted prior to works commencing on building and surrounding areas to record the existing condition of assets and again after construction to record any change.

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project requires an amendment to the budget allocation and is therefore reported to Council for consideration.*

3.6 Financial Implications

Council has allocated a total of \$2,073,866 for this project, consisting of \$70,000 in the 18-19 FY for planning, \$107,500 in the 19-20 FY for design and \$1,901,366 in the 20-21 FY for design and construction of this project.

All financial information below is excluding GST.

Planning (18-19 FY)	\$	14,919.00
Planning (19-20 FY)	\$	117,337.50
Design (20-21 FY)	\$	63,625.50
Demolition	\$	72,109.49
Tender Price (Construction)	\$	1,646,040.00
Contingency 10%	\$	164,604.00
Q-Leave (0.575%)	\$	9,867.18
Supervision/Admin Costs	\$	15,000.00
<b>Total Project Cost</b>	<b>\$</b>	<b>2,103,502.67</b>

ITEM 3.2 TENDER - MOUNT GLORIOUS - CAMP CONSTABLE - FACILITY REDEVELOPMENT - 62218502 (Cont.)

Estimated ongoing operational/maintenance costs                   \$           27,265 per F/Y.

The budget amount for this project is insufficient. To allow this project to proceed, Council commits to the provision of an additional \$25,000 in the 21-22 FY quarter two financial review process.

3.7 Economic Benefit Implications

The project will replace redundant infrastructure and enable better utilisation of the site, providing potential future revenue from community or group use/hire.

3.8 Environmental Implications

An Integrated Management Plan (including environmental management) will be provided to Council by the recommended tenderer detailing the management of environmental matters affecting the project during construction. The Integrated Management Plan will be monitored and audited by Project Management during the construction phase.

3.9 Social Implications

Delivery of the project will provide a new community facility to meet the ongoing needs for community meetings, events and to support disaster management activities. The new playground will also address a current deficiency in this community for play equipment.

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to commencement of works and project signs displayed on site prior to construction. The stakeholders, including the Mount Glorious Community Hall Association has been consulted regarding the project. The detailed communication plan will include fortnightly email updates to the Divisional Councillor and fortnightly webpage updates. The Divisional Councillor has been consulted and is supportive of the project.

**ITEM 3.3**

**TENDER - LAWNTON - LAWNTON AQUATIC CENTRE - AMENITIES UPGRADE**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* 62128511 : 14 June 2021 - Refer **Confidential Supporting Information 62106863**  
*Responsible Officer:* GM, Project Manager (ECM Project Management)

**Executive Summary**

Tenders were invited for the 'Lawnton - Lawnton Aquatic Centre - Amenities Upgrade (MBRC010688)' project. The tender closed on 20 May 2021, with a total of two confirming tenders received.

It is recommended that the tender for the 'Lawnton - Lawnton Aquatic Centre - Amenities Upgrade (MBRC010688)' project be awarded to Intrec Management Qld for the sum of \$591,200 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Sandra Ruck

CARRIED 11/0

1. That the tender for the 'Lawnton - Lawnton Aquatic Centre - Amenities Upgrade (MBRC010688)' be awarded to Intrec Management Qld for the sum of \$591,200 (excluding GST).
2. That the Council enters into an agreement with Intrec Management Qld 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 Intrec Management Qld for the 'Lawnton - Lawnton Aquatic Centre - Amenities Upgrade (MBRC010688)' project and any required variations of the agreement on Council's behalf.
4. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.
5. That to allow this project to continue, Council commits to the provision of an additional \$300,000 in the 21/22 FY quarter two financial review process.

ITEM 3.3 TENDER - LAWNTON - LAWNTON AQUATIC CENTRE - AMENITIES UPGRADE - 62218502 (Cont.)

## OFFICER'S RECOMMENDATION

1. That the tender for the 'Lawnton - Lawnton Aquatic Centre - Amenities Upgrade (MBRC010688)' be awarded to Intrec Management Qld for the sum of \$591,200 (excluding GST).
2. That the Council enters into an agreement with Intrec Management Qld 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 Intrec Management Qld for the 'Lawnton - Lawnton Aquatic Centre - Amenities Upgrade (MBRC010688)' project and any required variations of the agreement on Council's behalf.
4. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.
5. That to allow this project to continue, Council commits to the provision of an additional \$300,000 in the 21/22 FY quarter two financial review process.

## **REPORT DETAIL**

### **1. Background**

The project is located the Lawnton Aquatic Centre, 1-25 Lawnton Pocket, Lawnton. The project scope includes the upgrade of the pool amenities to include a parent room which will include a shower and a toilet. Works will also include refurbishment of the current amenities. The objective of the project is to provide an amenity facility in an improved condition including compliance upgrade.

This project has originated as a result of inspections of multiple pool amenities across the MBRC. The existing deficiencies include amenities which lack a parent room, are aged and in need of refurbishment.

Construction is proposed to commence in July 2021 and take 10 weeks to complete. The works are not expected to be impacted by wet weather as the scope is contained within an existing building.

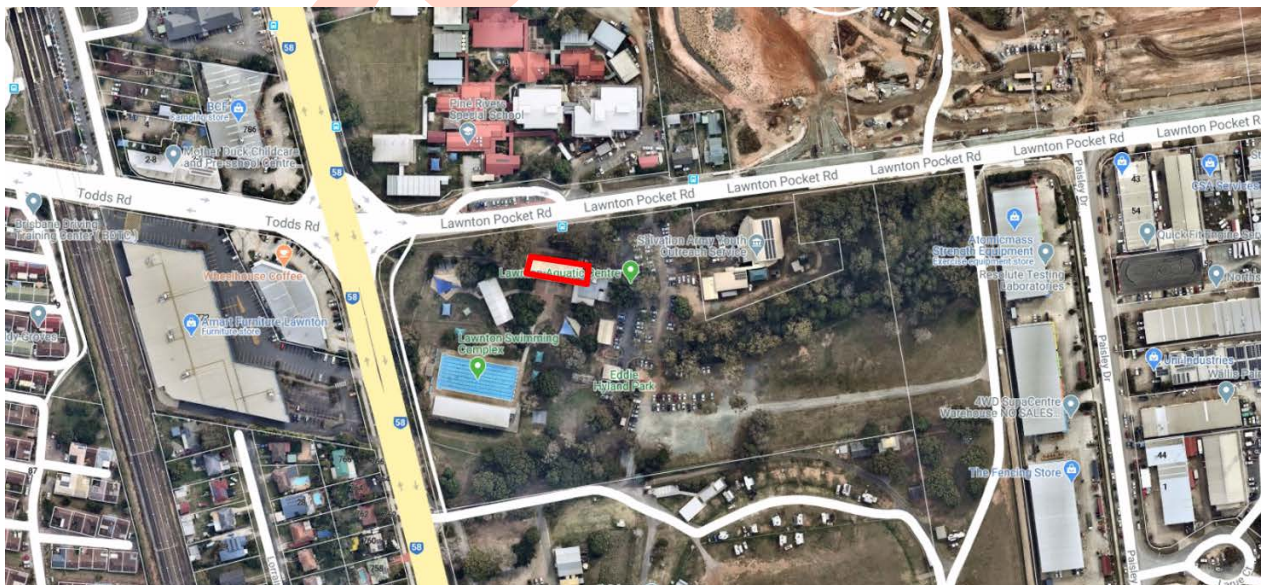


Figure 1 - Locality Plan



ITEM 3.3 TENDER - LAWNTON - LAWNTON AQUATIC CENTRE - AMENITIES UPGRADE - 62218502 (Cont.)

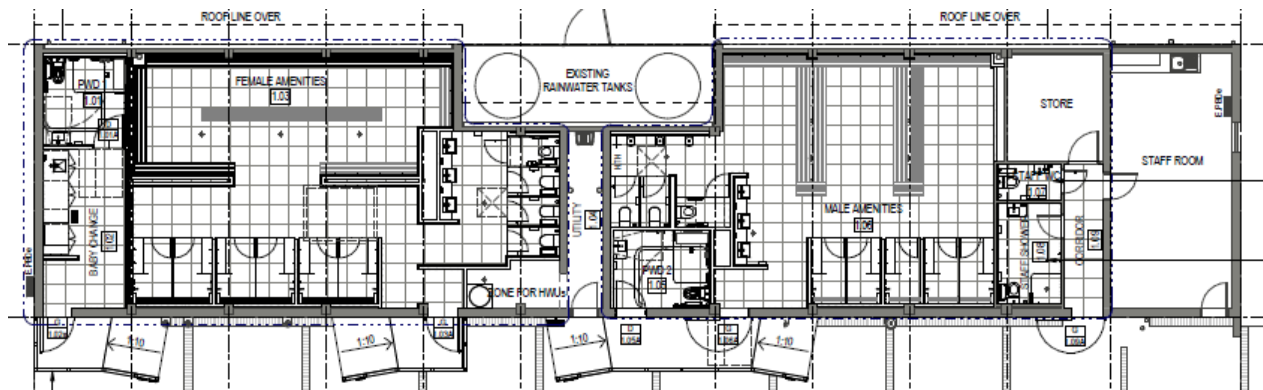


Figure 2 - Plan View

2. Explanation of Item

Tenders for the 'Lawnton - Lawnton Aquatic Centre - Amenities Upgrade (MBRC010688)' project closed 20 May 2021 with two conforming tenders received. 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 (Pre Local Preference)	EVALUATION SCORE (Post Local Preference)
1	Intrec Management Qld	100.00	107.50
2	Kimini Constructions Pty Ltd	93.13	93.13

**Intrec Management Qld ('IMQ')** - submitted a comprehensive tender that demonstrated their experience on projects of similar scale and complexity. A tender clarification meeting was held on 7 June 2021, at which IMQ demonstrated their relevant experience, methodology, understanding and capability in delivering the project. IMQ provided examples of similar projects including - North Lakes, The Corso, Tenancy Works (valued at \$164k) for Moreton Bay Regional Council and Dexus Property Group, Facility Upgrade (valued at \$1.7m) for Dexus Property Group, Sleeman Aquatic Centre - Amenities Upgrade (valued at \$565k) for BDT Architects and Stadiums Queensland.

The tender from IMQ was the lowest price offered and achieved the highest evaluation score. The evaluation panel recommends that the tender from Intrec Management Qld represents the best overall value to Council.

**Kimini Constructions Pty Ltd ('KC')** - submitted a comprehensive and well-presented tender, demonstrating their project experience: however, there were no additional benefits for the higher price.

3. Strategic Implications

3.1 Legislative / Legal Implications

Due to the value of the work expected to be greater than \$200,000, Council called a public tender for the work through 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: Quality recreation and cultural opportunities - active recreation opportunities.

ITEM 3.3 TENDER - LAWNTON - LAWNTON AQUATIC CENTRE - AMENITIES UPGRADE - 62218502 (Cont.)

3.3 Policy Implications

This project/contract/initiative has been procured/sourced 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.

Tenders were tested against Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.

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 manner in which the possible impact of these risks are minimised is detailed below.

A third-party review of financial status has been carried out and the successful tenderer was rated 'strong'.

Construction Risks:

- a. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental 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.
- b. The recommended tenderer has indicated their understanding of the project site and the proximity of the natural environment and surrounding properties to ensure the safety and wellbeing of all during the works.
- c. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works effectively and on time.
- d. The procurement risks relating to this project are considered low as there is adequate lead time for the recommended tenderer to procure the relevant project construction materials. At the tender clarification meeting, the recommended tenderer did not raise any COVID-19 related impacts which would affect material supply chains and overall time delivery of the project works.
- e. The project has received Building and Plumbing Approvals.
- f. Dilapidation inspections will be conducted prior to works commencing on surrounding areas to record the existing condition of assets and again after construction to record any change

3.5 Delegated Authority Implications

Under delegation Council-163, the CEO has the power to enter into contracts up to and including the amount of one percent (1%) of Council's net rate and utility charges as stated in Council's audited financial statements included in Council's most recently adopted annual report - estimated \$3.2M, providing the expenditure has been provided for in Council's annual budget.

*The cost of this project requires an amendment to the budget allocation and is therefore reported to Council for consideration.*

3.6 Financial Implications

Council has allocated a total of \$405,000 for this project, consisting of \$50,000 in 20-21 FY Capital Projects Program for planning and design, with \$355,000 in the 21-22 FY Capital Projects Program for construction. All financial information provided is excluding GST.

ITEM 3.3 TENDER - LAWNTON - LAWNTON AQUATIC CENTRE - AMENITIES UPGRADE - 62218502 (Cont.)

Planning and Design (20-21 FY)	\$ 53,262.00
Tender Price (construction)	\$ 591,200.00
Contingency (10%)	\$ 59,120.00
<u>QLLeave (0.575%)</u>	<u>\$ 2,317.00</u>
<b><u>Total Project Cost</u></b>	<b><u>\$ 705,899.00</u></b>

Estimated ongoing operational/maintenance costs \$ 3,547.20 per F/Y.

The budget amount for this Project is insufficient. To allow this project to continue, and for Council to enter into the agreement with Intrec Management Qld for the project, Council commits to the provision of an additional \$300,000 in the 21-22Y quarter two financial review process.

3.7 Economic Benefit Implications

The project will improve family and PWD facilities at this facility.

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the recommended tenderer detailing the management of environmental matters affecting the project during construction. The environment management plan will be monitored and audited by project management during the construction phase.

3.9 Social Implications

The upgrade of the amenities at Lawnton Aquatic Centre will provide equal opportunity and accessibility, for all community groups. The improved facility will foster greater community participation and wellbeing.

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices issued four weeks prior to the commencement of works and project signs displayed on site four weeks prior to construction. Weekly email updates will be provided for the Divisional Councillor. The Divisional Councillor has been consulted and is supportive of the projects.

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**4 PLANNING SESSION**

**(Cr D Grimwade)**

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**ITEM 4.1  
RESHAPING OUR REGION'S PLANNING**

*Meeting / Session:* 4 PLANNING  
*Reference:* 62028142 : 10 June 2021 - **Refer Supporting Information: 62062507, 62212917**  
*Responsible Officer:* DH, Manager Strategic Planning and Place Making (PL Strategic Planning & Place Making)

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**Executive Summary**

It's critical that Council maintains an updated planning scheme to respond to the region's changing needs and to efficiently and effectively respond to community and other operational/ implementation issues that arise in development assessment. On-going recruitment, actions and numerous planning investigations undertaken in the last 12 months have placed the new Council in a better position to respond to these matters.

This report outlines a proposed approach to address community concerns with regards to development occurring across the region, through either amendments to the existing MBRC Planning Scheme 2016 (current planning scheme), or a new planning scheme.

The proposed approach includes:

- *Short-term (0-2 years):* targeted and prioritised policy (and interim policy) amendments to the current planning scheme to address urgent and critical community concerns;
- *Medium-term (2+ years):* neighbourhood and growth areas planning to deliver more localised responses to growth and development issues in established and emerging (new) neighbourhoods, and
- *Longer-term (5+ years):* delivery of a new planning scheme.

In light of the numerous and complex matters identified over the last 12 months, a new challenge has emerged of how to best prioritise, group and manage the various planning scheme changes through the State's planning scheme amendment process, which can take between 18-24 months.

To inform these outcomes, the '*Reshaping our Region's Planning Work Portfolio*' has been developed. This is a large and ambitious work portfolio that requires close monitoring as new items and shifts in priorities can have direct influences on the timing and delivery of other projects.

It should be noted that the timeframes in the '*Reshaping our Region's Planning Work Portfolio*' are estimates based on current information and circumstances.

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**RESOLUTION**

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**Moved by Cr Mick Gillam**

**Seconded by Cr Jodie Shipway**

**CARRIED 11/0**

**That the '*Reshaping our Region's Planning Work Portfolio*' be approved as appearing in supporting information #1.**



ITEM 4.1 RESHAPING OUR REGION'S PLANNING - 62028142 (Cont.)

**OFFICER'S RECOMMENDATION**

That the 'Reshaping our Region's Planning Work Portfolio' be approved as appearing in supporting information #1.

