



MINUTES

GENERAL MEETING

Wednesday 26 May 2021
commencing at 9.30am

Strathpine Chambers
220 Gympie Road, Strathpine

ENDORSED GM20210609

Membership = 13
Mayor and all Councillors

Quorum = 7

General Meeting - 26 May 2021 (Pages 21/635 - 21/750)

RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Cath Tonks

CARRIED 13/0

That the minutes of the General Meeting held 26 May 2021, be confirmed.

LIST OF ITEMS

1. ACKNOWLEDGEMENT OF COUNTRY	635
2. OPENING PRAYER / REFLECTION	635
3. ATTENDANCE & APOLOGIES	635
4. MEMORIALS OR CONDOLENCES	636
5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING	636
General Meeting - 12 May 2021 (Pages 21/545 - 21/616)	636
RESOLUTION	
6. PRESENTATION OF PETITIONS	636
<i>(Addressed to the Council and tabled by Councillors)</i>	
6.1. Petition: Matt Chapman - Allowing free community events in green spaces along Nathan Road, Kippa Ring (62097282)	
6.2. Petition: Ken Salisbury - Kangaroo road kills on Bribie Island (62072578)	
6.3. Petition: Allen Higgison - Lack of Maintenance to the lake area within the Bibimulya Wetlands (62103163)	
7. CORRESPONDENCE	637
8. COMMUNITY COMMENT	637
9. NOTICES OF MOTION (Repeal or amendment of resolutions)	637
<i>(s262 of the Local Government Regulation 2012)</i>	
10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO	637
11. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)	637
<i>(as referred by the Chief Executive Officer)</i>	
1 GOVERNANCE & ENGAGEMENT SESSION (Cr P Flannery, Mayor)	638
ITEM 1.1	638
SMALL BUSINESS FRIENDLY COUNCILS	
RESOLUTION	
REPORT DETAIL	
ITEM 1.2	642
MILLOVATE BUDGET AND BUSINESS PLAN FY2022	
RESOLUTION	
REPORT DETAIL	
ITEM 1.3	645
AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) NATIONAL AND QUEENSLAND STATE CONFERENCE	

RESOLUTION

REPORT DETAIL

ITEM 1.4 648

125TH ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ)
CONFERENCE - ATTENDANCE AND DELEGATES

RESOLUTION

REPORT DETAIL

2 INFRASTRUCTURE PLANNING SESSION (Cr A Hain) 651

ITEM 2.1 651

DONNYBROOK - PROPOSED NAMING OF PIONEER PARK AND PUMICESTONE PARK

RESOLUTION

REPORT DETAIL

ITEM 2.2 658

AMENDMENT TO THE MORETON BAY REGIONAL COUNCIL LOCAL GOVERNMENT
INFRASTRUCTURE PLAN

RESOLUTION

REPORT DETAIL

3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION (Cr B Savage) 662

ITEM 3.1 662

MBRC - YOUNGS CROSSING ROAD - BRIDGE AND ROAD CONSTRUCTION
(PRELIMINARY AND DETAILED DESIGN) - VARIATION

RESOLUTION

REPORT DETAIL

4 PLANNING SESSION (Cr D Grimwade) 672

ITEM 4.1 672

DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR
SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR
SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE

RESOLUTION

REPORT DETAIL

5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION (Cr M Gillam) 722

ITEM 5.1 722

COMMENCEMENT OF PROSECUTIONS

RESOLUTION

REPORT DETAIL

ITEM 5.2 726

INFRINGEMENT NOTICE COURT ELECTIONS - PARKING

RESOLUTION

REPORT DETAIL

ITEM 5.3 729

INFRINGEMENT NOTICE COURT ELECTIONS - ENVIRONMENTAL RESOLUTION REPORT DETAIL	
ITEM 5.4 FEES FOR VOLUNTEER MANAGED COMMUNITY HALLS RESOLUTION REPORT DETAIL	733
ITEM 5.5 GROW IT LOCAL – SOLE SUPPLIER RESOLUTION REPORT DETAIL	736
6 FINANCE & CORPORATE SERVICES SESSION (Cr M Constance)	740
ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 30 APRIL 2021 RESOLUTION REPORT DETAIL	740
12. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE	745
ITEM 12.1 REGIONAL EVENTS	745
ITEM 12.2 USC GIVING DAY DONATION - \$1000 TO SANDY MITCHELL LEGACY FUND RESOLUTION	745
ITEM 12.3 PARKS & LEISURE AUSTRALIA (QLD) PLAYSPACE AWARD - THE MILL WATER PARK	746
ITEM 12.4 AFL KEN GANNON COMMUNITY FOOTBALL FACILITIES	747
ITEM 12.5 NRL WOMENS CHAMPIONSHIPS	747
13. CLOSED SESSION <i>(s254J of the Local Government Regulation 2012)</i> CLOSED SESSION RESOLUTION OPEN SESSION RESOLUTION	748
14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL	749
ITEM C.1 – CONFIDENTIAL PRIVATE SALE OF LAND - PETRIE	749

Moreton Bay Regional Council

GENERAL MEETING - 530
26 May 2021

PAGE d
Minutes

RESOLUTION

14b. CONFIDENTIAL GENERAL BUSINESS

750

1. ACKNOWLEDGEMENT OF COUNTRY

Cr Brooke Savage provided the Acknowledgement of Country.

2. OPENING PRAYER / REFLECTION

Cr Brooke Savage provided the opening prayer / reflection for the meeting.

3. ATTENDANCE & APOLOGIES

Attendance:

Cr Peter Flannery (Mayor) (Chairperson)
Cr Brooke Savage
Cr Mark Booth
Cr Adam Hain
Cr Jodie Shipway
Cr Sandra Ruck
Cr Karl Winchester
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)
Manager Development Services	(Dan Staley)
Meeting Support	(Kim Reid)

Apologies:

Cr Denise Sims (Deputy Mayor)

4. MEMORIALS OR CONDOLENCES

Cr Constance made special mention of the late **Christopher Ernest Arnott** who had recently passed away.

Chris was a founding member of Arana Hills SES, having worked in various roles over his 40 years of service with the SES. Cr Constance commented that Chris's dedication and commitment to the SES was outstanding.

Cr Constance passed on his condolences to Mr Arnott's family, friends and colleagues and all who had the great pleasure of knowing him.

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

5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 12 May 2021 (Pages 21/545 - 21/616)

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Cath Tonks

CARRIED 12/0

That the minutes of the General Meeting held 12 May 2021, be confirmed.

6. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

6.1. Petition: Matt Chapman - Allowing free community events in green spaces along Nathan Road, Kippa Ring (62097282)

Cr Ruck tabled a petition containing 133 signatures, received from Matt Chapman reading as follows:

"Asking MBRC to allow free community events in green spaces along Nathan Road".

Council received the petition, referring it to the Director Community and Environmental Services for investigation and report to Council, if required.

6.2. Petition: Ken Salisbury - Kangaroo road kills on Bribie Island (62072578)

Cr Savage tabled a petition containing 575 signatures, received from Ken Salisbury reading as follows:

- *"Put in dusk to dawn reductions in high impact zones, predictable risk zones;*
- *Put in motion activated illuminated Wildlife Alert signs like the SAM sign in high impact/predictable risk zones;*
- *Paint 'Wildlife Drive Carefully' signwriting at the access of high impact/predictable risk zones;*
- *Fence the area of national park on Sunderland Drive to Benabrow Avenue between Banksia Beach Primary School;*
- *Bribie Island is unique, it must be treated as a 'one off' in its planning, approval and management processes. Not just part of the MBRC regional management plans".*

Council received the petition, referring it to the Director Infrastructure Planning for investigation and report to Council, if required.

6.3. Petition: Allen Higgison - Lack of Maintenance to the lake area within the Bibimulya Wetlands (62103163)

Cr Savage tabled a petition containing 60 signatures, received from Allen Higgison reading as follows:

"Petition to the Moreton Bay Council into what is regarded as lack of maintenance to the lake area within the Bibimulya Wetlands".

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

7. CORRESPONDENCE

There was no correspondence for tabling

8. COMMUNITY COMMENT

There were no participants in the Community Comment session for this meeting.

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

(s262 of the Local Government Regulation 2012)

There were no Notices of Motion to consider.

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

There were no notified conflicts of interest.

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
1 Governance & Engagement	Cr P Flannery (Mayor)	Cr D Sims (Deputy Mayor)
2 Infrastructure Planning	Cr A Hain	C T Latter
3 Engineering, Construction & Maintenance	Cr B Savage	Cr C Tonks
4 Planning	Cr D Grimwade	Cr K Winchester / Cr M Booth
5 Community & Environmental Services	Cr M Gillam	Cr S Ruck
6 Finance & Corporate Services	Cr M Constance	Cr J Shipway

1 GOVERNANCE & ENGAGEMENT SESSION**(Cr P Flannery, Mayor)**

**ITEM 1.1
SMALL BUSINESS FRIENDLY COUNCILS**

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 62012146 : 13 May 2021 - **Refer Supporting Information 61984814**
Responsible Officer: PM, Chief Economic Development Officer (CEO Economic Development)

Executive Summary

Council has been approached by the Queensland Government, Queensland Small Business Commissioner (QSBC) to join the Small Business Friendly Councils (SBFC) initiative. The initiative recognises local Councils that are actively supporting small businesses in their region and helping small businesses recover and build resilience following disasters and economic challenges.

The QSBC is requesting Councils to demonstrate their commitment to local small businesses in their community by signing up to a Charter as a "Small Business Friendly Council".

There are no financial costs associated with Council signing up to the Charter (Appendix 1) itself, however, contained within the Charter there are a number of requirements Council would be compelled to address, meet and report on which could require some level of resourcing/administration. Many of these tasks are 'good practice' and systems and processes that Council is already undertaking in support of the small business community across the region.

Ten (10) Councils have already signed up as Small Business Friendly Councils including Ipswich and the Scenic Rim in South East Queensland as well as Toowoomba and Cairns among others. Moreton Bay Regional Council (MBRC) would be the largest Council to date to sign up to the initiative if endorsed by Council.

May is Queensland Small Business Month (QSBM), celebrating small businesses which make a vital contribution to our economy. Council's endorsement of the SBFC at this time would show support for our small business community and build on the adoption of the Regional Economic Development Strategy (REDS) on 3 February 2021.

RESOLUTION

Moved by Cr Mick Gillam**Seconded by Cr Adam Hain****CARRIED 12/0**

- 1. That Council endorses and signs up to the Small Business Friendly Council initiative and Charter.**
- 2. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the Small Business Friendly Council initiative and Charter with the Queensland Small Business Commissioner and communicating the Charter's intent and actions across the organisation and to the business community across Moreton Bay.**

ITEM 1.1 SMALL BUSINESS FRIENDLY COUNCILS - 62012146 : 13 May 2021 - (Cont.)

OFFICER'S RECOMMENDATION

1. That Council endorses and signs up to the Small Business Friendly Council initiative and Charter.
2. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the Small Business Friendly Council initiative and Charter with the Queensland Small Business Commissioner and communicating the Charter's intent and actions across the organisation and to the business community across Moreton Bay.

REPORT DETAIL

1. Background

The QSBC is working in partnership with Councils across Queensland to develop the local SBFC initiative as a commitment to be mindful of small businesses, their issues and priorities when making decisions for the local community.

Small businesses are at the heart of the Queensland economy and our regional communities. They create local jobs, grow the local economy, and provide essential goods and services. But just as importantly, small businesses help create attractive, liveable communities. They also foster civic pride and help attract people and investment into the area. In the face of unprecedented natural disasters and the economic ripple effects of the COVID-19 global pandemic, it is vital that local Councils support their small businesses to survive and thrive.

Moreton Bay region has 29,090 businesses (source: ID) with some of the largest industries being:

- Construction 6,732.
- Professional, Scientific and Technical Services 3,388.
- Transport, Postal and Warehousing 2,669.

Type of business	Number	Percentage
Non-employing	17,670	61%
1-19 Employees "small"	10,775	37%
20-199 "medium"	616	2%
200+	13	-

The Charter promotes local small business success through the following key commitments:

- effective communication and engagement
- raising small business profile and capability
- supporting resilience and recovery
- simplifying administration and regulation (reducing red tape)
- ensuring fair procurement and prompt payment terms
- promoting place-based programs
- promoting and showcasing small business and
- measuring and reporting on activities.

Councils are also invited to identify two place-based programs (activities or priorities) which create the right environment for small businesses to start, grow and build resilience.

2. Explanation of Item

The SBFC initiative already exists in similar forms in New South Wales, Victoria and South Australia. The REDS largely covers off on the services/functions outlined in the new Queensland Government initiative, however by signing up to the Charter, Council's membership will have the dual benefit of:

ITEM 1.1 SMALL BUSINESS FRIENDLY COUNCILS - 62012146 : 13 May 2021 - (Cont.)

1. Reinforcing Council's commitment to small business and their development which has been identified as an Industry Advancement outcome within the REDS. The charter also aligns with the objectives of the Moreton Recovery Group - Economic sub-group Action Plan, to assist businesses grow, recover and flourish in response to the COVID19 pandemic; and
2. Ensure that Council is seen as 'Small Business Friendly', signing the Charter will likely enhance the business profile of the Moreton Bay region which recognises the importance and role small businesses play in developing and diversifying our economy while also increasing our resilience.

The Charter also gives Councils the opportunity to reinforce their collaborative relationship with the local chamber(s) of commerce, industry groups or other such bodies and Council can opt to co-sign the SBFC charter together with local chamber(s).

Program Benefits

Participation in the SBFC initiative will enable Councils to:

- access tools and resources that assist Councils with small business resilience and recovery
- use the QSBC's SBFC identifier and brand assets to promote their commitment to being small business friendly
- promote their initiatives on the SBFC website
- become part of a community of practice of like-minded small business friendly Councils
- participate in regular forums
- help attract investment and commercial opportunities to stimulate growth in the local economy and
- access a dedicated point of contact within QSBC to seek immediate advice and information regarding available programs and support.

Participation in the SBFC initiative will enable small businesses to have:

- a greater focus on helping small businesses to grow and employ more local people
- increased access to tools and resources to support business recovery and resilience
- simplified administration and regulation (reduced red tape)
- increased opportunities to promote and showcase your business and
- greater access to fair procurement and prompt payment terms for suppliers to councils.

3. Strategic Implications

3.1 Legislative / Legal Implications

The Charter is a non-legally binding document and there are no legal or legislative implications. There are potential reputation impacts should Council not fulfil its obligations under the Charter which will be managed through the delivery of the REDS and internal communication with impacted/related Departments.

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Local jobs for residents - an innovative and thriving economy.
Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

3.3 Policy Implications

The SBFC initiative links to the REDS goals and actions which were adopted by Council on 3 February 2021.

3.4 Risk Management Implications

Although many of the actions/services listed in the Charter are already being conducted by Council, should Council choose not to sign up, the local business community and chambers of commerce and industry groups may inadvertently and incorrectly label Council as unfriendly or unsupportive of small business. Risk will be managed through the delivery of the REDS action plan and associated internal dialogue with other impacted/relevant Departments.

ITEM 1.1 SMALL BUSINESS FRIENDLY COUNCILS - 62012146 : 13 May 2021 - (Cont.)

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

Should Council support signing the Charter there are no direct budget implications known at this stage, however, there may be some indirect costs associated with addressing and meeting commitments presented in the Charter, including reporting to the Queensland Government and general promotion of the program which can be met from the existing Economic Development operational budget.

3.7 Economic Benefit Implications

Without a vibrant and growing economy, and support for the small business community, there would be a lack of jobs, income and wealth, which in turn would cause a number of far reaching social and community issues. The work that is undertaken in the REDS strategy and linked to the SBFC initiative, provides a framework of actions to ensure a strong and vibrant local economy including the creation of jobs which will lead to economic and community benefits for 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.

3.11 Consultation / Communication

Councillors

Director, Finance and Corporate Services

Manager, Customer Response

Manager, Development Services

Emergency Management and Public Safety Manager

Senior Legal Officer, Legal Services

ITEM 1.2
MILLOVATE BUDGET AND BUSINESS PLAN FY2022

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 61993617 : 6 May 2021 - **Refer Supporting Information 62047563**
Responsible Officer: DG, Director Finance and Corporate Services (FCS Directorate)

Executive Summary

Millovate is a special purpose entity established by the Council to be responsible for delivering and managing the Mill Precinct as a 'beneficial enterprise' as defined under the *Local Government Act 2009 (Qld)* (LGA). It is required to prepare a budget and business plan each year for approval by Council.

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Sandra Ruck

CARRIED 12/0

1. That the Millovate Business Plan 2021-2022 be approved as tabled.
2. That provision of \$5,904,235 be made in the Council's 2021/22 Financial Year Budget for the projected operating costs of Millovate.

ITEM 1.2 MILLOVATE BUDGET AND BUSINESS PLAN FY2022 - 61993617 (Cont.)

OFFICER'S RECOMMENDATION

1. That the Millovate Business Plan 2021-2022 be approved as tabled.
2. That provision of \$5,904,235 be made in the Council's 2021/22 Financial Year Budget for the projected operating costs of Millovate.

REPORT DETAIL

1. Background

Requirements for the business plan and budget are outlined in the governance documents established for Millovate, namely the Statement of Corporate Intent and Support Deed. Pursuant to these documents Millovate is required to prepare a budget and business plan each year for approval by Council.

In accordance with clause 3.4 of the Statement of Corporate Intent which requires Millovate to consult with Council on its business plan, the Millovate Chair and CEO attended a Council briefing on 5 May 2021. In line with Council's decision-making framework, an extract from the minutes of the briefing is provided below:

Millovate's budget and business plan be presented to a future general meeting for Council's consideration, subject to the suitability of the interim cost plan. Officers to ensure that Millovate's interim cost plan is brought to a future briefing by approximately August 2021.

2. Explanation of Item

The purpose of the Millovate Business Plan (2021-2022) is to outline Millovate's mission, objectives, strategy and business model. It is a key document supporting Millovate's responsibilities and interaction with Council and is provided as Supporting Information #1.

The focus of the 2021-22 Plan is to investigate and test the feasibility of commercial opportunities for consideration by the Millovate Board and Council in order to optimise the social and economic return on investment for the community. A key deliverable is a Development Plan which will guide the longer-term development of The Mill at Moreton Bay site. The Development Plan will detail how Development Strategies will be coordinated, prioritised, sequenced, financed, executed and evaluated.

Given the importance of the Development Plan in understanding the quantum and timing of Council's future financial commitment to Millovate, it is considered appropriate that Council be consulted further and briefed in more detail when Millovate has completed its interim cost plan. As such it is recommended that further funding commitments by Council be subject to the suitability of the Interim Cost Plan to be prepared by Millovate in quarter one of FY2022.

3. Strategic Implications

3.1 Legislative / Legal Implications

Requirements for the business plan and budget are outlined in the governance documents established for Millovate, namely the Statement of Corporate Intent and Support Deed. Pursuant to these documents Millovate is required to prepare a budget and business plan each year for approval by Council.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

☒ Nil identified

ITEM 1.2 MILLOVATE BUDGET AND BUSINESS PLAN FY2022 - 61993617 (Cont.)

3.4 Risk Management Implications

There is a risk that Millovate may not deliver on its commitments and/or not use the funds for their intended purpose. This risk is being mitigated through appropriate oversight and governance procedures.

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

This provision has been taken into consideration in the development of the Council's draft budget for 2021/22.

The budget request from Millovate totals \$5,904,235 and relates entirely to operating costs as follows:

Cost Category	FY2022 Proposed Budget
Marketing and Communications	\$292,000
Investments	\$3,035,000
Corporate Services	\$2,577,235
	\$5,904,235

3.7 Economic Benefit Implications

The REDS identified The Mill at Moreton Bay as one of the five region-building projects to drive MBRC's 'Bigger Bolder Brighter' goals by 2041 and nominated Millovate as a key delivery partner.

3.8 Environmental Implications

The Millovate Business Plan is seeking to balance local and regional economic growth with integrated social infrastructure development and the protection and enhancement of environmental values.

3.9 Social Implications

The delivery of the Mill at Moreton Bay is structured around four themes that aim to deliver a balance between commercial and non-commercial development and explicitly includes Community 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 rights implications relevant to Council's decision.

3.11 Consultation / Communication

Millovate Project Control Group

ITEM 1.3

**AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA)
NATIONAL AND QUEENSLAND STATE CONFERENCE**

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 62043263 : 13 May 2021
Responsible Officer: KR, Executive Support (CEOs Office)

Executive Summary

The purpose of this report is to determine Councillor attendance to the Australian Local Government Women's Association (ALGWA) National and Queensland State Conference be held at Coral Sea Marina Resort, Airlie Beach from 17 - 19 August 2021.

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Adam Hain

CARRIED 12/0

1. That Councillors Sandra Ruck, Denise Sims and Cath Tonks be authorised to attend the ALGWA National and Queensland State Conference.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

ITEM 1.3 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) NATIONAL AND QUEENSLAND STATE CONFERENCE - 62043263 (Cont.)

OFFICER'S RECOMMENDATION

1. That Councillors Sandra Ruck, Denise Sims and Cath Tonks be authorised to attend the ALGWA National and Queensland State Conference.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

REPORT DETAIL

1. Background

Advice has been received that the ALGWA National and Queensland State Conference will be held at the Coral Sea Marina Resort, Airlie Beach from 17 - 19 August 2021. Councillor Sandra Ruck, Councillor Denise Sims and Councillor Cath Tonks have expressed an interest in attending this conference.

2. Explanation of Item

The 2021 conference will be hosted by Whitsunday Regional Council with a theme of 'Women Connected and Unshaken' and will provide a program to develop skills and knowledge for local government.

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 economic challenges facing local government.
- 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* (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.

ITEM 1.3 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) NATIONAL AND QUEENSLAND STATE CONFERENCE - 62043263 (Cont.)

3.11 Consultation / Communication

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

ITEM 1.4

125TH ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ) CONFERENCE - ATTENDANCE AND DELEGATES

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT
Reference: 62041684 : 17 May 2021
Responsible Officer: LK, Executive Support Officer (CEOs Office)

Executive Summary

The purpose of this report is to seek Council direction in relation to Councillor attendance and Delegates at the 2021 Local Government Association of Queensland (LGAQ) 125th Annual Conference to be held at Mackay Entertainment & Convention Centre (MECC) from 25 - 27 October 2021.

RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Tony Latter

CARRIED 12/0

1. That Councillors Peter Flannery (Mayor), Denise Sims (Deputy Mayor), Mark Booth, Adam Hain, Matt Constance and Tony Latter be authorised to attend the 125th 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 125th 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.

ITEM 1.4 125TH ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ) CONFERENCE - ATTENDANCE AND DELEGATES - 62041684 (Cont.)

OFFICER'S RECOMMENDATION

1. That Councillors Peter Flannery (Mayor), Denise Sims (Deputy Mayor), Mark Booth, Adam Hain, Matt Constance and Tony Latter be authorised to attend the 125th 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 125th 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.

REPORT DETAIL

1. Background

Advice has been received that the 125th Annual LGAQ Conference will be held at Mackay Entertainment & Convention Centre (MECC) from 25 - 27 October 2021.

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.

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.
- 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.

ITEM 1.4 125TH ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND (LGAQ) CONFERENCE - ATTENDANCE AND DELEGATES - 62041684 (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 rights implications relevant to Council's decision.

3.11 Consultation / Communication

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

2 INFRASTRUCTURE PLANNING SESSION**(Cr A Hain)**

ITEM 2.1**DONNYBROOK - PROPOSED NAMING OF PIONEER PARK AND PUMICESTONE PARK**

Meeting / Session: 2 INFRASTRUCTURE PLANNING
Reference: 61633347: 16 February 2021
Responsible Officer: BS, Technical Officer (IP Parks & Recreation Planning)

Executive Summary

The Division 1 Councillor has been contacted by the Donnybrook Progress Association whose members believe that the recently installed park signage on the corner of Amy Street and Alice Street Donnybrook is incorrect. Council officers had recently replaced the ageing "Pumicestone Park" name sign as part of routine renewal program works. During the replacement process, officers identified that the name on the existing sign was inconsistent with the name as shown in Council's records system. Further investigation has determined that this name was endorsed by a Council resolution in 1998. The new sign was subsequently installed with the name "Pioneer Park" as shown in Council's system.

Numerous discussions have been held between the Donnybrook Progress Association, the Division 1 Councillor and officers from Council's Parks and Recreation Planning department. The community have now asked for the sign on the corner of Amy Street and Alice Street Donnybrook, to be changed back to "Pumicestone Park". Residents have also requested that nearby Donnybrook Foreshore parkland (figure 3) be renamed as Pioneer Park to acknowledge the contributions made by the early pioneering families.

It is acknowledged that the local community has a strong opinion on the park names and their location within the foreshore parkland and Council officers see no grounds for Council to object to what is considered a reasonable request.

RESOLUTION

Moved by Cr Brooke Savage**Seconded by Cr Jodie Shipway****CARRIED 12/0**

1. That having regard to the information provided within this report and subject to the outcome of public advertising, the naming of Lot 143, CG4385 as "Pumicestone Park" be approved.
2. That having regard to the information provided within this report and subject to the outcome of public advertising, the naming of Lot 145, SP141471 and Lot 1, SP164553 as "Pioneer Park" be approved.
3. That public advertising of the proposal to name the reserves 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.
4. That should adverse submissions be received as a result of public advertising; the matter be referred to Council in a subsequent report.

*ITEM 2.1 DONNYBROOK - PROPOSED NAMING OF PIONEER PARK AND PUMICESTONE PARK - 61633347
(Cont.)*

OFFICER'S RECOMMENDATION

1. That having regard to the information provided within this report and subject to the outcome of public advertising, the naming of Lot 143, CG4385 as "Pumicestone Park" be approved.
2. That having regard to the information provided within this report and subject to the outcome of public advertising, the naming of Lot 145, SP141471 and Lot 1, SP164553 as "Pioneer Park" be approved.
3. That public advertising of the proposal to name the reserves 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.
4. That should adverse submissions be received as a result of public advertising; the matter be referred to Council in a subsequent report.

REPORT DETAIL

1. Background

Council officers routinely commenced an investigation to replace a park sign within a park on the corner of Amy Street and Alice Street Donnybrook (Lot no. 143, CG4385) which was due for renewal. The investigation identified that Council had resolved in 1998 to name the park, Pioneer Park, and the current name in the park was incorrect. The former sign (Pumicestone Park) was subsequently removed and replaced with a sign naming the parkland as Pioneer Park.

The Division 1 Councillor was contacted by the Donnybrook Progress Association querying why the park name was amended and asked that it to be changed back to Pumicestone Park.

An investigation was commenced by Parks and Recreation Planning officers to clarify the correct name of the park and determine how the matter could best be resolved.

Searches of Council records have revealed that the matter had been taken to Council several times with the following outcomes;

- Council officers prepared a Council Report in 1997 proposing to name Reserve R.518 (which was later replaced by Lot 143, CG4385 and Lot 145, SP141471) as "Pumicestone Park". This was advertised in a local newspaper and 38 signatures were received requesting that instead of using the frequently used name Pumicestone, that the park be named after a long-term resident Mrs. Jeannie Johnston.
- Council officers prepared a Council Report in 1998 proposing to name Reserve R.518 as "J Johnston Park". This was again advertised in a local newspaper and 171 signatures were received in support and 176 were received voting for Pumicestone Park.
- Council officers then prepared a Council Report in 1998 proposing to name Reserve R.518 as "Pumicestone Park". The Council resolution was that the park be named "Pioneer Park". The resolution is noted below in Figure 1.
- No records can be found in Council's systems that support an adoption of the name Pumicestone Park at Donnybrook.

ITEM 2.1 DONNYBROOK - PROPOSED NAMING OF PIONEER PARK AND PUMICESTONE PARK - 61633347
(Cont.)

Council Resolution

2.3.7 NAMING OF PARK – 15 ALICE STREET, DONNYBROOK

Moved by Cr J McNaught and seconded by Cr G Chippendale that the recommendation NOT be adopted and that Reserve No.518 Parish of Toorbul be named "Pioneer Park" and a list of the pioneer families be placed on the sign.

AMENDMENT

Moved by Cr C Minetti and seconded by Cr J McLoughlin that the recommendation be adopted.

The amendment was CARRIED and when put as the motion was also CARRIED.

Figure 1: Council resolution from 1998

Council subsequently installed a sign identifying Pioneer Park within the generically named Donnybrook Foreshore Park, opposite 6 Esplanade South, Donnybrook. The existing sign was located 90m south of the actual named park and also found to not meet current standards. This sign was removed at the same time as the sign at Pumicestone Park (late 2020).



Figure 2: Pioneer Park sign (was located in Donnybrook Foreshore Park, approximately 90m south of the named parkland)

ITEM 2.1 DONNYBROOK - PROPOSED NAMING OF PIONEER PARK AND PUMICESTONE PARK - 61633347
(Cont.)

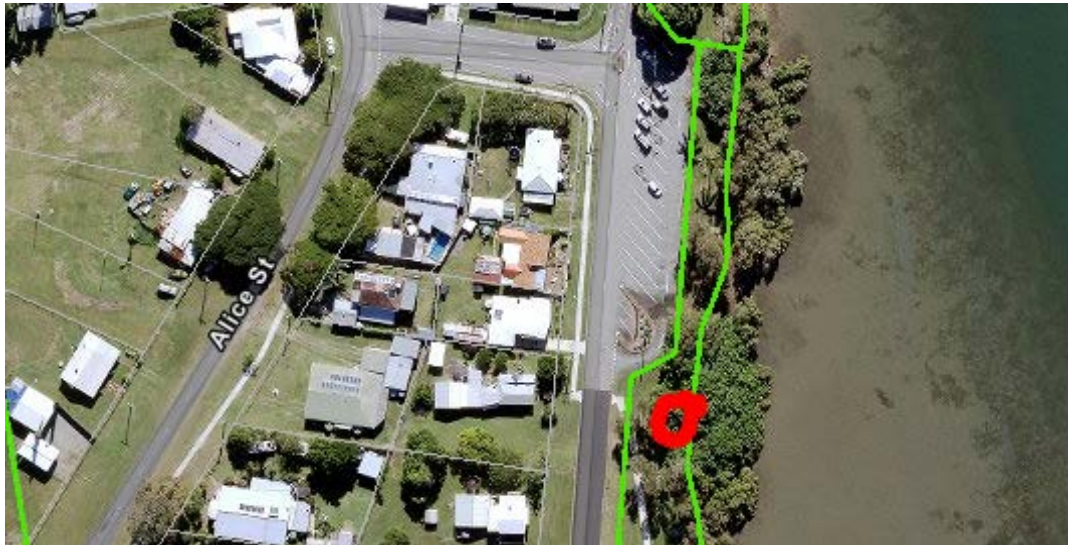


Figure 3: Approximate location of Pioneer Park sign within Donnybrook Foreshore Park (approximately 90m south of the named parkland)

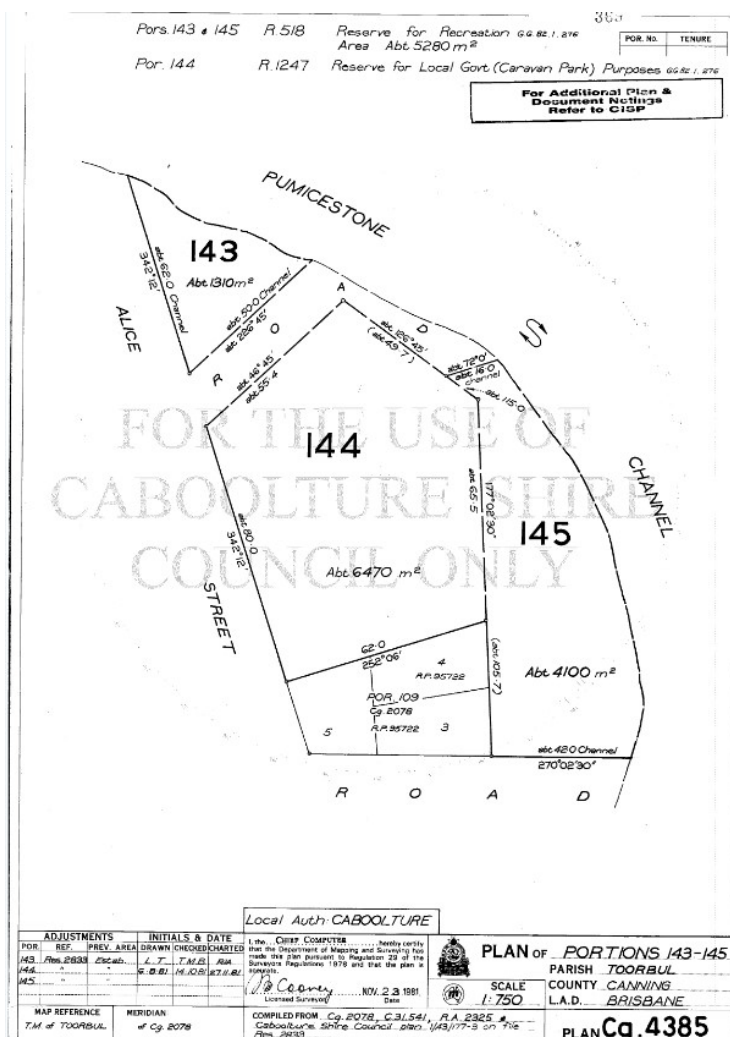


Figure 4: Historic survey plan showing the separate Lots which originally made up the park.

*ITEM 2.1 DONNYBROOK - PROPOSED NAMING OF PIONEER PARK AND PUMICESTONE PARK - 61633347
(Cont.)*

2. Explanation of Item

A meeting was subsequently held between the Donnybrook Progress Association, the Division 1 Councillor and Council officers, where the outcomes of the investigation were explained, and a way forward was agreed.

It was determined that Council approval should be sought to have the park renamed as it was historically known by the community as Pumicestone Park and has been signed as such for many years. The discussion also noted that there was a desire to continue with the recognition of the pioneering families by naming the existing Donnybrook Foreshore Park as Pioneer Park, with agreement to record notable names on the history board beneath the main sign. (Refer to Figures 5 and 6).

The proposed naming aligns with Policy No: 11-2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads). This application has been supported by Division 1 Councillor, Brooke Savige.

The recommendation to name the area complies with the Council's policy guideline as outlined below:

- Historic landmarks;
- Locality of the land;
- Names of respected community members of considerable service who are, or were resident or working within the region;
- Names of pioneering families and long-term residents;

Council internal policy requires that any proposal to name an area of parkland be advertised in local newspapers for a period of up to 28 days during which time submissions can be received. This process allows Council to assess any possible objections to the proposed naming. Other suitable digital media outlets will also be utilised where local print newspapers are not in existence.

A history board is proposed to be installed in conjunction with the new Pioneer Park signage to acknowledge the pioneering families. The proposed wording is as follows:

"In acknowledgement of the support of local pioneering families: Benson, Corscadden, Grant, Johnston, Rudken, and Van Tienhoven."



Figure 5: Proposed boundaries of Pumicestone Park, comprised of Lot 143, CG4385 and part of the adjacent road reserve.

*ITEM 2.1 DONNYBROOK - PROPOSED NAMING OF PIONEER PARK AND PUMICESTONE PARK - 61633347
(Cont.)*



Figure 6: Donnybrook Foreshore, to be renamed as Pioneer Park, Lot 1, SP164553.

In considering the matter, it is acknowledged that the local community has a strong opinion on the names and their location within the foreshore parkland and Council officers see no grounds for Council to object to what is considered a reasonable request. The essence of the former naming remains in place with appropriate recognition of the contribution of local pioneering families to the development of the community.

3. Strategic Implications

3.1 Legislative / Legal Implications

☒ Nil identified

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 proposed naming complies with and has all the supporting documentation required under MBRC Policy No: 11-2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads).

ITEM 2.1 DONNYBROOK - PROPOSED NAMING OF PIONEER PARK AND PUMICESTONE PARK - 61633347
(Cont.)

- 3.4 Risk Management Implications ☒ Nil identified
- 3.5 Delegated Authority Implications
Subject to no adverse submissions being received, the matter should be referred to the Director Engineering Construction and Maintenance for implementation.
- 3.6 Financial Implications
The estimated cost of fabricating and installing 2 new signs in accordance with the Draft Park and Open Space Signage Guidelines is approximately \$4,000.
- 3.7 Economic Benefit Implications ☒ Nil identified
- 3.8 Environmental Implications ☒ Nil identified
- 3.9 Social Implications
The local community has a strong opinion on the matter and Council officers see no grounds for Council to object to what is considered a reasonable request.
- 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
Appropriate consultation has been held between community representatives, The Division 1 Councillor and Councils Parks and Recreation Planning department.

ITEM 2.2

AMENDMENT TO THE MORETON BAY REGIONAL COUNCIL LOCAL GOVERNMENT INFRASTRUCTURE PLAN

Meeting / Session: 2 INFRASTRUCTURE PLANNING
Reference: 62006343 : 4 May 2021
Responsible Officer: EM, Coordinator Strategic Infrastructure Planning (IP Strategic Infrastructure Planning)

Executive Summary

On 20 June 2017, Council adopted an amendment to the Moreton Bay Regional Council (MBRC) Planning Scheme to include a Local Government Infrastructure Plan (LGIP) and make a LGIP related administrative amendment to the MBRC Planning Scheme. The adopted amendment came into effect on 3 July 2017.

On the 3 July 2018, Council resolved to amend its existing LGIP, and to commence network planning for the LGIP utilising the current Priority Infrastructure Area (PIA) (Minute Pages 18/1472 and 18/1477). This amendment was to also to meet the requirement in section 25(3) of the *Planning Act 2016* that an LGIP be reviewed every 5 years.

Following commencement of the current Ministers Guidelines and Rules (MGR) in late 2020, it is considered advantageous to cease the existing amendment process, commenced in 2018, under the previous MGR (2017), and instead proceed under the current MGR.

This report seeks Council's support to cease to proceed with the existing amendment process under the superseded MGR (2017), and to instead undertake an "interim LGIP amendment" to the Moreton Bay Regional Council LGIP to bring into effect the most recent trunk infrastructure network planning for the Moreton Bay Region, following the processes outlined in the current under MGR (2020).

RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Brooke Savage

CARRIED 12/0

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.

*ITEM 2.2 AMENDMENT TO THE MORETON BAY REGIONAL COUNCIL LOCAL GOVERNMENT
INFRASTRUCTURE PLAN - 62006343 (Cont.)*

OFFICER'S RECOMMENDATION

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.

REPORT DETAIL

1. Background

The following resolution appears on minute page 18/1477 of the General Meeting held on 3 July 2018:

Ex. Coordination Committee held 3 July 2018 (Minute Page 18/1477)

1. That in accordance with Section 21 of the *Planning Act 2016* and the Minister's Guidelines and Rules under the *Planning Act 2016*, Council amend its existing Local Government Infrastructure Plan.
2. That Council commences network planning for the Local Government Infrastructure Plan utilising the current MBRC Planning Scheme Priority Infrastructure Area (PIA).

This amendment was also for the purpose of meeting Council's obligation under section 25(3) of the *Planning Act 2016* to review the LGIP every 5 years.

In accordance with the process outlined in the MGR (2017) in effect at the time, Officers commenced the associated work program (including network planning) to inform a full LGIP review and amendment.

In late 2020, the current and revised version of the MGR (2020) came into effect. The MGR (2020) outlines a clear process for undertaking a "LGIP Review", and separately articulates a more streamlined process for an "interim LGIP amendment".

A Council briefing was conducted on 29 April 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 Report to be brought to a General Meeting to cease to proceed with the current amendment process and to undertake an interim LGIP amendment instead.

2. Explanation of Item

In late 2020, a revised version of the MGR (2020) came into effect that outlined a clear process for undertaking a "LGIP Review" as well as separately articulating a more streamlined process for an "interim LGIP amendment". Officers consider it advantageous to Council to utilise these changes in the MGR to incorporate up to date network planning into the LGIP in a more streamlined manner through an "interim LGIP amendment". Council can then undertake a 5-year review of the LGIP as required by section 25(3) of the *Planning Act 2016* at a later stage.

In accordance with transitional provisions outlined in Chapter 5, Part 7 of the MGR, as Council had resolved to undertake an amendment to the LGIP under MGR (2017), the existing amendment process would have needed to continue under that version.

ITEM 2.2 AMENDMENT TO THE MORETON BAY REGIONAL COUNCIL LOCAL GOVERNMENT
INFRASTRUCTURE PLAN - 62006343 (Cont.)

Officers have sought independent legal advice regarding the options available to Council in these circumstances. Having considered that advice, officers have formed the view that Council can change the mechanism used for amending the LGIP, but to do so Council must first formally resolve to cease to proceed with the existing LGIP amendment process under the MGR (2017).

Chapter 5, part 2 of the MGR (2020) defines an “interim LGIP amendment” as:

... an amendment to a planning scheme that is not made pursuant to a LGIP review under section 25(3) of the Act, and where the amendment does not propose to reduce the size of, remove an area from, or remove, a PIA from the LGIP.

As Council is not proposing to amend the PIA at this time, the MBRC LGIP can be amended using the “interim LGIP amendment” mechanism. This will allow the LGIP to incorporate Council’s most recent planning assumptions and trunk infrastructure network planning, without having to complete the procedures that would apply for a full LGIP amendment.

For an “interim LGIP amendment”, Council must:

1. Consult with relevant state agencies and a distributor-retailer (water and wastewater) to the extent they may be affected by the amendment
2. Complete the LGIP Review Checklist
3. Undertake public consultation for a period of at least 15 days
4. Consider submissions
5. Adopt and notify the Chief Executive of the adoption.

An “interim LGIP amendment” is a simplified process to enable Council to maintain a contemporary LGIP and removes the time and costs associated with Appointed Reviewers and State Interest reviews. An “interim LGIP amendment” also has a shorter minimum public consultation period.

Notwithstanding the above, officers have worked with an Appointed Reviewer throughout the trunk infrastructure network planning to maintain the integrity of the MBRC LGIP.

A Communication and Engagement Plan (CEP) will be brought to Council for consideration as part of the amendment package. The CEP will describe in detail how Council will engage with the community and key stakeholders, during consultation, to seek their feedback.

The Regional Growth Management Strategy (RGMS) project is progressing and will establish future direction for growth across the region. Amendments to the LGIP to support the outcomes of the RGMS will be considered at a later date and it is considered that an interim LGIP amendment is a more streamlined process to maintaining a contemporary LGIP.

3. Strategic Implications

3.1 Legislative / Legal Implications

Independent legal advice has been sought on the proposed approach. Officers have considered that advice, and have formed the view that, to proceed as described above, it is necessary for Council to resolve:

1. to cease to proceed with the existing LGIP amendment under Council’s previous resolution of 3 July 2018; and
2. to undertake an “interim LGIP amendment”.

Council is required to review its LGIP within 5 years of the LGIP being included in the planning scheme. Council will conduct this review prior to 3 July 2022.

3.2 Corporate Plan / Operational Plan

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

*ITEM 2.2 AMENDMENT TO THE MORETON BAY REGIONAL COUNCIL LOCAL GOVERNMENT
INFRASTRUCTURE PLAN - 62006343 (Cont.)*

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications

An interim LGIP amendment is a more streamlined process to maintaining a contemporary LGIP, therefore reducing potential risks of delaying the amendment.

An interim LGIP amendment also enables Council to include updated planning assumptions and network planning in the planning scheme to support the development assessment process.

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

An interim LGIP amendment is a shorter process than a full LGIP amendment therefore reducing the operational costs to the organisation.

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.

3.9 Social Implications

Maintaining a contemporary LGIP benefits the community by having as up to date as possible standards of service and infrastructure network planning to meet community needs and expectations.

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

Advice has been sought from the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP). Noting that Council is progressing with the Regional Growth Management Strategy, DSDILGP supports the proposal to cease the existing LGIP amendment under MGR (2017).

A Council Briefing on 29 April 2021 considered the proposed approach to cease to proceed with the amendment under MGR (2017) and undertake an interim LGIP amendment in accordance with MGR (2020).