**REPORT DETAIL**

**1. Background**

The following resolution appears on minute page 20/620 of the General Meeting of Council held 13 May 2020:

Ex General Meeting held 25 February 2020 (Page 20/584):

**RESOLUTION**

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.

Over the last year, numerous Council briefings (twelve (12)) have been conducted for the purpose of sharing information and providing advice/ views to Council on the matter. In line with Council's decision-making framework, an extract from the outcomes of the briefings held to date is attached to this report.

During 2020, Council invested considerably in the funding and recruitment of new staff into the *Strategic Planning and Place Making Department*. This has resulted in a new team to help Council better understand and respond to the region's urban development and growth challenges.

Early 2021, Council also created the *Environment and Sustainability Policy and Planning Department*. This department is currently undertaking recruitment for new staff and is in the process of developing a work program to respond to the region's environment and sustainability challenges. This work program when completed will inform future amendments to the current planning scheme and a new planning scheme, integrating State policies, contemporary approaches and emerging science to Natural Hazards Planning, Sustainability and Biodiversity Protection.

**2. Explanation of Item**

Planning Schemes generally

Council has a statutory obligation to prepare and maintain a planning scheme, in consultation with the community and State Government. Most amendments to a planning scheme's policy content requires approval by the State's Planning Minister.

A planning scheme works with a local government's corporate plan, community plan, capital works program, economic development strategy and other strategies/programs in shaping strong and resilient communities, fostering and supporting economic activity and protecting important assets. Its role as the "rule book" in development assessment is especially important. It underpins transparent and accountable decision-making by Council to achieve outcomes that are in the public interest. It should also support efficient development processes to ensure regulation does not cause undue delays and expense.

While it is important to review and amend planning schemes, the ongoing program of amendments also needs to be carefully managed. The statutory amendment process (governed by the State Government's *Minister's Guidelines and Rules 2017* (MGR) and Part 3 of the *Planning Act 2016*) can be time and resource intensive. Contemporary planning schemes also involve greater requirements for general "maintenance" than was previously the case.

*ITEM 4.1 RESHAPING OUR REGION'S PLANNING - 62028142 (Cont.)*

While amendments may range in scope, policy changes typically involve new research and investigations, state agency engagement and review processes, community engagement and submission review (and response) before a final Ministerial review and sign-off process. A lack of community understanding or acceptance of the current performance-based planning framework and a high volume of submissions on any given topic can also be a significant challenge and take time to work through.

MBRC Planning Scheme 2016

The MBRC Planning Scheme (current planning scheme) commenced in February 2016. Since that time Council has:

- delivered 'Major Amendment No.1' for various policy matters. This commenced 29 January 2020;
- commenced 'Major Amendment No.2' for Neighbourhood Development Area (NDP) No.1 for Caboolture West. This amendment was recently publicly notified;
- commenced investigations and preparations for a planning scheme amendment to update the Local Government Infrastructure Plan (LGIP); and
- commenced investigations and preparations for a planning scheme amendment in response to the Ministers' Temporary Local Planning Instrument (TLPI) No.1 of 2020 - Narangba Innovation Precinct East.

In addition, Council has also delivered The Mill Priority Development Area (PDA) Development Scheme (2017) and commenced investigations and preparations for a North Harbour Marina and Canal Estate PDA Declaration.

Notwithstanding, changes in growth pressures, development trends and local economic, social and environmental conditions have generated the need for further review and refinement of the current planning scheme. Community sentiment on key development outcomes and policy settings (such as building height, loss of local character, new growth areas, small-lot and medium-density housing and car parking etc.) has also triggered a desire for review. Additionally, state and regional policy changes have prompted the need for amendments to respond appropriately.

It's critical that Council maintains an updated planning scheme to respond to the region's changing needs and to efficiently and effectively respond to community and other operational/ implementation issues that arise in development assessment. In light of the current situation, there is an urgent need for Council to advance targeted and prioritised policy work to inform additional amendments to the current planning scheme.

It is considered that this is a more appropriate response and expeditious pathway to address these issues, as opposed to incorporating them into the preparation and delivery of a new planning scheme - given the time it would take to undertake and complete this task.

New Planning Scheme considerations

It's recognised the current planning scheme is at its 'half-life' and background research and preparations should be advanced in parallel to amendments to the current planning scheme to inform a new planning scheme (review) project.

To prepare for a new planning scheme a Regional Activity Centres, Employment Lands and a Housing Needs Investigation is likely to be needed, in addition to a range of other background (technical) research to guide the region's land use, infrastructure, environment, heritage, employment, urban design and built form outcomes into the future. Council will need to have also completed the necessary natural hazards investigations to support the required review and be compliant with the State Planning Policy (SPP) and SEQ Regional Plan. Some of this work has already commenced, including a Regional Employment Lands and Housing Needs (Choice, Diversity and Affordable Living) investigation/s.

Officers also acknowledge the review and update of the Community Vision, Corporate Plan and Council Strategies (and delivery of critical supporting plans) is interrelated with the commencement and preparation of a new planning scheme - as these documents will deliver critical local policy foundations and directions reflecting community views and attitudes gathered through their preparation.

ITEM 4.1 RESHAPING OUR REGION'S PLANNING - 62028142 (Cont.)

It is estimated there is a minimum of 1.5-years of preparatory/ policy foundation development required, including corporate strategy reviews, community plan updates, other community engagement and targeted background/ technical research to prepare Council for both a new planning scheme and the next review of the SEQ Regional Plan, foreshadowed as early as late 2022. This is in addition to an estimated minimum 2-year document build plus a 1-1.5-year State interest, community engagement and Ministerial approval process - totalling an estimated 5 years of dedicated project commitment.

Proposed Way Forward

To inform these outcomes and provide a pathway to respond to these issues and concerns, the 'Reshaping our Region's Planning Work Portfolio' (see Attachment) has been developed. The Portfolio is comprised of six (6) separate and supporting work programs that have been developed to respond to the region's unique short, medium and long-term growth and development needs. These include:

- a) Planning Scheme 2016 Reset Program;
- b) Great Places (Urban Design and Place Making) Program;
- c) Neighbourhood Planning Program;
- d) Growth Areas Program;
- e) Regional Planning Program; and
- f) New Planning Scheme (Review) Program (yet to commence).

Each program will deliver work in parallel to the others to help reduce delivery timeframes where possible.

The following is noted regarding the portfolio and its supporting work programs:

- The establishment of a forward program of amendments to the current planning scheme in the short term to prioritise and reset key planning scheme policy settings, in response to current community and industry expectations. The below was informed following numerous briefings with Council.

*The reset program proposes the following amendments:*

2021 -

- Major Amendment No. 2 - Caboolture West NDP No. 1 - current;
- Local Government Infrastructure Plan (LGIP) Interim Amendment No. 1 - Mid 2021;
- Minor & Administrative Amendment No. 2 - General items - 2021-2022;
- Major Amendment No. 3 - Content to include Secondary Dwellings, Off Street Parking Rates and Next Generation Neighbourhood Changes - End 2021/ Early 2022.

2022 -

- Major Amendment No. 4 - Narangba Innovation Precinct TLPI Response - Mid 2022;
- Minor & Administrative Amendment No. 3 - General items - 2022-2023;
- Major Amendment No. 5 - Content suggested to include Building Height Interim Policy Framework and Engineering Specifications Update and related items - Mid-Late 2022;
- Major Amendment No. 6 - Morayfield South Structure Plan, Kallangur-Dakabin Neighbourhood Plan - Early 2023.

*Note: Dates = draft amendment content is ready for Council consideration and State interest reviews.*  
*Note: Dates are subject to annual review.*

- The introduction of a Great Places (Urban Design and Place Making) work program to undertake a range of urban design investigations to guide the region's place-making, urban design and built form outcomes into the future.
- The return of neighbourhood and precinct planning to the region. This work program would be focused on identified existing urban neighbourhoods and include localised community engagement and the development of tailored responses to neighbourhood growth and development issues.
- The introduction of a Growth Areas work program to undertake and lead integrated land use and infrastructure planning for the region's new growth areas, including Caboolture West, Morayfield South and the North Harbour Priority Development Area Declaration proposal.
- The continuation of key priority projects such as the Regional Growth Management Strategy to better inform long-term regional growth directions and responses.

ITEM 4.1 RESHAPING OUR REGION'S PLANNING - 62028142 (Cont.)

- The development of a 'Planning Division' Communications and Engagement Strategy to inform and guide interactions with the community on strategic planning, place making and development assessment matters.
- Early preparations for a new planning scheme whereby key policy foundations (or regional growth directions/ outcomes) can be considered holistically and not individually as separate amendments. This will be supported by a program of regional planning and growth monitoring investigations (e.g. updated background (technical) research) that will inform the preparation of an updated draft Strategic Framework (the first key step to developing a new planning scheme) and also help prepare Council for the next review of the SEQ Regional Plan.

The portfolio and its supporting work programs will help ensure the region grows and develops in greater harmony with its history and retains and enhances its reputation as a region of great places with a unique sense of identity.

It is recognised that good strategic policy development takes time and is informed by evidenced-based investigations and can also include tailored and fit-for-purpose community engagement as part of this process.

The statutory plan making process (governed by the State government's Minister's Guidelines and Rules (MGR) 2017 and the Planning Act) is time and resource intensive. The State Government's ability to service and respond to proposed planning scheme amendments also requires on-going engagement.

Planning scheme amendment packages need to be carefully coordinated and regard given to their size, issues and complexity. Best practice approaches support smaller 'issues focused' packages. This enables more effective state agency and community engagement and efficient plan making process overall. Conversely, larger or more 'issues loaded' packages take longer to prepare, tend to progress slower through State review processes and are more vulnerable to delays caused by unforeseen community responses or State agency issues.

This is a complex and challenging program with significant internal and external interdependencies. As such, there are inherent risks to its delivery at a local and state government level. Given the lag time to investigate and prepare draft amendment content, matters outside of Council's influence or new items or changes in priorities are key risks to its successful delivery, noting some delays are inevitable due to its current volume/ commitments and varying levels of community interest.

Major Amendment #6 (early 2023) is currently proposed as the last programmed amendment to the current planning scheme to enable a resources shift to new planning scheme content development. Critical matters only should be considered after this point however, this matter will require close monitoring.

To further inform the proposed portfolio and respond to current community and industry concerns, the following short-term/ next 12 months responses are proposed.

- Tailored community consultation as part of the Regional Growth Management Strategy and a Regional Environment and Sustainability Strategy;
- Tailored community consultation as part of Council's response to the Ministerial TLPI for the Narangba Innovation Precinct;
- Statutory public notification of proposed Planning Scheme Major Amendment 3, including policy updates for Secondary Dwellings, the Next Generation Neighbourhood Precinct and Off-street Car Parking rates;
- Tailored community consultation as part of a *proposed* Building Height Review - Coastal Communities Character and Design Outcomes Project; and
- Initiate a Planning Scheme 2016 'Current State (S.W.O.T.) Analysis' and 'State Planning Policy (SPP) Readiness/ Gap Assessment' whereby State Government, development industry and internal stakeholder feedback could be collected on specific planning scheme policy content, operational and technical issues, informed by community feedback from the 'Moreton Says' survey and other sources.

ITEM 4.1 RESHAPING OUR REGION'S PLANNING - 62028142 (Cont.)

This work would inform the scoping for a new planning scheme and identify outstanding information and further technical investigations required to meet the current SPP and pass State interest checks.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Council has a legislative obligation to manage development in the region in accordance with relevant Federal and State legislation and policy documents, including the *Planning Act 2016*, *ShapingSEQ* and the State Planning Policy.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

Officer's from the Planning Division will work closely with the relevant State Agencies and Council Departments during the delivery of the '*Reshaping our Region's Planning Work Portfolio*' to ensure all policy interests and implications are managed.

#### 3.4 Risk Management Implications

This is a complex and challenging program with significant internal and external interdependencies. As such, there are inherent risks to its delivery at a local and state government level. Matters outside of Council's influence, new items and shifts in priorities can have direct influences on the timing and delivery of other projects.

#### 3.5 Delegated Authority Implications Nil identified

#### 3.6 Financial Implications

A portfolio budget has been established for the 2021/22 Financial Year in the Strategic Planning and Place Making Department. The delivery of the portfolio will require on-going budget commitment across future financial years.

#### 3.7 Economic Benefit Implications

Ensuring relevant legislation and the MBRC Planning Scheme is implemented effectively and appropriately assists in attracting appropriate development into the Moreton Bay region and boosts economic activity.

#### 3.8 Environmental Implications

Appropriately located and well-designed growth and urban development assists in the implementation of environmental outcomes identified within Federal, State and local policy documents, including the MBRC Planning Scheme.

#### 3.9 Social Implications

Well planned growth and urban development supports positive social outcomes within the Moreton Bay Region.

#### 3.10 Human Rights Implications

There are no known human rights implications arising as a result of this report. Key stakeholder engagement will be undertaken at relevant stages in the preparation and delivery of identified projects.

#### 3.11 Consultation/ Communication

Public consultation will be undertaken at various stages in the preparation and delivery of identified projects and is required as part of any future amendments to the MBRC Planning Scheme.



## ITEM 4.2 LAUNCH OF MBRC NEIGHBOURHOOD PLANNING PROGRAM

*Meeting / Session:* 4 PLANNING  
*Reference:* 61552990 : 8 June 2021  
*Responsible Officer:* LF, Coordinator Neighbourhood & Precinct Planning (PL Strategic Planning & Place Making)

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### Executive Summary

The MBRC Planning Scheme (planning scheme) is Council's primary document that identifies the planned future growth in the region. It is understood that in some established neighbourhoods, particular forms of new housing and development is causing tension within the local community. While it is understood that region wide projects are underway to review the Next generation neighbourhood precinct, car parking rates and building heights, there may be locally specific guidance required to address specific place features or dimensions that are not addressed in the region-wide zone precinct provisions.

Neighbourhood planning presents an excellent and exciting opportunity for Council, in consultation with the community, to examine and plan for smaller areas of the region that are experiencing growth and change, in order, for example, to accommodate anticipated growth, preserve and/or promote local character, and create better places at a local level.

In response, the Strategic Planning and Place Making (SPPM) Department has prepared a Neighbourhood Planning Program. It is recommended that Council endorse the establishment of the Neighbourhood Planning Program and the commencement of the first project, being the 'Kallangur-Dakabin Neighbourhood Plan'.

Neighbourhood planning is essentially a process through which a planning authority can examine and plan smaller areas of a region in consultation with the community. The preparation of a typical neighbourhood plan can take up to two years, during which three or four peak communication and engagement periods will occur depending on the model of communication and engagement selected to suit the project. In addition, to amend the planning scheme, the State Government process will need to be followed which can generally take an additional 12 months.

While many established/ existing (urban) neighbourhoods in the region would benefit from a neighbourhood planning process, it is important that the most appropriate and effective planning tool is used at the right time to address key planning issues being experienced in specific areas. Some matters require consistency or a regional approach, such as where taller buildings go, or how secondary dwellings can operate and look. These are best considered through targeted or topic specific planning scheme amendments. Neighbourhood plans will focus on locally specific matters.

The program and its future projects will be subject to an annual review, to confirm future priority areas and their sequence for neighbourhood planning.

ITEM 4.2 LAUNCH OF MBRC NEIGHBOURHOOD PLANNING PROGRAM - 61552990 (Cont.)

**RESOLUTION**

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Adam Hain

CARRIED 11/0

1. That the establishment of the MBRC Neighbourhood Planning Program be approved with the following primary and secondary purposes:
  - a) Primary purpose
    - (i) Address localised planning matters that can be changed/ improved through regulating development (or a statutory change to the MBRC Planning Scheme), and
    - (ii) Manage development (growth and change) in a way that respects and builds on key elements of local character and identity.
  - b) Secondary purpose
    - (i) Build trust and understanding with the community in the planning process, and
    - (ii) Guide and support the localised delivery and direction for other MBRC programs, projects or works.
2. That the first neighbourhood planning project be the Kallangur-Dakabin Neighbourhood Plan, to be launched on 12 July 2021.
3. That in response to Council Resolution (Item 11.4) of 6 August 2019 which reads '*That the Manager Strategic Planning work with the necessary departments for an improvement Strategy for Kallangur Town Centre*', the centre be considered as part of the Kallangur-Dakabin Neighbourhood Plan project.