3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION

(Cr B Savige)

ITEM 3.1

**MBRC - YOUNGS CROSSING ROAD - BRIDGE AND ROAD CONSTRUCTION
(PRELIMINARY AND DETAILED DESIGN) - VARIATION**

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE
Reference: 61981016: 13 May 2021
Responsible Officer: HM, Senior Project Manager (ECM Project Management)

Executive Summary

HDR Pty Ltd was awarded the tender for the design of 'MBRC - Youngs Crossing Road - Bridge and Road Construction (Preliminary and Detailed Design)' project on 16 November 2020 following a select-invite tender process from Local Buy Pre-Qualified Suppliers Contract (BUS262-0317 - Engineering & Environment).

As part of the detailed design process, the broader road and bridge alignment has been modified (Option 1B) to that of the original concept design (Option 1). The alignment is still based upon the Youngs Crossing Road route. The modified alignment requires additional design work to complete the project.

It is recommended that Council varies the existing design project agreement with HDR Pty Ltd to allow completion of the design works for the project.

RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Sandra Ruck

CARRIED 12/0

1. That Council enters into an agreement with HDR Pty Ltd, to vary the existing agreement (VP202384 / BUS262-0317), as a result of the modified alignment change, for the sum of \$600,632.
2. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the variation of the agreement with HDR Pty Ltd for 'MBRC - Youngs Crossing Road - Bridge and Road Construction (Preliminary and Detailed Design)' project and any required variations of the agreement on Council's behalf.

ITEM 3.1 MBRC - YOUNGS CROSSING ROAD - BRIDGE AND ROAD CONSTRUCTION (PRELIMINARY AND DETAILED DESIGN) - VARIATION - 61981016 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council enters into an agreement with HDR Pty Ltd, to vary the existing agreement (VP202384 / BUS262-0317), as a result of the modified alignment change, for the sum of \$600,632.
2. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the variation of the agreement with HDR Pty Ltd for 'MBRC - Youngs Crossing Road - Bridge and Road Construction (Preliminary and Detailed Design)' project and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

Youngs Crossing Road is located on the boundary of Petrie and Joyner and is designated as a Council controlled arterial road. Youngs Crossing Road is an important transport corridor used by approximately 20,000 vehicles every day. Daily vehicle volumes are predicted to increase to 22,500 by 2026 and 27,500 by 2036.

The 'MBRC - Youngs Crossing Road - Bridge and Road Construction' project is located on Youngs Crossing Road and extends between Protheroe Road, Joyner to Dayboro Road, Petrie. The objective of the project is to create a four-lane road connection from Protheroe Road to Dayboro Road and provide a new 1% Annual Exceedance Probability AEP (Q100) four lane bridge crossing of North Pine River and Sideling Creek.

Following the engagement of the project engineering design consultant HDR Pty Ltd, Council's project team and HDR Pty commenced an investigation into a modified alignment ('Option 1B') generally following the Council adopted concept, 'Option 1 (Youngs Crossing Road alignment)' but with the following changes:

- the proposed bridge crossing is moved further west towards the Pony Club;
- the bridge structure is split in two sections with one bridge crossing North Pine River and the other Sideling Creek and with a raised earthworks section in between.

The investigation of the 'Option 1B' was completed through a Fatal Flaw Review (FFR) which included consideration to geometry, structures, hydraulics, environmental and cost. The outcome of the FFR was that the 'Option 1B' had no fatal flaws and was the most cost-effective option considered, while also appearing to provide a number of benefits over the 'Option 1 (Youngs Crossing Road alignment)' including;

- improved constructability, that is, lessening the need for road closures during construction of the project;
- improved access to Youngs Crossing Park;
- reduced impact to the swimming area and Youngs Crossing Park;
- reducing the environmental impacts by avoiding Youngs Crossing Park and significant vegetation between North Pine River and Sideling Creek (avoiding two figs)
- reducing the hydraulic impact through aligning bridge piers within the direction of (stream) flow and;
- reducing the height of the road embankment and hence reducing its hydraulic impact.

Following the FFR, Council agreed to proceed with the detailed design of 'Option 1B'.

The project involves the construction of a section of Youngs Crossing Road, approximately 980m long, as a four-lane median divided arterial road. The scope includes a 1% AEP (Q100) two-bridge solution (168m bridge total) involving an 84m long bridge spanning over North Pine River and an 84m long bridge spanning over Sideling Creek, connected by an embankment. The bridges will be four lanes with cycle lanes on both sides and a concrete footpath on one side of the bridges.

ITEM 3.1 MBRC - YOUNGS CROSSING ROAD - BRIDGE AND ROAD CONSTRUCTION (PRELIMINARY AND DETAILED DESIGN) - VARIATION - 61981016 (Cont.)

The project scope also includes the provision for amended access to the Thompson Bus Services depot, signalisation of the intersection of Youngs Crossing Road and Protheroe Road, an upgrade to the existing signalised intersection of Youngs Crossing Road and Dayboro Road. Project works will also include pavements, road furniture, street lighting, stormwater infrastructure, green infrastructure, noise walls, landscaping and offset planting.

The 'MBRC - Youngs Crossing Road - Bridge and Road Construction' project has previously been considered by Council in the following sessions:

- Council Workshop on 1 November 2019 relating to the presentation of two alternative options, Option 1 (Youngs Crossing Road alignment) and Option 2 (Andrew Petrie Drive alignment). In line with Council's decision-making framework, an extract from the outcomes of the workshop, is provided below:

TENDER - MBRC - YOUNGS CROSSING ROAD - BRIDGE AND ROAD CONSTRUCTION (PRELIMINARY AND DETAILED DESIGN)

Outcome:

Request for detailed concept designs together with estimate of costs involved (based on scenarios B & C as presented at workshop) to be brought back to Council for further review and consideration.

- Council Briefing on 1 July 2020 relating to the presentation of project background information. In line with Council's decision-making framework, an extract from the briefing notes, is provided below:

TENDER - MBRC - YOUNGS CROSSING ROAD - BRIDGE AND ROAD CONSTRUCTION (PRELIMINARY AND DETAILED DESIGN)

EXTRACT TO BE INCLUDED IN OFFICER'S REPORT

Council noted the background information provided.
Further briefing on 22 July to review two interim upgrade options.

- Council Briefing on 22 July 2020 relating to the presentation of officer assessments of both options and resolutions to undertake further options analysis for Option 1 (Youngs Crossing Road alignment) and procurement of a community engagement consultant. In line with Council's decision-making framework, an extract from the briefing notes, is provided below:

BRIEFING 4 - YOUNGS CROSSING UPGRADE - TRANSPORT PLANNING STUDY OUTCOMES

EXTRACT TO BE INCLUDED IN OFFICER'S REPORT

The CEO noted the way forward:

The \$1.67m allocated through the Federal Government Covid Funding to be reallocated to other projects.

Undertake further options analysis for Option 1, including further locating bridge to the west of current option etc. Undertake options analysis, including estimates, for Dayboro Road, including Sideling Creek bridge to roundabout (Dayboro/Andrew Petrie/Beeville).

Engage community engagement consultant to work through consultation strategy etc for presentation/discussion when Option 1, Dayboro Road and Option 2 is re-presented in 8 weeks-time.

- Council Meeting on 2 September 2020 relating to community and stakeholder consultation. In line with Council's decision-making framework, an extract from meeting minutes, is provided below:

ITEM 3.1 MBRC - YOUNGS CROSSING ROAD - BRIDGE AND ROAD CONSTRUCTION (PRELIMINARY AND DETAILED DESIGN) - VARIATION - 61981016 (Cont.)

RESOLUTION

Moved by Cr Peter Flannery (Mayor)

Seconded by Cr Brooke Savidge

CARRIED 13/0

1. That an external communications consultant be engaged to undertake a Community Consultation and Stakeholder Engagement campaign commencing in September 2020, presenting options on the upgrade of Youngs Crossing Road, Joyner.
2. That following completion of the consultation, the outcomes be reported back to Council to inform decision-making on the upgrade of Youngs Crossing Road, Joyner.

- Council Briefing on 14 October 2020 relating to the preliminary results of the community consultation survey. In line with Council's decision-making framework, an extract from the briefing notes, is provided below:

BRIEFING 3 YOUNGS CROSSING UPGRADE - CONSULTATION OUTCOMES AND NEXT STEPS

EXTRACT TO BE INCLUDED IN OFFICER'S REPORT

The CEO noted the way forward:

Noted that a comprehensive report will be brought to Council Meeting scheduled for 12 November 2020, for Council's consideration to adopt either option 1 or option 2 for the Youngs Crossing Road Upgrade.

Noted that community engagement, via various sources, will continue throughout the course of this project through until project completion stage.

Cr Peter Flannery (Mayor) advised he has an upcoming meeting with the Minister for Population, Cities and Urban Infrastructure, Mr Alan Tudge MP, to discuss acquiring more federal funding for this project.

- At Council's General Meeting held 12 November 2020, Council resolved to adopt Option 1 (Youngs Crossing Road alignment) as the preferred option over Option 2 (Andrew Petrie Drive alignment), for the '*MBRC - Youngs Crossing Road - Bridge and Road Construction*' project. In line with Council's decision-making framework, an extract from meeting minutes, is provided below:

Moreton Bay Regional Council

GENERAL MEETING - 530
26 May 2021

PAGE 21/666
Minutes

ITEM 3.1 MBRC - YOUNGS CROSSING ROAD - BRIDGE AND ROAD CONSTRUCTION (PRELIMINARY AND DETAILED DESIGN) - VARIATION - 61981016 (Cont.)

RESOLUTION

Moved by Cr Peter Flannery (Mayor)

Seconded by Cr Sandra Ruck

CARRIED 9/1

Cr Darren Grimwade voted against the motion

1. That Council adopt Option 1, Youngs Crossing Road alignment, as the preferred option for the upgrade of the existing Youngs Crossing Road, to achieve a 1% Annual Exceedance Probability (AEP), flood immunity (i.e. Q100).
2. That the Chief Executive Officer progress the development of the preliminary and detailed designs for the full upgrade, and report back to Council at key milestones to inform Council and the community of significant issues such as cost, timing, approvals, environmental and construction impacts, and community engagement issues.
3. That the Mayor write to the Minister for Transport and Main Roads to advise of Council's decision and preferred alignment, to seek the State Government's support to work with Council to identify necessary upgrades to Dayboro Road to cater for traffic growth, and to request a funding commitment of up to \$10 million to complete the intersection with the state controlled road.
4. That the Chief Executive Officer write to the Director General of the Department of Transport and Main Roads (DTMR) to advise them of Council's decision, and seek a commitment from them to provide a fast track approval for the design of the intersection of Youngs Crossing Road and Dayboro Road, based on the current concept design.

GENERAL MEETING - 519
12 November 2020

PAGE 20/1885
Minutes

GENERAL MEETING - 519
12 November 2020

PAGE 20/1886
Minutes

ITEM 2.2 YOUNGS CROSSING ROAD UPGRADE - FINAL APPROVAL - A20727400 (Cont.)

5. That the Chief Executive Officer write to the Federal Department of Infrastructure, Transport, Regional Development and Communications to advise the Department of Council's decision, to express Council's appreciation of their funding commitment towards the upgrade, and to progress the application to secure the committed funding and to request further funds for the project.
6. That Council undertake a procurement process to engage a suitably qualified community engagement and consultation specialist company, to work with Council, the engineering consultants, other specialist consultants, stakeholder groups and importantly, the community, through the design development and construction phases of the project.
7. That the Mayor writes to the community advising of Council's decision and thanking them for the extensive level of feedback received throughout the consultation period.
8. That Recommendation 1 (subject to adoption) supersede all previous Council resolutions regarding the future construction of a bridge and associated road upgrades to cross the North Pine River at Youngs Crossing, as outlined in this report.

ITEM 3.1 MBRC - YOUNGS CROSSING ROAD - BRIDGE AND ROAD CONSTRUCTION (PRELIMINARY AND DETAILED DESIGN) - VARIATION - 61981016 (Cont.)



Figure 1 - Option 1 (Youngs Crossing Road alignment) and Option 2 (Andrew Petrie Drive alignment)

The 12 November 2020 report refers to 'MBRC - Youngs Crossing Road - Bridge and Road Construction (Preliminary and Detailed Design)' project which includes the concept review and design, site testing/investigation, preliminary design, detailed design and construction phase support for Option 1 (Youngs Crossing Road alignment) Stage 1 of the 'MBRC - Youngs Crossing Road - Bridge and Road Construction' project.



Figure 2 - Option 1 (Youngs Crossing Road alignment) Stage 1

- On 16 November 2020 the Chief Executive Officer exercised Council Delegation 163 to award the tender for 'MBRC Youngs Crossing Road - Bridge and Road Construction (Preliminary and Detailed Design)' project be awarded to HDR Pty Ltd. In line with Council's decision-making framework, an extract of the decision, is provided below:

ITEM 3.1 MBRC - YOUNGS CROSSING ROAD - BRIDGE AND ROAD CONSTRUCTION (PRELIMINARY AND DETAILED DESIGN) - VARIATION - 61981016 (Cont.)

CEO Decision Exercising Council Delegation 163

The Chief Executive Officer exercised Council Delegation 163 adopting the Officer's Recommendation as follows:

1. That the tender for tender for 'MBRC - Youngs Crossing Road - Bridge and Road Construction (Preliminary and Detailed Design)' project be awarded to HDR Pty Ltd for the sum of \$1,205,531.00 (excluding GST).
2. That the Council enters into an agreement with HDR 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 HDR Pty Ltd for 'MBRC - Youngs Crossing Road - Bridge and Road Construction (Preliminary and Detailed Design)' project and any required variations of the agreement on Council's behalf.

- A Council briefing was conducted on 24 March 2021 which included consideration of the following three alignment options;

Option 1 (Youngs Crossing Road alignment): The original option being a single 180m long bridge option spanning over North Pine River and Sideling Creek with an alignment close to the existing Youngs Crossing Road.

Option 1B: An alternative option where the bridge crossing is moved further west towards the Pony Club. This option included a two-bridge solution (168m bridge total) involving an 84m long bridge spanning over North Pine River and an 84m long bridge spanning over Sideling Creek.

Option 1E: An alternative option where the bridge crossing is moved further west towards the Pony Club. This option included a 230m long bridge option spanning over North Pine River, land adjacent to the Pony Club and Sideling Creek.

Council agreed to proceed with Alternative Option 1B.



Figure 3 - Alternative Option 1B alignment sketch

In line with Council's decision-making framework, an extract from the briefing notes, is provided below:

ITEM 3.1 MBRC - YOUNGS CROSSING ROAD - BRIDGE AND ROAD CONSTRUCTION (PRELIMINARY AND DETAILED DESIGN) - VARIATION - 61981016 (Cont.)

EXTRACT TO BE INCLUDED IN OFFICER'S REPORT	Responsible Officer:
<p>Key points:</p> <ul style="list-style-type: none"> • External consultants were engaged to analysis and review option 1 (as adopted at Council General Meeting on 12 November 2020) for the proposed Youngs Crossing Road upgrade; • Consultants provided Council with two alternative alignments to option 1; 1a and 1b; • Option 1b was noted as the most cost effective with noise and environmental impacts together with constructability all taken into consideration; <p>OUTCOMES:</p> <ul style="list-style-type: none"> • Proceed with option 1b as noted in external consultant's recommendation; • Continue with regular updates to Council on the progress of this project; • Proceed with community consultation (with affected landowners) and provide an update to the wider community regarding the amendment to the road alignment. 	<p>Syd Jerram - Manager Integrated Transport Planning</p>

2. Explanation of Item

The original agreement between Council and HDR Pty Ltd is based on the design of 'Option 1 (Youngs Crossing Road alignment)'. The FFR work undertaken by HDR Pty Ltd was completed as a variation to the original agreement as this was a specific scope of additional work undertaken in order to test the viability of 'Option 1B' against 'Option 1 (Youngs Crossing Road alignment)'.

The change in alignment from the original agreement 'Option 1 (Youngs Crossing Road alignment)' to the modified alignment 'Option 1B' requires additional concept, preliminary and detailed design works beyond that included in the original agreement and that completed as part of the FFR variation. These additional design works are associated with:

- Development of the full concept design on the modified alignment as opposed to the review and updating of the existing full concept design of 'Option 1 (Youngs Crossing Road alignment)';
- Inclusion of a second bridge structure noting that there are few details or engineering design that can be replicated/re-used for the two bridges as the North Pine River Bridge (non-skewed piers) and the Sideling Creek Bridge (skewed piers) have different pier arrangements in order to best align the bridge piers with the associated crossing flows to provide hydraulic efficiencies; and
- Inclusion of an additional embankment between the two bridge structures.

HDR Pty Ltd have submitted a variation price of \$365,952.00 to complete the additional design works required for the 'Option 1B'. HDR Pty Ltd have submitted a revised design program for the delivery of the additional design works required for 'Option 1B' which has a revised completion date of 31 March 2021.

HDR Pty Ltd have also submitted a revised accelerated program for the delivery of the additional design works required for 'Option 1B' which has a revised completion date of 11 November 2021. The revised accelerated program accommodates an Issue for Tender milestone submission with a date of 30 September 2021, which would allow Council to receive construction tenders prior to the end of the 2021 calendar year, closer to the original project program. HDR Pty Ltd have submitted a variation price of \$234,680.00 to complete the additional design works required for 'Option 1B' in accordance with the revised accelerated program.

ITEM 3.1 MBRC - YOUNGS CROSSING ROAD - BRIDGE AND ROAD CONSTRUCTION (PRELIMINARY AND DETAILED DESIGN) - VARIATION - 61981016 (Cont.)

Council officers have reviewed the variation details and conclude that the variation prices provided are comparable with agreed contract rates and that this variation is proportional to the additional design works required to complete the design for 'Option 1B' to the revised accelerated program.

3. Strategic Implications

3.1 Legislative / Legal Implications

The agreement with HDR Pty Ltd will be undertaken as an approved variation to the existing contract and will be managed in accordance with the existing contract arrangements.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

3.4 Risk Management Implications

There are no risk implications beyond the normal acceptable levels associated with approving a variation to the current contract.

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 is greater than the budget allocation and is therefore reported to Council for consideration.

3.6 Financial Implications

Council has allocated a total of \$1,610,000 in the 20-21 FY Capital Projects Program, with \$5,000,000, \$40,000,000 and \$20,000,000 identified in the draft 21-22 FY, draft 22-23 FY and draft 23-24 FY Capital Projects Programs respectively. The project will receive \$7.75M in funding from the Commonwealth Government Urban Congestion Fund, which is aligned with the draft 21-22 FY Capital Projects Program budget. The Commonwealth Government announced a further project contribution of \$25M on 7 May 2021, bringing the total Commonwealth Government contribution towards the project of \$32.75M. All financials below are excluding GST.

A. Preliminary Works, Concept Design and Community Engagement (non HDR Pty Ltd work):

Communications Consultant (The Comms Team Pty Ltd)	\$ 92,535.57
Design Brief Consultant (PROJEX QLD Pty Ltd)	\$ 10,335.00
Project Preliminary Works Traffic survey, Environmental, Cultural Heritage	\$ 11,672.84
Project Preliminary Works Internal Survey, Design & Project Management	\$ 30,467.34
Sub-total 1	\$ 145,010.75

B. Preliminary and Detailed Design (HDR Pty Ltd)

Original Contract Value	\$1,205,531.00
*Approved Variations to date (Fatal Flaw Review, additional Noise Monitoring Assessment and Probabilistic Cost Estimate)	\$ 106,917.00

Moreton Bay Regional Council

GENERAL MEETING - 530
26 May 2021

PAGE 21/671
Minutes

ITEM 3.1 MBRC - YOUNGS CROSSING ROAD - BRIDGE AND ROAD CONSTRUCTION (PRELIMINARY AND DETAILED DESIGN) - VARIATION - 61981016 (Cont.)

**Variation for additional design works required for 'Alternative Option 1B'	\$ 365,952.00
**Variation for revised accelerated program	\$ 234,680.00
Sub-total 2	\$1,913,080.00

C. Preliminary and Detailed Design (Other)

Structural design peer review (Arup Pty Ltd)	\$ 75,000.00
Community engagement	\$ 75,000.00
External Survey (DSQ Pty Ltd)	\$ 11,250.00
Internal Design and Project Management	\$ 85,233.00
Sub-Total 3	\$ 246,483.00

Total (A+B+C) \$2,304,573.75

*Approved Variations to date (\$106,917.00) relate to the completion of the Fatal Flaw Review of Option 1 (Youngs Crossing Road alignment), Alternative Option 1B and Alternative Option 1E, as well as additional Noise Monitoring Assessment and Probabilistic Cost Estimate works.

**Variations discussed within this report (\$600,632.00).

The revised project commitments (\$2,304,573.75) exceed the 20-21 FY Capital Projects budget allocation (\$1,610,000) for this project by \$694,573.75. Based on the revised accelerated program the preliminary and detailed design stage is scheduled for completion in November 2021. Forecast 20-21 FY spend by 30 June 2021 is approximately \$1.5M, in keeping with the current 20-21 FY project budget allocation, with the remaining \$800,000 of the \$2.3M forecast to be expended in 21-22 FY.

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

Council officers have negotiated with HDR Pty Ltd in the development and review of the variations to the current contract.

ATTENDANCE

Dan Staley attended the meeting at 10.02am for discussion on Item 4.1.

4 PLANNING SESSION**(Cr D Grimwade)****ITEM 4.1**

DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE

APPLICANT: Fabcot Pty Ltd**OWNER: Fabcot Pty Ltd**

Meeting / Session: 4 PLANNING

Reference: 61509560: 22 January 2021 – Refer Supporting Information 61816160, 61968913, 61969393

Responsible Officer: LT, Principal Planner (Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	Fabcot Pty Ltd
Lodgement Date:	17 June 2020
Properly Made Date:	26 June 2020
Confirmation Notice Date:	1 July 2020
Information Request Date:	15 July 2020
Info Response Received Date:	1 October 2020
Public Notification Dates:	14 October - 5 November 2020
No. of Submissions:	Properly Made: 7 (1 support, 6 opposed incl. 1 petition) Note: Petition - 165 signatories (58 legible with address and name) Not Properly Made: 2
Decision Due Date:	30 April 2021
Prelodgement Meeting Held:	Yes DA/5427/2011/PRE

PROPERTY DETAILS	
Division:	3
Property Address:	96-110 Bellmere Road, BELLMERE QLD 4510
RP Description	Lot 8 RP135463
Land Area:	19780 m ²
Property Owner	Fabcot Pty Ltd

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	MBRC Planning Scheme
Planning Locality / Zone	General Residential Zone - Suburban Neighbourhood Precinct
Level of Assessment:	Impact Assessment - Policy Neutral

This application seeks a Material Change of Use - Development Permit for Shopping Centre, Food and Drink Outlet, Health Care Service, Indoor Sport and Recreation, and Office situated at the abovementioned property.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

The proposal involves a new Local Centre comprising a full line supermarket (3,176m²), tenancies for remaining uses (totalling 1,591 m²), public amenities, outdoor seating and play area, landscaping and carparking (227 spaces).

The Overall Outcomes of General Residential Zone Code - Suburban Neighbourhood Precinct, support Shopping Centre, Food and Drink Outlet, Health Care Service, Indoor Sport and Recreation, and Office where in a Neighbourhood Hub. With reference to the centre hierarchy in the Centre Zone Code, the proposal involves a new Local Centre. Therefore, while the uses are anticipated in the Suburban Neighbourhood Precinct, the clustering as a Local Centre is policy neutral in this precinct and must be assessed upon its merits.

The development design presents landscaping and single storey buildings with broad eaves and large windows to Bellmere Road and River Drive. The supermarket component has a maximum building height of 10.5m. Shadow diagrams have been provided in support of the proposed development. The variation in building materials and staggered height create visual interest and minimise areas of flat, blank walls. Building design, areas of acoustic fencing and operational management practices are proposed to minimise the acoustic impact of the development to dwellings in the vicinity.

The application was publicly advertised with seven (7) submissions received. The applicant also undertook voluntary stakeholder engagement. Based on detailed assessment, the proposed development is considered to accord with the intent of the MBRC Planning Scheme and is recommended to be approved subject to conditions.

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

A Council briefing was conducted on 16 November 2020 for the purpose of sharing information and providing advice/views to Council on the matter. The briefing provided a summary of the proposed development and confirmed that the matter would be brought to Council for decision.

The briefing included planning advice that the key relevant issues, in relation to the development application are:

- the direct competition between the new centre and the existing neighbourhood hub (particularly between a new full line supermarket and the established neighbourhood grocer) and
- the economic need for the development; and
- traffic impacts, including access to Bellmere Road, and impact on the safety and efficiency of the road network.

The Planning Act 2016 (s45) specifically excludes the consideration of a person's personal circumstances, financial or otherwise, in the assessment of an impact assessable development application. In this context, the planning decision cannot be anticompetitive to protect a business interest.

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Jodie Shipway

CARRIED 12/0

That the Officer's Recommendation be adopted as detailed in the report.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

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 Shopping Centre, Food and Drink Outlet, Health Care Service, Indoor Sport and Recreation, and Office at 96-110 Bellmere Road, Bellmere, described as Lot 8 RP135463, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Elevations (Bellmere Road and River Drive)	DA-20-00 Rev 8	Thomson Adsett	03/08/2020
Site Elevations (Rear)	DA-20-00 Rev 10	Thomson Adsett	03/08/2020
Site Sections	DA/30-00 Rev 10	Thomson Adsett	03/08/2020
Site Perspectives	DA-40-10 Rev 10	Thomson Adsett	22/12/2020
Perspectives - Building 02	DA-40-20 Rev 8	Thomson Adsett	22/12/2020
Waste Management Plan	MRA19-096 Rev B	MRA Environmental Pty Ltd	9/06/2020
Acoustic Report	2020079 R01L	Acoustic Works	23/09/2020
Stormwater Management Plan	200191 Rev 04	Edge Consulting Engineers	10/02/2021

Plans to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	DA-10-00 Rev 26	Thomson Adsett	22 December 2020
Roof Plan	DA/10-10 Rev 10	Thomson Adsett	22/12/2020
Landscape concept plans "Woolworths Bellmere, Queensland"	Rev C.	Urbis	22/09/2020
Proposed Shopping Centre. Future 4 Lane Concept for Bellmere Road and River Drive	FAB0113-02 // SK10 Rev E	Cambray Consulting	15 December 2020

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1	Approved Plans and/or Documents	
	Undertake development 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.

Moreton Bay Regional Council

GENERAL MEETING - 530
26 May 2021

PAGE 21/675
Minutes

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

2	Amended Plan Required	
A	<p>Submit amended plans as detailed below incorporating the following: <u>Future 4 Lane Concept for Bellmere Road & River Drive (Functional Layout Plan) including signalisation</u></p> <ul style="list-style-type: none"> • Amend and redesign all turn treatments using Normal Design Domain (NDD) values from Austroads; • Remove the left turn entry from the Bellmere Road frontage; • Extend the road layout to the east to show the full transition back to the existing formation and up to Piggot Road; • Extend the road layout to the west to show the full transition back to the existing formation and include the bus stops. The bus stops are to be 'in lane' bus stops; and • Include chevron to the eastern right turn lane on the River Drive approach to the new intersection as an interim treatment; <p><u>Site Plan, Roof Plan & Landscape Plan</u></p> <ul style="list-style-type: none"> • Update the plans to include all changes required to the Functional Layout Plan above; and • Landscape Plan to show landscaping (minimum turf) in the Future Development Zone. 	Prior to any Approval of Operational Works or Building Works.
B	Obtain approval from Council for the amended plans in accordance with (A) above.	Prior to any Approval of Operational Works or Building Works.
C	Implement the requirements and recommendations of the approved plan(s). The approved amended plan(s) will form part of the approval.	Prior to commencement of use.
3	On-Site Car Spaces	
A	Provide vehicle spaces on site in accordance with the approved plans.	Prior to commencement of use and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	Prior to commencement of use and to be maintained at all times.
C	The area shown as "Future Development Zone" is not to be used for parking. Wheelstops, kerbing, bollards or similar is to be used to prevent vehicle access.	Prior to commencement of use and to be maintained at all times.
4	Bicycle Parking Facilities	

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

	<p>Install secure bicycle parking facilities for a minimum of 23 bicycles adjacent to building entrances or in public areas for customers, staff and visitors.</p> <p>Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.</p>	Prior to commencement of use and to be maintained.
5	Building Activation	
	<p>Glazing fronting Bellmere Road or River Drive is to:</p> <ol style="list-style-type: none"> accord with the approved plans; and remain uncovered (e.g. is transparent and not covered by screens, curtains, furniture, internal fixtures, objects or the like) and free of signage between a height of 1m and 2m. <p>Note: This condition is applied to ensure that the development contributes to casual surveillance of public spaces.</p>	Prior to commencement of use and to be maintained at all times.
6	Electrical Transformer	
	<p>Ensure that where electrical transformers are located in the front setback (only where an internal road is not proposed) it is screened so that the transformer is not visible from any road frontage and achieves the following:</p> <ol style="list-style-type: none"> A combination of screening device and landscaping; The screening device is constructed of durable, weather resistant materials; and Is integrated with the design of the development and positively contributes to the streetscape. <p>Where an internal road is proposed the transformer is to be located at the end of the roadway internal to the site with provision made for maintenance access through the site.</p> <p>Note: The use of barbed wire or metal prongs is not permitted.</p>	Prior to the commencement of the use and to be maintained at all times.
7	Shopping Trolley Management Plan	
A	Submit a Shopping Trolley Management Plan demonstrating how shopping trolleys are to be confined on the site.	Prior to commencement of use.
B	Obtain approval from Council for the Trolley Management Plan in accordance with (A) above.	Prior to commencement of use.
C	Implement and maintain processes and procedures in accordance with the approved Trolley Management Plan.	Prior to the commencement of use and at all times.
8	External Lighting	

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMEERE ROAD, BELLMEERE - 61509560 (Cont.)

A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use.
9	Pedestrian Lighting	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use.
10	Waste Management Plan	
A	Implement the approved waste management arrangements identified on the approved plan. Note: This development will use bulk bins that can be serviced onsite by a private contractor.	Prior to commencement of use.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
11	Acoustic Attenuation Measures	
A	Provide the acoustic attenuation measures specified in the approved acoustic report.	Prior to the commencement of the use and to be maintained at all times.
B	Provide certification from a suitably qualified person that the attenuation measures have been installed/implemented in accordance with the approved acoustic report.	Prior to the commencement of the use.
12	Landscaping Plan	
A	Provide landscaping on site generally in accordance with the approved landscape plan. Include a dense landscaped buffer, atleast 2.0m deep adjacent to the western and southern boundaries of the site. The landscape buffer is to include species capable of reaching atleast 3.0m in height at maturity.	Prior to commencement of use.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMEERE ROAD, BELLMEERE - 61509560 (Cont.)

B	The "Future Development Zone" area is to be landscaped (minimum turf) and protected from use by vehicles.	Prior to the commencement of use.
C	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use.
D	Maintain the landscaping.	At all times.
13	Screen Fencing	
	Provide 1.8m high treated timber screen fencing to the southern and western boundaries of the site, unless an alternative is agreed to with the adjoining property owner. The fencing is not required at the pedestrian entry to the site from Paddington Street.	Prior to commencement of use.
14	Vehicle Encroachment	
	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.
15	Screening of Loading Facilities / Plant Areas	
	Screen plant areas, refuse storage and other outdoor storage facilities on the site from direct view from any adjoining road or public space.	Prior to commencement of use.
16	Street Trees	
	Provide street trees to both road frontages in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping.	Prior to commencement of use.
17	Management of Wildlife	
A	Carry out approved vegetation clearing under the supervision of a Fauna Spotter Catcher holding a valid Rehabilitation Permit from the relevant State Government Agency.	Prior to and during site works.
B	Provide an activity report, to be completed by the supervising Fauna Spotter Catcher, including: <ol style="list-style-type: none"> 1. The number and species of any animals observed during clearing; 2. The actions taken to deal with observed animals; 3. The number of any animals that were required to be relocated; 4. The release site for any relocated animals; 5. The number (if any) of animals injured during clearing; 6. The treatment provided; 7. The outcome of any treatment; and 8. The location of the treatment. 	Within fourteen (14) days of completion of clearing.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

18	Stockpiles of Construction and Landscaping Materials	
	Locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines and clear of any position from which it could be washed onto any footpath, nature strip, roadway or into any drain, wetland or watercourse.	During site works.
19	Electricity	
	Existing Powerlines are to be undergrounded for the frontages to the site and the development is to be connected and serviced by underground electricity.	Prior to commencement of use.
20	Replace Existing Council Infrastructure	
	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.
21	Alterations and Relocation of Existing Services	
	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.
22	Stormwater	
	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.
23	Stormwater Management	
A	Implement and maintain the works identified in the approved Stormwater Management Plan.	Prior to commencement of use and then to be maintained at all times.
B	Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been built in accordance with the approved Stormwater Management Plan.	Prior to commencement of use.
24	Road Frontage Works and Intersection of Bellmere and River Drive - Unidentified Trunk Works	
A	Submit and have approved by Council, a development application for operational works for frontage roads and the signalised intersection of Bellmere and River Drive, and associated works. The works include: Bellmere Road - Arterial	Prior to commencement of works associated with this condition.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

	<ul style="list-style-type: none"> i. 3.5m wide traffic lane; ii. 2.0m wide cycle lane separated from turn lanes; iii. Kerb and channel and associated piped drainage; iv. 2.5m wide footpath; and v. Verge attributes to suit the Arterial typology <p>River Drive - Sub Arterial</p> <ul style="list-style-type: none"> i. 3.5m wide traffic lane; ii. 2.0m wide cycle lane separated from any turn lanes; iii. Kerb and channel and associated piped drainage; iv. 2.5m wide footpath; and v. Verge attributes to suit the Sub Arterial typology <p>And;</p> <p>The signalised intersection of Bellmere Road and River Drive, including the full ultimate construction of Bellmere Road from Piggott Road to the bus stops located approximately 75m to the west of the development site. The works are to be in accordance with the approved Future 4 Lane Concept for Bellmere Road & River Drive (Functional Layout Plan).</p> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.</p>	
B	<p>Construct the works identified in (A) above in accordance with the approved plans and documents of development.</p> <p>This condition has been imposed under section 128 of the Planning Act 2016. Note that works designed to service the site only e.g turn lanes, do not constitute trunk works for the purposing of trunk offsets.</p>	Prior to commencement of use.
25	Unidentified Trunk Land	
	<p>Dedicate unidentified trunk land as road reserve, adjacent to the Bellmere Road frontage, in accordance with the approved plans.</p> <p>This condition has been imposed under section 128 of the Planning Act 2016.</p>	Prior to the commencement of use.
26	New Non- Trunk Intersection - Bellmere Road Access to the Site	

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

A	<p>Ensure the detailed design of any operational works application is in accordance with the approved plans including the Site Plan and Future 4 Lane Concept for Bellmere Road and River Drive Plan.</p> <p>Any configuration or layouts provided are accepted as demonstrating the conceptual configuration of the works only and are subject to detailed design.</p>	At all times.
B	<p>Submit and have approved by Council, a development application for operational works for the intersection of the new access road to the site and Bellmere Road.</p> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the conceptual intersection configuration in the Council approved ITA and the MBRC Planning Scheme current at the time of the operational works application.</p>	Prior to commencement of works associated with this condition.
C	<p>Construct the intersection of the new internal access road and Bellmere Road at no cost to Council and in accordance with the approved plans and documents of development.</p> <p>This condition has been imposed under section 145 of the Planning Act 2016.</p>	Prior to commencement of use.
27	Construction Management Plan	
A	<p>Submit and have approved by Council, a Construction Management Plan (CMP) prepared by the Principal Contractor. The CMP is to outline, in sufficient detail, the processes that will be employed to minimise impacts on the surrounding community during construction. These processes are to cover the following:</p> <ol style="list-style-type: none"> 1. Material delivery and storage locations 2. Waste locations and collection details 3. Construction office accommodation 4. Contractor / tradesman vehicle parking arrangements 5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday. <p>The CMP may include a site layout drawing identifying these areas.</p> <p>The CMP needs to reflect any staging requirements.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs) 	Not less than two (2) weeks prior to commencement of works. To be maintained current at all times.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMEERE ROAD, BELLMEERE - 61509560 (Cont.)

	<ol style="list-style-type: none"> 2. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable 3. Traffic control measures may need to be put in place for the duration of the construction works to control contractor / tradesman vehicle parking arrangements, this should be documented within the CMP 4. Materials unloading and loading must occur on-site unless prior written approval is given by Council. 5. 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.	At all times during construction of the development.
28	Erosion and Sediment Control	
	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.
29	Access, Internal Roadways, Parking and Servicing Areas	
A	Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
30	New Telecommunications Infrastructure	
	(a) Provide Fibre-Ready telecommunications infrastructure (pit and pipe) throughout the development in accordance with the Communication Alliance specifications contained within Industry Guideline G645:2011 Fibre Ready Pit and Pipe Specifications for Real Estate Development Projects or in accordance with the NBN Co. specifications contained within New Developments: Deployment of the NBN Co Conduit and Pit Network – Guidelines for Developers NBN-TE-CTO-194 and Creating Pit and Pipe Designs for New	(a) Prior to the development being accepted off maintenance.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMEERE ROAD, BELLMEERE - 61509560 (Cont.)

	<p>Developments (Job Aid for Developers) NBN-TE-CTO-586 as amended and current at the date of installation.</p> <p>(b) Provide certification from a RPEQ electrical engineer that the works specified in (a) above have been installed and evidence that a telecommunications carrier licensed under the Telecommunications Act 1997 has agreed to take ownership of the infrastructure.</p> <p>Or</p> <p>(b) Provide written confirmation from NBN Co that the works specified in (a) above have been accepted by it.</p> <p>Or</p> <p>(b) Provide a 'Telecommunications Infrastructure Provisioning Confirmation' or a 'Telecommunications Network Infrastructure Notification' letter from a telecommunications carrier licensed under the Telecommunications Act 1997 (e.g. Telstra) confirming that telecommunications carrier has been engaged to install telecommunications infrastructure within the proposed development.</p> <p>Note: Council policies are available on Council's website.</p>	<p>(b) Prior to lodging a request for Compliance Assessment of subdivision plans.</p> <p>(b)(i) Prior to lodging a request for Compliance Assessment of subdivision plans.</p> <p>Or</p> <p>(b)(ii) Prior to the development being accepted off maintenance.</p>
31	Water and/or Sewerage	
	<p>Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor-Retailer Authority (Unitywater) confirming:</p> <p>(a) a reticulated water supply network connection is available to the land; and</p> <p>(b) a sewerage network connection is available to the land; and</p> <p>(c) all the requirements of UnityWater have been satisfied.</p>	<p>Prior to lodging a request for compliance assessment of subdivision plans.</p>

ADVICES

1	Aboriginal Cultural Heritage Act 2003
	<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</p>

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMEERE ROAD, BELLMEERE - 61509560 (Cont.)

	<p>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 cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government) for further information regarding the responsibilities of the developer.</p>
2	Adopted Charges
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>
3	Food Premises - Food Business Licence Advice
	<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"> 1. An application for food business licence. 2. Plans and elevations (refer to note below). 3. Supporting documentation. 4. Relevant fee. <p>Note: The application is assessed against the provisions of the <i>Food Act 2006, Australia and New Zealand Food Standards Code and AS 4674 – Design, construction and fit-out of food premises (or equivalent)</i>.</p>

- B. That 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

	Details to Insert
Application Type	Material Change of Use - Development Permit for Shopping Centre, Food and Drink Outlet, Health Care Service, Indoor Sport and Recreation, and Office

Moreton Bay Regional Council

GENERAL MEETING - 530
26 May 2021

PAGE 21/685
Minutes

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

	Details to Insert
Relevant Period of Approval	Material Change of Use – 6 years
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	<ul style="list-style-type: none">• Operational Work - Road Work• Operational Work - Stormwater• Operational Work - Electrical and Street Lighting• Operational Work - Advertising Devices• Building Works – Development Permit <p>Other permits may be required.</p>
Codes for Accepted Development	Not applicable
Referral Agencies	There are no Referral Agencies
Submissions	There were seven (7) properly made submissions about this application.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

REPORT DETAIL

1. Background

On 13 November 2007 Council's Delegate approved a Material Change of Use - Development Permit for Retirement Village (84 Units, Manager's Residence and Ancillary Facilities) - Council reference: DA/14813/2006/DA, now lapsed.

On 5 April 2011 Council approved a Material Change of Use - Development Permit for Multiple Dwelling (59 Dwelling Units and Common Recreation Area). There were subsequent changes to this approval approved on 6 July 2011 and 30 January 2012 respectively - Council reference: DA/24971/2010/DA, now lapsed.

On 2 December 2015, an application for Material Change of Use - Development Permit for Entertainment and Recreation (Indoors), Medical Centre, Office, Restaurant, Shop and Take Away Food Outlet was lodged with Council pursuant to the Caboolture Shire Plan- Council reference: DA/31077/2015/V2C. This application was withdrawn on 30 June 2017.

On 12 February 2020, a prelodgement meeting was held in relation to a proposed Material Change of Use for Shop, Food and Drink Outlet, Office, Indoor Sport and Recreation and Health Care Service. This meeting was followed by subsequent discussions about the proposal design and supporting information requirements. The design feedback also required a built form outcome along Bellmere Road / River Drive. Amongst other supporting documentation, the prelodgement meeting identified that as out of centre development, the application requires an Economic Impact Assessment. The application was to address the Residential Zone Code as well as the Centre Zone Code - Local Precinct given the scale of the proposal being akin to a Local Centre.

A Council briefing was conducted on 16 November 2020 to enable further explanation/clarification to be provided to the Council on the matter.

2. Explanation of Item

This application seeks a Material Change of Use - Development Permit for Shopping Centre, Food and Drink Outlet, Health Care Service, Indoor Sport and Recreation, and Office over land at 96-110 Bellmere Road, Bellmere. The proposal involves a new Local Centre comprising a full line supermarket (3,176m²), tenancies for remaining uses (totalling 1,591 m²), public amenities, outdoor seating and play area, landscaping and carparking (227 spaces).

The development application is subject to Impact Assessment because the site is not mapped as a neighbourhood hub lot identified on Overlay map - Community activities and neighbourhood hubs.

2.1 Description of the Site and Surrounds

The site is a 19,780 m² parcel of vacant land with a frontage of approximately 165m to Bellmere Road (Council arterial road) and 120m to River Drive (Council sub-arterial road). Bus stops on Bellmere Road west of the site are frequently serviced.

The site is predominantly flat with a slight fall from 17m AHD at Bellmere Road to a 14m AHD swale drain at the southern boundary.

The former house has been removed. The site contains scattered trees, but the majority of the site is mowed grass. The site is not mapped as containing significant vegetation.

Directions	Planning Scheme Zone	Current Land Use
North	Bellmere Road with established area of Suburban Neighbourhood	High order road with dwelling houses and parks beyond. There is also a unmapped neighbourhood hub including a 7 eleven service

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMEERE ROAD, BELLMEERE - 61509560 (Cont.)

Directions	Planning Scheme Zone	Current Land Use
	Precinct and Recreation and Open Space beyond the road	station, child care centre, friendly grocer and other commercial uses.
Southeast	Suburban Neighbourhood Precinct	Dwelling houses and linking footpath to River Drive
East	River Drive with Suburban Neighbourhood Precinct and Open Space beyond the road	High order road with Dwelling houses.
West (southwest)	Suburban Neighbourhood Precinct	Townhouses (96 dwelling development)

2.2 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

Applicable Assessment Benchmarks:	<u>State Planning Policy</u> <ul style="list-style-type: none"> State Planning Policy, Part E <u>Regional Plan</u> <ul style="list-style-type: none"> South East Queensland Regional Plan <u>From Schedule 10 of the Regulation:</u> <ul style="list-style-type: none"> nil
SEQ Regional Plan Designation:	<ul style="list-style-type: none"> Urban Footprint
Koala Habitat Designation:	Nil

2.2.1 State Planning Policy

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMEERE ROAD, BELLMEERE - 61509560 (Cont.)