ITEM 4.2 LAUNCH OF MBRC NEIGHBOURHOOD PLANNING PROGRAM - 61552990 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the establishment of the MBRC Neighbourhood Planning Program be approved with the following primary and secondary purposes:
  - a) Primary purpose
    - (i) Address localised planning matters that can be changed/ improved through regulating development (or a statutory change to the MBRC Planning Scheme), and
    - (ii) Manage development (growth and change) in a way that respects and builds on key elements of local character and identity.
  - b) Secondary purpose
    - (i) Build trust and understanding with the community in the planning process, and
    - (ii) Guide and support the localised delivery and direction for other MBRC programs, projects or works.
2. That the first neighbourhood planning project be the Kallangur-Dakabin Neighbourhood Plan, to be launched on 12 July 2021.
3. That in response to Council Resolution (Item 11.4) of 6 August 2019 which reads '*That the Manager Strategic Planning work with the necessary departments for an improvement Strategy for Kallangur Town Centre*', the centre be considered as part of the Kallangur-Dakabin Neighbourhood Plan project.

**REPORT DETAIL**

**1. Background**

The following resolution appears on minute page 19/1682 of the General Meeting of Council held 13 August 2019:

Ex General Meeting held on 6 August 2019 (MP. 19/1657):

**RESOLUTION**

That the Manager Strategic Planning work with the necessary departments for an improvement strategy for Kallangur Town Centre.

The following resolution appears on minute page 20/620 of the General Meeting of Council held 13 May 2020:

Ex General Meeting held 25 February 2020 (MP. 20/584):

**RESOLUTION**

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.

As part of Mayor Peter Flannery's ten-point action plan (April 2020), Council committed to:

*6. Rework our Planning Scheme to meet the expectations of locals, by implementing neighbourhood plans tailored to the unique qualities of our many distinct communities across Moreton Bay Region.*



ITEM 4.2 LAUNCH OF MBRC NEIGHBOURHOOD PLANNING PROGRAM - 61552990 (Cont.)

On 1 July 2020, Council were briefed on the SPPM Department's five-year work portfolio (2019/20 - 2023/24). In particular, the desire for planning to occur at a local level, in the form of neighbourhood planning. Council consideration of this portfolio is the subject of a separate agenda item of the Council meeting of 23 June 2021.

Following the establishment of a new Neighbourhood and Precinct Planning (NPP) team in July 2020, the team commenced a process to inform the directions and establishment of the program.

To date, four Council briefings have been conducted for the purpose of sharing information and providing advice and seeking feedback on the Neighbourhood Planning Program. In line with Council's decision-making framework, an extract from the minutes of the briefings are provided below:

*NEIGHBOURHOOD DEVELOPMENT PROGRAM (26 August 2020)*

*The CEO noted the way forward:*

- *A consultant team have been appointed to commence work on the Neighbourhood Development Program.*
- *Council Briefings will be held in October and November to provide updates to Council.*

*PLANNING FOR MY NEIGHBOURHOOD - NEIGHBOURHOOD PLANNING PROGRAM UPDATE NO.1 - DIRECTIONS AND ESTABLISHMENT (13 October 2020)*

*The CEO noted the way forward:*

- *This Council Briefing is the first of two briefings on the matter, with the second to occur prior to the end of the year.*
- *Council noted the neighbourhood planning program as presented and the implications that a neighbourhood plan is not always the best solution to address a planning issue.*
- *Further work will be undertaken by the consultant. Any feedback on the matter is to be provided to Lauren Fishburn and David Hood prior to the next Briefing.*

*PLANNING FOR MY NEIGHBOURHOOD - NEIGHBOURHOOD PLANNING PROGRAM UPDATE NO.2 - DIRECTIONS AND ESTABLISHMENT (1 December 2020)*

*The CEO noted the way forward:*

- *Council noted the officers assessment relating to the proposed 2-5 year work program.*
- *Council noted that an annual review of the program is proposed to ensure the program remains focused on the highest priority areas. Next review will be December 2021.*
- *Feedback was provided on the assessment and identification of priority areas for neighbourhood planning projects, including:*
  - *Caboolture / Morayfield Activity Centre to be changed to "high" priority; and*
  - *A character assessment be undertaken for all of the rural township areas across the region and this be factored into the next area evaluation.*
- *Council agreed in principle to the first two neighbourhood planning projects being:*
  - *Kallangur - Dakabin (commencing March 2021); and*
  - *Caboolture South - Morayfield (commencing June 2021).*
- *A report will be presented to Council in early 2021 seeking Council resolution of the proposed work program and first two neighbourhood planning projects.*
- *That a matrix be developed identifying current planning related issues/concerns and what projects are proposed or underway to further investigate these. This is to be presented to Council at a future briefing in early 2021.*

ITEM 4.2 LAUNCH OF MBRC NEIGHBOURHOOD PLANNING PROGRAM - 61552990 (Cont.)

*NEIGHBOURHOOD PLANNING PROGRAM UPDATE NO.3 - PLANNING FOR MY NEIGHBOURHOOD - LAUNCH AND COMMENCEMENT (23 March 2021)*

*The CEO noted the way forward:*

- *Councillors to be distributed work completed last year including the project area boundaries.*
- *The Neighbourhood Planning Program to be mentioned during the Budget adoption meeting and announce the first project to be the Kallangur-Dakabin Neighbourhood Plan.*
- *A council report be submitted to the General Meeting at the first meeting following Budget adoption for consideration of the initial two year Neighbourhood Planning Program and the first two planning projects - Project 1 - Kallangur-Dakabin and Project 2 - Caboolture South - Morayfield.*
- *Project 1 launch date will be 12 July 2021.*
- *A future Council Briefing be held to discuss engagement activities and timeline for Project 2 and agree project launch date.*

**2. Explanation of Item**

The concept of neighbourhood planning can mean a range of things to different people. Accordingly, in establishing this program it is critical to identify what it is and isn't - its adequacies and limitations and why neighbourhood plans are not always the best (i.e. most efficient and effective) solution to address all planning issues.

Neighbourhood planning is essentially a process through which a planning authority can examine and plan smaller areas of a region in consultation with the community. The process takes time and requires careful examination of community issues and feedback. Accordingly, neighbourhood planning is different to other types of planning responses with respect to:

1. the scale of the area being planned for;
2. the level and complexity of issues that can be reasonably addressed; and
3. the level of direction and detail that can be included in statutory planning instruments to provide clarity and support the streamlining of development that is consistent with locally specific visions and agreed directions.

It is important to recognise that some matters require consistency or a regional approach, such as where taller buildings go, or how secondary dwellings can operate and look. These are best considered through targeted or topic specific projects. Neighbourhood plans will focus on locally specific matters.

Program Purpose and Outputs

The proposed purpose of the Neighbourhood Planning Program is to:

Primary purpose

1. Address localised planning matters that can be changed/ improved through regulating new development (or a statutory change to the MBRC Planning Scheme), and
2. Manage new development (growth and change) in a way that respects and builds on key elements of local character and identity.

Secondary purpose

3. Build trust and understanding with the community in the planning process, and
4. Guide and support the localised delivery and direction for other MBRC programs, projects or works.

It is recommended that the MBRC approach to neighbourhood planning be focused on planning for *Established/ Existing (Urban) Neighbourhoods*, acknowledging the Regional Growth Management Strategy and Growth Areas work programs that have been established to manage and inform development in the region's various *Emerging/ New Neighbourhoods (Greenfield growth areas)*.

*ITEM 4.2 LAUNCH OF MBRC NEIGHBOURHOOD PLANNING PROGRAM - 61552990 (Cont.)*

The statutory output of neighbourhood planning will include changes to the planning scheme (e.g. a local plan, or other areas of the scheme to reflect local circumstance). In addition, the non-statutory outputs of neighbourhood planning are likely to include the development of a supplementary document that will guide and support other Council programs, projects or works in the local area.

While all neighbourhood plans will be different, the general process that will be followed for the preparation of a neighbourhood plan will include:

- Background research
- Community input to understand the key issues and opportunities in the area
- Drafting the neighbourhood plan
- Community feedback on the draft plan
- Council approval of the plan, and
- Changing the planning scheme.

The preparation of a typical neighbourhood plan can take up to two years, during which three or four peak communication and engagement periods will occur depending on the model of communication and engagement selected to suit the project. In addition, to amend the planning scheme, the State Government process will need to be followed which can generally take an additional 12 months.

#### Work Program

Over the next two years it is proposed that the NPP team will commence the first two neighbourhood planning projects. To determine the areas that will first undergo a neighbourhood planning process, Council carefully considered a number of matters, including but not limited to the following:

- Growth and Change - To understand the extent of growth /change planned for, compared to what currently exists today, and consider the level of development interest and activity.
- Potential and Opportunity - To consider how "ready" the area is for the planned growth/change.
- Community - To consider the types of localised, development related issues and feedback from the community.

The first project has been identified as:

#### *Project 1: Kallangur-Dakabin Neighbourhood Plan*

The Kallangur-Dakabin Neighbourhood Plan is the first proposed neighbourhood plan area. The project is proposed to be launched on 12 July 2021. The launch will initiate the first phase of community consultation on the project. It is estimated that the Neighbourhood Plan for this area will be completed by late-2022, followed by an amendment to the planning scheme.

Through the evaluation process Kallangur-Dakabin was selected to be the first neighbourhood plan area due to the high population growth expected between now and 2036. With this growth, the area is likely to change significantly and will look very different in the future. The Mill Precinct adjoins this area and also has the potential to have a catalytic effect on the areas growth potential in the future. Accordingly, it's advantageous to undertake neighbourhood planning at this time.

The program and its future projects will be subject to an annual review, to confirm future priority areas and their sequence for neighbourhood planning.

#### Application of Neighbourhood Planning

It is acknowledged that planning and development matters can be complicated and neighbourhood planning is a beneficial process to help improve community understanding and engagement in the planning process. For this and other reasons, there is a risk that neighbourhood planning can be seen as the preferred community solution to all planning matters and related issues. This is not correct and it's important to recognise the neighbourhood planning process as part of a broader suite of potential planning responses to community and development issues.

ITEM 4.2 LAUNCH OF MBRC NEIGHBOURHOOD PLANNING PROGRAM - 61552990 (Cont.)

While many established/ existing (urban) neighbourhoods in the region would benefit from a neighbourhood planning process, it is important that the most appropriate and effective planning tool is used at the right time to address key planning issues being experienced in specific areas. The SPPM portfolio of work, outlines the breadth of planning related projects/ responses being undertaken across the region to address a variety of planning related concerns and improvements. The most appropriate planning response will depend on the core issue/s and drivers for the local area.

In summary, neighbourhood plans are not always the most appropriate tool for all planning related issues as they:

- Can take up to two years to develop and then require another 1-year to amend the planning scheme. For some planning matters this is simply too long a process; and
- Focus on locally specific matters. They are not a suitable response to planning matters that are or will affect the whole, or large portions of the region, or require a consistent regional policy response.

Kallangur Town Centre Improvement Strategy

Consideration has been given to the most appropriate strategy and approach for a 'Kallangur Town Centre Improvement Strategy'. It is recommended that the centre be considered as part of the Kallangur - Dakabin Neighbourhood Plan project referred to above.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

After the preparation of the Neighbourhood Plan, a statutory amendment to the planning scheme may be proposed. Any amendments to the planning scheme will follow the process under the Planning Act.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Through the preparation of the Neighbourhood Plan, Council will work closely with the relevant state agencies to ensure that state interests are appropriately considered.

3.4 Risk Management Implications

Management of expectations including prioritisation and what neighbourhood planning can and can't achieve will be important to the success of the program.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications

A project budget has been established to support the Neighbourhood Planning Program.

3.7 Economic Benefit Implications

The Neighbourhood Planning Program seeks to create neighbourhoods that provide housing choice and have strong movement connections with other areas. It also has the potential to improve economic outcomes through stimulating planned growth and change.

3.8 Environmental Implications

The Neighbourhood Planning Program seeks to create neighbourhoods that establish and support a healthy and resilient natural environment.

3.9 Social Implications

The Neighbourhood Planning Program seeks to create neighbourhoods that contain essential services and facilities, are walkable and safe, support active and healthy lifestyles and value and celebrate local identity and character. Council will work closely with the community in preparation of neighbourhood plans.

*ITEM 4.2 LAUNCH OF MBRC NEIGHBOURHOOD PLANNING PROGRAM - 61552990 (Cont.)*

3.10 Human Rights Implications

There are no known human rights implications arising as a result of this report. Community consultation will be undertaken at various stages in the preparation of neighbourhood plans.

3.11 Consultation / Communication

Public consultation will be undertaken at various stages in the preparation of a neighbourhood plan, such as an early values survey and seeking comment on the draft neighbourhood plan. Public consultation is also required as part of any future amendments to the planning scheme.

UNCONFIRMED

**ITEM 4.3**  
**OBJECTIVE KEYSTONE SOLE SUPPLIER**

*Meeting / Session:* 4 PLANNING  
*Reference:* 62102406 : 25 May 2021 : Refer **Confidential Supporting Information 62243034**  
*Responsible Officer:* AJ, Coordinator Planning Scheme (PL Strategic Planning & Place Making)

**Executive Summary**

Council procured a subscription to Objective Keystone (a software program for document development and production) from the Objective Corporation Limited (AUS) in mid-2011 for the purpose of preparing and maintaining the Moreton Bay Planning Scheme 2016 (the planning scheme) electronically. Since its commencement in 2016, Objective Keystone has been the only software program that has held the contents of the planning scheme and has been used for making amendments and publishing updated versions of the planning scheme.

The use of Objective Keystone for this purpose cannot be easily or practically supported by other programs within the timeframe required to support ongoing amendment processes and document publication.

It is recommended that a further subscription to Objective Keystone be obtained from Objective Corporation Limited (AUS) for the ongoing management of the planning scheme over the next three (3) year period.

**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Karl Winchester

CARRIED 11/0

1. That, in accordance with section 235(b) of the *Local Government Regulation 2012*, because of the specialised nature of the services sought it would be impractical or disadvantageous for Council to invite quotes or tenders for the services.
2. That Council enters into an agreement with Objective Corporation Limited (AUS) 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 Objective Corporation Limited (AUS) for the work specified in this report and any required variations of the agreement on Council's behalf.



ITEM 4.3 OBJECTIVE KEYSTONE SOLE SUPPLIER - 62102406 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That, in accordance with section 235(b) of the *Local Government Regulation 2012*, because of the specialised nature of the services sought it would be impractical or disadvantageous for Council to invite quotes or tenders for the services.
2. That Council enters into an agreement with Objective Corporation Limited (AUS) 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 Objective Corporation Limited (AUS) for the work specified in this report and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

The planning scheme is a statutory document that is regularly updated through statutory amendment processes. This requires a software program designed to manage the specific challenges and logistics associated with this.

There is a requirement under the *Planning Act 2016*, and *Planning Regulation 2017*, for Council to provide a copy of the planning scheme on Council's website. An eScheme platform, as opposed to traditional pdf based platforms, allows this to be easily uploaded and managed and for a user-friendly customer interface. The eScheme has been available on Council's website, supported by Objective Keystone, since the planning scheme's commencement in 2016. Without the support of this software, the eScheme would not be available.

Council initially engaged Objective Corporation Limited (AUS) under MBRC000006 to provide production software for the development and maintenance of the planning scheme document. A total of two (2) written quotes were obtained from two invited consultants and Objective Corporation Limited was the successful consultant.

In 2017 a further procurement process was undertaken through Vendor Panel, A total of two (2) written quotes were obtained from two invited consultants (Objective Corporation and TechnologyOne) and Objective Corporation Limited was successful and provision of the Objective Keystone software continued on a two (2) year subscription. In 2019, this was able to be extended until mid-2021.

Alongside this, MBRC invested in TechnologyOne software to provide an 'all systems' technology solution for Council which commenced formal roll-out in January 2021. Whilst Technology One has the capabilities to establish a software component, current estimates indicate this is likely to involve at least a two (2) year process to refine the existing available program into a suitable format. There is no simple way forward in TechnologyOne available now to support this.