Assessment benchmarks - water quality		
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"> (a) altered stormwater quality and hydrology (b) waste water (c) the creation or expansion of non-tidal artificial waterways (d) the release and mobilization of nutrients and sediments. (2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2) (3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply. Conditions are recommended in relation to stormwater management.
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable
Assessment benchmarks - strategic airports and aviation facilities		
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.

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 of the Planning Regulation

Not applicable.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

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 planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework. The applicable Strategic Outcomes under the Themes for the planning scheme are discussed as follows:

Strategic Outcome	Complies	Assessment
Theme - Sustainability and Resilience		
<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>	Y	The building design and landscaping integrate shade features, pedestrian paths, cycling facilities and outdoor seating areas.
<i>Greenhouse gas emissions are reduced from development, land management and other planning decisions in the region.</i>	Y	The development is located within walking and cycling distance of the established residential area and adjacent to a bus stop. It also integrates outdoor seating areas and shade, reducing reliance on air conditioning.
<i>The resilience of communities, development, essential infrastructure, natural environments and economic sectors to natural hazards including projected changes in weather is increased.</i>	Y	The site is within the Balance Flood Planning Area and is appropriately designed to address stormwater. Shade structures are proposed above some of the car parking spaces, providing shade and a level of protection from weather.
<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>	Y	The development is located within walking and cycling distance of the established residential area and adjacent to a bus stop.
<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>	Y	The proposal includes acoustic mitigation measures to address noise and maintain suitable levels.
Theme - Natural Environment and Landscape		
<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>	Y	The site is vacant land in an urban context that is not environmentally mapped. The site contains some scattered trees which will be removed as a part of the development. However, the proposal balances this by planting around the perimeter and within the site.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Strategic Outcome	Complies	Assessment
<i>Koala population viability within the Moreton Bay Region will be maintained and improved.</i>	Y	The site is not within the Koala Priority Area or Koala Habitat Area.
<i>The natural values of all coastal areas, including Bribie Island, Pumicestone Passage, Deception Bay, Redcliffe Peninsula, Hays Inlet and the Pine Rivers estuary and their associated coastal features and processes will be maintained, protected and enhanced.</i>	N/A	The site is not coastal.
<i>Healthy, diverse and productive rural and coastal landscapes are maintained and enhanced, for their multiple environmental, recreational, cultural, economic and scenic amenity values.</i>	N/A	The site is not rural or coastal.
<i>Recognise and promote landscape values and scenic amenity across the Region.</i>	N/A	The site is not within the Scenic Amenity Overlay area.
Theme - Strong Communities		
<i>Utilise the principles of urban design to promote healthy and safe communities.</i>	Y	The proposed development includes accessibility features to ensure universal access. The layout and building design also contribute safety through casual surveillance within the site and along the road frontages.
<i>Community, cultural and sporting facilities are provided where needed within the region.</i>	N/A	
<i>The built form contributes to a sense of place and identity.</i>	Y	The building design addressed the street frontage at a prominent intersection of Bellmere, contributing to the sense of place.
<i>Provision of a well connected, diverse and accessible public open space network.</i>	N/A	
<i>Provide an integrated, high-quality, urban community greenspace network to cater for recreational and environmental needs in existing and new neighbourhoods.</i>	N/A	
<i>Provide for a variety of outdoor recreation opportunities including recreation trails and camping areas to meet community demands.</i>	N/A	
<i>A variety of housing options is provided to meet diverse community needs and achieve housing choice and affordability.</i>	N/A	
Theme - Settlement Pattern and Urban Form		

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Strategic Outcome	Complies	Assessment
<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>	Y	The proposal involves a new Local Centre on land at the junction of a Council Arterial and Sub-arterial road within an established Suburban Neighbourhood Place Type. The site is serviced by buses. In this way, the development will contribute to a walkable community and viable transit system.
<i>A strong network of activity centres with well designed public and civic spaces, and active frontages that provide a focal point for compact, self-contained and diverse communities and convenient access to an appropriate mix of businesses, services, community facilities, recreation, entertainment and employment opportunities and provided with convenient access by a quality public transport and active transport system.</i>	Y	The proposed development is a new Local Centre which is supported by an Economic Needs Assessment report. The proposed development comprises a shopping centre including supermarket and a range of tenancy uses. The site is located on the corner of an arterial and sub-arterial road, serviced by buses, and in an established residential area. Together with the existing unmapped neighbourhood hub near this corner, the proposed development creates a Local Centre cluster of services, business and employment opportunities.
<i>An attractive, safe, convenient, efficient and sustainable new town housing approximately 25,000 people together with a major shopping centre and a wide range of employment opportunities and community, education and recreation facilities continues to be developed at North Lakes.</i>	N/A	
<i>New development that is in close proximity to existing and proposed public transport stops and stations contributes to the use and viability of public transport, the use of active transport and the development of walkable neighbourhoods by providing well designed and appropriate higher density and mixed use development.</i>	Y	The site is located on the corner of an arterial and a sub-arterial road, at a well serviced bus stop and in a locality featuring established medium and low density residential dwellings, and local businesses. This outcome contributes to a walkable community and location of focal point at the bus stop.
<i>Council will seek to increase residential densities and employment opportunities within the urban corridor and specifically within and adjoining activity centres and public transport in order to maximise access to and use of services and facilities and opportunities for use of public transport, walking and cycling and also adjacent to areas of high</i>	Y	As noted above.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Strategic Outcome	Complies	Assessment
<i>scenic amenity e.g. waterfront, environmental areas with high standards of amenity and accessible open space.</i>		
<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>	N/A	
<i>Caboolture West is one of the best areas to live in South East Queensland. There is a lot of natural bushland and wildlife retained in the area as well as many parks and open space areas. There is a range of homes that people can afford that reflect the needs of all residents from families with children to retirees, singles and extended families. The area has a "sense of place" with views to the range, river and mountains. It is easy to move around due to many choices in how you can travel. Many people walk or cycle to local destinations such as shops, schools and other services that are easily accessed by dedicated pathways. Nearly all the services and shops needed are in the Caboolture West area. You don't have to travel long distances to work and there is a convenient public transport/bus service connecting to these sites.</i>	N/A	The land is not in Caboolture West. However, Economic Assessment identifies that Bellmere will play a service role to Caboolture West residents in the early development phase. The subject land is accessible via the existing path and road network. New paths and street trees will be provided along the road frontages, completing the path network.
Theme - Employment Location		
<i>Develop a diversified local economy that retains local jobs and builds on regional and sub-regional competitive advantages and specialisations.</i>	Y	The proposal will contribute to local employment opportunities.
<i>Encourage increased levels of activity and greater intensity of activity within existing places of employment and business activity.</i>	Y	The development is within the urban footprint. Economic Assessment has been provided in support of the proposal. The combined existing and proposed cluster of shops at this major intersection will form a Local Centre to service the Bellmere residents. The economic need for a Local Centre is increased from low/medium to

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMEERE ROAD, BELLMEERE - 61509560 (Cont.)

Strategic Outcome	Complies	Assessment
		significant by the pending development in the Caboolture West Growth Area.
<i>Provide sufficient additional land for industry and related businesses to enable diversified, broad-based, future economic and employment growth across the Region.</i>	Y	The proposal does not involve industrial development but will contribute economic and employment opportunities to the locality.
Theme - Rural Futures - Not applicable		
Theme - Natural Resources - Not applicable		
Theme - Integrated Transport		
<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>	Y	The site is located on the corner of an arterial and a sub-arterial road, at a well serviced bus stop and in a locality featuring established medium and low density residential dwellings, and local businesses. This outcome contributes to a walkable community and location of focal point at the bus stop. The development will provide services to the locality, reducing the length of vehicle trips.
<i>Ensure all people in the Region have access to a range of travel options that reflect their budget, their needs and their lifestyle.</i>	Y	The development is accessible within the site and is located on a well serviced bus route.
<i>Invest in innovative solutions to make the most of the existing transport network, minimise resources and get the best value for money out of new infrastructure.</i>	N/A	
<i>Influence sustainable travel behaviour by creating attractive places to walk and cycle.</i>	Y	The development is accessible within the site and is located on a well serviced bus route. Together with the existing shops and services at this intersection, this project creates a new Local Centre and amenities.
<i>Advocate for regional freight network improvements to support economic growth of the region.</i>	N/A	
Theme - Infrastructure		
<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>	Y	The site is located on an arterial road serviced by regular bus services.
<i>Coordinate, prioritise and sequence infrastructure through strategic plans, programs, budgets and statutory planning.</i>	N/A	
<i>Manage demand and influence consumer behaviour to maximise the use and benefits of existing</i>	Y	Locating the proposed new Local Centre at a well serviced bus stop enables staff and

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Strategic Outcome	Complies	Assessment
<i>infrastructure and minimise the need for additional infrastructure and services.</i>		customers to choose public transport, supporting this infrastructure option.
<i>Identify, protect and manage key infrastructure sites and corridors.</i>	Y	The proposed development does not interfere with the provision of infrastructure. The site is located at the juncture of two major roads being Bellmere Road (arterial) and River Drive (sub-arterial). These corridors are already busy corridors and seek to play a significant role in the development of Caboolture West in the future. In this respect, conditions are recommended to upgrade the road frontage of the site to provide for the ultimate road corridor typologies as well as the signalisation of River Drive and Bellmere Road.
<i>Provide energy generation production, transmission and distribution capacity to meet the needs of a growing population and support the use of viable low emission energy sources where appropriate.</i>	N/A	
<i>Facilitate access to high-speed broadband telecommunications.</i>	Noted	
<i>Reduce the need for new landfill sites by minimising waste and associated environmental impacts and maximising re-use and recycling.</i>	Noted	
Theme - Water Management		
<i>Develop a total water cycle management plan to sustainably manage the challenges of natural hazards, changes in weather, population growth and urban development.</i>	Y	Development is located in a serviced area.
<i>Assess water supply sources to ensure future security of "fit for purpose" water and promote efficient water use and re-use, including rural catchments.</i>	Y	Development is located in a serviced area.
<i>Protect, maintain and enhance the water quality in the Region's waterways and drinking water catchments from the future predicted increases in population and development in the Region and existing land use practices.</i>	Y	Stormwater management outcomes are recommended as conditions of approval.
<i>Floodplains in the region will be managed for the long-term benefit of the community such that hazards to</i>	Y	The site is not within the Medium or High Hazard floodplain area or associated environmental areas.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Strategic Outcome	Complies	Assessment
<i>people and damages to property and infrastructure are minimised and the intrinsic environmental values of the floodplain are protected.</i>		
<i>Ensure development is appropriately planned, designed, constructed, operated and maintained to manage stormwater and wastewater in order to protect the environmental values.</i>	Y	Stormwater management outcomes are recommended as conditions of approval.
Theme - Planning Areas		
Element - Caboolture planning area		<p>The Specific Outcomes for the Caboolture Planning Area anticipates “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 community”. The proposal will partially contribute to the listed use types.</p> <p>The Planning Area provisions do not make specific provisions for Bellmere, but as noted above, the development is within the urban footprint. Economic Assessment has been provided in support of the proposal. The combined existing and proposed cluster of shops at this major intersection will form a Local Centre to service the Bellmere residents. The economic need for a Local Centre is increased from low/medium to significant by the pending development in the Caboolture West Growth Area.</p>
Theme - MBRC Place Model		
Element - Suburban Neighbourhood Place Type <p>1. This place type is primarily low density, dormitory suburbs that developed in the Region over the last 60 years which accommodate the bulk of the Region's resident population; and</p> <p>2. These areas will continue to provide low density residential, predominantly detached housing, with a limited range of local convenience services and facilities.</p>	Y	<p>The proposal seeks approval for a Local Centre which provides local convenience services and facilities. This type of outcome is anticipated as item 2 of the Suburban Neighbourhood Place Type. It compliments the existing residential development in the surrounding locality by providing employment and services within walking/cycling distance.</p>

The proposed development is therefore consistent with the objectives of the Strategic Framework.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMEERE ROAD, BELLMEERE - 61509560 (Cont.)

2.3.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General Residential Zone Code - Suburban Neighbourhood precinct	No - The proposal creates a new Local Centre.	PO3 - Non-residential building height PO5 - Setbacks PO9 - Built Form PO16 - Clearing vegetation PO20 - Safe vehicle access PO72 - Non-commercial design PO76 - Car Parking PO77 - End of Trip Facilities / Bike Parking PO78 - Visibility of Loading and Servicing Areas PO83 - Hours of Operation / Amenity <i>Note: PO68/PO69 not applicable as the development is creating a new Local Centre rather than a Neighbourhood Hub.</i>
Centre Zone Code - Local Centre <i>Applicable as the proposal involves a combination of uses that comprise a new Local Centre</i>	No - Indoor Sport and Recreation is a policy neutral use.	PO5 - Building Height PO13 - Car Parking PO14 - Location of Car Parking PO18 - End of Trip / Bicycle Parking PO19 - Loading and servicing PO31 - Tree Clearing PO33 - Safe access
Overlay Codes		
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

2.3.3 Performance Outcome Assessment

Performance Outcome	Example
General Residential Zone Code - Suburban Precinct	
PO3	E3

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMEERE ROAD, BELLMEERE - 61509560 (Cont.)

Performance Outcome	Example
<p>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.</p> <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>	<p>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 (60) and Educational establishment(24) buildings.</p>
Performance Outcome Assessment	
<p>With regard to building height, the applicant states: <i>"The development is located in the 8.5m maximum building height area identified on the Overlay map – Building heights. Despite providing a maximum building height of 10.5m, the parts of the development which exceed the 8.5m maximum area generally limited in nature to the areas of the supermarket mezzanine (ancillary office) and the supermarket condenser deck. All other buildings, apart from some feature entry statements and awnings are generally consistent with the 8.5m maximum requirement. The isolated areas of taller built form are considered appropriate given the separation that is achieved between the plant and mezzanine (between 8m and 6m from the boundary) and the proposal to include significant landscaping in this area to screen the built form from the neighbouring residential properties. Further, the development includes a varied material and colour palette and generous landscaping across the site, which, when combined with the site's prominent location and location opposite existing non-residential development ensures that it appropriately reflects the intended character for a local centre. "</i></p> <p>With regard to PO3, the majority of the building complies with E3. The limited parts of the building that exceed 8.5m create visually interesting stepping in the architectural design. The building setback, quality materials and landscaping will ensure that the proposal does not impact the amenity of adjoining dwellings. Furthermore, the buildings have been designed to create an active interface with the road frontage. Conditions are recommended to ensure that the glazing maintains clear areas contributing to safety with casual surveillance. In this way, the development will positively contribute to the intended built form of the surrounding area. Furthermore, suitable building setbacks and landscaped areas are provided to the southern and western boundaries of the site which further reduce any impacts from building height.</p>	
<p>PO5 Front setbacks ensure non-residential buildings address and actively interface with streets and public spaces.</p>	<p>E5.1 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.</p> <p>E5.2 For the secondary street frontage, setbacks are consistent with adjoining buildings.</p>

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Performance Outcome	Example
<i>Performance Outcome Assessment</i>	
The development has road frontages to Bellmere Road and River Drive. The building has shaded frontage with awnings to the road frontage with varied setbacks which measured to the wall are closest at Bellmere Road (approx. 0m) and near the primary corner 4.970m, broadening to 7.460m at River Drive closest to the southern boundary. This further setback reflects the setback of the adjacent dwelling to the south. In this way, the development complies with PO5.	
PO9 The development has a built form consistent with a low rise detached dwelling house(22) that addresses the street.	No example provided. Refer to Planning Scheme policy - Residential design for details and examples
<i>Performance Outcome Assessment</i>	
The development is predominantly achieves the anticipated building height of 8.5m. However, the building does not have the detached dwelling house form. As a non-residential use, the building design provisions of the Centre Zone Code - Local Centre Precinct, are more relevant to the form of the building. The applicant has been directed to address Centre Zone Code - Local Centre Precinct as a part of prelodgement engagement.	
PO16 a. Development ensures that the biodiversity quality and integrity of habitats is not adversely impacted upon but maintained and protected. b. Development does not result in the net loss of fauna habitat. Where development does result in the loss of a habitat tree, development will provide replacement fauna nesting boxes at the following rate of 1 nest box for every hollow removed. Where hollows have not yet formed in trees > 80cm in diameter at 1.3m height, 3 nest boxes are required for every habitat tree removed. c. Development does not result in soil erosion or land degradation or leave land exposed for an unreasonable period of time but is rehabilitated in a timely manner.	No example provided.
<i>Performance Outcome Assessment</i>	
The site is not mapped as having Local or State Environmental significance. The site is predominantly vacant, former rural land on the corner of an arterial road and sub-arterial road. It is characterised by mowed lawn, planted landscape trees associated with the former house and scattered trees with no undergrowth. In this way, the site has limited habitat value. The site is identified as having low rehabilitation value and is surrounded by land which has been recently developed. Therefore, it does not form part of an existing or future environmental corridor. Retention of vegetation was not required as a part of the former approval, meaning that the trees could have been lawfully cleared previously.	

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Performance Outcome	Example
As the proposal involves the creation of a new Local Centre, retention of trees is not proposed. However, the development involves no net loss in habitat as landscaping proposed will exceed the quantity of existing trees. In this way it accords with the intent of PO16.	
PO20 Safe access is provided for all vehicles required to access the site.	E20.1 Site access and driveways are designed and located in accordance with: <ul style="list-style-type: none"> a. where for a Council-controlled road and associated with a Dwelling house: <ul style="list-style-type: none"> i. Planning scheme policy - Integrated design; b. where for a Council-controlled road and not associated with a Dwelling house: <ul style="list-style-type: none"> i. AS/NZS2890.1 Parking facilities Part 1: Off street car parking; ii. AS 2890.2 - Parking facilities Part 2: Off-street commercial vehicle facilities; iii. Planning scheme policy - Integrated design; iv. Schedule 8 - Service vehicle requirements; 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.
	E20.2 Internal driveways, car parks and access ways are designed and constructed with a sealed pavement and in accordance with: <ul style="list-style-type: none"> a. AS/NZS 2890.1 Parking Facilities Part 1: Off street car parking; b. AS 2890.2 Parking Facilities Part 2: Off street commercial vehicle facilities; c. Planning scheme policy - Integrated design; and d. Schedule 8 - Service vehicle requirements. Note - This includes queue lengths (refer to Schedule 8 - Service vehicle requirements), pavement widths and construction.
	E20.3 Access driveways, manoeuvring areas and loading facilities are sealed and provide for service vehicles listed in

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMEERE ROAD, BELLMEERE - 61509560 (Cont.)

Performance Outcome	Example
	<p>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> <p>E21.4 Landscaping (including shade trees) is provided within car parks in accordance with Planning scheme policy Integrated design.</p>
<i>Performance Outcome Assessment</i>	
<p>Conditions have been recommended requiring amended access arrangements and external works that ensure compliance with the requirements of PO21.</p> <p>Perimeter planting is proposed around the development and car park. In lieu of planting within. Shade is to be provided in the form of a shade structure above the car parks.</p> <p>The proposal complies with PO21.</p>	
<p>PO72 Non-residential uses (excluding a Service station) address and activate streets and public spaces by:</p> <ul style="list-style-type: none"> a. ensuring buildings and individual tenancies address street frontage(s), civic space and other areas of pedestrian movement; b. new buildings adjoin or are within 3m of the primary frontage(s), civic space or public open space; c. locating car parking areas and drive-through facilities behind or under buildings to not dominate the street environment; 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); e. providing visual interest to the façade (e.g. Windows or glazing, variation in colours, materials, finishes, articulation, recesses or projections); f. establishing and maintaining human scale. 	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The proposal is designed to address and activate both road frontages while also increasing the southern setback to approximate the setback of the dwelling front setback to the south. In this way, the proposal complies with the intent of PO72.</p> <p>A condition is recommended requiring front glazing to retain clear sections.</p>	

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Performance Outcome	Example
<p>A condition is recommended requiring that the Future Development area is landscaped (minimum turf) and vehicle use restricted to avoid the (interim) appearance of expanse of car parking from the Bellmere Road frontage.</p>	
<p>PO76 The number of car parking spaces is managed to:</p> <ul style="list-style-type: none"> a. avoid significant impacts on the safety and efficiency of the road network; b. avoid an oversupply of car parking spaces; c. avoid the visual impact of large areas of open car parking from road frontages and public areas; d. promote active and public transport options; e. promote innovative solutions, including on-street parking and shared parking areas. <p>Note - Refer to Planning scheme policy - Integrated transport assessment for guidance on how to achieve compliance with this outcome.</p>	<p>E76.1 Car parking is provided in accordance with Schedule 7 - Car parking.</p> <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>
<p><i>Performance Outcome Assessment</i></p>	
<p>The Schedule 7 car parking rate for shopping centre is 5 spaces per 100m² of area associated with the use, equivalent to 238 car parking spaces. The development includes 227 spaces.</p> <p>The Centre Zone Code - Local Centre Precinct identifies an alternative car parking rate range of min 95 - max 158 spaces.</p> <p>With reference to the benchmarks of PO76, the site's location on two high order roads, well serviced by buses and in walking distance to established dwellings, the proposed number of car parking spaces and their location within the site complies with PO76.</p>	
<p>PO77 MBRC Planning Scheme V4 - General residential zone - Suburban neighbourhood precinct - Assessable 54</p> <ul style="list-style-type: none"> a. End of trip facilities are provided for employees or occupants, in the building or on-site within a reasonable walking distance, and include: <ul style="list-style-type: none"> i. adequate bicycle parking and storage facilities; and ii. adequate provision for securing belongings; and iii. change rooms that include adequate showers, sanitary compartments, wash basins and mirrors. b. Notwithstanding a. there is no requirement to provide end of trip facilities if it would be unreasonable to provide these facilities having regard to: <ul style="list-style-type: none"> i. the projected population growth and forward planning for road upgrading and development of cycle paths; or 	<p>E77.1 Minimum bicycle parking facilities are provided in accordance with the table below (rounded up to the nearest whole number).</p> <p>Non-residential - Minimum 1 space per 200m² of GFA</p> <p>E77.2 Bicycle parking is:</p> <ul style="list-style-type: none"> a. provided in accordance with <i>Austroads (2008), Guide to Traffic Management - Part 11: Parking</i>; b. protected from the weather by its location or a dedicated roof structure; c. located within the building or in a dedicated, secure structure for residents and staff;

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Performance Outcome	Example
ii. whether it would be practical to commute to and from the building on a bicycle, having regard to the likely commute distances and nature of the terrain; or iii. the condition of the road and the nature and amount of traffic potentially affecting the safety of commuters.	d. adjacent to building entrances or in public areas for customers and visitors.
<i>Performance Outcome Assessment</i>	
A condition is recommended requiring that 23 bicycle parking spaces are provided within the site in compliance with E77.1 and E77.2. The location of the site in proximity bus stops, dwellings and school facilitate the use of alternative transport options for staff and customers.	
PO78 Loading and servicing areas: a. are not visible from the street frontage; b. are integrated into the design of the building; c. include screening and buffers to reduce negative impacts on adjoining sensitive land uses; d. where possible loading and servicing areas are consolidated and shared with adjoining sites.	No example provided.
<i>Performance Outcome Assessment</i>	
The development includes a loading and servicing area that is setback approximately 60m from Bellmere Road, diminishing the visibility of this part of the building. While it is visible from a small proportion of the Bellmere Road, the loading area is integrated into the building and screened to the side boundary. In this way, the loading / service area is less prominent than the buildings which directly address the road frontages and thereby complies with PO78.	
PO83 The hours of operation minimise adverse amenity impacts on adjoining sensitive land uses.	E83 Hours of operation do not exceed 6:00am to 9:00pm Monday to Sunday.
<i>Performance Outcome Assessment</i>	
The proposed development involves a performance outcome which differs from Example E83. Hours of trading • All uses (other than gymnasium) – 6am to 11pm • Gymnasium – 24 hrs • Outdoor dining limited to 6am to 10pm Non-trading/servicing operations are those hours used by staff, owners, contractors or the like to prepare for trading or clean up after trading. Deliveries and Refuse Hours • 7am to 6pm for refuse collection for all uses • 6am to 10pm for deliveries for all uses. The application is supported by an Acoustic Report which is recommended for approval. It includes mitigation measures including acoustic fencing. A condition is recommended requiring the construction of the acoustic fence, and that development is undertaken in accordance with the recommendations of the report, including limiting the hours of outdoor dining, and closing windows in the gym.	

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Performance Outcome	Example
In this way, the development will comply with PO83.	

Performance Outcome	Example
Centre Zone Code Local Centre <i>Applicable as the proposal involves a combination of uses that comprise a new Local Centre</i>	
PO1 Development in the Local centre precinct is of a size, scale, range of services commensurate with the role and function of this precinct within the centres network. Note - Refer to Moreton Bay centres network Table 6.2.1.1	No example provided
Performance Outcome Assessment The development itself has a gross floor area (GFA) of 4,767m ² , being slightly less than the minimum indicative GFA for a Local Centre (being 5,000m ²). However, the development site includes a nominated "Future Development" area. Furthermore, this development site combines with an existing unmapped neighbourhood hub at this road junction to create a collective Local Centre. In this way, the development complies with PO1. Also, the development application is supported by Economic Assessment reporting. The combined existing and proposed cluster of shops at this major intersection will form a Local Centre to service the Bellmere residents. The economic need for a Local Centre is increased from low/medium to significant by the pending development in the Caboolture West Growth Area.	
PO5 The height of buildings reflect the individual character of the centre.	E5 Building height does not exceed the maximum height identified on Overlay map - Building heights.
Performance Outcome Assessment As identified above, the majority of the development complies with building height, but a performance outcome is proposed for building height in relation to the supermarket mezzanine (ancillary office) and the supermarket condenser deck which are 10.5m. This development creates a new Local Centre. Accordingly, it is creating the character of the centre through its built form, complying with PO5. The limited parts of the building that exceed 8.5m create visually interesting stepping in the architectural design. The building setback, quality materials and landscaping will ensure that the proposal does not impact the amenity of adjoining dwellings. Furthermore, the buildings have been designed to create a single storey, active interface with the road frontage. In this way, the development will positively contribute to the intended built form of the surrounding area.	
PO13 The number of car parking spaces is managed to: a. provide for the parking of visitors and employees that is appropriate to the use and the site's proximity to public and active transport options;	E13 Car parking is provided in accordance with the table below. .. Non-residential: Max - 1 per 30m ² of GFA

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Performance Outcome	Example
b. not include an oversupply of car parking spaces. Note - Refer to Planning scheme policy - Integrated transport assessment for guidance on how to achieve compliance with this outcome.	Min - 1 per 50m2 of GFA
<i>Performance Outcome Assessment</i>	
<p>Example E13 anticipates a car parking space range of 95- 158 spaces for the proposed 4,767m2 GFA. The proposed development includes 227 spaces. The development complies with the minimum number of car parks but exceeds the maximum number of car parking spaces in the Centre Zone Code.</p> <p>A greater rate of car parking spaces (238) is anticipated in the General Residential Zone Code (as above).</p> <p>With reference to PO13, the proposed number of spaces balances between the anticipated rate of spaces in the General Residential Zone Code and the Centre Zone Code.</p> <p>The Traffic Impact Assessment provided in support of the development application provides evidence of car parking space demand for similar centres. In this way, the proposal complies with PO13a and PO13b by providing the number of spaces required for the proposed use and does not involve an oversupply of spaces.</p>	
PO14 Car parking is designed to avoid the visual impact of large areas of surface car parking on the streetscape.	E14 At-grade car parking: a. does not adjoin a main street or a corner; b. where at-grade car parking adjoins a street (other than a main street) or civic spaces it does not take up more than 40% of the length of the street frontage.
<i>Performance Outcome Assessment</i>	
<p>The proposal plans illustrate a Future Development area as being sealed. To avoid this becoming an interim car parking area with visual prominence at Bellmere Road, a condition is recommended that requires physical barriers to vehicles and landscaping (minimum turf) on the area. This will ensure that the development complies with PO14.</p>	
PO18 a. End of trip facilities are provided for employees or occupants, in the building or on-site within a reasonable walking distance, and include: i. adequate bicycle parking and storage facilities; and ii. adequate provision for securing belongings; and iii. change rooms that include adequate showers, sanitary compartments, wash basins and mirrors. b. Notwithstanding a. there is no requirement to provide end of trip facilities if it would be unreasonable to provide these facilities having regard to: i. the projected population growth and forward planning for road upgrading and development of cycle paths; or	E18.1 Minimum bicycle parking facilities are provided in accordance with the table below (rounded up to the nearest whole number). Minimum 1 space per 200m2 of GFA E18.2 Bicycle parking is: a. provided in accordance with Austroads (2008), Guide to Traffic Management - Part 11: Parking; b. protected from the weather by its location or a dedicated roof structure;

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Performance Outcome	Example
<p>ii. whether it would be practical to commute to and from the building on a bicycle, having regard to the likely commute distances and nature of the terrain; or</p> <p>iii. the condition of the road and the nature and amount of traffic potentially affecting the safety of commuters.</p> <p>Editor's note - The intent of b above is to ensure the requirements for bicycle parking and end of trip facilities are not applied in unreasonable circumstances. For example these requirements should not, and do not apply in the Rural zone or the Rural residential zone etc.</p> <p>Editor's note - This performance outcome is the same as the Performance Requirement prescribed for end of trip facilities under the Queensland Development Code. For development incorporating building work, that Queensland Development Code performance requirement cannot be altered by a local planning instrument and has been reproduced here solely for information purposes. Council's assessment in its building work concurrence agency role for end of trip facilities will be against the performance requirement in the Queensland Development Code. As it is subject to change at any time, applicants for development incorporating building work should ensure that proposals that do not comply with the examples under this heading meet the current performance requirement prescribed in the Queensland Development Code.</p>	<p>c. located within the building or in a dedicated, secure structure for residents and staff;</p> <p>d. adjacent to building entrances or in public areas for customers and visitors.</p> <p>Note - Bicycle parking structures are to be constructed to the standards prescribed in AS2890.3.</p> <p>Note - Bicycle parking and end of trip facilities provided for residential and non-residential activities may be pooled, provided they are within 100 metres of the entrance to the building.</p> <p>E18.3</p> <p>For non-residential uses, storage lockers:</p> <p>a. are provided at a rate of 1.6 per bicycle parking space (rounded up to the nearest whole number);</p> <p>b. have minimum dimensions of 900mm (height) x 300mm (width) x 450mm (depth).</p> <p>Note - Storage lockers may be pooled across multiple sites and activities when within 100 metres of the entrance to the building and within 50 metres of bicycle parking and storage facilities.</p> <p>Editor's note - The examples for end of trip facilities prescribed under the Queensland Development Code permit a local planning instrument to prescribe facility levels higher than the default levels identified in those acceptable solutions. This example is an amalgamation of the default levels set for end of trip facilities in the Queensland Development Code and the additional facilities required by Council.</p> <p>E18.4</p> <p>For non-residential uses, changing rooms:</p> <p>a. are provided at a rate of 1 per 10 bicycle parking spaces;</p> <p>b. are fitted with a lockable door or otherwise screened from public view;</p> <p>c. are provided with shower(s), sanitary compartment(s) and wash basin(s) in accordance with the table below (see Code)</p>
Performance Outcome Assessment	

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Performance Outcome	Example
The proposal plans show end of trip facilities and some bike parking. Conditions are recommended to ensure that the proposal complies with PO18/E18.	
<p>PO19</p> <p>Loading and servicing areas:</p> <ul style="list-style-type: none"> a. are not visible from any street frontage; b. are integrated into the design of the building; c. include screening and buffers to reduce negative impacts on adjoining sensitive land uses; d. are consolidated and shared with adjoining sites where possible. <p>Note - Refer to Planning scheme policy – Centre and neighbourhood hub design.</p>	No example provided
<i>Performance Outcome Assessment</i>	
<p>The development includes a loading and servicing area that is setback approximately 60m from Bellmere Road, diminishing the visibility of this part of the building. While it is visible from a small proportion of the Bellmere Road, the loading area is integrated into the building and screened to the side boundary.</p> <p>In this way, the loading / service area is less prominent than the buildings which directly address the road frontages and thereby complies with PO19.</p>	
<p>PO31</p> <ul style="list-style-type: none"> a. Development ensures that the biodiversity quality and integrity of habitats is not adversely impacted upon but maintained and protected. b. Development does not result in the net loss of fauna habitat. Where development does result in the loss of a habitat tree, development will provide replacement fauna nesting boxes at the following rate of 1 nest box for every hollow removed. Where hollows have not yet formed in trees > 80cm in diameter at 1.3m height, 3 nest boxes are required for every habitat tree removed. 	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The site is not mapped as having Local or State Environmental significance. The site is predominantly vacant, former rural land on the corner of an arterial road and sub-arterial road. It is characterised by mowed lawn, planted landscape trees associated with the former house and scattered trees with no undergrowth. In this way, the site has limited habitat value.</p> <p>The site is identified as having low rehabilitation value and is surrounded by land which has been recently developed. Therefore, it does not form part of an existing or future environmental corridor. Retention of vegetation was not required as a part of the former approval, meaning that the trees could have been lawfully cleared previously.</p> <p>As the proposal involves the creation of a new Local Centre, retention of trees is not proposed. However, the development involves no net loss in habitat as landscaping proposed will exceed the quantity of existing trees. In this way it accords with the intent of PO31.</p>	
PO33	No example provided.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

Performance Outcome	Example
Development provides functional and integrated car parking and vehicle access, that: a. prioritises the movement and safety of pedestrians between car parking areas at the rear through to the 'main street' and the entrance to the building (e.g. rear entry, arcade etc.); b. provides safety and security of people and property at all times; c. does not impede active transport options; d. does not impact on the safe and efficient movement of traffic external to the site; e. where possible vehicle access points are consolidated and shared with adjoining sites.	
Performance Outcome Assessment	
Conditions have been recommended requiring amended access arrangements and external works that ensure compliance with the requirements of PO33, including removing one of the two proposed accesses along Bellmere Road.	

2.3.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome PO9 - Building design of the General Residential Zone Code - Suburban Precinct. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

General Residential Zone Code - Suburban Precinct		
Overall Outcomes	Complies 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.	Y	Overall Outcome a. states "predominantly". The proposed development comprises a new Local Centre to provide services to the established residential development in the area. This use is anticipated in Overall Outcome e. below.
b. Residential activities....	N/A	The proposal does not involve a residential use.
c. The design, siting and construction of residential uses...	N/A	The proposal does not involve a residential use.
d. Home based business...	N/A	The proposal does not involve a home based business.
e. Non-residential uses in the suburban neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.	Y	The proposal involves a new Local Centre.
f. Community activities...	N/A	The proposal does not involve a community activity use.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

g. Corner stores...	N/A	The proposal involves a new Local Centre, not a corner store.
h. Retail and commercial activities (excluding Service stations):		
i. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub;	N	i. The proposed uses cluster together as a Local Centre as anticipated in Overall Outcome e.
ii. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange;	Y	ii. The proposed development creates a centralised Main Street feel while also providing activation to the road frontage.
iii. are of a small scale, appropriate for a neighbourhood hub;	N	iii. The proposal is of a Local Centre scale. As per the note, the proposal has also been assessed in relation the Centre Zone Code - Local Centre.
Note - Retail and commercial uses that will result in a new or existing neighbourhood hub expanding to a scale and function consistent with a Local centre are to be assessed as if establishing a new Local centre. Refer to the Centre zone code for relevant assessment benchmarks.		
iv. do not negatively impact adjoining residents or the streetscape;	Y	iv. The proposal includes acoustic mitigation measures, landscaping and design variations to ensure that the proposal does not negatively impact adjoining residents or the streetscape. The proposal will contribute services and outdoor gathering areas and safe pedestrian movement paths in a positive way.
v. are subordinate in function and scale to all centres within the region.	N	v. As a new Local Centre, this proposal will be subordinate to higher order Centres. It is relevant to note that Economic Assessment reporting has identified that the combined existing and proposed cluster of shops at this major intersection will form a Local Centre to service the Bellmere residents. The economic need for a Local Centre is increased from low/medium to significant by the pending development in the Caboolture West Growth Area.
i. Service stations...	N/A	The proposal does not involve a service station.
j. The design, siting and construction of non-residential uses:		
i. maintains a human scale, through appropriate building heights and form;	Y	i. The development maintains the human scale through the use of awnings, shade structures, landscaping and glazing. The

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMEERE ROAD, BELLMEERE - 61509560 (Cont.)

<p>ii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces (excluding Service stations);</p> <p>iii. provides for active and passive surveillance of road frontages, movement corridors and public spaces;</p> <p>iv. promotes active transport options and ensures an oversupply of car parking is not provided;</p>	<p>Y</p> <p>Y</p> <p>Y</p>	<p>majority of the development complies with the anticipated building height. There are limited section which are taller, but their location is setback and avoid dominating the pedestrian environment.</p> <p>ii. The proposal is designed to present an attractive, pleasant pedestrian environment that creates a welcoming entrance to the site.</p> <p>iii. The development provides glazing and clear sightlines that contribute to safety within and outside the site.</p> <p>iv. The development has ready access to a well serviced bus stop. The development will also contribute to footpaths and bike facilities. Analysis of car parking has found that the proposed number of spaces is sufficient and not an oversupply.</p> <p>v. The car parking is located within the site. A condition is recommended so that the Future Development area is landscaped (minimum turf) and protected from vehicle encroachment so that car parking does not dominate the street.</p> <p>vi. The development design avoids blank walls and presents an active frontage to the road frontages.</p>
<p>v. locates car parking so as not to dominate the street;</p>	<p>Y</p>	<p>v. The car parking is located within the site. A condition is recommended so that the Future Development area is landscaped (minimum turf) and protected from vehicle encroachment so that car parking does not dominate the street.</p>
<p>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.</p>	<p>Y</p>	<p>vi. The development design avoids blank walls and presents an active frontage to the road frontages.</p>
<p>k. Neighbourhood hub expansion...</p>	<p>N/A</p>	<p>The proposal does not involve a Neighbourhood Hub expansion.</p>
<p>l. 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>Y</p>	<p>Development to be conditioned to comply.</p>

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

<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>		
m. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.	Y	m. Supporting reports confirm that the development will comply with Council requirements.
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	n. Supporting reports confirm that the development will comply with Council requirements.
o. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	N/A	The proposal does not include noise sensitive uses.
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	N/A	

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

water and aquatic ecosystem environmental values in those catchments.		
<p>q. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <ul style="list-style-type: none"> i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment; ii. ensuring no further instability, erosion or degradation of the land, water or soil resource; iii. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012. iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through: <ul style="list-style-type: none"> A. the provision of replacement, restoration, rehabilitation planting and landscaping; B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes; C. the requiring of environmental 	Y	The development avoids areas of mapped constraint

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

	offsets in accordance with the Environmental Offsets Act 2014.		
v.	protecting native species and protecting and enhancing species habitat;		
vi.	protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;		
vii.	establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities;		
viii.	establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;		
ix.	ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;		
x.	ensuring effective and efficient disaster management response and recovery capabilities;		
xi.	where located in an overland flow path: <ul style="list-style-type: none"> A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety; B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated 		

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

<p>with the overland flow;</p> <p>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</p> <p>D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</p>		
<p>r. Development in the Suburban neighbourhood precinct includes 1 or more of the following:</p> <p>...</p> <ul style="list-style-type: none"> - Health Care Services - Where in a Neighbourhood Hub <ul style="list-style-type: none"> o Food and drink outlet(28) o Hardware and trade supplies(32) o - Health care services(33) o Indoor sport and recreation(38) - for a gymnasium o Office(53) o Service industry(73) o Shop(75) o Shopping centre(76) o Veterinary services(87) 	Noted	The new Local Centre is anticipated in Overall Outcome e. The uses proposed are listed as appropriate if in a Neighbourhood Hub. Therefore, the uses themselves are appropriate.
<p>s. Development in the Suburban neighbourhood precinct does not include any of the following: (none of the proposed uses)</p>	Y	None of the proposed uses are listed.
<p>t. Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcomes of the zone.</p>	Noted.	

Based on the assessment above, the proposal is inconsistent with one (1) of the Overall Outcomes of the code(s). Therefore, in accordance with section 1.7.2 of the MBRC Planning Scheme, an assessment against the Strategic Framework is set out in section 2.3.1 of this report.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

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 justify any approval of the proposal, are discussed in section 2.8 of this report.

2.4 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is 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 August 2018 (CR).

2.4.1 *Levied Charge*

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

2.4.2 *Levied Charge Credit*

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

(a) Uses equivalent to a previously defined use

Not applicable.

(b) 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

(c) 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.

(d) 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

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

The credit available under this option is \$18,136.02 based on the proportional split stated in Table 3 of the CR.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

2.4.3 Levied Charge Offset or Refund

The site is identified as being located within the Priority Infrastructure Area however is not identified as being affected by a Trunk Infrastructure requirement under Council's LGIP. Both River Drive and Bellmere Road are mapped under Council's LGIP as **existing** Trunk Roads. However, it is noted that both roads, and the intersection of these roads are not constructed to the anticipated road typology under the planning scheme for these road classifications. In this regard, Council Officers are recommending the applicant upgrade the frontage roads to the site and the intersection of River Drive and Bellmere Road to signals. In relation to the signalised intersection upgrade:

- Bellmere Road is identified in the Road Hierarchy Overlay as an arterial road;
- River Drive identified in the Road Hierarchy Overlay as a sub-arterial road;
- Where an arterial road and sub-arterial road intersect the intersection is to be "signalised or as per Austroads" in accordance with intersection management in Appendix A of the Planning Scheme Policy (Integrated Design).

For arterial and sub-arterial road direct vehicle access is generally not permitted by the planning scheme. Council may consider alternative access arrangements on a detailed design basis in accordance with Appendix A of the Planning Scheme Policy (Integrated Design).

In addition, the planning scheme identifies Caboolture West within the Emerging Community Zone and Caboolture West Local Plan (Noting - the local plan identifies the development of the Caboolture West Local Plan area over the next 40 years). The Bellmere Rd/River Dr intersection will be required to be upgraded to accommodate growth in the locality, including Caboolture West. If Council was to defer the cost of the intersection it would be required to bare the cost of the establishment cost for the intersection plus the modification/re-establishment costs of the Woolworth's frontage, including the proposed signalised site access on Bellmere Road. In this respect, it is appropriate to bring forward these works and land dedication by recommending a condition requiring the unidentified trunk infrastructure item (Section 128(3) of the Planning Act 2016) to be delivered by the development.

2.4.4 Additional Trunk Infrastructure Costs

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

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

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

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

2.5 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

2.6 Referrals

2.6.1 Council Referrals

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

2.6.1.1 Development Engineering

3.1 Traffic, Access & Parking

Neither the Bellmere Road nor River Drive frontages are fully constructed to the required standard. As a consequence, the recommendations of this report include conditions requiring upgrades to both road frontages.

It has been identified that the intersection of Bellmere Road and River Drive will require upgrading to a signalised intersection in the near future. These works are considered to be unidentified trunk works. As a consequence, the recommendations of this report include a necessary condition requiring the construction of the unidentified trunk infrastructure.

A functional layout plan for the external works was provided to Council detailing the above frontage works and associated signalisation of the Bellmere Road / River Drive intersection and the Bellmere Road site access. The layout plan requires a number of amendments and as a consequence, an amended plan condition is recommended to ensure the plan meets Council's requirements.

3.2 Stormwater / Flooding

A Stormwater Management Plan (SMP) was submitted in support of the proposal which demonstrated that stormwater can be addressed in accordance with Council's requirements. As a consequence, the recommendations of this report include a condition requiring the development to be carried out in accordance with the SMP.

2.6.1.2 Environmental Health

Lighting

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

Waste Management

A waste management program has been provided and is acceptable for the proposed use. This development will use bulk bins in two enclosures serviced onsite by a private contractor. As a consequence, the recommendations of this report include a condition that the development be undertaken in accordance with the waste management program.

Noise

An amended Acoustic Report prepared by Acoustic Works dated 23 September 2020, report number 2020079 R01L, was submitted in response to an information request and 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 deliveries, waste collection, forklift operation, speakers for outdoor dining music, and fixed windows in any gymnasium.