The eScheme contains approximately 7,000 pages of content (if it were in a Microsoft Word format) and would take considerable work to re-build into another platform. There are no current features that support simple or automatic export/import of content. There are also considerable risks in transferring the contents of a statutory document.

A Briefing Note on the Councillor Portal was uploaded for the purpose of sharing information and providing advice/views to Council on the matter.

ITEM 4.3 OBJECTIVE KEYSTONE SOLE SUPPLIER - 62102406 (Cont.)

**2. Explanation of Item**

This report recommends Council enter into a contract with Objective Corporation Limited (AUS) to provide a subscription to the Objective Keystone program.

This is the most practical and efficient way to ensure that the planning scheme can be suitably maintained both online, and through future amendment processes. The Objective Keystone program has held the planning scheme for the past five (5) years and will be used to publish future amendments, including the current Caboolture West-NDP1 amendment that was recently on public notification.

The current subscription with Objective Keystone finishes on 30 June 2021. Introducing an alternative software program would increase Council's exposure to delays to programmed planning scheme amendments and risks to the integrity of the statutory document.

This also supports the principle of "value for money" for Council as it will provide a continuation of the current program for planning scheme amendments and planning scheme maintenance, whilst an alternative solution can be built in TechnologyOne (which Council has already separately procured).

At this point in time, it would not be possible for a software program other than Objective Keystone to be used for the planning scheme given that the eScheme would take considerable work to re-build into any other platform. It is not currently capable of export/import simply or automatically. In addition, a TechnologyOne solution requires considerable time to migrate the existing planning scheme into this product.

The project is significant to Council to ensure that future planning scheme amendments can occur without disruption. Accordingly, it is considered that it would be impractical or disadvantageous to seek quotes for an alternative subscription.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Under the *Local Government Regulation 2012*, the Procurement Policy 2150-006 notes that for all contracts exceeding \$200,000, it is necessary to conduct an open tender process, unless an exception is made in accordance with the *Local Government Regulation 2012*.

Section 235 of the *Local Government Regulation 2012* provides that Council can enter into a medium or large-sized contractual arrangement without first inviting written quotes or tenders if -

- (a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; or
- (b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

**3.2 Corporate Plan / Operational Plan**

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

**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*
- Local Preference Corporate Directive 2180-054

Procurement Policy 2150-006 notes that for all contracts exceeding \$200,000, it is necessary to conduct an open tender process, unless an exception is made in accordance with the *Local Government Regulation 2012*.



ITEM 4.3 OBJECTIVE KEYSTONE SOLE SUPPLIER - 62102406 (Cont.)

As stated above, under section 235(b) of the *Local Government Regulation 2012*, a local government may enter into a medium or large-sized contractual arrangement without first inviting written quotes or tenders if the local government resolves that, because of the specialised or confidential nature of the services sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

The objective of Local Preference Corporate Directive 2180-054 is to proactively support local business and industry to create jobs in the Moreton Bay region. A review of market providers in the region was unable to identify a local organisation that had the capability, experience and knowledge to provide this specialised software product.

3.4 Risk Management Implications

A transition arrangement of the planning scheme to an alternative software program would take considerable time and effort and present challenges with regard to the capacity and capability of the software to effectively manage the document and amendments. Introducing an alternative software program would increase Council's exposure to delays to programmed planning scheme amendments and risks to the integrity of a statutory document.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

The original contract for Objective Keystone provided by Objective Corporation Limited (AUS) was entered in on 1 July 2011 and has been extended approximately every two (2) years. The current contract expires on 30 June 2021.

The value of the extension of the contract is included in the Confidential Supporting Information#1 due to Commercial in Confidence considerations.

This total budget will be split across the current and new financial years and will be offset (where possible) by uncommitted funds.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Council has previously been consulted on the preparation of this report. The Corporate Procurement, Customer Systems and Information & Communication Technology teams were also consulted in preparation of this report.

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**5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION**

**(Cr M Gillam)**

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**ITEM 5.1**

**PROPERTY DISPOSAL - 46 SMITHS ROAD, CABOOLTURE**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 62095236 : 3 June 2021 - Refer Supporting Information 62169774 and  
**Confidential Supporting Information 61849858**  
*Responsible Officer:* AS, Manager Property Services (CES Property & Commercial Services)

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**Executive Summary**

The purpose of this report is to seek Council's approval to dispose of a property located at 46 Smiths Road, Caboolture (Division 3).

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**RESOLUTION**

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Moved by Cr Adam Hain

Seconded by Cr Matt Constance

**CARRIED 11/0**

1. That Council resolves to dispose of the property as described in this report in accordance with section 227 of the *Local Government Regulation 2012* at a value equal to or greater than a valuation obtained for the purpose.
2. That Council authorises the Chief Executive Officer to do all things reasonable and necessary to give effect to Recommendation 1.

ITEM 5.1 PROPERTY DISPOSAL - 46 SMITHS ROAD, CABOOLTURE - 62095236 (Cont.)

### OFFICER'S RECOMMENDATION

1. That Council resolves to dispose of the property as described in this report in accordance with section 227 of the *Local Government Regulation 2012* at a value equal to or greater than a valuation obtained for the purpose.
2. That Council authorises the Chief Executive Officer to do all things reasonable and necessary to give effect to Recommendation 1.

### **REPORT DETAIL**

#### **1. Background**

Council is the registered owner of a residential property located at 46 Smiths Road, Caboolture, Lot 66 on RP139648. An aerial map showing the location of the property is provided at *Supporting Information #1*.

At the General Meeting of Council held 27 February 2018, Council resolved to acquire the property, having identified that the property was required to facilitate an upgrade of the intersection of Smiths Road and Honeysuckle Street, Caboolture.

The following resolution appears on Minute Page 18/323 of the General Meeting of Council held 27 February 2018.

Ex Coordination Committee Meeting held 27 February 2018 (MP 18/430):

#### COMMITTEE RECOMMENDATION:

1. That the land described in this confidential report be acquired in accordance with Policy No. 12-2150-057 Resumption and Acquisition of Land.
2. That the Chief Executive Officer is authorised to do all things necessary to give effect to Recommendation 1.

The property was subsequently acquired whilst on-market.

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

Council acquired the property to facilitate an upgrade of the intersection of Smiths Road and Honeysuckle Street, Caboolture.

The intersection works have been completed, there are no further plans to upgrade the intersection and the property has now been confirmed as being surplus to Council's requirements.

Council has obtained an independent valuation for the property. A copy of the valuation dated 22 February 2021 is attached as *Confidential Supporting Information #1*.

#### **3. Strategic Implications**

##### 3.1 Legislative / Legal Implications

Council must comply with requirements of the *Local Government Act 2009* and section 227 of the *Local Government Regulation 2012* when it disposes of valuable non-current assets, including land.

##### 3.2 Corporate Plan / Operational Plan

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

ITEM 5.1 PROPERTY DISPOSAL - 46 SMITHS ROAD, CABOOLTURE - 62095236 (Cont.)

3.3 Policy Implications

There is no Council Policy which specifically deals with the disposal of land however, the provisions of the *Local Government Regulation 2012* apply.

3.4 Risk Management Implications

The primary risk is probity. The Council's Manager Property Services will oversee the sale process which will be conducted in accordance with the relevant legislation.

3.5 Delegated Authority Implications

As per Recommendation 2 of this report, it is proposed that the Chief Executive Officer be authorised to do all things reasonable and necessary to dispose of the property.

3.6 Financial Implications

Council will receive the full proceeds of the sale less any commission.

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human rights implications relevant to Council's decision.

3.11 Consultation / Communication

Integrated Transport Planning Department  
Cr Adam Hain (Division 3)

**ITEM 5.2  
COMMUNITY LEASE RENEWALS - JANUARY TO MAY 2021**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 62058733 : 1 June 2021  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

**Executive Summary**

This report provides Council with information regarding the community leases which have been approved for renewal under delegated authority to the Chief Executive Officer between 1 January and 31 May 2021.

**RESOLUTION**

**Moved by Cr Denise Sims (Deputy Mayor)**

**Seconded by Cr Mark Booth**

**CARRIED 11/0**

**That Council note the community lease renewals, as detailed in this report, which have been approved under delegated authority to the Chief Executive Officer (CEO-110) between 1 January 2021 to 31 May 2021.**

ITEM 5.2 COMMUNITY LEASE RENEWALS - JANUARY TO MAY 2021 - 62058733 (Cont.)

**OFFICER'S RECOMMENDATION**

That Council note the community lease renewals, as detailed in this report, which have been approved under delegated authority to the Chief Executive Officer (CEO-110) between 1 January 2021 to 31 May 2021.

**REPORT DETAIL**

**1. Background**

On 17 September 2019 at its General Meeting, Council adopted the Community Lease Renewals Policy Directive (No. 2160-024) under Council's Community Leasing Policy (No. 2150-079). Council further resolved to delegate its power to the Chief Executive Officer to:

- Approve the renewal of community leases under the terms and conditions of Council's Community Leasing Policy, when the renewal has been considered through the process detailed in Council's Community Lease Renewals Policy Directive, as amended from time to time; and
- Take all action necessary including but not limited to, negotiating, making, amending, signing and discharging renewed leases and any required variations of the leases on the Council's behalf.

This Community Lease Renewals Policy Directive sets out a six (6) stage process through which applications for lease renewals under Council's Community Leasing Policy are considered. Table 1 below provides an overview of these stages.

Table 1. Community lease renewal stages

No.	Stage	Detail
1.	Application for Renewal	Lessees seeking to have their tenure renewed with Council are required to submit a Lease Renewal Application Form.
2.	Officer Consultation	Upon receipt of the completed Lease Renewal Application Form, consultation with relevant internal stakeholders is undertaken to identify any relevant information that should be considered in the assessment and determination of the application.
3.	Assessment	Following the Officer Consultation stage, a qualitative assessment of the Lease Renewal Application is undertaken with consideration to various assessment criteria, and a recommendation formulated.
4.	Divisional Councillor Consultation	Following the formulation of a lease renewal recommendation, consultation is undertaken with the relevant Divisional Councillor(s) to seek feedback on the recommendation.
5.	Renewal Determination	Where both the officer's recommendation and the Divisional Councillor(s) support the Lease Renewal Application, the renewal is generally approved and issued under delegated authority to the Chief Executive Officer. However, where a major lease area amendment is proposed as part of the lease renewal, the matter is referred to a Council General Meeting for consideration and determination. Where either the Officer's recommendation or the Divisional Councillor(s) does not support the renewal of the subject lease, the matter is brought to a Council Briefing for discussion with Council. Any subsequent decision regarding the renewal is subject to a Council resolution at a General Meeting.
6.	Lessee Advice	Following the Renewal Determination stage, the lessee is informed regarding the outcome of their application by way of formal written correspondence.

ITEM 5.2 COMMUNITY LEASE RENEWALS - JANUARY TO MAY 2021 - 62058733 (Cont.)

**2. Explanation of Item**

In accordance with Council's Community Lease Renewals Policy Directive and the associated delegated authority to the Chief Executive Officer (CEO-110) the following community leases have been approved for renewal between 1 January and 31 May 2021. This report is provided to Council for noting purposes only.

Table 2. Community lease renewals approved during January - May 2021

Reference	Organisation	Location	Lease Renewal Term
TL1369	Bribie Island Netball Club Inc.	Bribie Island Sport Complex - 156 First Avenue, Bongaree (Division 1)	5 years
TL1598	Vietnam Veterans Association of Australia, Bribie Island and Districts Sub-Branch Inc.	Bribie Island Sport Complex - 156 First Avenue, Bongaree (Division 1)	5 years
TL0912	Burpengary Junior Rugby League Football Club Inc.	Burpengary Sports Complex - 101 Station Road, Burpengary (Division 2)	5 years
TL1365	Queensland Racing Pigeon Federation Incorporated (North Coast Pigeon Club)	Zammit Street Sportsgrounds - 55 Zammit Street, Deception Bay (Division 2)	5 years
TL1864	North Road Combine Inc.	Zammit Street Sportsground - 55 Zammit Street, Deception Bay (Division 2)	5 years
TL1366	Deception Bay Amateur Athletics Club Inc.	Zammit Street Sportsground - 55 Zammit Street, Deception Bay (Division 2)	5 years
TL1517	Caboolture Sports Club Limited	Devine Court Sportsgrounds - 36 Devine Court, Morayfield (Division 3)	5 years
TL1590	Caboolture Netball Association Inc	Caboolture Sports Complex - 15 Riverview Street, Caboolture (Division 3)	5 years
TL1358	Redcliffe Tigers AFC Inc.	Rothwell Park - 25A McGahey Street, Rothwell (Division 5)	3 years
TL1607	Queensland Racing Pigeon Federation Incorporated (Murrumba Invitational Racing Pigeon Club)	The Bay Youth and Sports Centre - 100 Maine Terrace, Deception Bay (Division 5)	5 years
TL1608	Historical Motorcycle Club of Queensland Incorporated	Lang Park - 24A Stanley Street, Strathpine (Division 8)	5 years
TL1459	Pine Hills Football Club Inc.	James Drysdale Reserve - 2 Pine Hills Drive, Bunya (Division 10)	5 years
TL1527	Playgroup Queensland Ltd	Camden Park - 2 Mitchell Street, Arana Hills (Division 10)	5 years
TL0236	Burpengary Equestrian Centre Inc.	Burpengary Equestrian Centre - 350A Rowley Road, Burpengary (Division 12)	5 years
TL1542	Morayfield Community Crafts Association Inc.	Morayfield Community Complex - 298 Morayfield Road, Morayfield (Division 12)	5 years
TL2593	Zonta Club of Caboolture Inc.	Morayfield Community Complex - 298 Morayfield Road, Morayfield (Division 12)	1 year

ITEM 5.2 COMMUNITY LEASE RENEWALS - JANUARY TO MAY 2021 - 62058733 (Cont.)

**3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan / Operational Plan  
Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

3.3 Policy Implications  
The terms and conditions of all renewed lease agreements will be in accordance with Council's Community Leasing Policy (2150-079).

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  
The renewal of community leases referred to in this report have been considered in accordance with Council's Community Lease Renewals Policy Directive (No. 2160-024) and approved under delegated authority to the Chief Executive Officer (No. CEO-110)

3.6 Financial Implications  Nil identified

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  
The issuing of the lease renewals detailed in this report will provide each organisation with facilities to support their continued operations.

3.10 Human Rights Implications  
Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human rights implications relevant to Council's decision.

3.11 Consultation / Communication  
Relevant Divisional Councillors;  
Relevant Council departments; and  
Community organisations as detailed in this report.



**ITEM 5.3  
SINGLE SUPPLIER CONTRACT BRIBIE ISLAND MEMORIAL GARDENS - ASHES  
PLACEMENT AND MAINTENANCE**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 62130046 : 18 May 2021  
*Responsible Officer:* TD, PUBLIC HEALTH AND PERMITS MANAGER (CES Customer Response Services)

**Executive Summary**

Under section 235(b) of the *Local Government Regulation 2012* (the 'LGR'), Council may enter into a medium-sized contractual arrangement without first inviting written quotes where Council resolves that, because of the specialised or confidential nature of the services being sought, it would be impractical or disadvantageous for Council to invite quotations.

This report seeks a resolution by Council that, due to the specialised nature of the ashes placement and maintenance services sought for the Bribie Island Memorial Gardens, it would be impractical and disadvantageous for Council to invite quotations for those services and that instead the Chief Executive Officer be authorised to, on behalf of Council, negotiate terms and extend the existing agreement between Council and The Lions Club of Bribie Island Inc. (the 'Lions Club') to provide those services for a further term of five years commencing on 1 July 2021.

**RESOLUTION**

Moved by Cr Brooke Savige

Seconded by Cr Jodie Shipway

CARRIED 11/0

1. That due to the specialised nature of the ashes placement and maintenance services sought for the Bribie Island Memorial Gardens, it would be impractical and disadvantageous for Council to invite quotes for those services.
2. That the Chief Executive Officer be authorised to, on behalf of Council, negotiate terms and extend the existing agreement between Council and the Lions Club, for the Lions Club to deliver ashes placement and grounds maintenance services for a further term of five years commencing on 1 July 2021.