Food Premises - Food Business Licence

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

2.6.2 Referral Agencies

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

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

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 13 October 2020.
- (b) The development application was advertised in the QuesUCM - Caboolture Shire Herald Digital on 13 October 2020.
- (c) A notice in the prescribed form was posted on the relevant land on 13 October 2020 and maintained for a period of 15 business days until 16 November 2020.

2.7.2 Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		6
	Petition	165 (58 legible with required details)	1
Not Properly Made	Letter, Email, Fax		2
	Petition		
Total			9

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p>Issue Nil</p> <p>One (1) supporting submission - positive contribution to the region.</p>
<p>Issue Economic Impact Assessment</p> <p>Insufficient demand. Negative Impact on existing businesses and, by extension, employment. That there are existing Coles, Woolworths, Aldi in the catchment. Duplication of tenancy types. Existing vacancies and risk of further closures at Bellmere hub 200m away.</p>
<p>Discussion The application material included Economic Impact Assessment reporting.</p> <p>The economic analysis determined that the combination of the two existing unmapped neighbourhood hubs and the proposed development will form a Local Centre clustered around the Bellmere/River intersection and adjacent corner. The Local Centre will service the Bellmere residents. It is noted that the economic need for a Local Centre in this location is significantly increased by the pending development in the Caboolture West Growth Area.</p> <p>The closest mapped Centre Zone areas are approximately 2km (direct line) from the subject site, and those are higher order centres (Caboolture and Morayfield).</p> <p>It was found that there may be a negative effect on the existing unmapped neighbourhood hubs in their current form, particularly the older Bellmere Shopping Centre.</p> <p>However, the Planning Act 2016 (s45) specifically excludes the consideration of a person's personal circumstances, financial or otherwise, in the assessment of an impact</p>

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

assessable development application. In this context, the planning decision cannot be anticompetitive to protect a business interest.

This is not reason for refusal of the application.

Issue

Small Business and Supplier Impacts

Concerns that the proposal will detrimentally impact small businesses and their local suppliers.

Discussion

Further to the Economic Impact comments above, the Planning Scheme does not restrict the duplication of tenancy types (e.g. 2 butchers, bakers), nor does it control or restrict supplier arrangements.

However, through the provision of road and intersection upgrades, safe pedestrian movement paths and building designs that address the street frontage, the proposed development will combine with the existing unmapped neighbourhood hub shops clustered around the same intersection area to serve the local community with a variety of types and forms of business.

This is not reason for refusal of the application.

Issue

Traffic and Congestion

Concerns regarding resultant increase in traffic in the area as a result of the development. Concerns that the increased traffic flows combined with the proximity of the proposed development to the nearby school and pre-school could impact the safety of cyclists and pedestrians.

After the service station and associated retail uses commenced on the opposite corner of the intersection, the local traffic has become more congested. This adjacent development has approximately 30 car parks whereas the proposed Woolworths shopping centre will have many more car parks (227).

Many customers of the existing local convenience store come from the local primary and nearby high schools in the afternoon. Concerns that the increased traffic generation of the proposed development will not only cause more road accidents, but also increase the risk of to these school children.

A further concern brought about by the increased traffic is an increase in vehicular and pedestrian congestion on the surrounding road network. Concerns that this will have the effect of making it difficult to turn right out of nearby streets onto River Drive and Bellmere Road. Subsequently there will be a need to install traffic lights and pedestrian crossings which is an issue that Council must address.

Discussion

The site has road frontage to both Bellmere Road (arterial) and River Drive (sub-arterial), which will become important frame roads in the future development of the surrounding area for urban purposes.

Having regard to the overall development context in this part of the region, it is noted that Bellmere Road forms one of the proposed main transport links to the Caboolture West development area. The intersection of Bellmere Road and River Drive will subsequently become more significant as the surrounding area and the Caboolture West area develops.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

The intersection of Bellmere Road and River Drive will ultimately need to be signalised as part of much larger upgrades to the network. This upgrade has not been identified within Council's Local Government Infrastructure Plan (LGIP) but is nonetheless necessary to ensure a functional network that performs to meet user's needs into the future. The applicant has prepared concept plans for the intersection, with construction of the ultimate intersection to be conditioned to be completed with the proposed development as unidentified trunk infrastructure.

This intersection upgrade also has the added benefit of providing protected (signalised) pedestrian crossings across both Bellmere Road and River Drive, providing increased levels of safety for pedestrians and cyclists.

This is not reason for refusal of the application.

Issue

Concerns about rezoning.

Inconsistent with existing zoning / More appropriate zones to locate this use.

Discussion

The application does not seek approval to change the Zone. This concern appears to be a misinterpretation of the current Planning Legislation. Under superseded legislation, there was a process for rezoning land to permit some uses. This application seeks approval for a Material Change of Use under the Planning Act.

This matter is addressed in detail in the assessment in relation to the General Residential Zone Code - Suburban Precinct above. In summary, while residential activities are anticipated to be the predominant use in this Zone and Precinct, non-residential activities, including new Local Centres are anticipated.

Accordingly, the proposed development is not inconsistent with the existing zoning. It is well located on higher order road, serviced by regular bus services and within walking distance of existing residential development. In this way, the development encourages multi-modal transport use and contributes to services within a walkable neighbourhood.

Furthermore, the proposed development includes acoustic mitigation measures, building design and landscaping to ensure that the development does not interfere with the existing residential activities in the vicinity of the site.

These outcomes are consistent with the Planning Scheme intent for this Zone and Precinct. Therefore, this is not reason for refusal of the application.

Issue

Design does not encourage socialisation

Discussion

The proposed development includes pathways, bike parking and outdoor seating areas. It is located close to the existing bus stop and will include additional paths within the site and around the road frontages, thereby contributing to the walkable neighbourhood and opportunities for socialisation.

This is not reason for refusal of the application.

Issue

Concerned with loss of trees, fauna habitat including reference to koalas

Discussion

The site is not mapped as having Local or State Environmental significance. The site is predominantly vacant, former rural land on the corner of an arterial road and sub-arterial road. It is characterised by mowed lawn, planted landscape trees associated with the

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMEERE ROAD, BELLMEERE - 61509560 (Cont.)

former house and scattered trees with no undergrowth. In this way, the site has limited habitat value.

The site is identified as having low rehabilitation value and is surrounded by land which has been recently developed. Therefore, it does not form part of an existing or future environmental corridor. Retention of vegetation was not required as a part of the former approval, meaning that the trees could have been lawfully cleared previously.

As the proposal involves the creation of a new Local Centre, retention of trees is not proposed. However, the development involves no net loss in habitat as landscaping proposed will exceed the quantity of existing trees.

This is not reason for refusal of the application.

Issue

Concerned with rubbish.

Discussion

The Planning Scheme requires the management of waste in the form of serviced bin areas. While Council's Local Laws address management of waste on site and its collection, littering is a criminal act which is not regulated by Council.

This is not reason for refusal of the application.

2.7.3 Notice of Compliance

The Notice of Compliance was received by Council on 6 November 2020. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.8 Other Matters

None identified.

3. **Strategic Implications**

3.1 Legislative/Legal Implications

The applicant and 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.

ITEM 4.1 DA/41088/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SHOPPING CENTRE, FOOD AND DRINK OUTLET, HEALTH CARE SERVICE, INDOOR SPORT AND RECREATION, OFFICE - 96-110 BELLMERE ROAD, BELLMERE - 61509560 (Cont.)

- b) Permit conditions require trunk works which exceed the value of infrastructure contributions. Council is likely to require to issue a refund to the developer for the cost of works exceeding infrastructure charges.

3.7 Economic Benefit Implications

The proposal will provide for increased employment opportunities and wider range of goods to the immediate area.

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

Refer to clause 2.7.

ATTENDANCE

Dan Staley left the meeting at 10.09am after Item 4.1.

5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION

(Cr M Gillam)

**ITEM 5.1
COMMENCEMENT OF PROSECUTIONS**

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61984035 : 5 May 2021
Responsible Officer: GL, Brief Management and Prosecutions Coordinator (CES Customer Response Services)

Executive Summary

Investigations have been conducted in relation to several dog attacks where the investigating officers have recommended prosecution as a means of enforcement.

Council's approval is sought for the commencement of four (4) prosecutions in the Magistrates Court for what Council Officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008* (the Act) and the *Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2011* (Local Law 2).

The matters have been reviewed and assessed as appropriate to progress for prosecution in the Magistrates court.

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Jodie Shipway

CARRIED 12/0

1. That Council authorise the Chief Executive Officer to commence prosecutions in the Magistrates Court for each of the matters described in this report, for what Council officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008* and *Moreton Bay Regional Council Local Laws No.2 (Animal Management) 2011*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

ITEM 5.1 COMMENCEMENT OF PROSECUTIONS - 61984035 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council authorise the Chief Executive Officer to commence prosecutions in the Magistrates Court for each of the matters described in this report, for what Council officers allege to be offences under the *Animal Management (Cats and Dogs) Act 2008* and *Moreton Bay Regional Council Local Laws No.2 (Animal Management) 2011*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

REPORT DETAIL

1. Background

Council is the responsible agency for enforcement and regulation under the Act and Moreton Bay Regional Council Local Law 2. Investigations have been conducted in relation to several dog attacks. It is considered appropriate, and in the public interest, to progress these matters to the Magistrates Court for prosecution.

The Act and Local Law 2 provide legal and procedural frameworks for the administration, implementation and enforcement of animal ownership and management practices.

The Act provides that amongst others it is an offence for a person to fail to take reasonable steps to ensure a dog does not attack and Local Law 2 provides that amongst others it is an offence to fail to provide a proper enclosure and prevent an animal from wandering.

Council's approval is sought for the commencement of four (4) prosecutions in the Magistrates Court against four individuals for what Council officers allege to be offences under the Act and Local Law 2.

A summary of facts has been drafted for each matter and reviewed to ensure there is sufficiency of evidence to prove the offences.

2. Explanation of Item

Investigations have been conducted in relation to several dog attacks where the investigating officers have recommended prosecution as a means of enforcement.

The improper keeping of animals presents a risk within the community. An opportunity exists in each of these matters for Council to take enforcement action against the responsible person for keeping a dog improperly and, in doing so, encourage both individual and community compliance under the Act and Local Law 2.

Given the seriousness of the attacks in these matters, and that the most serious of the charges can only be enforced by way of prosecution, Council officers consider this to be the most appropriate action.

Table 1 below outlines the alleged offences for each matter.

Table 1 - Prosecutions

Summary of charges - Prosecutions			Prosecution reference number
Matter 1	Charge 1 - 31/10/2020	Duty to maintain a proper enclosure and prevent animal from wandering	LS/2021/0250
	Charge 2 - 31/10/2020	Failing to ensure dog does not attack another animal bodily harm	
	Charge 3 - 31/10/2020	Failing to ensure dog does not attack another animal causing death	

ITEM 5.1 COMMENCEMENT OF PROSECUTIONS - 61984035 (Cont.)

Summary of charges - Prosecutions			Prosecution reference number
Matter 2	Charge 1 - 04/09/2020	Duty to maintain a proper enclosure and prevent animal from wandering	LS/2021/0251
	Charge 2 - 04/09/2020	Failing to ensure dog does not attack another animal causing death	
	Charge 3 - 14/10/2020	Failure to ensure the mandatory conditions for the keeping of a regulated dog are complied with for the dog	
	Charge 4 - 05/01/2021	Duty to maintain a proper enclosure and prevent animal from wandering	
	Charge 5 - 06/01/2021	Failing to ensure dog does not attack another animal	
	Charge 6 - 07/01/2021	Failing to ensure dog does not attack another animal causing death	
Matter 3	Charge 1 - 10/08/2020	Duty to maintain a proper enclosure and prevent animal from wandering	LS/2021/0270
	Charge 2 - 10/08/2020	Failing to ensure dog does not attack another animal causing bodily harm	
Matter 4	Charge 1 - 02/11/2020	Duty to maintain a proper enclosure and prevent animal from wandering	LS/2021/0312
	Charge 2 - 02/11/2020	Failing to ensure dog does not attack a person causing bodily harm	
	Charge 3 - 01/12/2020	Failure to ensure the mandatory conditions for the keeping of a regulated dog are complied with for the dog	
	Charge 4 - 02/01/2021	Fail to ensure an animal is under effective control in a public place	
	Charge 5 - 02/01/2021	Failing to ensure dog does not attack another animal causing death	
	Charge 6 - 28/01/2021	Failure to ensure the mandatory conditions for the keeping of a regulated dog are complied with for the dog	

3. Strategic Implications

3.1 Legislative / Legal Implications

Prosecutions would be commenced in the Magistrates Court against each of the individuals who were, at the material time, the responsible person for each of these matters for offences under the Act and Local Law 2.

Section 237(2) of the *Local Government Act 2009* provides that 'a local government may start proceeding under the *Justices Act 1886* in the name of a local government employee who is a public officer within the meaning of that Act'. The Chief Executive Officer falls within that definition and there are a number of advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

3.2 Corporate Plan / Operational Plan

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

ITEM 5.1 COMMENCEMENT OF PROSECUTIONS - 61984035 (Cont.)

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications
The matters have been reviewed and assessed in preparation for court.

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications
Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matters will be handled by Council's Brief Management and Prosecutions Coordinator through to the Magistrates Court therefore no external fees will be applicable.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications
Court proceedings can establish broader understanding of statutory and local laws regulation and build community confidence in Councils ability to effectively address offending.

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. Council officers consider that Council's decision in this circumstance is compatible with a person's human rights as a person against whom prosecution proceedings are commenced has the right to a fair hearing.

3.11 Consultation / Communication
Director Community and Environmental Services

ITEM 5.2 INFRINGEMENT NOTICE COURT ELECTIONS - PARKING

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61985184 : 5 May 2021
Responsible Officer: GL, Brief Management and Prosecutions Coordinator (CES Customer Response)

Executive Summary

Council's approval is sought for the commencement of a prosecution in the Magistrates Court for alleged offence under the *Transport Operations (Road Use Management - Road Rules) Regulation 2009*.

The *State Penalties Enforcement Act 1999* allows for a person who has been issued with a penalty infringement notice to elect to have the matter heard through the Magistrates Court instead of paying the infringement.

Council has received an election request from a member of the community who has received a penalty infringement notice. This matter has been assessed and is considered appropriate to proceed as requested to the Magistrates Court. In order to progress the matter a resolution of Council is sought authorising officers to commence court proceedings.

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Mark Booth

CARRIED 12/0

1. That Council authorise the Chief Executive Officer to commence prosecution in the Magistrates Court for the matter described in this report, for what Council officers allege to be an offence under the *Transport Operations (Road Use Management - Road Rules) Regulation 2009*.
2. That the prosecution described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

ITEM 5.2 INFRINGEMENT NOTICE COURT ELECTIONS - PARKING - 61985184 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council authorise the Chief Executive Officer to commence prosecution in the Magistrates Court for the matter described in this report, for what Council officers allege to be an offence under the *Transport Operations (Road Use Management - Road Rules) Regulation 2009*.
2. That the prosecution described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

REPORT DETAIL

1. Background

The *Transport Operations (Road Use Management - Road Rules) Regulation 2009* provide a legal and procedural framework with the objective to provide road rules in Queensland that are substantially uniform with road rules elsewhere in Australia and provides for their administration, implementation and enforcement.

Council officers are authorised by the Chief Executive Officer, in accordance with their delegations, to issue Penalty Infringement Notices for offences that relate to Council's Local Laws and State legislation.

When a Penalty Infringement Notice is issued to a person for an offence, the *State Penalties Enforcement Act 1999* states that the alleged offender must, within 28 days after the date of the infringement notice, elect one of the following options:

- a) pay the fine in full or
- b) pay the fine in instalments (penalty amounts over \$200) or
- c) make an election to the administering authority to have the matter of the offence decided in a Magistrates Court.

In addition to the abovementioned options, Council provides the alleged offender with the opportunity to request a review of the issuing of the penalty infringement notice. Whilst there is no legislative requirement for this review, Council will undertake a review of the facts and circumstances relating to the issue of the penalty infringement notice and consider any reasonable or compassionate grounds offered by the alleged offender. A review decision is provided to the requestor in writing.

If an alleged offender elects to have the matter heard and determined by a Magistrates Court, officers undertake the same review process to ensure that the infringement notice has been correctly and lawfully issued before progressing the matter.

2. Explanation of Item

Council has received a request from a community member who was issued with a penalty infringement notice and who has elected for the matter to be heard by the Magistrates Court instead of paying the infringement, it is considered appropriate to proceed to the Magistrates Court.

The penalty infringement notice was issued to the requestors for what Council officers allege to be an offence under the *Transport Operations (Road Use Management - Road Rules) Regulation 2009*.

The *Transport Operations (Road Use Management - Road Rules) Regulation 2009* provides amongst other things offences in relation to regulated parking including section 205 which establishes an offence for parking for longer than indicated.

Council is the responsible agency for enforcement and regulation of part 12 of the *Transport Operations (Road Use Management - Road Rules) Regulation 2009*. The matter has been reviewed to ensure the penalty infringement notice has been correctly and lawfully issued in preparation for progressing to court.

Officers propose to proceed as requested by the alleged offender with a prosecution via the Magistrates Court. Table 1 below outlines the offence for which the alleged offender has elected to proceed to court.

ITEM 5.2 INFRINGEMENT NOTICE COURT ELECTIONS - PARKING - 61985184 (Cont.)

Table 1 - Court elect infringement

Summary of charges			Infringement amount	Prosecution reference number
Matter 1	28/01/2021	A driver must not park continuously on a length of road, or in an area, to which a permissive parking sign applies for longer than the period indicated by information on or with the sign	\$73	LS/2021/0249

3. Strategic Implications

3.1 Legislative / Legal Implications

Prosecutions would be commenced in the Magistrates Court against the individual who was, at the material time, the responsible person for the offence under the *Transport Operations (Road Use Management - Road Rules) Regulation 2009*.

Section 237(2) of the Local Government Act 2009 provides that 'a local government may start proceeding under the Justices Act 1886 in the name of a local government employee who is a public officer within the meaning of that Act'. The Chief Executive Officer falls within that definition and there are a number of advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

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 matter has been reviewed in preparation for court.

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

The matter will be handled by Council's Brief Management and Prosecutions Coordinator through to the Magistrates Court therefore no external fees will be applicable.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

Court proceedings can establish broader understanding of statutory and local laws regulation and build community confidence in Councils ability to effectively address offending.

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

Director Community and Environmental Services

ITEM 5.3 INFRINGEMENT NOTICE COURT ELECTIONS - ENVIRONMENTAL

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61985088 : 14 May 2021
Responsible Officer: GL, Brief Management and Prosecutions Coordinator (CES Customer Response Services)

Executive Summary

Council's approval is sought for the commencement of a prosecution in the Magistrates Court for an alleged offence under the *Environmental Protection Act 1994*.

The *State Penalties Enforcement Act 1999* allows for a person who has been issued with a penalty infringement notice to elect to have the matter heard through the Magistrates Court instead of paying the infringement.

Council has received an election request from a member of the community who has received a penalty infringement notice. This matter has been assessed and is considered appropriate to proceed as requested to the Magistrates Court. In order to progress the matter a resolution of Council is sought authorising officers to commence court proceedings.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Cath Tonks

CARRIED 12/0

1. That Council authorise the Chief Executive Officer to commence prosecution in the Magistrates Court for the matter described in this report, for what Council officers allege to be an offence under the *Environmental Protection Act 1994*.
2. That the prosecution described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

ITEM 5.3 INFRINGEMENT NOTICE COURT ELECTIONS - ENVIRONMENTAL - 61985088 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council authorise the Chief Executive Officer to commence prosecution in the Magistrates Court for the matter described in this report, for what Council officers allege to be an offence under the *Environmental Protection Act 1994*.
2. That the prosecution described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

REPORT DETAIL

1. Background

The *Environmental Protection Act 1994* provide a legal and procedural framework with the objective to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (ecologically sustainable development) and provides for the administration, implementation and enforcement of this objective.

Council officers are authorised by the Chief Executive Officer, in accordance with their delegations, to issue Penalty Infringement Notices for offences that relate to Council's Local Laws and State legislation.

When a Penalty Infringement Notice is issued to a person for an offence, the *State Penalties Enforcement Act 1999* states that the alleged offender must, within 28 days after the date of the infringement notice, elect one of the following options:

- d) pay the fine in full or
- e) pay the fine in instalments (penalty amounts over \$200) or
- f) make an election to the administering authority to have the matter of the offence decided in a Magistrates Court.

In addition to the abovementioned options, Council provides the alleged offender with the opportunity to request a review of the issuing of the penalty infringement notice. Whilst there is no legislative requirement for this review, Council will undertake a review of the facts and circumstances relating to the issue of the penalty infringement notice and consider any reasonable or compassionate grounds offered by the alleged offender. A review decision is provided to the requestor in writing.

If an alleged offender elects to have the matter heard and determined by a Magistrates Court, officers undertake the same review process to ensure that the infringement notice has been correctly and lawfully issued before progressing the matter.

2. Explanation of Item

Council has received a request from a community member who was issued with a penalty infringement notice and who has elected for the matter to be heard by the Magistrates Court instead of paying the infringement, that are considered appropriate to proceed with to the Magistrates Court.

The penalty infringement notice was issued to the requestors for what Council officers allege to be an offence under the *Environmental Protection Act 1994*.

The *Environmental Protection Act 1994* provides amongst other things offences in relation to environmental harm including section 440ZG which establishes an offence for depositing prescribed water contaminants in waters and related matters.

Council is the responsible agency for enforcement and regulation of section 440ZG of the *Environmental Protection Act 1994*. The matter has been reviewed to ensure the penalty infringement notice has been correctly and lawfully issued in preparation for progressing to court.

Officers propose to proceed as requested by the alleged offender with a prosecution via the Magistrates Court. Table 1 below outlines the offence for which the alleged offender has elected to proceed to court.

ITEM 5.3 INFRINGEMENT NOTICE COURT ELECTIONS - ENVIRONMENTAL - 61985088 (Cont.)

Table 1 - Court elect infringement

Summary of charges			Infringement amount	Prosecution reference number
Matter 1	17/09/2019	A person must not unlawfully deposit a prescribed water contaminant in waters, or in a roadside gutter or stormwater drainage.	\$2,001	LS/2021/0258

3. Strategic Implications

3.1 Legislative / Legal Implications

Prosecutions would be commenced in the Magistrates Court against the individual who was, at the material time, the responsible person for the offence under the *Environmental Protection Act 1994*.