*ITEM 5.3 SINGLE SUPPLIER CONTRACT BRIBIE ISLAND MEMORIAL GARDENS - ASHES PLACEMENT AND MAINTENANCE - 62130046 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That due to the specialised nature of the ashes placement and maintenance services sought for the Bribie Island Memorial Gardens, it would be impractical and disadvantageous for Council to invite quotes for those services.
2. That the Chief Executive Officer be authorised to, on behalf of Council, negotiate terms and extend the existing agreement between Council and the Lions Club, for the Lions Club to deliver ashes placement and grounds maintenance services for a further term of five years commencing on 1 July 2021.

**REPORT DETAIL**

**1. Background**

The Bribie Island Memorial Gardens are located at 100 First Avenue, Woorim. The site, which is designated as a Reserve for Cemetery, is owned by the Crown and held in trust by Council.

The Bribie Island Memorial Gardens opened in November 1990, construction of the Memorial Gardens was carried out by the Lions Club, while Council constructed the entrance road and carpark.

The Lions Club has since 1990, subsequently provided Council with services at the Bribie Island Memorial Garden including:

- placement of ashes in columbarium walls
- installation of plaques on columbarium walls and
- grounds maintenance.

Placement of ashes and installation of plaques are both specialist services which are not provided by other entities within the region other than Council.

The current agreement between Council and the Lions Club for these services will expire on 30 June 2021.

**2. Explanation of Item**

Extending the current agreement between Council and the Lions Club would be a medium-sized contractual arrangement as that term is defined under section 224(2) of the LGR.

Council cannot enter into a medium-sized contractual arrangement unless Council first invites written quotes for the contract.

An exception is that, under section 235(b) of the LGR, Council may enter into a medium-sized contractual arrangement without first inviting written quotes where Council resolves that, because of the specialised nature of the services that are sought, it would be impractical or disadvantageous for Council to invite quotes.

The Lions Club, since the opening of the Bribie Island Memorial Gardens in 1990, have developed a specialist knowledge of the ongoing maintenance and internment service requirements associated with the gardens.

Accordingly, it is officers opinion that it would be impractical and disadvantageous for Council to invite quotations for those specialist services and that Council should make use of the exception under section 235(b) of the LGR and authorise the Chief Executive Officer to negotiate terms and extend the existing agreement between Council and the Lions Club.

ITEM 5.3 SINGLE SUPPLIER CONTRACT BRIBIE ISLAND MEMORIAL GARDENS - ASHES PLACEMENT AND MAINTENANCE - 62130046 (Cont.)

The Lions Club, as a 'not for profit' community-based organisation, reinvest any payments received for the services into local community-based projects.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Section 235(b) of the LGR states that a local government may enter into a contractual arrangement without first inviting written quotes or tenders if the local government is satisfied that because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The endorsement of the contract is in accordance with Council's Procurement Policy 2150-006.

3.4 Risk Management Implications

The ongoing engagement with the Lions Club will enable the ongoing delivery of interment services at Bribe Island Memorial Gardens.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

The service will be undertaken utilising operational funds from within the Customer Response budget.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

Provides support for local communities and residents.

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (QLD)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human rights implications relevant to council decision.

3.11 Consultation / Communication

Legal Services provided input to this report.

**ITEM 5.4  
REGIONAL COMMUNITY PROJECT GRANT - SOUTH PINE SPORTS ASSOCIATION  
INC INDOOR CENTRE FIT-OUT**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 62045920 : 11 June 2021  
*Responsible Officer:* BA, Sport & Recreation Development Officer (CES Community Services, Sport & Recreation)

**Executive Summary**

The South Pine Sports Association Inc (SPSA) holds tenure over the South Pine Sports Complex located on South Pine Road, Brendale (Division 9). Included in the complex is the newly extended indoor centre which SPSA is responsible for managing.

SPSA has committed \$234,158 towards fixed assets and equipment (fit-out) integral to the successful activation of the centre by member clubs, State and National sporting bodies, the wider community (including local schools), and commercial entities. Considering SPSA's financial outlay for the centre fit-out, as well as its ongoing management responsibilities, it is recommended that Council makes a financial contribution in the amount of \$185,604 as a Regional Community Project Grant. The grant will support SPSA in the sustainable management and maintenance of the newly extended centre.

**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Sandra Ruck

CARRIED 11/0

1. That having taken into account the matters for consideration under Council's Community Grants Policy, Council considers that the SPSA contribution towards the fit-out costs associated with Council's extended South Pine Sports Complex Indoor Centre will deliver significant regional public benefits.
2. That subject to recommendation 3, Council provides a \$185,604 grant to South Pine Sports Association Inc. towards costs associated with the fit-out of Council's expanded South Pine Sport Complex Indoor Centre, as detailed in this report.
3. That the grant (referred to in recommendation 2) be provided under Council's Community Grants Policy as a Regional Community Project Grant.
4. That provision be made in Council's 2021/22 operational budget for the grant referred to in recommendation 2.
5. That Council enters into a funding agreement with South Pine Sports Association Inc. for costs associated with the fit-out of the Indoor Centre expansion.
6. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the funding agreement on Council's behalf, as described in this report.

*ITEM 5.4 REGIONAL COMMUNITY PROJECT GRANT - SOUTH PINE SPORTS ASSOCIATION INC INDOOR CENTRE FIT-OUT - 62045920 (Cont.)*

## **OFFICER'S RECOMMENDATION**

1. That having taken into account the matters for consideration under Council's Community Grants Policy, Council considers that the SPSA contribution towards the fit-out costs associated with Council's extended South Pine Sports Complex Indoor Centre will deliver significant regional public benefits.
2. That subject to recommendation 3, Council provides a \$185,604 grant to South Pine Sports Association Inc. towards costs associated with the fit-out of Council's expanded South Pine Sport Complex Indoor Centre, as detailed in this report.
3. That the grant (referred to in recommendation 2) be provided under Council's Community Grants Policy as a Regional Community Project Grant.
4. That provision be made in Council's 2021/22 operational budget for the grant referred to in recommendation 2.
5. That Council enters into a funding agreement with South Pine Sports Association Inc. for costs associated with the fit-out of the Indoor Centre expansion.
6. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the funding agreement on Council's behalf, as described in this report.

## **REPORT DETAIL**

### **1. Background**

The South Pine Sports Association Inc (SPSA) is a not-for-profit organisation managed by a voluntary Board of Management. SPSA has been the head lessee of the South Pine Sports Complex (SPSC) since 1996 and oversees the management of the complex, including its activation by SPSA, resident sporting clubs and other organisations.

Local government owned indoor centres are generally managed directly by Council employees or by an external party under a contract management arrangement. Considering the significant size of the multisport complex and recent embellishments to the SPSC Indoor Centre, the SPSA management model is considered to be relatively unique.

In recognition of the costs associated with managing a large complex, and the efficiencies gained by Council in SPSA's management of the 17 user groups, Council provides an annual contribution of \$40,000 to SPSA towards operational costs, maintenance and facility upgrades.

The Indoor Centre has recently undergone a \$16.5 million extension. The Council-funded project was completed in April 2021 and includes an additional three state of the art multipurpose courts (now five in total), accessible changerooms and amenities, club offices, kitchen/café facilities, five conference rooms and four multipurpose suites.

To support SPSA in the successful management of the extended centre, in 2020 Council and SPSA partnered to develop a business and marketing plan. The plan identified opportunities for a site manager to generate revenue through the community activation of conference rooms, court hire, events spaces, café and suites.

ITEM 5.4 REGIONAL COMMUNITY PROJECT GRANT - SOUTH PINE SPORTS ASSOCIATION INC INDOOR CENTRE FIT-OUT - 62045920 (Cont.)

**2. Explanation of Item**

As a result of strong fiscal management in recent years, the SPSA board has positioned the association to meet the fit-out costs of the Indoor Centre expansion, committing \$234,158 to fixed assets and equipment. However, to ensure SPSA remains in a strong financial position, is able to manage and maintain the facility, and can achieve strong growth in facility utilisation, a one-off financial contribution to SPSA of \$185,604 towards the fit-out costs may be considered by Council.

At the 29 April 2021 Council Briefing Session, Council officers discussed a proposal to provide a grant to SPSA in the amount of \$185,604 towards costs associated with the fit-out of the Indoor Centre. As an outcome of this briefing, the Chief Executive Officer noted that the matter would be brought to a future General Meeting for consideration by Council.

The below table identifies the fit-out costs associated with the Indoor Centre expansion, along with the recommended items which would be the subject of Council's contribution to SPSA. These items are all considered necessary to attract hirers to the venue and facilitate sport, event and conference activities.

Table 2.1 Fit-out costs and proposed SPSA reimbursement

Fit out item	Cost (Inc GST)	Council contribution to SPSA
Appliances for commercial kitchen	\$98,959	✓
Court scoreboard - additional side panels	\$9,667	✓
AV equipment for conference rooms	\$31,973	✓
Block out screens for conference rooms	\$11,299	✓
Sports Equipment - futsal goals & tie downs	\$19,223	✓
Parents, refs & compliance rooms – fridges & microwave	\$2,813	✓
Additional data rack space for equipment on old courts	\$6,381	✓
Wireless access point device - installation & protection	\$3,073	✓
Boardroom - additional electrical fit out & data points	\$2,216	✓
Hand dryers in public toilets	\$6,509	x
Court cleaning equipment - ride on machine	\$19,045	x
Kitchen fit out - crockery, cutlery, utensils	\$3,000	x
Meeting room furniture - 60 chairs & 13 tables	\$20,000	x
<b>Total</b>	<b>\$234,158</b>	<b>\$185,604</b>

Professional management of a large multi-sport complex with a five-court indoor centre requires the presence of paid staff to deliver the day-to-day operations of the facility and generate business through further activation. The contribution towards fit-out costs would support the SPSA voluntary Board of Management in resourcing a part-time site manager.

Under the provisions of the Community Grants Policy (No. 2150-030), Council may provide a Regional Community Project Grant to a community organisation where it determines there is significant regional public benefit in doing so. In determining if there is significant regional public benefit, Council is required to give consideration to the following:

- relevance of the proposed project to Council's vision for the Moreton Bay Region;
- alignment of the proposed project to the role and functions of Council including demonstrated economic, community, cultural, sporting or environmental benefits to the Moreton Bay Region;
- capacity of the community organisation to successfully deliver the proposed project;
- the community organisation's financial contribution to the project;
- availability of funds and value for money; and
- the specific circumstances associated with the need for Council support.



ITEM 5.4 REGIONAL COMMUNITY PROJECT GRANT - SOUTH PINE SPORTS ASSOCIATION INC INDOOR CENTRE FIT-OUT - 62045920 (Cont.)

Council officers have considered the appropriateness of providing a Regional Community Project Grant to SPSA towards the Indoor Centre fit-out costs as detailed in Table 2.1 above. This consideration included an assessment of the regional public benefits expected from the Indoor Centre fit-out and the eligibility of the proposal under Council’s Community Grants Policy. Table 2.2 below provides an overview of the assessment findings.

Table 2.2 - Officer’s Assessment

<p><b>Organisational eligibility</b></p>	<p>The SPSA is an eligible not for profit community organisation based within the Moreton Bay region and provides significant services/activities that benefit residents of the region. These community / public benefits are facilitated through the management of the Indoor Centre on behalf of Council and provision of facilities and conference rooms that support local sport and recreation activities, events and conferences.</p>
<p><b>Relevance of the project to Council’s vision for the region</b></p>	<p>The project aligns with Council’s vision for ‘A thriving region of opportunity where our communities enjoy a vibrant lifestyle’.</p> <p>Specifically, the project responds to the ‘Strengthening Communities’ and ‘Valuing Lifestyle’ pillars through the provision of a regional standard sport and recreation facility that creates opportunities for residents and visitors to live a healthy and active lifestyle.</p>
<p><b>Alignment of the project to the role and functions of Council including demonstrated economic, community, cultural, sporting or environmental benefits to the Moreton Bay Region</b></p>	<p>The project strongly aligns with the role and function of Council in providing quality sport and recreation facilities and supporting community organisations in their delivery of services to the community.</p> <p>The fit-out of the indoor centre provides essential items to operate the centre to a high standard and service community stakeholders. The provision of a professional and well serviced centre will ensure facilities are suitable for use and generate revenue for reinvestment in the facility.</p> <p>Further, the fit-out of the Indoor Centre provides suitable spaces for local, state and national sport and recreation events/fixtures and conferences.</p>
<p><b>Capacity of the organisation to deliver the project</b></p>	<p>SPSA has demonstrated their capacity to deliver the project and manage the expanded Indoor Centre for the benefit of the community and Council.</p>
<p><b>The community organisation’s financial contribution to the project</b></p>	<p>In addition to their ongoing investment in the management and activations of the Indoor Centre, SPSA will also make a direct financial contribution of \$48,554 towards the fit-out costs.</p>
<p><b>Availability of funds and value for money</b></p>	<p>Sufficient funds are currently available within Council’s 2020/21 operational budget for the proposed grant. However, with consideration to the timing of this report, these funds will be unable to be utilised to fund the grant prior to the end of the financial year, and accordingly will be returned to Council as unspent.</p> <p>Should Council support the recommendations of this report, funds in the amount of \$185,604 will need to be provided in</p>

ITEM 5.4 REGIONAL COMMUNITY PROJECT GRANT - SOUTH PINE SPORTS ASSOCIATION INC INDOOR CENTRE FIT-OUT - 62045920 (Cont.)

	the 2021/22 operational budget through Council's Quarter 1 Budget Review process.
<b>The specific circumstances associated with the need for Council support</b>	The provision of the proposed Regional Community Project Grant will further support SPSA to remain financially sustainable and suitably positioned to manage and activate the centre on Council's behalf.

With consideration to the significant regional public benefits associated with the fit-out of the Indoor Centre and SPSA's ongoing management of the facility, it is considered appropriate that Council provide a Regional Community Project Grant SPSA in the amount of \$185,604.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Council's Community Grants programs are administered in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Healthy and Supportive Communities - a healthy and inclusive community.

3.3 Policy Implications

The Regional Community Project Grant proposed by this report will be provided in accordance with Council's Community Grants Policy (No.2150-030).

3.4 Risk Management Implications

Nil identified

3.5 Delegated Authority Implications

As per Officer's Recommendation 6 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the funding agreement between Council and the South Pine Sports Association.

3.6 Financial Implications

Sufficient funds (\$185,604) for the proposed Regional Community Project Grant are available within Council's existing 2020/21 Community Services, Sport and Recreation operational budget (20355.002.22041). However, due to the timing of this report, the proposed grant funds will be unable to be expended prior to the end of the 2020/21 financial year and will be returned to Council as unspent.

Accordingly, Council will be required to make provision for the \$185,604 Regional Community Project Grant in its 2021/22 operational budget through the Quarter 1 Budget Review process.

3.7 Economic Benefit Implications

Once operating at optimal levels, the Indoor Centre will drive significant economic benefits for the region through State and National sporting events, conferences and trade events.

3.8 Environmental Implications

Nil identified



ITEM 5.4 REGIONAL COMMUNITY PROJECT GRANT - SOUTH PINE SPORTS ASSOCIATION INC INDOOR CENTRE FIT-OUT - 62045920 (Cont.)

3.9 Social Implications

As detailed in Table 2.2 of this report, the provision and activation of a suitable and well-equipped indoor centre at SPSC will result in significant regional community / public benefits.

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human rights implications relevant to Council's decision.

3.11 Consultation / Communication

- All Councillors - Council Briefing, 29 April 2021
- Relevant Council departments
- South Pine Sports Association Inc

UNCONFIRMED

**ITEM 5.5**  
**NEW LEASE - BEACHMERE COMMUNITY GARDEN INC.**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 62176826 : 18 May 2021 - **Refer Supporting Information 62176824**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

**Executive Summary**

This report seeks Council's approval for the provision of a lease to Beachmere Community Garden Inc. at Clayton Park, 10 Biggs Avenue, Beachmere (Division 2), (refer Supporting Information #1) for the establishment of a community garden.

**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Darren Grimwade

CARRIED 11/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Beachmere Community Garden Inc. be granted a lease over an area at 10 Biggs Avenue, Beachmere (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. 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 5.5 NEW LEASE - BEACHMERE COMMUNITY GARDEN INC. - 62176826 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Beachmere Community Garden Inc. be granted a lease over an area at 10 Biggs Avenue, Beachmere (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. 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.

## **REPORT DETAIL**

### **1. Background**

Beachmere Community Garden Inc. (the Organisation) became incorporated in late 2020, with the objective of creating an accessible community garden where residents can grow plants and produce and partake in various community education initiatives. As a newly established organisation, Beachmere Community Garden Inc. currently has a small membership base, however given the emergent popularity of community gardening and food security initiatives, membership is projected to increase following the establishment of a garden space.

The Organisation has lodged a tenure application to seek Council approval to construct a community garden adjacent to the Beachmere Community Hub building (refer Supporting Information #1), at Clayton Park Beachmere. The proposed community garden would include plants for both food production as well as use for sensory and educational purposes.

Over the past months, Council officers from Parks and Recreation Planning department and Community Services, Sport and Recreation department have worked with the Organisation on the development of their community garden and related tenure proposals. This has included undertaking consultation with various internal stakeholders and the community organisations located directly adjacent to the proposed community garden site.

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

Council's Parks and Recreation Planning and Community Services, Sport and Recreation departments have finalised their assessment of the Organisation's tenure application for a community garden adjacent to the Beachmere Community Hub building (Refer Supporting Information #1) at Clayton Park Beachmere. The assessment has determined that the proposal:

- is considered an appropriate community and recreational use for the park;
- would not compromise community access to the park; and
- would not constrain Council's future embellishment of park and/or community facilities in the area.

Subject to Council's approval of the recommendations in this report, the proposed establishment of a community garden by the Organisation in this location, is supported. Accordingly, this report recommends that Council grant a lease to Beachmere Community Garden Inc., under the terms and conditions of Council's Community Leasing Policy, over the area identified in Supporting Information #1, for a period of five years.

ITEM 5.5 NEW LEASE - BEACHMERE COMMUNITY GARDEN INC. - 62176826 (Cont.)

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

The Council must comply with the *Local Government Act 2009* and the *Local Government Regulation 2012* when it disposes of valuable non-current assets. In accordance with section 224(6) of the Regulation, the disposal of a valuable non-current asset includes the disposal of all or any part of an interest in the asset (for example the grant of a lease over land or a building).

Section 236(2) of the Regulation provides that the exception in section 236(1)(b)(ii) of the Regulation applies only if the Council has decided by resolution that it may apply. By resolving that the exception applies, Council can dispose of the land and buildings (via a lease to a community organisation) other than by tender or auction. The organisation identified in this report is a community organisation for the purposes of the Regulation.

**3.2 Corporate Plan / Operational Plan**

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

**3.3 Policy Implications**

The terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (2150-079).

**3.4 Risk Management Implications**  Nil identified

**3.5 Delegated Authority Implications**

As per Officer's Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

**3.6 Financial Implications**  Nil identified

**3.7 Economic Benefit Implications**  Nil identified

**3.8 Environmental Implications**  Nil identified

**3.9 Social Implications**

The issuing of a lease to Beachmere Community Garden Inc. will provide the organisation with access to land for the establishment of a community garden.

**3.10 Human Rights Implications**

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human rights implications relevant to this report.

**3.11 Consultation / Communication**

Councillor Mark Booth (Division 2);  
Relevant Council Departments;  
Beachmere Community Garden Inc.;  
Beachmere Area Network Group Inc.; and  
Beachmere Community Lawn Bowls Club Inc.

**ITEM 5.6**  
**PROPOSED LEASE - TENANCY G, 199 GYMPIE ROAD, STRATHPINE**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 62056162 : 11 June 2021 - Refer Supporting Information 62056165 and  
**Confidential Supporting Information 62056182**  
*Responsible Officer:* AS, Manager Property Services (CES Property & Commercial Services)

**Executive Summary**

This report seeks Council's approval to grant a lease, on the terms outlined in this report, for Tenancy G, Ground Level, 199 Gympie Road, Strathpine (Division 8) to Sarina Russo Job Access (Australia) Pty Limited ACN 090 052 350.

**RESOLUTION**

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Jodie Shipway

CARRIED 11/0

1. That the grant of a lease for Tenancy G, Ground Level, 199 Gympie Road, Strathpine be approved on the terms outlined in this report.
2. That the exception contained in the Local Government Regulation 2012, s236(1)(c)(iii) apply to the Council on the disposal of the property referred to in Recommendation 1.
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 5.6 PROPOSED LEASE - TENANCY G, 199 GYMPIE ROAD, STRATHPINE - 62056162 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the grant of a lease for Tenancy G, Ground Level, 199 Gympie Road, Strathpine be approved on the terms outlined in this report.
2. That the exception contained in the Local Government Regulation 2012, s236(1)(c)(iii) apply to the Council on the disposal of the property referred to in Recommendation 1.
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.

**REPORT DETAIL**

**1. Background**

Sarina Russo Job Access (Australia) Pty Limited ACN 090 052 350 (*Sarina Russo*) is an existing tenant of the premises and has occupied the space since 2009.

Sarina Russo has submitted an offer to enter into a new lease for Tenancy G, Ground Level, 199 Gympie Road, Strathpine. An indicative plan of the Tenancy G lease area is attached (*refer Supporting Information #1 and #2*). The core terms of the new lease are attached (*refer Confidential Supporting Information #1*).

**2. Explanation of Item**

Sarina Russo has submitted an offer to enter into a new lease for Tenancy G, Ground Level, 199 Gympie Road, Strathpine, in which she is the existing tenant.

Council must comply with the Local Government Act 2009 ("the Act") and the Local Government Regulation 2012 ("the Regulation") when it disposes of valuable non-current assets, including leases of land.

Section s236(1)(c)(iii) of the Regulation allows Council to dispose of a valuable non-current asset other than by tender or auction if the disposal is for the purpose of renewing the lease of land to the existing tenant of the land. Council may only dispose of a valuable non-current asset in this way if the consideration for the disposal would be equal to or more than the market value of the land or the interest in land and, before the disposal, Council resolves that the exception in section 236(1)(c)(iii) of the Regulation applies.

Council's Registered Valuer and commercial agents have been consulted regarding Sarina Russo's offer of rent for Tenancy G, Ground Level, prior to Council agreeing to terms for a new lease. Council's contractors confirmed the rental rate represented fair market value for Tenancy G, Ground Level.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Council may dispose of a valuable non-current asset, other than by tender or auction if it is able to rely on an exception contained in section 236 of the Regulation. In the present case, officers recommend that Council relies on the exception contained in section s236(1)(c)(iii) of the Regulation to grant the lease outlined in this report.

**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

ITEM 5.6 PROPOSED LEASE - TENANCY G, 199 GYMPIE ROAD, STRATHPINE - 62056162 (Cont.)

3.5 Delegated Authority Implications

As per Recommendation 3 of this report, it is proposed 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.

3.6 Financial Implications

The term of the lease and the associated rental details are as per *Confidential Supporting Information #1*.

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that Council's decision in this circumstance (if it reflects the officer's recommendation) is compatible with (and does not limit) a person's human rights.

3.11 Consultation / Communication

Legal Services

**ATTENDANCE**

Mr Mark McCormack attended the meeting at 10.35am for discussion on Item 5.7.

**ITEM 5.7  
REDCLIFFE SHOWGROUNDS CARPARK**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* 62315553 : 18 June 2021 - **Refer Supporting Information 62315618 Refer Confidential Supporting Information 62315661, 62315686, 62315704, 62315727, 62315742, 62315786**  
*Responsible Officer:* MM, Manager - Community services, Sport and Recreation (CES Community Services, Sport & Recreation)

**Executive Summary**

In the 2018/19 financial year, the Queensland Government Department of Health (Queensland Health) constructed a bitumen carpark at the Redcliffe Showgrounds (*refer Supporting Information #1*) for temporary use by Redcliffe Hospital staff during the construction of the new Redcliffe Hospital multistorey carpark. The costs associated with the construction were approximately \$400,000 and were funded by the Queensland Government.

Following the opening of the Redcliffe Hospital multistorey carpark in September of 2020, the approved use of the carpark for Redcliffe Hospital staff parking ceased in accordance with the sub-lease agreement between Queensland Health and the Redcliffe Agricultural and Horticultural Society (lessee of the Redcliffe Showgrounds).

Since October 2020, Council, as the lawful owner of the asset, has been in discussions with the Redcliffe Agricultural and Horticultural Society (Show Society), Queensland Health and other community and site stakeholders regarding the future of the bitumen carpark. In addition to these discussions, Council has received representations from several stakeholders, some strongly advocating for the retainment of the carpark, and others for the removal of the carpark.

Under the sub-lease agreement between Queensland Health and the Show Society (*refer Confidential Supporting Information #2*) which governed the initial construction of the carpark, there is provision for Queensland Health to undertake the removal of the bitumen surface and return the area to grassed open space. It is estimated that the cost of these works would be approximately \$100,000 and would be the responsibility of Queensland Health to fund.

Queensland Health has recently advised Council that a decision regarding whether the carpark is to be retained or removed, is required by 30 June 2021. Accordingly, this report details the core considerations and impacts associated with this decision, the various options for Council's consideration and the recommendations of Council officers.

**RESOLUTION**

**Moved by Cr Karl Winchester**

**Seconded by Cr Adam Hain**

**CARRIED 10/1**

*Cr Mark Booth voted against the motion*

1. That Council adopts Option 3 as detailed in Table 2.1 of this report, being partial retainment of not less than 50% of the car parking spaces.
2. That pursuant to section 257 of the Local Government Act 2009, Council delegates to the Chief Executive Officer the authority to take all action necessary including, but not limited to, determining the design and portion of the carpark area to be retained, on the basis that the retained area yields not less than 50% of the car parking spaces currently provided.
3. That Queensland Health and the Redcliffe Show Society be advised of Council's decision prior to 30 June 2021.



ITEM 5.7 REDCLIFFE SHOWGROUNDS CARPARK - 62315553 (Cont.)

## OFFICER'S RECOMMENDATION

1. That Council retains the carpark constructed by Queensland Health at the Redcliffe Showgrounds, either in part or in full.
2. That Council adopts its preferred retainment option as detailed in Table 2.1 of this report, either:
  - a) Option 1 - Full retainment; or
  - b) Option 2 - Partial retainment of approximately 33% of the car parking spaces; or
  - c) Option 3 - Partial retainment of not less than 50% of the car parking spaces.
3. Should Council resolve to adopt Option 2 or 3, that pursuant to section 257 of the Local Government Act 2009, Council delegates to the Chief Executive Officer the authority to take all action necessary including, but not limited to, determining the design and portion of the carpark area to be retained.

## **REPORT DETAIL**

### **1. Background**

The Redcliffe Showgrounds is 14.6 ha and located at 1 Lamington Drive, Redcliffe (*refer Supporting Information #1*). The land is owned by the Queensland Government and provided to Council in trust, with a reserve purpose of 'Showgrounds Reserve'. The site has long been managed and activated by the Redcliffe Show Society under a trustee lease (lease) agreement with Council.

The Redcliffe Showgrounds is located in close proximity to the Redcliffe Activity Centre and performs a key role as a community and events precinct for the Redcliffe Peninsula, and broader Moreton Bay region. The site is also home to various community groups and events / activities, including but not limited to the Show Society and the annual Redcliffe Show.

In mid-2018, Queensland Health approached Council seeking its support to utilise the Redcliffe Showgrounds for the construction of a bitumen carpark for temporary use by Redcliffe Hospital staff during the construction of the new multistorey carpark at the Redcliffe Hospital.

Following approval from the Queensland Government Department of Resources, Council and the Show Society, Queensland Health entered into a sub-lease (Agreement) with the Show Society (as the head-lessee for the site) in September 2018 for the construction of a 264 space bitumen carpark in the North-West corner of the Showgrounds reserve (*refer Supporting Information #1*). The carpark was subsequently constructed by Queensland Health at a cost of approximately \$400,000 to the Queensland Government.

In addition to providing Queensland Health with use of the carpark throughout the term of the Agreement, the Agreement (*refer Confidential Supporting Information #2*) also made provision for Queensland Health to remove the carpark and return the site to grassed open space once the use had ceased. The estimated costs associated with Queensland Health removing the carpark and remediating the site is approximately \$100,000.

Following the conclusion of Queensland Health's use of the carpark in September 2018, the Show Society called a Special General Meeting on 8 September 2020 to consider whether the carpark should be removed, and the site returned to grassed open space, or whether it should be retained for ongoing use associated with the Showgrounds operations. At this meeting, it was resolved by the Show Society that the carpark should be removed by Queensland Health.

Under the lease agreement between Council and the Show Society, all fixed improvements on the site are considered Council assets and can only be removed with Council's express consent to do so. This position has been confirmed by Council's Legal Services department and acknowledged by Queensland Health (*refer Confidential Supporting Information #3*).

ITEM 5.7 REDCLIFFE SHOWGROUNDS CARPARK - 62315553 (Cont.)

From 10 September 2020, Council commenced receiving representations from various site stakeholders seeking for the carpark to be retained for: ongoing use as a hardstand events area; carparking for events and activities occurring on the Showgrounds; and overflow car parking for major events occurring on the Redcliffe Peninsula.

At its 7 October 2020 General Meeting, Council passed a resolution requesting that Council officers work with the Show Society to retain the carpark for the benefit of the Showgrounds and the broader community, and for the outcome to be reported back to Council. The following resolution appears on minute page 20/1788 of Council's 7 October 2020 General Meeting.

RESOLUTION

1. That Council recognise the Redcliffe Showgrounds as an important community and events precinct for the region.
2. That Council officers work with the Redcliffe Agricultural and Industrial Society (Redcliffe Show Society) to retain the car park built by Queensland Health for the expansion of the Redcliffe Hospital at a considerable cost to taxpayers, for the benefit of the Showgrounds and the broader community and that the outcome be reported back to Council.

Since this resolution of Council, officers have extensively liaised and corresponded with the Redcliffe Show Society regarding its concerns associated with the proposed retainment of the carpark, however agreement is yet to be reached between the two parties. Key communications dated 28 January 2021, 5 February 2021, and 12 May 2021 between Council and the Redcliffe Show Society are provided in *Confidential Supporting Information #4, #5 and #6*. This series of communications encapsulates the key points of consideration expressed by the Redcliffe Show Society regarding the retainment, or otherwise, of the carpark. Further, the correspondence advises Council that the Redcliffe Show Society were unaware that Council would ultimately be responsible for determining whether the carpark was to be retained or removed, and that if they were, its Committee would likely have never agreed to the carpark being installed by Queensland Health.

In addition to communications between Council, Redcliffe Show Society and other stakeholders, on 9 and 10 March 2021, Moreton Daily and the Redcliffe and Bayside Herald undertook online polls to canvas community views on whether the carpark should be removed or retained. The results from these polls can be viewed on the Facebook social media sites of Moreton Daily and the Redcliffe and Bayside Herald.

On 24 March and 16 June 2021, Council Briefings were undertaken for the purposes of providing updates to Council on communications between the relevant parties, and to seek Council's views on the various options available. In accordance with Council's decision-making framework, extracts from the minutes of each briefing are provided below.

24 MARCH 2021 COUNCIL BRIEFING NO. 8 - SHOW SOCIETY

The CEO noted the way forward:

- Support for carpark located on site at Redcliffe Showgrounds to be retained;
- Council officers to make contact with the Redcliffe Show Society to provide them with an update of discussions from today's Council Briefing Session;
- Council to outline to Show Society the intended use/s for the said car park moving forward;
- A report to come to a future Council Meeting for consideration to adopt retaining the carpark at the Redcliffe Showgrounds site.

ITEM 5.7 REDCLIFFE SHOWGROUNDS CARPARK - 62315553 (Cont.)