Section 237(2) of the Local Government Act 2009 provides that 'a local government may start proceeding under the Justices Act 1886 in the name of a local government employee who is a public officer within the meaning of that Act'. The Chief Executive Officer falls within that definition and there are a number of advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

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 statutory schemes established by the *Environmental Protection Act 1994* rely on Council to investigate, monitor and enforce the offences against those laws. The matter has been reviewed in preparation for court.

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matter will be handled by Council's Brief Management and Prosecutions Coordinator through to the Magistrates Court therefore no external fees will be applicable.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

Court proceedings can establish broader understanding of statutory and local laws regulation and build community confidence in Councils ability to effectively address offending.

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. Council officers consider that Council's decision in this circumstance is compatible with a person's human rights because any person against whom prosecution proceedings are commenced will have the right to a fair hearing.

Moreton Bay Regional Council

GENERAL MEETING - 530
26 May 2021

PAGE 21/732
Minutes

ITEM 5.3 INFRINGEMENT NOTICE COURT ELECTIONS - ENVIRONMENTAL - 61985088 (Cont.)

- 3.11 Consultation / Communication
Director Community and Environmental Services

ITEM 5.4 FEES FOR VOLUNTEER MANAGED COMMUNITY HALLS

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61878995 : 14 May 2021 - **Refer Supporting Information 61869860**
Responsible Officer: MW, Team Leader Community Facility Operations (CES Community Services, Sport & Recreation)

Executive Summary

Management committees of Council's volunteer managed community halls are required under their management agreements to provide Council with an annual schedule of hire fees for endorsement. Council officers have been working with the management committees to, where practical, standardise fee structures across the region.

Seventeen not-for-profit hirers of Council's volunteer managed halls have special hire fees with hall management committees that fall outside of the standard fees approved by Council. These special hire fees are required to be reviewed by Council on a regular basis.

This report seeks endorsement for the 2021/22 schedule of hire fees and special hire fees (*refer Supporting Information #1 and #2*), for Council's volunteer managed halls.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Tony Latter

CARRIED 12/0

1. That the 2021/22 schedule of hire fees for volunteer managed halls be endorsed as detailed in Supporting Information #1.
2. That the 2021/22 schedule of special hire fees for not-for-profit groups be endorsed as detailed in Supporting Information #2.

ITEM 5.4 FEES FOR VOLUNTEER MANAGED COMMUNITY HALLS - 61878995 (Cont.)

OFFICER'S RECOMMENDATION

1. That the 2021/22 schedule of hire fees for volunteer managed halls be endorsed as detailed in Supporting Information #1.
2. That the 2021/22 schedule of special hire fees for not-for-profit groups be endorsed as detailed in Supporting Information #2.

REPORT DETAIL

1. Background

Thirty-nine of Council's halls are managed by volunteer management committees. The management agreements under which the committees operate require them to review and set hire fees and provide these annually to Council for endorsement.

There are differences in how management committees structure their fees. Council officers continue to work with management committees to transition to a standard fee structure across the region. For the 2021/22 financial year, all but three management committees have chosen to implement a version of the standard fee structure.

There are seventeen not-for-profit hirers of volunteer managed halls with historical 'special hire fees'. These 'special hire fees' facilitate the use of a hall at a discounted rate. At its 24 June 2020 General Meeting, Council resolved to continue these 'special hire fees' for the 2020/21 financial year. The following resolution appears on Minute Page 20/1248 of the General Meeting of Council held 24 June 2020.

RESOLUTION

1. That the 2020/21 schedule of hire fees for volunteer managed community centres and halls be endorsed as detailed in Supporting Information #1.
2. That the 2020/21 schedule of special hire fees for not-for-profit groups be endorsed as detailed in Supporting Information #2.

2. Explanation of Item

Hall management committees propose their fees and charges with consideration to the operating costs of the venue, the anticipated levels and types of usage, and their other responsibilities under the management agreements (e.g. minor facility maintenance).

Operating costs for community halls vary across facilities due to the size and type of building, the availability of specialised equipment (e.g. AV equipment, kitchen facilities, etc), and the level of use. Examples of operating costs which are the responsibility of the management committees under their management agreements include cleaning, electricity charges, and equipment renewal.

Management committees are encouraged to implement small hire fee increases on an annual or biannual basis to ensure that increases in operating costs are offset, and to mitigate the need for large increases in future years. Thirty-one halls have proposed fee changes for the 2021/22 financial year.

The schedule of hire fees for volunteer-managed community halls is provided in Supporting Information #1 of this report for Council's endorsement.

A review of 'special hire fees' endorsed by Council for the 2020/21 financial year has been undertaken by Council officers, with no changes proposed for the 2021/22 financial year. Accordingly, this report

ITEM 5.4 FEES FOR VOLUNTEER MANAGED COMMUNITY HALLS - 61878995 (Cont.)

recommends the continuation of all 'special hire fees', as detailed in Supporting Information #2, for the 2021/22 financial year.

3. Strategic Implications

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - places to discover, learn, play and imagine.

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

Income from hire fees support management committees in meeting hall operational costs including, but not limited to cleaning, minor maintenance; and electricity charges. Further, sound facility management by committees can reduce Council's ongoing costs in maintaining community hall facilities.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

Well-managed and resourced community halls benefit the community by providing local spaces for community activities and events.

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

- Hall management committees
- Divisional Councillors

ITEM 5.5 GROW IT LOCAL – SOLE SUPPLIER

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 61993625 : 14 May 2021 - **Refer Supporting Information 61551918**
Responsible Officer: ML, Community Development Officer (CES Community Services, Sport & Recreation)

Executive Summary

Council has been approached by the organisation Grow It Local Pty Ltd (GIL) to become a Queensland foundation partner and to launch the GIL program in the Moreton Bay Region. GIL is a digital, web-based platform that aims to make growing food more accessible, increase the production and consumption of locally grown foods, inspire positive health and wellbeing and help build stronger and more resilient communities.

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 Grow It Local is the sole supplier who is reasonably available for the provision of its digital web-based platform, branded assets and events programming.

RESOLUTION

Moved by Cr Darren Grimwade

Seconded by Cr Karl Winchester

CARRIED 12/0

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Grow it Local Pty Ltd is the only supplier who is reasonably available for the provision of its digital web-based platform, branded assets and events programming.
2. That Council enters into an agreement with Grow it Local Pty Ltd for a pilot period of two (2) years for the provision of its online platform, branded assets and programming 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 Grow it Local Pty Ltd and any required variations of the agreement on Council's behalf.
4. That an evaluative report be undertaken 18 months into the Grow it Local pilot period to determine Council's participation beyond the two-year pilot period.

ITEM 5.5 GROW IT LOCAL – SOLE SUPPLIER - 61993625 (Cont.)

OFFICER'S RECOMMENDATION

1. That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Grow it Local Pty Ltd is the only supplier who is reasonably available for the provision of its digital web-based platform, branded assets and events programming.
2. That Council enters into an agreement with Grow it Local Pty Ltd for a pilot period of two (2) years for the provision of its online platform, branded assets and programming 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 Grow it Local Pty Ltd and any required variations of the agreement on Council's behalf.
4. That an evaluative report be undertaken 18 months into the Grow it Local pilot period to determine Council's participation beyond the two-year pilot period.

REPORT DETAIL

1. Background

Grow it Local has approached Council with a proposal to partner in the delivery of the GIL program in the Moreton Bay Region (Refer Supporting Information #1). Council Officers from Waste Services and Community Services, Sport and Recreation met with GIL representatives to learn more about the program and its benefits to Council, community organisations, businesses and residents.

Grow It Local is a digital, web-based platform that enables residents and community groups to connect around growing, sharing and eating locally grown food. More specifically, it promotes the sharing of knowledge, skills, space, produce, seeds and seedlings, compost, and more.

The organisation has partnered with 12 councils across Australia and is seeking to establish foundation partner relationships with two or three Queensland councils over the next twelve months to launch the program in Queensland. GIL has approached Moreton Bay Regional Council, as well as Brisbane, Gold Coast, Sunshine Coast and Redland City Councils. Brisbane City Council has accepted GIL's invitation to become one of its Queensland foundation partners.

A Council Briefing was conducted on 10 February 2021 for the purpose of informing the Council of the invitation to partner with Grow it Local and to obtain feedback from the Council regarding the opportunity.

2. Explanation of Item

Grow It Local is procured via an annual membership fee, calculated on a population-based subscription model. The cost to Council to partner with GIL is quoted to be \$16,000 per annum, with a two-year commitment required (total investment of \$32,000).

In return for Council's investment, GIL will deliver:

- **Unlimited and free access:** Free unlimited registrations and access to the GIL program for residents of the Moreton Bay Region;
- **Digital workshops:** Fortnightly digital workshops and live broadcasts to help educate and inspire communities to grow, share and eat local produce;
- **Digital platform:** A website that enables local community members to register and connect to share and exchange knowledge, skills, produce, seeds, unused space and more;
- **Council dashboard:** A Council dashboard that provides localised data relating to program participation, composting, food waste diversion, square meters under cultivation, what's growing locally and when and, how local community members are engaging and connecting with each other;
- **Communication assets:** Council branded communication assets, website and media toolkit to help build awareness and encourage the community to get involved;

ITEM 5.5 GROW IT LOCAL – SOLE SUPPLIER - 61993625 (Cont.)

- **Grow It Local Festival:** A knowledge and skill sharing festival that runs throughout spring each year and features workshop sessions by high profile personalities such as Costa and Paul West amongst others. Local community members are invited to open their gardens, share produce and exchange seeds and seedlings; and
- **Impact report:** A local impact report developed in consultation with social market research firm Taverner Research highlighting the program's waste reduction, positive environmental, social and economic impacts achieved in Moreton Bay Region.

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

Strengthening Communities: Healthy and supportive communities - a healthy and inclusive community.

3.3 Policy Implications

The recommendations of this report are in accordance with Council's Procurement Policy 2150-006.

3.4 Risk Management Implications

☒ Nil identified

3.5 Delegated Authority Implications

The value of the contract is within the financial delegation of the Manager Community Services, Sport and Recreation.

3.6 Financial Implications

The Grow It Local program membership fee will cost Council \$16,000 per annum for the pilot period of two years (\$32,000 total). Council funding of \$16,000 has been identified within the existing 2020/21 COVID-19 Disaster Management operational budget to support year one costs, however additional funds in the amount of \$16,000 would need to be provided as part of Council's 2021/22 operational budget to support year two of the pilot.

Provision for this project has been included in the development of the Council's 2021/22 draft budget.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

The GIL platform encourages residents and community groups to learn, participate and connect around sustainable lifestyle practices. These practices include growing food, reducing 'food miles', composting, seed saving and nurturing native flora and fauna.

Council already delivers community education to encourage residents to adopt environmentally responsible, active and healthy lifestyles. Education has been offered on backyard gardens, worm farming, reducing waste and more. GIL can provide an additional platform to promote the Council's education efforts, as well as improving community-led environmental outcomes

3.9 Social Implications

GIL uses an online platform to connect people socially using gardening, sustainability and sharing as a conduit to fostering and maintaining community networks. GIL enables Council to explore the power of technology to bolster community development outcomes and nurture the community to identify and leverage its own strengths for greater social wellbeing.

ITEM 5.5 GROW IT LOCAL – SOLE SUPPLIER - 61993625 (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.

3.11 Consultation / Communication

- Grow It Local Pty Ltd
- All Councillors (Council Briefing - 10 February 2021)
- Relevant Council departments

6 FINANCE & CORPORATE SERVICES SESSION

(Cr M Constance)

ITEM 6.1

MONTHLY FINANCIAL REPORTING PACKAGE - 30 APRIL 2021

Meeting / Session: 6 FINANCE & CORPORATE SERVICES
Reference: 62024256 : 13 May 2021 - **Refer supporting information 62019055**
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 30 April 2021.

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Adam Hain

CARRIED 12/0

That the Financial Reporting Package for the year to date period ending 30 April 2021 be received.

ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 30 APRIL 2021 - 62024256 (Cont.)

OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year to date period ending 30 April 2021 be received.

REPORT DETAIL

1. Background

The Financial Reporting Package for the month ending 30 April 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 April is complete and the performance and position of Council is outlined below in the context of the attached report.

Council amended its 2020/21 Budget during the month of February which is shown alongside the original adopted budget in the report where applicable.

Operating Result (page 1)

As at 30 April 2021 operating revenue was \$491.5 million compared to operating expenses of \$379.6 million thus representing an operating surplus of \$111.9 million, which is in line with expectations at this time of year.

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 thus far being \$331 million. Revenue has slightly exceeded the budget by just under \$1.5 million.

Fees and Charges revenue was budgeted on the conservative side with expected decreases resulting from the COVID 19 pandemic, however this has not eventuated with revenues derived from building, plumbing, development and waste services performing above original budget targets. Given the current trend this revenue will end up surpassing the budgeted target.

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 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 30 APRIL 2021 - 62024256 (Cont.)

Operational Expenses (page 1)

Employee benefits are tracking fractionally over budget.

Material and Services are trending below budget but, again, this is largely expected to be a timing difference with spend expected to increase as remaining expenditure commitments are fulfilled in the lead up to 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 \$42.5 million has been received to date, representing 94.4% of the total budgeted amount.

All infrastructure asset contributions that have been received to date have been recognised. As these contributions tend to come in irregularly a considerable quantum is still expected over the remainder of the financial year.

The capital grants and subsidies revenue budget is tracking at just under 69%. Whilst more revenue is expected over the remaining months some revenue will be 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 April 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 \$148.9 million after the first ten months of 2020/21 and represents 59.5% of the total 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 \$148.9 million, there are committed costs (orders placed for works) in the amount of \$91.7 million bringing the total cost to \$240.6 million of the current \$250 million program (96% of the capital program committed).

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 83% highlighting the linear budget spend to April 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 \$347.8 million for April. The forecast for the end of June 2021 is currently \$273 million.

ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 30 APRIL 2021 - 62024256 (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 \$2.4 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 0.76%.

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 \$318 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 \$118 million as at the end of April. 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. Council is expected to repay debt in the amount of \$37 million for the year and is budgeted to borrow \$40 million to fund capital works. Borrowings are expected to be drawn down in June 2021.

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 ongoing COVID-19 pandemic will continue to present new risks requiring Council to closely monitor its performance and position compared to budget and continually refine its long-term financial modelling projections to inform decision making.

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

As at the end of April 2021, Council's operating surplus is \$111.9 million while capital expenditure amounted to \$148.9 million.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

ITEM 6.1 MONTHLY FINANCIAL REPORTING PACKAGE - 30 APRIL 2021 - 62024256 (Cont.)

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

Director Finance and Corporate Services

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

ITEM 12.1 REGIONAL EVENTS

Council acknowledged recent events that had taken place in the region:

- Opening of the Indoor Centre and rugby union and touch football clubhouse facilities at **the South Pine Sports Complex** which is able to host National events.
- **Queensland Volunteering Awards Presentation 2021** where North Lakes resident, Evelyn Robinson, was awarded the **Youth Volunteering Award** which recognises an individual aged between 15 to 24 years, who has demonstrated an outstanding voluntary commitment in Queensland and who through their volunteering has positively impacted the lives of others.

ITEM 12.2 USC GIVING DAY DONATION - \$1000 TO SANDY MITCHELL LEGACY FUND

Cr Peter Flannery (Mayor) provided the following statement:

"Councillors, of the many things we have to be proud of here in Moreton Bay Region... I'm always most proud when we can say we're leading the nation.

Our success in defying the national trend of declining koala numbers, by doubling the koala population at The Mill over the last three years isn't just cause for celebration.

I hope it's cause for other Councils to follow our lead in investing millions into initiatives like our environmental land buyback strategy, green infrastructure initiatives, tree planting programs and green corridors.

But there's so much more work to be done.

So today I have a relatively small but significant ask of you. Today is USC's annual 'Giving Day', a donation drive where a simple act of kindness can have an enormous impact.

And if we can get just a small number of people to donate as little as \$5 in the next 12 hours, then our partners at USC will score a \$75,000 windfall courtesy of the Sandy Mitchell Legacy Fund.

So I propose that Council takes the lead in this last minute donation drive, with a \$1,000 donation to get us across the finish line.

The donations will go towards research funding for the koala chlamydia vaccine pioneered by USC microbiologist Professor Peter Timm.

His team has spent decades searching for a solution and recently had a breakthrough in administering a koala chlamydia vaccine trial – this could literally be a lifeline for koalas.

But to enable this vaccine to be used in all wild populations of koala, USC needs to complete a registration process involving a final trial. The only barrier standing in their way now is funding.

So let's smash down the barrier and lead the charge for a last minute donation drive!

Can I ask everyone watching online to open another browser right now and make a donation to help bring the USC team one step closer to delivering this lifesaving vaccine.

ITEM 12.2 - USC GIVING DAY DONATION - \$1000 TO SANDY MITCHELL LEGACY FUND cont.

Securing the \$75,000 doesn't depend on the amount donated, just the number of people who donate. So even if you get online now and contribute just \$5 it could help USC score a massive payday.

Contribute what you can by visiting: [givingday.usc.edu.au/campaigns/koala-vaccine.](https://givingday.usc.edu.au/campaigns/koala-vaccine)

The Mayor (Cr Peter Flannery) then moved the following motion:

RESOLUTION

Moved by Cr Peter Flannery

Seconded by Cr Cath Tonks

CARRIED 12/0

That as part of the University of the Sunshine Coast's (USC's) annual 'Giving Day', Council donates \$1000 to the Sandy Mitchell Legacy Fund towards research funding for the koala chlamydia vaccine pioneered by USC microbiologist Professor Peter Timm.

ITEM 12.3

PARKS & LEISURE AUSTRALIA (QLD) PLAYSACE AWARD - THE MILL WATER PARK

Cr Peter Flannery (Mayor) referred to the recent Parks & Leisure Australia (Qld) Awards, making the following comments:

"Councillors! We all know that Moreton Bay Region is the best place to live, work and play. And now it's official... Again!

For the second year running, Moreton Bay Region has been named one of the best places to play in all of Queensland!

Each year, Parks and Leisure Australia acknowledges the best of the best in the sports, recreation and leisure industry through its prestigious excellence awards.

*So I'm thrilled to announce that The Mill Water Park has taken out the prestigious **Playspace Award** for a facility over \$500,000.*

Last year The Hills District All Abilities Playground at Leslie Patrick Park won in this same category. The Mill Water Park was also highly commended as Park of the Year.

This is a testament to the incredible talent of our parks planning team - so I want to thank Paul Hilton and everyone involved for continually pushing the boundaries of how we play in Moreton Bay.

It's also a testament to all of you in this room, who are willing to walk the talk when it comes to investing the money needed to invigorate the liveability of our region as our population grows.

These are big, expensive, visionary projects that are invaluable to our community.

They bring untold value in terms of the vibrancy and recreation opportunities.

This particular project has also become a destination within its own right, with data telling us families are coming from as far afield as Bribie Island and The Hills District, and outside the region as south as Chermside.

ITEM 12.3 - PARKS & LEISURE AUSTRALIA (QLD) PLAYSPACE AWARD - THE MILL WATER PARK cont.

So can I again congratulate and thank all the Council officers involved, as well as the consultant team and play designers and contractors.

You have again shown that collaboration is the key to success on these important community projects for residents to enjoy.

And I look forward to making more parks and playground announcements in next month's Budget."

Cr Peter Flannery (Mayor) presented Council with **Playspace Award** certificates which will be displayed in the cabinet outside Council Chambers, Strathpine.

ITEM 12.4
AFL KEN GANNON COMMUNITY FOOTBALL FACILITIES

Cr Peter Flannery (Mayor) made mention of the AFL Ken Gannon Community Football Facilities Award, noting that in 2020, Moreton Bay Regional Council were joint National Project of the Year winners for the Nathan Road Sports Complex.

The Mayor congratulated all Council officers who had been involved in this outstanding project and presented Council with a plaque from the event organisers which will be put on display in the cabinet outside Council Chambers, Strathpine.

ITEM 12.5
NRL WOMENS CHAMPIONSHIPS

Cr Peter Flannery (Mayor) made mention of The Harvey Norman Women's National Championship which was held recently at Redcliffe's Moreton Daily Stadium.

The event was sponsored by Council and saw fourteen teams from across the country competing in the four-day event, with an estimated 350 players and officials converging to the region bringing with them a massive injection into the local economy.

Cr Peter Flannery (Mayor) was presented with a football from the event organisers in appreciation of Council's support, which will be put on display in the cabinet outside Council Chambers, Strathpine.

13. 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 Tony Latter

Seconded by Cr Cath Tonks

CARRIED 12/0

That Council move into closed session pursuant to the provisions of s254J of the Local Government Regulation 2012 to discuss Items C.1.

The closed session commenced at 10.48am (livestreaming paused).

OPEN SESSION

RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Jodie Shipway

CARRIED 12/0

That Council resume in open session and that the following motions be considered.

The open session (livestreaming) resumed at 10.52am.

14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

ITEM C.1 – CONFIDENTIAL
PRIVATE SALE OF LAND - PETRIE

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 62046902: 18 May 2021
Responsible Officer: PC, Project Director - The Mill (ECM Major Projects)

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 a Council resolution to market and sell the nominated Council-owned property by private sale following an unsuccessful public tender process.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Mark Booth

CARRIED 12/0

1. That the proposal to dispose of Council-owned property identified in this Confidential report (Land) by private sale be approved as detailed in the report.
2. That the exception contained in section 236(1)(a) of the Local Government Regulation 2012, applies to the Council for the disposal of the Council-owned land referred to in recommendation 1 so that the said property may be disposed of other than by tender or auction.
3. That the Chief Executive Officer is authorised to take all action necessary to implement recommendation 1, including, but not limited to, negotiating and agreeing on the sale price of the property, subject to that price being supported by a valuation obtained for the purpose, and execution of any required contract.

14b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 21/635 to 21/750 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 26 May 2021.

Greg Chemello
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 9 June 2021.

Greg Chemello
Chief Executive Officer

Councillor Peter Flannery
Mayor