16 JUNE 2021 COUNCIL BRIEFING NO. 8 - REDCLIFFE SHOWGROUNDS CARPARK
The CEO noted the way forward:
<ul style="list-style-type: none"> <li>A detailed report to be brought to the 23 June 2021 Council Meeting to determine whether the Redcliffe Showgrounds carpark should be retained.</li> </ul>

In early June 2021, Queensland Health advised Council that, as the asset owner and decision making authority, Council must determine by 30 June 2021 whether the carpark is to be retained or removed. Should such advice not be provided to Queensland Health by this date, Queensland Health have advised that a budgetary allocation for the carpark removal works and site remediation may no longer be available. Accordingly, this report details a series of options related to the future of the carpark and seeks Council's direction prior to this deadline.

**2. Explanation of Item**

Since September 2020, Council officers have liaised, corresponded and worked with the Redcliffe Show Society, Queensland Health and various other site stakeholders to gain a comprehensive understanding of the various views associated with the proposed retainment of the Redcliffe Showgrounds carpark. However, to-date, agreement as to whether the carpark should remain, or be removed has not been achieved.

Emerging from the various stakeholder communications and officer investigations are four predominant options for the Redcliffe Showgrounds carpark. These options are detailed in Table 2.1 below, along with an assessment of the various stakeholder impacts and considerations for Council.

Table 2.1 Options, impacts and considerations

No.	Option	Impacts and consideration
1.	Full retainment of the carpark	<p>As a key events precinct for the Redcliffe Peninsula, the Redcliffe Showgrounds plays host to many significant community events and activities each year, including, but not limited to the annual Redcliffe Show.</p> <p>In addition to hosting events, the Redcliffe Showgrounds also performs a key function as an overflow car parking area for other major events occurring across the Redcliffe Peninsula (eg. Redcliffe Kite Fest).</p> <p>If the carpark was to be retained in full, the continued availability of a 264 space carpark is considered to be of significant value as:</p> <ul style="list-style-type: none"> <li>All-weather car parking for major events occurring across the Redcliffe Peninsula;</li> <li>An all-weather hardstand area for events and activities occurring at the Redcliffe Showgrounds; and</li> <li>An all-weather carparking area for events and activities occurring at the Redcliffe Showgrounds.</li> </ul> <p>As detailed in the correspondence provided in <i>Confidential Supporting Information #5 and 6</i>, the Show Society does not support this option and has cited various concerns associated with ongoing use of the carpark and impacts for the annual Redcliffe Show. However, representations received from other site stakeholders and viewpoints expressed through the recent community polls undertaken by Moreton Daily and Redcliffe and Bayside Herald suggest a level of community support for full retainment of the carpark.</p> <p>Should Council choose to support this option, it is acknowledged that the Redcliffe Show Society may be required to make a number of modifications to the configuration of its annual Redcliffe Show. These are likely to be similar to the modifications made for the 2021 Redcliffe Show, which will be conducted with the 264 space car park in situ.</p>

ITEM 5.7 REDCLIFFE SHOWGROUNDS CARPARK - 62315553 (Cont.)

No.	Option	Impacts and consideration
		<p>In addition, given the size and cost of the carpark asset, it is not considered reasonable for the Redcliffe Show Society to be required to undertake routine maintenance and/or future renewal of the asset. Accordingly, Council has agreed to assume all maintenance and renewal costs associated with the carpark, should it be retained.</p>
2.	<p>Retainment of approximately 33% of the carparking spaces</p>	<p>In correspondence from the Redcliffe Show Society dated 12 May 2021 (<i>refer Confidential Supporting Information #6</i>), an option to retain approximately one third (approx. 90 spaces) of the carpark and return the balance to grassed open space was proposed to Council. The plans detailing this proposal, as submitted by the Show Society, are provided as attachments to the above mentioned correspondence.</p> <p>Officers have considered this proposal and are of the view that whilst retainment of 90 sealed parking spaces would still add value to the operations of the Redcliffe Showgrounds precinct and support overflow parking for major events, a greater yield of at least 50% of the sealed parking spaces would be preferable. Further, the configuration of the retained car parks, as detailed in the plans, is considered sub-optimal from a carpark design perspective.</p>
3.	<p>Retainment of at least 50% of the carparking spaces</p>	<p>Should Council be supportive of a partial retainment of the carpark, an alternative option, developed in consultation with Council's Integrated Transport Planning and Design department, is provided in <i>Confidential Supporting Information #7</i>. This option is considered to:</p> <ul style="list-style-type: none"> <li>• maximise the retained yield of the carpark, with approximately 144 spaces retained;</li> <li>• better support traffic flows within the remaining carpark space; and</li> <li>• reduce the bitumen removal and site remediation costs for Queensland Health.</li> </ul> <p>Retainment of at least 50% of the carpark is considered by officers to be the preferred partial retainment option, as it will provide a larger quantum of all-weather sealed parking spaces, as well as a larger hardstand area for event activations.</p> <p>It should be noted that this partial retainment option has not yet been canvassed with the Redcliffe Show Society. It is envisaged however that, if supported, the Show Society may still be required to make modifications to the configuration to its annual Redcliffe Show.</p>
4.	<p>Full removal of the carpark</p>	<p>As originally resolved by the Redcliffe Show Society, Council may choose to direct Queensland Health to remove the entire carpark and return the area to grassed open space.</p> <p>As detailed above and in <i>Confidential Supporting Information # 5 and 6</i> of this report, a decision to remove the carpark in its entirety would be consistent with the 8 September 2020 Special General Meeting resolution of the Redcliffe Show Society, and would:</p> <ul style="list-style-type: none"> <li>• enable the Show Society to return the configuration of the annual Redcliffe Show to that which was in-place prior to the construction of the carpark; and</li> <li>• provide grassed open space within the Showgrounds for community and event uses which are unable to be undertaken on a sealed surface.</li> </ul>

ITEM 5.7 REDCLIFFE SHOWGROUNDS CARPARK - 62315553 (Cont.)

No.	Option	Impacts and consideration
		However, it should also be noted that, in the opinion of Council officers, the full removal of the carpark would reduce the area's suitability for event related car parking, particularly when the area is impacted by wet weather.

With consideration to the important role of the Redcliffe Showgrounds as an events precinct within the region, and the value of the carpark asset constructed by Queensland Health, it is recommended that Council resolve to retain the carpark, either partially, or in full (Options 1, 2 or 3).

Should Council choose to support Option 2 (Partial retainment of approximately 33% of the carparking spaces) or Option 3 (Partial retainment of not less than 50% of the carparking spaces), it would be recommended that Council further resolve to delegate authority to the Chief Executive Officer to determine the design and portion of the carpark to be retained. This delegation would be on the basis that the remaining yield be approximately 33% of the car parking spaces currently provided in respect of Option 2, and not less than 50% of the car parking spaces currently provided in respect of Option 3.

**3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan / Operational Plan  
Valuing Lifestyle: Diverse transport options - an integrated regional transport network.

3.3 Policy Implications  
Under the provisions of Council's Community Leasing Policy (2150-079), lessees are required to seek the consent of Council (as lessor) prior to undertaking any works on Council land (inclusive of land for which Council is trustee). Accordingly, Council is required to determine whether the removal of the Redcliffe Showgrounds carpark, whether in part or in full, as proposed by the Redcliffe Show Society, is supported.

3.4 Risk Management Implications  
In correspondence received by Council from the Show Society (*refer Confidential Supporting Information #5 and 6*), a number of concerns associated with the operation of show rides and other uses of the bitumen surface have been raised.

Council officers have investigated the issues raised, and whilst it is acknowledged that modifications may be required to the configuration of the annual Redcliffe Show and some other operations, these issues are not considered insurmountable for the Show Society to overcome.

3.5 Delegated Authority Implications  
Should Option 2 or 3, as detailed in Table 2.1, be supported by Council, it is recommended that pursuant to section 257 of the Local Government Act 2009, Council delegates to the Chief Executive Officer the authority to take all action necessary including, but not limited to, determining the design and portion of the carpark area to be retained, on the basis that the retained area yields:

- a) Approximately 33% of the car parks currently provided in respect of Option 2; and
- b) Not less than 50% of the car parks currently provided in respect of Option 3.

3.6 Financial Implications  
Should Council support Option 4 as detailed in Table 2.1 of this report, Queensland Health will be required to remove the carpark in full and return the area to grassed open space. The cost of these works have been estimated by Queensland Health to be approximately \$100,000.

Should Council support Options 1, 2 or 3 as detailed in Table 2.1 of this report, the following financial implications are anticipated:

- Cost savings for Queensland Health would be achieved up to a maximum of \$100,000;



ITEM 5.7 REDCLIFFE SHOWGROUNDS CARPARK - 62315553 (Cont.)

- Council would be required to undertake annual maintenance on the retained carpark asset. The cost of this maintenance has been estimated by Council's Operations department to be approximately \$1,000 per annum; and
- Council would be required to undertake resealing of the carpark in approximately 10 years. The cost of this resealing has been estimated by Council's Operations Department to be approximately \$40,000.

3.7 Economic Benefit Implications

As a key events precinct within the region, the Redcliffe Showgrounds attracts various events and activities each year that generate economic activity and benefits.

The retainment of the carpark, whether in part or in full, will provide a hardstand event space offering that would otherwise be unavailable in the Showgrounds precinct. Whilst not market tested, it is anticipated that such an offering would likely be of interest to event organisers and may stimulate further event bookings at the Showgrounds.

3.8 Environmental Implications  Nil identified

3.9 Social Implications

Retainment of the Redcliffe Showgrounds carpark, whether in part or in full, will diversify the Redcliffe Showgrounds infrastructure offerings for existing and future user groups.

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication  
External

- Queensland Government Department of Health (Queensland Health)
- Queensland Government Department of Resources
- Redcliffe Show Society
- Various Redcliffe Showgrounds site stakeholders

Internal

- Council Briefings - 24 March 2021 and 16 June 2021
- Legal Services department
- Operations department
- Community Services, Sport and Recreation department
- Integrated Transport Planning and Design department
- Strategy and Engagement department

## ATTENDANCE

Mr Mark McCormack left the meeting at 11.08am following consideration on Item 5.7.

## ADJOURNMENT

The meeting adjourned at 11.08am for morning tea.

The meeting resumed at 11.28am.

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**6 FINANCE & CORPORATE SERVICES SESSION**

**(Cr M Constance)**

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**ITEM 6.1  
CHAPLAINCY PROGRAM**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* 62180667 : 6 May 2021  
*Responsible Officer:* DG, Director Finance and Corporate Services (FCS Directorate)

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**Executive Summary**

With almost half of all Australian adults likely to face mental ill-health in their life-time, it is important that Council seeks to normalise asking for help at all levels. As such the implementation of initiatives to complement Council's existing Employee Assistance Program is considered necessary to provide meaningful support. The establishment of a Chaplaincy Program for a 12 month trial period is recommended.

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**RESOLUTION**

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Moved by Cr Adam Hain

Seconded by Cr Jodie Shipway

**CARRIED 11/0**

1. That a Chaplaincy Program to support council staff be implemented as a trial for 12 months, with a decision regarding any extension, to be made as part of the 2022/23 Budget Process.
2. That Council commits to the provision of an additional \$45,000 in the 21-22 FY quarter one financial review process.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging an agreement to procure Chaplaincy services and any required variations of the agreement on Council's behalf.

ITEM 6.1 CHAPLAINCY PROGRAM - 62180667 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That a Chaplaincy Program to support council staff be implemented as a trial for 12 months, with a decision regarding any extension, to be made as part of the 2022/23 Budget Process.
2. That Council commits to the provision of an additional \$45,000 in the 21-22 FY quarter one financial review process.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging an agreement to procure Chaplaincy services and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

At the Housekeeping session held on 3 March 2021 the suggestion of establishing a Chaplaincy Program within Council was raised. It was acknowledged that Council already had an existing Employee Assistance Program in place, however it was considered that an alternate option might be valued by staff.

In line with Council's decision-making framework, an extract from the minutes is provided below:  
*Investigate a chaplaincy service that will be at no cost to Council and that appropriate links are made between the chaplain and the Employee Assistance Program (EAP).*

**2. Explanation of Item**

The provision of Employee Assistance Programs is common to all peer Councils across SEQ and considered contemporary practice for businesses more generally, however from enquiries the provision of a Chaplaincy Program is not commonly offered in Local Government. That said Tweed Shire Council has recently implemented a trial program. While the program has only been in place for a couple of months, the feedback from Tweed is that it is having a positive impact, particularly with early interventions around mental health. The program works in conjunction with their EAP.

With the size and diversity of Council's workforce, managing and supporting mental wellbeing means that consideration needs to be given to implementing a number of initiatives in order to be effective and provide meaningful support. In addition to the EAP, Council has implemented "Mates in Construction" and is currently rolling out "First Aid for the Mind" training for leaders and staff.

To complement these initiatives, we recommend the implementation of a Chaplaincy Program on a trial basis for 12 months.

Pastoral care is a profession that requires a considerable foundation of education and training, and given the time commitment and travel necessary to be effective, it may not be an appropriate service type for Council to procure on a volunteer basis. As such it is recommended that Council seek to procure the services of a Chaplain on a paid basis.

**3. Strategic Implications**

- 3.1 Legislative / Legal Implications  Nil identified
- 3.2 Corporate Plan / Operational Plan  
Strengthening Communities: Healthy and supportive communities - a healthy and inclusive community.
- 3.3 Policy Implications  
Procurement will need to be undertaken in accordance with Council's procurement policy.



ITEM 6.1 CHAPLAINCY PROGRAM - 62180667 (Cont.)

3.4 Risk Management Implications

There is a risk that the program will not deliver the expected benefits and therefore will not be value for money. This will be mitigated by a significant amount of upfront work and communication to ensure that the program is set up for success. In addition the program will be trialled for 12 months and its effectiveness measured.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications

It is expected that a program consisting of 2 days per week would cost in the order of \$40-45K per annum. This has not been included in 2021/22 budget. Should the program be endorsed by Council an appropriate adjustment would need to be made in the Q1 budget review.

3.7 Economic Benefit Implications                     Nil identified

3.8 Environmental Implications                     Nil identified

3.9 Social Implications

Many of Council's workforce are local residents and ratepayers of the region. By actively supporting Council's workforce there is very likely to be a positive impact to the community.

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Manager People Culture and Safety  
Manager Community Services, Sport and Recreation  
Chief Executive Officer

**ITEM 6.2**  
**SOLE SUPPLIER STATUS - LINKEDIN CORPORATION**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* 62188816 : 2 June 2021  
*Responsible Officer:* CC, People Experience Manager (FCS People, Culture & Safety)

**Executive Summary**

Under section 235(a) of the Local Government Regulation 2012, Council may, by resolution, purchase goods and services from a single supplier without seeking competitive quotations. Such purchases may only be made where the local government is satisfied that there is only one supplier who is reasonably available.

At its General Meeting on 22 July 2020, Council resolved to enter into a 12 month contract with LinkedIn Corporation to broaden its capability to include executive search and improve people attraction strategies via social media; whilst promoting Moreton Bay Regional Council as an employer of choice.

LinkedIn Corporation is the only provider that offers the “LinkedIn Talent Solutions”, which are software products that will allow the People, Culture and Safety Department to provide search capabilities via the LinkedIn platform to the same level as recruitment agencies.

This report seeks Council’s approval to enter into a 3 year agreement with LinkedIn Corporation as described in this report as, in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that LinkedIn Corporation is the sole supplier who is reasonably available to provide the LinkedIn Talent Solutions.

**RESOLUTION**

Moved by Cr Jodie Shipway  
Seconded by Cr Adam Hain

CARRIED 11/0

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that LinkedIn Corporation is the only supplier that is reasonably available to supply the LinkedIn Talent Solutions described in this report.
2. That the Council enters into an agreement with LinkedIn Corporation 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 LinkedIn Corporation for \$29,302 per annum (for a 3 year term) and an additional \$17,100 per annum from July 2022 (for a 2 year term) and any required variations of the agreement on Council's behalf.

ITEM 6.2 SOLE SUPPLIER STATUS - LINKEDIN CORPORATION - 62188816 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that LinkedIn Corporation is the only supplier that is reasonably available to supply the LinkedIn Talent Solutions described in this report.
2. That the Council enters into an agreement with LinkedIn Corporation 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 LinkedIn Corporation for \$29,302 per annum (for a 3 year term) and an additional \$17,100 per annum from July 2022 (for a 2 year term) and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

In July 2020, Council resolved to enter into a 12 month contract with LinkedIn Corporation to broaden its recruitment advertising and attraction strategies.

The following resolution appears on minute page 20/1442 of the General Meeting held on 5 August 2020.

Ex General Meeting held on 22 July 2020 (Page 20/1432)

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that LinkedIn Corporation is the only supplier that is reasonably available to supply the LinkedIn Talent Solutions described in this report.
2. That the Council enters into an agreement with LinkedIn Corporation 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 LinkedIn Corporation for \$29,302.00 per annum (for a 12-month term) and any required variations of the agreement on Council's behalf.

Since its implementation, Council has seen a 74% increase in company page followers and our job advertisements have reached more than 900,000 people on social media.

**2. Explanation of Item**

The LinkedIn Talent Solutions comprise a suite of software products, made available by LinkedIn, which can be used to engage in recruitment activities via the LinkedIn.com website.

For example, "LinkedIn Recruiter" is a LinkedIn Talent Solution. This software product is a platform for finding, connecting with, and managing potential candidates via the LinkedIn website. It identifies quality candidates and member signals, so that Council, as a recruiter, can prioritise candidates most open to hearing from Council.

"LinkedIn Jobs" is another LinkedIn Talent Solution. This product allows Council to automate Council's vacancies to the LinkedIn website and directly matches Council's vacancies to talented candidates with the skills that Council needs.

Together, the LinkedIn Talent Solutions will allow Council to attract passive candidates through LinkedIn's artificial intelligence mapping and job postings.

ITEM 6.2 SOLE SUPPLIER STATUS - LINKEDIN CORPORATION - 62188816 (Cont.)

Whilst Council would continue to rely on its traditional recruitment channels such as Seek.com, LinkedIn is the only supplier that enables searching and passive reach through job postings and artificial intelligence for recruitment via the LinkedIn website by using the LinkedIn Talent Solutions.

In addition, it is also proposed to expand the current agreement and develop a dedicated Moreton Bay Regional Council career page on LinkedIn from July 2022 to continue to enhance and communicate our Employer Value Proposition and career opportunities at Moreton Bay Regional Council.

Accordingly, it is recommended that LinkedIn be endorsed as a sole supplier of the LinkedIn Talent Solutions.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

Section 235(a) of the Local Government Regulation 2012 states that a local government may enter into a medium-sized contractual arrangement without first inviting written quotes or tenders if the local government resolves it is satisfied that there is only one supplier which is reasonably available.

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Local jobs for residents - an innovative and thriving economy.

3.3 Policy Implications

The proposed arrangement is in accordance with Council's Procurement Policy 2150-006.

3.4 Risk Management Implications

Nil identified

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

Costs associated with the procurement are budgeted within the People, Culture and Safety Department's operational budget and the value of the contract is within the financial delegation of the Director Finance and Corporate Services.

Officers currently plan to procure the "LinkedIn Recruiter" and "LinkedIn Jobs" talent solutions at a cost of approximately \$29,302.00 per annum (for a 3 year term) and an additional \$17,100 per annum from July 2022 (for a 2 year term to expand the current agreement and develop a dedicated Moreton Bay Regional Council career page on LinkedIn) which would render the relevant contract with LinkedIn a "medium-sized contractual arrangement" under the Local Government Regulation 2012.

3.7 Economic Benefit Implications

Officers consider that the procurement of the LinkedIn Talent Solutions will reduce reliance on external recruitment agencies, resulting in cost-savings for the organisation.

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision.

3.11 Consultation / Communication

Legal Services

**ITEM 6.3**  
**MONTHLY FINANCIAL REPORTING PACKAGE - 31 MAY 2021**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* 62216492 : 15 June 2021 - **Refer Supporting Information 62216423**  
*Responsible Officer:* DC, Accounting Services Manager (FCS Accounting Services)

**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 31 May 2021.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Sandra Ruck

CARRIED 11/0

That the Financial Reporting Package for the year to date period ending 31 May 2021 be received.

ITEM 6.3 MONTHLY FINANCIAL REPORTING PACKAGE - 31 MAY 2021 - 62216492 (Cont.)

## OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year to date period ending 31 May 2021 be received.

### **REPORT DETAIL**

#### **1. Background**

The Financial Reporting Package for the month ending 31 May 2021 is contained within the supporting information to this report.

This package contains a number of financial documents to provide a breakdown of key financial data and includes:

- o Statement of Revenues and Expenses
- o Capital Expenditure by Portfolio Program
- o Balance Sheet and Cash Flows
- o Treasury Report

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

The year to date Financial report as at the end of May is complete and the performance and position of Council is outlined below in the context of the attached report.

During the year Council has amended its budget and this is shown alongside the original adopted budget in the report where applicable.

#### Operating Result (page 1)

As at 31 May 2021 operating revenue was \$508.7 million compared to operating expenses of \$421.7 million with the operating surplus being in the amount of \$87 million.

#### Operating Revenues (page 1)

The fourth quarter rates and utility charges were levied in late April. Rates and utility charges represent the bulk of the revenue recognised, equating to \$331 million. Revenue has slightly exceeded the budget by just under \$1.5 million.

Fees and Charges revenue was budgeted on the conservative side at the start of the year but was amended upwards during the year to reflect the strong demand in Council services particularly with regard to building, plumbing, development and waste fees generating more revenue than expected. With one month to go the revenue target has been exceeded by 2.35% to date.

Interest revenue is tracking as expected.

Operational grants and subsidies are tracking below budget, entirely due to the timing of when grants are received. The Financial Assistance Grant represents 75% of all the operational grants Council receives and is paid quarterly. In the recent May Federal Government budget, it has been confirmed that half of the 2021/22 Financial Assistance Grant will be paid to Council in the remaining weeks of 2020/21.

Other revenues are also tracking behind budget at this stage with a few timing differences impacting on budget performance. Tax Payments from Unitywater represent 65% of this budget item. Current payments received are provisional and are subject to variation at the end of the financial year once Unitywater's end of year tax position is known.

The Unitywater participation revenue is a conservative budget estimate and is a non-cash revenue stream. Revenue is accrued in line with the budget each month and adjusted at year end in accordance with Unitywater's end of financial year result.

ITEM 6.3 MONTHLY FINANCIAL REPORTING PACKAGE - 31 MAY 2021 - 62216492 (Cont.)

Operational Expenses (page 1)

Employee benefits are tracking slightly over budget and this trend will continue until the end of the financial year.

Material and Services are trending below budget however June is historically a month where large volumes of expenditure occur so it is expected the budget will be close to fully utilised by the end of the financial year.

Depreciation expenses and finance costs are tracking to budget.

Capital Revenue (page 1)

Infrastructure cash contributions from developers has trended above expectations and as a result the budget was increased to \$45 million as part of the quarter 2 quarterly review. In total \$44.2 million has been received to date, representing 98.1% of the total budgeted amount.

All contributed infrastructure assets from developers received to date have been recognised.

The capital grants and subsidies revenue budget is tracking at just under 75%. Whilst more revenue is expected over June some revenue will not be received until 2021/22 which is when a number of current year capital works projects reach completion.

Operating Revenue and Operating Expenditure Graphs (page 2)

The purpose of these graphs is to track actual revenue and actual expenses to a linear monthly budget.

Given the majority of Council's operating revenue cycle is rate related (quarterly in advance), revenue will track to the right-hand side of the budgeted revenue line and slowly edge closer to the line as the quarters draw to an end. This is reflected in the movement of the orange revenue line from July to May as it moves closer to the linear trend. The quarter 4 rate levy was delayed 3 weeks until late April, so the usual increase in revenue for March has occurred in April.

Conversely, operating expenses will generally track to the left of the budget line and trend that way, gradually drawing closer to the line as the end of the financial year approaches. The orange trend line is progressing as expected.

Capital Expenditure (page 3, 4 and 5)

Capital expenditure is \$163.5 million with one month remaining for 2020/21. The total spend represents 65.3% of the total capital program. The *total capital expenditure progress* graph summarises the percentage of all capital expenditure completed to date compared to a linear budget spend.

The *capital expenditure by portfolio program* table breaks down the capital spend into program categories. In addition to the actual spend to date of \$163.5 million, there are committed costs (orders placed for works) in the amount of \$95.6 million. As there will be a large amount of incomplete work come the end of June this work will "carry over" into 2021/22.

The associated *capital expenditure progress % to date by portfolio program* graph tracks the percentage spend by portfolio program compared to the budget to date. The orange line represents the year to date budget at 92% highlighting the linear budget spend to May 2021. Variations across the programs are normal as capital project delivery is not linear in nature so timing differences are expected.

Balance Sheet and Cash Flow (page 6)

The Balance sheets list Council assets and liabilities and net community equity.

The Cash flow statement indicates a closing cash balance in the amount of \$345.7 million for May. The original forecast for the end of June 2021 is currently \$273 million. Given Council's expenditure patterns have been below expectations it is expected Council's end of year cash position will be higher than originally anticipated come the end of June.



ITEM 6.3 MONTHLY FINANCIAL REPORTING PACKAGE - 31 MAY 2021 - 62216492 (Cont.)

Treasury Report (page 7 and 8)

The Treasury Report outlines Council performance with respect to cash investments and borrowings.

Interest earned on investments was approximately \$2.6 million. Interest rates on offer are quite low in the current market with deposit terms of less than 3 years offering interest rates of less than 1% per annum. The weighted average return on all investments for Council is now sitting at 0.73%.

The Investment graphs give an indication of the percentage of investments held with each financial institution and the maturity profile of Council's investments. Council currently has \$316 million of cash at call with the remaining \$30 million maturing over next 3 to 12 months.

The QIC Growth Fund is currently valued at \$119 million as at the end of May. Council originally invested \$100 million in this fund in June 2018.

Council's total debt position has decreased (\$370m to \$342m) as repayments were made in September, December and March. One further repayment will occur in June. In total Council will repay debt in the amount of \$37 million for 20/21. Council was originally budgeted to borrow \$40 million in 2020/21 however given the lower than expected spend on capital works this amount has been reduced to \$20 million which will be drawn down in the final weeks of June.

**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.

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. The COVID-19 pandemic was expected to present financial challenges during 2020/21 however the opposite occurred whereby revenue streams exceeded original forecasts as the demand for Council services increased.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

As at the end of May 2021, Council's operating surplus is \$87 million while capital expenditure amounted to \$163.5 million.

3.7 Economic Benefit Implications  Nil identified



ITEM 6.3 MONTHLY FINANCIAL REPORTING PACKAGE - 31 MAY 2021 - 62216492 (Cont.)

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications

Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Director Finance and Corporate Services

UNCONFIRMED

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

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**ITEM 11.1  
REGIONAL AWARDS AND EVENTS**

**Cr Adam Hain** advised that Council recently received the **Minister's Award for Urban Design 2021 - Commendation - Built Award** from the Hon. Mick de Brenni MP, Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement for the Caboolture to Wamuran Rail Trail. Cr Hain congratulated staff involved in the project.

**Cr Denise Sims** made mention of the **Business Conference Series featuring the Hon. Julie Bishop** held Friday 18 June 2021 at the Eatons Hill Hotel. The event included a meet and greet and was supported by Moreton Bay Regional Council. Cr Sims thanked staff involved in the event.

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**12. CLOSED SESSION**

*(s254J 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.

**CLOSED SESSION**

**RESOLUTION**

Moved by Cr Matt Constance  
Seconded by Cr Jodie Shipway

**CARRIED 11/0**

**That Council move into closed session pursuant to the provisions of s254J of the Local Government Regulation 2012 to discuss Items C.1.**

Members of the press and public gallery left the Chambers.  
The closed session commenced at 11.45am (livestreaming paused).

**OPEN SESSION**

**RESOLUTION**

Moved by Cr Denise Sims (Deputy Mayor)  
Seconded by Cr Sandra Ruck

**CARRIED 11/0**

**That Council resume in open session and that the following motions be considered.**

The open session (livestreaming) resumed at 11.48am.

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

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**ITEM C.1 – CONFIDENTIAL**

**LAND BUYBACK FOR ENVIRONMENTAL PURPOSES PROGRAM - LAND ACQUISITION - CABOOLTURE**

**Meeting / Session:** 4 PLANNING

**Reference:** 62196086 : 4 June 2021

**Responsible Officer:** HL, Manager ESPP (PL Environment and Sustainability Policy and Planning)

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**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

Council has become aware of a property located in Caboolture that is currently on the market, suitable for acquisition under the Land Buyback Program for Environmental Purposes (Policy No: 2150-118).

A detailed field and desktop assessment was undertaken on the nominated property, based on the criteria contained within Council Policy 2150-118 including ecological values and integrity, aesthetics and accessibility, planning constraints and opportunities, threats, and commercial valuations.

The property was deemed to have significant value with regard to the criteria outlined in Council Policy 2150-118.

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**RESOLUTION**

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Moved by Cr Adam Hain

Seconded by Cr Mark Booth

CARRIED 11/0

1. That Council delegates to the Chief Executive Officer the power to negotiate and finalise the purchase of the property described in this report under the Land Buyback Program for Environmental Purposes (2150-118) Policy.
2. That Council authorises the Chief Executive Officer to do all other things that are necessary to give effect to recommendation 1.

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**12b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

**13. CLOSURE**

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There being no further business the Chairperson closed the meeting at 11.50am.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 21/882 to 21/966 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held Wednesday 23 June 2021.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 21 July 2021.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

\_\_\_\_\_  
Councillor Peter Flannery  
Mayor



Dr Ken Salisbury  
[REDACTED]

Dear Dr Salisbury,

### **Bribie Island - Road Kills - Kangaroo**

I refer to your petition lodged by you as the Principal Petitioner and tabled to Council on 26 May 2021 and Council's Integrated Transport Planning team further investigation and response:

#### **Background**

Bribie Island residents regularly contact Council with concerns about wildlife on roads. In response, council undertakes a range of road network management measures including the installation of roadside signage and road pavement stencils to increase driver awareness.

A recent data review has identified council managed roads where wildlife-vehicle collisions involving kangaroos and wallabies are occurring most frequently. The data suggests that drivers are more likely to encounter kangaroos and wallabies during the months of May, June and July.

Council is currently consulting with the community regarding *Kangaroos and Wallabies on Bribie Island Roads* via its Your Say Moreton Bay community engagement hub.

The consultation hub includes an interactive mapping tool where residents can pinpoint where animal encounters are occurring. I encourage you to contribute your local knowledge and add to Council's understanding of kangaroo and wallaby behaviour on the Bribie Island road network.

The project will be undertaken in two phases. Phase 1 of the project (data gathering) has commenced and runs from 21<sup>st</sup> of May until 14<sup>th</sup> July 2021.

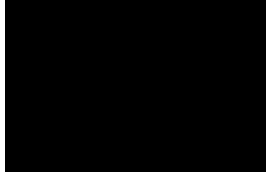
#### **Summary**

Council is aware of increasing concerns about wildlife-vehicle collisions involving kangaroos and wallabies on Bribie Island and is committed to work in partnership with the community to gather additional 'on ground' knowledge and develop appropriate solutions to help reduce the risk.

The *Kangaroos and Wallabies on Bribie Island* consultation can be accessed at <https://yoursay.moretonbay.qld.gov.au/kangaroos-wallabies-bribie-island>

As the Principal Petitioner, can you please pass on the above information to other petitioners as required. Should you require further information on the project, please contact [REDACTED] Senior Environmental Planner – Green Infrastructure Networks via 3205 0555 or [mbrc@moretonbay.qld.gov.au](mailto:mbrc@moretonbay.qld.gov.au).

Yours sincerely,



**A/Manager Integrated Transport Planning and Design**  
Infrastructure Planning

cc: Cr Brooke Savige - Division 1